

# Public Comment Database Summary with Staff Analysis and Recommendations

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
1	99000328	Harold and Penny	Zuschlag	Request to change from Ag/Ranch to Rural. Most parcels in the area are smaller and property owner would like to be able to create 40 acre parcels.	This is a remote area (Glorieta Mesa) that consists primarily of parcels of 20- to 160-acre or larger size, and generally has poor road access. This area is located within a highly significant habitat area and is identified as "Ag/Ranch" on the SGMP Future Land Use Map. Density bonus section would allow increased density with 75% open space conservation. Recommendation: No Change
2	Lots owned: 910015743; 910015742; 970000103; 910004599; 910004600. Lots sold: 970000496; 970000495; 970000497; 970000498; 970000100; 970000101; and 950003024. Lots requesting change on: 970000496, 970000495, 970000497, 970000498.	Barry	Green	Requesting to change from Rural Fringe to Rural Residential or Residential Fringe because the parcels are in the same area.	The zoning of the area is question reflects a logical progression of densities going southeastward from the Canada de Los Alamos traditional community, based on the average existing parcel size within each particular zoned area. Densities higher than those that are proposed are not advised due to the groundwater availability limitations in this area. Recommendation: No change.
3	910004179	John	Holloman	Requesting to change from Ag/Ranch to Rural because the parcel is not consistent with the zoning in the surrounding parcels.	This is a remote area (Glorieta Mesa) that consists primarily of parcels of 20- to 160-acre or larger size, and generally has poor road access. This area is located within a highly significant habitat area and is identified as "Ag/Ranch" on the SGMP Future Land Use Map. Density bonus section would allow increased density with 75% open space conservation. Recommendation: No Change

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
4	99207233	William G and Linda M	Auto	What happens when the deed requires a parcel to be split into 5 acres but the zoning is residential estate? Requesting a change from Residential Estate to Residential Fringe.	This area is located to the northeast of the Town of Edgewood. The proposed zoning is based on the location and general character of this area, the current hydrologic zone and the availability of central water in the vicinity. Any private deed restrictions that limit densities to 1 dwelling per 5 acres would continue to be in effect, regardless of the zoning district established in the SLDC. Recommendation: No change.
5	All properties along State road 472	William G & Linda M	Auton	The deeds on at least 5 require 5 acres. Requesting a change from Residential Estate to Residential Fringe.	This area is located to the northeast of the Town of Edgewood. The proposed zoning is based on the location and general character of this area, the current hydrologic zone and the availability of central water in the vicinity. Any private deed restrictions that limit densities to 1 dwelling per 5 acres would continue to be in effect, regardless of the zoning district established in the SLDC. Recommendation: No change.
6	General Comment	William G and Linda M	Auton	Parcels are deeded as 5 acre lots and no subdivision is permitted.	This area is located to the northeast of the Town of Edgewood. The proposed zoning is based on the location and general character of this area, the current hydrologic zone and the availability of central water in the vicinity. Any private deed restrictions that limit densities to 1 dwelling per 5 acres would continue to be in effect, regardless of the zoning district established in the SLDC. Recommendation: No change.

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
7	General Comment			Website is not user friendly.	No change requested.
8	126000619	Steven	Rudnick	All of Eldorado is zoned 1.75 acres, how is the zoning designation justified for Residential Estate?	The proposed "RES-E" zoning in the Eldorado development corresponds to overall gross density of the Eldorado subdivision (1 dwelling per 2.5 acres), which includes the roads, open space, and wilderness areas that are part of the Eldorado development. Recommendation: No change.

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
9	12905633	Dan and Cyndi	Korzec	I live on lot 99305416. Across HWY 285 is parcel 99305 416. The color code is a red but the parcel description on page 2 calls for residential. Exactly what is the zoning calling for? The color code on the map is Commercial General. If it is commercial, I am against it. This is all residential area. There is enough commercial off of Vista Grande. Can my property be commercial as well then?	The property referred to is in the U.S 285 South Corridor District and is identified as residential estate. Sites for commercial use along this segment of U.S. 285 have been designated in the corridor plan, in order to provide for commercial uses to serve the population in the surrounding area, but avoid strip commercial development or significant intrusions into surrounding residential areas. Recommendation: No change.
10	58601312	Francois- Marie	Patorni	Unhappy with the proposed zoning of the 44 acres next to Las Campanas being proposed Commercial Neighborhood.	The "Commercial Neighborhood" zoning on these two parcels reflects the master plan that was approved for the "Placita de la Tierra" project in 1997, which allows for the development of a neighborhood commercial center. The northern 8.7-acre parcel has already been developed for an office. Recommendation: No change.

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

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
15	4519 Agua Fria St	Albert	Montano	<p>This property received master plan, preliminary and final development plan for the storage and sale of landscape materials. The proposed Commercial Neighborhood zoning would limit the uses of the prior approval. The property owner is requesting a PDD in order to have the ability to amend his existing plan to include uses within the PDD designation that are not allowed in the Commercial Neighborhood district.</p> <p>Requesting a change from CN to PDD.</p>	<p>This property is within the Agua Fria Community District. The Commercial Neighborhood designation is based on an approved master plan. The approved master plan uses are allowed as conditional uses in the Agua Fria "Commercial Neighborhood" zoning district. Therefore, no change is recommended. Recommendation: No change.</p>
16	940001522	Edmund	Shedd	<p>The property owner would like to be able to have two dwelling units on his 19.95 acres of land. The zoning for the area is 10 acres per dwelling unit [Rural Residential] and being a half acre shy a second dwelling with that much property seems unreasonable.</p>	<p>A change proposed to the SLDC would allow administrative minor deviations to the density requirements of 0.5% which would allow two lots on 19.95 acres. Recommendation: No change.</p>

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
17	186009084 AND 184981222	Victor	Archuleta	<p>Surrounding parcels are a combination of Rural Residential and Residential Community.</p> <p>Requesting a change from Rural Residential to Residential Estate.</p>	<p>This is subdivided area south of Rio Chiquito, where the lots are generally in the 6- to 12-acre range, with an average lot size of 9.65 acres. The parcels in question are 8.4 and 5.75 acres, respectively. This area is in SDA-3 and is not served by a water system and proposed zoning is in accordance with zoning map criteria. Recommendation: No change.</p>
18	218 CAMINO LA TIERRA (Tax Parcel Number: 910017463) & TOWN CENTER AT LAS CAPANAS (Tax Parcel Number: 990003334)	Steven and Maria	Hidalgo	<p>Requesting a change from CN - Commercial Neighborhood to RES-E - Residential Estate for 218 Camino La Tierra and Town Center at Las Campanas.</p> <p>Unhappy that Public Hearing (1st) is scheduled during holiday week</p> <p>Concerned public comments are being ignored.</p>	<p>The "Commercial Neighborhood" zoning on these two parcels reflects the master plan that was approved for the "Placita de la Tierra" project in 1997, which allows for the development of a neighborhood commercial center. The northern 8.7-acre parcel has already been developed for an office. Recommendation: No change.</p>
19	910003717	Jerry	Martinez	<p>Request approval to subdivide my current 2.5 acres into two 1.25 acres. This will help me to provide property for my children who are native Santa Fe, NM residents.</p>	<p>This property is shown as "Residential Estate" in the La Cienega/La Cieneguilla Community Plan. The predominate existing lot size in the area is about 2.5 acres. This area is not currently served by a central water or sewer system. Allowing higher densities in this area is not desirable, based on maintaining the existing character of the area, and due to groundwater constraints. An accessory dwelling unit could be constructed in accordance with the SLDC. Recommendation: No change.</p>

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
20	78310975	Chrisanne	Finefrock	Requesting a change from Rural to Rural Residential. She expects to build single family home on the 16+ acres.	This area is located on the Madrid Plateau, and is in SDA-3. Existing parcels below the minimum lot could be developed as of right in accordance with the SLDC. Establishing zoning that would increase base density to 10- or 20-acre lots is not desirable due to zoning map criteria, groundwater constraints, remoteness, generally poor road access, and its low-density rural character. Recommendation: No change
21	910011414	Robert	Tillman	Request for a change from Residential Estate to Commercial Neighborhood.	This property is within the La Cienega and La Cieneguilla Plan District. The property does not have zoning and this request was addressed through the planning process. The decision was made not to designate the subject parcel for commercial use at this time, although it was noted by the planning committee that the property owner still has the option of submitting a rezoning request for commercial neighborhood zoning. Recommendation: No change.

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
22	36 ((950000308), 48 (26008680) and 50 (950000307) Pinon Jay Trail,	Janice B and Gary S	Heikenen	The parcel at 50 Pinon Jay Trail has two zones - the main pie shaped body is Residential Estate (as are the other two lots) and the upper portion which is a "tongue" that follows Pinon Jay Trail towards the end is listed as Residential Fringe. We'd like the entire parcel to be zoned Residential Estate instead of splitting it into two zones. Please advise us of your decision by email at your earliest convenience. Cell is 906-370-6568 for clarification of comments. We are out of state and unable to attend the meetings, or meet with you in person. However, we hope to build in the near future.	This property is divided into two zoning districts Res-E and Res-F. The area is located in SDA-2 and the entire parcel in question contains 3.6 acres. Based on this information and since only a limited area is involved, it is recommended that the northern 1.15 +/- acres of this parcel be changed to include the entire parcel into "Residential Estate". Recommendation: Change the portion of Parcel 950000307 (1.15 +/- acres) from "Residential Fringe" to "Residential Estate".
23	970002296	Jerry	Lebo	Request for a change from Rural-Residential to Residential Fringe based on proximity to Chimayo and Cundiyo.	This is subdivided area south of Rio Chiquito, where the lots are generally in the 6- to 12-acre range, with an average lot size of 9.65 acres. The parcel in question is 10.1 acres. This area is in SDA-3 and is not served by a water system and proposed zoning is in accordance with zoning map criteria. Recommendation: No change.

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
24	Campbell Corp. Parcel State Highway 14 and 344	Campbell	Corp	Request for a change from Ag/Ranch to Rural.	This is an area of approximately 2,410 acres that has been subdivided into 15 parcels of about 160 acres each. These lots have been created by exemption. The Campbell Corporation owns most of these parcels, and also owns extensive areas to the south, in the Town of Edgewood, and to the west, in Bernalillo County and is largely located along the Turquoise Trail National Scenic Byway.. The San Pedro community lies to the east, which consists mainly of parcels in the 10- to 40-acre range. The entire area in question is in SDA-3 and is not served by a central water system. Proposed zoning for this area is in accordance with zoning map criteria. Recommendation: No change.
25	Light Industrial along Hwy 14	Walter San Marcos Association, and others	Wait	Request for a change from Light Industrial to Rural Fringe.	Property identified in this area is identified in the SGMP as Industrial Light. Staff has met with the property owners representatives regarding the proposed zoning. Reviewing a proposal from the property owner Recommendation: Move Industrial Light from State Road 14 one mile west to be immediately south of the existing proposed light industrial area adjacent to NM National Guard armory. This would address concerns related to visual impacts from industrial uses along SR 14 and Turquoise Trail Scenic Byway.

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
26	910004509	Cathie	Wingert	Request to change the proposed zoning from Residential Estate to Residential Fringe to reflect existing covenants.	This property, commonly known as "Rancho Verano", consists of 205 acres, and is located in the Eldorado Water and Sanitation District, about a half-mile south of Eldorado. There are existing covenants in place that would restrict development. A master plan for forty one 5-acre lots was approved in 1996 for the property in question, although a plat was never recorded subsequent to this master plan approval (which has since expired). Considering the previously-approved master plan and the deed restrictions in place, it is recommended that the 205-acre parcel in question be placed in the "Rural Fringe" zoning district. Recommendation: Change to Residential Fringe.
27	PD2	Roger	Taylor	Requesting that the to be amended portions of PD2 be removed from the Commonweal Masterplan be zoned Ag/Ranch.	Staff is in process of reviewing proposed zoning for area not included in Master Plan Amendment.  Staff has reviewed the area outside of the amended master plan and is recommending the following changes: Outside of the revised PD district, show the northwestern 2,587 +/- acres of the Galisteo Basin Preserve project in the "Rural" zoning district, consistent with the SGMP Future Land Use Map, and show the remainder 6,146 +/-acres of this project (that is not in the revised "Trenza" master plan boundary) to be in the "Ag/Ranch" zoning district. Recommendation: Change PD to approximately 2502 acres (based on latest approved "Trenza" master plan); change area outside of PD to "Rural" (approximately 2,587 acres) and "Ag/Ranch" (approximately 6,146 acres).

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
28	910009156	John	Finn	Requesting a change from RUR-R [Rural Residential] to RES-F [Residential Fringe].	This area is in the San Marcos District proposed as "Rural Residential" zoning district. The San Marcos District Community Plan analyzed development patterns as a whole within San Marcos and within the individual neighborhoods. Any revisions to the proposed zoning map should be done pursuant to revisions to the San Marcos District Community Plan. Recommendation: No Change.
29	910004343 (Rounsville) (also spelled Rounseville) 960001291 (Henson) 960001293 (Little Bluestem, LLC) 54063744 (Little Bluestem, LLC)	William A	Eklund	Requesting a change from Residential Estate (2.5 acres per DU) to Rural Residential (10 acres per DU).	This area is identified as Residential Estate. There is some concern with long-range groundwater availability in this area and the need to provide a transition between the "Residential Estate" (1 du/2.5 acres) that lies to the east, and the "Rural Residential" areas to the west, which have been developed for 10- to 15-acre lots in the "La Tierra" subdivision which lies to the north and to the west. Therefore, it is recommended that the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres). Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres). The 114-acre parcel that lies in the southwestern corner of this area would remain "Residential Estate" (1 du/2.5 acres).

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
30	950000210	Richard	Fahey	Requesting a change from RES-E [Residential Estate] to RES-F [Residential Fringe] based on existing covenants.	This subdivision consists of 15 lots located along Camino Nevoso, in the vicinity of Old Las Vegas Highway and Two Trails Road. This area is already subdivided for predominantly 5-acre lots, and is served by the Sunlit Hills water system. The proposed change to Residential Fringe is supported by the community in this area to preserve existing community character and groundwater constraints. Recommendation: Change to "Residential Fringe" zoning, but retain the "Residential Estate" category on SGMP Future Land Use Map.
31	76002603, 940001932, 940001933	Sam	Sloan	Concerned that he will not be able to build on parcels smaller than the proposed zoning districts.	Section 1.11.7. of the SLDC indicates that previously approved and platted land divisions, subdivisions, and the lots created thereby, shall be recognized as legally existing lots. Section 14. 10.3. also recognizes non-conforming status and indicates the right to develop legal lots under the base zoning district in which parcel is located.
32	99303038	Gerard U.	Quintana	Requesting a change from RES-F (5 acres) to RES-E (2.5 acres).	This area is located in SDA-2 and is in the current Homestead hydrologic zone. This area contains substantial steep slope areas which create a significant constraint with respect to further subdivision. The average lot size for this area is about 5 acres. Recommendation: No change.

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
33	La Tierra and Paseo La Tierra	David	Nelson	Requesting a change from Residential Estate to Rural Residential for large parcels east of La Tierra and Paseo La Tierra because of the hydrology in the area.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres). The 114-acre parcel that lies in the southwestern corner of this area would remain "Residential Estate" (1 du/2.5 acres).
34	910004343	Thomas	Wehner	Requesting a change from Rural Estate to Rural Residential for the parcel north of his parcel. Please see attached comment.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres). The 114-acre parcel that lies in the southwestern corner of this area would remain "Residential Estate" (1 du/2.5 acres).
35	960001291	Thomas	Wehner	Requesting a change from Rural Estate to Rural Residential. Please see attached comment.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres).

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
36	910004343	Thomas	Wehner	Requesting a change from Rural Estate to Rural Residential for the parcel north of his parcel. Please see attached comment.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres).
37	54063744	Thomas	Wehner	Requesting a change from Rural Estate to Rural Residential. Please see attached comment.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres).
38	960018106 and 910001476	Thomas	Wehner	Requesting a change from Rural Estate to Rural Residential. Please see attached comment.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres).

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
39	409205512	Michael	Austin	Requesting to change from Rural Fringe to Rural Residential. Please see attached comment.	This parcel contains about 21.5 acres and is located about three-quarters of a mile north of the Canada de Los Alamos community. The parcels to the northwest, west, and south of the property are about 160 acres, 50 acres, and 20 acres in size, respectively. This area is in the Mountain Hydrologic zone and more than half of the parcel in question consists of slopes of 20 percent or more. Recommendation: No Change
40	910012001	Nancy	Murata	Opposed to the proposed zoning of Residential Estate for the parcels adjacent to La Tierra.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres).
41	1040067360	Gary	Graham	Will existing lot owner who have a lot smaller than the proposed zoning district be granted waivers in order to build houses on their lot? Requesting a change from Rural Residential to Residential Estate.	Section 1.11.7. of the SLDC indicates that previously approved and platted land divisions, subdivisions, and the lots created thereby, shall be recognized as legally existing lots. Section 14. 10.3. also recognizes non-conforming status and indicates the right to develop legal lots under the base zoning district in which parcel is located. Recommendation: No change.

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
42	99305099	Steven	LeBlanc	Requesting a change from RUR-R to RES-F.	This is a 19.1-acre parcel that is located in a fairly remote mountainous area, in the vicinity of Old Las Vegas Highway, about 1 mile west of the Cananda de Los Alamos community. About two-thirds of the parcel consists of slopes in excess of 20 percent. The parcel is located in the Mountain hydrologic zone. Recommendation: No Change
43	910002984	Ellen	LeBlanc	Requesting a change from RUR-R to RES-F.	This is a 15.8-acre parcel that is located in a fairly remote mountainous area, in the vicinity of Old Las Vegas Highway, about 1 mile west of the Cananda de Los Alamos community. About eighty percent of the parcel consists of slopes in excess of 20 percent. The parcel is located in the Mountain hydrologic zone. Recommendation: No Change
44	99303229	Shaggy Peak One LLC		Requesting a change from RUR-F to RUR-R.	This is a 51.5-acre parcel that is located in a fairly remote mountainous area, in the vicinity of Old Las Vegas Highway, about 1 mile west of the Cananda de Los Alamos community. About thirty-five percent of the parcel consists of slopes in excess of 20 percent. The parcel is located in the Mountain hydrologic zone. Recommendation: No Change

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
45	238600758	H. Ronald	James Jr.	Requesting a change from RUR-F to RES-F.	This is a 5.3-acres parcel located on La Joya Road on the south side of Interstate 25 in Glorieta area about 2 miles west of the San Miguel County line. These lots are in the Homestead hydrologic zone and is in a high-significance habitat area and is also located in the "High" to "Very High" hazard area in the County's Urban Wildland Interface Code. Recommendation: No Change
46	54122709	Nancy and Nino	Padilla	Requesting a change from RUR-R to Commercial General.	This is a 0.7-acre parcel located in the Village of Agua Fria Community Plan District. The property is currently a single-family dwelling. The Land Use Map in the Agua Fria Community Plan is the basis for the proposed SLDC Zoning Map in this community. Recommendation: No Change
47	54122880	Celina	Paul	Requesting a change from RUR-R to Commercial General.	This is a 5.9-acre parcel located in the Village of Agua Fria Community Plan District. The property is currently developed for a single-family dwelling. The Land Use Map in the Agua Fria Community Plan is the basis for the proposed SLDC Zoning Map in this community. Recommendation: No Change

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
48	238500974	Joseph and Marie	Armijo	Requesting a change from TC to RUR-F.	This is a 3.2-acre parcel that lies immediately to the west of the proposed Traditional Community zoning district for the Glorieta community (the portion that lies along N.M. 50, adjacent to the San Miguel County line). Staff understands that this property owner is requesting a change to TC from RUR-F. The boundary of the Traditional Community zoning district has been established and have been aligned with parcel boundaries, as much as possible, on the SLDC Zoning Map. Staff does not recommend amending TC boundary. Recommendation: No Change
49	990003348 and 990003350	Joseph	Karnes	Requesting two parcels be changed from RES-E to Mixed Use.	Staff has reviewed this area and has determined that the area does not currently have zoning and the Res-E designation for this property is reasonable. Recommendation: No Change
50		Paul	Schweizer	In support of the zoning map.	Commenter supports zoning map. No change requested.

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
51	910004490	Sara	Jimenez	<p>Requesting a Conditional Home Use Occupation for a small scale winery.</p> <p>Requesting change from TC to MU.</p>	<p>This property is in the Pojoaque Community District. The surrounding properties are in the Traditional Community base zoning district. The proposed use could be allowed as a home occupation or a small commercial use is a conditional use the Pojoaque Community District. Recommendation: No Change</p>

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
53	Sikh Community	Amrit	Khalsa	<p data-bbox="913 159 1230 217">Public Comment at BCC on 11.24.15.</p> <p data-bbox="913 266 1310 363">The proposed TC zoning does not fit with the existing development pattern.</p> <p data-bbox="913 412 1167 435">Requesting a change.</p>	<p data-bbox="1367 159 1997 1044">Staff analyzed the area and met with a representative of the Sikh community to determine what the existing and proposed uses are on the parcels owned by the Sikh organization in Sombrillo. Staff determined that parcels proposed for “Traditional Community” zoning, are currently being used for agriculture, residences, religious uses, retreat facilities, or small business uses (2,500 square feet or less), and all of these uses are either permitted or conditional uses in the “Traditional Community” zoning district. There are two parcels that consist of 1.3 acres and 2.7 that currently have commercial or non-residential uses and are located on major roads (Sombrillo Road, State Road 106) located on the periphery of the Sombrillo community. Due to the existing uses of these two parcels, their location on major roads, and the fact that commercial zoning would not create a significant intrusion into the Sombrillo community, it is recommended that these parcels be placed in the “Commercial Neighborhood” zoning district. Recommendation: Change parcels 18491828 and 910020840 along Sombrillo road (occupying 1.3 and 2.7 acres, respectively), from “Traditional Community” to “Commercial Neighborhood”.</p>

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
55	Golden Area	Michael	Galaviz	<p data-bbox="915 159 1230 217">Public Comment at BCC on 11.24.15.</p> <p data-bbox="915 266 1262 331">Wish to maintain commercial zoning.</p>	<p data-bbox="1367 159 1997 867">This is a 1-acre parcel located along the west side of N.M. 14, at the northern end of the Golden Traditional Community. The parcel is currently occupied by a small retail establishment, with about 2,500 square feet of commercial floor area. Small commercial uses of up to 2,500 square feet are allowed as conditional uses in the "Traditional Community" zoning district. Existing uses would be allowed. Generally, where small isolated commercial uses (of 2,500 square feet or less) are located in an area that is generally shown as "Traditional Community" on the proposed zoning map, these parcels have also been recommended to be zoned "Traditional Community", rather than creating a small isolated commercial zoning district. Doing so avoids the possibility of allowing isolated commercial uses that are of a scale and intensity that would be incompatible with the existing or future residential uses in the surrounding "Traditional Community" area.</p> <p data-bbox="1367 873 1724 899">Recommendation: No Change</p>

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
56	Sunlit Hills	Dwight	Nibbelink	Public Comment at BCC on 11.24.15.  Questions about changes to the area.	[see map for comment i.d. #30] This subdivision consists of 15 lots located along Camino Nevoso, in the vicinity of Old Las Vegas Highway and Two Trails Road. This area is already subdivided for predominantly 5-acre lots, and is served by the Sunlit Hills water system. The "Residential Estate" zoning proposed by the draft SLDC zoning map on the east side of Old Las Vegas Highway largely follows from the boundary of the Sunlit Hills water system in this area. Much of this area has been subdivided into lots in the 2.5-acre range, although there are small subdivisions that contain predominantly 5-acre lots. Similar comments were received from property owners in the First Village/Second Village subdivision along Village Lane (which lies about 2,000 feet to the north of Camino Nevoso), during the review of the 3/21/14 draft of the SLDC zoning map. Recommendation: Change to "Residential Fringe" zoning, but retain the "Residential Estate" category on SGMP Future Land Use Map.

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
59	Turquoise Trail	Trevor	Burroughs	<p>Public Comment at BCC on 11.24.15.</p> <p>Concerned that the entire zoning concept is inappropriate and the westside of Hwy 14 should have a rural focused development.</p>	<p>[see map for comment i.d. #25) The area along N.M. 14 is located in SDA-1, which the SGMP identifies as the County’s “primary growth areas”, and is in the County’s utility service. Central water is already available to the site from the County system, and provision of central sewer would be feasible in the general planning timeframe for SDA-1 (20 years). N.M. 14 is part of the Turquoise Trail National Scenic Byway, so visual impacts to this highway would be a significant concern; however, a 1,000-foot buffer would be required between any commercial or industrial use on the site and N.M. 14 (this buffer would be 500 feet for residential development). In the “Mixed-Use” zoning district, a 1,000-foot buffer would be required adjacent to the San Marcos Community, and projects would first be required to go through a conceptual plan review. These requirements would alleviate much of the concern regarding compatibility with residential uses in San Marcos. A 1,000-foot buffer would be required between any commercial uses and N.M. 14, and a 500-foot buffer would be required for residential uses. Commercial uses would be limited to 15% of the project without TDRs, and would be limited to 50% of the project if TDRs are used.</p> <p>Recommendation: No Change.</p>

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
60		Kevin	Graham	Public Comment at BCC on 11.24.15.  Questions on lot sizes.	[see map for comment I.d. #41]The "Rural Residential" district within the San Pedro Neighborhood Community Overlay Zoning District contains several subdivided areas that consist primarily of lots in the 5-acre range and even some small subdivisions consisting of 1-acre lots. These existing lot sizes were considered by the San Pedro Planning Committee in formulating the San Pedro Neighborhood Community Plan and Community Overlay Zoning District. The decision was made to create a single "Rural Residential" district in the higher-density areas of San Pedro, based on the overall predominate lot size of 10 acres, and due to concerns related to preserving community character, terrain constraints, visual quality, and groundwater constraints (the area is located in the "Homestead" hydrologic zone, which can only support densities of about 1 du/40 acres). Existing lots that are under 10 acres would be "grandfathered" and can be developed without requiring a variance or other exception.

# Exhibit E: Public Comments and Supplementary Material

## Public Comment 1

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
1	99000328	Harold and Penny	Zuschlag	Request to change from Ag/Ranch to Rural. Most parcels in the area are smaller and property owner would like to be able to create 40 acre parcels.	This is a remote area (Glorieta Mesa) that consists primarily of parcels of 20- to 160-acre or larger size, and generally has poor road access. This area is located within a highly significant habitat area and is identified as “Ag/Ranch” on the SGMP Future Land Use Map. Density bonus section would allow increased density with 75% open space conservation. Recommendation: No Change

1. Harold and Penny Zuschlag Comment 10.30.15

1.A. Anonymous 11.24.15

1.B. Ian Rosenkranz 11.24.15

1.C. Jim Siebert 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Friday, October 30, 2015 8:44:33 AM

---

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

Comment Type  
Specific Parcel

Comments

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

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

Property Owner (First Name)  
Harold and Penny

Property Owner (Last Name)  
Zuschlag

Physical Address of Property  
262 Soaring Hawk Trail

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

Requested Zoning Classification  
RUR - Rural

Additional Comments  
(No value)

**From:** [Chrisann N. Romero](#)  
**To:** [Jennifer LaBar](#)  
**Cc:** [Kristine Mihelcic](#); [Tony T. Flores](#); [Amy M. Rincon](#); [Robert Griego](#); [Paul Olafson](#)  
**Subject:** RE: Santa Fe County Public Comment Form  
**Date:** Tuesday, November 24, 2015 1:09:08 PM

---

Hi Jennifer - Yes. We will add these comments to our database and respond to her inquiry.

Thanks,

Chrisann Romero  
Administrative Assistant  
Santa Fe County/Planning Division  
102 Grant Avenue  
Santa Fe, NM 87501  
Phone: 505-995-2717  
Fax: 505-820-1394  
Email: [cnromero@santafecountynm.gov](mailto:cnromero@santafecountynm.gov)

-----Original Message-----

From: Jennifer LaBar  
Sent: Tuesday, November 24, 2015 12:56 PM  
To: Chrisann N. Romero  
Cc: Kristine Mihelcic; Tony T. Flores  
Subject: FW: Santa Fe County Public Comment Form

Chrisann,

Will you please add to your comments/feedback? This came in on our online submission form, but is anonymous so we cannot respond.

Thanks,  
Jen

-----Original Message-----

From: Anonymous [<mailto:kbustos@santafecountynm.gov>]  
Sent: Tuesday, November 24, 2015 12:49 PM  
To: Kristine Mihelcic; Jennifer LaBar  
Subject: Santa Fe County Public Comment Form

Web form results:

[Anonymous submission]

Comments:

First, I wish to remain anonymous because of fear of retaliation from another land owner. My comments concern comments on SLDC from Harold Zuschlag and John Holloman. Both individuals wish to change the current zoning for their land on Glorieta Mesa from Agriculture/Ranching to Rural. Both individuals have purchased the hundreds of acres they currently own with the intent of subdividing that land, taking their profits, and leaving the problems for sustainability for others, particularly by taking more and more of a limited water supply at the expense of other current owners in the area.

**From:** [Chrisann N. Romero](#)  
**To:** [Robert Griego](#); [Amy M. Rincon](#)  
**Subject:** FW: Santa Fe County Public Comment Form  
**Date:** Tuesday, November 24, 2015 2:32:17 PM

---

-----Original Message-----

From: Jennifer LaBar  
Sent: Tuesday, November 24, 2015 2:30 PM  
To: Chrisann N. Romero  
Cc: Kristine Mihelcic; Tony T. Flores  
Subject: FW: Santa Fe County Public Comment Form

Can this be added? I know it's last minute.

-----Original Message-----

From: Ian Rosenkranz [<mailto:kbustos@santafecountynm.gov>]  
Sent: Tuesday, November 24, 2015 2:29 PM  
To: Kristine Mihelcic; Jennifer LaBar  
Subject: Santa Fe County Public Comment Form

Web form results:

Ian Rosenkranz  
PO Box 1433  
Santa Fe, NM 87504  
Email:  
Phone: 5754222230

Comments:

regarding today's (11/24/2015) Commission meeting:

I urge the Commission to stand firm on the Ag/Ranch designation for Glorieta Mesa.

Re; Harold and Penny Zuschlag comments: "Request to change from Ag/Ranch to Rural. Most parcels in the area are smaller and property owners would like to be able to create 40 acre parcels..." John Holloman comments: "Zoning shown on the zoning map is not consistent with surrounding parcels in the area, all other parcels range in size from 10 - 40 acres..."

These statements are false across most of the Mesa which until recent exploitation was 100% Ag/Ranch mixed with National Forest. Current isolated pockets of smaller parcels exemplify past poor zoning and enforcement. The Ag/Ranch designation will help to prevent these abuses moving forward. Smaller land division variances must not be granted.

As a Glorieta Mesa landowner and resident along CR51, I support the 160 acre Ag/Ranch designation.

My understanding is Zuschlag received an administrative decision allowing division of a single 106 acre parcel into 5 lots as a family lot split exception. The County must find a way to prevent abuse of the family lot split exception. With a history of attempts to develop on the Mesa, this family lot split may be an effort to circumvent the Ag/Ranch designation.

Not to be ignored, the shortage of water is significant in the Canoncito/Glorieta Mesa area. Everyone intending to divide and sell property in this area must be required to prove water for each parcel prior to subdividing.

Thank you  
Ian Rosenkranz

JIM SIEBERT: My name is Jim Siebert. My business address is 915 Mercer. I'm representing two clients tonight. One is, the first one here is Albert and Michelle Montano that have a landscape business in Agua Fria and what we're requesting – currently it's zoned commercial neighborhood or it's proposed for zoning as commercial neighborhood. They run a landscape business where they maintain a lot of materials on site. This actually was approved back in the year 2000. We're asking that it be zoned PDD, planned development district. The reason being it's not really clear in the code whether this would be a permitted use under commercial neighborhood. So we just simply would like to get back to the original zoning so that it's absolutely clear that those are permitted uses and this doesn't become a non-conforming use.

The other area – this is in the Galisteo area. This is the Pecos National Historic Park that sits over in this area here. This is I-25 and the railroad right through here. The area that's south of I-25 has been designated agricultural-ranch which is one dwelling unit per 160 acres and what I think doesn't make sense is that around it you have zoning that's considerably less than that. This one is five units per acre. This is ten units per acre and this is under the proposed zoning. This is one unit for 2.5 acres. It is towards the village and on the other side of I-25.

But I think more importantly if you take a look at the current land status you'll see that the lot sizes actually range from 13 acres to 40 acres to 20-acre tracts and ten-acre tracts, a 15-acre tract, and it really doesn't – from an existing land use it really doesn't make sense. We would request that this area be zoned for a 40-acre minimum, rural designation. Thank you for listening to me.

## Public Comment 2

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
2	Lots owned: 910015743; 910015742; 970000103; 910004599; 910004600. Lots sold: 970000496; 970000495; 970000497; 970000498; 970000100; 970000101; and 950003024. Lots requesting change on: 970000496, 970000495, 970000497, 970000498.	Barry	Green	Requesting to change from Rural Fringe to Rural Residential or Residential Fringe because the parcels are in the same area.	The zoning of the area is question reflects a logical progression of densities going southeastward from the Canada de Los Alamos traditional community, based on the average existing parcel size within each particular zoned area. Densities higher than those that are proposed are not advised due to the groundwater availability limitations in this area. Recommendation: No change.

2. Barry Green 10.30.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Friday, October 30, 2015 12:15:57 PM

---

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

Comment Type  
Specific Parcel

Comments

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

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

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

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

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

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

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

Property Owner (First Name)  
Barry

Property Owner (Last Name)  
Green

Physical Address of Property  
45 CAMINO RANCHO VERDE, SANTA FE

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

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments

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

### Public Comment 3

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
3	910004179	John	Holloman	Requesting to change from Ag/Ranch to Rural because the parcel is not consistent with the zoning in the surrounding parcels.	This is a remote area (Glorieta Mesa) that consists primarily of parcels of 20- to 160-acre or larger size, and generally has poor road access. This area is located within a highly significant habitat area and is identified as "Ag/Ranch" on the SGMP Future Land Use Map. Density bonus section would allow increased density with 75% open space conservation. Recommendation: No Change

3. John Holloman 10.30.15

3.A. Jim Seibert response in favor of the request 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Friday, October 30, 2015 11:50:22 AM

---

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

Comment Type  
Specific Parcel

Comments

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

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

Property Owner (First Name)  
John

Property Owner (Last Name)  
Holloman

Physical Address of Property  
unassigned

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

Requested Zoning Classification  
RUR - Rural

Additional Comments  
(No value)

JIM SIEBERT: My name is Jim Siebert. My business address is 915 Mercer. I'm representing two clients tonight. One is, the first one here is Albert and Michelle Montano that have a landscape business in Agua Fria and what we're requesting – currently it's zoned commercial neighborhood or it's proposed for zoning as commercial neighborhood. They run a landscape business where they maintain a lot of materials on site. This actually was approved back in the year 2000. We're asking that it be zoned PDD, planned development district. The reason being it's not really clear in the code whether this would be a permitted use under commercial neighborhood. So we just simply would like to get back to the original zoning so that it's absolutely clear that those are permitted uses and this doesn't become a non-conforming use.

The other area – this is in the Galisteo area. This is the Pecos National Historic Park that sits over in this area here. This is I-25 and the railroad right through here. The area that's south of I-25 has been designated agricultural-ranch which is one dwelling unit per 160 acres and what I think doesn't make sense is that around it you have zoning that's considerably less than that. This one is five units per acre. This is ten units per acre and this is under the proposed zoning. This is one unit for 2.5 acres. It is towards the village and on the other side of I-25.

But I think more importantly if you take a look at the current land status you'll see that the lot sizes actually range from 13 acres to 40 acres to 20-acre tracts and ten-acre tracts, a 15-acre tract, and it really doesn't – from an existing land use it really doesn't make sense. We would request that this area be zoned for a 40-acre minimum, rural designation. Thank you for listening to me.

## Public Comment 4

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
4	99207233	William G and Linda M	Auto	What happens when the deed requires a parcel to be split into 5 acres but the zoning is residential estate? Requesting a change from Residential Estate to Residential Fringe.	This area is located to the northeast of the Town of Edgewood. The proposed zoning is based on the location and general character of this area, the current hydrologic zone and the availability of central water in the vicinity. Any private deed restrictions that limit densities to 1 dwelling per 5 acres would continue to be in effect, regardless of the zoning district established in the SLDC. Recommendation: No change.

4. William G. and Linda M. Auton 10.31.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Saturday, October 31, 2015 4:45:29 PM

---

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

Comment Type  
Specific Parcel

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

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

Property Owner (First Name)  
Willam G and Linda M

Property Owner (Last Name)  
Auton

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

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

Requested Zoning Classification  
RES-F - Residential Fringe

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

## Public Comment 5

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
5	All properties along State road 472	William G & Linda M	Auton	The deeds on at least 5 require 5 acres. Requesting a change from Residential Estate to Residential Fringe.	This area is located to the northeast of the Town of Edgewood. The proposed zoning is based on the location and general character of this area, the current hydrologic zone and the availability of central water in the vicinity. Any private deed restrictions that limit densities to 1 dwelling per 5 acres would continue to be in effect, regardless of the zoning district established in the SLDC. Recommendation: No change.

5. William G. and Linda M. Auton 10.31.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Saturday, October 31, 2015 4:50:06 PM

---

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

Comment Type  
General Area

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

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

Property Owner (First Name)  
William G & Linda M

Property Owner (Last Name)  
Auton

Physical Address of Property  
0 Edgewood

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

Requested Zoning Classification  
RES-F - Residential Fringe

Additional Comments  
(No value)

## Public Comment 6

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
6	General Comment	William G and Linda M	Auton	Parcels are deeded as 5 acre lots and no subdivision is permitted.	This area is located to the northeast of the Town of Edgewood. The proposed zoning is based on the location and general character of this area, the current hydrologic zone and the availability of central water in the vicinity. Any private deed restrictions that limit densities to 1 dwelling per 5 acres would continue to be in effect, regardless of the zoning district established in the SLDC. Recommendation: No change.

6. William G. and Linda M. Auton 10.31.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Saturday, October 31, 2015 4:51:39 PM

---

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

Comment Type  
General Area

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

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

Property Owner (First Name)  
William G & Linda M

Property Owner (Last Name)  
Auton

Physical Address of Property  
0 Edgewood

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

Requested Zoning Classification  
RES-F - Residential Fringe

Additional Comments  
(No value)

## Public Comment 7

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
7	General Comment			Website is not user friendly.	No change requested.

7. Anonymous 10.31.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Saturday, October 31, 2015 10:17:09 PM

---

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

Comment Type  
General Area

Comments  
Typical computer programers.

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

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

Property Owner (First Name)  
(No value)

Property Owner (Last Name)  
(No value)

Physical Address of Property  
(No value)

Zoning Classification on Adoption Draft Zoning Map  
(No value)

Requested Zoning Classification  
(No value)

Additional Comments  
(No value)

## Public Comment 8

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
8	126000619	Steven	Rudnick	All of Eldorado is zoned 1.75 acres, how is the zoning designation justified for Residential Estate?	The proposed "RES-E" zoning in the Eldorado development corresponds to overall gross density of the Eldorado subdivision (1 dwelling per 2.5 acres), which includes the roads, open space, and wilderness areas that are part of the Eldorado development. Recommendation: No change.

8. Steven Rudnick 10.31.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Saturday, October 31, 2015 8:27:40 PM

---

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

Comment Type  
General Area

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

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

Property Owner (First Name)  
Steven

Property Owner (Last Name)  
Rudnick

Physical Address of Property  
59 Condesa Rd

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

Requested Zoning Classification  
(No value)

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

## Public Comment 9

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
9	12905633	Dan and Cyndi	Korzec	<p>I live on lot 99305416. Across HWY 285 is parcel 99305 416. The color code is a red but the parcel description on page 2 calls for residential. Exactly what is the zoning calling for? The color code on the map is Commercial General. If it is commercial, I am against it. This is all residential area. There is enough commercial off of Vista Grande. Can my property be commercial as well then?</p>	<p>The property referred to is in the U.S 285 South Corridor District and is identified as residential estate. Sites for commercial use along this segment of U.S. 285 have been designated in the corridor plan, in order to provide for commercial uses to serve the population in the surrounding area, but avoid strip commercial development or significant intrusions into surrounding residential areas. Recommendation: No change.</p>

9. Dan and Cyndi Korzec 10.31.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Saturday, October 31, 2015 4:53:03 PM

---

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

Comment Type  
Specific Parcel

Comments

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

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

Property Owner (First Name)  
Dan and Cyndi

Property Owner (Last Name)  
Korzec

Physical Address of Property  
11 Old Rd. South

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

Requested Zoning Classification  
CG - Commercial General

Additional Comments

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

## Public Comment 10

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
10	58601312	Francois-Marie	Patorni	Unhappy with the proposed zoning of the 44 acres next to Las Campanas being proposed Commercial Neighborhood.	The “Commercial Neighborhood” zoning on these two parcels reflects the master plan that was approved for the “Placita de la Tierra” project in 1997, which allows for the development of a neighborhood commercial center. The northern 8.7-acre parcel has already been developed for an office. Recommendation: No change.

### 10. Francois-Marie Patorni 11.1.15

10.A. Francois Patorni against CN proposed zoning in Las Campanas 11.24.15

10.B. Willis Lee 11.24.15

10.C. Arabel Lockhart 11.24.15

10.D. Scott Hoeft 11.24.15

10.E. Cynthia Gullickson 12.2.15

10.F. Sandra Deckee 12.2.15

10.G. Unknown 12.2.15

10.H. Carole Colvin 12.3.15

10.I. Las Campanas 12.3.15

10.J. Evalinda Walrack 12.3.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Sunday, November 01, 2015 1:02:01 PM

---

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

Comment Type  
General Area

Comments

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

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

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

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

I am dismayed that in spite of my previous correspondence and visits to the County Planning Office, I have neither been consulted nor given any reply. I would appreciate knowing the rationale for the above zoning.

Spot zoning favors the private interests of specific land owners, and is detrimental to the public good. This is why spot zoning is specifically mentioned in the County's Sustainable Land Development Plan as a practice to be avoided.

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

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

Property Owner (First Name)  
Francois-Marie

Property Owner (Last Name)  
Patorni

Physical Address of Property  
28 Arroyo Calabasas

Zoning Classification on Adoption Draft Zoning Map  
(No value)

Requested Zoning Classification  
(No value)

Additional Comments  
(No value)

[Previously sworn, François-Marie Patorni testified as follows:]

FRANÇOIS-MARIE PATORNI: Thank you. My name is François-Marie Patorni. I live at 28 Arroyo Calabasas near Las Campanas and I am sworn in. My question refers to a 12-acre parcel next door to my property. It's a 12-acre parcel which has been zoned commercial in the middle of hundreds of acres of residential zoning. You will remember the Sustainable Growth Management Plan that you approved a few years ago which sets guiding principles of what should be in the code and one of these guiding principles is that there should be no spot zoning.

So what I'm referring to is a typical example of spot zoning. It is a small parcel earmarked for a shopping center in the middle of a residential area and the use of such shopping center will spoil the lifestyle and the looks of the area. So what I am asking that you reconsider the zoning of this 12-acre parcel. The rationale given by the County staff is that that zoning was approved 18 years ago and I wonder if a zoning done 18 years ago matters because then why do a zoning at all if everything is grandfathered. So that's my request, is to look again into that spot zoning of the 12-acre parcel. Thank you very much.

