

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**November 10, 2015**

Robert A. Anaya, Chair - District 3  
Miguel Chavez, Vice Chair - District 2  
Henry Roybal - District 1  
Kathy Holian - District 4  
Liz Stefanics - District 5

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**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

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**I. A.** This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:15 p.m. by Chair Robert A. Anaya in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**B. Roll Call**

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Robert A. Anaya, Chair  
 Commissioner Miguel Chavez  
 Commissioner Kathy Holian  
 Commissioner Henry Roybal  
 Commissioner Liz Stefanics

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. Moment of Reflection**

The Pledge of Allegiance was led by Assistant Chief Steve Moya, the State Pledge by Ken Martinez and the Moment of Reflection by Randy Vallejo of the Public Safety Department.

Commissioner Holian and Commissioner Chavez asked for a moment of silence for community activist and Santa Fe Living Treasure Craig Barnes.

**I. F. Approval of Agenda**

**1. Amendments.**

**2. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Mr. Chair, Commissioners,

there are a couple of changes to the agenda. On page 3 under Action Items, III. C. 3, that resolution has been withdrawn, and then items 4 and 5, both of those resolutions have been added to the agenda since last Tuesday. Also on page 4, item VII. A. 1, 2, 3 and VII. B. and VII. C for executive session and actions as a result of executive session, those items have been added. Other than that I have no other changes to the agenda. However, there has been a request under Public Hearings, land use case item VIII. B. 4, there has been a request to move that up in the agenda but I suppose that will depend on where we are at that time. I just wanted to let you know that the applicant had requested that. And then I also believe that for land use case VIII. B. 1 there is an interpreter who will be here around 7:00.

CHAIR ANAYA: So I'm going to ask for a motion to approve as amended. I'm going to ask that the Commonwealth Conservancy item be moved up to the first land use case and that we will hear that case for the interpreter, Case 1, as close to 7:00 as possible. So I'd appreciate a motion from the Board.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the agenda as amended with the change in schedule.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: Thank you, Commissioner Holian, for the motion. Motion from Commissioner Holian, second from Commissioner Stefanics. Also another notation. We are going to have and I want it reflected in the motion or reflected as part of the amended agenda that we're honored to have, in addition to Mr. Paul M. Herrera that we're honoring today under our service men and women that we're also honoring Sgt. Troy Wood, as well as when he gets here I'm going to turn the floor over to Commissioner Chavez to honor and bring forward Robert Francis Johnson. So I'd have those included in the agenda as well. There's a motion and a second. Is there any further discussion? Seeing none.

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

**I. G. Approval of Minutes**

**1. Approval of October 13, 2015, Special BCC Meeting Minutes**

CHAIR ANAYA: What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the October 13, 2015 special BCC meeting minutes.

CHAIR ANAYA: There's a motion from Commissioner Holian for the October 13<sup>th</sup> minutes. Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: Second from Commissioner Chavez. Any further discussion? Seeing none.

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

**I. G. 2. Approval of October 13, 2015, BCC Meeting Minutes**

COMMISSIONER STEFANICS: Mr. Chair, I'd move for approval of the regular October 13, 2015 BCC meeting minutes.

CHAIR ANAYA: There's a motion from Commissioner Stefanics. Is there a second?

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Second from Commissioner Holian to approve the October 13, 2015 BCC minutes. Any further discussion? Seeing none.

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

**I. H. Honoring Our Veterans and Service Men and Women**

CHAIR ANAYA: I'm going to ask Commissioner Roybal if he would to read in Mr. Herrera's bio. I want to thank Mr. Herrera. He's here with us in the front. If you would stand, sir, and let's give him a round of applause before we even read in his bio. You can be seated now for a moment, Mr. Herrera. Thank you for being here. I'll have Commissioner Roybal read in your bio. Then we'd like you to say some remarks, introduce us to your family, and then we will have some pictures at the end of the three presentations. But thank you for being here. Commissioner Roybal.

COMMISSIONER ROYBAL: Mr. Paul M. Herrera enlisted in the United States Army in June of 1998 as an Indirect Fire Infantry Man. He shipped out to One Station Unit Training, OSUT, at the Infantry School on Sand Hill in Ft. Benning, Georgia. After completion of infantry training Mr. Herrera then attended Mortar School and was assigned to Headquarters Company 3<sup>rd</sup> Battalion, 15<sup>th</sup> Infantry Regiment as part of the 3<sup>rd</sup> Infantry Division in Ft. Stewart, Georgia.

As a member of the 3-15<sup>th</sup> Infantry he attended the National Training Center in Ft. Irwin, California. From October 2000 to April of 2001 he participated in SFOR 8 (Stabilization Force 8) which was a NATO mission tasked with enforcing the Dayton Peace Accords in Bosnia and Herzegovina. Mr. Herrera completed his enlistment in August of 2001.