[Previously sworn, Willis Lee testified as follows:]

WILLIS LEE: My name is Willis Lee. I have been sworn in. For the last 18 years my wife and I have lived at 20 Arroyo Calabasas. Our home is directly across the street from the 12 acres that is now zoned as commercial-neighborhood and designated town center at Las Campanas. I represent the neighbors on Arroyo Calabasas. We've been fighting this for years. It seems like it raises its head every two to three years. Back in 07 and 08 we submitted to the Commissioners a petition to change that zoning with over 800 signatures.

All of the surrounding neighborhoods in that area will be affected by a commercial development on that 12 acres. It is directly across the street from fire and rescue that needs access to Arroyo Calabasas. We are a private road that we maintain ourselves and pay for that maintenance. There's great concern of added traffic, that Camino La Tierra will become a thoroughfare all the way down to the end where Caja del Rio is. The developers now have Arroyo Vino across the street which serves that community. We feel that is sufficient for the people in that area. We recommend that the zoning be changed from C-N to res-Z as are all the adjacent neighborhoods.

On Arroyo Calabasas each home is on their own water well. We've been through this before, the dangers of fuel in our neighborhood, over-ground storage tanks for diesel fuel. There was a proposal for the sale of gasoline in miniatures. We all oppose that. All the neighborhoods in that area. We feel that we have basically everybody in that northwest quadrant opposed to commercial development there.

I can't see how Camino La Tierra could be expanded in that area to accommodate additional traffic and the last time there was proposed 212 parking spaces with some 300 lights. We are right adjacent to that neighborhood. In fact there are three residents that the property actually extends across Arroyo Calabasas. Now we have the new water easement line coming in from Buckman that we don't think that you could put a concrete pad on. We're concerned what's going to happen to our neighborhood if the zoning is maintained as a C-N.

We are prepared to group together, the various neighborhoods. I'm sure that we would get more than the 800 signatures that we had last time. Anyway, I appreciate your listening and hopefully at some time we won't have to go through this every few years.

ARABELLE LOCKHART: My name is Arabelle Lockhart. My husband and I have lived in the Salvatierra neighborhood at 105 East Sunrise Drive for 11 ½ years and love it. I have been sworn in. I want to support those neighbors who were objecting to the neighborhood commercial spot development that was authorized in 1997. I think many people felt that Santa Fe was going to grow much faster, that that area was going to grow much faster, that there would be support for such a neighborhood shopping center.

That is not true. First of all, the neighbors are not in support of it. We moved out there because we like the rural atmosphere, the quiet, the dark at night, not having to worry about a lot of traffic on Camino La Tierra. And there's not enough people to shop at a shopping center there. It is just not viable.

One of the things that I heard when I first moved to town was that at DeVargas Mall you could shoot a cannonball through the mall and not worry about hitting anyone. Well, that is really true out in our neighborhood. If anybody has driven through the commercial area at Aldea they know that that is a struggle for those people to try to hang on, and they have a community right around them. To have a commercial development right in the smack of neighborhood development does not make sense and we all hope that you will change it back and not have a neighborhood commercial spot there. Thank you.

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: I wasn't planning on speaking this evening but I heard some comments about the Las Campanas town center so I wanted to clarify a few things. That project was approved via development plan in 2005 and 2006. Those development plans were recorded and that was in the EZC and the EZA; development plans in the EZC and the EZA do not expire. So we have in the comments I noticed, in the chart that was handed out, regarding the commercial area that it says the project was approved in 1997, should be updated and I'll meet with staff to update that to 2005/2006, recorded development plans. And that's all I have to say. Thank you very much for your time.

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Wednesday, December 02, 2015 6:48:40 AM

---

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

Comment Type  
Specific Parcel

Comments

12 acres at the beginning of Arroyo Calabasas is designated \"CN\", commercial neighborhood. Many community members have appealed to have this designation changed to RES-E , one dwelling per 2.5 acres, which is MORE CONSISTENT with our neighborhood. The current designation will seriously impact the residential neighborhood and is unnecessary.

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

Property Owner (First Name)  
Cynthia and Roger

Property Owner (Last Name)  
Gullickson

Physical Address of Property  
16B Camino Calabasas

Email address:  
cyndiegullickson@gmail.com;  
Roger.gullickson@gmail.com

Zoning Classification on Adoption Draft Zoning Map  
CN - Commercial Neighborhood

Requested Zoning Classification  
RES-E - Residential Estate

Additional Comments

The requested zoning designation is NOT consistent with the neighborhood. The city of Santa Fe has MANY unused or underused \"CN\" properties. Please do not destroy this community.

**From:** [Chrisann N. Romero](#)  
**To:** [Robert Griego](#); [Amy M. Rincon](#)  
**Cc:** [Jennifer LaBar](#); [Skaydecker@gmail.com](mailto:Skaydecker@gmail.com)  
**Subject:** FW: Santa Fe County Public Comment Form  
**Date:** Wednesday, December 02, 2015 9:05:58 AM

---

Good Morning Ms. Deckee,

Your comments have been received and will be forwarded to our Planning Manager and the planning team for review and input into our database.

Thank you,

Chrisann Romero  
Administrative Assistant  
Santa Fe County/Planning Division  
102 Grant Avenue  
Santa Fe, NM 87501  
Phone: 505-995-2717  
Fax: 505-820-1394  
Email: [cnromero@santafecountynm.gov](mailto:cnromero@santafecountynm.gov)

-----Original Message-----

**From:** Jennifer LaBar  
**Sent:** Wednesday, December 02, 2015 8:57 AM  
**To:** Chrisann N. Romero  
**Cc:** Penny Ellis-Green; Katherine Miller; Tony T. Flores; Kristine Mihelcic  
**Subject:** FW: Santa Fe County Public Comment Form

Chrisann,

This came in on our online comment form. Will you please record this and let her know you received. Please cc me on response or let me know you called.

Thanks,

Jen

Jennifer LaBar  
Office Manager  
Santa Fe County Manager's Office  
(505) 986-6293  
[www.santafecountynm.gov](http://www.santafecountynm.gov)

-----Original Message-----

**From:** Sandra Deckee [<mailto:Skaydecker@gmail.com>]  
**Sent:** Wednesday, December 02, 2015 8:40 AM  
**To:** Kristine Mihelcic; Jennifer LaBar  
**Subject:** Santa Fe County Public Comment Form

Web form results:

Sandra Deckee  
24 Camino Cielo  
Santa Fe, NM 87506

Email: Skaydecker@gmail.com

Phone: 505 992-8070

Comments:

I am for changing the zoning designate designation at the corner of Camino a lot tiara and a royal Calabasas from CN to RES – E. I am not for any commercial development at this corner and have continually been against this for over 15 years. I moved to this area for its country atmosphere.

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Wednesday, December 02, 2015 10:26:53 AM

---

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

Comment Type  
Specific Parcel

Comments  
parcel at junction of Camino la Tierra and Arroyo Calabasas is spot zoning of 12 acres in middle of residential.  
Needs to be put back to residential, especially since time for development has run out.

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

Property Owner (First Name)  
(No value)

Property Owner (Last Name)  
(No value)

Physical Address of Property  
(No value)

Email address:  
(No value)

Zoning Classification on Adoption Draft Zoning Map  
CG - Commercial General

Requested Zoning Classification  
(No value)

Additional Comments  
(No value)

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Wednesday, December 02, 2015 7:50:22 PM

---

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

Comment Type  
Specific Parcel

Comments  
(No value)

Parcel ID (You can find the parcel ID on the letter you received)  
990003334

Property Owner (First Name)  
Las campanas

Property Owner (Last Name)  
Las companas

Physical Address of Property  
Arroyo calabasa / la tierra

Email address:  
(No value)

Zoning Classification on Adoption Draft Zoning Map  
CN - Commercial Neighborhood

Requested Zoning Classification  
RES-E - Residential Estate

Additional Comments

We are a long established rural neighborhood. We built and live here because of the rural nature. We do not want the increased traffic, noise, water usage and light pollution associated with commercial usage. This affects our quality of life. Please keep our neighborhood a neighborhood , not a commercial development. We have everything we need within a 10 minute drive so will not utilize the services and then we will have to look at a vacant cement parcel. Please do not let commercial business into our neighborhood.

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Wednesday, December 02, 2015 7:50:22 PM

---

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

Comment Type  
Specific Parcel

Comments  
(No value)

Parcel ID (You can find the parcel ID on the letter you received)  
990003334

Property Owner (First Name)  
Las campanas

Property Owner (Last Name)  
Las companas

Physical Address of Property  
Arroyo calabasa / la tierra

Email address:  
(No value)

Zoning Classification on Adoption Draft Zoning Map  
CN - Commercial Neighborhood

Requested Zoning Classification  
RES-E - Residential Estate

Additional Comments

We are a long established rural neighborhood. We built and live here because of the rural nature. We do not want the increased traffic, noise, water usage and light pollution associated with commercial usage. This affects our quality of life. Please keep our neighborhood a neighborhood , not a commercial development. We have everything we need within a 10 minute drive so will not utilize the services and then we will have to look at a vacant cement parcel. Please do not let commercial business into our neighborhood.

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Wednesday, December 02, 2015 7:40:20 PM

---

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

Comment Type  
Specific Parcel

Comments  
(No value)

Parcel ID (You can find the parcel ID on the letter you received)  
990003334

Property Owner (First Name)  
Evalinda

Property Owner (Last Name)  
Walrack

Physical Address of Property  
121 b arroyo calabasa

Email address:  
PupImama@aol.com

Zoning Classification on Adoption Draft Zoning Map  
CN - Commercial Neighborhood

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments

We are a long established residential neighborhood in a rural area. We built and live here because of the rural nature. Please keep commercial business out of our neighborhood. We do not want increased traffic, water usage and light pollution associated with commercial business.

## Public Comment 11

<b>ID</b>	<b>Property</b>	<b>First Name</b>	<b>Last Name</b>	<b>Comment Summary</b>	<b>Summary Analysis and Staff Recommendation</b>
11	54048640	Patricia	Paris	Is this parcel in the Village of Agua Fria? What is the zoning designation?	The property identified is within the Agua Fria Community District. Recommendation: No change.

11. Patricia Paris 11.1.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Sunday, November 01, 2015 2:22:15 PM

---

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

Comment Type  
Specific Parcel

Comments

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

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

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

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

Thank you,  
Patricia Paris  
474-7733

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

Property Owner (First Name)  
PATRICIA

Property Owner (Last Name)  
PARIS

Physical Address of Property  
3872 WEST ALAMEDA

Zoning Classification on Adoption Draft Zoning Map  
(No value)

Requested Zoning Classification  
TC - Traditional Community

Additional Comments

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

## Public Comment 12

<b>ID</b>	<b>Property</b>	<b>First Name</b>	<b>Last Name</b>	<b>Comment Summary</b>	<b>Summary Analysis and Staff Recommendation</b>
12	239207572	Dolores	Borland	I would like to know how my parcels of land are zoned . I could not tell by the map you submitted to me.	No Change requested.

12. Dolores Borland 11.1.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** Public Comments Form Submission  
**Date:** Sunday, November 01, 2015 4:26:30 PM

---

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

Comment Type  
Specific Parcel

Comments

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

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

Property Owner (First Name)  
Dolores

Property Owner (Last Name)  
Borland

Physical Address of Property  
179 Avenida Ponderosa

Zoning Classification on Adoption Draft Zoning Map  
(No value)

Requested Zoning Classification  
(No value)

Additional Comments  
(No value)

## Public Comment 13

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
13	Eldorado	Steven	Rudnick	<p>It looks to me as if all of Eldorado has been put into a 2.5 acres residential zone [Residential Estate] which is kind of interesting since all 2800 of us are on about 1.5 acres average and the covenants call for 1 acre. There are platted properties of about 1.5 acres that are undeveloped but for sale on my street. Please explain what this means.</p>	<p>The proposed “RES-E” zoning in the Eldorado development corresponds to overall gross density of the Eldorado subdivision (1 dwelling per 2.5 acres), which includes the roads, open space, and wilderness areas that are part of the Eldorado development. Recommendation: No change.</p>

13. Steven Rudnick 10.31.15

**From:** [Robert Griego](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** FW: zoning  
**Date:** Monday, November 02, 2015 8:12:21 AM

---

Please add to comments databse.

---

**From:** Liz Stefanics  
**Sent:** Saturday, October 31, 2015 10:05 PM  
**To:** Robert Griego; Penny Ellis-Green; Vicki Lucero  
**Subject:** Fwd: zoning

Thanks, Liz 505.699.4808  
Sent from my Verizon Wireless 4G LTE smartphone

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

**From:** Steven Rudnick <[Steven.Rudnick@umb.edu](mailto:Steven.Rudnick@umb.edu)>  
**Date:** 10/31/2015 8:47 PM (GMT-07:00)  
**To:** Liz Stefanics <[lstefanics@santafecountynm.gov](mailto:lstefanics@santafecountynm.gov)>  
**Subject:** zoning

Liz,

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

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

Steve

Steven Rudnick, Ph.D.  
Environmental Scientist

## Public Comment 15

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
15	4519 Agua Fria St	Albert	Montano	<p>This property received master plan, preliminary and final development plan for the storage and sale of landscape materials. The proposed Commercial Neighborhood zoning would limit the uses of the prior approval. The property owner is requesting a PDD in order to have the ability to amend his existing plan to include uses within the PDD designation that are not allowed in the Commercial Neighborhood district.</p> <p>Requesting a change from CN to PDD.</p>	<p>This property is within the Agua Fria Community District. The Commercial Neighborhood designation is based on an approved master plan. The approved master plan uses are allowed as conditional uses in the Agua Fria “Commercial Neighborhood” zoning district. Therefore, no change is recommended. Recommendation: No change.</p>

15. Albert Montano 11.2.14

15.A. Jim Siebert 11.24.15

15.B. Albert and Michelle Montano 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 02, 2015 1:14:50 PM

---

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

Comment Type  
Specific Parcel

Comments

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

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

Property Owner (First Name)  
Albert

Property Owner (Last Name)  
Montano

Physical Address of Property  
4519 Agua Fria Street

Email address:  
(No value)

Zoning Classification on Adoption Draft Zoning Map  
CN - Commercial Neighborhood

Requested Zoning Classification  
PDD - Planned Development District

Additional Comments  
(No value)

JIM SIEBERT: My name is Jim Siebert. My business address is 915 Mercer. I'm representing two clients tonight. One is, the first one here is Albert and Michelle Montano that have a landscape business in Agua Fria and what we're requesting – currently it's zoned commercial neighborhood or it's proposed for zoning as commercial neighborhood. They run a landscape business where they maintain a lot of materials on site. This actually was approved back in the year 2000. We're asking that it be zoned PDD, planned development district. The reason being it's not really clear in the code whether this would be a permitted use under commercial neighborhood. So we just simply would like to get back to the original zoning so that it's absolutely clear that those are permitted uses and this doesn't become a non-conforming use.

The other area – this is in the Galisteo area. This is the Pecos National Historic Park that sits over in this area here. This is I-25 and the railroad right through here. The area that's south of I-25 has been designated agricultural-ranch which is one dwelling unit per 160 acres and what I think doesn't make sense is that around it you have zoning that's considerably less than that. This one is five units per acre. This is ten units per acre and this is under the proposed zoning. This is one unit for 2.5 acres. It is towards the village and on the other side of I-25.

But I think more importantly if you take a look at the current land status you'll see that the lot sizes actually range from 13 acres to 40 acres to 20-acre tracts and ten-acre tracts, a 15-acre tract, and it really doesn't – from an existing land use it really doesn't make sense. We would request that this area be zoned for a 40-acre minimum, rural designation. Thank you for listening to me.

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Wednesday, December 02, 2015 9:19:17 AM

---

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

Comment Type  
Specific Parcel

Comments  
Subject parcel has been zoned for more light industrial type uses. Commercial neighborhood would not allow for any type of expansion and all current uses would become legal non-conforming.

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

Property Owner (First Name)  
Albert and Michelle

Property Owner (Last Name)  
Montano

Physical Address of Property  
4519 Agua Fria Street

Email address:  
(No value)

Zoning Classification on Adoption Draft Zoning Map  
CN - Commercial Neighborhood

Requested Zoning Classification  
PDD - Planned Development District

Additional Comments  
(No value)

## Public Comment 16

<b>ID</b>	<b>Property</b>	<b>First Name</b>	<b>Last Name</b>	<b>Comment Summary</b>	<b>Summary Analysis and Staff Recommendation</b>
16	940001522	Edmund	Shedd	The property owner would like to be able to have two dwelling units on his 19.95 acres of land. The zoning for the area is 10 acres per dwelling unit [Rural Residential] and being a half acre shy a second dwelling with that much property seems unreasonable.	A change proposed to the SLDC would allow administrative minor deviations to the density requirements of 0.5% which would allow two lots on 19.95 acres. Recommendation: No change.

16. Edmund Shedd 11.2.15

16.A. Edmund Shedd Revised 11.5.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Tuesday, November 03, 2015 7:56:13 AM

---

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

Comment Type  
Specific Parcel

Comments

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

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

Property Owner (First Name)  
Edmund

Property Owner (Last Name)  
Shedd

Physical Address of Property  
(No value)

Email address:  
(No value)

Zoning Classification on Adoption Draft Zoning Map  
(No value)

Requested Zoning Classification  
(No value)

Additional Comments  
(No value)

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Tuesday, November 03, 2015 7:56:13 AM

---

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

Comment Type  
Specific Parcel

Comments

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

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

Property Owner (First Name)  
Edmund

Property Owner (Last Name)  
Shedd

Physical Address of Property  
(No value)

Email address:  
(No value)

Zoning Classification on Adoption Draft Zoning Map  
(No value)

Requested Zoning Classification  
(No value)

Additional Comments  
(No value)

## Public Comment 17

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
17	186009084 AND 184981222	Victor	Archuleta	<p>Surrounding parcels are a combination of Rural Residential and Residential Community.</p> <p>Requesting a change from Rural Residential to Residential Estate.</p>	<p>This is subdivided area south of Rio Chiquito, where the lots are generally in the 6- to 12-acre range, with an average lot size of 9.65 acres. The parcels in question are 8.4 and 5.75 acres, respectively. This area is in SDA-3 and is not served by a water system and proposed zoning is in accordance with zoning map criteria. Recommendation: No change.</p>

17. Victor Archuleta 11.3.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Tuesday, November 03, 2015 11:50:13 AM

---

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

Comment Type  
Specific Parcel

Comments

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

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

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

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

FROM Rural Residential, RUR-RU (1 dwelling / 10 acres)  
TO Residential Estate, RES-E (1 dwelling / 2.5 acres).

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

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

Best regards,

Victor Archuleta

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

Property Owner (First Name)  
Victor

Property Owner (Last Name)  
Archuleta

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

Email address:  
vearchuleta@yahoo.com

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

Requested Zoning Classification

RES-E - Residential Estate

Additional Comments

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

## Public Comment 18

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
18	218 CAMINO LA TIERRA (Tax Parcel Number: 910017463) & TOWN CENTER AT LAS CAPANAS (Tax Parcel Number: 990003334)	Steven and Maria	Hidalgo	<p>Requesting a change from CN - Commercial Neighborhood to RES-E - Residential Estate for 218 Camino La Tierra and Town Center at Las Campanas.</p> <p>Unhappy that Public Hearing (1st) is scheduled during holiday week</p> <p>Concerned public comments are being ignored.</p>	<p>The “Commercial Neighborhood” zoning on these two parcels reflects the master plan that was approved for the “Placita de la Tierra” project in 1997, which allows for the development of a neighborhood commercial center. The northern 8.7-acre parcel has already been developed for an office.                      Recommendation: No change.</p>

18. Steven and Maria Hidalgo 11.3.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Tuesday, November 03, 2015 12:07:14 PM

---

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

Comment Type  
Specific Parcel

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

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

Property Owner (First Name)  
STEVEN & MARIA

Property Owner (Last Name)  
HIDALGO

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

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

Zoning Classification on Adoption Draft Zoning Map  
CN - Commercial Neighborhood

Requested Zoning Classification  
RES-E - Residential Estate

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

GMA - El Centro

## Public Comment 19

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
19	910003717	Jerry	Martinez	Request approval to subdivide my current 2.5 acres into two 1.25 acres. This will help me to provide property for my children who are native Santa Fe, NM residents.	This property is shown as “Residential Estate” in the La Cienega/La Cieneguilla Community Plan. The predominate existing lot size in the area is about 2.5 acres. This area is not currently served by a central water or sewer system. Allowing higher densities in this area is not desirable, based on maintaining the existing character of the area, and due to groundwater constraints. An accessory dwelling unit could be constructed in accordance with the SLDC. Recommendation: No change.

19. Jerry Martinez 11.3.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Tuesday, November 03, 2015 1:11:38 PM

---

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

Comment Type  
Specific Parcel

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

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

Property Owner (First Name)  
Jerry

Property Owner (Last Name)  
Martinez

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

Email address:  
jl\_martinez@q.com

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

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments  
(No value)

## Public Comment 20

<b>ID</b>	<b>Property</b>	<b>First Name</b>	<b>Last Name</b>	<b>Comment Summary</b>	<b>Summary Analysis and Staff Recommendation</b>
20	78310975	Chrisanne	Finefrock	Requesting a change from Rural to Rural Residential. She expects to build single family home on the 16+ acres.	This area is located on the Madrid Plateau, and is in SDA-3. Existing parcels below the minimum lot could be developed as of right in accordance with the SLDC. Establishing zoning that would increase base density to 10- or 20-acre lots is not desirable due to zoning map criteria, groundwater constraints, remoteness, generally poor road access, and its low-density rural character. Recommendation: No change

20. Chisanne Finefrock 11.3.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Tuesday, November 03, 2015 5:27:49 PM

---

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

Comment Type  
Specific Parcel

Comments  
Please let me know as soon as possible. Thanks

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

Property Owner (First Name)  
Chrisanne

Property Owner (Last Name)  
Finefrock

Physical Address of Property  
31 VISTA DEL MAR Cerrillos NM

Email address:  
thom.brad@verizon.net

Zoning Classification on Adoption Draft Zoning Map  
RUR - Rural

Requested Zoning Classification  
RUR-R - Rural Residential

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

## Public Comment 21

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

21. Robert Tillman 11.3.15

**From:** [Robert R. Tillman](#)  
**To:** [Amy M. Rincon](#); [Rick Dumiak](#)  
**Cc:** [Alonzo Gallegos](#); [Cyril Siltala](#); [David Camp](#); [Dawn St George](#); [Gene Bostwick](#); [Ivan Trujillo](#); [Jim Strozier](#); [Joe Ortiz](#); [John Ortiz](#); [Jose Varela Lopez](#); [Juan J. Gonzales](#); [Kathryn Becker](#); [Kyle Harwood](#); [Martin R. Najera](#); [Melissa Garcia](#); [Noah Berke](#); [Robert P. Romero](#); [Stan Jones](#); [Sylvia LeMaster](#); [Tino Gallegos](#); [Tom Dixon](#); [Vincent Marchi](#); [Robert Griego](#); [Paul Olafson](#)  
**Subject:** Robert R. Tillman/Wyrd Investments, LLC Public Comment Regard Santa Fe County Sustainable Land Development Code  
**Date:** Tuesday, November 03, 2015 4:03:18 PM  
**Attachments:** [Robert R. TillmanWyrd Investments LLC Public Comment Regard Santa Fe County Sustainable Land Development Code.msg](#)

---

Dear Amy,

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

Sincerely,

Bob

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

---

**From:** "Amy M. Rincon" <[amrincon@santafecountynm.gov](mailto:amrincon@santafecountynm.gov)>  
**Date:** Tuesday, October 20, 2015 at 2:47 PM  
**To:** Rick Dumiak <[rdumiak@gmail.com](mailto:rdumiak@gmail.com)>  
**Cc:** Alonzo Gallegos <[labajada@vzw.blackberry.net](mailto:labajada@vzw.blackberry.net)>, Cyril Siltala <[siltalasc@q.com](mailto:siltalasc@q.com)>, David Camp <[david@laurencamp.com](mailto:david@laurencamp.com)>, Dawn St George <[dawnstgeorge@golondrinas.org](mailto:dawnstgeorge@golondrinas.org)>, "Eugene N. Bostwick" <[gn.bostwick@gmail.com](mailto:gn.bostwick@gmail.com)>, Ivan Trujillo <[itrujillo@louisberger.com](mailto:itrujillo@louisberger.com)>, Jim Strozier <[cp@consensusplanning.com](mailto:cp@consensusplanning.com)>, Joe Ortiz <[joe@joeortiz.com](mailto:joe@joeortiz.com)>, John Ortiz <[coolzxr@netzero.net](mailto:coolzxr@netzero.net)>, Jose Varela-Lopez <[JJVLCHIMEX@aol.com](mailto:JJVLCHIMEX@aol.com)>, "Juan J. Gonzales" <[Dmtzstudio@gmail.com](mailto:Dmtzstudio@gmail.com)>, Kathryn Becker <[taadiin@msn.com](mailto:taadiin@msn.com)>, Kyle Harwood <[kyle@egolflaw.com](mailto:kyle@egolflaw.com)>, "Martin R. Najera" <[ramonnajera302@gmail.com](mailto:ramonnajera302@gmail.com)>, Melissa Garcia <[melissa505g@aol.com](mailto:melissa505g@aol.com)>, Noah Berke <[nberke123@gmail.com](mailto:nberke123@gmail.com)>, "Robert P. Romero" <[robertromero@rocketmail.com](mailto:robertromero@rocketmail.com)>, "Robert R. Tillman" <[rrti@pacbell.net](mailto:rrti@pacbell.net)>, Stan Jones <[stan.jones@earthlink.net](mailto:stan.jones@earthlink.net)>, Sylvia LeMaster <[sylvia3065970@gmail.com](mailto:sylvia3065970@gmail.com)>, Tino Gallegos <[americanspirit@windstream.net](mailto:americanspirit@windstream.net)>, Tom Dixon <[greentractorfarmer@gmail.com](mailto:greentractorfarmer@gmail.com)>, Vincent Marchi <[vmarchi@msn.com](mailto:vmarchi@msn.com)>, Robert Griego <[rgriego@santafecountynm.gov](mailto:rgriego@santafecountynm.gov)>, Paul Olafson <[POlafson@santafecountynm.gov](mailto:POlafson@santafecountynm.gov)>  
**Subject:** RE: LCLCCD Overlay

Rick,

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

-Amy

---

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

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

**To:** Amy M. Rincon

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

**Subject:** Re: LCLCCD Overlay

Amy,

I beg to differ with your interpretation of the direction the committee closed the meeting at. As I recall the meeting ended with the direction that if it was to be a county wide change than using C as opposed to P was acceptable but if it was only for LCLC it would remain as P. I am not in favor of eliminating the PDD column completely, I feel the best thing to do is to leave it as it was with appropriate P designations.

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

Thanks

Rick Dumiak

On Oct 16, 2015, at 4:29 PM, Amy M. Rincon  
<[amrincon@santafecountynm.gov](mailto:amrincon@santafecountynm.gov)> wrote:

La Cienega and La Cieneguilla Planning Committee,

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

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

" LCLCCD PDD (Planned Development District); Purpose. PDDs identified on the initial zoning map may be built out in accordance with their approved master plans including density and uses."

The other option is keeping the proposed PDD column (changes the Permitted to Conditional uses, which would require two public hearings) based on discussions at the last meeting.

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

Have a great weekend.

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

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

**Sent:** Friday, October 16, 2015 10:39 AM

**To:** Amy M. Rincon

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

**Subject:** Re: LCLCCD Overlay

Amy,

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

Is this a county wide change to the use table or just for LC&LC?

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

Sincerely  
Rick Dumiak

On Thu, Oct 15, 2015 at 4:29 PM, Amy M. Rincon

<[amrincon@santafecountynm.gov](mailto:amrincon@santafecountynm.gov)> wrote:

Good afternoon La Cienega and La Cieneguilla Planning Committee members,

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

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

Please let us know if you have any questions.

Amy Rincon  
Community Planner  
Santa Fe County  
[505-992-9857](tel:505-992-9857)

--  
Rick

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

Rick Dumiak  
[rdumiak@gmail.com](mailto:rdumiak@gmail.com)  
505 603 6400

**From:** [Robert R. Tillman](#)  
**To:** [Robert Griego](#)  
**Cc:** [Sarah B. Ijadi](#); [Sarah B. Ijadi](#); [Chrisann N. Romero](#); [Penny Ellis-Green](#); [Erika A. Garcia](#); [Raymar Shaw](#); [Carl Dickens](#)  
**Subject:** Robert R. Tillman/Wyrd Investments, LLC Public Comment Regard Santa Fe County Sustainable Land Development Code  
**Attachments:** [Document #1, Las Lagunitas Homeowners Association Covenants 1-10-97.pdf](#)  
[Document #2, Las Lagunitas Fifth Phase Filing, Sheet 3.pdf](#)  
[Document #3, Letter from Ranch Partners to Nicholas C de Baca regarding Lot 106 Commercial Zoning 9-29-05.pdf](#)  
[Document #4, Letter from Ranch Partners to La Cienega Valley Association Board 11-15-05.pdf](#)  
[Document #5, Letter from Las Cienega Valley Association to Linus Abeyta regarding Lot 106 Commercial Use 1-2-06.pdf](#)  
[Document #6, Lot 106 Retail Commercial Development Site Concept produced by Ranch Partners.pdf](#)  
[Document #7, Lot 106 Clinic Proposal.pdf](#)  
[Document #8, Lot 106 Santa Fe County Assessor Record 42514.pdf](#)

---

Dear Robert,

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

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

Sincerely,

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

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

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

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

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

2. The description of the Commercial Neighborhood (CN) zoning designation exactly fits the situation of

Las Lagunitas Lot 106, to wit: "**Generally, the desired location of these commercial areas is at the periphery, focal point, or a major entrance to one or more neighborhoods, along a minor or subdivision collector or higher roadway classification, or along a major access road at the entrance to or in a focal point of a neighborhood. The size of neighborhood commercial districts will typically be between one and twenty contiguous acres.**" Las Lagunitas Lot 106 is exactly at the corner of Entrada La Cienega and the I-25 frontage road and is approximately 7 acres in size. In fact, there has been much discussion over the years of actually placing a sign at this intersection describing it as the formal entrance to La Cienega.

3. Virtually all of the commercial or community uses ever discussed for this property are covered by the Commercial Neighborhood (CN) zoning designation, including a clinic, a market, a small retail center, a restaurant, etc. Based on my discussions with Raymond Shaw, the President of the Las Lagunitas Homeowners Association, and with Carl Dickens, the President of the La Cienega Valley Association, the community has always assumed that Lot 106 would be developed for commercial use and is generally supportive of such development.

4. Las Lagunitas Lot 106 is not only the best but is also the only viable location for significant commercial activities for the La Cienega community. If Las Lagunitas Lot 106 were zoned residential and a single family house were built on this lot, the La Cienega community would forever lose the potential to locate significant commercial activities at the most convenient spot for the community.

5. Based on my research, there is a long history of discussion and community support for the potential commercial use of Las Lagunitas Lot 106. Below are listed in chronological order (and attached to this email) the documents that detail this history:

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

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

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

**7.17. Subdivision of Lots.** No Lots shall be further subdivided or otherwise partitioned or severed, except for Lot 106, which may be subdivided if allowed by Santa Fe County.

**11.2 Water Wells.** Water wells are located on Lots 23, 75, 102, and 105. These wells and the water rights associated to these wells belong to LLHA. The use and withdrawal of water from and access to these wells is reserved exclusively for LLHA. Water well numbered RG 39419, located on Lot 106, belongs to the owner of Lot 106, and use and withdrawal of water from, and access to, this well is reserved exclusively to the owner of Lot 106. Water well numbered RG-5530, located on Tract C, as

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

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

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

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

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

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

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

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

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

**From:** [Robert R. Tillman](#)  
**To:** [Amy M. Rincon](#); [Rick Dumiak](#)  
**Cc:** [Alonzo Gallegos](#); [Cyril Siltala](#); [David Camp](#); [Dawn St George](#); [Gene Bostwick](#); [Ivan Trujillo](#); [Jim Strozier](#); [Joe Ortiz](#); [John Ortiz](#); [Jose Varela Lopez](#); [Juan J. Gonzales](#); [Kathryn Becker](#); [Kyle Harwood](#); [Martin R. Najera](#); [Melissa Garcia](#); [Noah Berke](#); [Robert P. Romero](#); [Stan Jones](#); [Sylvia LeMaster](#); [Tino Gallegos](#); [Tom Dixon](#); [Vincent Marchi](#); [Robert Griego](#); [Paul Olafson](#)  
**Subject:** FW: Robert R. Tillman/Wyrd Investments, LLC Public Comment Regard Santa Fe County Sustainable Land Development Code  
**Date:** Tuesday, November 03, 2015 4:13:10 PM  
**Attachments:** [Document #1. Las Lagunitas Homeowners Association Covenants 1-10-97.pdf](#)  
[Document #2. Las Lagunitas Fifth Phase Filing. Sheet 3.pdf](#)  
[Document #3. Letter from Ranch Partners to Nicholas C de Baca regarding Lot 106 Commercial Zoning 9-29-05.pdf](#)  
[Document #4. Letter from Ranch Partners to La Cienega Valley Association Board 11-15-05.pdf](#)  
[Document #5. Letter from Las Cienega Valley Association to Linus Abeyta regarding Lot 106 Commercial Use 1-2-06.pdf](#)  
[Document #6. Lot 106 Retail Commercial Development Site Concept produced by Ranch Partners.pdf](#)  
[Document #7. Lot 106 Clinic Proposal.pdf](#)  
[Document #8. Lot 106 Santa Fe County Assessor Record 42514.pdf](#)

---

Dear Amy,

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

Sincerely,

Bob

Robert R. Tillman  
Wyrd Investments, LLC  
14 Sunshine Ave.  
Sausalito, CA 94965  
415-332-9242 Telephone  
415-332-2639 FAX  
415-297-9242 Mobile  
[rtri@pacbell.net](mailto:rtri@pacbell.net)

---

**From:** "Robert R. Tillman" <[rtri@pacbell.net](mailto:rtri@pacbell.net)>  
**Date:** Friday, April 25, 2014 at 9:13 PM  
**To:** Robert Griego <[rgriego@co.santa-fe.nm.us](mailto:rgriego@co.santa-fe.nm.us)>  
**Cc:** Sarah Ijadi <[sijadi@co.santa-fe.nm.us](mailto:sijadi@co.santa-fe.nm.us)>, Sarah Ijadi <[sijadi@santafecounty.org](mailto:sijadi@santafecounty.org)>, <[cnromero@santafecountynm.gov](mailto:cnromero@santafecountynm.gov)>, <[pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov)>, <[eagarcia@santafecountynm.gov](mailto:eagarcia@santafecountynm.gov)>, Raymer Shaw <[rayjoshaw02@gmail.com](mailto:rayjoshaw02@gmail.com)>, Carl Dickens <[cedickens2@yahoo.com](mailto:cedickens2@yahoo.com)>  
**Subject:** Robert R. Tillman/Wyrd Investments, LLC Public Comment Regard Santa Fe County Sustainable Land Development Code

Dear Robert,

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

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

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

Sincerely,

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

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

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

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

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

4. Las Lagunitas Lot 106 is not only the best but is also the only viable location for significant commercial activities for the La Cienega community. If Las Lagunitas Lot 106 were zoned residential and a single family house were built on this lot, the La Cienega community would forever lose the potential to locate significant commercial activities at the most convenient spot for the community.

5. Based on my research, there is a long history of discussion and community support for the potential commercial use of Las Lagunitas Lot 106. Below are listed in chronological order (and attached to this email) the documents that detail this history:

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

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

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

**7.17. Subdivision of Lots.** No Lots shall be further subdivided or otherwise partitioned or severed, except for Lot 106, which may be subdivided if allowed by Santa Fe County.

**11.2 Water Wells.** Water wells are located on Lots 23, 75, 102, and 105. These wells and the water rights associated to these wells belong to LLHA. The use and withdrawal of water from and access to these wells is reserved exclusively for LLHA. Water well numbered RG 39419, located on Lot 106, belongs to the owner of Lot 106, and use and withdrawal of water from, and access to, this well is reserved exclusively to the owner of Lot 106. Water well numbered RG-5530, located on Tract C, as described on the Plat, its use, water rights, and access thereto, belong to the GCIA.

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

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

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

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

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

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

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

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

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



COVENANTS



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

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

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

**Article 1  
Definitions**

**Architectural Committee:** As defined in Article 5.1.

**Articles:** The Articles of Incorporation of the Association.

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

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

**Board:** The Board of Directors of the Association.

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

**Bylaws:** The Bylaws of the Association.

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

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

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

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

**Declaration:** This Revised and Restated Declaration of Covenants.

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

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

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

**LLHA:** The Las Lagunitas Homeowner's Association.

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

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

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

**Open Space:** The same as Common Area.

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

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

**Property:** The property as shown on the Plat.

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

**Subdivision:** Las Lagunitas Subdivision as shown on the Plat.

**Transition Date:** As defined in Article 2.19.

**Article 2**  
**Association**

- 2.1. **Purpose of Association.** The Association has been, or will be, incorporated as a nonprofit corporation to serve as the governing body for all of the Owners for the protection, improvement, alteration, maintenance, repair, replacement, administration and operation of the Property; the assessment of expenses, payment of losses and disposition of casualty insurance proceeds; and other matters as provided in the Declaration, the Articles, Bylaws, Association Rules or Design Guidelines (as more particularly described in paragraph 5.2 below). The Association shall not be deemed to be conducting a business of any kind, and all funds received by the Association shall be held and applied by it for the Owners in accordance with the provisions of the Declaration, the Articles and the Bylaws.
- 2.2. **Board of Directors.** The affairs of the Association shall be conducted by the Board as herein provided and in accordance with the Articles and Bylaws. Except for directors elected by Developer and directors that are employees of Developer, each director shall be a Member. If a director shall cease to meet such qualifications during his term, he will thereupon cease to be a director and his place on the Board shall be deemed vacant.
- 2.3. **Duties and Powers of the President.** The powers of the President shall be as established in the Bylaws. To the extent not prohibited by law, or as otherwise herein expressly limited, the President of the Association may be empowered under the Bylaws to exercise control over the affairs of the Association and to act on behalf of, and bind, the Association in every instance wherein the Association is required or permitted to take any action.
- 2.4. **Board's Determination Binding.** In the event of any dispute or disagreement between or among any Owners, Members, or any other persons subject to the Declaration ("Persons"), relating to the Property, or any question of interpretation or application of the provisions of the Declaration, the Articles, Bylaws, Association Rules or Design Guidelines, the determination thereof by the Board shall be final and binding on each and all of such Owners, Members or Persons in the absence of ruling by a court of competent jurisdiction. The Board, at its election, may delegate the resolution of such dispute or disagreement to the President or a committee appointed by the Board.
- 2.5. **Additional Provisions in Articles and Bylaws.** The Articles and Bylaws may contain any provision relating to the conduct of the affairs of the Association and the right and powers of its directors, officers, employees, agents and Members not inconsistent with law or the Declaration. So long as Developer owns any Property subject to the Declaration, neither the Articles nor the Bylaws may be amended, supplemented or withdrawn without the prior written consent of Developer.
- 2.6. **Association Rules.** The Board shall be empowered to adopt, amend and repeal such rules and regulations as it deems reasonable and appropriate (the "Association Rules"),

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

**2.7. Non-Liability of Officials.** To the fullest extent permitted by law, Developer, the Board, the Architectural Committee, and other committees of the Association and all members thereof, and any officers of the Association, shall not be liable to any Member, Owner, the Association or any other Persons for any damage, loss or prejudice suffered or claimed on account of any decision, approval or disapproval of drawings or specifications (whether or not defective), course of action, act, inaction, omission, error, negligence or the like made in good faith and which Developer, the President, the Board, or such committees or Persons reasonably believed to be within the scope of their respective duties.

**2.8. Easements.** The Board is authorized and empowered to grant upon, across or under real property owned by the Association such permits, licenses, easements and rights-of-way for sewer lines, water lines, underground conduits, storm drains, television cable and other similar public or private utility purposes, security lines, roadways or other purposes as may be reasonably necessary and appropriate for the orderly maintenance, preservation and enjoyment of the Common Areas or for the preservation of the health, safety, convenience and welfare of the Owners, provided that any damage to a Lot resulting from such grant shall be repaired by the Association at its expense.

**2.9. Utility Easements.** Developer hereby reserves for itself, for the Association and its designees, a ten (10) foot easement for the benefit of the Property upon, across, over, through, under, and parallel to each Lot boundary line for ingress, egress, installation, replacement, repair and maintenance of any utility system, for drainage and for services supplied by either Developer or the Association. By virtue of this easement it shall be expressly permissible for Developer and the Association to install and maintain facilities and equipment on such easement, to excavate for such purposes and to affix and maintain wires, circuits, pipes and conduits on and under the Lots. This easement shall be perpetual in duration and in addition to, rather than in place of, any other recorded easements on the Property.

**2.10. Developer's Easement to Correct Drainage.** Developer reserves for itself, for the Association and its designees, a blanket easement and right on, over and under the ground within the Property to maintain and to correct drainage of surface water and other erosion controls in order to maintain reasonable standards of health, safety and appearance. Such right expressly includes the right to cut any trees, bushes or shrubbery, make any grading of the soil, remove pavement, or to take any other similar action reasonably necessary, following which Developer or the Association, as applicable, shall restore the affected Property to its original condition as nearly as practicable. Developer or the Association shall give reasonable notice of intent to take such action to all affected Owners, unless in the opinion of Developer or the Association an emergency exists which precludes such notice. The right granted hereunder may be exercised at the sole option of Developer or the Association and shall not be construed to obligate Developer or the Association to take any affirmative action in connection therewith.

**2.11. Encroachment.** To the extent that any improvements constructed by Developer on or in any Lot encroaches on any other Lot or Common Area for any reason, a valid easement for such encroachment and the maintenance thereof shall exist.

**2.12. Developer's Right to Grant Easement and Extend Utilities.** Developer hereby reserves the right to grant to certain, but not necessarily all, owners of properties developed by Developer in the vicinity of but outside the Property ("nearby properties"), a nonexclusive easement and right to use any and all platted easements for ingress, egress, and utilities and to grant such easements for utilities through property owned by the Association to other properties owned by Developer, whether or not such easements exist at the time of the recording of this Declaration. Additionally, Developer reserves the right to extend the water and sewer systems in the Property to serve such owners of nearby properties whether such systems are owned or not owned by the Association. Any such grant by the Developer to such owners of nearby properties shall be subject to such conditions, limitations and obligations as Developer, in the exercise of its sole and absolute discretion, shall determine; but at a minimum, these conditions shall include payment of its pro rata share of the cost of maintaining, replacing and repairing such easements and water and sewer systems, based on the number of Lots served by, but not necessarily connected to, such systems.

**2.13. Duration of Easements.** All easements reserved herein to Developer shall be perpetual in duration.

**2.14. Accounting.** The Association, at all times, shall keep, or cause to be kept, true and correct records of account in accordance with generally accepted accounting principles, which shall specify in reasonable detail all expenses incurred and funds accumulated from Assessments, as described in Article 4 below, or otherwise. Notwithstanding anything to the contrary herein, the Association's records of account may be kept on a cash accounting basis if the Board so elects, subject to the requirements of applicable law.

2.15. **Records.** Upon reasonable written request and pursuant to procedures established in the Bylaws, the Association shall make the books, records and financial statements of the Association available for inspection by each Owner and Member together with current copies, as amended from time to time, of the Declaration and the Articles, Bylaws, Association Rules and Design Guidelines. Notwithstanding the foregoing to the contrary, until January 1, 2000, the Association shall not be required to make its books and records available for inspection except as required by law. Developer shall be under no obligation to make its own books and records available for inspection by any Owner, Member or other Person. The books and records of the Association may be audited or unaudited as the Board from time to time may determine.