During his time of service Mr. Herrera received the Army Good Conduct Medal, Armed Forces Expeditionary Medal, NATO Medal (Yugoslavia) and Expert Grenade Badge. Today Mr. Herrera is employed by Santa Fe County as a desktop support technician. He is married to Wendy Herrera and they have four children, ages 4, Aliyah, 7, Isaiah, 9, Amariah, and 12, Natalia.

CHAIR ANAYA: Thank you, Commissioner Roybal. Mr. Herrera, the floor is yours.

PAUL HERRERA (IT Department): Chairman, Commissioners, Manager Miller, I'd just like to say thank you guys for honoring vets and for hiring vets and I just want to express my thank and I'm grateful to now serve the County, as opposed to the country. I just want to introduce my wife Wendy, my daughter Aliyah, my daughter



Natalia, my daughter Amariah and my son Isaiah. So thank you guys.

CHAIR ANAYA: Thank you, Mr. Herrera. Let's give Mr. Herrera a round of applause for his service. It's at this time I'd like to ask Mr. Troy Wood to come forward if you would please.

Mr. Troy Wood is in the New Mexico National Guard, has served since 2009. Sgt. Wood is currently employed with the Santa Fe County Corrections since February of 2013. Sgt. Wood is married to Samantha Wood for six years now and has three boys, ages 7, 5 and 4. Sgt. Wood was deployed in 2012 to Sinai, Egypt. Sgt. Wood has received the Army achievement medal, the Overseas Service Medal, and the Global War on Terrorism Service ribbon. Sgt. Wood, thank you for being with us. Let's give Sgt. Wood a round of applause if we would. The floor is yours, Sergeant.

TROY WOOD (Corrections Department): Thank you, Commissioners for the opportunity, thanking us. Thank you, sir. Just appreciate everything, enjoy working for the County and I'm glad to be here, sir.

CHAIR ANAYA: Thank you very much. I'll go to the Commissioners. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and I'd like to thank the gentlemen who are here today for working with Santa Fe County and helping us, truly with more service to the public. You've already provided service to the public with our time. But I would also like to thank every veteran who works for Santa Fe County and in our community. But I would issue a challenge to you all here today and to the others, that if you can think of services that Santa Fe County should be thinking about or planning through the Health Policy and Planning Commission or Housing or anything else that we could be doing for veterans, we, individually and as a group would like to hear about that. But thank you for being here today and please know that we're very committed to not just honoring but also serving our veterans. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you very much Mr. Herrera and Sgt. Wood for your service to our country and also your service to our County. I also would like to echo Commissioner Stefanics' comments. I know that there are many of our veterans out there who need help and I think it's important for us in the County to recognize that and to do what we can for those veterans who do need the extra help, who are having health problems who are homeless and things like that. I'll probably say a little bit more about this. But I think it's very timely for us to consider this and to say thank you as it is Veterans Day tomorrow. So in recognition of Veterans Day and in recognition of your service to us all, thank you.

CHAIR ANAYA: Thank you, Commissioner Holian. Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to say thank you, Mr. Wood and Mr. Herrera for your service and it's something to be proud of, so you guys need to know to be proud of the service that you have done and I appreciate it. Like Commissioner Holian said, tomorrow is Veterans Day and I hope you guys have a great day and I hope all the veterans do. Thank you.

CHAIR ANAYA: Thank you, Commissioner Roybal. Commissioner

Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I want to thank Mr. Wood and Mr. Herrera for your past service and for your continued service because you continue to serve your community. So that means a lot. And I really want to echo what Commissioner Stefanics and Holian said in offering whatever assistance we can provide to veterans because we know that veterans often have a challenge coming back home and many times those veterans end up slipping through the cracks and are represented in our homeless population and in our population that needs help the most. So we have to help each other as we're coming back into society. We have to help those veterans.

And even though I did not have the chance to serve I know that during the Vietnam Era there were a lot of veterans that are still not completely welcomed home and we want to welcome them back into our community and into our society and make Veterans Day every day, not just the Veterans Day that's on the calendar. And I think that's where our Community Services and the services that we provide will help people that are less fortunate than we may be through those hard times. So, Mr. Chair, we also often ask other veterans who are in the room to come forward at this time and I think that would be fitting for this afternoon as well.

CHAIR ANAYA: Absolutely, Commissioner Chavez, Mr. Vice Chair. Thank you for those remarks. I think I want to just say a couple additional words about the comments you've just made about Veterans Day every day. I think that sums up what we're trying to do here on the Commission but anywhere you're at, it is, it should be Veterans Day every day. Any time that you run into a veteran – I deal with veterans on a regular basis in my work and I do every opportunity I can to thank them for that service and I would just say that out to the community, that those listening and watching that when you run into veterans thank them for their service, but then accentuating what Commissioner Stefanics and Commissioner Holian and Commissioner Roybal and Commissioner Chavez have said, also to seek what are their needs? What are the challenges that they're facing and how might we as a County put our hands around, figuring out how to join in with the team effort of helping people and helping our veterans, especially those in most need. So thank you very much. I would like to at this time to ask Mr. Herrera, you and your family to come forward, Sgt. Wood, you to come forward and any other veterans that we have in the room to also come forward so that we can present them with some certificates but thank all veterans throughout the County of Santa Fe, the state of New Mexico and the entire United States. And also keep in mind those veterans that have passed on and those that took the ultimate sacrifice while serving our great country. So let's give Mr. Herrera and Mr. Wood one more rambunctious round of applause if we could. Let's give them a standing round of applause.

[Photographs were taken.]

**I. I. Employee Recognitions**

**1. Santa Fe County Employee of the Quarter, 3rd Quarter, 2015**

MS. MILLER: Mr. Chair, if I might for just one second recognize a couple of special events, three special events. That would be Commissioner Stefanics' birthday.

COMMISSIONER STEFANICS: Well, thank you. You can pick whatever

age you'd like. I can either be 30 or 40 or 50.

MS. MILLER: I think I said 39. And then Bernadette Salazar, our HR Director, it's her birthday and Pablo Sedillo, is not going to get run out of her. It's also Pablo's birthday today. So I think yours was yesterday, Liz and Pablo I think is today and Bernadette, is yours today? Yesterday. Okay. I knew they were all right around the same day, so I just want to wish you all a happy birthday.

CHAIR ANAYA: So before you got forward I think it's very important for us to sing Happy Birthday to them, so let's do it.

MS. MILLER: So to recognize the employees as you know we started a rather robust Employee of the Quarter program to recognize employees who make a significant contribution to Santa Fe County during the previous three months. So the significant contribution may include providing excellent service to customers, developing and implementing new programs that would benefit the overall organization. It could be providing exemplary performance to Santa Fe County in their daily job performance, demonstrating a willingness to work above and beyond the call of duty, or any other contribution that the nominator believes to be significant as far as a contribution to Santa Fe County and something above and beyond their regular job duties.

We're bringing forward the nominees for the third quarter of the year that ended at the end of September and we break it down by different departments. Each recognition team selects one employee of the quarter and there are five departments that were considered for Countywide Employee of the Quarter. So there's the elected offices and then the five other departments. So I just wanted to let you know who the nominees were and for being nominated and making it within your own department or elected office those individuals receive a certificate as well as two hours of administrative leave, just for being nominated from their peers and making it as a representative from their department.

So in the Public Safety group, Sgt. Anthony Ortega. Sgt. Anthony Ortega has been with the County since October 12, 2005. He consistently ensures that he meets or exceeds the Federal Bureau of Prison standards and obligations in a unit assigned with federal inmates who often present a higher criminogenic and security risk resulting in a difficult to manage population. It is also noted that the Charlie Unit which he manages excels in cleanliness, sanitation and organization and is consistently well maintained and free of damage. Is Sgt. Ortega here? He's not here. Okay. But as I go through these if the employee who is nominated from their department could move up to the front because we do have a certificate of recognition for you and a letter.

From the Community Services Department, Amy Rincon, Community Planner. Amy has been with the County since September 3, 2014. Amy demonstrates excellent planning skills and can work very effectively with both County staff and the multiple community members in various community planning groups. She is able to coordinate meetings, communicate effectively and develop new planning and zoning materials, all while still keeping up with her regular duties. As a relatively new employee Amy stepped in and played a large role in a massive planning process while still learning her job and becoming familiar with the very complex Sustainable Growth Management Plan and the Sustainable Development Code. So is Amy in here? Amy, if you could come up and have a seat.

Then in the Public Works Department, Lorange Sanchez. Lorange is a utility maintenance worker and has been with the County since February 3, 2014. Lorange demonstrates himself to be a leader during an emergency waterline repair by helping plan the approach to the work, being cognizant of the safety issues and providing instructions to other maintenance workers and operators who have commented on how he has helped them learn. This is critical in making sure we maintain service to our customers when we have waterline breaks.

In Support Services, Maricela Martinez. Maricela is a procurement specialist senior. She's been with the County since June 9, 2003. Is Maricela in here? There she is. Maricela worked above and beyond the normal scope of her duties during the year-end close-out and the start of a new fiscal year at a time when the division was significantly understaffed. She provides exceptional customer service to all departments, vendors and the public and goes the extra step to understand the needs and requests of the various options that are in compliance with the state procurement code and the County purchasing regulations and policies.

So I'd like to just recognize first the four employees who were selected for the third quarter from their respective departments and the two that are here, Amy and Maricela. So thank you.