2.16. **Membership in Association.** There shall be one membership in the Association with one membership vote for each Lot in the Property except as provided herein. Such memberships shall be Class A Memberships. Class A Memberships shall be entitled to one vote on each matter to be decided. An Owner shall be entitled to one membership (Class A) in the Association for each Lot he owns so long as he is the Owner of record of the Lot. If the Owner of a Lot is other than one individual or entity, the Owner shall specify in writing to the Association the individual or entity who is entitled to exercise the rights and privileges of the Member of the Association for the Lot. In the absence of such written specification, Assessments and individual charges shall nevertheless be charged against the Lot and Owner thereof, but there shall be no right to cast the membership vote. The Member must be an individual who is either an Owner, or if the Owner is or includes a Person other than an individual, an individual who is a partner, if the Owner is or includes a partnership; or an officer of the corporation, if the Owner is or includes a corporation; or a trustee of the trust, if the Owner is or includes a trust; or an owner of the entity, if the Owner is or includes a Person other than an individual, a partnership, a corporation or a trust. The Member, as so specified, shall be the only Person entitled to vote for the Owner of the Lot at Association meetings and elections. An Owner may change the individual who is the Member for his Lot, provided each such individual is eligible to be a Member hereunder, in such manner and with such frequency, and subject to such reasonable processing fees, as the Board from time to time may permit.

2.17. **Developer's Voting Rights and Assignment Thereof.** Notwithstanding anything to the contrary herein, Developer shall be entitled to any Membership(s) and any votes for each Lot owned by Developer. Such Membership(s) shall be Class B Memberships until the Transition Date, as provided in Section 2.19. As long as Class B Memberships exist hereunder, each Class B Membership shall be entitled to three votes on any matter to be decided for each one vote on the same matter allowed to a Class A Membership. If any lender to whom Developer has assigned, or hereafter assigns, all or substantially all of its rights under the Declaration as security succeeds to the interests of Developer by virtue of such an assignment, the voting rights of Developer provided for in this Section shall not be terminated thereby, and the lender shall hold Developer's memberships and voting rights on the same terms as they were held by Developer pursuant hereto.

2.18. **Pledge of Voting Rights.** Notwithstanding the foregoing, in the event that an Owner has granted an irrevocable proxy or otherwise pledged the voting right appurtenant to his Lot to a Mortgagee as additional security, only the vote of such Mortgagee will be recognized in regard to the matters designated in the proxy or assignment if a copy of such proxy or other instrument pledging such vote has been filed with the Association. In the event that more than one such instrument has been filed, the Association shall recognize the rights of the first Mortgagee to so file, regardless of the priority of the Mortgages themselves.

2.19. **Transition.** Notwithstanding anything in the Declaration to the contrary, until the Transition Date, Developer shall hold a Class B Membership for each Lot owned by Developer, and Developer shall maintain absolute control over the Association, including, but not limited to, amendment of the Articles, appointment of the President, the members of the Board, and the members of the Architectural Committee. Other Owners will be Class A Members and hold a Class A Membership for each Lot owned. Until the Transition Date, only Class B votes will be entitled to be cast with respect to the election of directors to the Board, removal of directors or any other matter requiring the approval of the Members. Notwithstanding the foregoing, prior to the Transition Date, Developer may from time to time (but shall not be required to) allow the Class A members to vote on any or all matters to be decided hereunder (in addition to those specified in the preceding sentence). Any vote permitted by Developer pursuant to the preceding sentence shall not cause the Transition Date to occur and shall not affect or impair Developer's Class B voting rights hereunder. By way of illustration and not limitation, prior to the Transition Date, Developer may from time to time (but shall not be required to) allow the Class A Members to vote on one or more matters as to which the Declaration would require a vote of Members if the decision occurred after the Transition Date. The Transition Date shall be the date when Class B Memberships are irrevocably converted to Class A Memberships. This conversion shall occur automatically on the first to occur of (i) January 1, 2007; or (ii) such date as Developer may elect as provided in the next sentence. Developer voluntarily may (but shall not be required to) cause the conversion of Class B Memberships to Class A Memberships at any time after January 1, 2000.

### **Article 3 Property Rights**

3.1. **Members' Easement of Enjoyment.** Every Member shall have a right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- a. The right of the Association to suspend a Member's voting rights and right to use the Common Area for any period during which any assessment against such Member's Lot remains unpaid; and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations;

b. The right of the Association to dedicate or transfer all or any part of the Common Area to Santa Fe County, or any public agency, public authority, or public or private utility or company providing utility services, for such purposes and subject to such conditions as may be agreed to by the Members. Such purposes may include, but shall not be limited to, the provision of utility easements for utility structures and utility lines such as water tanks, water distribution lines, and electric, telephone, television and cable structures and lines. No dedication or transfer pursuant to the provisions of this paragraph shall be effective unless an instrument signed by two-thirds (2/3) of the Members, agreeing to such dedication or transfer has been recorded;

c. The right of the Association, after notice to a Member, to exclude from the Property any agent, employee or guest of any Member, who the Association determines to be disruptive to the quiet enjoyment of the Property.

3.2. **Delegation of Use.** Any Member may delegate, in accordance with the Bylaws, his right of enjoyment of the Common Area to the members of his family, his tenants, or contract purchasers of a Lot who reside on the Lot. Guests of Members, so long as they are accompanied by a Member, may also use the Common Area.

#### Article 4 Assessments

4.1. **Fiscal Year.** The fiscal year of the Association shall be the calendar year unless otherwise determined by the Board.

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

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

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

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

**4.3. Assessment of Common Expenses.** Subject to the provisions of this Declaration, the total amount of the estimated funds required for the operation of the Association set forth in the budget adopted by the Board and ratified by the Members shall be assessed against the Members. The assessment shall be the same with respect to all the improved Lots, and the assessment against Lots upon which no improvements have been constructed and which are not owned by Developer shall be one-half (1/2) of the assessment against improved Lots. Assessments against Lots upon which no improvements have been constructed and are owned by Developer shall be assessed one-quarter (1/4) of the assessment of improved Lots. There shall be no assessments against any Lots which do not have utilities to the Lot line. For purposes of this paragraph, a Lot will be deemed improved as of the first day of the month in which a building permit for construction of improvements on the Lot is issued, and all assessments described herein shall be prorated, based on the date of improvement of the Lot. In addition to the assessment of common expenses described in this paragraph, the purchasers of any Lot from Developer shall pay a fee of one hundred dollars (\$100.00) to the Association at the closing of the purchase of the Lot. Upon resale, the same amount will be paid to the Association at the closing, by the new purchasers of the Lot.

**4.4. Reserves.** The Board may create and maintain reasonable reserves for working capital, operations, contingencies and replacements. Extraordinary expenditures not originally included in the annual budget which may become necessary during the year shall be charged first against such reserves. If the reserves are inadequate for any reason, including non-payment of any Member's assessment, upon ratification by the Members of an adjusted budget, the Board may at any time levy a further assessment, which shall be assessed against the Members, and which may be payable in a lump sum or in installments as the Board may determine. The Board shall serve notice of any such further assessment on all Members by a statement in writing giving the amount and reasons therefor, and such further assessment shall, unless otherwise specified in the notice, be due with the next periodic payment. All Members shall be obligated to pay the adjusted amount.

**4.5. Effect of Failure to Prepare or Adopt Budget.** The failure or delay of the Board to prepare or adopt a budget for any fiscal year shall not constitute waiver or release in any manner of a Member's obligation to pay his allocable share of the Common Expenses as herein provided whenever the same shall be determined and, in the absence of any annual budget or adjusted budget, each Member shall continue to pay each periodic installment at the rate established for the previous fiscal year until notice of the quarterly payment which is due after such new annual or adjusted budget shall have been delivered to, and ratified by, the Members.

**4.6. Accounts.** Sums collected by the Board with respect to assessments against the Members or from any other source may be commingled into a single fund, provided that all reserves shall be held in a separate account.

4.7. **Payment of Assessments.** Each Member shall pay the Common Expenses assessed by the Board pursuant to the provisions of this Declaration. On or before the first day of January, April, July, and October in each year, each Member shall be obligated to pay the Association one-fourth (1/4) of such assessment. No Member shall be liable for the payment of any part of the Common Expenses assessed against his Lot after the date of recordation of a conveyance by such Member in fee of such Lot, provided notice is given to the Association prior to conveyance. Before or at the time of any such conveyance, all liens, unpaid charges and assessments shall be paid in full and discharged. The purchaser of a Lot shall be jointly and severally liable with the selling Member for all unpaid assessments against the latter for his or her proportionate share of the Common Expenses up to the time of such recordation, without prejudice to the purchaser's right to recover from the selling Member amounts paid by the purchaser therefor. Each Mortgagee who comes into possession of a Lot by virtue of foreclosure or by deed or assignment in lieu of foreclosure, or any purchaser at a foreclosure sale, shall take the Lot free of any claims for unpaid assessments or charges against such Lot which accrue before the time such Mortgagee comes into possession thereof.

4.8. **Collection of Assessments.** The Board may take action to collect any assessment for Common Expenses due from any Member which remains unpaid for more than thirty (30) days from the due date for payment thereof. Any assessment, or installment thereof, not paid within ten (10) days after due shall accrue a late charge in the amount of one and one half percent (1.5%) of the overdue assessment or installment for each month the assessment or installment is unpaid. No Member may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

4.9. **Statement of Assessments.** The Board shall promptly provide to any Member, contract purchaser or Eligible Mortgagee so requesting the same in writing, with a written statement of all unpaid assessments for Common Expenses due from such Member. Such statement shall be furnished within ten (10) business days after receipt of the request and is binding on the Association's Board and every Member. The Board may impose a reasonable charge for the preparation of such statement to cover the cost of preparation.

4.10. **Maintenance, Repair, Replacement and Other Common Expenses.** The Board shall be responsible for the maintenance, repair and replacement of all of the Common Area and Common Area improvements, the cost of which shall be charged to all Members as a Common Expense. If, in the opinion of not less than two-thirds (2/3) of the Board, such expense was caused by the negligence or misconduct of a Member, then such expense shall be assessed against that Member. All repairs and replacements shall be substantially similar to the original construction and installation and shall be of first-class quality. The method of approving payment vouchers for all repairs and replacements shall be determined by the Board.

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

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

The lien for assessment may be enforced and foreclosed in the manner provided by the laws of the State of New Mexico for the foreclosure of mortgages by action in the name of the Board. The plaintiff in such proceeding shall have the right to the appointment of a receiver.

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

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

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

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

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

b. **Liquid Waste Disposal Systems (Sewer).** The Subdivision's liquid waste disposal systems are advanced sewer treatment systems which are designed to remove nitrogen from waste water, helping to protect groundwater from nitrate contamination. Each system has been installed in accordance with the manufacturer's recommendations and approved by a professional engineer at the completion of construction. In order to keep the systems functional and in proper operating condition, a structured maintenance program has been developed in conjunction with the New Mexico Environment Department and the County of Santa Fe. The maintenance program set forth below shall be adhered to by the Association.

i. The Association shall ensure that all provisions and conditions of the Waste Water Discharge Plan approved by the New Mexico Environment Department are complied with, a copy of which is attached hereto as Exhibit A.

ii. The Association shall provide and require that the liquid waste disposal systems (treatment units, leach fields, conveyance system, related components, pipes, etc.) are operated, maintained and inspected on a regular basis (at least monthly) to ensure that all systems are functioning properly and are in good operating condition. The operation, maintenance and inspection program shall be performed, under contract by a qualified operator, licensed and approved by the New Mexico Environment Department ("NMED"). In this regard, the attached Monthly Operation and Maintenance Report form shall be utilized (Exhibit B).

iii. The Developer has contracted with Environmental Monitoring & Testing, LLC, to perform these services with respect to the treatment units for the Association. A copy of the Maintenance Agreement is attached hereto as Exhibit C.

iv. The sewer lines between the treatment units and the lot line of each individual Lot are the responsibility of the Association; however, if such repair or damage is caused by a Member, or their guests or invitees, such Member shall promptly reimburse the Association, upon receipt of an invoice for same, the cost of the repair caused by the Member. The Association will contract with a

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

v. The operation, maintenance, and inspection of any sewer line located within any Lot shall be the responsibility of the owner of the Lot.

vi. At the closing of the purchase of a Lot, each Owner shall be required to read, acknowledge and sign the following:

- (1) Owners Guidelines For Operation (Exhibit D); and,
- (2) Non-Exclusive Easement (Exhibit E).

### **Article 5 Architectural Review**

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

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

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

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

## **Article 6 Building Standards**

### **6.1. General Building Standards:**

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

g. Materials permitted for structures shall include stucco, adobe, brick, natural stone, integrally colored or painted masonry or concrete. This designation of materials does not apply to utility structures and utility lines.

h. Colors for exteriors of structures shall be of earth tones and earth tone hues. This designation of colors does not apply to utility structures and utility lines. In addition, the color white or light beige shall be allowed under portales, porches, or other dark areas and as accent colors, subject to approval by the Architectural Committee.

**6.2 Height Limitations.** The height limitations of all structures shall comply with the height limitations set forth in the Santa Fe County Land Development Code - Terrain Management Standards.

**6.3 Additional Height Limitations.** Additional height limitations are imposed on a portion of Lot 76 and on Lots 77-80. These limitations are as a result of an agreement binding upon Developer, which agreement is set forth in the Special Warranty Deed filed in Book 327 on pages 745 through 748. The restriction limits any structure to a maximum elevation of 6139.1 based on a bench mark shown on the Las Lagunitas Subdivision Preliminary and Final Subdivision Submittal, Sheet 3 of 3, Subdivision Plat of Las Lagunitas Third Filing, as approved by the Board of County Commissioners of Santa Fe County on August 13, 1996.

**6.4 Terrain Management Standards.** All construction on every Lot must be in compliance with the Terrain Management regulations contained in the Extraterritorial Zoning Ordinance. These regulations may restrict and limit the allowable area of the building envelope on each Lot, depending on topography, slope, natural features, wetlands, drainages, etc. It is recommended that Lot Owners seek professional advice in evaluating each Lot's development potential under these regulations.

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

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

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

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

#### **Article 7 Other Restrictions**

7.1. **Insurance Hazards and Waste.** Nothing shall be done or kept on any portion of the Subdivision which will result in the cancellation or increase in the rate of any insurance, without the prior written consent of the Board. No waste shall be committed anywhere on the Subdivision.

7.2. **Nuisances.** No noxious or unreasonable offensive activities shall be carried on and nothing shall be done or placed on the Subdivision which may be or become a nuisance, disturbance, or annoyance to any residents of the Subdivision. This provision shall be liberally construed to include situations which are offensive to reasonable persons, such as the retention or disposal of trash within the Subdivision, retention of junked vehicles or vehicles not in service, loud activities, and activities which produce interference with ordinary television reception including, but not limited to, having improperly tuned HAM or CB reception or transmission stations.

7.3. **No Oil, Quarrying or Mining Operations.** No oil drilling, oil development operations, oil refining, quarrying, mining operations, oil wells, tanks, tunnels, or mineral excavations or shafts shall be permitted within the Subdivision. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted within the Subdivision.

7.4. **Animals.** No animals, including, but not limited to, horses or other domestic farm animals, fowl or poisonous reptiles of any kind, may be kept, bred or maintained on any Lot or upon any Common Area, except a reasonable number of commonly accepted Household Pets in accordance with the Association Rules. No animals shall be kept, bred or raised within the Property for commercial purposes. In no event shall any domestic pet be allowed to run without being constrained by a leash when not on its owner's Lot or conduct itself

*Revised and Restated  
Declaration of Covenants for Las Lagunitas - Page 17*

so as to create an unreasonable annoyance. The Association may require that all such domestic pets be registered with the Association and shall have proof of proper immunization presented with their registration.

7.5. **Tree Removal.** Trees having a diameter greater than four (4) inches or trees more than ten (10) feet from any residence shall not be removed without the prior written approval of the Architectural Committee.

7.6. **Vehicles, Garages.** No vehicle of any type, motorized or otherwise, shall be operated on any Common Area except the roadways. No automobile or other motor vehicles shall be parked on any Common Area. No portion of any improvement which is intended to be used as a garage shall be used or converted for use for any other purpose without the prior written consent of the Architectural Committee.

7.7. **Burning.** No brush, trash or other materials shall be burned.

7.8. **Protection of Wildlife.** In order to protect the naturally occurring wildlife within the Subdivision, the killing or hunting of animals is prohibited.

7.9. **Fences and Walls.** Any fences or walls longer than seventy five (75) feet in the aggregate or higher than six (6) feet at any point are subject to the written approval of the Architectural Committee prior to construction. However, Lot perimeter fences or walls are not permitted, and barbed wire fences are not permitted.

7.10. **Signs.** No signs shall be placed or displayed on any Lot without the prior written consent of the Board and the Architectural Committee, except:

- a. a sign which indicates the name and address of the residents of the Lot;
- b. any sign required by law; and
- c. "For Sale" signs posted by Developer or one (1) standard real estate sign not to exceed 20" x 30" for Lots listed for sale.

7.11. **Tanks.** No tanks, including, but not limited to, butane tanks or water storage tanks shall be allowed in the Subdivision.

7.12. **Wells.** No wells may be drilled on any Lot.

7.13. **Guest Houses.** Except as otherwise specifically allowed in paragraph 6.1.a. above, guest houses are not permitted within the Subdivision.

7.14. **Other Prohibited Structures.** No tents, shacks, trailers, doublewide trailers, campers, motor homes, mobile homes, outbuildings, or garages shall be lived in or used for residence

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

7.15. **Antennae and Cable Television.** No Owner shall construct or otherwise maintain within the Subdivision any external or internal radio or television antennae, saucers, or other reception devices or equipment, except as otherwise permitted by the Architectural Committee as to the location, size, color and screening of such devices or equipment. No Owner shall install any equipment or apparatus which in any way interferes or otherwise impedes the normal reception of radio and/or television transmission signals upon or to other portions of the Subdivision.

7.16. **Storage.** Except for building materials used in connection with and during the term of construction, there shall be no storage of any materials outdoors. No more than one recreational vehicle and no more than one boat may be stored on any Lot. Any recreational vehicle or boat shall be parked in an inconspicuous place. In this connection, the Architectural Committee may require trees or other landscaping to be planted as a condition for allowing storage of the recreational vehicle or boat to continue, so that such parking area is sufficiently screened from other Lots and the Common Area, including the roadways within the Subdivision.

7.17. **Subdivision of Lots.** No Lots shall be further subdivided or otherwise partitioned or severed, except for Lot 106, which may be subdivided if allowed by Santa Fe County.

7.18. **Access.** No Lots may access directly onto any County or frontage road.

7.19. **Solid Waste.** Solid waste removal from all Lots will be handled by a disposal service company contracted for this purpose by the Association. All Lot Owners are required to utilize the designated company for the removal of solid waste from their Lot.

7.20. **Mailboxes.** Developer will install a central mailbox system in the Common Area, in accordance with United States Postal Service regulations. No other mailboxes shall be allowed on the Property.

7.21. **Parking.** No routine parking shall be allowed on any of the roads shown on the Plat. Each Owner must provide sufficient off-street parking for normal household purposes.

## **Article 8 Construction**

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

one (1) year unless an extension is granted by the Architectural Committee which approval shall not be unreasonably denied. Revegetation shall consist of planting or replanting plants indigenous to the area. Lot Owners must maintain a clean and tidy construction site, and shall not allow trash and construction debris to accumulate on or near his Lot. If the Owner fails to remove trash and construction debris after the Architectural Committee has requested such removal, then the Association may cause the trash and construction debris to be removed. The cost of such removal will be levied against the Owner of the Lot. The Committee shall also collect a Construction Deposit Fee of \$500.00, upon approval of the plans, to assure the Owner's compliance with these obligations during the construction period. The Construction Deposit Fee shall be refundable upon final completion and clean up of the site to the satisfaction of the Association.

**8.2. Protection of Vegetation.** Lot owners are responsible for ensuring that during construction all contractors refrain from damaging or removing trees and other vegetation, except as may be reasonably necessary and unavoidable for clearance of a building site and construction of driveways, parking areas and turnarounds. Trees having a diameter greater than four (4) inches or trees more than ten (10) feet from any residence shall not be removed without the prior written approval of the Architectural Committee.

#### **Article 9**

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

**9.1. The Guicu Community Irrigation Association.** La Cienega Joint Venture and the Guicu Community Irrigation Association (GCIA) executed an "Amended Agreement" dated September 15, 1995, and was filed with the Office of the Santa Fe County Clerk on October 2nd, 1995, Book 1204, Page 417. This Agreement shall be incorporated as part of this Declaration and is included herein as Exhibit F. This Agreement binds the LLHA to the following:

- a. The LLHA shall not redesign, divert, change or alter the natural drainage channel of Guicu Acequia water, including, but not limited to, flowing and/or standing water, by enlarging any existing ponds or lakes on the Property, or by constructing any new ponds, lakes, or any man-made water storage project on the Property with water from the Guicu Acequia drainage, or engage in any activity on the Property that adversely affects the rights of GCIA.
- b. The GCIA has the right to enter the Property to make necessary repairs and perform maintenance to the water works including the dam, valve assembly, and piping.
- c. Should the use of effluent water on the Property, or the use of other materials on the Property, including but not limited to, chemicals and fertilizers, result in the water in the Guicu Acequia being in noncompliance with state or federal standards

*Revised and Restated  
Declaration of Covenants for Las Lagunitas - Page 20*

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

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

9.2. **The La Cienega Ditch Association.** La Cienega Joint Venture and the La Cienega Ditch Association (LCDA) executed an "Amended Agreement" dated July 3rd, 1995, Book 1199, Page 491-499. This Agreement shall be incorporated as part of this Declaration and is included herein as Exhibit G. This Agreement binds the Association to specific conditions as set forth therein.

**Article 10**  
**Cultural and Natural Resources**

10.1 **Wetlands.** Much of the Open Space has been designated as wetlands as shown on the Plat. These areas are protected areas under federal law and cannot be developed nor disturbed without the appropriate permits from the Army Corp. of Engineers. The removal or destruction of flora and fauna within wetland areas by any Lot owner is strictly prohibited and subject to a \$1,000.00 fine for each offense!

10.2 **Archaeological Sites.** An archaeological survey conducted for the Property identified 12 archaeological sites numbered 85799-85810. Of the 12 sites, the following 8 sites will remain undisturbed under a conservation easement granted for the preservation of cultural resources. They are numbered below and are shown on the Plat:

85799	85802	85804	85805
85807	85808	85809	85810

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

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

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

**Article 11**  
**Water Restrictive Covenants/Water Wells**

11.1 **Covenants.** All Lots are restricted to a maximum water use of .30 acre/feet (97,755 gallons) per year. Because of our high desert environment and in order to conserve water resources, the following water conservation provisions are imposed:

- a. A maximum of 1,000 square feet of irrigated landscaping shall be permitted per Lot. Of this, a maximum of 500 square feet of low water use native or warm weather grasses shall be permitted on each lot. The balance shall be limited to drip irrigated trees, shrubs and horticultural plants.

*Revised and Restated*  
*Declaration of Covenants for Las Lagunitas - Page 22*

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

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

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

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

**Article 12  
Solar Rights**

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

**Article 13  
Permitted Commercial Activities**

13.1 **General.** Nothing herein shall be construed to prohibit the use of space within a residence for a professional or other office employing not more than one (1) employee or other person who does not reside on such Lot. Any commercial home occupation must, however, obtain prior approval from, and comply with all standards and regulations of, Santa Fe County. No such commercial activity shall substantially increase the flow of traffic to such Lot to a level greater than that normally generated by residential use.

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

**Article 14  
Approval of Construction Sites**

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

**Article 15  
Solid Waste Disposal**

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

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

**Article 16**  
**Common Area Restrictions and Release of Liability**

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

**Article 17**  
**General Provisions**

17.1. **Enforcement.** The Association, or any Member, shall have the right to enforce, by any proceeding at law or in equity, the provisions of this Declaration. Failure by the Association or by any Member to enforce any covenant or restriction shall not be deemed a waiver of the right to do so thereafter. Any condition existing on the Property on the date of recording this Declaration which violates any provision of the Declaration shall be deemed a nonconforming use and shall not be subject to abatement.

17.2. **Severability.** The invalidation of any provision of this Declaration by judgment or court order shall not affect any other provision. Such other provisions shall remain in full force and effect.

17.3. **Amendment.** This Declaration may be amended by an instrument signed by not less than two-thirds (2/3) of the Members. Any amendment shall be effective from the time of recording in the office of the Clerk of Santa Fe County, New Mexico. Any amendment to any provision contained in Article 9 herein shall not be effective without the approval of the GCIA and the LCDA.

17.4. **Right to Notice and Comment.** Whenever the Declaration, Articles, or Bylaws require than an action be taken and at any time the Board determines, the Members have the right to comment orally or in writing. Notice of the proposed action shall be given to each Member in writing and shall be delivered personally or by mail to all Members at such

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

17.5. **Captions.** The captions herein are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of this Declaration of the intent of any provision thereof.

17.6. **Conflict with Bylaws.** If any of the provisions of the Bylaws conflict with any provisions of this Declaration, the provisions of this Declaration will control.

**Ranch Partners Limited Company,**  
a New Mexico limited liability company

By: Ater Development and Consulting Services Ltd. Co.,  
a New Mexico limited liability company

By: David Ater  
David Ater, Managing Member

October 23, 1997  
Date

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

1422135

This Revised and Restated Declaration of Covenants for Las Lagunitas was signed before me on October 22, 1997 by David Ater, as Managing Member of Ater Development and Consulting Services Ltd. Co., Managing Member of Ranch Partners.

Ann O. McCartney  
Notary Public  
My commission expires: 12/5/95

MIS/laslagu5.cov/acm



COUNTY OF SANTA FE 1000, ss 871  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed  
for record on the 24 day of Oct, A.D.  
19 97 at 3:41 o'clock PM  
and was duly recorded in book 1422  
page 109-176 of the records of  
Santa Fe County.

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

Margie Gulson  
Deputy

**EXHIBITS**

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



GARY E. JOHNSON  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Ground Water Protection and Remediation Bureau  
Harold Runnels Building  
1190 St. Francis Drive, P.O. Box 26119  
Santa Fe, New Mexico 87502  
(505) 827-2318 phone  
(505) 827-2965 fax



MARK E. WEIDLER  
SECRETARY

EDGART THORNTON, III  
DEPUTY SECRETARY  
**1422137**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 13, 1996

Hand delivered 8/12/96

Scott McKittrick: *[Signature]*

David Schute: *[Signature]*

Charles W. Robinson, Managing Partner  
La Cienega Joint Venture  
The Ponds Subdivision  
P.O. Box 2224  
Santa Fe, NM 87504

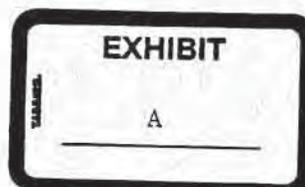
RE: Discharge Plan Approval, DP-1107, The Ponds Subdivision

Dear Mr. Robinson:

Pursuant to Water Quality Control Commission (WQCC) Regulation 3109, the discharge plan application for DP-1107, submitted by Walker Engineering for the discharge of 39,750 gallons per day of domestic wastewater from the Ponds Subdivision is hereby approved, subject to the conditions listed below. The facility is located approximately one half mile south of La Cienega in Section 5, T15N, R02E, Santa Fe County. In approving this discharge plan, the New Mexico Environment Department (NMED) has determined that the requirements of WQCC Regulation 3109.C have been met.

The approved Ponds Subdivision treatment and disposal system is briefly described as follows:

Domestic wastewater from 106 dwellings will be collected in primary septic tanks for solids settling prior to being discharged to 27 Clearstream brand wastewater treatment units and denitrification tanks for treatment. Treated wastewater will be discharged to leachfields for final disposal. The wastewater treatment units will be installed singularly and in clusters of up to 7 units. Each individual unit will treat wastewater from 4 to 7 dwellings. Ground water below the site is at a depth of approximately 25 feet and has a total dissolved solids concentration of approximately 355 milligrams per liter.



1422138

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

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

CONDITIONS FOR APPROVAL

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

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

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

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

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

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

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

The reason for this condition is to comply with WQCC Reg. 3107.

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

1422140

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

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

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

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

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

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

1422141

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

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

#### SPECIFIC REQUIREMENTS

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

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

#### GENERAL DISCHARGE PLAN REQUIREMENTS

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

##### Monitoring and Reporting

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

##### Record Keeping

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

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

1422142

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

Inspection and Entry

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

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

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

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

#### Duty to Provide Information

In accordance with § 74-6-9.B NMSA 1978 and WQCC Regulation 3107.D., the discharger shall furnish to the NMED, within a reasonable time, any relevant information which it may request to determine whether cause exists for modifying, terminating and/or renewing this discharge plan or to determine compliance with this plan. The discharger shall furnish to the NMED, upon request, copies of records required to be kept by this discharge plan.

#### Spills, Leaks and Other Unauthorized Discharges

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

#### Retention of Records

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

#### Enforcement

Failure to grant the Secretary or his authorized representative access to the records required to be kept by this discharge plan or to allow an inspection of the discharge facilities or to the collection of samples is a violation of this discharge plan and the WQCC Regulations. Such violations as well as other violations of the discharge plan, may subject the discharger to a compliance order, a compliance order assessing a civil penalty or an action in district court pursuant to § 74-6-10 NMSA 1978, and/or modification or termination of this discharge plan pursuant to §

74-6-5.1 NMSA 1978. Penalties assessed as part of a compliance order shall not exceed \$15,000 per day for violations of the terms of this permit or the requirements of § 74-6-5 NMSA 1978, and shall not exceed \$10,000 per day for violations of other sections of the Water Quality Act.

Modifications and/or Amendments

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

Other Requirements

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

RIGHT TO APPEAL

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

TRANSFER OF DISCHARGE PLAN

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

PERIOD OF APPROVAL

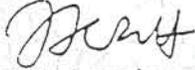
Pursuant to WQCC Reg. 3109.G.4., the term of this discharge plan approval shall commence on the date the discharge begins. Prior to discharging, written notification shall be given to the New Mexico Environment Department stating the date the discharge is to commence. The term of this approval shall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

August 13, 1996  
Charles W. Robinson, DP-1107  
page 9

1422145

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

Sincerely,



Marcy Leavitt, Chief  
Ground Water Quality Bureau

ML:SM/sm

Enclosures: NMED Monitor Well Construction Guidelines  
Monitoring Requirements Summary

xc: James Bearzi, Dist. Manager, NMED Dist. 2

N M ENVIRONMENT DEPARTMENT - GROUND WATER SECTION  
MONITOR WELL CONSTRUCTION AND ABANDONMENT GUIDELINES

Purpose: These guidelines provide minimum construction and abandonment standards for drilled monitor wells which are to be sampled for general chemistry analyses. There may be additional requirements if hydrocarbons or other chemicals are involved. Also different guidelines may apply for other types of well construction such as driven wells.

General Drilling Specifications

1422146

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

Well Specifications (Refer to figure on reverse side.)

1. Use Schedule 40 or heavier PVC pipe, not less than 2 inches ID, as casing. The casing shall extend from the top of the screen to at least one foot above ground surface. The top of the casing must be protected by a cap, and the exposed casing must be protected by a locking shroud. The shroud shall be large enough in diameter to allow easy access for removal of the plastic cap on the PVC casing.
2. Use a minimum 20-foot section of machine slotted or other manufactured screen. A slot size of 0.010-inch generally is adequate for most installations. (No on-site, hack-saw slotting.)
3. The top of the screen shall be 5 feet above the water table, allowing for seasonal fluctuations.
4. The screen section should have centralizers at the top and bottom.
5. The annular space from the bottom of the screen (2 feet below the bottom of the screen if a blank section of casing is placed below the screen) to 2 feet above the screen shall be packed with sand. Clean, medium to coarse sand is recommended. The sand pack should be properly sized to prevent fines in the formation from entering the well. For deeper wells the sand shall be placed by a tremmie pipe.
6. The annular space above the gravel pack shall be grouted or sealed. Pressure grouting with bentonite or cement using a tremmie pipe is preferred. The alternative is to form a bentonite seal by placing bentonite pellets (1/4 or 1/2 inch in size) for at least 2 feet above the gravel pack and proceeding in accordance with Item 7 below.
7. The annular space above the bentonite seal can be filled with drill cuttings, or clean sandy clay or tighter soil to within 10 feet of the ground surface. The remaining 10 feet must be sealed with a bentonite-cement grout seal (two to eight percent bentonite by weight).
8. A two-foot minimum radius, four inch minimum thickness concrete pad shall be poured around the shroud. The concrete shall be sloped that rainfall and runoff flows away from the shroud.

Abandonment: Monitor wells no longer in use shall be plugged in such a manner as to preclude migration of surface runoff or ground water along the length of the well. Where possible, this shall be accomplished by removing the well casing and pumping expanding cement from the bottom to the top of the well using a tremmie pipe. If the casing cannot be removed, the casing shall be ripped or perforated along its entire length if possible, and grouted. Filling with bentonite pellets from the bottom to the top is an acceptable alternative to pressure grouting.

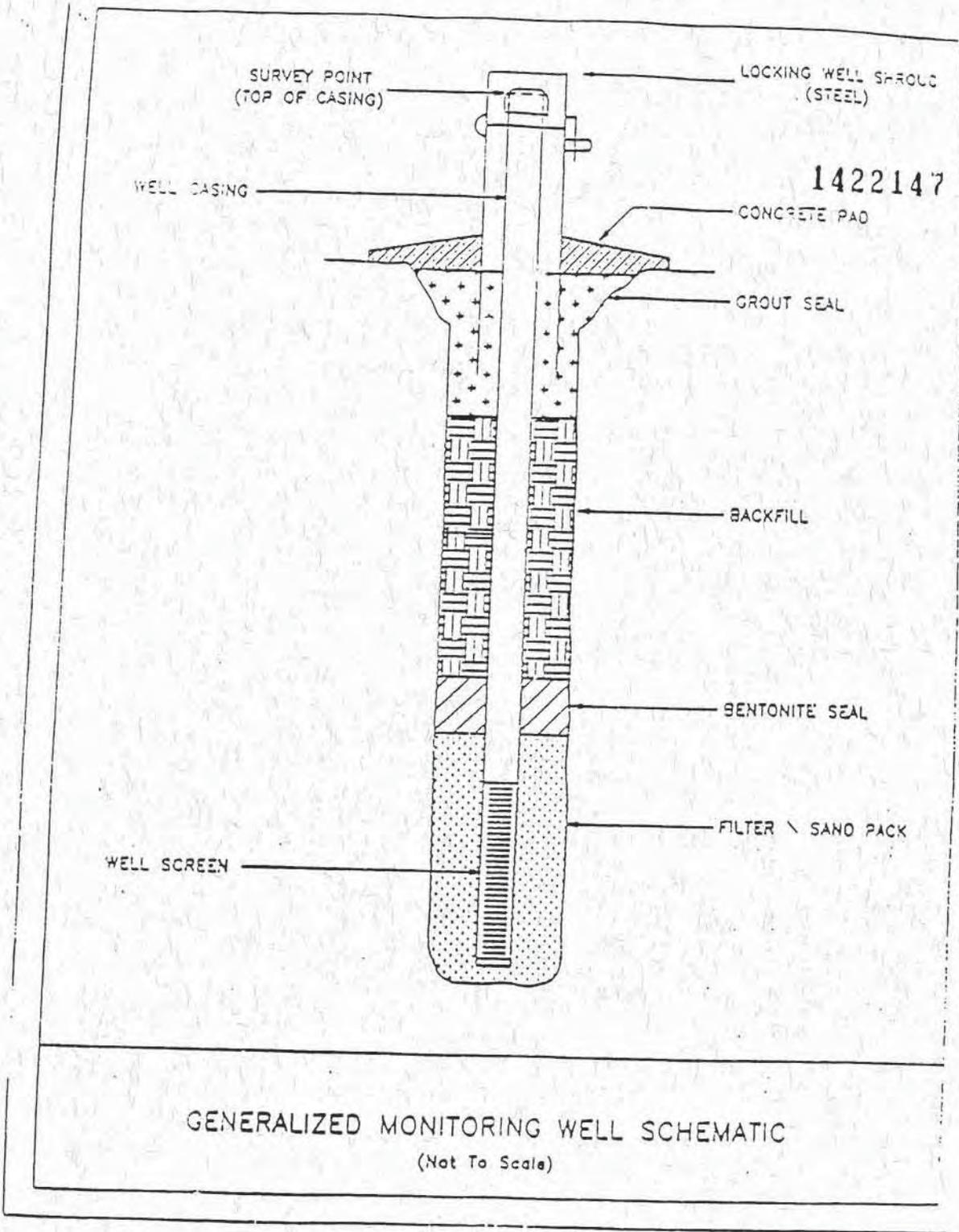
Variances: Requests for variances from these guidelines shall be in writing to the Program Manager, NMED Ground Water Section, 1190 E. Francis Drive, P. O. Box 26110, Santa Fe, NM 87502. Each request shall explain in detail the evidence supporting the request. The GWS approval also shall be in writing.

Signed:



Date: 8/18/92

Ernest C. Rebeck, Program Manager, Ground Water Section



NMED, GROUND WATER SECTION, DISCHARGE PLAN SUMMARY

Discharge Plan Number..... 1107  
Date Report Generated..... 12-AUG-96  
Staff Reviewer..... SCOTT MCKITRICK

1422148

Legally Responsible Party. CHARLES W. ROBINSON MANAGING PARTNER  
438-3146  
Owner..... CHARLES W ROBINSON, MANAGING PARTNER  
LA CIENEGA JOINT VENTURE PO BOX 2224  
SANTA FE NM 87504

Facility..... THE PONDS SUBDIVISION

Primary Waste Type..... DOMESTIC WASTE UNINCORPORATED AREA  
Treatment..... PACKAGE PLANT  
Discharge..... LEACHFIELD TRENCHES  
Discharge Location..... 11 MI. SW OF SANTA FE BETWEEN I-25 & LA  
CIENEGA

Application Received..... 23-APR-96                      Discharge Volume.. 39750 gpd  
Public Notice Published... 12-JUN-96                    Depth to GW..... 25 feet  
Discharge Plan Approved... 13-AUG-96                   TDS..... 355 mg/l  
Discharge Plan Expires.... 13-AUG-01

Monitoring Reports due.... 31-JAN 30-APR 31-JUL 31-OCT

<u>Sampling Category</u>	<u>Annual Frequency</u>	<u>No. of Sites</u>	<u>Sampling Description</u>
1	4		water level measured prior to sampling each monitor well
5	4		nitrate as nitrogen and TKN analyzed for each monitor well and each treatment unit effluent
3	4		chloride and TDS analyzed for each monitor well and each treatment system effluent
12	4		fecal coliform (presence/absence) analyzed for each monitor well

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

Send All monitoring reports or correspondence to: SCOTT MCKITRICK  
Ground Water Pollution  
Prevention Section  
Environment Department  
P.O. Box 26110  
Santa Fe NM 87502  
(505) 827-2900

AMENDMENTS TO DISCHARGE PLAN  
DP-1107, THE PONDS SUBDIVISION

1422149

Scott McKittrick  
Ground Water Protection Unit  
P.O. Box 26110  
Santa Fe, NM 87502

Dear Mr. McKittrick,

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

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

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

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

Respectfully submitted,

# MONTHLY OPERATION AND MAINTENANCE REPORT

UNIT NUMBER	DATE
LOCATION	
OWNER NAME	142215i
DATE INSTALLED	

**OBSERVATIONS:**

ODOR	
COLOR	
TURBIDITY	
NOISE	
FOREIGN MATERIAL	
GREASE	
OTHER	

**ANALYSIS:**

**INFLUENT**

FLOW	SAMPLE	BOD	TSS	TKN
(gpd)	(T/ps)	(mg/l)	(mg/l)	(mg/l)

**EFFLUENT**

TIME	TEMP	pH	DO	BOD	TSS	TKN	NITRATE	TDS	CHLORINE	COLIFORM
(Sampled)	(Fahrenheit)	(Std Units)	(mg/l)	(mg/l)	(mg/l)	(mg/l)	(mg/l)	(mg/l)	(mg/l)	(MPN/100 ml)

**MAINTENANCE PERFORMED:**

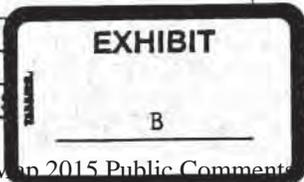
CLEAN FILTERS ON AERATOR	
BREAK UP SCUM IN CLARIFIER	
BACKWASH TERTIARY FILTER	
INSPECT DIFFUSERS	
INSPECT RECIRCULATION PUMP/TIMER	
INSPECT DISTRIBUTION BOX	
RECHARGE CHLORINATOR	
TRIGGER AUTO DIALER	TIME

**REPAIRS:**

PUMP PRIMARY TANK
PUMP AERATION BASIN
REPLACE COMPRESSOR
REPLACE DIFFUSER
REPLACE RECIRCULATION PUMP

**REMARKS:**

**SIGNATURE:**



1422152

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

MAINTENANCE AGREEMENT

Owner: Ranch Partners Ltd. Co.

Address: P.O. Box 1052  
Santa Fe, NM 87504

Phone Number: (505)983-4080

Model #: 1500 NX (7)

Installation Date: June, 1997

Unit #: \_\_\_\_\_

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

1. RECITALS

A. RPLC or its assigns has the responsibility for operation, maintenance, and inspection of the above referenced wastewater treatment system (hereinafter referred to as "SYSTEM"), consisting of various components and any other related accessories that may be part of the wastewater treatment process. System does not include transport lines nor manholes from households. The SYSTEM is located at Las Lagunitas Subdivision and is identified as Clear Springs Units 1 - 7.

B. EMT is engaged in the maintenance, inspection, and servicing of wastewater treatment systems.

C. Owner desires EMT to perform certain duties as herein set forth. EMT is ready, willing, and able to perform said duties for consideration, and under the terms and conditions set forth in this agreement.

D. In the event OWNER files for protection under U.S. bankruptcy law, or ceases to exist, responsibility for performance under this contract shall revert to the individual owners of the properties served by each treatment system.

2. TERM OF AGREEMENT



A. The term of this agreement shall commence on the date SYSTEM is placed in service. Owner agrees that this service agreement shall be operative for the life of the SYSTEM. This agreement shall be binding upon Owner's and Maintenance Entity's successors or assigns.

B. This agreement may be terminated by the parties hereto in the event either party has substantially defaulted in the observance or performance of any of its obligations as required by this agreement and such default continues following 30 day written notice of the default to the defaulting party. Upon termination both parties agree to notify the appropriate authorities of the change in operational responsibility for the system.

### 3. DUTIES OF OWNER

A. RPLC agrees to use its best efforts to comply with all the guidelines for proper SYSTEM operations as set forth in Owner's Guidelines for Operation (Exhibit A).

B. In the event of a mechanical failure of the SYSTEM unit, Owner agrees to use its best efforts to implement water conservation methods until such time as the System is again operational but in no case shall this exceed 24 hours. OPERATOR agrees to notify OWNER if such measures need be undertaken.

C. Owner agrees to grant and convey to EMT, or its assigns, and State and local health officials, and their successors, an easement for maintenance and monitoring (Exhibit B).

D. Should the ownership interest in the property change, it is the Owner's responsibility to notify EMT of the new Owner's name and address.

E. Owner agrees to pay for all testing required to comply with the Ground Water Discharge Plan in effect for the subdivision.

F. Owner agrees to provide maintenance entity access to office space sufficient to maintain on-site records as required in Discharge plan. Owner also agrees to provide lockable enclosed storage area at least 10' x 10'. Maintenance entity agrees to maintain a supply of replacement parts on site to mitigate circumstances in item 3 B above.