From the individuals who were nominated by their departments then a group of three managers are convened to select from those. We make sure that the managers that are involved in the process of selecting the final Employee of the Quarter are not their direct supervisor or within their departments so they have the ability to be objective in looking at the nominees. And for this quarter's Employee of the Quarter, Amy Rincon, community planner in Growth Management.

CHAIR ANAYA: Congratulations, Amy. The floor is yours.

AMY RINCON (Planning Department): Mr. Chair, Commissioners, thank you guys very much. I was told to prepare something but I didn't actually think I was going to win so I didn't really prepare very well. But I do want to say that this is a great honor. This is really exciting and I've watched the previous award winners and they are an awesome group so it's very humbling to be part of that group. And I've really enjoyed the year that I've been here with Santa Fe County. We've done a lot of great stuff in community planning and in Growth Management in general and it's a great group of people to work with and it makes it easy to come into work each day and exciting to be part of the County and to work with different community members and different staff members. So thank you.

CHAIR ANAYA: Well, thank you very much, and Maricela, congratulations to you. Is there anything you'd like to say, Maricela?

MARICELA MARTINEZ (Procurement Division): Mr. Chair and Commissioners, I'd just like to say thank you. It's truly an honor to be recognized for my hard work and dedication. Thank you.

CHAIR ANAYA: Thank you very much for your years of service. Commissioners. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I read one common denominator into all of your bios and that's dedication and commitment and going above and beyond the call of duty. So I think you're all obviously valued employees and you bring a lot of

meaning to Santa Fe County. It gives meaning to your life and well, so I think that's really encouraging that Santa Fe County can provide that kind of a work environment. It's a positive, safe work environment. You have a career path and you have a government that encourages you to continue your training and provides the funding and programs to do that. So congratulations to all of you but especially to the final winner. Amy, I know that moving the County forward in our land use and the work that we're doing in zoning is moving the County in a new direction. It's a direction that the County has needed to go in for a long time. I know staff has been working on this for years. The community has been working on this for many years, and so it's a good cross-roads for the County to be at and I think for someone starting a career in that field it's just, I think, it's wide open. So again, thank you.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Congratulations, Amy and congratulations to all of the employees who were recognized for Employee of the Quarter. Amy, I have to say, you've only been here a year but you sure picked an exciting time to come to the County, especially in your department, what with the update of the Growth Management Plan and the Land Development Code, I'm sure that that's kept you very, very busy and I appreciate all of your hard work there and all of the hard work of all the people in that particular department.

I have to say that I am very proud to be associated with the County. I'm proud of all the employees who work at the County. I just noticed in being here over the last seven years what a high level of skill people have. And so I just love to brag about our County employees all the time. Again, thank you for all of your hard work.

CHAIR ANAYA: Thank you, Commissioner Holian, well said. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to thank you every employee who's been nominated by their peers and who continue to work for Santa Fe County. We appreciate your hard work and your commitment. Thank you very much.

CHAIR ANAYA: Commissioner Roybal. Thank you, Commissioner Stefanics.

COMMISSIONER ROYBAL: I'd like to say thank you to all of the employees that were nominated, Maricela, Lorance, Anthony and Amy. Your hard work and your work ethic really shows through and your dedication to the County, and I really appreciate that. I know that Amy worked hard on the community plans when she went out to deal with a lot of our constituents and I appreciate all the feedback we got. It was always positive and Maricela, I know dealing with procurement, I know there's a lot of twists and turns to what you guys have to pay attention to but I appreciate your customer service and everything that was mentioned, so thank you. I hope to continue working with you guys in the future. Thank you.

CHAIR ANAYA: Thank you, Commissioner Roybal. We'll get some pictures I think at this time. We'll have you both come forward for a picture and we have your certificates. Ms. Miller.

MS. MILLER: And Mr. Chair, I just want to point out that we have a

really nice glass sculpture for Amy for Employee of the Quarter. This is for her to keep. It has her name on it and Employee of the Quarter, and then we also put her name on a plaque that goes in the Manager's Office with all the Employees for the Quarter for a three-year running plaque. And then we have certificates for them as well as letters for their administrative leave to thank you for your hard work. So thank you very much.

[Photographs were taken.]

**I. H. Honoring Our Veterans and Service Men and Women (cont.)**

CHAIR ANAYA: I'd like to go back to honoring our veterans and service men and women and turn it over to Vice Chairman Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Commissioner Anaya, for providing us this opportunity. I know that sometimes our schedules don't allow us to be at the right place at the right time, but we have a guest in our audience, a veteran, Robert Francis Johnson, who asked for some time in this afternoon's meeting to make an announcement, to reach out to other fellow veterans. So Robert, if you want to come forward at this time you're welcome to. Earlier in the afternoon we did a more formal honoring of veterans and there were a couple of certificates that were handed out. But you're still welcome here this afternoon. I want to formally welcome you home from your tour of duty. I know often some of our veterans do not feel that they were completely welcomed home after their tour of duty and I want to be sure that I personally welcome you home to our community and you now have an opportunity to share some of your thoughts with us. Robert, go ahead.