### 4. DUTIES OF MAINTENANCE ENTITY

A. EMT, or its authorized agent will inspect and adjust SYSTEM according to manufacturer's recommendations.

B. EMT, or its authorized agent, will periodically take samples for testing as may be required by the Discharge Plan to assure the performance of the SYSTEM.

C. EMT will provide emergency repair capability to owner.

D. EMT will report to Owner each defect or problem observed in the course of its inspections and make recommendations for repair or replacement, as

necessary. EMT will furnish materials and labor necessary for such repair or replacement during warranty period. Materials and labor after warranty period will be provided at Owner's expense.

E. EMT will consult with any and all state and local officials having jurisdiction over installation when requested by such officials.

F. EMT will maintain all records required by the Discharge Plan.

G. EMT shall maintain monthly operation and maintenance reports as provided in Exhibit C.

H. Maintenance does not include pumping and disposal of septage.

#### 5. COST OF INSPECTION AND MAINTENANCE

A. The cost of the basic inspection and maintenance is \$10 per household per month (\$\_\_\_\_\_ per year) plus New Mexico Gross Receipts Tax payable as per C. below. Costs thereafter will be established annually by Owner and EMT, provided however that any increases for similar activities shall not exceed increases in the annual Cost of Living index as published by the U.S. Government. Changes in Federal, State, or local regulatory requirements that increase costs or changes in the required scope of work shall be passed along to Owner. Maintenance entity agrees to notify OWNER in writing as soon as Maintenance entity becomes aware of any such changes in regulations.

B. All repairs not covered by warranty will be billed at rates in effect at the time of repair. Maintenance entity agrees to provide OWNER a list itemizing the costs of components used in the system and its hourly rate for repairs - a sample of which is attached hereto.

C. Payment of this contract is to be made for the initial year of service at the time this agreement is signed and the SYSTEM is operational. All contract payment periods run with the calendar year and are prorated. Contracts initiated during the final quarter of any year shall include the remaining months of the final quarter and one full year. Successive years will be paid on January 1st. Owner will be billed at least 30 days prior to the date payment is due.

D. Any fees due EMT unpaid after 30 days shall constitute a lien upon the real estate served by this wastewater treatment unit.

#### 6. MISCELLANEOUS

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

B. The legal description of the property on which the wastewater treatment



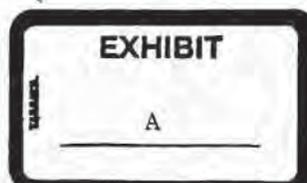
## OWNER'S GUIDELINES FOR OPERATION

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

A. There shall be no discharge of any storm water, surface water, roof runoff, or subsurface drainage to the system.

B. In order for Las Lagunitas to stay in compliance with its Ground Water Discharge Plan homeowners should use their best efforts to assure that none of the following described waters or wastes be discharged into any Clearstream unit:

1. Any gasoline, kerosene, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any organic solvent or any liquid containing any organic solvent.
3. Any paints, paint thinners, paint removers, or strippers.
4. Any photographic fluids including waste developer, fixer, and rinse water.
5. Any pesticide, including insecticides, fungicides, rodenticides, and herbicides any sort.
6. Any wastes or water containing toxic poisonous solids, liquids, or gases. These products will interfere with the sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, and create a hazard in the ground water.
7. Any waters having a pH higher than 9.5 or lower than 5.5 (Water is pH 7-pH 9.5 is more than 100 times more caustic than water and ph 5.5 is more than 100 time more acidic than water - if you have any doubts please call us at 1(800)980-9898.
8. Solid or viscous substances in quantities capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works as required by the Discharge Plan such as, but not limited to, ash, cinders, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, flesh, entrails, condoms, tampons, cigarette butts and paper dishes, cups, milk containers, etc., either whole or in parts.
9. Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in such amounts which may become viscous and solidify in the lines causing stoppage.
10. Toilet bowl fresheners.
11. Garbage grinders and disposals are not recommended for use with Clearstream wastewater systems.



## OWNER'S GUIDELINES FOR OPERATION

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

A. There shall be no discharge of any storm water, surface water, roof runoff, or subsurface drainage to the system.

B. In order for Las Lagunitas to stay in compliance with its Ground Water Discharge Plan homeowners should use their best efforts to assure that none of the following described waters or wastes be discharged into any Clearstream unit:

1. Any gasoline, kerosene, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any organic solvent or any liquid containing any organic solvent.
3. Any paints, paint thinners, paint removers, or strippers.
4. Any photographic fluids including waste developer, fixer, and rinse water.
5. Any pesticide, including insecticides, fungicides, rodenticides, and herbicides any sort.
6. Any wastes or water containing toxic poisonous solids, liquids, or gases. These products will interfere with the sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, and create a hazard in the ground water.
7. Any waters having a pH higher than 9.5 or lower than 5.5 (Water is pH 7-pH 9.5 is more than 100 times more caustic than water and ph 5.5 is more than 100 time more acidic than water - if you have any doubts please call us at 1(800)980-9898.
8. Solid or viscous substances in quantities capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works as required by the Discharge Plan such as, but not limited to, ash, cinders, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, flesh, entrails, condoms, tampons, cigarette butts and paper dishes, cups, milk containers, etc., either whole or in parts.
9. Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in such amounts which may become viscous and solidify in the lines causing stoppage.
10. Toilet bowl fresheners.
11. Garbage grinders and disposals are not recommended for use with Clearstream wastewater systems.

**EXHIBIT**

D



AMENDED AGREEMENT

1422159

THIS AMENDED AGREEMENT (the "Agreement") is entered into and effective, as of the 15 day of SEPT. 1995, between RANCH PARTNERS (hereinafter referred to as the "Partnership"), and the GUICU COMMUNITY IRRIGATION ASSOCIATION, a body corporate together with its members (hereinafter collectively referred to as "Guicu").

RECITALS

WHEREAS, the Partnership, owns and intends to develop the La Cienega Ranch as the Cottonwood Ranch Subdivision (the "Property"); and

WHEREAS, on July 23, 1973, the District Court of the First Judicial District of the State of New Mexico, County of Santa Fe, entered a Final Judgment (the "Judgment") in the action entitled GUICU COMMUNITY IRRIGATION ASSOCIATION et al. vs. BROWN et al., Cause No. 40875 (the "Action"), which Judgment was affirmed by the Supreme Court of the State of New Mexico on June 25, 1975, Cause No. 10176 (the Judgment, and the Supreme Court affirmation of the Judgment are attached to this Agreement as Exhibits A and B, respectively).

WHEREAS, the Judgment determined certain water rights of Guicu and of the defendants in the Action who, with respect to the Property, were the predecessors in title to the Partnership.

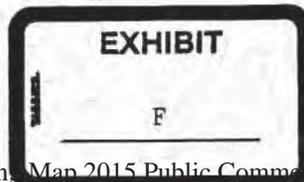
WHEREAS, the Partnership is the successor or assignee in interest to the defendants in the Action with respect to the rights adjudicated by the Judgment.

WHEREAS, the Partnership desires to develop the Property so as not to adversely affect the water rights of Guicu adjudicated by the Judgment.

WHEREAS, by this Agreement, the parties desire to protect the water rights of Guicu and its collective successors and assigns.

WHEREAS, by this Agreement, the parties desire to address certain matters that were not addressed in the Action or by the Judgment in order to ensure the water rights of Guicu.

WHEREAS, the parties desire that this Agreement should



restate, amend, and supersede all prior agreements and understandings between the parties relating to the subject matter of this Agreement, including, without limitation, that certain Agreement between the parties dated March 24, 1992 and filed in the Records of Santa Fe County in Book 801, pages 705-724 (the "3/24 Agreement"), as amended by that certain First Amendment To Agreement Dated March 24, 1992 between the parties dated July 31, 1992 and filed in the Records of Santa Fe County in Book 844, pages 006-011 (the "7/31 Agreement"), and the amended and restated Agreement dated April 28, 1993 and filed in the Records of Santa Fe County in Book 944, pages 093-118.

#### AGREEMENT

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

1. The water rights adjudicated by the Judgement are not to be contradicted, amended, altered or changed in any manner as a result of this Agreement, and, if this Agreement, in any manner, contradicts, amends, alters or changes the Judgement, then, to that extent, this Agreement shall be void and of no effect and the terms of the Judgement shall prevail.

2. The Guicu shall, if it prevails in any litigation, recover from Partnership all of its costs, attorneys' fees and related expenses that may be necessary in the event Guicu must institute an action in any court in the future against Partnership or its successors and assigns to enforce the provisions of this Agreement or the aforementioned Judgement.

3. This Agreement creates a covenant running with the Property, and shall be filed of record with the County Clerk of Santa Fe County, State of New Mexico.

4. This Agreement shall be binding upon, and shall inure to the benefit of Guicu, its successors and assigns, and the

Partnership, its successors and assigns in and to the Property.

5. Because the center valve in the dike referred to in paragraph 6 of the Judgment (the "Center Valve") has never been reasonably operable to provide the direct and efficient entry of waters into the acequia operated by Guicu (the "Guicu Acequia"), on or before June 30, 1995, the Partnership shall restore the Center Valve to an operational condition acceptable to Guicu and approved in writing by Guicu.

6. Only the Guicu Mayorlono or his designee shall have authority to operate the Center Valve.

7. Assuming (which Guicu does not admit) that the Partnership has rights to maintain a 2.9 acre surface area pond on the Property (shown as Tract 22.1 on Map Sheet No. 11 of the Santa Fe River Hydrographic Survey, Volume 1, 1976), then within six months after Final Plat Approval of the Project by Santa Fe County, the Partnership shall dredge and deepen the existing 2.9 acre surface area pond on the Property and otherwise perform maintenance on the pond, but such dredging, deepening, and maintenance shall not interfere with continued direct and efficient water flow from the source spring waters for the Guicu Acequia through the Center Valve. The Partnership shall, in a timely manner, comply with any past, present or future determinations of the Office of the New Mexico State Engineer or District Court regarding the Guicu Acequia and/or such 2.9 acre surface area pond.

8. The Partnership shall provide to Guicu such written record, plat and other necessary information as was determined by Guicu to be necessary to reflect which water rights exist in the Partnership's name, and which water rights have been retired or transferred by the Partnership, its predecessors or successors in interest. The water rights appurtenant to the property owned by Ranch Partners are described in the letter to David Schutz from Dennis Cooper, dated May 24, 1991. That letter and the accompanying Hydrographic Survey Map are included as Exhibit C.

9. The Partnership has provided to Guicu an aerial photograph satisfactory and acceptable to Guicu of those sections of the

Property that include the Guicu Acequia.

10. The Partnership shall not redesign, divert, change or alter the natural drainage channel of Guicu Acequia water, including, but not limited to, flowing an/or standing water, by enlarging any existing ponds or lakes on the Property, or by constructing any new ponds, lakes, or any man-made water storage project on the Property with water from the Guicu Acequia drainage, or engage in any activity on the Property that adversely affects the rights of Guicu as determined by the Judgement.

11. The Guicu has the right to enter the Property to make necessary repairs and perform maintenance to the water works including the dam, valve assembly, and piping.

12. Should the Partnership's use of effluent water on the Property, or the Partnership's use of other materials on the Property, including, but not limited to, chemicals and fertilizers, result in the water in the Guicu Acequia being in noncompliance with state and federal standards for the water quality of Guicu's irrigation water, the Partnership shall be responsible for bringing the resultant Guicu Acequia water quality into full compliance with all state and federal standards in a timely manner at the Partnership's expense, or the Partnership immediately shall halt the operation of Partnership's activities which are causing the Guicu Acequia water to be in noncompliance with state and federal standards for water quality. At a minimum, the water quality in the Guicu Acequia shall be maintained in the manner as described below:

- Grading will direct storm water drainage away from the ponds, and sufficient free board (distance between the pond surface and dike surrounding pond) will be designed into the ponds to prevent overflow from heavy rains.

- Effluent waters used for irrigation will satisfy state and federal standards for water quality, which includes limiting nitrate levels to 10 parts per million or less.

13. Within 6 months after the Final Plat Approval for the

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

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

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

17. The partnership will contribute Five Hundred Dollars (\$500.00) to the Guicu for every lot sold within the Project. The per lot contribution will be dispersed to the Association upon the closing of each lot by the closing agent. The funds shall be used to help defray reasonable and appropriate costs to benefit the Guicu Ditch as authorized and approved by the Association.

18. The Partnership agrees that the waters flowing from the ponds, springs, acequias and the creek shall not be used for irrigation purposes within the property. However, nothing in this paragraph shall preclude nor prohibit domestic irrigation from the community water system or from treated effluent for normal household irrigation of trees, gardens and landscaping or other uses within the subdivision as allowed under the covenants and restrictions.

19. The Partnership and the Guicu agree to continue a good faith dialogue as to the final disposition of the water rights owned by the Partnership now appurtenant to the Property.

20. The Partnership shall allow the Mayordomo or his designee reasonable vehicular entry to access the Center Valve as a matter of convenience.

21. To prevent the unauthorized operation of the Center Valve, on or before July 30, 1995, the Partnership shall wire enclose the valve wheel with an appropriate locking device to prevent unauthorized operation of the center valve. The key to such locking device shall remain in the custody of the Mayordomo.

22. The Guicu does not object to fishing of the 2.9 acre pond by residents and guests of the Cottonwood Ranch Subdivision on a limited basis provided that such activities do not adversely impact the use of the water for irrigation purposes by the Guicu. It is understood by both parties that the use of water from the pond for irrigation has exclusive priority over fishing and boating activities and, from time to time, as water is drained from the pond by the Guicu for irrigation purposes the surface area of the

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

23. The Guicu shall refrain from opposing any aspect of the Cottonwood Ranch project during the approval process by Santa Fe county and state reviewing agencies unless it adversely affects Guicu. The Guicu shall refrain from opposing any water right application filed by the Partnership with the State Engineer to transfer its water rights which exist on the property to wells on the property in conjunction with Partnership's development of a community water system to serve the project.

24. A 25' water utility easement shall be provided outside of and bordering the south property line of Lot 13.

25. The Partnership stipulates and agrees that this Agreement shall become part of any requirements for any permit or development approval before any county board or commission from which Partnership may or must seek permission to develop the Property. The Partnership and Guicu hereby waive any objection they might have to this Agreement before any county board or commission.

26. The Partnership and Guicu agree that any successor and/or assign of its interest in the Property which is the subject matter of this Agreement shall be made to execute this Agreement in conjunction with any transfer of the Partnership's or Guicu's interest; but if such execution does occur, this Agreement nevertheless shall be binding on the respective successors and the assigns of the Partnership and Guicu.

27. The Partnership agrees to provide Guicu, on or before January 1 of each year, with the current names and addresses of the Partnership's partners, their successors and assigns.

28. This Agreement cannot be amended except in writing and any amendment must be executed by the parties hereto or their successors and assigns.

29. This Agreement constitutes the entire agreement of the

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

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

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

Charlie DeBaca  
Mayordomo

Eddie Gonzales  
Commissioner Eddie Gonzales

Tom Dixon  
Commissioner Tom Dixon

Richard CdeBaca  
Commissioner Richard Cde Baca

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 15th DAY OF September, 1995, BY CHARLIE CdeBACA - EDDIE GONZALES - Tom Dixon - RICHARD CdeBACA

Juanita L. Cleburn  
NOTARY

MY COMMISSION EXPIRES: 11-29-95



1422167

RANCH PARTNERS

*Charles W. Robinson*  
Charles Robinson

*Jim Otis*  
Jim Otis

*Luther Hodges*  
Luther Hodges

Notary: *Carlene M. Rawles*  
Date: *12-20-97*



920-240  
COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
I hereby certify that this instrument was filed for  
record on the 2nd day of Oct. A.D.  
1997 at 5:10 o'clock P. m. and  
was duly recorded in book 1204 page  
41 of the records of Santa Fe County.  
425 Witness my Hand and Seal of Office  
Jona G. Armijo  
County Clerk, Santa Fe County, NM  
*Rebecca Martinez*

## AMENDED AGREEMENT

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

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

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

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

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

WHEREAS, the Partnership desires to support the Association in its efforts to improve its water supply; and,

**EXHIBIT**

G

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

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

1.01. Contribution to La Cienega Ditch Association. The Partnership will contribute Five Hundred Dollars (\$500.00) to the Association for every lot sold within the Project. The per lot contribution will be dispersed to the Association upon the closing of each lot by the closing agent. The Partnership anticipates that these funds would be paid to the Association over a period of years as the Project develops.

1.02. Use of Funds. The funds described under paragraph 1.01 may be used for the following purposes:

1. To help defray the costs of a supplemental well proposed by the Association;
- or
2. To help defray reasonable and appropriate costs to necessary ditch improvements to benefit the La Cienega Ditch as authorized and approved by the Association.

1.03. Advance of Funds. If the Association: 1) acquires funding for the development of its supplemental well, 2) receives all necessary easements and permits for the development of the supplemental well prior to the sale of all lots within the subdivision, 3) the Association desires to proceed with construction of the supplemental well and pipeline, and 4) the Association requires additional funding to complete the supplemental

well, then in that event, the Partnership will advance up to Thirty Thousand Dollars (\$30,000.00) of the funds described in paragraph 1.01 above to the Association for such purpose, provided the contingency described in paragraph 2.06 below has been satisfied and the Association has given satisfactory evidence that it has received the approvals and funding required to complete the development of the supplemental well. Any and all advances will be credited to the Partnership's agreement to make contributions as described in paragraph 1.01 above. After advances totaling Thirty Thousand Dollars (\$30,000.00) made by the Partnership, the remaining funds due the Association shall be paid as lots are sold.

1.04. The Partnership and the Association agree to continue a good faith dialogue as to the final disposition of any caused water rights owned by the Partnership now appurtenant to the Project.

1.05. Crossing Under Interstate 25. The Partnership and the Association will cooperate in an effort to obtain Santa Fe County Water Company approval for a single crossing under I-25 to accommodate the requirements of both parties.

1.06. Association Commitments.

1.06.01 The Association shall refrain from opposing any aspect of the Cottonwood Ranch project as currently proposed during the approval process by Santa Fe County and at all hearings and meetings before the CDRC and the BCC and state agencies.

1.06.2 The Association shall refrain from opposing any water right application filed by the Partnership with the State Engineer to transfer its water rights which exist on the Project to wells on the Project in conjunction with the Partnership's development of a community water system to serve the Project.

*Amended Agreement  
Page 33*

2.01. Entire Agreement; Legal Fees. Association shall, if it prevails in any litigation, recover from the Partnership and of its attorneys' fees and related expenses that may be necessary in the event the Association must institute an action in any court in the future against the Partnership or its successors and assigns to enforce the provisions of this Agreement.

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

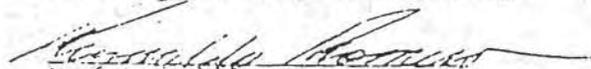
2.03. Binding Effect and Merger. This Agreement shall be binding on the Partnership and the Association and all successors and assigns to the Partnership and the Association. All other previous agreements, representations and understandings, either written or oral, are merged in this Agreement, and unless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

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

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

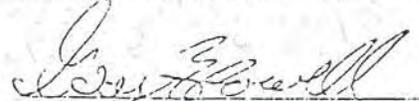
2.06. Contingency. All of the agreements contained in this Agreement are conditioned upon and subject to the Partnership receiving all the necessary approvals for the Cottonwood Ranch subdivision as filed, including the recording of at least one phase of the Project. If said approvals are not obtained,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

LA CENEGA DITCH ASSOCIATION

  
Reynaldo Romero, Mayordomo

  
Oliver C de Baca, President

  
Bennie Romero, Commissioner

  
Grey Howell, Commissioner

RANCH PARTNERS

  
Chad Robinson

  
Jim Ouis

  
Luther Hodges

ACKNOWLEDGMENT

1422173

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

The foregoing Agreement was acknowledged before me on the 3rd day of July, 1995,  
by Reynaldo Romero (Mayordomo), Oliver C. de Baca (President), Bennie Romero  
(Commissioner), and Grey Howell (Commissioner), all on behalf of the La Cienega Ditch  
Association in their capacities as shown above.



*Mary Ann S. Soto*  
\_\_\_\_\_  
Notary Public  
Mary Ann S. Soto

Amended Agreement  
Page 6

1422174

ACKNOWLEDGEMENT

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

The foregoing instrument was acknowledged before me by Charles Robinson, as  
General Partner of Ranch Partners, on this the 7<sup>th</sup> day of July, 1995.

*Charles W. Newlin*  
Notary Public



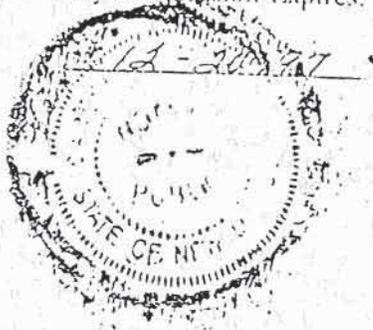
*Amended Agreement*  
*Page -7-*

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

The foregoing instrument was acknowledged before me by Jim Otis, as General Partner of Ranch Partners, on this the 2<sup>nd</sup> day of July, 1995.

Cherene M. Powell  
Notary Public

My Commission Expires:



*Amended Agreement*  
*Page 8*

ACKNOWLEDGEMENT

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

1422176

The foregoing instrument was acknowledged before me by Luther Hodges, as  
General Partner of Ranch Partners, on this the 3<sup>rd</sup> day of July, 1995.

*Carlene M. Hanks*  
Notary Public



91 - 328

COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed  
for record on the 15 day of July  
19 95, at 10:48 o'clock A. m.  
and was duly recorded in book 1190  
page 491-499 of the records of  
Santa Fe County.

Witness my Hand and Seal of Office  
Jona G. Armijo  
County Clerk, Santa Fe County, N.M.

*Mary B...*  
000

Amended Agreement  
Page 4-

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY that this plat is an accurate delineation of the survey computed under my direction on 20 March 2016, which computations comply with the provisions of the laws of New Mexico and that it meets the minimum standards for subdivision surveys.

James F. Bolivar  
Surveyor No. 0280  
P.O. Box 11577  
Santa Fe, NM 87508

**SCALE 1"=100'**

- Indicates 12.500' brass iron found in place
- Indicates 12.500' brass iron found in place
- Indicates corner found in place (corner stake 24x32 unless noted)
- Indicates proposed lot of this survey for all corners and points of curvature to be marked with a copper nail
- Indicates point on the center line of an easement
- Indicates well
- Indicates fence
- Indicates gas line located by utility
- Indicates unmarked well, but in use
- Indicates utility of water
- Indicates base line direction
- Indicates curve number, size, curve table
- Indicates unobstructed preservation easement (see site right)

**SANTA FE COUNTY NOTES AND CONDITIONS:**

The approval of this plat does not include the construction of the private easements or roads shown herein. Plans for such construction, if it is required, shall be submitted to the Santa Fe County Land Use Administrator.

Responsibility of private roads and utility sewer system is the responsibility of the Lot Liquefaction Homeowners Association.

These lots are subject to existing easements filed in Book 1827, on page 665-665, Santa Fe County Clerk's Office.

Tracts shown herein do not include 100 year Flood Hazard area or the FEMA Flood Insurance Rate Map series 4 Nov. 2004, Community Profile No. 35088 0225 2 0 330209 0334 & the 100 year Flood Hazard area shown thereon. From a study by Terra Engineering Consultants, Inc. completed during 2009.

The approval of this plat does not constitute the approval of any further development, including building permits.

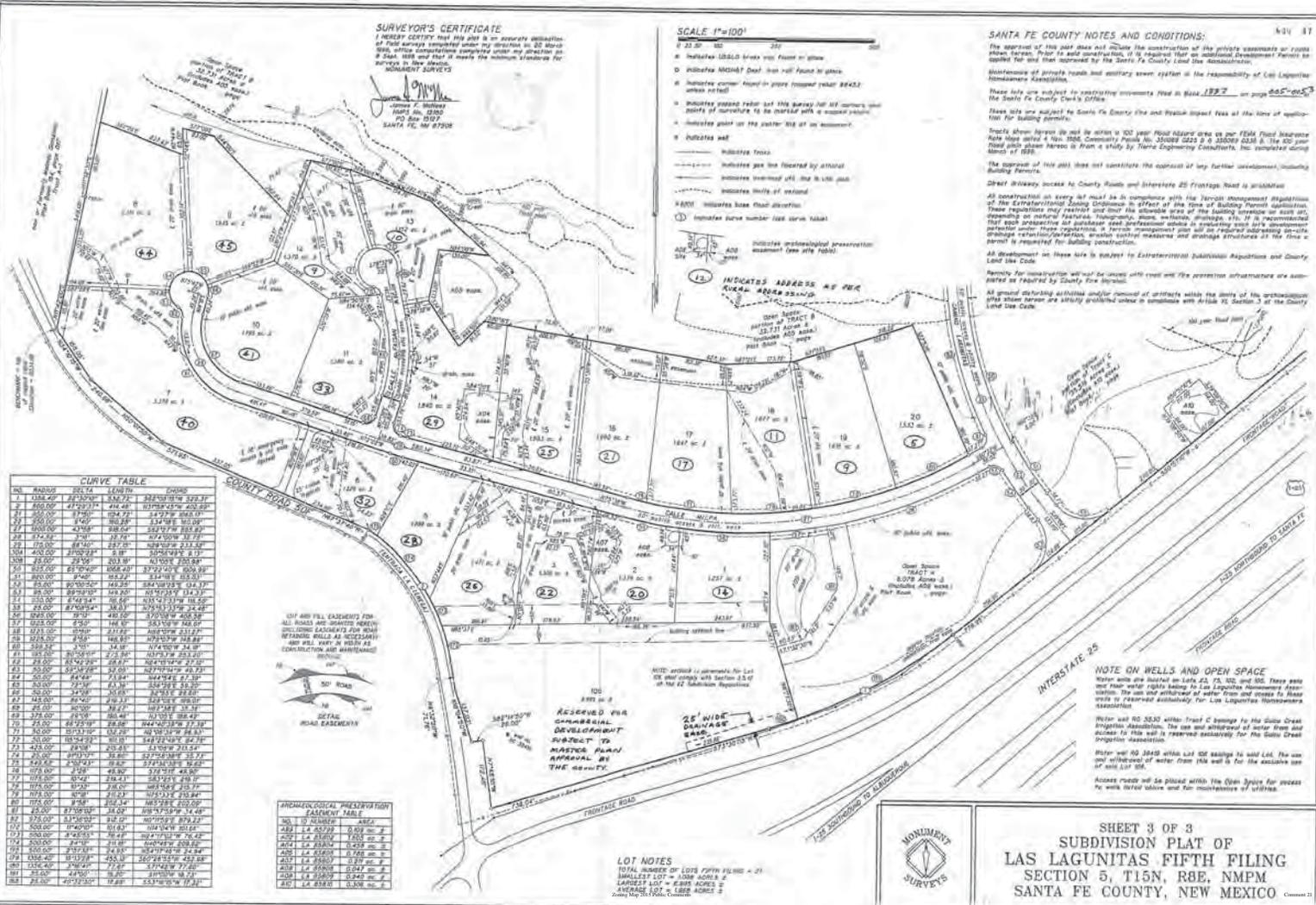
Direct driveway access to County Road and Interstate 25 Frontage Road is prohibited.

All construction on every lot must be in compliance with the Erosion Control Ordinance of the Extrajurisdictional zoning Ordinance in effect at the time of building permit application. These regulations may restrict and limit the allowable area of the building system on each lot, depending on natural features, topography, soils, wetlands, drainage, etc. It is recommended that each prospective lot purchaser seek professional advice in reviewing such an erosion control plan under these regulations. A permit management plan and any required addressing on-site drainage retention/purification, erosion control measures and drainage structures at the time a permit is required for building construction.

All Work on these lots is subject to Extrajurisdictional Ordinances and County Land Use Code.

Permits for construction will not be issued until the protection infrastructure is submitted as required by County Fire Ordinance.

All ground disturbing activities and/or removal of structures within the limits of the extrajurisdictional plan shown herein are strictly prohibited unless in compliance with Article 10, Section 3 of the County Land Use Code.



**CURVE TABLE**

NO.	RADIUS	BEARING	CHORD	ARC
1	1138.40	S27°30'00"W	526.72	127°00'00"
2	1138.40	N71°15'00"E	526.72	127°00'00"
3	1138.40	S27°30'00"W	526.72	127°00'00"
4	1138.40	N71°15'00"E	526.72	127°00'00"
5	1138.40	S27°30'00"W	526.72	127°00'00"
6	1138.40	N71°15'00"E	526.72	127°00'00"
7	1138.40	S27°30'00"W	526.72	127°00'00"
8	1138.40	N71°15'00"E	526.72	127°00'00"
9	1138.40	S27°30'00"W	526.72	127°00'00"
10	1138.40	N71°15'00"E	526.72	127°00'00"
11	1138.40	S27°30'00"W	526.72	127°00'00"
12	1138.40	N71°15'00"E	526.72	127°00'00"
13	1138.40	S27°30'00"W	526.72	127°00'00"
14	1138.40	N71°15'00"E	526.72	127°00'00"
15	1138.40	S27°30'00"W	526.72	127°00'00"
16	1138.40	N71°15'00"E	526.72	127°00'00"
17	1138.40	S27°30'00"W	526.72	127°00'00"
18	1138.40	N71°15'00"E	526.72	127°00'00"
19	1138.40	S27°30'00"W	526.72	127°00'00"
20	1138.40	N71°15'00"E	526.72	127°00'00"
21	1138.40	S27°30'00"W	526.72	127°00'00"
22	1138.40	N71°15'00"E	526.72	127°00'00"
23	1138.40	S27°30'00"W	526.72	127°00'00"
24	1138.40	N71°15'00"E	526.72	127°00'00"
25	1138.40	S27°30'00"W	526.72	127°00'00"
26	1138.40	N71°15'00"E	526.72	127°00'00"
27	1138.40	S27°30'00"W	526.72	127°00'00"
28	1138.40	N71°15'00"E	526.72	127°00'00"
29	1138.40	S27°30'00"W	526.72	127°00'00"
30	1138.40	N71°15'00"E	526.72	127°00'00"
31	1138.40	S27°30'00"W	526.72	127°00'00"
32	1138.40	N71°15'00"E	526.72	127°00'00"
33	1138.40	S27°30'00"W	526.72	127°00'00"

**DETAILED ROAD EASEMENTS**

ALL WELLS AND OPEN SPACE FOR ALL LOTS ARE SHOWN HEREIN INCLUDING EASEMENTS FOR WELLS AND OPEN SPACE AS SHOWN AS CONSIDERATION AND AGREEMENT HERETO.

RESERVED FOR COMMERCIAL DEVELOPMENT SUBJECT TO MASTER PLAN APPROVAL BY THE COUNTY.

25' WIDE DRAINAGE EASEMENT

NOTE: additional easements for Lot 18 and 19 comply with Section 3.5 of the 1992 Subdivision Regulations.

**NOTE ON WELLS AND OPEN SPACE**

Water wells are located on Lots 22, 23, 25, and 33. These wells are the sole source of water for the Las Lagunitas Homeowners Association. The use and withdrawal of water from and access to these wells is reserved exclusively for the Las Lagunitas Homeowners Association.

Water well RO 3530 within Tract C belongs to the Santa Cruz Irrigation Association. The use and withdrawal of water from this well is reserved exclusively for the Santa Cruz Irrigation Association.

Water well RO 3540 within Lot 18 belongs to said Lot. The use and withdrawal of water from this well is for the exclusive use of said Lot 18.

Access roads will be placed within the Open Space for access to wells located there and for maintenance of streets.



**SHEET 3 OF 3**  
**SUBDIVISION PLAT OF**  
**LAS LAGUNITAS FIFTH FILING**  
**SECTION 5, T16N, R8E, NMPM**  
**SANTA FE COUNTY, NEW MEXICO**

**LOT NOTES**  
 TOTAL NUMBER OF LOTS FIFTH FILING = 21  
 SMALLEST LOT = 1.008 ACRES ±  
 LARGEST LOT = 8.808 ACRES ±  
 AVERAGE LOT = 1.868 ACRES ±  
 TOTAL ACRES = 39.126 ACRES ±

September 29, 2005

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

Arthur Strauss  
Telluride Land & Homes

Albuquerque, New Mexico

Re: Lot 106 Las Lagunitas, Santa Fe County

Dear Gentlemen:

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

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

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

Sincerely,

Ranch Partners, LLC

Linus Abeyta  
Project Manager

To Lewis  
From Cheryl

September 29, 2005

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

Arthur Strauss  
Telixside Land & Homes

Albuquerque, New Mexico

Re Lot 106 Las Lagunitas, Santa Fe County

Dear Gentlemen:

*plans for the property  
for approval of same*

*Commercial*

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

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

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

*As you were stated in the purchase agreement supplied with that referred to in the purchase agreement, "Reserved for Commercial Development subject to master plan approval by the County". Please let us know if we can be helpful in obtaining approval for specific development plans*

November 15, 2005

La Cienega Village Association Board

Re: Ranch Partners Lot 106

Dear Board Members:

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

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

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

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

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

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

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

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

La Cienega Village Association Board  
November 15, 2005  
Page 2

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

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

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

Sincerely,

RANCH PARTNERS, LLC

Jim Otis

cc: Chairman, Santa Fe County Commission

January 2, 2006

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

Dear Mr. Abeyta,

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

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

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

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

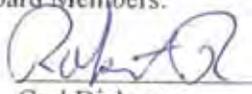
Thank you for considering our request we look forward to working with you and supporting a successful economic venture for all involved.

Sincerely,

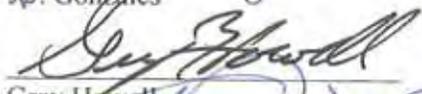
The La Cienega Valley Association Board

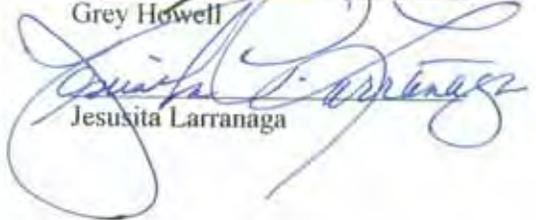
Robert Romero   
LCVA, President

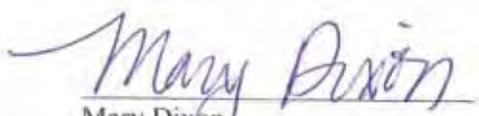
Board Members:

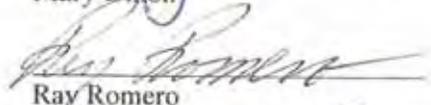
  
Carl Dickens

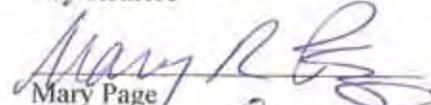
  
JJ. Gonzalez

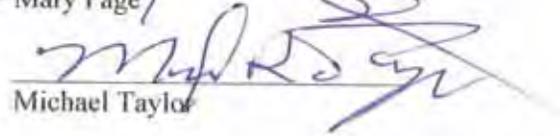
  
Grey Howell

  
Jesusita Larranaga

  
Mary Dixon

  
Ray Romero

  
Mary Page

  
Michael Taylor

January 5, 2006

FINAL DRAFT

The La Cienega Valley Association Board  
La Cienega, NM 87507

Dear Board Members,

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

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

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

Sincerely,



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

Cc: J. Otis  
C. Robinson  
Raymer Shaw, President – Las Lagunitas Homeowner's Association

January 4, 2006

DRAFT

Mr. Robert Romero  
La Cienega Valley Association Board

Dear Mr. Romero:

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

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

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

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

Sincerely,

Linus Abeyta

Cc: C. Robinson  
J. Otis  
Rayner Shaw, President - Las Lagunitas Homeowners' Association

Linus -  
I hope  
this is it!  
SL

2<sup>nd</sup> Draft

DRAFT

January 5, 2006

The La Cienega Valley Association Board  
La Cienega, NM 87507

Good letter -  
Jim

Dear Board Members,

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

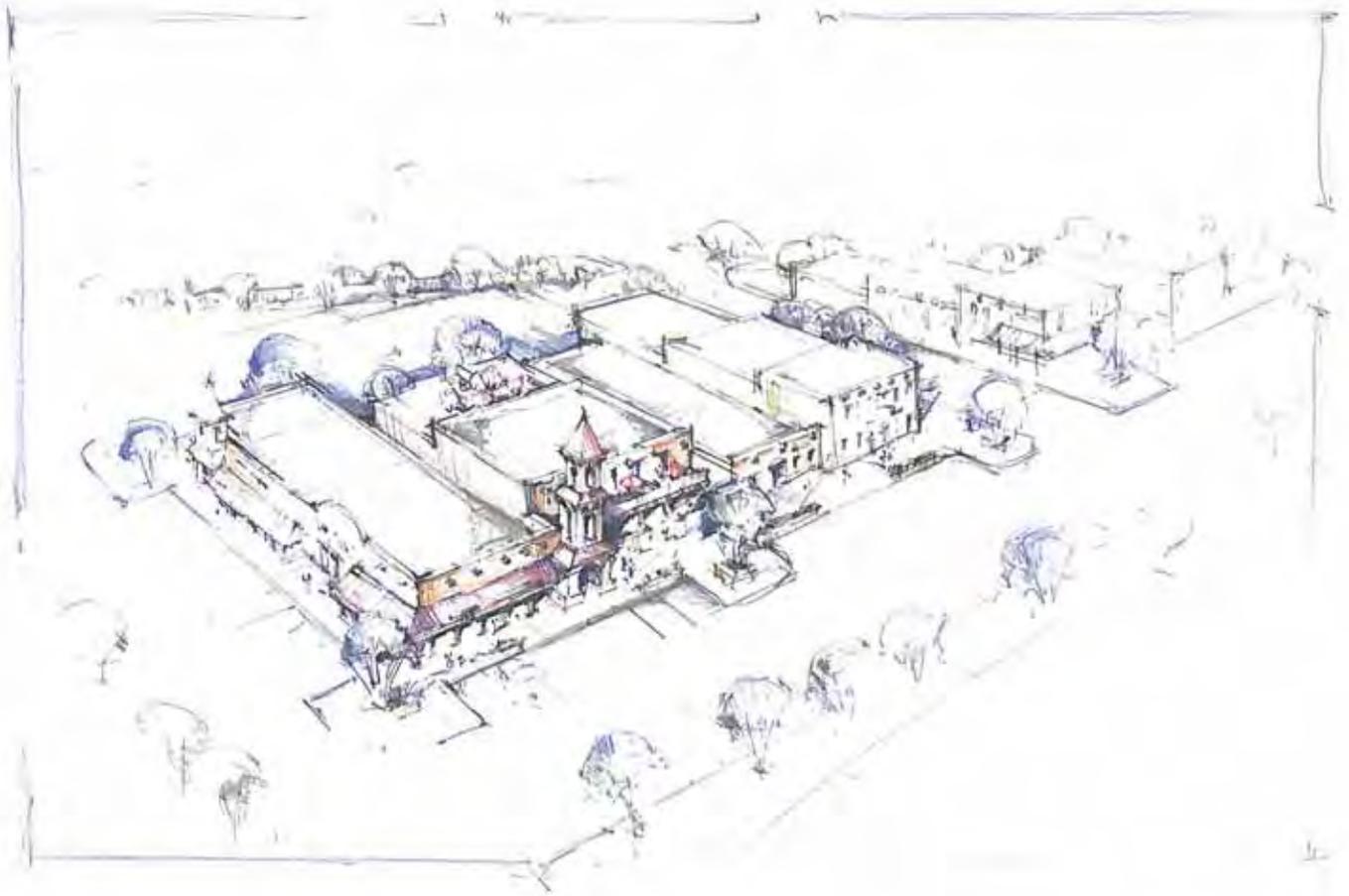
Ranch Partners shares your affinity for the La Cienega Valley and understands the heritage and history of the area. In the development of the Las Lagunitas subdivision, Ranch Partners L.L.C. has always recognized the importance of a positive working relationship with the La Cienega Valley Community.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

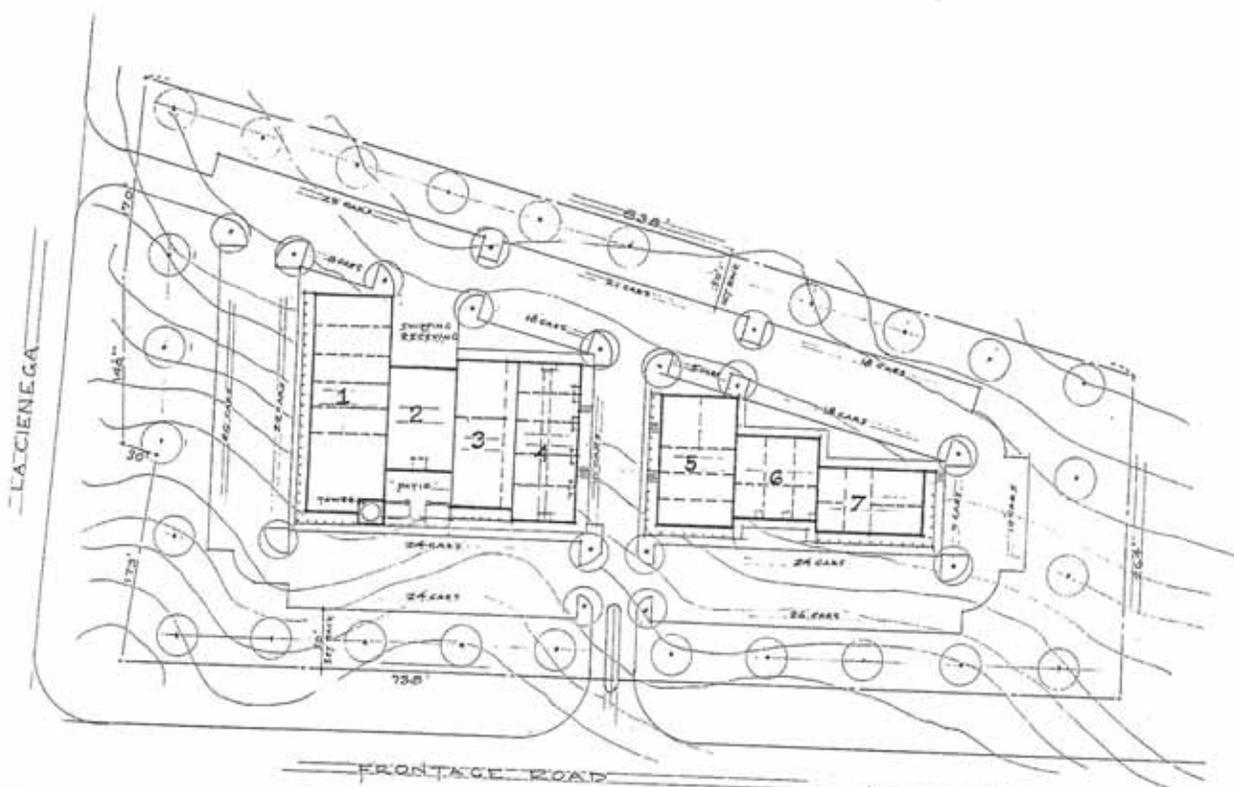
As you have requested, we will gladly forward your letter to the new owner of the commercial parcel with the hope that this will be the first step in expanding the positive working relationship that exists between Ranch Partners and the La Cienega Valley Community.

Sincerely,

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

Cc: J. Otis  
C. Robinson  
Raymer Shaw, President - Las Lagunitas Homeowner's Association





SITE PLAN STUDY      SCALE - 3/16" = 10'-0"  
LAS LAGUNITAS LOT 106  
SANTA FE NEW MEXICO

AREA CALCULATIONS

BUILDING AREA	STORIES	USES
1	10,800 S.F.	1 RETAIL
2	7,700 S.F.	2 FOOD & BEVERAGE
3	6,250 S.F.	1 OFFICE - GOVT.
4	7,150 S.F.	2 RETAIL - OFFICE
5	7,700 S.F.	2 RETAIL
6	5,000 S.F.	1 RETAIL
7	9,000 S.F.	2 RETAIL - OFFICE
<b>TOTAL</b>	<b>53,600 S.F.</b>	

Ellen Wittman  
228 East Cordova Road  
Santa Fe, NM 87505-0660  
505.982.3833  
[Lemail@earthlink.net](mailto:Lemail@earthlink.net)

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

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

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

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

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

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

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

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

Sincerely,  
Ellen Orr Wittman, MD, PA-C

ESTIMATED FINANCIAL DISTRIBUTION – Clinica La Cienega

1. PURCHASE LAND	\$100,000.00
2. (PREFAB) CLINIC BUILDING AND EQUIPMENT	450,000.00
3. SMALL HOUSING UNITS	50,000.00
4. LANDSCAPING, IRRIGATION, GARDEN EQUIPMENT	5,000.00
5. STAFF SALARIES/ YR (dental not included)	350,000.00
6. COMMUNITY CENTER FACILITY	350,000.00
7. INSURANCE, LICENSES, BONDS/ YR	350,000.00
8. UTILITIES	50,000.00
9. MAINTENANCE	50,000.00
<b>TOTAL</b>	<b>\$1,755,000.00</b>

**A     UNT   910011414**

**NAME:** WYRD INVESTMENTS LLC

**ADDRESS:** C/O ROBERT R TILLMAN 14 SUNSHINE AVE  
SAUSALITO , CA 94965

**PROPERTY USE:** VAC

**TAX DISTRICT:** CO

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

**DEED BOOK and PAGE:** 1676267

**MAP CODE:** 1-044-090-191-152 FILL1

**PENDING PAYMENT:** \$0.00

**Assessment Information**

**2014 Land and Improvement Values**

Land Value         \$215000

Improvements     \$0

Personal  
Property         \$0

Alternate Value   \$0

Livestock Value   \$0

Exemptions        \$0

**Total Full  
Value             \$214999.97**

**Total Taxable  
Value             \$71666.66**

\* net value/3

## Public Comment 22

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
22	36 ((950000308), 48 (26008680) and 50 (950000307) Pinon Jay Trail,	Janice B and Gary S	Heikenen	The parcel at 50 Pinon Jay Trail has two zones - the main pie shaped body is Residential Estate (as are the other two lots) and the upper portion which is a "tongue" that follows Pinon Jay Trail towards the end is listed as Residential Fringe. We'd like the entire parcel to be zoned Residential Estate instead of splitting it into two zones. Please advise us of your decision by email at your earliest convenience. Cell is 906-370-6568 for clarification of comments. We are out of state and unable to attend the meetings, or meet with you in person. However, we hope to build in the near future.	This property is divided into two zoning districts Res-E and Res-F. The area is located in SDA-2 and the entire parcel in question contains 3.6 acres. Based on this information and since only a limited area is involved, it is recommended that the northern 1.15 +/- acres of this parcel be changed to include the entire parcel into "Residential Estate". Recommendation: Change the portion of Parcel 950000307 (1.15 +/- acres) from "Residential Fringe" to "Residential Estate".

22. Janice B and Gary S Heikenen 11.4.15

22.A. Janice B and Gary S Heikenen 11.18.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Thursday, November 05, 2015 9:41:47 AM

---

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

Comment Type  
Specific Parcel

Comments

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

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

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

Property Owner (Last Name)  
Heikenen

Physical Address of Property  
50 Pinon Jay Trail

Email address:  
windigo906@gmail.com

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

Requested Zoning Classification  
RES-E - Residential Estate

Additional Comments

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

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Wednesday, November 18, 2015 11:19:34 AM

---

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

Comment Type  
Specific Parcel

Comments  
One parcel has two designations.

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

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

Property Owner (Last Name)  
Heikenen

Physical Address of Property  
50 Pinon Jay Trail, Santa Fe

Email address:  
windigo906@gmail.com

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

Requested Zoning Classification  
RES-E - Residential Estate

Additional Comments  
The property at 50 Pinon Jay Trail has two colors/designations. Request that the entire property has a single zoning designation of residential estate. Thanks, please reply.

## Public Comment 23

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
23	970002296	Jerry	Lebo	Request for a change from Rural-Residential to Residential Fringe based on proximity to Chimayo and Cundiyo.	This is subdivided area south of Rio Chiquito, where the lots are generally in the 6- to 12-acre range, with an average lot size of 9.65 acres. The parcel in question is 10.1 acres. This area is in SDA-3 and is not served by a water system and proposed zoning is in accordance with zoning map criteria. Recommendation: No change.

23. Jerry Lebo 11.4.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Thursday, November 05, 2015 10:55:22 AM

---

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

Comment Type  
Specific Parcel

Comments

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

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

Property Owner (First Name)  
Jerry

Property Owner (Last Name)  
Lebo

Physical Address of Property  
15 Santa Cruz Lake Road

Email address:  
jerrylebo@gmail.com

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

Requested Zoning Classification  
RES-F - Residential Fringe

Additional Comments

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

## Public Comment 24

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
24	Campbell Corp. Parcel State Highway 14 and 344	Campbell Corp		Request for a change from Ag/Ranch to Rural.	This is an area of approximately 2,410 acres that has been subdivided into 15 parcels of about 160 acres each. These lots have been created by exemption. The Campbell Corporation owns most of these parcels, and also owns extensive areas to the south, in the Town of Edgewood, and to the west, in Bernalillo County and is largely located along the Turquoise Trail National Scenic Byway.. The San Pedro community lies to the east, which consists mainly of parcels in the 10- to 40-acre range. The entire area in question is in SDA-3 and is not served by a central water system. Proposed zoning for this area is in accordance with zoning map criteria. Recommendation: No change.

24. Campbell Ranch 11.5.15

24.A. Mike Sanderson 11.24.15

24.B. Elizabeth Tapia 11.24.15

**From:** [Robert Griego](#)  
**To:** [Amy M. Rincon](#)  
**Cc:** [Tim Cannon](#)  
**Subject:** FW: Zoning Change Request for Campbell Corporation at SW14 & 344  
**Date:** Thursday, November 05, 2015 2:57:03 PM  
**Attachments:** [2015 10 15 Campbell Corporation Zoning Requet to SFC SW14 & 344.pdf](#)  
[2015 10 15 Cambell Ranch SF Interactive Map \(NM 14 & 344\) .pdf](#)

---

Please add to database.

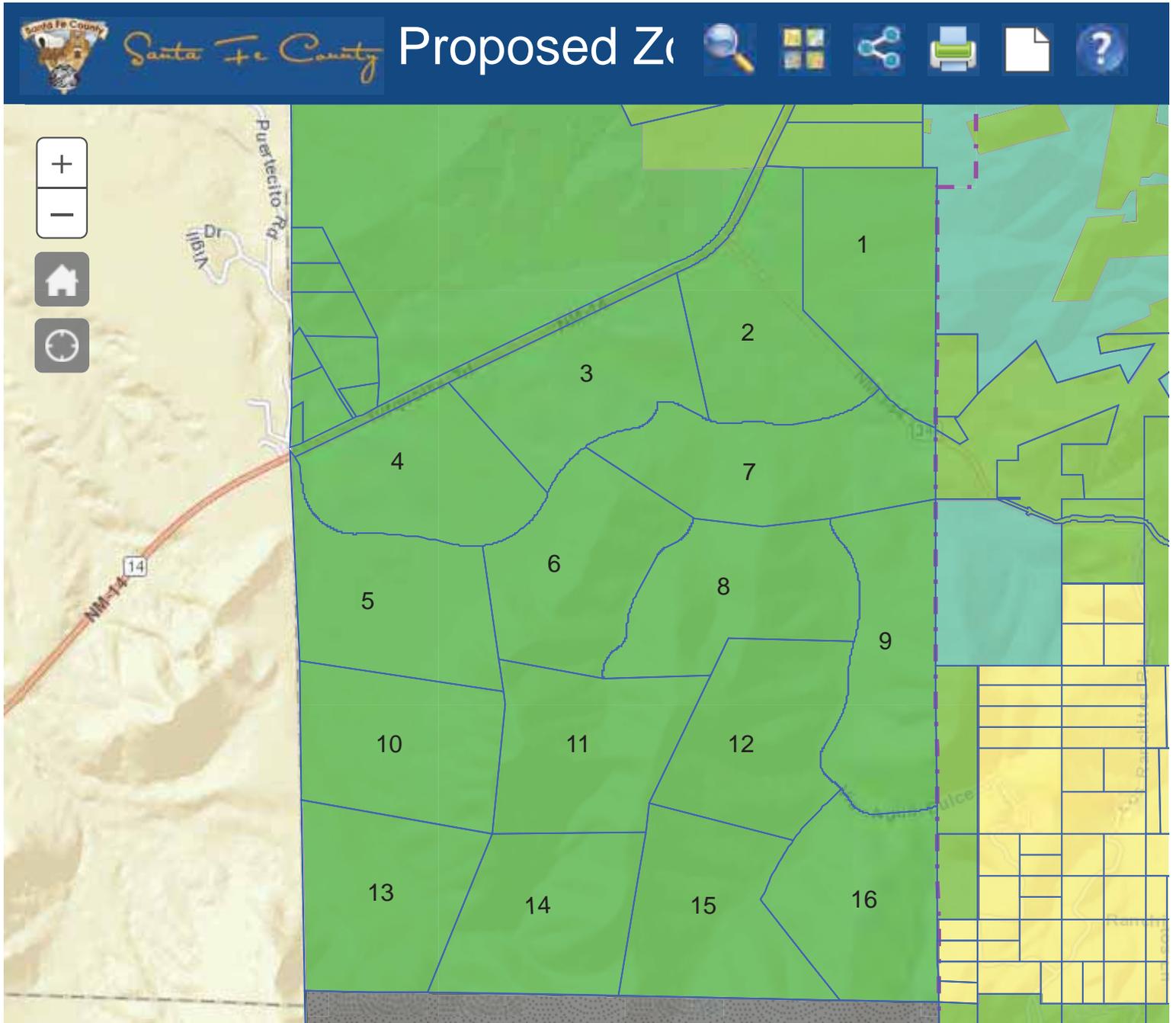
**From:** Mike Sanderson [mailto:[msanderson@slwc-llc.com](mailto:msanderson@slwc-llc.com)]  
**Sent:** Thursday, October 15, 2015 10:14 AM  
**To:** Robert Griego  
**Cc:** Robert Gately  
**Subject:** Zoning Change Request for Campbell Corporation at SW14 & 344

Robert,

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

Thanks,

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





Mike Sanderson

SANDERSON LAND & WATER CONSULTING LLC

October 15, 2015

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

Re: Campbell Corporation Parcel State Hwy 14 & 344

Dear Mr. Griego:

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

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

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

8305 Signal Ave. NE  
Albuquerque, NM 87122  
(505) 660-3929

MSANDERSON@SLWC-LLC.COM



Mike Sanderson

SANDERSON LAND & WATER CONSULTING LLC

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

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

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

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

Sincerely,

Mike Sanderson  
Principal

8305 Signal Ave. NE  
Albuquerque, NM 87122  
(505) 660-3929

MSANDERSON@SLWC-LLC.COM

[Previously sworn, Mike Sanderson testified as follows:]

MIKE SANDERSON: My name is Mike Sanderson. My address is 8305 Signal Avenue Northeast in Albuquerque, and I'm representing Campbell's Corporation in South Mountain Ranch. I want to provide you a copy of what I provided to staff for your review. South Mountain Ranch is a 2,600-acre project. It's by Highway 14 and 344, by the Town of Golden and close to the Edgewood area.

At this point, it was platted in 2003 as basically one residence per 160 acres and it was a 160-acre project of 16 tracts. One tract has been sold to the County of Santa Fe and the other 15 are remaining to be sold.

When we did our original plat and we were looking at that we had the ability to subdivide for future owners down to 40-acre rural lots, and the new zoning that this project has been classified as it's ag-ranch, which is one residence per 160 acres, which doesn't really provide us, we feel like the flexibility that we need for the future. I've talked with staff. They've been very great to work with, and I think the biggest issues is, the concern is that if we went to rural that you can do the density bonus after rural. That's not at all what we're asking for. We want to be able to basically not have a density bonus below the 40-acre lots. We want to be able to keep the land as an agricultural type land. We want to be able to keep the heritage and it has topo and it has different items that are there.

The land that is around this project towards Golden, it's classified as rural. To the east it's rural. It goes all the way down to residential fringe. So it's varied along there and there's definitely a map in there showing the project and at the same time it doesn't show the area that's around it below it, with Campbell Corporation owns with Edgewood, that density is actually one to two acres. So we just – we're try trying to be able to create some flexibility. When it comes to water for the project, we understand the .25 acre-feet per resident, and then you have agricultural that you have to work with the New Mexico State Engineer on those numbers.

The project itself has a well that the project has been dedicated for 210 acre-feet, so it's not like the project doesn't have water, but we are wanting to be able to try to keep, have the flexibility for future owners to be able to – because it's not going to probably call the real ranchers. It's probably going to be more the urban type, cowboy type people that are going to come in there and they're going to do things on the weekends. So we're looking for that kind of flexibility. We'd like you to re-look at the possibility of giving us a little more flexibility and classifying us to the 40 acres, but we don't want the density bonus below that 40 acres.

[Previously sworn, Elizabeth Tapia testified as follows:]

ELIZABETH TAPIA: Good evening, Commissioners. My name is Elizabeth Tapia and I'm representing about five members of our family that have property up in Golden, and I'm concerned about the 160-acre parcels of zoning in the San Pedro area. And I just wanted to convey to you our concern with creating smaller parcels of land in this area because of our concerns with the lack of water. We're hoping that you take into consideration the watertable before granting smaller parcels. Thank you.

**From:** [Penny Ellis-Green](#)  
**To:** [Amy M. Rincon](#); [Robert Griego](#)  
**Subject:** FW: requested changes to the proposed zoning map  
**Date:** Thursday, November 05, 2015 5:12:26 PM  
**Attachments:** [2015 Industrial final.pdf](#)

---

[For the database](#)

---

**From:** walter wait [mailto:waltwait@q.com]  
**Sent:** Thursday, November 05, 2015 3:50 PM  
**To:** Penny Ellis-Green  
**Cc:** Robert Griego; sma-board; RIII  
**Subject:** requested changes to the proposed zoning map

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

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



## THE SAN MARCOS ASSOCIATION

November 3, 2015

### THE SAN MARCOS ASSOCIATION

**P. O. Box 722**

**Cerrillos, NM 87010**

**Re: A request to Eliminate the Proposed “light” Industrial Zone on the Turquoise Trail!**

Dear County Commissioners & Staff,

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGNED:

Walter Wait  
President; San Marcos Association

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

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

**From:** [Jilea Lee](#)  
**To:** [r.n.olson@att.net](mailto:r.n.olson@att.net); [bill.baker@prodigy.net](mailto:bill.baker@prodigy.net); [Robert Bewley](#); [Bob Clancy](#); [Helen Crotty](#); [DAVE CAMPBELL](#); [GREG PRICE](#); [SALLY DOUGLAS](#); [Amy M. Rincon](#)  
**Cc:** [murlock@raubtreecounty.com](mailto:murlock@raubtreecounty.com); [MIKE MADDEN EMRTC](#); [ROGER HOLDEN EMRTC](#)  
**Subject:** Fwd: No Industrial zone on NM14 / letter for organizations to sign on to  
**Date:** Friday, November 06, 2015 11:05:47 AM  
**Attachments:** [2015 LETTER re INDUSTRIAL.pdf](#)

---

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

---

**From:** "Michael Madden" <[mikemadden52@gmail.com](mailto:mikemadden52@gmail.com)>  
**Sent:** Wednesday, November 04, 2015 2:11 PM  
**To:** "Jilea Lee" <[sisters@higherspeed.net](mailto:sisters@higherspeed.net)>, "Toni Olson" <[r.n.olson@att.net](mailto:r.n.olson@att.net)>  
**Cc:** "Ross Lockridge" <[murlock@raubtreecounty.com](mailto:murlock@raubtreecounty.com)>  
**Subject:** Fwd: No Industrial zone on NM14 / letter for organizations to sign on to

Jilea and Toni,

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

Ross,

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

Mike

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

**From:** **Ross Lockridge** <[murlock@raubtreecounty.com](mailto:murlock@raubtreecounty.com)>  
**Date:** Wed, Nov 4, 2015 at 10:32 AM  
**Subject:** No Industrial zone on NM14 / letter for organizations to sign on to  
**To:** Michael Madden <[Mikemadden52@gmail.com](mailto:Mikemadden52@gmail.com)>

Michael,

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

Thanks,  
Ross.

**From:** [Bob Clancy](#)  
**To:** [sisters@higherspeed.net](mailto:sisters@higherspeed.net); [r.n.olson@att.net](mailto:r.n.olson@att.net); [bill.baker@prodigy.net](mailto:bill.baker@prodigy.net); [Robert Bewley](#); [Helen Crotty](#); [DAVE CAMPBELL](#); [GREG PRICE](#); [SALLY DOUGLAS](#); [Amy M. Rincon](#)  
**Cc:** [MIKE MADDEN EMRTC](#); [ROGER HOLDEN EMRTC](#)  
**Subject:** Re: Fwd: No Industrial zone on NM14 / letter for organizations to sign on to  
**Date:** Friday, November 06, 2015 5:46:37 PM

---

I'm all for it.  
Bob Clancy  
Board member

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

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

---

**From:** "Michael Madden" <[mikemadden52@gmail.com](mailto:mikemadden52@gmail.com)>  
**Sent:** Wednesday, November 04, 2015 2:11 PM  
**To:** "Jilea Lee" <[sisters@higherspeed.net](mailto:sisters@higherspeed.net)>, "Toni Olson" <[r.n.olson@att.net](mailto:r.n.olson@att.net)>  
**Cc:** "Ross Lockridge" <[murlock@raintreecounty.com](mailto:murlock@raintreecounty.com)>  
**Subject:** Fwd: No Industrial zone on NM14 / letter for organizations to sign on to

Jilea and Toni,

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

Ross,

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

Mike

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

**From:** **Ross Lockridge** <[murlock@raintreecounty.com](mailto:murlock@raintreecounty.com)>  
**Date:** Wed, Nov 4, 2015 at 10:32 AM  
**Subject:** No Industrial zone on NM14 / letter for organizations to sign on to  
**To:** Michael Madden <[Mikemadden52@gmail.com](mailto:Mikemadden52@gmail.com)>

Michael,

The first hearing on the new county plan and zoning map is in just 6 days! and we are helping to give input against an industrial zone planned to be

along the Turquoise Trail. I'd like to add the East Mountain Neighborhood Coalition to a list of signers to the attached letter. In this case, the San Marcos Association is taking the lead but the Turquoise Trail Regional Alliance will be a signer. The letter has a misspelling that will get corrected along with a few other possible edits. Please let me know if the SPNA will be a signer to the letter.

Thanks,  
Ross.

**From:** [Paul Olafson](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** FW: Light Industrial on the Turquoise Trail  
**Date:** Thursday, November 19, 2015 11:40:18 AM  
**Attachments:** [2015 letter on compromise.pdf](#)

---

**From:** Penny Ellis-Green  
**Sent:** Thursday, November 19, 2015 11:00 AM  
**To:** Paul Olafson; Vicki Lucero  
**Subject:** Fwd: Light Industrial on the Turquoise Trail

*Sent from my Verizon Wireless 4G LTE DROID*

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

**Subject:** Light Industrial on the Turquoise Trail  
**From:** walter wait <[waltwait@q.com](mailto:waltwait@q.com)>  
**To:** Penny Ellis-Green <[pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov)>, Robert Griego <[rgriego@santafecountynm.gov](mailto:rgriego@santafecountynm.gov)>, Katherine Miller <[kmiller@santafecountynm.gov](mailto:kmiller@santafecountynm.gov)>  
**CC:** RIII <[murlock@raintreecounty.com](mailto:murlock@raintreecounty.com)>, Kyle Harwood <[kyle@egolflaw.com](mailto:kyle@egolflaw.com)>

Please see the San Marcos Association letter attached below concerning the North 14 IL zoning and TT OERP issues that were raised at the last SLDC mtg. A map was provided to County staff on **Tuesday** morning by Mr. Kyle Harwood, consistent with the conversation with Mr.s Wait and Lockridge and Mrs. Murray.



## THE SAN MARCOS ASSOCIATION

November 17, 2015

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

### **Re: Moving the “light” Industrial Zone From the Turquoise Trail!**

Dear County Commissioners & Staff,

As a result of the November 10th Board of County Commissioner’s meeting, Walter Wait, representing a combined group of concerned Neighborhood and Ciivic organizations, and Richard Hughes, owner of the Bonanza Creek Ranch- agreed to enter into negotiations to resolve issues brought before the Board regarding the proposed location of a light industrial zone along the Turquoise Trail ( Highway 14).

Accordingly,

Mr. Hughes, his counsel, Kyle S. Harwood from the law firm, Egolf, Ferlic and Day, Walter Wait, Ross Lockridge, and Ann Murray, met on November 15th at Egolf, Ferlic and Day’s Santa Fe Law Offices. There they discussed a possible compromise solution to the issues brought before the County Commission on the tenth.

To wit: (1)The Ranch agreed that in order to protect the Scenic Byway from light industrial uses that might impair the route’s use as a scenic byway, that the Highway 14 acreage now proposed on the draft zoning map be “light industrial” be moved to the adjoining western section of the same property and “swapped” for the proposed “mixed use” zoning classification that that section would hold.

2) that we withdraw our suggestion that the southernmost 320 acres along Highway 14 be eliminated from the proposed Mixed Use zone classification

3 That we support a change to the definition of “Movie Ranch” in the proposed code as follows:

Movie Ranch: is primarily a facility for sets and scenery for the production of motion pictures whose use and supporting structures may include movie sets, sound stages, recording studios, distribution facilities, set construction facilities, backlots, temporary special effects facilities, dining

facilities, mobile living and dressing quarters and any other theme based commercial enterprises which may include, special events, sightseeing tours and photography, public and private gatherings, music and arts events, education seminars, retail sales, food and entertainment as related to the location. Movie ranches are most appropriate for large parcels where the activities and uses of the movie ranch will not impact neighboring residential areas. All standards of the underlying zoning district where the movie ranch is located shall apply.

All of the participants agreed that the addition of the proposed Turquoise Trail Environmental and Resource Protection Overlay Zone (TERP) to the code and zoning map is a good idea. Mr. Hughs is comfortable with the currently proposed 500' setback from the road's centerline, while the various Associations believe that a 1000' foot setback would better protect the Trail's scenic values.

Therefore, we continue to support a change to a 1000' set back for TERP for either light industrial or mixed use zoning as an appropriate safeguard to the National Scenic Byway.

We also discussed the need for future light industrial traffic to be directed to I-25. A road has already been conceived via what the SGMP shows in a "Future Road Network" conceptual map,( SGMP page 159) and identified as road No. 9. As future Access is not part of the proposed zoning map it is clear that issues of access must be explored as part of the development process. However, We are opposed to traffic generated by the proposed light industrial zone feeding onto the Scenic By-way.

Our suggestions, of course, are a compromise. What it accomplishes is to bring the proposed zoning map into conformance with the SGMP by directing industrial activities well away from scenic byways. Zoning light industrial essentially "behind" the State penitentiary would not fatally mar the intended scenic nature of the byway. These changes would also soften the impact of "mixed Use" zoning along the Turquoise Trail', and make the design of a future road for light industrial more compatible with a flow directly toward I-25 from the proposed light industrial zone.

If the County Commission approves these changes to the proposed zoning Map and code, directing the planning staff to make the change, we feel that the County's interests, the Ranch's interests, and the National Scenic Byway's interest will be better served.

SIGNED:

Walter Wait  
President; San Marcos Association

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

San Pedro Neighborhood Association  
Turquoise Trail Preservation Trust  
Turquoise Trail Association  
Las Candelas de los Cerrillos  
Rural Conservation Alliance  
Cerrillos Hills Park Coalition  
Santa fe Water Basin Water Users Association  
Madrid Merchants Association  
Rancho San Marcos HOA  
Madrid Landowners Association  
Madrid Cultural Projects  
Madrid Water Cooperative

**From:** [Robert Griego](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** FW: Concerning Moving a Light Industrial Zone from NM14  
**Date:** Tuesday, November 24, 2015 12:25:27 PM

---

Dear Commissioners,

Because all participants or stakeholders are in agreement and Staff is supportive, I wish to express my optimism (& thankfulness) that the proposed light industrial zone will be moved away from NM14 and positioned more directly in relation to I-25.

Since "light" industrial businesses are capable of generating considerable truck traffic, I wish to emphasize and encourage that future industrial applications in this zone will still be contingent upon the building of a road to I-25 from the zone.

I would ask that this be discussed and officially encourage at this evening's hearing and noted as a condition, if possible, based upon SGMP encouragements shown in the "Future Road Network" conceptual map.

=====  
Concerning adding a proposed Turquoise Trail Environmental and Resource Protection Overlay Zone (TERP) to the code and zoning map, this is a very good idea. The creation of a Corridor Management Plan has long been encouraged by those that live & work along the Turquoise Trail. Note the work on this by the Turquoise Trail Association that is posted and may prove useful:

<http://www.turquoisetrail.org/nsb/cmp.html>

I would hope that the mitigation of visual impacts of future development along the Byway will always be of the highest consideration and that Association's belief that a 1000' foot setback would better protect the Trail's scenic values, at a minimum.

Always remember that the Byway itself is a great and sustainable resource for the County.

Best regards,

Ross Lockridge  
POB 22  
Cerrillos, NM 87010

WARREN THOMPSON: Warren Thompson, P.O. Box 236, Santa Fe, New Mexico, 87504 and I am under oath. I wanted to talk to you about the two sections of property along State Route 14 between the County detention facility and the San Marcos Subdivision on the east side of State Road 14. That property in the Sustainable Growth Management Plan was planned to be mixed use, non-residential. It is currently on the zoning map as mixed use, which is primarily a residential designation and I think it should be consistent with the plan. I am supportive of the protection zone. And I don't know what – is that 1,000 feet?

Yes. So we've setback San Marcos 1,000 feet. We've set back the County detention facility 1,000 feet so we're in agreement with that protection zone but feel that the mixed-use zoning with residential is inconsistent with the plan and the zoning map should be consistent with the Sustainable Growth Management Plan. Thank you.

COMMISSIONER CHAVEZ: Thank you, Mr. Thompson. Mr. Wait, I think you're on next.

WALTER WAIT: My name is Walter Wait, 48 Bonanza Creek Road, Santa Fe, New Mexico. I'm here representing the San Marcos Association. First of all, Mr. Chair, members of the Commission, I'd like to thank you for the opportunity to speak. We appreciate the consideration that staff has given to our requests to move the light industrial area back from Highway 14. Both our organizations and the owner of the ranch, Mr. Hughes met and we came to a consideration or a compromise, let's say and we're really appreciative that the Planning staff took that into consideration and made a similar recommendation to you tonight. We also appreciate the fact that the understanding of the 1,000 foot from the centerline on each side of the highway for the Turquoise Trail environmental and resource protection zone is correct at 1,000 foot. There was some controversy as to whether it was 500 feet or 1,000 feet and since it's just been confirmed that it's 1,000 feet we have no other real objections.

While the SMA does not approval the mixed-use designation between the elementary school and the County jail the protection zone will help mitigate that adverse effect of development on the national scenic byway and the scenic nature of the trail. Because of this we urge the Commission to accept the changes to the proposed overlay map and incorporate the zoning map into the code. Thank you very much.

ROGER TAYLOR: Roger Taylor, 54 Camino los Angelitos, Galisteo. I'm here on two issues tonight. First, it's very exciting here after all these years. Very nice, and hopefully the code to come right afterwards. The first is as a board member of Turquoise Trail Preservation Trust representing the board tonight, again, to reiterate what Walt Wait had to say, we strongly support that change in the zoning designation for that particular area along the Turquoise Trail, along with the 1,000 setback.

On a second area of concern, representing the Village of Galisteo as well as the two domestic mutual in Galisteo, we wanted to comment on the PD2 Galisteo Basin Preserve. We think it's very appropriate with the amended building plan for Commonwealth that that remain a planned development district zoning. That's fine. And we have some concerns about the acreage that was removed from that amended plan, which is, in all, about 8,000 acres if all plans by Commonwealth were to come to fruition. There's about 4,000 acres which under agreement to purchase, but not yet purchased in that land that was removed from the building envelope. Another 4,000 acres, about 2,400 of it as I understand is under conservation easement; 1600 acres is not.

Our concern is, and it's nothing against Commonwealth. They've done a fabulous job of taking large sections of land, getting conservation easements and the rest of that. And we do think it's a great step that they're recommending today, going to at least residential fringe, which is one dwelling per five acres rather than leaving that at a planned development district which is one to one. However, given that this was prior to the purchase by Commonwealth used as agricultural-ranch land, given that there have been concerns raised by both the OSE and by the Village of Galisteo as to water delivery and water capability, should building go on, given that there's possibilities that because Commonwealth has had to downsize, possibly from financial pressures, or they could reach financial pressures in the future, to take that land which has been taken out of the envelope and put it up for sale, which a developer could take, we would prefer that we be a little bit more aggressive on that zoning and bring it to rural or rural fringe, and we would appreciate that consideration. Thank you.

COMMISSIONER CHAVEZ: Commissioner Holian, did you want some clarification on that?

COMMISSIONER HOLIAN: Roger, it looks like most of the land was turned back into ag-ranch, so which part of the property are you speaking about?

MR. TAYLOR: I'm seeing the zoning proposed as of tonight as residential fringe is what I thought I heard Robert say, but I may have been mistaken. I would like to be mistaken.

COMMISSIONER HOLIAN: Perhaps you could talk to Robert. But mostly, on the map that we have of the proposed changes by staff, most of it's ag-ranch now.

MR. TAYLOR: Wonderful. We're fine.

[Previously sworn, Richard Hughes testified as follows:]

RICHARD HUGHES: Richard Hughes, 15 Bonanza Creek Lane. I have been sworn in. I'd like to hand out a letter for everyone. This confirms that we do acknowledge that the change in the industrial zoning off 14 and we also acknowledge that this represents the changes we've agreed to with the neighborhood. I'd also like to acknowledge that regarding the environmental overlay that we do agree with that as it is drafted and currently in the code.

The last item I'd like to address is regarding the definition of movie ranch. I've spoken to this once before, and we are very concerned still at Bonanza Creek regarding adding some additional language to the movie ranch definition because throughout the years we've been working with both staff and the County, we have been told that these activities, you could always continue what you do, and the current definition does not encompass all the activities that are currently being done at the movie ranch.

Many of these activities we have discussed with County staff, not necessarily with zoning but with economic development and stuff like that because on your growth map, Bonanza Creek Ranch Movie Set is considered an economic center. It is very important to the sustainability of the ranch as it is. So I would like to just request that that definition be expanded. We have put a copy of that into County staff already and it is circulated but we would really like some consideration with that because it really is, all the activities that are currently being used, whether it be special events, weddings, things like that that currently don't fall into the movie ranch definition. Any questions?

COMMISSIONER CHAVEZ: I don't have any questions but I think that your comments are duly noted. We have your document and I know that staff will be working to whatever extent possible changes.

## Public Comment 26

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
26	910004509	Cathie	Wingert	Request to change the proposed zoning from Residential Estate to Residential Fringe to reflect existing covenants.	This property, commonly known as “Rancho Verano”, consists of 205 acres, and is located in the Eldorado Water and Sanitation District, about a half-mile south of Eldorado. There are existing covenants in place that would restrict development. A master plan for forty one 5-acre lots was approved in 1996 for the property in question, although a plat was never recorded subsequent to this master plan approval (which has since expired). Considering the previously-approved master plan and the deed restrictions in place, it is recommended that the 205-acre parcel in question be placed in the “Rural Fringe” zoning district. Recommendation: Change to Residential Fringe.

26. Cathie Wingert 11.6.15

26.A. Cathie Wingert 11.12.15

26.B. Valerie Mazzoni 11.23.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Friday, November 06, 2015 3:26:24 PM

---

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

Comment Type  
Specific Parcel

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

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

Property Owner (First Name)  
Cathi

Property Owner (Last Name)  
Wingert

Physical Address of Property  
(No value)

Email address:  
(No value)

Zoning Classification on Adoption Draft Zoning Map  
(No value)

Requested Zoning Classification  
(No value)

Additional Comments  
(No value)

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

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

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

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

Jim and Cathie Wingert  
505-466-3507

Valerie Mazzoni  
505-466-6031

February 11, 2015

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

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

Dear Ms. Ellis-Green

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

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

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

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

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

\* Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF county clerk, book 614 pages 681-689 and amendment to minimum of 5 acres, book 692 pages 028-031)

\*\* Lot 7 of the Eldorado Subdivision is the area south of Avenida Eldorado, west of the railroad right of way (Tren Via), east of Avenida De Compadres and to the southern border of the property owned by Rancho Verano Ltd. (Tax Parcel ID 910004509)

\*\*\*Tax Parcel IDs 910004510-11, 910004514-16, 950002803, 950003701-4, 950000287-91, 950002071/73/75/77/80, 950001018-19/27, 950002928

17181 W.M.

HILL CO. INC

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

**\$14681**

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

**WITNESSETH:**

**WHEREAS Declarant is the owner of certain property in the subdivision of Eldorado, County of Santa Fe, State of New Mexico, more particularly described as: SEE EXHIBIT "A" ATTACHED HERTO AND MADE A PART HEREOF. [Note: legal description of lot 7 of the Eldorado Subdivision to be provided by Declarant] hereinafter referred to as the Property.**

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

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

692030

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

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

<i>Robert A. Delp</i> Robert A. Delp	6-25-90 Date
<i>Johanna Delp</i> Johanna Delp	6-25-90 Date
<i>Carl T. Jackson</i> Carl T. Jackson	7/11/90 Date
<i>Margaret M. Jackson</i> Margaret M. Jackson	7-11-90 Date
<i>Royal G. Jackson</i> Royal G. Jackson	7/18/90 Date
<i>Jennifer L. Jackson</i> Jennifer L. Jackson	7-18-90 Date
<i>Chita Gonzales, Trustee</i> Manuel Gonzales	8-22-90 Date
<i>Anita Gonzales, Trustee</i> Anita Gonzales	8-22-90 Date
Heritage Partnership, by <i>Michael Bradford</i> its Managing Partner	7/26/90 Date
Grace 2 Us, by <i>John Mally</i> Partner	6/14/90 Date

1048333 43  
1031612

within these styles, that lot owner must obtain written approval of all adjoining lot owners, which shall be filed of record with the Santa Fe County Clerk.

- 5.02 Protection of Vegetation. Prior to construction, contractual requirements shall be made of the builder, requiring him or her to refrain from damaging or removing trees and other vegetation, except as may be reasonably necessary and unavoidable for clearances of a building site and construction of driveways, parking areas, and turnarounds.
- 5.03 Revegetation. Revegetation shall consist of plant materials indigenous to the area, except for cultivated garden areas.
- 5.04 Ridges. No structure shall be erected on any lot that exceeds 18 vertical feet above the highest natural point of the lot. No structure shall be more than two (2) stories in height.

**ARTICLE 6: ROAD MAINTENANCE** (Applicable only to Lots 7-E, 7-F, 7-G, and 7-H)

- 6.01 Assessments. The owners of all lots within Lots 7-E, 7-F, 7-G, and 7-H shall contribute equally to road maintenance in an amount to be determined by a majority of the lot owners. Upon the sale of every lot created within the property, the purchaser will contribute \$200 toward road maintenance, or such amount as is determined by a majority of the lot owners. The type and frequency of work to be performed will be determined by a majority of the lot owners, who shall establish an association for that purpose. All monies collected will be held in a bank account established for that purpose by the lot owners and requiring signatures of at least 2 lot owners for any withdrawal to occur. The Association shall elect officers annually. An annual assessment will be established by a majority vote of the lot owners. Annual assessments will not apply to lots upon which no building construction has begun.
- 6.02 Liens. The association shall place a lien against the lot of any owner to secure payment of assessments. Any such lien shall be enforceable by the same procedures as provided for enforcement of a materialman's lien, including the right to attorney's fees.

**ARTICLE 7: SOLID WASTE DISPOSAL**

- 7.01 Disposal. All lot owners shall regularly dispose of all solid waste on their lots. Solid waste shall not be allowed to accumulate on any lot. All waste shall be kept in covered garbage cans.

November 23, 2015

Re: County Zoning Map Pursuant to Ordinance 2013-6

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

Attached you will find:

1. Cover letter "Santa Fe County Sustainable Development Code Zoning Map: Adoption Draft." Dated October 27, 2015
2. Letter to Penny Ellis-Green dated February 11, 2015
3. Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision
4. 31 Signed petitions requesting the proposed zoning of Ranch Verano be changed to residential fringe. The petition lists reasons and concerns for the request as well as noting the fact that the owners of Rancho Verano have had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as a development of 5 acre lots.

Pursuant to Section 12-8-4(A)(3) of the Administrative Procedures Act, each petition should be considered the individual testimony of each lot owner in lieu of a personal appearance at the Board of County Commissioners public hearings scheduled for November 24, 2015 and December 8, 2015 on the final adoption of the zoning map pursuant to Ordinance 2013-6. We respectfully request that each petition be made part of the record of the aforementioned hearings as individual testimony thereon.

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

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

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

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

Jim and Cathie Wingert  
505-466-3507

Valerie Mazzoni  
505-466-6031

February 11, 2015

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

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

Dear Ms. Ellis-Green

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

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

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

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

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

\* Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF county clerk, book 614 pages 681-689 and amendment to minimum of 5 acres, book 692 pages 028-031)

\* \* Lot 7 of the Eldorado Subdivision is the area south of Avenida Eldorado, west of the railroad right of way (Tren Via), east of Avenida De Compadres and to the southern border of the property owned by Rancho Verano Ltd. (Tax Parcel ID 910004509)

\*\*\*Tax Parcel IDs 910004510-11, 910004514-16, 950002803, 950003701-4, 950000287-91, 950002071/73/75/77/80, 950001018-19/27, 950002928

17181 W.M

HILL CO. INC

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

**614681**

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

**WITNESSETH:**

**WHEREAS** Declarant is the owner of certain property in the subdivision of Eldorado, County of Santa Fe, State of New Mexico, more particularly described as: SEE EXHIBIT "A" ATTACHED HERTO AND MADE A PART HEREOF.  
[Note: legal description of lot 7 of the Eldorado Subdivision to be provided by Declarant] hereinafter referred to as the Property.

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

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

692030

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

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

<i>Robert A. Delp</i> Robert A. Delp	6-25-90 Date
<i>Johanna Delp</i> Johanna Delp	6-25-90 Date
<i>Carl T. Jackson</i> Carl T. Jackson	7/11/90 Date
<i>Margaret M. Jackson</i> Margaret M. Jackson	7-11-90 Date
<i>Royal G. Jackson</i> Royal G. Jackson	7/18/90 Date
<i>Jennifer L. Jackson</i> Jennifer L. Jackson	7-18-90 Date
<i>Chita Gonzales, Trustee</i> Manuel Gonzales	8-22-90 Date
<i>Anita Gonzales, Trustee</i> Anita Gonzales	8-22-90 Date
Heritage Partnership, by <i>Michael Bradford</i> its Managing Partner	7/26/90 Date
Grace 2 Us, by <i>John M. [Signature]</i> Partner	6/14/90 Date

1048333-43  
1031612

within these styles, that lot owner must obtain written approval of all adjoining lot owners, which shall be filed of record with the Santa Fe County Clerk. 1048333

- 5.02 Protection of vegetation. Prior to construction, contractual requirements shall be made of the builder requiring him or her to refrain from damaging or removing trees and other vegetation, except as may be reasonably necessary and unavoidable for clearance of a building, site and construction of driveways, parking areas, and turnarounds.
- 5.03 Revegetation. Revegetation shall consist of plant materials indigenous to the area, except for cultivated garden areas.
- 5.04 Ridges. No structure shall be erected on any lot that exceeds 18 vertical feet above the highest natural point of the lot. No structure shall be more than two (2) stories in height.

**ARTICLE 6: ROAD MAINTENANCE** (Applicable only to Lots 7-E, 7-F, 7-G, and 7-H)

- 6.01 Assessments. The owners of all lots within Lots 7-E, 7-F, 7-G, and 7-H shall contribute equally to road maintenance in an amount to be determined by a majority of the lot owners. Upon the sale of every lot created within the property, the purchaser will contribute \$200 toward road maintenance, or such amount as is determined by a majority of the lot owners. The type and frequency of work to be performed will be determined by a majority of the lot owners, who shall establish an association for that purpose. All monies collected will be held in a bank account established for that purpose by the lot owners and requiring signatures of at least 2 lot owners for any withdrawal to occur. The Association shall elect officers annually. An annual assessment will be established by a majority vote of the lot owners. Annual assessments will not apply to lots upon which no building construction has begun.
- 6.02 Liens. The association shall place a lien against the lot of any owner to secure payment of assessments. Any such lien shall be enforceable by the same procedures as provided for enforcement of a materialman's lien, including the right to attorney's fees.

**ARTICLE 7: SOLID WASTE DISPOSAL**

- 7.01 Disposal. All lot owners shall regularly dispose of all solid waste on their lots. Solid waste shall not be allowed to accumulate on any lot. All waste shall be kept in covered garbage cans.



Back to Search

Acreage for Sale (7)

Rancho Verano (1) / America / New Mexico-land-for-sale

Highway 285, Santa Fe, New Mexico (7) / America / Santa Fe-land-for-sale Santa Fe ( / America / Santa Fe-New-Mexico-land-for-sale)



Get More Information



**Dale Heinemann**  
Keller Williams RE Santa Fe

View Phone #

Name

Phone number

Email address

Comments

- Contact me with financing info about this property
- Yes, I'd like to periodically receive information about the land market

SEND EMAIL

★ Save Property

➔ Share (/shared/includes/sendfriend.cfm?inv

Print (/shared/includes/createFlyer.cfm



## Details for Highway 285

County:	Santa Fe	Type:	Acreage	Acres:	205	<a href="#">Report a problem</a>
Address:	Highway 285	City:	Santa Fe	State:	New Mexico	
Zip:	87505	Price:	\$1,230,000.00	Status:	Available	
Property ID:	2238073					

## Description of Highway 285

Great opportunity to establish a private estate or substantial horse property with the convenience of Eldorado services. This is currently the largest single parcel in Eldorado. Gentle landscape with 360 degree views. Priced to give new owners a number of attractive options for future use. Previous owner had a master development plan approved by Santa Fe County in 1996 for 41 5ac lots. Approval has expired and will need to be renewed. Eldorado Community Water will provide water service. Please view the aerial video and then schedule a visit to this well priced listing.

## Map of Highway 285

Thank you,  
Valerie

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (O Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Covenants for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

We request the proposed zoning of Rancho Verano be changed to residential fringe. We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

Karen E. Eastman  
Address 3 Aquila Pl. Santa Fe, NM 87508

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

 Michael Brown

Address 11. AGUILA PLACE, SANTA FE, NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

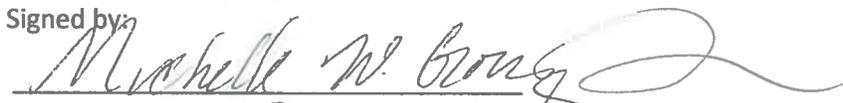
This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:



Address 07 Rancho Verano, Santa Fe, NM

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

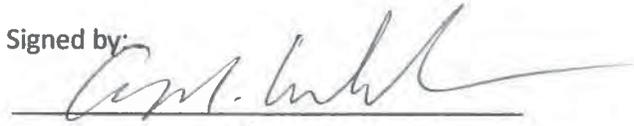
This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:



Address

7 Rancho Verano, Santa Fe, NM

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

 CB Yater

Address 8 Aquila Place Santa Fe, NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

  
Address 4 Cayuse Pl Santa Fe, NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

Patricia A Smith

Address 33 Avenida Las Nubes 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

*Verona C. Thompson*

Address 11 La Pintera Pl.