ROBERT FRANCIS JOHNSON: Okay. One thing I have done is the labyrinth at Frenchy's Park. A lot of people don't know that it's actually entitled an Earth Prayer for World Peace. So we did it in 2000 with 75 people from the neighborhood and other places in Santa Fe to make her and there's prayers and poems for world peace and we had the hope that perhaps in our lifetime that we could have world peace. So I've been working towards that goal in my life.

So I joined with a number of other men in men's wellness over the course of almost 30 years now and evolved a ritual to heal the wounds of war and what we did was to wash all our hands collectively, the veterans and peace people and other people. So no judgments, and dry them in a towel. Then we asked the veterans as a whole what is it – is there anything else you would like us to do? It was only the Vietnam veterans who said we want to be welcomed home. So 100 of us said to the veterans, welcome home, brother, and there wasn't a dry eye in the place.

And so one of the men that day who was a Vietnam vet had his first full night's sleep that night since the war. He went on to write a poem, and I won't read the whole poem but he was haunted by the war of having to kill a young Vietnamese boy who was gut-wounded and was going to give away his squadron's place and they were afraid he would give them away and they would be all annihilated. So it came down to him to slit that young boy's throat. And he did and he was haunted by that. In his poem what he realized was they were all – everyone that is in war, they're all warriors. So what warriors do is kill one another and it's really not a very pleasant job.

But what he did himself was to them honor that young boy that he killed as a warrior every day at lunch and said a little prayer and was no longer haunted by that. And so that's part of what I'm doing at Frenchy's Park tomorrow at 4:00 is to welcome all the vets back and we'll walk the labyrinth together and maybe read some healing poems, and in my own – this last time at Ghost Ranch we had happiness as our goal and happiness – how the fairy tales ended before Walt Disney got a hold of them was they had pain and pleasure in equal measure and so lived happily ever after.

So suffering is food for our compassion and that everyone suffers and that sometimes we become very wise from that. So I was honored by the men who had known me for 25 years with this medallion of – I'm a sage elder now and so I was very honored to say that. And in the work I did this time on happiness, what came to me was a poem by Thich Nhat Hahn – he's a Buddhist Vietnamese man and what we need to mostly do for all of our suffering is to forgive. Forgiveness is so important. So in – I'll just paraphrase the one line that really got to me of Thich Nhat Hahn's work is he said – the poem is called "Call me by my real name" and he goes on to write about animals in nature that need to eat other animals to survive and then he moves into people and one of the lines is that I am the 12-year-old refugee on a small boat who throws herself in the ocean after being raped by the sea pirate, and I am the sea pirate, my heart not yet capable of seeing and loving.

So when people do terrible things it's because they still haven't developed a place to see what they are doing. And what they really need is compassion and love and certainly to protect other people to be kept away from other people or to be helped, but the poem that actually goes with Thursday's park I'll read today, and that's my wish for today. It's a prayer for our children and a prayer to end all wars.

May a man always remember that his heart is his womb, love, joy and his sword. And may his sword be the sword of forgiveness so sharp that it cuts things together, not apart. So I want to leave you with those thoughts from today. It's open to everyone if they want to come at 4:00 tomorrow at Frenchy's Park. That's on Osage and Agua Fria, to participate in walking the labyrinth or to begin world peace, because peace begins with each one of us. So thank you.

COMMISSIONER CHAVEZ: Thank you, Robert. Thank you for being here and thank you for all that you're doing for your fellow vets and for our community.

CHAIR ANAYA: Thank you very much. Thank you, Commissioner Chavez as well.

## II. CONSENT AGENDA

### A. Final Orders

1. **CDRC CASE #V 15-5160 Susan Stokes Variance.** Susan Stokes, Applicant, Requested a Variance of Ordinance No. 2007-02, Section 10.6 (Village of Agua Fria Zoning District, Density and Dimensional Standards) to Allow the Creation of Three (3) Lots (Lot 1 – 1.642 Acres, Lot 2 – 1.010 Acres, and Lot 3 – 1.174 Acres) on 3.826 Acres, More or Less, Utilizing an On-Site Well and Septic System Rather than Community Water or Sewer. The Property Lies within the Agua Fria Low-

**Density Urban Zone (AFLDUZ) Where the Minimum Lot Size is 2.5 Acres per Dwelling. The Property is Located within the Village of Agua Fria Zoning District at 4745 Rivers Edge Lane, within Section 32, Township 17 North, Range 9 East (Commission District 2) Vicente Archuleta, Case Manager (Approved 4-0)**