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

*Valerie Mazzoni + Robyn*

Address 68 Avenida Las Nubes, Santa Fe, NM  
87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509.

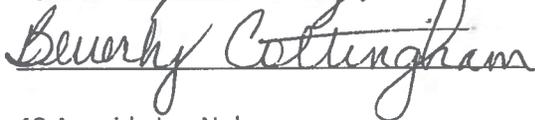
By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

 Bradley Cottingham

 Beverly Cottingham

48 Avenida Las Nubes  
Santa Fe, NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

Roberto Cagle & Lynne R. Cagle

Address 12 CAYUSE PLACE, SANTA FE NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:   
Address: 45 Avenida Las Nubes, Santa Fe, NM  
Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

Neil Freer & Neil Freer for wife Ursula Freer, Working POE  
Ursula has broken wrist.

Address 28 Avenida Las Nubes

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

Karen A. Hunt  
Address 10 Aquila Place SF NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

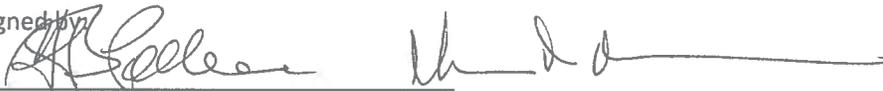
This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by



Address 27 AVENIDA LAS NUBES, SANTA FE, NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

Jeffrey E. Bonkosky Jeffrey E Bonkosky  
Address 10 Rancho Verano Road Santa Fe NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:



Address 10 RANCHO VERANO RD, SANTA FE NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:



Address



Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

Robert Parker

Address 12 La Pintera Pl Santa Fe

Resident of Las Nubes Residents Association or other Resident of Lot 7

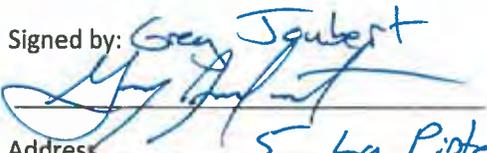
RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by: 

Address

5 La Pintera Pl, Santa Fe NM 87506

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by: Traci McMinion-Joubert

Traci McMinion-Joubert

Address 5 La Pintera Pl, Santa Fe, NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

JOHN D. WASSLER JOHN D. WASSLER

Address 3 RANCHO VERANO RD.

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

Gregory J Kubas Crystal Kubas

Address 53 Avenida Las Nubes, Santa Fe, NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

*Lucinda Marquez*

Address 9 Cayuse Pl. Santa Fe, NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

 RON CHRAFT

Address 3 CAYUSE PL, SANTA FE 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by: John P. Jones  
Address: 6 Cayuse Place, Santa Fe NM 87508  
Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

  
\_\_\_\_\_  
Address 6 Cayuse Place, Santa Fe, NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

Aaron Perea

Address

3 Cuyana Place, Santa Fe, NM 87508

Resident of Las Nubes Residents Association or other Resident of Lot 7

RE: Santa Fe County Sustainable Development Code Zoning Map

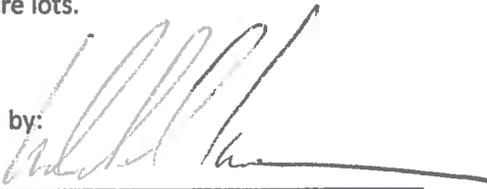
This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

We request the proposed zoning of Rancho Verano be changed to residential fringe. We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:



11/22/15

Address 47 Encantado Loop, Santa Fe, NM 87508

~~Property Owner in~~  
~~Resident of~~ Las Nubes Residents Association or other Resident of Lot 7

Property Owner of 6 Rancho Verano Road, Santa Fe, NM 87508

RE: Santa Fe County Sustainable Development Code Zoning Map

This is a petition regarding proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

By signing below, I am requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5-acre lot size minimum required by the Covenants which were lawfully put in place for all of Lot 7.

Our organization, the Las Nubes Residents Association (and adjoining properties), represents part of Lot 7, (the lots immediately to the north of the Rancho Verano subdivision). We are greatly concerned that the current zoning proposal contradicts the Convents for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing the lot size minimum from 5 acres to 2 ½ acres. The County has correctly proposed zoning that requires 5-acre minimum lot sizes for the majority of Lot 7. However, the southern part of Lot 7, known as Ranch Verano, shows zoning of residential estate which would allow 2 ½ acre minimum lot sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that the Las Nubes Residents Association funds and maintains. It would also be contrary to the Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF County Clerk, book 614, pages 681-689 and amendment to minimum of 5 acres, book 692, pages 028-031).

**We request the proposed zoning of Rancho Verano be changed to residential fringe.** We would also like it to be noted that the owners of Rancho Verano originally had a development master plan for 5 acre lots and that the total acreage has been marketed over the past few years as being a development of 5 acre lots.

Signed by:

Shirley A. Knorr 11/22/15

Address 49 Encantado Loop, Santa Fe, NM 87508

Property Owner in

Resident of Las Nubes Residents Association or other Resident of Lot 7

Property Owner of 6 Rancho Verano Road, Santa Fe, NM 87508

## Public Comment 27

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
27	PD2	Roger	Taylor	Requesting that the to be amended portions of PD2 be removed from the Commonweal Masterplan be zoned Ag/Ranch.	<p>Staff is in process of reviewing proposed zoning for area not included in Master Plan Amendment.</p> <p>Staff has reviewed the area outside of the amended master plan and is recommending the following changes: Outside of the revised PD district, show the northwestern 2,587 +/- acres of the Galisteo Basin Preserve project in the “Rural” zoning district, consistent with the SGMP Future Land Use Map, and show the remainder 6,146 +/- acres of this project (that is not in the revised “Trenza” master plan boundary) to be in the “Ag/Ranch” zoning district.</p> <p>Recommendation: Change PD to approximately 2502 acres (based on latest approved "Trenza" master plan); change area outside of PD to “Rural” (approximately 2,587 acres) and “Ag/Ranch” (approximately 6,146 acres).</p>

27. Roger Taylor 11.9.15

27.A. Roger Taylor 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 09, 2015 12:15:12 PM

---

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

Comment Type  
Specific Parcel

Comments

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

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

Property Owner (First Name)  
Commonweal

Property Owner (Last Name)  
(No value)

Physical Address of Property  
Galisteo Basin Preserve

Email address:  
(No value)

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

Requested Zoning Classification  
A/R - Agriculture/Ranching

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

ROGER TAYLOR: Roger Taylor, 54 Camino los Angelitos, Galisteo. I'm here on two issues tonight. First, it's very exciting here after all these years. Very nice, and hopefully the code to come right afterwards. The first is as a board member of Turquoise Trail Preservation Trust representing the board tonight, again, to reiterate what Walt Wait had to say, we strongly support that change in the zoning designation for that particular area along the Turquoise Trail, along with the 1,000 setback.

On a second area of concern, representing the Village of Galisteo as well as the two domestic mutual in Galisteo, we wanted to comment on the PD2 Galisteo Basin Preserve. We think it's very appropriate with the amended building plan for Commonwealth that that remain a planned development district zoning. That's fine. And we have some concerns about the acreage that was removed from that amended plan, which is, in all, about 8,000 acres if all plans by Commonwealth were to come to fruition. There's about 4,000 acres which under agreement to purchase, but not yet purchased in that land that was removed from the building envelope. Another 4,000 acres, about 2,400 of it as I understand is under conservation easement; 1600 acres is not.

Our concern is, and it's nothing against Commonwealth. They've done a fabulous job of taking large sections of land, getting conservation easements and the rest of that. And we do think it's a great step that they're recommending today, going to at least residential fringe, which is one dwelling per five acres rather than leaving that at a planned development district which is one to one. However, given that this was prior to the purchase by Commonwealth used as agricultural-ranch land, given that there have been concerns raised by both the OSE and by the Village of Galisteo as to water delivery and water capability, should building go on, given that there's possibilities that because Commonwealth has had to downsize, possibly from financial pressures, or they could reach financial pressures in the future, to take that land which has been taken out of the envelope and put it up for sale, which a developer could take, we would prefer that we be a little bit more aggressive on that zoning and bring it to rural or rural fringe, and we would appreciate that consideration. Thank you.

COMMISSIONER CHAVEZ: Commissioner Holian, did you want some clarification on that?

COMMISSIONER HOLIAN: Roger, it looks like most of the land was turned back into ag-ranch, so which part of the property are you speaking about?

MR. TAYLOR: I'm seeing the zoning proposed as of tonight as residential fringe is what I thought I heard Robert say, but I may have been mistaken. I would like to be mistaken.

COMMISSIONER HOLIAN: Perhaps you could talk to Robert. But mostly, on the map that we have of the proposed changes by staff, most of it's ag-ranch now.

MR. TAYLOR: Wonderful. We're fine.

## Public Comment 28

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
28	910009156	John	Finn	Requesting a change from RUR-R [Rural Residential] to RES-F [Residential Fringe].	This area is in the San Marcos District proposed as “Rural Residential” zoning district. The San Marcos District Community Plan analyzed development patterns as a whole within San Marcos and within the individual neighborhoods. Any revisions to the proposed zoning map should be done pursuant to revisions to the San Marcos District Community Plan. Recommendation: No Change.

28. John Finn 11.9.15

**From:** [Penny Ellis-Green](#)  
**To:** [Amy M. Rincon](#); [Robert Griego](#)  
**Subject:** FW: Santa Fe County Zoning Map Draft  
**Date:** Monday, November 09, 2015 4:03:26 PM

---

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

**From:** John Finn [mailto:johnstephenfinn@gmail.com]  
**Sent:** Monday, November 09, 2015 11:24 AM  
**To:** Penny Ellis-Green  
**Cc:** Constance T. Lujan  
**Subject:** Santa Fe County Zoning Map Draft

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

## Public Comment 29

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
29	910004343 (Rounsville) (also spelled Rounseville) 960001291 (Henson) 960001293 (Little Bluestem, LLC) 54063744 (Little Bluestem, LLC)	William A	Eklund	Requesting a change from Residential Estate (2.5 acres per DU) to Rural Residential (10 acres per DU).	This area is identified as Residential Estate. There is some concern with long-range groundwater availability in this area and the need to provide a transition between the “Residential Estate” (1 du/2.5 acres) that lies to the east, and the “Rural Residential” areas to the west, which have been developed for 10- to 15-acre lots in the “La Tierra” subdivision which lies to the north and to the west. Therefore, it is recommended that the parcels that lie along the northern and western boundaries of the “Residential Estate” zoning district (a depth of about one-quarter mile) be changed to “Residential Fringe” (1 du/5 acres). Recommendation: Change the parcels that lie along the northern and western boundaries of the “Residential Estate” zoning district (a depth of about one-quarter mile) be changed to “Residential Fringe” (1 du/5 acres). The 114-acre parcel that lies in the southwestern corner of this area would remain “Residential Estate” (1 du/2.5 acres).

29. William Eklund 11.10.15

29.A. William Eklund 11.10.15

29.B. William Eklund 11.16.15

29.C. Tom Wehner 11.24.15

29.D. Tom Wehner 11.24.15

29.E. Bill Eklund 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 09, 2015 8:53:15 PM

---

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

Comment Type  
Specific Parcel

Comments

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

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

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

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

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

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

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

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

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

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

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

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

Thank you,  
William A Eklund

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

Property Owner (First Name)  
William A

Property Owner (Last Name)  
Eklund

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

Email address:  
bill eklund@gmail.com

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

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments

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

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 09, 2015 8:55:15 PM

---

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

Comment Type  
Specific Parcel

Comments

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

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

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

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

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

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

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

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

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

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

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

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

Thank you,  
William A Eklund

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

Property Owner (First Name)  
William A

Property Owner (Last Name)  
Eklund

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

Email address:  
bill eklund@gmail.com

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

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments

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

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

November 16, 2015

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

Subject: SDLC and Proposed Zoning Map

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

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

**Summary:**

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

**Homeowner Concerns:**

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

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

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

### 1. Water Availability.

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

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

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

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

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

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

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

By way of further background, the particular demarcation of the boundary between the Basin and Basin Fringe zones was necessarily a matter of professional judgment after the hydrological survey data became available around 1980. Since

hydrological variations are generally gradual and not distinct, this boundary should be considered 'fuzzy.'

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 2. Access and Traffic Management.

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

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

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

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

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

Conclusion:

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

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

Respectfully submitted,



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

Zoning Map Public Comments

Santa Fe County  
Sustainable Land Development Code  
Zoning Map  
Adoption Draft, October 27, 2015  
Zoning Map Comment 29

Legend

Santa Fe County



Parcels (with acreage)

Parcels that are Subject of Public Comments  
(with comment number in blue)

Not Under Santa Fe County Zoning Jurisdiction



Proposed 10/27/15 SLDC Zoning Map



Community Overlay Zoning Districts (O-CD)

Rural Commercial Overlay Zone (O-RC)

Turquoise Trail Environmental and Resource Protection Overlay District (TT O-ERP)

Airport Noise Overlay Zone (O-AN)



Any land or property which is subject to Santa Fe County's zoning jurisdiction, but is not depicted on this map within a County zoning district, shall be construed by default to be located in the Ag / Ranch zoning district, unless otherwise specifically provided for in the Santa Fe County Land Development Code.

Densities referred to on this map and in the text of the County's zoning regulations indicate the gross or overall density of development projects and subdivisions, and do not necessarily indicate the minimum area required for each individual lot.

0.5 0.25 0 0.5 Miles

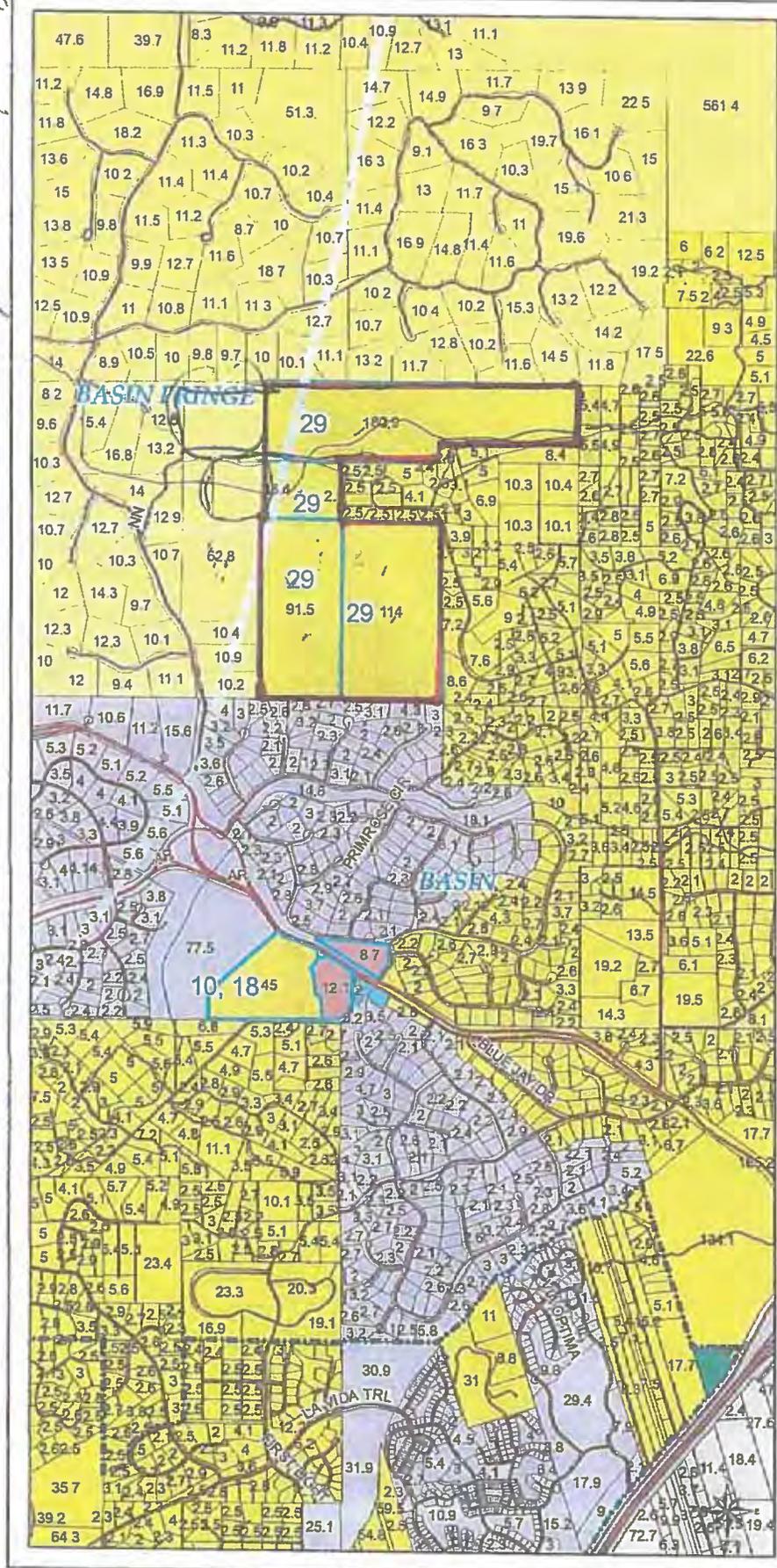
2,000 1,000 0 2,000 Feet



Santa Fe County  
Growth Management  
Department  
Planning Division

Oct. 27, 2015

sldc\_zoning\_map\_adoption\_draft\_q\_10\_27\_15\_zoning\_map\_public\_comments\_letter.mxd



TOM WAYNER: I'm Tom Wayner. I live at 7 Conejo Trail in Tierra Preciosa. And I want to also thank the staff for their valiant efforts in working with the community and basically going over many of the details of the map. I want to thank Robert Griego especially and his staff for all that they've done. They've been tremendous in working with us and I appreciate them very much. He has made some suggestions for changes to the parcels and he mentioned those today.

The parcels that I have comments about are comments on parcels #910004343, #960001291, #960001293, and #54063744. Those are parcels that are in between Las Campanas and Sundance Estates and they are next to the Tierra Preciosa Subdivision. I want to make two points about those and request that those be zoned for residential rural. I think that's the correct – 10 acres per dwelling unit. And the reason is because they are currently sandwiched in between two areas that are 10 acres per dwelling unit. One of them appears not to be because it's currently at 2.5 acres per dwelling unit, but it's only at that particular level because of the fact that when the land was first acquired and subdivided it was 10 acres. Then by virtue of family transfer in a very large family these became five-acre lots, and thankfully, the family transfer things will be gone with the new SLDC. That's really great.

Then a mistake was made and a builder was able to subdivide his five-acre lot into 2.5 acres which set the precedent for all the lots becoming 2.5 acres. So the areas that basically are on either side of the subject four parcels are ten acres per dwelling unit, actually, and I think it's reasonable to make them that as well. The water usage that is concomitant with the higher density that's been allowed – four times the amount – means that there's a lot more usage than you would normally expect. This area is in the basin but it's right next to the basin fringe. Having the higher densities is not reasonable.

The 1980 hydrologic survey recommends – and that's the most recent survey – recommends ten acres per dwelling unit. Second, the terrain on the subject properties is very steep and has a large arroyo with a large floodplain and the terrain is inappropriate for high density development. So for those two reasons, that it's already in a ten-acre area actually, and that's it's very undevelopable because of the terrain are reasons it should be at ten acres per dwelling unit and not at a higher density. Thank you

MR. WAYNER: Tom Wayner, 7 Conejo Trail. I've been sworn in. I'd like to request simply that I get an opportunity to show you the area on the overhead map that I spoke about before. The map was not available when I spoke but I would like to bring that up now if I could. Could I request that?

COMMISSIONER CHAVEZ: I think so. I think staff –

MR. WAYNER: This is an area that is east of Paseo de la Tierra and Campanas Drive. Can you zoom in a little bit more at that corner? The brown-colored corner? Can you show parcels? Okay. That's good right there. The parcel that is at the top, a long rectangle at the top, is a parcel that is about 185 acres and it is – the proposed zoning is for the west half of it to be ten acres per dwelling unit and the east half to be 2.5. Robert Griego in his package to you has changed that right have to be five acres per dwelling unit in what I and neighbors that that complete parcel be ten acres.

There is a notebook boundary, lot boundary between the yellow and the ten there on the left-hand side is where the parcel is. Now you can see that there's a left part of it, almost a square that is at the ten acres per dwelling unit and then the right half is at 2.5. And Robert has, in his package to you, recommended that that be five.

The area to the north of that is ten, the area to the west of that is ten, and the area that is subdivided into the very small parcels is 2.5-acre parcels. It's the area that had been ten acres per dwelling unit also but by virtues of family transfer and accidents got basically converted into 2.5. So the areas that are under consideration is four parcels. We're requesting it be placed at 10 acres per dwelling unit, and that's consistent with what's on the left, the right, the north and south. Thank you very much.

WILLIAM ECKLUND: Good evening. My name is William Ecklund. I live in La Tierra at 48 Paseo de la Tierra. I live adjacent to a 400-acre collection of approximately four or five parcels. We have objected previously in writing. You have our comments, my comments on that proposed rezoning, largely to 2.5-acre residential estate zoning. And in the past week your Planning Division has done a remarkable and professional job of coming part way to meet our objections and has proposed some changes to the map accordingly.

We are still evaluating those proposals and we are pleased to see the response. We are evaluating those at this time. So I'm not going to address those in any more detail tonight. I'd like to simply urge you to take it slow and not push this process, even though I know you've been working on this for years, I personally think an extension of a couple months may well be in order. My main concern is protection of the aquifer. You may have read over the past weekend that the Mennonite community in Mexico, north of Chihuahua is leaving Mexico. They've been there for over 100 years. They are leaving Mexico because they have depleted their aquifer and have no more water for irrigation purposes. They are moving to South America. Aquifers are being depleted all over the world, including in wealthy countries like Saudi Arabia and also in the US.

Just over the mountains from here to the east, a few hundred miles, the Oglala aquifer feeds drinking water to two million people and it has been depleted by nine percent already and is going down close to a percent per year now. It underlies part of eight complete states, part of eight states it underlies and it feeds drinking water to two million people, and it's being drained.

Now, we have an aquifer under the Santa Fe Basin which is declining, presumably at some unknown rate. We have well logging data. We now have monitoring wells. We have a monitoring well built by the City as you know, out less than one mile from the area I am speaking of, but it has only been in existence for a couple of years and the data is only available for two years. In my opinion that's woefully insufficient to do long-term predictions as to the health of the aquifer.

So my point is that once you make this decision to increase the dwelling density in the area overlying this basin and where well water is likely to be necessary, where groundwater is likely to be used and necessary into the indefinite future, I would suggest you take this slow and make sure that you have complied with the New Mexico Legislature which has directed all counties to consider water availability in zoning decisions and issuing zoning regulations as you well know.

As I understand that the intention is to evaluate hydrological data and water availability before zoning decisions are made, not after. After zoning decisions are made I do know that your SLDC contains fairly detailed provisions for evaluating the aquifer condition at a particular site with a test well, flow tests, duration, and so on, but there's no way that that test can evaluate the long-term direction of the aquifer level. Only adequate hydrologic monitoring can do that.

And so the well test that every owner has to go through to get a well in this state are not sufficient to rely upon. The well data reported by the drillers are of different quality, made by different people and in one sense are anecdotal data that may or may not evaluate trends. So my point is that the S in SLDC stands for Sustainable and that includes not only the environment we know and feel but the water underneath us, the aquifer. We can't allow decisions to be made that will cause draining of the aquifer in the foreseeable future. Ideally, the level of the aquifer will be sustained at a constant level. If that can't be done perhaps a long-term plan over 40 years or 90 years is appropriate but making a zoning decision in advance of even having any kind of monitoring data is in my view premature and not very appropriate. So I thank you very much.

## Public Comment 30

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
30	950000210	Richard	Fahey	Requesting a change from RES-E [Residential Estate] to RES-F [Residential Fringe] based on existing covenants.	This subdivision consists of 15 lots located along Camino Nevoso, in the vicinity of Old Las Vegas Highway and Two Trails Road. This area is already subdivided for predominantly 5-acre lots, and is served by the Sunlit Hills water system. The proposed change to Residential Fringe is supported by the community in this area to preserve existing community character and groundwater constraints. Recommendation: Change to "Residential Fringe" zoning, but retain the "Residential Estate" category on SGMP Future Land Use Map.

30. Richard Fahey 11.10.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Tuesday, November 10, 2015 10:38:24 AM

---

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

Comment Type  
General Area

Comments

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

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

Property Owner (First Name)  
Richard

Property Owner (Last Name)  
Fahey

Physical Address of Property  
58 Camino Nevoso

Email address:  
rpfahay1@yahoo.com

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

Requested Zoning Classification  
RES-F - Residential Fringe

Additional Comments  
(No value)

## Public Comment 31

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
31	76002603, 940001932, 940001933	Sam	Sloan	Concerned that he will not be able to build on parcels smaller than the proposed zoning districts.	Section 1.11.7. of the SLDC indicates that previously approved and platted land divisions, subdivisions, and the lots created thereby, shall be recognized as legally existing lots. Section 14. 10.3. also recognizes non-conforming status and indicates the right to develop legal lots under the base zoning district in which parcel is located.

31. Sam Sloan 11.13.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Friday, November 13, 2015 10:51:50 AM

---

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

Comment Type  
Specific Parcel

Comments

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

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

Property Owner (First Name)  
Sam

Property Owner (Last Name)  
Sloan

Physical Address of Property  
Anaya Ranch Road

Email address:  
sloanvictor@mac.com

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

Requested Zoning Classification  
RUR - Rural

Additional Comments  
(No value)

## Public Comment 32

<b>ID</b>	<b>Property</b>	<b>First Name</b>	<b>Last Name</b>	<b>Comment Summary</b>	<b>Summary Analysis and Staff Recommendation</b>
32	99303038	Gerard U.	Quintana	Requesting a change from RES-F (5 acres) to RES-E (2.5 acres).	This area is located in SDA-2 and is in the current Homestead hydrologic zone. This area contains substantial steep slope areas which create a significant constraint with respect to further subdivision. The average lot size for this area is about 5 acres. Recommendation: No change.

32. Gerard Quintana 11.13.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Friday, November 13, 2015 1:35:17 PM

---

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

Comment Type  
Specific Parcel

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

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

Property Owner (First Name)  
Gerard

Property Owner (Last Name)  
Quintana

Physical Address of Property  
(No value)

Email address:  
(No value)

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

Requested Zoning Classification  
RES-E - Residential Estate

Additional Comments  
-Walk in

## Public Comment 33

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
33	La Tierra and Paseo La Tierra	David	Nelson	Requesting a change from Residential Estate to Rural Residential for large parcels east of La Tierra and Paseo La Tierra because of the hydrology in the area.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the “Residential Estate” zoning district (a depth of about one-quarter mile) be changed to “Residential Fringe” (1 du/5 acres). The 114-acre parcel that lies in the southwestern corner of this area would remain “Residential Estate” (1 du/2.5 acres).

33. David Nelson 11.16.15

33.A. Tom Wehner 11.24.15

33.B. Tom Wehner 11.24.15

33.C. Bill Eklund 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Sunday, November 15, 2015 7:45:57 PM

---

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

Comment Type  
General Area

Comments

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

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

Property Owner (First Name)  
David

Property Owner (Last Name)  
Nelson

Physical Address of Property  
19 Vuelta Sabio

Email address:  
dnelson104@msn.com

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

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments  
(No value)

TOM WAYNER: I'm Tom Wayner. I live at 7 Conejo Trail in Tierra Preciosa. And I want to also thank the staff for their valiant efforts in working with the community and basically going over many of the details of the map. I want to thank Robert Griego especially and his staff for all that they've done. They've been tremendous in working with us and I appreciate them very much. He has made some suggestions for changes to the parcels and he mentioned those today.

The parcels that I have comments about are comments on parcels #910004343, #960001291, #960001293, and #54063744. Those are parcels that are in between Las Campanas and Sundance Estates and they are next to the Tierra Preciosa Subdivision. I want to make two points about those and request that those be zoned for residential rural. I think that's the correct – 10 acres per dwelling unit. And the reason is because they are currently sandwiched in between two areas that are 10 acres per dwelling unit. One of them appears not to be because it's currently at 2.5 acres per dwelling unit, but it's only at that particular level because of the fact that when the land was first acquired and subdivided it was 10 acres. Then by virtue of family transfer in a very large family these became five-acre lots, and thankfully, the family transfer things will be gone with the new SLDC. That's really great.

Then a mistake was made and a builder was able to subdivide his five-acre lot into 2.5 acres which set the precedent for all the lots becoming 2.5 acres. So the areas that basically are on either side of the subject four parcels are ten acres per dwelling unit, actually, and I think it's reasonable to make them that as well. The water usage that is concomitant with the higher density that's been allowed – four times the amount – means that there's a lot more usage than you would normally expect. This area is in the basin but it's right next to the basin fringe. Having the higher densities is not reasonable.

The 1980 hydrologic survey recommends – and that's the most recent survey – recommends ten acres per dwelling unit. Second, the terrain on the subject properties is very steep and has a large arroyo with a large floodplain and the terrain is inappropriate for high density development. So for those two reasons, that it's already in a ten-acre area actually, and that's it's very undevelopable because of the terrain are reasons it should be at ten acres per dwelling unit and not at a higher density. Thank you

MR. WAYNER: Tom Wayner, 7 Conejo Trail. I've been sworn in. I'd like to request simply that I get an opportunity to show you the area on the overhead map that I spoke about before. The map was not available when I spoke but I would like to bring that up now if I could. Could I request that?

COMMISSIONER CHAVEZ: I think so. I think staff –

MR. WAYNER: This is an area that is east of Paseo de la Tierra and Campanas Drive. Can you zoom in a little bit more at that corner? The brown-colored corner? Can you show parcels? Okay. That's good right there. The parcel that is at the top, a long rectangle at the top, is a parcel that is about 185 acres and it is – the proposed zoning is for the west half of it to be ten acres per dwelling unit and the east half to be 2.5. Robert Griego in his package to you has changed that right have to be five acres per dwelling unit in what I and neighbors that that complete parcel be ten acres.

There is a notebook boundary, lot boundary between the yellow and the ten there on the left-hand side is where the parcel is. Now you can see that there's a left part of it, almost a square that is at the ten acres per dwelling unit and then the right half is at 2.5. And Robert has, in his package to you, recommended that that be five.

The area to the north of that is ten, the area to the west of that is ten, and the area that is subdivided into the very small parcels is 2.5-acre parcels. It's the area that had been ten acres per dwelling unit also but by virtues of family transfer and accidents got basically converted into 2.5. So the areas that are under consideration is four parcels. We're requesting it be placed at 10 acres per dwelling unit, and that's consistent with what's on the left, the right, the north and south. Thank you very much.

WILLIAM ECKLUND: Good evening. My name is William Ecklund. I live in La Tierra at 48 Paseo de la Tierra. I live adjacent to a 400-acre collection of approximately four or five parcels. We have objected previously in writing. You have our comments, my comments on that proposed rezoning, largely to 2.5-acre residential estate zoning. And in the past week your Planning Division has done a remarkable and professional job of coming part way to meet our objections and has proposed some changes to the map accordingly.

We are still evaluating those proposals and we are pleased to see the response. We are evaluating those at this time. So I'm not going to address those in any more detail tonight. I'd like to simply urge you to take it slow and not push this process, even though I know you've been working on this for years, I personally think an extension of a couple months may well be in order. My main concern is protection of the aquifer. You may have read over the past weekend that the Mennonite community in Mexico, north of Chihuahua is leaving Mexico. They've been there for over 100 years. They are leaving Mexico because they have depleted their aquifer and have no more water for irrigation purposes. They are moving to South America. Aquifers are being depleted all over the world, including in wealthy countries like Saudi Arabia and also in the US.

Just over the mountains from here to the east, a few hundred miles, the Oglala aquifer feeds drinking water to two million people and it has been depleted by nine percent already and is going down close to a percent per year now. It underlies part of eight complete states, part of eight states it underlies and it feeds drinking water to two million people, and it's being drained.

Now, we have an aquifer under the Santa Fe Basin which is declining, presumably at some unknown rate. We have well logging data. We now have monitoring wells. We have a monitoring well built by the City as you know, out less than one mile from the area I am speaking of, but it has only been in existence for a couple of years and the data is only available for two years. In my opinion that's woefully insufficient to do long-term predictions as to the health of the aquifer.

So my point is that once you make this decision to increase the dwelling density in the area overlying this basin and where well water is likely to be necessary, where groundwater is likely to be used and necessary into the indefinite future, I would suggest you take this slow and make sure that you have complied with the New Mexico Legislature which has directed all counties to consider water availability in zoning decisions and issuing zoning regulations as you well know.

As I understand that the intention is to evaluate hydrological data and water availability before zoning decisions are made, not after. After zoning decisions are made I do know that your SLDC contains fairly detailed provisions for evaluating the aquifer condition at a particular site with a test well, flow tests, duration, and so on, but there's no way that that test can evaluate the long-term direction of the aquifer level. Only adequate hydrologic monitoring can do that.

And so the well test that every owner has to go through to get a well in this state are not sufficient to rely upon. The well data reported by the drillers are of different quality, made by different people and in one sense are anecdotal data that may or may not evaluate trends. So my point is that the S in SLDC stands for Sustainable and that includes not only the environment we know and feel but the water underneath us, the aquifer. We can't allow decisions to be made that will cause draining of the aquifer in the foreseeable future. Ideally, the level of the aquifer will be sustained at a constant level. If that can't be done perhaps a long-term plan over 40 years or 90 years is appropriate but making a zoning decision in advance of even having any kind of monitoring data is in my view premature and not very appropriate. So I thank you very much.

## Public Comment 34

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
34	910004343	Thomas	Wehner	Requesting a change from Rural Estate to Rural Residential for the parcel north of his parcel. Please see attached comment.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the “Residential Estate” zoning district (a depth of about one-quarter mile) be changed to “Residential Fringe” (1 du/5 acres). The 114-acre parcel that lies in the southwestern corner of this area would remain “Residential Estate” (1 du/2.5 acres).

34. Thomas Wehner 11.16.15

34.A. Tom Wehner 11.24.15

34.B. Tom Wehner 11.24.15

34.C. Bill Eklund 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Sunday, November 15, 2015 10:27:13 PM

---

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

Comment Type  
Specific Parcel

Comments

This comment is from  
Thomas Wehner who resides at  
7 Conejo Trail  
Santa Fe, NM 87506  
Tax Parcel Number: 910018105  
And who also owns Tax Parcel Numbers: 910018106 and 910001476

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

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

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

2) The terrain of the subject property is dominated by the large Alamo Dry Creek Arroyo with accompanying steep slopes and wide flood planes. At 2.5 acres per DU, most lots would be undevelopable.

3) Limited access to the large subject parcel (185 acres, about 1.25 miles x 0.25 miles) requires lower DU density. The only access to the subject property is a single 50-foot easement across private land. The traffic from 18 homes (at 10 acres per DU) in and out a single road is far more reasonable than the traffic from 74 homes (at 2.5 acres per DU).

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

Property Owner (First Name)  
WILLIAM

Property Owner (Last Name)

ROUNSVILLE

Physical Address of Property

82 B PASEO DE LA TIERRA SANTA FE, NM 87506

Email address:

conejo77@q.com

Zoning Classification on Adoption Draft Zoning Map

RES-E- Residential Estate

Requested Zoning Classification

RUR - Rural

Additional Comments

(No value)

TOM WAYNER: I'm Tom Wayner. I live at 7 Conejo Trail in Tierra Preciosa. And I want to also thank the staff for their valiant efforts in working with the community and basically going over many of the details of the map. I want to thank Robert Griego especially and his staff for all that they've done. They've been tremendous in working with us and I appreciate them very much. He has made some suggestions for changes to the parcels and he mentioned those today.

The parcels that I have comments about are comments on parcels #910004343, #960001291, #960001293, and #54063744. Those are parcels that are in between Las Campanas and Sundance Estates and they are next to the Tierra Preciosa Subdivision. I want to make two points about those and request that those be zoned for residential rural. I think that's the correct – 10 acres per dwelling unit. And the reason is because they are currently sandwiched in between two areas that are 10 acres per dwelling unit. One of them appears not to be because it's currently at 2.5 acres per dwelling unit, but it's only at that particular level because of the fact that when the land was first acquired and subdivided it was 10 acres. Then by virtue of family transfer in a very large family these became five-acre lots, and thankfully, the family transfer things will be gone with the new SLDC. That's really great.

Then a mistake was made and a builder was able to subdivide his five-acre lot into 2.5 acres which set the precedent for all the lots becoming 2.5 acres. So the areas that basically are on either side of the subject four parcels are ten acres per dwelling unit, actually, and I think it's reasonable to make them that as well. The water usage that is concomitant with the higher density that's been allowed – four times the amount – means that there's a lot more usage than you would normally expect. This area is in the basin but it's right next to the basin fringe. Having the higher densities is not reasonable.

The 1980 hydrologic survey recommends – and that's the most recent survey – recommends ten acres per dwelling unit. Second, the terrain on the subject properties is very steep and has a large arroyo with a large floodplain and the terrain is inappropriate for high density development. So for those two reasons, that it's already in a ten-acre area actually, and that's it's very undevelopable because of the terrain are reasons it should be at ten acres per dwelling unit and not at a higher density. Thank you

MR. WAYNER: Tom Wayner, 7 Conejo Trail. I've been sworn in. I'd like to request simply that I get an opportunity to show you the area on the overhead map that I spoke about before. The map was not available when I spoke but I would like to bring that up now if I could. Could I request that?

COMMISSIONER CHAVEZ: I think so. I think staff –

MR. WAYNER: This is an area that is east of Paseo de la Tierra and Campanas Drive. Can you zoom in a little bit more at that corner? The brown-colored corner? Can you show parcels? Okay. That's good right there. The parcel that is at the top, a long rectangle at the top, is a parcel that is about 185 acres and it is – the proposed zoning is for the west half of it to be ten acres per dwelling unit and the east half to be 2.5. Robert Griego in his package to you has changed that right have to be five acres per dwelling unit in what I and neighbors that that complete parcel be ten acres.

There is a notebook boundary, lot boundary between the yellow and the ten there on the left-hand side is where the parcel is. Now you can see that there's a left part of it, almost a square that is at the ten acres per dwelling unit and then the right half is at 2.5. And Robert has, in his package to you, recommended that that be five.

The area to the north of that is ten, the area to the west of that is ten, and the area that is subdivided into the very small parcels is 2.5-acre parcels. It's the area that had been ten acres per dwelling unit also but by virtues of family transfer and accidents got basically converted into 2.5. So the areas that are under consideration is four parcels. We're requesting it be placed at 10 acres per dwelling unit, and that's consistent with what's on the left, the right, the north and south. Thank you very much.

WILLIAM ECKLUND: Good evening. My name is William Ecklund. I live in La Tierra at 48 Paseo de la Tierra. I live adjacent to a 400-acre collection of approximately four or five parcels. We have objected previously in writing. You have our comments, my comments on that proposed rezoning, largely to 2.5-acre residential estate zoning. And in the past week your Planning Division has done a remarkable and professional job of coming part way to meet our objections and has proposed some changes to the map accordingly.

We are still evaluating those proposals and we are pleased to see the response. We are evaluating those at this time. So I'm not going to address those in any more detail tonight. I'd like to simply urge you to take it slow and not push this process, even though I know you've been working on this for years, I personally think an extension of a couple months may well be in order. My main concern is protection of the aquifer. You may have read over the past weekend that the Mennonite community in Mexico, north of Chihuahua is leaving Mexico. They've been there for over 100 years. They are leaving Mexico because they have depleted their aquifer and have no more water for irrigation purposes. They are moving to South America. Aquifers are being depleted all over the world, including in wealthy countries like Saudi Arabia and also in the US.

Just over the mountains from here to the east, a few hundred miles, the Ogilala aquifer feeds drinking water to two million people and it has been depleted by nine percent already and is going down close to a percent per year now. It underlies part of eight complete states, part of eight states it underlies and it feeds drinking water to two million people, and it's being drained.

Now, we have an aquifer under the Santa Fe Basin which is declining, presumably at some unknown rate. We have well logging data. We now have monitoring wells. We have a monitoring well built by the City as you know, out less than one mile from the area I am speaking of, but it has only been in existence for a couple of years and the data is only available for two years. In my opinion that's woefully insufficient to do long-term predictions as to the health of the aquifer.

So my point is that once you make this decision to increase the dwelling density in the area overlying this basin and where well water is likely to be necessary, where groundwater is likely to be used and necessary into the indefinite future, I would suggest you take this slow and make sure that you have complied with the New Mexico Legislature which has directed all counties to consider water availability in zoning decisions and issuing zoning regulations as you well know.

As I understand that the intention is to evaluate hydrological data and water availability before zoning decisions are made, not after. After zoning decisions are made I do know that your SLDC contains fairly detailed provisions for evaluating the aquifer condition at a particular site with a test well, flow tests, duration, and so on, but there's no way that that test can evaluate the long-term direction of the aquifer level. Only adequate hydrologic monitoring can do that.

And so the well test that every owner has to go through to get a well in this state are not sufficient to rely upon. The well data reported by the drillers are of different quality, made by different people and in one sense are anecdotal data that may or may not evaluate trends. So my point is that the S in SLDC stands for Sustainable and that includes not only the environment we know and feel but the water underneath us, the aquifer. We can't allow decisions to be made that will cause draining of the aquifer in the foreseeable future. Ideally, the level of the aquifer will be sustained at a constant level. If that can't be done perhaps a long-term plan over 40 years or 90 years is appropriate but making a zoning decision in advance of even having any kind of monitoring data is in my view premature and not very appropriate. So I thank you very much.

## Public Comment 35

<b>ID</b>	<b>Property</b>	<b>First Name</b>	<b>Last Name</b>	<b>Comment Summary</b>	<b>Summary Analysis and Staff Recommendation</b>
35	960001291	Thomas	Wehner	Requesting a change from Rural Estate to Rural Residential. Please see attached comment.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the “Residential Estate” zoning district (a depth of about one-quarter mile) be changed to “Residential Fringe” (1 du/5 acres).

35. Thomas Wehner 11.16.15

35.A. Tom Wehner 11.24.15

35.B. Tom Wehner 11.24.15

35.C. Bill Eklund 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 16, 2015 9:04:04 AM

---

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

Comment Type  
Specific Parcel

#### Comments

This comment is from  
Thomas Wehner who resides at  
7 Conejo Trail  
Santa Fe, NM 87506  
Tax Parcel Number: 910018105  
And who also owns Tax Parcel Numbers: 910018106 and 910001476

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

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

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

2) The terrain of the subject property is dominated by the large Alamo Dry Creek Arroyo with accompanying steep slopes and wide flood planes. At 2.5 acres per DU, most lots would be undevelopable.

3) Limited access to the large subject parcel requires lower DU density. There are no access easement shown on the 2009, 2011 plat.