2. **CDRC Case # ZMR. CHAIRT 13-5360 Buena Vista Estates, Inc. & Rockology LLC. Buena Vista Estates, Inc, Applicant, Jim Siebert, Agent, Requested Zoning Approval to Create a Mining Zone, on a 50+ Acre Site, to Allow the Extraction of Aggregate for the Use as Construction Material. The Site Would Take Access off of Waldo Canyon Road (County Road 57). The Property is Located on the East Side of I-25, within Section 21, Township 15 North, Range 7 East (Commission District 3) Jose E. Larrañaga, Case Manager (Denied 5-0)**

**B. Resolution**

1. **Resolution No. 2015-156, a Resolution Authorizing Condemnation Proceedings to Acquire a Sewer Line Easement to Serve the Camino de Jacobo Housing Neighborhood (Santa Fe Housing Authority/James R. Pacheco)**

**C. Miscellaneous**

1. **Request Authorization to Enter into an Agreement to Rescind Affordable Housing Agreement, Withdraw Application for Preliminary Plat, Final Plat and Development Plan, and Rescission of all County Subdivision Approvals for the Sandstone Pines Estates Subdivision (Growth Management/Robert Griego)**

CHAIR ANAYA: Are there any items that any of the Commissioners would like to pull from the Consent for brief discussion? What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the Consent Agenda.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: There's a motion from Commissioner Holian, a second from Commissioner Roybal for approval of the Consent Agenda. Any further discussion? Seeing none.

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

[Clerk Salazar provided the numbers for the approved resolutions throughout the meeting.]



**III. ACTION ITEMS**

**B. Miscellaneous**

- 1. Request Approval to Extend the Lease Agreement between Santa Fe County and Bokum Burro Alley, LLC, for the Lease of Office Space for an Additional Two Years through February 28, 2018, and Additional Compensation of \$561,425.76 and Authorization for the County Manager to Sign the Purchase Order and Lease Amendment**

BILL TAYLOR (Procurement Director): Thank you, Mr. Chair, Commissioners. We're here before you to request approval to extend the lease agreement between Santa Fe County and the Bokum Burro Alley, LLC, for the lease of office space for an additional two-year extension. The County currently leases over 15,000 square foot of space with janitorial services and parking spaces for the facility. The increase in compensation would total \$561,425.76. With that, Mr. Chair, I'll stand.

CHAIR ANAYA: What's the pleasure of the Board?

COMMISSIONER STEFANICS: Mr. Chair, I'd move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: Commissioner Stefanics moves approval, second from Commissioner Chavez. Any further discussion? Seeing none.

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

- III. B. 2. Request Approval of the Collective Bargaining Agreement between the County of Santa Fe and the New Mexico Coalition of Public Safety Officers Regional Emergency Communications Center (RECC), NMCP SO-RECC**

BERNADETTE SALAZAR (HR Director): Mr. Chair, members of the Commission, the Santa Fe County management team and the New Mexico Coalition of Public Safety Officers for the RECC began negotiating the contract in August of 2015 and the parties worked very diligently together to come to a mutual agreement in the best interest of our employees and the County. A few of the highlighted items agreed upon was to clarify some of the language in the arbitration article. We enhanced the shift bid process for efficiency purposes since our employees are 24/7 employees, and the contract does allow for a three percent cost of living adjustment which was within the allotted budget for this bargaining unit, and the term is good until December 31, 2018. With that I stand for any questions.

CHAIR ANAYA: Thank you, Ms. Salazar. Commissioners – go ahead, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I'd like to thank the members for bargaining in good faith and when you're ready I can make a motion or second, whatever, but I just would like to thank our management and the members. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. I'll go to other questions and then I'll go back to Commissioner Stefanics for the motion. Commissioner Chavez.

COMMISSIONER CHAVEZ: I was also just going to say thank you and congratulations. I know that sometimes this is not an easy feat to accomplish and sometimes it takes time because there has to be that give and take. But when it's done in good faith and both the management team and the bargaining unit is working and going in the same direction then it works. So thank you and congratulations.

MS. SALAZAR: Thank you.

CHAIR ANAYA: Thank you, Bern. I would just like to say that this Commission and our entire team, management and workers alike, are in a unique situation in Santa Fe County. I know we have collective bargaining and we respect that process but I strongly believe that we've always taken care of our workforce from top to bottom, in partnership and sometimes independently from the collective bargaining units, because we care about our workers and want to make sure that they have opportunities for training and other advancements that can improve their career and their skills. So I support the efforts of the collective bargaining units but I also want to acknowledge the work of the Commission and the management team and all staff, top to bottom, that worked to make their work for the citizens of the county good work and professional work. So I appreciate it to all those who were involved in the collective bargaining units and those that are not and acknowledge everyone's work and efforts to provide the direct services that we do to the public. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I know that many of the members would make this motion as well. I move for approval.

COMMISSIONER HOLIAN: There's a motion from Commissioner Stefanics, a second from Commissioner Holian. Any further discussion? Commissioner Chavez.

COMMISSIONER CHAVEZ: Just that I really appreciate your painting that picture of a level playing field and it's all employees, union and non-union, because it is that team effort and without that – it has to be – that's the full equation and without it it doesn't work so I really just appreciate you mentioning that.

CHAIR ANAYA: Thank you, Commissioner Chavez, and thanks to all the Commissioners. Commissioner Roybal, do you have anything you want to add?

COMMISSIONER ROYBAL: Just a big thank you as well. I know you guys worked hard on it. It took a while. So thank you. I appreciate it.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I too would like to add my thanks.

CHAIR ANAYA: Thanks to the Commission and the work at hand. There's a motion from Commissioner Stefanics, second from Commissioner Holian.

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

III. C. Resolutions

1. **Resolution No. 2015-157, a Resolution Expressing Support of Public Sector Involvement in Telecommunications, Video or Broadband Services Including Infrastructure for those Regions of New Mexico that are Underserved or Unserved with Such Services**

COMMISSIONER ROYBAL: This – I would like to make a motion to approve this. I do have some comments. I think that this is going to be a great service that they'll be able to provide so I would like to make a motion to approve this.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Motion from Commissioner Roybal, second from Commissioner Holian. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just want to make a few comments to introduce this resolution. I think that we all recognize that expanding our broadband network is an important economic development tool in our county, but I think there are some other things that we should recognize. For one thing, it really promotes people's quality of life, especially in the rural areas. It helps people gain access to education, access in fact to all kinds of information on the internet. Also it expands our healthcare because people can access help with regard to health issues over the internet and it also strengthens our public safety.

So even though not as many people live in our rural areas it is really vital that we do whatever we can in the County government to expand the reach of broadband services in those rural areas because the people are benefited in those areas in ways that would be hard to replicate otherwise.

CHAIR ANAYA: Thank you, Commissioner Holian. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. While I'm totally supportive of this resolution I do understand that REDI Net has not reached its tentacles down Highway 14 or 41, so I do know that the county has many other areas to continue working on. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics and Commissioner Holian and Roybal for sponsoring this. I too echo the sentiment of Commissioner Stefanics and we had a broad discussion the last time Mr. Sill was here in regard to this area. I support the resolution. And I actually, in the next budget cycle associated with this item would like to see some recommendations from staff as it relates to expansion opportunities as we move forward not only with internal resources that we already have within our tax base but even potential bond resources that would do a direct target if you will, or direct attack for lack of a better word on trying to make sure we get broadband services into the county. Commissioner Holian, I appreciate your comment relative to the rural areas but the reality is that in areas as close as the state penitentiary or La Cienega area, which is in the urban core, there isn't as good of services as we would like. So the resolution is very appreciated by me and I know this full Commission and I actually look forward to targeting some areas and getting some expansion into some areas over some

prescribed period of time – a plan, maybe a five-year plan of expanding those internet services and utilizing, as Commissioner Stefanics said, and yourselves an education component as a core to make sure that people, students and others have access to appropriate, high-speed internet. Commissioner Roybal.

COMMISSIONER ROYBAL: I'd like to ask that Commissioner Holian helps read this in as well. A resolution expressing the support of public sector involvement in telecommunications, video, or broadband services including the infrastructure for those regions of New Mexico that are underserved or unserved with such services.

Whereas, New Mexico currently lacks affordable, high-speed broadband services to support economic development, education and distance learning, healthcare and telemedicine, and advanced public safety, energy and water applications required to improve the quality of life and ensure the health, safety and welfare of New Mexico's residents; and

COMMISSIONER HOLIAN: Whereas, many areas of New Mexico need improvement to its broadband and infrastructure services, which do not meet current national broadband availability targets; and

COMMISSIONER ROYBAL: Whereas, any entity participating in improving telecommunications may attract rather than subtract from competition; and

COMMISSIONER HOLIAN: Whereas, local governments may be willing to provide high-speed broadband where the private sector is not incentivized to do so; and

COMMISSIONER ROYBAL: Whereas, Santa Fe County, along with other partner governmental entities owns and operates the REDI Net Open Access Community Broadband Network which is a high-speed broadband network for the northern New Mexico region; and

COMMISSIONER HOLIAN: Whereas, REDI Net was formulated to bridge the gap existing in broadband availability in our northern New Mexico region to provide the support for economic development, telemedicine, public safety, and education initiatives; and

COMMISSIONER ROYBAL: Whereas REDI Net is in support of incentivizing public sector entities to expand and improve broadband networks in rural area.