4) The 1980 hydrologic survey, the most recent hydrologic survey, cited as Map 41 in SLDC 2009 documents, stipulates DU densities for the subject parcel at 50 acres per DU on the Basin Fringe side of the parcel and 10 acres per DU on the Basin side of the parcel. With these stipulations, the subject parcel should be zoned at 50 acres per DU on the west side and 10 acres per DU on the east side. However, with the successive droughts since 1980, the DU densities should be even lower than in the 1980 survey, perhaps 100 acres per DU on the west side and 20 acres per DU on the east side. I am willing to compromise at 10 acres per DU, Residential Rural, for the entire parcel even though conservatism with respect to water availability would argue for even lower density.

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

960001291

Property Owner (First Name)  
HEATHER

Property Owner (Last Name)  
HENSON

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

Email address:  
conejo77@q.com

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

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments  
(No value)

TOM WAYNER: I'm Tom Wayner. I live at 7 Conejo Trail in Tierra Preciosa. And I want to also thank the staff for their valiant efforts in working with the community and basically going over many of the details of the map. I want to thank Robert Griego especially and his staff for all that they've done. They've been tremendous in working with us and I appreciate them very much. He has made some suggestions for changes to the parcels and he mentioned those today.

The parcels that I have comments about are comments on parcels #910004343, #960001291, #960001293, and #54063744. Those are parcels that are in between Las Campanas and Sundance Estates and they are next to the Tierra Preciosa Subdivision. I want to make two points about those and request that those be zoned for residential rural. I think that's the correct – 10 acres per dwelling unit. And the reason is because they are currently sandwiched in between two areas that are 10 acres per dwelling unit. One of them appears not to be because it's currently at 2.5 acres per dwelling unit, but it's only at that particular level because of the fact that when the land was first acquired and subdivided it was 10 acres. Then by virtue of family transfer in a very large family these became five-acre lots, and thankfully, the family transfer things will be gone with the new SLDC. That's really great.

Then a mistake was made and a builder was able to subdivide his five-acre lot into 2.5 acres which set the precedent for all the lots becoming 2.5 acres. So the areas that basically are on either side of the subject four parcels are ten acres per dwelling unit, actually, and I think it's reasonable to make them that as well. The water usage that is concomitant with the higher density that's been allowed – four times the amount – means that there's a lot more usage than you would normally expect. This area is in the basin but it's right next to the basin fringe. Having the higher densities is not reasonable.

The 1980 hydrologic survey recommends – and that's the most recent survey – recommends ten acres per dwelling unit. Second, the terrain on the subject properties is very steep and has a large arroyo with a large floodplain and the terrain is inappropriate for high density development. So for those two reasons, that it's already in a ten-acre area actually, and that's it's very undevelopable because of the terrain are reasons it should be at ten acres per dwelling unit and not at a higher density. Thank you

MR. WAYNER: Tom Wayner, 7 Conejo Trail. I've been sworn in. I'd like to request simply that I get an opportunity to show you the area on the overhead map that I spoke about before. The map was not available when I spoke but I would like to bring that up now if I could. Could I request that?

COMMISSIONER CHAVEZ: I think so. I think staff –

MR. WAYNER: This is an area that is east of Paseo de la Tierra and Campanas Drive. Can you zoom in a little bit more at that corner? The brown-colored corner? Can you show parcels? Okay. That's good right there. The parcel that is at the top, a long rectangle at the top, is a parcel that is about 185 acres and it is – the proposed zoning is for the west half of it to be ten acres per dwelling unit and the east half to be 2.5. Robert Griego in his package to you has changed that right have to be five acres per dwelling unit in what I and neighbors that that complete parcel be ten acres.

There is a notebook boundary, lot boundary between the yellow and the ten there on the left-hand side is where the parcel is. Now you can see that there's a left part of it, almost a square that is at the ten acres per dwelling unit and then the right half is at 2.5. And Robert has, in his package to you, recommended that that be five.

The area to the north of that is ten, the area to the west of that is ten, and the area that is subdivided into the very small parcels is 2.5-acre parcels. It's the area that had been ten acres per dwelling unit also but by virtues of family transfer and accidents got basically converted into 2.5. So the areas that are under consideration is four parcels. We're requesting it be placed at 10 acres per dwelling unit, and that's consistent with what's on the left, the right, the north and south. Thank you very much.

WILLIAM ECKLUND: Good evening. My name is William Ecklund. I live in La Tierra at 48 Paseo de la Tierra. I live adjacent to a 400-acre collection of approximately four or five parcels. We have objected previously in writing. You have our comments, my comments on that proposed rezoning, largely to 2.5-acre residential estate zoning. And in the past week your Planning Division has done a remarkable and professional job of coming part way to meet our objections and has proposed some changes to the map accordingly.

We are still evaluating those proposals and we are pleased to see the response. We are evaluating those at this time. So I'm not going to address those in any more detail tonight. I'd like to simply urge you to take it slow and not push this process, even though I know you've been working on this for years, I personally think an extension of a couple months may well be in order. My main concern is protection of the aquifer. You may have read over the past weekend that the Mennonite community in Mexico, north of Chihuahua is leaving Mexico. They've been there for over 100 years. They are leaving Mexico because they have depleted their aquifer and have no more water for irrigation purposes. They are moving to South America. Aquifers are being depleted all over the world, including in wealthy countries like Saudi Arabia and also in the US.

Just over the mountains from here to the east, a few hundred miles, the Ogilala aquifer feeds drinking water to two million people and it has been depleted by nine percent already and is going down close to a percent per year now. It underlies part of eight complete states, part of eight states it underlies and it feeds drinking water to two million people, and it's being drained.

Now, we have an aquifer under the Santa Fe Basin which is declining, presumably at some unknown rate. We have well logging data. We now have monitoring wells. We have a monitoring well built by the City as you know, out less than one mile from the area I am speaking of, but it has only been in existence for a couple of years and the data is only available for two years. In my opinion that's woefully insufficient to do long-term predictions as to the health of the aquifer.

So my point is that once you make this decision to increase the dwelling density in the area overlying this basin and where well water is likely to be necessary, where groundwater is likely to be used and necessary into the indefinite future, I would suggest you take this slow and make sure that you have complied with the New Mexico Legislature which has directed all counties to consider water availability in zoning decisions and issuing zoning regulations as you well know.

As I understand that the intention is to evaluate hydrological data and water availability before zoning decisions are made, not after. After zoning decisions are made I do know that your SLDC contains fairly detailed provisions for evaluating the aquifer condition at a particular site with a test well, flow tests, duration, and so on, but there's no way that that test can evaluate the long-term direction of the aquifer level. Only adequate hydrologic monitoring can do that.

And so the well test that every owner has to go through to get a well in this state are not sufficient to rely upon. The well data reported by the drillers are of different quality, made by different people and in one sense are anecdotal data that may or may not evaluate trends. So my point is that the S in SLDC stands for Sustainable and that includes not only the environment we know and feel but the water underneath us, the aquifer. We can't allow decisions to be made that will cause draining of the aquifer in the foreseeable future. Ideally, the level of the aquifer will be sustained at a constant level. If that can't be done perhaps a long-term plan over 40 years or 90 years is appropriate but making a zoning decision in advance of even having any kind of monitoring data is in my view premature and not very appropriate. So I thank you very much.

## Public Comment 36

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
36	910004343	Thomas	Wehner	Requesting a change from Rural Estate to Rural Residential for the parcel north of his parcel. Please see attached comment.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres).

36. Thomas Wehner 11.16.15

36.A. Tom Wehner 11.24.15

36.B. Tom Wehner 11.24.15

36.C. Bill Eklund 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 16, 2015 9:17:55 AM

---

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

Comment Type  
Specific Parcel

Comments

This comment is from  
Thomas Wehner who resides at  
7 Conejo Trail  
Santa Fe, NM 87506  
Tax Parcel Number: 910018105  
And who also owns Tax Parcel Numbers: 910018106 and 910001476

I am adding one argument based on the hydrologic survey to my previous submission.

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

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

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

2) The terrain of the subject property is dominated by the large Alamo Dry Creek Arroyo with accompanying steep slopes and wide flood planes. At 2.5 acres per DU, most lots would be undevelopable.

3) Limited access to the large subject parcel (185 acres, about 1.25 miles x 0.25 miles) requires lower DU density. The only access to the subject property is a single 50-foot easement across private land. The traffic from 18 homes (at 10 acres per DU) in and out a single road is far more reasonable than the traffic from 74 homes (at 2.5 acres per DU).

4) The 1980 hydrologic survey, the most recent hydrologic survey, cited as Map 41 in SLDC 2009 documents, stipulates DU densities for the subject parcel at 50 acres per DU on the Basin Fringe side of the parcel and 10 acres per DU on the Basin side of the parcel. With these stipulations, the subject parcel should be zoned at 50 acres per DU on the west side and 10 acres per DU on the east side. However, with the successive droughts since 1980, the DU densities should be even lower than in the 1980 survey, perhaps 100 acres per DU on the west side and 20 acres per DU on the east side. I am willing to compromise at 10 acres per DU, Residential Rural, for the entire parcel

even though conservatism with respect to water availability would argue for even lower density.

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

Property Owner (First Name)  
WILLIAM

Property Owner (Last Name)  
ROUNSVILLE

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

Email address:  
conejo77@q.com

Zoning Classification on Adoption Draft Zoning Map  
(No value)

Requested Zoning Classification  
(No value)

Additional Comments  
(No value)

TOM WAYNER: I'm Tom Wayner. I live at 7 Conejo Trail in Tierra Preciosa. And I want to also thank the staff for their valiant efforts in working with the community and basically going over many of the details of the map. I want to thank Robert Griego especially and his staff for all that they've done. They've been tremendous in working with us and I appreciate them very much. He has made some suggestions for changes to the parcels and he mentioned those today.

The parcels that I have comments about are comments on parcels #910004343, #960001291, #960001293, and #54063744. Those are parcels that are in between Las Campanas and Sundance Estates and they are next to the Tierra Preciosa Subdivision. I want to make two points about those and request that those be zoned for residential rural. I think that's the correct – 10 acres per dwelling unit. And the reason is because they are currently sandwiched in between two areas that are 10 acres per dwelling unit. One of them appears not to be because it's currently at 2.5 acres per dwelling unit, but it's only at that particular level because of the fact that when the land was first acquired and subdivided it was 10 acres. Then by virtue of family transfer in a very large family these became five-acre lots, and thankfully, the family transfer things will be gone with the new SLDC. That's really great.

Then a mistake was made and a builder was able to subdivide his five-acre lot into 2.5 acres which set the precedent for all the lots becoming 2.5 acres. So the areas that basically are on either side of the subject four parcels are ten acres per dwelling unit, actually, and I think it's reasonable to make them that as well. The water usage that is concomitant with the higher density that's been allowed – four times the amount – means that there's a lot more usage than you would normally expect. This area is in the basin but it's right next to the basin fringe. Having the higher densities is not reasonable.

The 1980 hydrologic survey recommends – and that's the most recent survey – recommends ten acres per dwelling unit. Second, the terrain on the subject properties is very steep and has a large arroyo with a large floodplain and the terrain is inappropriate for high density development. So for those two reasons, that it's already in a ten-acre area actually, and that's it's very undevelopable because of the terrain are reasons it should be at ten acres per dwelling unit and not at a higher density. Thank you

MR. WAYNER: Tom Wayner, 7 Conejo Trail. I've been sworn in. I'd like to request simply that I get an opportunity to show you the area on the overhead map that I spoke about before. The map was not available when I spoke but I would like to bring that up now if I could. Could I request that?

COMMISSIONER CHAVEZ: I think so. I think staff –

MR. WAYNER: This is an area that is east of Paseo de la Tierra and Campanas Drive. Can you zoom in a little bit more at that corner? The brown-colored corner? Can you show parcels? Okay. That's good right there. The parcel that is at the top, a long rectangle at the top, is a parcel that is about 185 acres and it is – the proposed zoning is for the west half of it to be ten acres per dwelling unit and the east half to be 2.5. Robert Griego in his package to you has changed that right have to be five acres per dwelling unit in what I and neighbors that that complete parcel be ten acres.

There is a notebook boundary, lot boundary between the yellow and the ten there on the left-hand side is where the parcel is. Now you can see that there's a left part of it, almost a square that is at the ten acres per dwelling unit and then the right half is at 2.5. And Robert has, in his package to you, recommended that that be five.

The area to the north of that is ten, the area to the west of that is ten, and the area that is subdivided into the very small parcels is 2.5-acre parcels. It's the area that had been ten acres per dwelling unit also but by virtues of family transfer and accidents got basically converted into 2.5. So the areas that are under consideration is four parcels. We're requesting it be placed at 10 acres per dwelling unit, and that's consistent with what's on the left, the right, the north and south. Thank you very much.

WILLIAM ECKLUND: Good evening. My name is William Ecklund. I live in La Tierra at 48 Paseo de la Tierra. I live adjacent to a 400-acre collection of approximately four or five parcels. We have objected previously in writing. You have our comments, my comments on that proposed rezoning, largely to 2.5-acre residential estate zoning. And in the past week your Planning Division has done a remarkable and professional job of coming part way to meet our objections and has proposed some changes to the map accordingly.

We are still evaluating those proposals and we are pleased to see the response. We are evaluating those at this time. So I'm not going to address those in any more detail tonight. I'd like to simply urge you to take it slow and not push this process, even though I know you've been working on this for years, I personally think an extension of a couple months may well be in order. My main concern is protection of the aquifer. You may have read over the past weekend that the Mennonite community in Mexico, north of Chihuahua is leaving Mexico. They've been there for over 100 years. They are leaving Mexico because they have depleted their aquifer and have no more water for irrigation purposes. They are moving to South America. Aquifers are being depleted all over the world, including in wealthy countries like Saudi Arabia and also in the US.

Just over the mountains from here to the east, a few hundred miles, the Oglala aquifer feeds drinking water to two million people and it has been depleted by nine percent already and is going down close to a percent per year now. It underlies part of eight complete states, part of eight states it underlies and it feeds drinking water to two million people, and it's being drained.

Now, we have an aquifer under the Santa Fe Basin which is declining, presumably at some unknown rate. We have well logging data. We now have monitoring wells. We have a monitoring well built by the City as you know, out less than one mile from the area I am speaking of, but it has only been in existence for a couple of years and the data is only available for two years. In my opinion that's woefully insufficient to do long-term predictions as to the health of the aquifer.

So my point is that once you make this decision to increase the dwelling density in the area overlying this basin and where well water is likely to be necessary, where groundwater is likely to be used and necessary into the indefinite future, I would suggest you take this slow and make sure that you have complied with the New Mexico Legislature which has directed all counties to consider water availability in zoning decisions and issuing zoning regulations as you well know.

As I understand that the intention is to evaluate hydrological data and water availability before zoning decisions are made, not after. After zoning decisions are made I do know that your SLDC contains fairly detailed provisions for evaluating the aquifer condition at a particular site with a test well, flow tests, duration, and so on, but there's no way that that test can evaluate the long-term direction of the aquifer level. Only adequate hydrologic monitoring can do that.

And so the well test that every owner has to go through to get a well in this state are not sufficient to rely upon. The well data reported by the drillers are of different quality, made by different people and in one sense are anecdotal data that may or may not evaluate trends. So my point is that the S in SLDC stands for Sustainable and that includes not only the environment we know and feel but the water underneath us, the aquifer. We can't allow decisions to be made that will cause draining of the aquifer in the foreseeable future. Ideally, the level of the aquifer will be sustained at a constant level. If that can't be done perhaps a long-term plan over 40 years or 90 years is appropriate but making a zoning decision in advance of even having any kind of monitoring data is in my view premature and not very appropriate. So I thank you very much.

## Public Comment 37

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
37	54063744	Thomas	Wehner	Requesting a change from Rural Estate to Rural Residential. Please see attached comment.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres).

37. Thomas Wehner 11.16.15

37.A. Tom Wehner 11.24.15

37.B. Tom Wehner 11.24.15

37.C. Bill Eklund 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 16, 2015 9:29:20 AM

---

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

Comment Type  
Specific Parcel

#### Comments

This comment is from  
Thomas Wehner who resides at  
7 Conejo Trail  
Santa Fe, NM 87506  
Tax Parcel Number: 910018105  
And who also owns Tax Parcel Numbers: 910018106 and 910001476

I am requesting that land parcel number 960001293 that is proposed as Rural Estate (2.5 acres per DU) be changed to Rural Residential (10 acres per dwelling unit (DU)). This would make the zoning consistent with the adjacent properties. Here are my reasons:

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

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

2) The terrain of the subject property is dominated by a large arroyo with accompanying steep slopes and flood planes. At 2.5 acres per DU, most lots would be undevelopable.

3) Limited access to the large subject parcel requires lower DU density. There are no access easement shown on the 2009, 2011 plat.

4) The 1980 hydrologic survey, the most recent hydrologic survey, cited as Map 41 in SLDC 2009 documents, stipulates DU densities for the subject parcel at 10 acres per DU as part of the Basin area. With this stipulation, the subject parcel should be zoned at 10 acres per DU. However, with the successive droughts since 1980, the DU densities should be even lower than in the 1980 survey, perhaps 20 acres per DU. I am willing to compromise at 10 acres per DU, Residential Rural, for the entire parcel even though conservatism with respect to water availability would argue for even lower density.

Parcel ID (You can find the parcel ID on the letter you received)  
960001293

Property Owner (First Name)  
(No value)

Property Owner (Last Name)  
LITTLE BLUESTEM LLC

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

Email address:  
conejo77@q.com

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

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments  
(No value)

TOM WAYNER: I'm Tom Wayner. I live at 7 Conejo Trail in Tierra Preciosa. And I want to also thank the staff for their valiant efforts in working with the community and basically going over many of the details of the map. I want to thank Robert Griego especially and his staff for all that they've done. They've been tremendous in working with us and I appreciate them very much. He has made some suggestions for changes to the parcels and he mentioned those today.

The parcels that I have comments about are comments on parcels #910004343, #960001291, #960001293, and #54063744. Those are parcels that are in between Las Campanas and Sundance Estates and they are next to the Tierra Preciosa Subdivision. I want to make two points about those and request that those be zoned for residential rural. I think that's the correct – 10 acres per dwelling unit. And the reason is because they are currently sandwiched in between two areas that are 10 acres per dwelling unit. One of them appears not to be because it's currently at 2.5 acres per dwelling unit, but it's only at that particular level because of the fact that when the land was first acquired and subdivided it was 10 acres. Then by virtue of family transfer in a very large family these became five-acre lots, and thankfully, the family transfer things will be gone with the new SLDC. That's really great.

Then a mistake was made and a builder was able to subdivide his five-acre lot into 2.5 acres which set the precedent for all the lots becoming 2.5 acres. So the areas that basically are on either side of the subject four parcels are ten acres per dwelling unit, actually, and I think it's reasonable to make them that as well. The water usage that is concomitant with the higher density that's been allowed – four times the amount – means that there's a lot more usage than you would normally expect. This area is in the basin but it's right next to the basin fringe. Having the higher densities is not reasonable.

The 1980 hydrologic survey recommends – and that's the most recent survey – recommends ten acres per dwelling unit. Second, the terrain on the subject properties is very steep and has a large arroyo with a large floodplain and the terrain is inappropriate for high density development. So for those two reasons, that it's already in a ten-acre area actually, and that's it's very undevelopable because of the terrain are reasons it should be at ten acres per dwelling unit and not at a higher density. Thank you

MR. WAYNER: Tom Wayner, 7 Conejo Trail. I've been sworn in. I'd like to request simply that I get an opportunity to show you the area on the overhead map that I spoke about before. The map was not available when I spoke but I would like to bring that up now if I could. Could I request that?

COMMISSIONER CHAVEZ: I think so. I think staff –

MR. WAYNER: This is an area that is east of Paseo de la Tierra and Campanas Drive. Can you zoom in a little bit more at that corner? The brown-colored corner? Can you show parcels? Okay. That's good right there. The parcel that is at the top, a long rectangle at the top, is a parcel that is about 185 acres and it is – the proposed zoning is for the west half of it to be ten acres per dwelling unit and the east half to be 2.5. Robert Griego in his package to you has changed that right have to be five acres per dwelling unit in what I and neighbors that that complete parcel be ten acres.

There is a notebook boundary, lot boundary between the yellow and the ten there on the left-hand side is where the parcel is. Now you can see that there's a left part of it, almost a square that is at the ten acres per dwelling unit and then the right half is at 2.5. And Robert has, in his package to you, recommended that that be five.

The area to the north of that is ten, the area to the west of that is ten, and the area that is subdivided into the very small parcels is 2.5-acre parcels. It's the area that had been ten acres per dwelling unit also but by virtues of family transfer and accidents got basically converted into 2.5. So the areas that are under consideration is four parcels. We're requesting it be placed at 10 acres per dwelling unit, and that's consistent with what's on the left, the right, the north and south. Thank you very much.

WILLIAM ECKLUND: Good evening. My name is William Ecklund. I live in La Tierra at 48 Paseo de la Tierra. I live adjacent to a 400-acre collection of approximately four or five parcels. We have objected previously in writing. You have our comments, my comments on that proposed rezoning, largely to 2.5-acre residential estate zoning. And in the past week your Planning Division has done a remarkable and professional job of coming part way to meet our objections and has proposed some changes to the map accordingly.

We are still evaluating those proposals and we are pleased to see the response. We are evaluating those at this time. So I'm not going to address those in any more detail tonight. I'd like to simply urge you to take it slow and not push this process, even though I know you've been working on this for years, I personally think an extension of a couple months may well be in order. My main concern is protection of the aquifer. You may have read over the past weekend that the Mennonite community in Mexico, north of Chihuahua is leaving Mexico. They've been there for over 100 years. They are leaving Mexico because they have depleted their aquifer and have no more water for irrigation purposes. They are moving to South America. Aquifers are being depleted all over the world, including in wealthy countries like Saudi Arabia and also in the US.

Just over the mountains from here to the east, a few hundred miles, the Oglala aquifer feeds drinking water to two million people and it has been depleted by nine percent already and is going down close to a percent per year now. It underlies part of eight complete states, part of eight states it underlies and it feeds drinking water to two million people, and it's being drained.

Now, we have an aquifer under the Santa Fe Basin which is declining, presumably at some unknown rate. We have well logging data. We now have monitoring wells. We have a monitoring well built by the City as you know, out less than one mile from the area I am speaking of, but it has only been in existence for a couple of years and the data is only available for two years. In my opinion that's woefully insufficient to do long-term predictions as to the health of the aquifer.

So my point is that once you make this decision to increase the dwelling density in the area overlying this basin and where well water is likely to be necessary, where groundwater is likely to be used and necessary into the indefinite future, I would suggest you take this slow and make sure that you have complied with the New Mexico Legislature which has directed all counties to consider water availability in zoning decisions and issuing zoning regulations as you well know.

As I understand that the intention is to evaluate hydrological data and water availability before zoning decisions are made, not after. After zoning decisions are made I do know that your SLDC contains fairly detailed provisions for evaluating the aquifer condition at a particular site with a test well, flow tests, duration, and so on, but there's no way that that test can evaluate the long-term direction of the aquifer level. Only adequate hydrologic monitoring can do that.

And so the well test that every owner has to go through to get a well in this state are not sufficient to rely upon. The well data reported by the drillers are of different quality, made by different people and in one sense are anecdotal data that may or may not evaluate trends. So my point is that the S in SLDC stands for Sustainable and that includes not only the environment we know and feel but the water underneath us, the aquifer. We can't allow decisions to be made that will cause draining of the aquifer in the foreseeable future. Ideally, the level of the aquifer will be sustained at a constant level. If that can't be done perhaps a long-term plan over 40 years or 90 years is appropriate but making a zoning decision in advance of even having any kind of monitoring data is in my view premature and not very appropriate. So I thank you very much.

## Public Comment 38

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
38	960018106 and 910001476	Thomas	Wehner	Requesting a change from Rural Estate to Rural Residential. Please see attached comment.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres).

38. Thomas Wehner 11.16.15

38.A. Tom Wehner 11.24.15

38.B. Tom Wehner 11.24.15

38.C. Bill Eklund 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 16, 2015 9:37:46 AM

---

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

Comment Type  
Specific Parcel

#### Comments

This comment is from  
Thomas Wehner who resides at  
7 Conejo Trail  
Santa Fe, NM 87506  
Tax Parcel Number: 910018105  
And who also owns Tax Parcel Numbers: 910018106 and 910001476

I am requesting that land parcel number 54063744 that is proposed as Rural Estate (2.5 acres per DU) be changed to Rural Residential (10 acres per dwelling unit (DU)). This would make the zoning consistent with the adjacent properties. Here are my reasons:

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

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

2) The terrain of the subject property is dominated by a large arroyo with accompanying steep slopes and flood planes. At 2.5 acres per DU, most lots would be undevelopable.

3) Limited access to the large subject parcel requires lower DU density. There are no access easement shown on the 2009, 2011 plat.

4) The 1980 hydrologic survey, the most recent hydrologic survey, cited as Map 41 in SLDC 2009 documents, stipulates DU densities for the subject parcel at 10 acres per DU as part of the Basin area. With this stipulation, the subject parcel should be zoned at 10 acres per DU. However, with the successive droughts since 1980, the DU densities should be even lower than in the 1980 survey, perhaps 20 acres per DU. I am willing to compromise at 10 acres per DU, Residential Rural, for the entire parcel even though conservatism with respect to water availability would argue for even lower density.

Parcel ID (You can find the parcel ID on the letter you received)  
54063744

Property Owner (First Name)  
(No value)

Property Owner (Last Name)  
LITTLE BLUESTEM LLC

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

Email address:  
conejo77@q.com

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

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments  
(No value)

TOM WAYNER: I'm Tom Wayner. I live at 7 Conejo Trail in Tierra Preciosa. And I want to also thank the staff for their valiant efforts in working with the community and basically going over many of the details of the map. I want to thank Robert Griego especially and his staff for all that they've done. They've been tremendous in working with us and I appreciate them very much. He has made some suggestions for changes to the parcels and he mentioned those today.

The parcels that I have comments about are comments on parcels #910004343, #960001291, #960001293, and #54063744. Those are parcels that are in between Las Campanas and Sundance Estates and they are next to the Tierra Preciosa Subdivision. I want to make two points about those and request that those be zoned for residential rural. I think that's the correct – 10 acres per dwelling unit. And the reason is because they are currently sandwiched in between two areas that are 10 acres per dwelling unit. One of them appears not to be because it's currently at 2.5 acres per dwelling unit, but it's only at that particular level because of the fact that when the land was first acquired and subdivided it was 10 acres. Then by virtue of family transfer in a very large family these became five-acre lots, and thankfully, the family transfer things will be gone with the new SLDC. That's really great.

Then a mistake was made and a builder was able to subdivide his five-acre lot into 2.5 acres which set the precedent for all the lots becoming 2.5 acres. So the areas that basically are on either side of the subject four parcels are ten acres per dwelling unit, actually, and I think it's reasonable to make them that as well. The water usage that is concomitant with the higher density that's been allowed – four times the amount – means that there's a lot more usage than you would normally expect. This area is in the basin but it's right next to the basin fringe. Having the higher densities is not reasonable.

The 1980 hydrologic survey recommends – and that's the most recent survey – recommends ten acres per dwelling unit. Second, the terrain on the subject properties is very steep and has a large arroyo with a large floodplain and the terrain is inappropriate for high density development. So for those two reasons, that it's already in a ten-acre area actually, and that's it's very undevelopable because of the terrain are reasons it should be at ten acres per dwelling unit and not at a higher density. Thank you

MR. WAYNER: Tom Wayner, 7 Conejo Trail. I've been sworn in. I'd like to request simply that I get an opportunity to show you the area on the overhead map that I spoke about before. The map was not available when I spoke but I would like to bring that up now if I could. Could I request that?

COMMISSIONER CHAVEZ: I think so. I think staff –

MR. WAYNER: This is an area that is east of Paseo de la Tierra and Campanas Drive. Can you zoom in a little bit more at that corner? The brown-colored corner? Can you show parcels? Okay. That's good right there. The parcel that is at the top, a long rectangle at the top, is a parcel that is about 185 acres and it is – the proposed zoning is for the west half of it to be ten acres per dwelling unit and the east half to be 2.5. Robert Griego in his package to you has changed that right have to be five acres per dwelling unit in what I and neighbors that that complete parcel be ten acres.

There is a notebook boundary, lot boundary between the yellow and the ten there on the left-hand side is where the parcel is. Now you can see that there's a left part of it, almost a square that is at the ten acres per dwelling unit and then the right half is at 2.5. And Robert has, in his package to you, recommended that that be five.

The area to the north of that is ten, the area to the west of that is ten, and the area that is subdivided into the very small parcels is 2.5-acre parcels. It's the area that had been ten acres per dwelling unit also but by virtues of family transfer and accidents got basically converted into 2.5. So the areas that are under consideration is four parcels. We're requesting it be placed at 10 acres per dwelling unit, and that's consistent with what's on the left, the right, the north and south. Thank you very much.

WILLIAM ECKLUND: Good evening. My name is William Ecklund. I live in La Tierra at 48 Paseo de la Tierra. I live adjacent to a 400-acre collection of approximately four or five parcels. We have objected previously in writing. You have our comments, my comments on that proposed rezoning, largely to 2.5-acre residential estate zoning. And in the past week your Planning Division has done a remarkable and professional job of coming part way to meet our objections and has proposed some changes to the map accordingly.

We are still evaluating those proposals and we are pleased to see the response. We are evaluating those at this time. So I'm not going to address those in any more detail tonight. I'd like to simply urge you to take it slow and not push this process, even though I know you've been working on this for years, I personally think an extension of a couple months may well be in order. My main concern is protection of the aquifer. You may have read over the past weekend that the Mennonite community in Mexico, north of Chihuahua is leaving Mexico. They've been there for over 100 years. They are leaving Mexico because they have depleted their aquifer and have no more water for irrigation purposes. They are moving to South America. Aquifers are being depleted all over the world, including in wealthy countries like Saudi Arabia and also in the US.

Just over the mountains from here to the east, a few hundred miles, the Ogilala aquifer feeds drinking water to two million people and it has been depleted by nine percent already and is going down close to a percent per year now. It underlies part of eight complete states, part of eight states it underlies and it feeds drinking water to two million people, and it's being drained.

Now, we have an aquifer under the Santa Fe Basin which is declining, presumably at some unknown rate. We have well logging data. We now have monitoring wells. We have a monitoring well built by the City as you know, out less than one mile from the area I am speaking of, but it has only been in existence for a couple of years and the data is only available for two years. In my opinion that's woefully insufficient to do long-term predictions as to the health of the aquifer.

So my point is that once you make this decision to increase the dwelling density in the area overlying this basin and where well water is likely to be necessary, where groundwater is likely to be used and necessary into the indefinite future, I would suggest you take this slow and make sure that you have complied with the New Mexico Legislature which has directed all counties to consider water availability in zoning decisions and issuing zoning regulations as you well know.

As I understand that the intention is to evaluate hydrological data and water availability before zoning decisions are made, not after. After zoning decisions are made I do know that your SLDC contains fairly detailed provisions for evaluating the aquifer condition at a particular site with a test well, flow tests, duration, and so on, but there's no way that that test can evaluate the long-term direction of the aquifer level. Only adequate hydrologic monitoring can do that.

And so the well test that every owner has to go through to get a well in this state are not sufficient to rely upon. The well data reported by the drillers are of different quality, made by different people and in one sense are anecdotal data that may or may not evaluate trends. So my point is that the S in SLDC stands for Sustainable and that includes not only the environment we know and feel but the water underneath us, the aquifer. We can't allow decisions to be made that will cause draining of the aquifer in the foreseeable future. Ideally, the level of the aquifer will be sustained at a constant level. If that can't be done perhaps a long-term plan over 40 years or 90 years is appropriate but making a zoning decision in advance of even having any kind of monitoring data is in my view premature and not very appropriate. So I thank you very much.

## Public Comment 39

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
39	409205512	Michael	Austin	Requesting to change from Rural Fringe to Rural Residential. Please see attached comment.	This parcel contains about 21.5 acres and is located about three-quarters of a mile north of the Canada de Los Alamos community. The parcels to the northwest, west, and south of the property are about 160 acres, 50 acres, and 20 acres in size, respectively. This area is in the Mountain Hydrologic zone and more than half of the parcel in question consists of slopes of 20 percent or more. Recommendation: No Change

39. Michael Austin 11.18.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Wednesday, November 18, 2015 11:38:28 AM

---

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

Comment Type  
Specific Parcel

Comments

Hi! I would like you to please consider re-designation of my property (409205512, Austin) from RUR-F to RUR-R. My neighborhood has 13 properties all but two which are designated RFR-R. The adjacent neighborhood (Quarts Trail) is even designated RES-F. Also, to the west the Kirkpatrick Family has a number of large plots designated as RUR-R. We also have good Hydrologic Integrity in our area. Please consider the fairness of this request! I am happy to come meet or speak with the staff. Thank You!

Parcel ID (You can find the parcel ID on the letter you received)  
409205512

Property Owner (First Name)  
Michael

Property Owner (Last Name)  
Austin

Physical Address of Property  
109 Old Forest Trail

Email address:  
3herenow@gmail.com

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

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments  
Thanks for your attention!

## Public Comment 40

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
40	910012001	Nancy	Murata	Opposed to the proposed zoning of Residential Estate for the parcels adjacent to La Tierra.	See staff analysis in Comment # 29. Recommendation: Change the parcels that lie along the northern and western boundaries of the "Residential Estate" zoning district (a depth of about one-quarter mile) be changed to "Residential Fringe" (1 du/5 acres).

40. Nancy Murata 11.18.15

40.A. Tom Wehner 11.24.15

40.B. Tom Wehner 11.24.15

40.C. Bill Eklund 11.24.15

**From:** [Chrisann N. Romero](#)  
**To:** [Jennifer LaBar](#)  
**Cc:** [Kristine Mihelcic](#); [Amy M. Rincon](#)  
**Subject:** RE: Santa Fe County Public Comment Form  
**Date:** Wednesday, November 18, 2015 5:06:23 PM

---

Yes. We will get Nancy's comment recorded into our database and respond to her inquiry.

Thank you,

Chrisann Romero  
Administrative Assistant  
Santa Fe County/Planning Division  
102 Grant Avenue  
Santa Fe, NM 87501  
Phone: 505-995-2717  
Fax: 505-820-1394  
Email: [cnromero@santafecountynm.gov](mailto:cnromero@santafecountynm.gov)

-----Original Message-----

From: Jennifer LaBar  
Sent: Wednesday, November 18, 2015 4:57 PM  
To: Chrisann N. Romero  
Cc: Kristine Mihelcic  
Subject: FW: Santa Fe County Public Comment Form

Chrisann,  
Will you please record this and respond?  
Thanks,  
Jen

-----Original Message-----

From: Nancy Silvia Murata [<mailto:n@hancysilvia.com>]  
Sent: Wednesday, November 18, 2015 4:36 PM  
To: Kristine Mihelcic; Jennifer LaBar  
Subject: Santa Fe County Public Comment Form

Web form results:

Nancy Silvia Murata  
22 Vuelta Chamisa  
Santa Fe, NM 87506  
Email: [n@hancysilvia.com](mailto:n@hancysilvia.com)  
Phone: 505-820-2838

Comments:

Property Identification Parcel Number 910012001  
Re: Ordinance to establish zoning, as it affects La Tierra property owners.

We are deeply opposed to the proposal of higher-density (2.5 acre lots) in areas adjacent to La Tierra, as the water usage and road usage will be very negatively affected by more development here. Please give consideration to the impact of Ordinance 2013-6.

TOM WAYNER: I'm Tom Wayner. I live at 7 Conejo Trail in Tierra Preciosa. And I want to also thank the staff for their valiant efforts in working with the community and basically going over many of the details of the map. I want to thank Robert Griego especially and his staff for all that they've done. They've been tremendous in working with us and I appreciate them very much. He has made some suggestions for changes to the parcels and he mentioned those today.

The parcels that I have comments about are comments on parcels #910004343, #960001291, #960001293, and #54063744. Those are parcels that are in between Las Campanas and Sundance Estates and they are next to the Tierra Preciosa Subdivision. I want to make two points about those and request that those be zoned for residential rural. I think that's the correct – 10 acres per dwelling unit. And the reason is because they are currently sandwiched in between two areas that are 10 acres per dwelling unit. One of them appears not to be because it's currently at 2.5 acres per dwelling unit, but it's only at that particular level because of the fact that when the land was first acquired and subdivided it was 10 acres. Then by virtue of family transfer in a very large family these became five-acre lots, and thankfully, the family transfer things will be gone with the new SLDC. That's really great.

Then a mistake was made and a builder was able to subdivide his five-acre lot into 2.5 acres which set the precedent for all the lots becoming 2.5 acres. So the areas that basically are on either side of the subject four parcels are ten acres per dwelling unit, actually, and I think it's reasonable to make them that as well. The water usage that is concomitant with the higher density that's been allowed – four times the amount – means that there's a lot more usage than you would normally expect. This area is in the basin but it's right next to the basin fringe. Having the higher densities is not reasonable.

The 1980 hydrologic survey recommends – and that's the most recent survey – recommends ten acres per dwelling unit. Second, the terrain on the subject properties is very steep and has a large arroyo with a large floodplain and the terrain is inappropriate for high density development. So for those two reasons, that it's already in a ten-acre area actually, and that's it's very undevelopable because of the terrain are reasons it should be at ten acres per dwelling unit and not at a higher density. Thank you

MR. WAYNER: Tom Wayner, 7 Conejo Trail. I've been sworn in. I'd like to request simply that I get an opportunity to show you the area on the overhead map that I spoke about before. The map was not available when I spoke but I would like to bring that up now if I could. Could I request that?

COMMISSIONER CHAVEZ: I think so. I think staff –

MR. WAYNER: This is an area that is east of Paseo de la Tierra and Campanas Drive. Can you zoom in a little bit more at that corner? The brown-colored corner? Can you show parcels? Okay. That's good right there. The parcel that is at the top, a long rectangle at the top, is a parcel that is about 185 acres and it is – the proposed zoning is for the west half of it to be ten acres per dwelling unit and the east half to be 2.5. Robert Griego in his package to you has changed that right have to be five acres per dwelling unit in what I and neighbors that that complete parcel be ten acres.

There is a notebook boundary, lot boundary between the yellow and the ten there on the left-hand side is where the parcel is. Now you can see that there's a left part of it, almost a square that is at the ten acres per dwelling unit and then the right half is at 2.5. And Robert has, in his package to you, recommended that that be five.

The area to the north of that is ten, the area to the west of that is ten, and the area that is subdivided into the very small parcels is 2.5-acre parcels. It's the area that had been ten acres per dwelling unit also but by virtues of family transfer and accidents got basically converted into 2.5. So the areas that are under consideration is four parcels. We're requesting it be placed at 10 acres per dwelling unit, and that's consistent with what's on the left, the right, the north and south. Thank you very much.

WILLIAM ECKLUND: Good evening. My name is William Ecklund. I live in La Tierra at 48 Paseo de la Tierra. I live adjacent to a 400-acre collection of approximately four or five parcels. We have objected previously in writing. You have our comments, my comments on that proposed rezoning, largely to 2.5-acre residential estate zoning. And in the past week your Planning Division has done a remarkable and professional job of coming part way to meet our objections and has proposed some changes to the map accordingly.

We are still evaluating those proposals and we are pleased to see the response. We are evaluating those at this time. So I'm not going to address those in any more detail tonight. I'd like to simply urge you to take it slow and not push this process, even though I know you've been working on this for years, I personally think an extension of a couple months may well be in order. My main concern is protection of the aquifer. You may have read over the past weekend that the Mennonite community in Mexico, north of Chihuahua is leaving Mexico. They've been there for over 100 years. They are leaving Mexico because they have depleted their aquifer and have no more water for irrigation purposes. They are moving to South America. Aquifers are being depleted all over the world, including in wealthy countries like Saudi Arabia and also in the US.

Just over the mountains from here to the east, a few hundred miles, the Oglala aquifer feeds drinking water to two million people and it has been depleted by nine percent already and is going down close to a percent per year now. It underlies part of eight complete states, part of eight states it underlies and it feeds drinking water to two million people, and it's being drained.

Now, we have an aquifer under the Santa Fe Basin which is declining, presumably at some unknown rate. We have well logging data. We now have monitoring wells. We have a monitoring well built by the City as you know, out less than one mile from the area I am speaking of, but it has only been in existence for a couple of years and the data is only available for two years. In my opinion that's woefully insufficient to do long-term predictions as to the health of the aquifer.

So my point is that once you make this decision to increase the dwelling density in the area overlying this basin and where well water is likely to be necessary, where groundwater is likely to be used and necessary into the indefinite future, I would suggest you take this slow and make sure that you have complied with the New Mexico Legislature which has directed all counties to consider water availability in zoning decisions and issuing zoning regulations as you well know.

As I understand that the intention is to evaluate hydrological data and water availability before zoning decisions are made, not after. After zoning decisions are made I do know that your SLDC contains fairly detailed provisions for evaluating the aquifer condition at a particular site with a test well, flow tests, duration, and so on, but there's no way that that test can evaluate the long-term direction of the aquifer level. Only adequate hydrologic monitoring can do that.

And so the well test that every owner has to go through to get a well in this state are not sufficient to rely upon. The well data reported by the drillers are of different quality, made by different people and in one sense are anecdotal data that may or may not evaluate trends. So my point is that the S in SLDC stands for Sustainable and that includes not only the environment we know and feel but the water underneath us, the aquifer. We can't allow decisions to be made that will cause draining of the aquifer in the foreseeable future. Ideally, the level of the aquifer will be sustained at a constant level. If that can't be done perhaps a long-term plan over 40 years or 90 years is appropriate but making a zoning decision in advance of even having any kind of monitoring data is in my view premature and not very appropriate. So I thank you very much.

## Public Comment 41

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
41	1040067360	Gary	Graham	Will existing lot owner who have a lot smaller than the proposed zoning district be granted waivers in order to build houses on their lot? Requesting a change from Rural Residential to Residential Estate.	Section 1.11.7. of the SLDC indicates that previously approved and platted land divisions, subdivisions, and the lots created thereby, shall be recognized as legally existing lots. Section 14. 10.3. also recognizes non-conforming status and indicates the right to develop legal lots under the base zoning district in which parcel is located. Recommendation: No change.

41. Gary Graham 11.19.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Wednesday, November 18, 2015 8:19:18 PM

---

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

Comment Type  
General Area

Comments

The San Pedro Community falls within the RUR-R zone (Rural Residential) which appears to only permit houses to be built on 10 acre lots. However, many of the lots in the San Pedro Community are less than 10 acres. Will the existing lot owners who have less than 10 acres in the San Pedro Community be allowed a waiver in order to build a house on their lot?

Parcel ID (You can find the parcel ID on the letter you received)  
1040067360

Property Owner (First Name)  
Gary

Property Owner (Last Name)  
Graham

Physical Address of Property  
0 AVENIDA DEL MONTE

Email address:  
terroreyezz@hotmail.com

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

Requested Zoning Classification  
RES-E - Residential Estate

Additional Comments  
(No value)

## Public Comment 42

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
42	99305099	Steven	LeBlanc	Requesting a change from RUR-R to RES-F.	This is a 19.1-acre parcel that is located in a fairly remote mountainous area, in the vicinity of Old Las Vegas Highway, about 1 mile west of the Cananda de Los Alamos community. About two-thirds of the parcel consists of slopes in excess of 20 percent. The parcel is located in the Mountain hydrologic zone. Recommendation: No Change

42. Steven LeBlanc 11.19.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Thursday, November 19, 2015 2:25:34 PM

---

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

Comment Type  
Specific Parcel

Comments  
(No value)

Parcel ID (You can find the parcel ID on the letter you received)  
99305099

Property Owner (First Name)  
Steven

Property Owner (Last Name)  
LeBlanc

Physical Address of Property  
18 Blanco Court

Email address:  
scotthoeft@hotmail.com

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

Requested Zoning Classification  
RES-F - Residential Fringe

Additional Comments

The abutting parcels to the north, west and east are Residential Fringe. The subject parcel should be consistent with the abutting parcels to north, west and east (the parcel to the west is owned by the same owner). A similar request will be issued for 910002984.

## Public Comment 43

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
43	910002984	Ellen	LeBlanc	Requesting a change from RUR-R to RES-F.	This is a 15.8-acre parcel that is located in a fairly remote mountainous area, in the vicinity of Old Las Vegas Highway, about 1 mile west of the Cananda de Los Alamos community. About eighty percent of the parcel consists of slopes in excess of 20 percent. The parcel is located in the Mountain hydrologic zone. Recommendation: No Change

43. Ellen LeBlanc 11.19.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Thursday, November 19, 2015 2:27:42 PM

---

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

Comment Type  
Specific Parcel

Comments  
(No value)

Parcel ID (You can find the parcel ID on the letter you received)  
910002984

Property Owner (First Name)  
Ellen

Property Owner (Last Name)  
LeBlanc

Physical Address of Property  
2 Blanco Court

Email address:  
scotthoeft@hotmail.com

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

Requested Zoning Classification  
RES-F - Residential Fringe

Additional Comments

The abutting parcels to the north, west and east are Residential Fringe. The subject parcel should be consistent with the abutting parcels to north, west and east. The same request was made for parcel 99305099 (which is owned by the same owner).

## Public Comment 44

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
44	99303229	Shaggy Peak One LLC		Requesting a change from RUR-F to RUR-R.	This is a 51.5-acre parcel that is located in a fairly remote mountainous area, in the vicinity of Old Las Vegas Highway, about 1 mile west of the Cananda de Los Alamos community. About thirty-five percent of the parcel consists of slopes in excess of 20 percent. The parcel is located in the Mountain hydrologic zone. Recommendation: No Change

44. Shaggy Peak 11.19.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Thursday, November 19, 2015 2:30:51 PM

---

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

Comment Type  
Specific Parcel

Comments  
(No value)

Parcel ID (You can find the parcel ID on the letter you received)  
99303229

Property Owner (First Name)  
Shaggy Peak One, LLC

Property Owner (Last Name)  
(No value)

Physical Address of Property  
40 Shaggy Peak Trail

Email address:  
scotthoeft@hotmail.com

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

Requested Zoning Classification  
RUR-R - Rural Residential

Additional Comments

The parcel to the immediately south of the subject site is zoned Rural Residential (1du/10-acres). The same density should hold for the subject site, which is 52-acres in size.

## Public Comment 45

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
45	238600758	H. Ronald	James Jr.	Requesting a change from RUR-F to RES-F.	This is a 5.3-acres parcel located on La Joya Road on the south side of Interstate 25 in Glorieta area about 2 miles west of the San Miguel County line. These lots are in the Homestead hydrologic zone and is in a high-significance habitat area and is also located in the “High” to “Very High” hazard area in the County’s Urban Wildland Interface Code. Recommendation: No Change

45. H. Ronald James Jr. 11.23.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Sunday, November 22, 2015 8:51:24 PM

---

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

Comment Type  
Specific Parcel

Comments

This is a request to have the property referenced under the Parcel ID zoned so that the density is one dwelling per 5 acres. I purchased this property and moved my family here in February 1996, almost 20 years ago. When purchasing this property, it was the plan to remove the existing mobile home and build my own permanent home. Due to unforeseen family circumstances, we have not been able to build and are now at the point to build. With this property zoned one dwelling per 40 acres, this is not possible at this time. By rezoning my property to RES-F, then I can build the home my family has planned. We request that we be grandfathered in as one dwelling per 5 acres.

Parcel ID (You can find the parcel ID on the letter you received)  
238600758

Property Owner (First Name)  
H. Ronald Jr

Property Owner (Last Name)  
James

Physical Address of Property  
182a La Joya Rd, Glorieta

Email address:  
rj.mtnman@gmail.com

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

Requested Zoning Classification  
RES-F - Residential Fringe

Additional Comments  
(No value)

## Public Comment 46

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
46	54122709	Nancy and Nino	Padilla	Requesting a change from RUR-R to Commercial General.	This is a 0.7-acre parcel located in the Village of Agua Fria Community Plan District. The property is currently a single-family dwelling. The Land Use Map in the Agua Fria Community Plan is the basis for the proposed SLDC Zoning Map in this community. Recommendation: No Change

46. Nancy and Nino Padilla 11.23.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 23, 2015 3:41:23 PM

---

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

Comment Type  
Specific Parcel

Comments

My property is being zoned residential. On the other side of my fence is a business. Directly across the street are more businesses. A short distance down the street is plants of the Southwest.

We will not be able to sell our property for residential when we are surrounded by commercial. We would like to be zone commercial.

Parcel ID (You can find the parcel ID on the letter you received)  
54122709

Property Owner (First Name)  
Nancy & Nino

Property Owner (Last Name)  
Padilla

Physical Address of Property  
3698 Lugar de Padilla, 87507

Email address:  
ninoandnancy@gmail.com

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

Requested Zoning Classification  
CG - Commercial General

Additional Comments  
(No value)

## Public Comment 47

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
47	54122880	Celina	Paul	Requesting a change from RUR-R to Commercial General.	This is a 5.9-acre parcel located in the Village of Agua Fria Community Plan District. The property is currently developed for a single-family dwelling. The Land Use Map in the Agua Fria Community Plan is the basis for the proposed SLDC Zoning Map in this community. Recommendation: No Change

47. Celina Paul 11.23.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 23, 2015 3:55:07 PM

---

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

Comment Type  
Specific Parcel

Comments

I request my property to be zoned commercial not residential.

There are businesses surrounding this property. Stars and stripes across the street, a car repair garage and a car sales business close by. More business down the street a short distance away.

I will need to sell this property at some point and I will not be able to sell it for residential purposes.

Parcel ID (You can find the parcel ID on the letter you received)  
54122880

Property Owner (First Name)  
Celina

Property Owner (Last Name)  
Paul

Physical Address of Property  
3680 Lugar de Padilla

Email address:  
e mail can be directed to: ninoandnancy@gmail.com

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

Requested Zoning Classification  
CG - Commercial General

Additional Comments  
(No value)

## Public Comment 48

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
48	238500974	Joseph and Marie	Armijo	Requesting a change from TC to RUR-F.	<p>This is a 3.2-acre parcel that lies immediately to the west of the proposed Traditional Community zoning district for the Glorieta community (the portion that lies along N.M. 50, adjacent to the San Miguel County line). Staff understands that this property owner is requesting a change to TC from RUR-F. The boundary of the Traditional Community zoning district has been established and have been aligned with parcel boundaries, as much as possible, on the SLDC Zoning Map. Staff does not recommend amending TC boundary.</p> <p>Recommendation: No Change</p>

48. Joseph and Marie Armijo 11.24.15

48.A. Joseph and Marie Armijo 11.24.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 23, 2015 6:50:08 PM

---

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

Comment Type  
Specific Parcel

Comments  
need to have property changed to Rural Fringe

Parcel ID (You can find the parcel ID on the letter you received)  
238500974

Property Owner (First Name)  
Joseph G and Marie L

Property Owner (Last Name)  
Armijo

Physical Address of Property  
St. Rd 50 #238

Email address:  
marielarmijo@centurylink.net

Zoning Classification on Adoption Draft Zoning Map  
TC - Traditional Community

Requested Zoning Classification  
RUR-F - Rural Fringe

Additional Comments  
(No value)

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 23, 2015 6:53:45 PM

---

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

Comment Type  
Specific Parcel

Comments  
need to have property changed to Rural Fringe

Parcel ID (You can find the parcel ID on the letter you received)  
238500974

Property Owner (First Name)  
Joseph G and Marie L

Property Owner (Last Name)  
Armijo

Physical Address of Property  
St. Rd 50 #238

Email address:  
marielarmijo@centurylink.net

Zoning Classification on Adoption Draft Zoning Map  
TC - Traditional Community

Requested Zoning Classification  
RUR-F - Rural Fringe

Additional Comments  
(No value)

## Public Comment 49

<b>ID</b>	<b>Property</b>	<b>First Name</b>	<b>Last Name</b>	<b>Comment Summary</b>	<b>Summary Analysis and Staff Recommendation</b>
49	990003348 and 990003350	Joseph	Karnes	Requesting two parcels be changed from RES-E to Mixed Use.	Staff has reviewed this area and has determined that the area does not currently have zoning and the Res-E designation for this property is reasonable. Recommendation: No Change

49. Joseph Karnes 11.24.15

49.A. Karl Sommer Letter 11.24.15

49.B. Frank Herdman 11.24.15

49.C. Karl Sommer 11.24.15

**From:** [Robert Griego](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** FW: Santa Fe Center Zoning  
**Date:** Tuesday, November 24, 2015 8:33:23 AM  
**Attachments:** [SKA Letter to BCC.pdf](#)  
[image001.png](#)

---

Please add to database.

*Robert Griego, AICP  
Planning Manager  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87504  
Phone: 986-6215*



---

**From:** Penny Ellis-Green  
**Sent:** Monday, November 23, 2015 5:00 PM  
**To:** Robert Griego; Willie Brown; Vicki Lucero; Paul Olafson  
**Subject:** Fw: Santa Fe Center Zoning

please add to database and give to BCC is zoning map related, I could not open from my phone.

Penny

---

**From:** Joseph Karnes <[joseph@sommer-assoc.com](mailto:joseph@sommer-assoc.com)>  
**Sent:** Friday, November 20, 2015 9:29 AM  
**To:** Penny Ellis-Green; Penny Ellis-Green  
**Cc:** Karl H. Sommer  
**Subject:** Santa Fe Center Zoning

Dear Penny,

Please see the attached letter and ensure that copies are provided to the BCC members.

Thank you,

Joseph Karnes

Sommer Karnes & Associates, LLP  
200 W. Marcy Street, Suite 133  
Santa Fe, NM 87501

(505) 989-3800

The information contained in this message is PRIVILEGED and CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that dissemination, distribution or copying of this communication is strictly prohibited. If you believe this message has been sent to you in error, please notify the sender immediately and delete the message and any accompanying documents. Thank you.

# SOMMER, KARNES & ASSOCIATES, LLP

---

**Mailing Address**

Post Office Box 2476  
Santa Fe, New Mexico 87504-2476

**Street Address**

200 West Marcy Street, Suite 139  
Santa Fe, New Mexico 87501

Telephone:(505)989.3800

Facsimile:(505)982.1745

Karl H. Sommer, Attorney at Law

khs@sommer-assoc.com

Joseph M. Karnes, Attorney at Law

jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal

mld@sommer-assoc.com

---

James R. Hawley, Attorney at Law

jrh@sommer-assoc.com

Of Counsel

Licensed in New Mexico and California

November 20, 2015

Board of County Commissioners

Santa Fe County

102 Grant Avenue

Santa Fe, New Mexico 87501

**Re: Request for Recognition of Mixed Use Zoning  
330 Acres at the intersection of Camino La Tierra and SR 599  
Formerly Known as Santa Fe Center (the "Property")**

Dear Chair Anaya and Commissioners:

We are writing on behalf of the Property owner to request that the BCC recognize in its zoning map the mixed use zoning established for the Property by the Special Exception approved by the Extraterritorial Zoning Authority (EZA) in 1986. County's staff's position that the Special Exception expired in 1996 is incorrect as a matter of law and no subsequent County action affected the mixed use zoning designation. Should the mixed use zoning not be recognized in the adopted zoning map, the Property owner will file suit against the County in Santa Fe District Court and will pursue all available legal remedies against the County including recovery of damages.

In reliance on the Special Exception approval, the owner of the Property entered into a Development Agreement with the City securing the extension of water and sewer to the Property and committing to the dedication of the land for the SR 599 right of way. SR 599 was built and the Property owner dedicated, without charge and in further reliance on the Special Exception approval and the Development Agreement, 60 acres of land, which today is the Route 599/Camino La Tierra interchange (the "Interchange"). The Special Exception and Development Agreement remain in full force and effect and the Project entitlements vested as of the road dedication. Downzoning the Property as proposed by County Staff would be inequitable and would violate well established state law.

**A. The 1986 Special Exception Remains in Force**

The EZA approved a Special Exception for the Property on January 30, 1986. The Special Exception approved mixed uses on the Property and constituted the final zoning decision for the

November 20, 2015

Page 2 of 4

Property. The Special Exception was subject to conditions of approval, including completion of a Development Agreement (which was executed in 1986), dedication of land for the Interchange (which has been done) and submittal of a development plan for approval of a development permit in accord with the zoning.

County staff, in its letter dated October 9, 2015, without any citation to authority, takes the position that “the implied reasonable period of time for meeting the EZA imposed conditions has passed” and therefore the Special Exception has expired. This position is facially incorrect and contradicts the express provisions of the applicable Code, which recognizes zoning of the Property as a mixed use district, for which there is no expiration date. Furthermore, the position stated in the letter directly contradicts staff’s previous position set forth on the 2014 Draft Zoning Map showing the Property as Mixed Use.

The Santa Fe Extraterritorial Zoning Authority Ordinance 1997-4 (the “EZO”) distinguished between applications for zoning, which specify what uses may be carried out within a particular area and applications for development approvals, which allow for development. The EZO further defined Special Exceptions as zoning actions rather than development applications.

The EZO required that the following types of applications be approved by the EZA:

1. Rezoning;
2. **Special Exceptions;**
3. Development plans for subdivisions of 5 lots or more;
4. Expansion of particular types of non-conforming uses;
5. Large scale proposals
6. Density transfers in the MSRDR; and
7. Multiple dwelling units on one lot. (EZO §3.5.A.1)

The EZO stated “approval of rezoning proposals and Special Exceptions pursuant to this Section 3 shall be final.” (EZO §3.5.A.2) In addition, the EZO included special exceptions in the section addressing zoning districts and uses within the extraterritorial zone. (EZO §1.7.D)

In contrast, the EZO required that the following types of development applications be approved by the EZA:

1. **Master Plans;**
2. Preliminary development plans for special exceptions, rezoning and subdivisions;
3. Development in the Mountain Special Review District;
4. Preliminary plats;
5. Variances;
6. Appeals of administrative actions; and
7. Final development plans and final subdivision plats. (EZO §3.2.A)

November 20, 2015

Page 3 of 4

The EZO contained a time limit only for Master Plan approvals. “Approval of a Master Plan shall be considered valid for a period of five (5) years from the date of approval by the EZA.” (EZO §3.5.D.7.a) However, the EZO did not contain any provision limiting the validity of a Special Exception. This is because approval of a Special Exception constitutes a zoning decision. EZO Section 3.5.A.2, title “Actions Affecting Zonings” states “Approvals of rezoning proposals and Special Exceptions by the EZA pursuant to this Section 3 **shall be final.**” Staff did not recognize or address this provision in its letter.

Furthermore, the EZO provided that “commercial, industrial and other non-residential land uses are permitted only in zoned Districts of various sizes and locations in the Extraterritorial Zoning District,” (EZO §6.A) In particular, “[T]he following Districts are established or planned for the Extraterritorial Zoning District. ... Relief Route/Camino La Tierra – Community District.” EZO §6.B.4)

The EZA adopted the EZO in 1997 – a year *after* County Staff claims that the Special Exception expired. The EZA expressly recognized the Property as being within a Community Center Zoning District, as defined in the EZO. The EZA further provided that Districts “will constitute amendments to any applicable zoning map atlas” and “the zoning map shall also depict both legal non-conforming uses and zoning approvals.” (EZO §6.D.2)

Critically, “zoning approvals obtained prior to the enactment of this 1990 Amendment to the Ordinance (EZA 1990-1) shall not constitute Districts or be the precedence for the creation of a District, where such approvals do not meet the location criteria for a District as set forth by Section 6B, types and Location of Commercial or Industrial Districts.” In this case, the Special Exception was approved for the Property in 1996 and was included in the list of established or planned districts. The zoning for the Property as a mixed use district was established and recognized in the EZO. No further zoning action was necessary and the EZO contained no provision for expiration of either a Special Exception or a Zoning District. Staff’s claim that there was an “implied reasonable time for meeting EZA imposed conditions” is expressly contradicted by the foregoing EZO provisions, which established the mixed use zoning for the Property.

Furthermore, once the Property was zoned in 1986, the only way the Property could be rezoned was by a legal zoning action taken by the governing body. County Staff has no power to take a zoning action and Staff’s claim that the 1999 letter from Acting Land Use Administrator Diana Lucero and Staff’s position since that time that the Special Exception expired is of no force or effect.

#### **B. EZA Ordinance 2002-1 Had No Effect on the Property**

Staff claims in its letter that EZA Ordinance 2002-1 (the “2002 Ordinance”) reflected the Property as being residential rather than mixed use. Staff’s assertion is based on the false assumption that the Special Exception had expired prior to that time, which as addressed above, is incorrect as a matter of law. The EZA’s adoption of the 2002 Ordinance assumed that the Special

November 20, 2015

Page 4 of 4

Exception had expired and as a result did not constitute an action to rezone the Property. Further, in adopting the 2002 Ordinance, the County acted in a legislative capacity and did not provide any notice to the Property owner of its action and did not adopt any findings addressing such downzoning. Had the EZA purported to rezone the Property from Mixed use to Residential, which it did not, the action would have violated the Property owner's right to due process and would have constituted an illegal downzoning of the Property, as the Property would have been singled out for such action. *Albuquerque Commons Partnership v. City of Albuquerque*, 144 NM 99 (N.M. Sup. Ct. 2008). Regardless, given the County's incorrect assumption that the Special Exception had expired, the 2002 Ordinance had no effect on the Property's zoning.

**C. The 2009 ELUA Ordinance Reaffirmed the Mixed Use Zoning of the Property**

The 2009 ELUA Ordinance, which repealed the EZO, directed that "properties outside the Presumptive City limits shall be zoned as established by the EZA and EZC prior to the enactment of this Ordinance." (ELUA Ordinance 2009-01, §9.B.2) The mixed use zoning established by the Special Exception approval was in effect at that time and remains in effect to this day.

**D. Conclusion – Adoption of Residential Estate Zoning for the Property Would Constitute a Downzoning and Would Violate the Owner's Vested Rights**

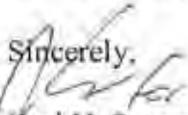
Should you follow Staff's recommendation with respect to the Property, your action would constitute a downzoning of the Property and be governed by the procedural and substantive requirements set forth in *Albuquerque Commons*. Such action would have to be justified under the "change or mistake" rule or "more advantageous to the community" analysis, and would require specific factual findings relating to the Property.

Further, such action would violate the Owner's longstanding vested rights in the Special Exception and Development Agreement approvals. In order to establish a vested right, a developer must prove two elements: (1) "approval by the regulatory body" and (2) a substantial change in position in reliance on that approval. *Brazos Land v. Bd. of Cty. Comm'rs.*, 115 N.M. 168 (1993). In this case, the Owner acted in reliance on the approvals by dedicating over 60 acres of land for the Interchange and thereby vested its rights in the approvals. The Owner is prepared to litigate the vested rights issue if necessary.

We request that you follow Staff's initial recommendation set forth in the 2014 Draft Zoning Map that the Mixed Use zoning of the Property be maintained. Should you not do so, the Property owner is prepared to file suit to protect its investment in the Property.

Thank you for your consideration.

Sincerely,

  
Karl H. Sommer

FRANK HERDMAN: Mr. Chair, members of the Commission, as Mr. Sommer predicted, I'm Frank Herdman and I represent the Tierra de Oro Homeowners Association. I'm here on behalf of its 170 members in regards to the 330 acres of land that's located northwest of the La Tierra exit off of 599. This is one of the issues that Mr. Sommer addressed with you just moments ago.

Staff has done a commendable and comprehensive evaluation of the prior approvals to which Mr. Sommer referred that were granted in 1986, specifically the master plan and the special exception. Staff concluded years ago that those approvals expired and staff has re-evaluated that issue again most recently and has concluded again that those approvals expired. We have worked with staff as far as an evaluation of the code and the reasons why we concur with staff as to the expiration of those approvals. The EZO states very clearly that master plans were valid for five years. The same five-year sunset period for reasons that we've explained to staff and cited provisions of the EZO, the same five-year sunset period applied to special use permits as well. The land has remained vacant and undeveloped for the 29 years since those approvals were granted. As a result, those approvals expired long ago.

Staff has confirmed also and probably more importantly that the land was rezoned as residential in 2002 when the ordinance creating the Santa Fe Metro Highway Corridor was adopted. That ordinance, by the way, was adopted as part of a several year planning process and the code then was subsequently adopted in accordance with that plan. So the County has done a comprehensive evaluation, not only as to the expiration of the prior approvals but the County also did a comprehensive planning process that resulted in the rezoning of that property or the zoning of that property as residential.

The new code requires that the existing zoning be carried forward. The existing zoning is residential so it now appears appropriately as residential estate on the new proposed zoning map. That's what it should be. That's what staff is recommending and we ask that that designation be adopted as part of the new zoning map.

That being said I will agree with Mr. Sommer in commending and expressing my gratitude to staff for the hard work that they have done in this entire process, both with respect to the plan as well as the code and the map. Thank you.

[Previously sworn, Karl Sommer testified as follows:]

KARL SOMMER: My name is Karl Sommer. My address is Post Office Box 2476, Santa Fe, New Mexico, 87504, and I have been sworn. I'm here to talk about three separate issues and they are very distinct from one another. Earlier, a gentleman from the Sikh community up in northern New Mexico asked you to take a good look at the map and to look at their property. I think it's critical that you do that as part of this adoption because the Sikh community and that particular property has served a function in this county and Rio Arriba County for decades. The Sikhs and their community have been instrumental in creating jobs, creating a sense of community, sustainability, and the way the map is done right now does not recognize the uses that they have had for many, many, many months. I urge you, urge you to look at that. And I was talking with Mr. Griego, one of the uses that the community neighborhood would fit that use that they have on their property right now perfectly. It doesn't disrupt anything. You're not talking about huge changes in the neighborhood because they've been there for over 30 years. I know that because I've represented them and I've worked with them. So I urge you to take that into account.

The second thing I'd like to talk to you about, the area around 599, there are businesses in what was I think a commercial business that your map doesn't take into account. I don't know if your intention is to adopt this map but your map and your code working together say that in that you map should reflect and shall incorporate development plan approvals, there are commercial development plan approvals, there are construction businesses, there are landscaping businesses and I ask you to look at that carefully and ask staff to make sure that the map incorporates the changes there.

The last reason I'm here is to talk to you about the intersection of 599 and Camino La Tierra. That is owned by a company, the principal of which is Lyle Anderson who's been part of this community for many, many, many years, and that property received a special exception in 1986 which today still exists and is still valid, and your original maps that the staff had done recognized a mixed-use development there, primarily based on the special exception that was obtained.

Controversy arose as a result of that designation and you will hear tonight I'm sure from Mr. Herdman who is the attorney who represents the adjoining neighborhood or neighborhoods. You all received a letter from us this week. I'm not going to read that letter into the record. It is our position that that property and your map should recognize an existing, still valid special exception. Basically, that special exception was granted and the owners of that property dedicated land for the interchange. They entered into a development agreement. They dedicated land for water that serves both the city and the county, and roadways.

And so they changed their position substantially in reliance on the approval and there is nothing in the code that had an expiration for a special exception. I urge you to reconsider the staff's redesignation of this property to, I think it's rural estates to mixed use as it should be zoned under your code. You all received my letter and I'd like to give it to the recorder as part of the record tonight. I'm not going to read it. I don't know if you all had the opportunity this week to read about it but it does have a very serious implication for the property owner and a very serious implication for the County.

The last thing I'd like to say is that your staff has been exceptionally, exceptionally available to members of the public including myself on just sort of a moment's notice and very, very responsive, very, very professional, and I'm sure that they've had to deal with a lot of whining and a lot of complaining and a lot of urging and a lot of coaxing and they've weathered

it very, very well, and I applaud their efforts and I applaud your all's efforts in bringing this to hopefully a conclusion in the very near future if not tonight. Thank you all very much.

COMMISSIONER CHAVEZ: Thank you, Mr. Sommer.

## Public Comment 50

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
50		Paul	Schweizer	In support of the zoning map.	

49. Paul Schweizer 11.25.15

**From:** [Penny Ellis-Green](#)  
**To:** [Robert Griego](#); [Amy M. Rincon](#)  
**Subject:** Fwd: Support of Proposed SLDC Zoning Map & Related Issues  
**Date:** Wednesday, November 25, 2015 12:40:57 PM  
**Importance:** High

---

Please add to database.  
*Sent from my Verizon Wireless 4G LTE DROID*

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

**Subject:** Support of Proposed SLDC Zoning Map & Related Issues  
**From:** Paul Anton Schweizer <[paul.schweizer@sbcglobal.net](mailto:paul.schweizer@sbcglobal.net)>  
**To:** Miguel Chavez <[mchavez@santafecountynm.gov](mailto:mchavez@santafecountynm.gov)>  
**CC:** Penny Ellis-Green <[pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov)>, Tessa Jo Mascarenas <[tjmascarenas@santafecountynm.gov](mailto:tjmascarenas@santafecountynm.gov)>

Dear Commissioner Chavez,

On behalf of me and my family, after fully reviewing the issues involved, I am writing to voice our support for the proposed SLDC zoning map and related issues to be voted on by the Santa Fe County Commissioners at the meeting scheduled for 5:00 p.m. on Tuesday, December 8<sup>th</sup>.

If my in-person testimony at the December 8<sup>th</sup> meeting would be beneficial, please let me know.

Sincerely,  
Paul Schweizer

---

**PAUL ANTON SCHWEIZER**  
SUSAN, WILL, ANDREW, AND LUKE

118 E. Sunrise Drive  
Santa Fe, New Mexico 87506.8537

Hm 505-954-1944  
Cell 214-686-6428

Email [paul.schweizer@sbcglobal.net](mailto:paul.schweizer@sbcglobal.net)

AÄO

## Public Comment 51

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
51	910004490	Sara	Jimenez	Requesting a Conditional Home Use Occupation for a small scale winery.  Requesting change from TC to MU.	This property is in the Pojoaque Community District. The surrounding properties are in the Traditional Community base zoning district. The proposed use could be allowed as a home occupation or a small commercial use is a conditional use the Pojoaque Community District. Recommendation: No Change

51. Sara Jimenez 11.30.15

**From:** [Santa Fe County](#)  
**To:** [Amy M. Rincon](#)  
**Subject:** SLDC Public Comments Form Submission  
**Date:** Monday, November 30, 2015 2:53:14 PM

---

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

Comment Type  
Specific Parcel

Comments  
Requesting approval for Conditional Home Use Occupation to allow for the operation of a small scale winery.

Parcel ID (You can find the parcel ID on the letter you received)  
910004490

Property Owner (First Name)  
Sara

Property Owner (Last Name)  
Jimenez

Physical Address of Property  
79A Feather Road

Email address:  
smontano@lanl.gov

Zoning Classification on Adoption Draft Zoning Map  
TC - Traditional Community

Requested Zoning Classification  
MU - Mixed Use

Additional Comments  
(No value)

## Public Comment 53

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
53	Sihk Community	Amrit	Khalsa	<p>Public Comment at BCC on 11.24.15.</p> <p>The proposed TC zoning does not fit with the existing development pattern.</p> <p>Requesting a change.</p>	<p>Staff analyzed the area and met with a representative of the Sikh community to determine what the existing and proposed uses are on the parcels owned by the Sikh organization in Sombrillo. Staff determined that parcels proposed for “Traditional Community” zoning, are currently being used for agriculture, residences, religious uses, retreat facilities, or small business uses (2,500 square feet or less), and all of these uses are either permitted or conditional uses in the “Traditional Community” zoning district. There are two parcels that consist of 1.3 acres and 2.7 that currently have commercial or non-residential uses and are located on major roads (Sombrillo Road, State Road 106) located on the periphery of the Sombrillo community. Due to the existing uses of these two parcels, their location on major roads, and the fact that commercial zoning would not create a significant intrusion into the Sombrillo community, it is recommended that these parcels be placed in the “Commercial Neighborhood” zoning district. Recommendation: Change parcels 18491828 and 910020840 along Sombrillo road (occupying 1.3 and 2.7 acres, respectively), from “Traditional Community” to “Commercial Neighborhood”.</p>

53. Amrit Khalsa 11.24.15

53.A. Karl Sommer 11.24.15

AMRIT KHALSA : Honored Commissioners, my name is Amrit Khalsa and I live at 21 Lumbr del Sol in Sombrillo, Espanola. I'm here to represent the Sikh community. I recall seeing the map back in March and there was a different designation for much of our properties. It's all owned by a non-profit entity and it hasn't been really how it's listed now is as a traditional community. It hasn't been that for 45 years. There hasn't been a single family owning there and dwelling there for that long. It's community buildings, it's business buildings, it's the center of our community, and I need to have that changed to something.

I know the chunk of land that we just purchased from the Espanola School Board, 30 acres, is designated as public institutional and I'm not sure which designation we need here but the traditional community with  $\frac{3}{4}$  of an acre with a single dwelling just has no basis for us. We have state of the art septic system. We're installing solar in the whole property. Sustainability is a very important thing. The work that the staff has done in herculean. The detail on this project is just amazing. And it's been 25 years in the making. I don't know if people here know that, because we haven't really had a building code in Santa Fe since the eighties and this is a monumental task. I really applaud their work but I need to sit down with somebody and we need to come up with a designation that works for our community. Thank you very much

[Previously sworn, Karl Sommer testified as follows:]

KARL SOMMER: My name is Karl Sommer. My address is Post Office Box 2476, Santa Fe, New Mexico, 87504, and I have been sworn. I'm here to talk about three separate issues and they are very distinct from one another. Earlier, a gentleman from the Sikh community up in northern New Mexico asked you to take a good look at the map and to look at their property. I think it's critical that you do that as part of this adoption because the Sikh community and that particular property has served a function in this county and Rio Arriba County for decades. The Sikhs and their community have been instrumental in creating jobs, creating a sense of community, sustainability, and the way the map is done right now does not recognize the uses that they have had for many, many, many months. I urge you, urge you to look at that. And I was talking with Mr. Griego, one of the uses that the community neighborhood would fit that use that they have on their property right now perfectly. It doesn't disrupt anything. You're not talking about huge changes in the neighborhood because they've been there for over 30 years. I know that because I've represented them and I've worked with them. So I urge you to take that into account.

The second thing I'd like to talk to you about, the area around 599, there are businesses in what was I think a commercial business that your map doesn't take into account. I don't know if your intention is to adopt this map but your map and your code working together say that in that you map should reflect and shall incorporate development plan approvals, there are commercial development plan approvals, there are construction businesses, there are landscaping businesses and I ask you to look at that carefully and ask staff to make sure that the map incorporates the changes there.

The last reason I'm here is to talk to you about the intersection of 599 and Camino La Tierra. That is owned by a company, the principal of which is Lyle Anderson who's been part of this community for many, many, many years, and that property received a special exception in 1986 which today still exists and is still valid, and your original maps that the staff had done recognized a mixed-use development there, primarily based on the special exception that was obtained.

Controversy arose as a result of that designation and you will hear tonight I'm sure from Mr. Herdman who is the attorney who represents the adjoining neighborhood or neighborhoods. You all received a letter from us this week. I'm not going to read that letter into the record. It is our position that that property and your map should recognize an existing, still valid special exception. Basically, that special exception was granted and the owners of that property dedicated land for the interchange. They entered into a development agreement. They dedicated land for water that serves both the city and the county, and roadways.

And so they changed their position substantially in reliance on the approval and there is nothing in the code that had an expiration for a special exception. I urge you to reconsider the staff's redesignation of this property to, I think it's rural estates to mixed use as it should be zoned under your code. You all received my letter and I'd like to give it to the recorder as part of the record tonight. I'm not going to read it. I don't know if you all had the opportunity this week to read about it but it does have a very serious implication for the property owner and a very serious implication for the County.

The last thing I'd like to say is that your staff has been exceptionally, exceptionally available to members of the public including myself on just sort of a moment's notice and very, very responsive, very, very professional, and I'm sure that they've had to deal with a lot of whining and a lot of complaining and a lot of urging and a lot of coaxing and they've weathered

it very, very well, and I applaud their efforts and I applaud your all's efforts in bringing this to hopefully a conclusion in the very near future if not tonight. Thank you all very much.

COMMISSIONER CHAVEZ: Thank you, Mr. Sommer.

## Public Comment 55

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
55	Golden Area	Michael	Galaviz	<p>Public Comment at BCC on 11.24.15.</p> <p>Wish to maintain commercial zoning.</p>	<p>This is a 1-acre parcel located along the west side of N.M. 14, at the northern end of the Golden Traditional Community. The parcel is currently occupied by a small retail establishment, with about 2,500 square feet of commercial floor area. Small commercial uses of up to 2,500 square feet are allowed as conditional uses in the "Traditional Community" zoning district. Existing uses would be allowed. Generally, where small isolated commercial uses (of 2,500 square feet or less) are located in an area that is generally shown as "Traditional Community" on the proposed zoning map, these parcels have also been recommended to be zoned "Traditional Community", rather than creating a small isolated commercial zoning district. Doing so avoids the possibility of allowing isolated commercial uses that are of a scale and intensity that would be incompatible with the existing or future residential uses in the surrounding "Traditional Community" area.</p> <p>Recommendation: No Change</p>

55. Michael Galaviz 11.24.15

MICHAEL GALAVIZ: I'm Michael Galaviz from 1719A State Highway 14 North, Township of Golden, New Mexico. Also I came on behalf of my parents, David and Beatriz at 1759 State Highway 14 North. It's my understanding that the whole township of Golden was to be rezoned 100 percent residential. They went to great length to also acquire a commercial zoning and they wish to retain that. Thank you.

CHAIR ANAYA: Thank you.

## Public Comment 56

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
56	Sunlit Hills	Dwight	Nibbelink	<p>Public Comment at BCC on 11.24.15.</p> <p>Questions about changes to the area.</p>	<p>[see map for comment i.d. #30] This subdivision consists of 15 lots located along Camino Nevoso, in the vicinity of Old Las Vegas Highway and Two Trails Road. This area is already subdivided for predominantly 5-acre lots, and is served by the Sunlit Hills water system. The “Residential Estate” zoning proposed by the draft SLDC zoning map on the east side of Old Las Vegas Highway largely follows from the boundary of the Sunlit Hills water system in this area. Much of this area has been subdivided into lots in the 2.5-acre range, although there are small subdivisions that contain predominantly 5-acre lots. Similar comments were received from property owners in the First Village/Second Village subdivision along Village Lane (which lies about 2,000 feet to the north of Camino Nevoso), during the review of the 3/21/14 draft of the SLDC zoning map. Recommendation: Change to “Residential Fringe” zoning, but retain the “Residential Estate” category on SGMP Future Land Use Map.</p>

56. Dwight Nibbelink 11.24.15

56.A. Dwight Nibbelink 11.24.15

DWIGHT NIBBELINK: Good evening. Dwight Nibbelink, 20 Village Lane, Santa Fe. I represent the First and Second Village Association. My question is when the gentleman was talking about the different designation of the Sunlit Hills area. I'd like to see a map that shows what that is, because I don't understand what the change is and if it affects the area that we live in or if it doesn't affect that. So I'd like to see that change please.

COMMISSIONER CHAVEZ: Is there a way that we can put that up on the screen, Robert? Do you think? We can move that if you want to.

MR. NIBBELINK: So could you point out what the area that is changed please? So this is our area here, so that's requested to change that to the five-acre? Is that correct?

MR. GRIEGO: Yes.

MR. NIBBELINK: All right. That's great. Thank you. Thank you very much. That answers my question.

COMMISSIONER CHAVEZ: Let's leave the screen available in case we want to have any other documents. I think it would be more important to have this kind of information than the timer. I think that we're doing good on time. So let's see if we can have that available. Next speaker.

MR. NIBBELINK: Thank you very much. Basically, I have a question in regards to taking properties that say, we're originally at five acres or ten acres and then they are in a new zoning area where they can come down to 2.5 acres or five acres, so to speak. When someone is applying to do a lot split, and they are in a area that needs to have a well drilled. Are there regulations that come into effect that need to be answered first before they can do a lot split? That's – I don't know if that's in the County Commission's jurisdiction or what are the regulations in that area?

COMMISSIONER CHAVEZ: Well, I think my observation is that there could be different scenarios applied to that question but I would give staff a minute or two to respond but I don't know that we're going to be able to respond to each and every question or concern tonight. But let staff see if they can address your question and then we'll move on.

MR. NIBBELINK: Thanks so much. I appreciate that.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, we have subdivisions under the Land Development Code and we have exemptions from subdivisions, the 13 exemptions. If you are doing a subdivision or more than five lots you will have to do a geohydro study but there's also sections in our design standards, depending where the property is located that may or may not require them to hook up to both a community water system and a community sewer system. It can be dependent on where they're located, which SDA area they're located in and the size of the lots and the number of lots being done.

There's also design standards for anyone dividing land or subdividing land for fire protection and road design. So there are multiple design standards in the SLDC for anyone dividing land.

COMMISSIONER CHAVEZ: That's the short answer. I'm sure there's a longer one, but we'll work through it. Mr. Sommer, go ahead.

## Public Comment 59

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
59	Turquoise Trail	Trevor	Burroughs	<p>Public Comment at BCC on 11.24.15.</p> <p>Concerned that the entire zoning concept is inappropriate and the westside of Hwy 14 should have a rural focused development.</p>	<p>[see map for comment i.d. #25) The area along N.M. 14 is located in SDA-1, which the SGMP identifies as the County’s “primary growth areas”, and is in the County’s utility service. Central water is already available to the site from the County system, and provision of central sewer would be feasible in the general planning timeframe for SDA-1 (20 years). N.M. 14 is part of the Turquoise Trail National Scenic Byway, so visual impacts to this highway would be a significant concern; however, a 1,000-foot buffer would be required between any commercial or industrial use on the site and N.M. 14 (this buffer would be 500 feet for residential development). In the “Mixed-Use” zoning district, a 1,000-foot buffer would be required adjacent to the San Marcos Community, and projects would first be required to go through a conceptual plan review. These requirements would alleviate much of the concern regarding compatibility with residential uses in San Marcos. A 1,000-foot buffer would be required between any commercial uses and N.M. 14, and a 500-foot buffer would be required for residential uses. Commercial uses would be limited to 15% of the project without TDRs, and would be limited to 50% of the project if TDRs are used.</p> <p>Recommendation: No Change.</p>

59. Trevor Burroughs 11.24.15

TREVOR BURROWES: My name is Trevor Burrowes, 2836 State Highway 14. I feel like the man on PBS yesterday who was – he was talking to somebody who wanted war in Syria and had all the good reasons. And this man was saying you need to prop up Assad government, is the only way you're going to have to stop the hemorrhage or refugees, to stop some of the worst aspects of what's going on there now, even though you may not really like Assad.

So I'm sorry to bring up this very irrelevant thing, but I feel like that man because nobody was taking him seriously. Forget about it. So here I am. I listen to people talk very intelligently. I can't say enough about how well they understand the process. I don't understand it, but really, the reason I don't even try is because I don't believe in it and I think it is extremely misguided. It's all numbers. It's all left brain. It's all assuming the kind of development that we see everywhere. A more intelligent version of business as usual. I think that's fatal. I know nobody will listen to me. I know it's ridiculous sounding, but I think it's fatal what is being done here.

I would – let me just give one good example. As regarding the Turquoise Trail, the whole thing of 1,000 feet setback, it's fine. Better than nothing. But really there shouldn't be any business as usual development on the Turquoise Trail. The way it looks now is pretty good and I can suggest one advantage which would be taking a transfer of development from maybe the more pristine western side over to the less pristine eastern side, but the buildings that you would do would not be business as usual, would not be the typical market development but rather rural development that encourages people who work with their hands, who get their hands dirty, who produce food. Greenhouses, there would be places to dry produce, resourcefulness.

Everything that's being suggested in market driven. Suppose the market crashes. Do you think – I don't happen to believe it's really on stable footing. And I think this process really needs to kind of – it's almost finished, but if you could leave some room for coming back and thinking this through at some future date. Now, I may be just talking in the air, but at least thank you very much for listening and giving me a chance to say my say. Thank you.

COMMISSIONER CHAVEZ: Well, sir, for my part, I would let you know that I'm hoping this is a working document and that once this is approved we do not forget this discussion and try to improve in whatever ways we can. So I think that your concept about market driven is something to be aware of. The idea that this would be etched in stone I think is not reality because it's going to have to be continually updated and maintained. So hold on to those thoughts. I know that staff and others have approached this as a working document. Go ahead, sir.

## Public Comment 60

ID	Property	First Name	Last Name	Comment Summary	Summary Analysis and Staff Recommendation
60		Kevin	Graham	<p>Public Comment at BCC on 11.24.15.</p> <p>Questions on lot sizes.</p>	<p>[see map for comment I.d. #41]The "Rural Residential" district within the San Pedro Neighborhood Community Overlay Zoning District contains several subdivided areas that consist primarily of lots in the 5-acre range and even some small subdivisions consisting of 1-acre lots. These existing lot sizes were considered by the San Pedro Planning Committee in formulating the San Pedro Neighborhood Community Plan and Community Overlay Zoning District. The decision was made to create a single "Rural Residential" district in the higher-density areas of San Pedro, based on the overall predominate lot size of 10 acres, and due to concerns related to preserving community character, terrain constraints, visual quality, and groundwater constraints (the area is located in the "Homestead" hydrologic zone, which can only support densities of about 1 du/40 acres). Existing lots that are under 10 acres would be "grandfathered" and can be developed without requiring a variance or other exception.</p>

60. Kevin Graham 11.24.15

KEVIN GRAHAM: Hi. My name is Kevin Graham. My residence is 42 Stanford in Edgewood, New Mexico, and I've been sworn in. I'm here representing my parents-owned property in the San Pedro community. They've owned that property since the 1970s. There's numerous lots in that community that are less than ten acres and with the proposed zoning change you'd have to have ten acres to build a dwelling, and they're requesting that they would still have the ability on an existing lot to build a dwelling on a lot smaller than ten acres, that they've had since the 1970s.

COMMISSIONER CHAVEZ: Okay, it looks like staff would like to respond to your comment, sir. So give us a minute.

PENNY ELLIS-GREEN (Growth Management Director): Mr. Chair, Commissioners, I do want to clarify that the code allows someone to build a house on a lot even if you don't have the required acreage in your zoning district. So if you're in a ten-acre minimum, and you have eight acres, you can still do anything that's allowed in the ten-acre zoning district including building a house.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: So, Penny, would you please reiterate the concept of who is grandfathered in in terms of their existing properties, so that people listening on the radio and people here tonight are clear on what remains versus what gets changed.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, if you have a platted lot and it is a legal lot of record, means a plat created that lot or it was created before the code – before 1981 by a deed, then you can still build your house on there. So it is still considered a legal non-conforming lot, that it is legal because it was previously created. You can still do everything that is allowed in that zoning district.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: Also, Penny, is it true that if that lot is sold, the new owner can also build on that lot?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, that is correct. So if you only had eight acres in a ten-acre zoning district you would not be able to divide your lot but you could build a house. The SLDC also actually allows an accessory dwelling unit. It allows accessory structures. Different zoning districts allow different non-residential uses and well.

COMMISSIONER HOLIAN: Thank you, Penny.

COMMISSIONER CHAVEZ: So, sir, maybe you could get with staff for more clarification on that but I think you're going to be okay.

MR. GRAHAM: It doesn't matter what the lot size is then?

COMMISSIONER CHAVEZ: No.

MR. GRAHAM: Thank you.