COMMISSIONER HOLIAN: Now, therefore be it resolved the Board of County Commissioners of Santa Fe County expresses support for activities that enable and enhance public sector entities in providing telecommunications, video or broadband services or infrastructure services in a time when New Mexico desperately needs to improve its broadband and infrastructure services.

CHAIR ANAYA: So there's a motion from Commissioner Roybal and a second from Commissioner Holian for approval of this resolution. One last thought for maybe staff to dive into more on this resolution once it's adopted is utilizing our public safety facilities – our fire stations, our community centers, our senior centers and other community facilities in a planning process as potential hub sites to take broadband to and then hopefully carry it to those areas surrounding those areas. It might be a target as we have discussion. There's a motion and a second. Any further discussion? Seeing none.

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

**III. C. 2. Resolution No. 2015-158, a Resolution Authorizing the Sale of County-Owned Farmland Located Near Lemitar, Socorro County, New Mexico**

ERIK AABOE (Public Works): Mr. Chair, Commissioners, Director Kelly asked me to present. We're bringing this resolution forward to authorize the approval of the sale of some County-owned property that is no longer needed by the County. I would note that the map that's facing the resolution is intended to be bound as Exhibit A so that it was just not bound correctly. But this farmland was acquired for transfer of water rights. All of the available water rights were transferred and we are requesting approval to sell this property because it is of potential interest to the local educational institutions and the County of Socorro, the resolution outlines a sequence of offering of the property to New Mexico Tech, UNM, at their Sevilleta field station and Socorro County. If none of those educational or local government parties are interested in acquiring the property then this resolution would authorize the sale of the property to any interested party.

CHAIR ANAYA: So just for the record, the Commissioners requested that the educational institutions and local governments be approached first for interest and we look forward to hearing any feedback relative to that and then following the sequence outlined in the resolution. What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

CHAIR ANAYA: Motion from Commissioner Holian.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: Second from Commissioner Chavez. Any further discussion? Seeing none.

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

**III. C. 3. Resolution No. 2015-\_\_, a Resolution Supporting Alcohol Taxes, Which Save Lives and Money (WITHDRAWN)**

**III. C. 4. Resolution No. 2015-159, a Resolution Declaring the Intent of the Board of County Commissioners of Santa Fe County, New Mexico, to Consider for Adoption an Ordinance Authorizing the Issuance of the Santa Fe County, New Mexico Gross Receipts Tax Revenue Improvement Bonds, Series 2015, in an Aggregate Principal Amount Not to Exceed \$25,000,000 for Purposes of Defraying the Costs of Planning, Designing, Constructing, Reconstructing, Renovating, Rehabilitating, Equipping, and Furnishing Necessary County Buildings and Facilities, Including, Without Limitation, County Facilities**

**Located at the County Administration Building and at the Old Judicial Complex, and to Pay Costs of Issuance of the Series 2015 Bonds; and Directing the Publication of a Notice of Meeting, Public Hearing and Intent to Consider an Ordinance Authorizing the Series 2015 Bonds in a Newspaper of General Circulation Within the County** *[Exhibit 1: Memo and Resolution Text]*

CAROLE JARAMILLO (Finance Director): Mr. Chair, Commissioners, before you you have a resolution to approve a notice of intent to adopt an ordinance authorizing the issuance of revenue bonds. I will note a minor variance in the title of the revenue bonds. Those revenue bonds would actually be issued as hold-harmless gross receipts tax revenue bonds. Back in February if you recall you adopted the capital improvement plan for the County or the allocations, rather, for the capital improvements and within that allocation you had allocated \$32 million for the County Administrative Complex project. At the time we had approximately \$6.9 million that was budgeted for the project from capital outlay gross receipts tax and there as a balance of \$25.1 million to be financed from other sources.

This bond that we are proposing to be issued would be to finance \$25 million of that project and we would propose that with the sale of the bond that that would take place on January 12, 2016. And I stand for questions.

CHAIR ANAYA: Thank you, Ms. Jaramillo. Are there questions of Ms Jaramillo? What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COMMISSIONER CHAVEZ: Second.

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

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

**III. C. 5. Resolution No. 2015-160, a Resolution Amending Exhibit A to Resolution No. 2015-88 to Make Fund Balances for Affordable Housing Funds Uncommitted** *[Exhibit 2: Memo and Resolution Text]*

MS. JARAMILLO: Mr. Chair, Commissioners, back on June 30<sup>th</sup> you as a body approved resolution 2015-88, a resolution to formally commit Santa Fe County fund balance per the requirements of our fund balance reserve and budget contingency policy. At that time we had proposed that you approve committing fund balance for the Section 8 voucher fund, the affordable housing home sales fund and the housing enterprise fund. At the time we did not realize that there was a HUD policy that would not allow for the County to reserve funds for those three funds and so we need to amend the exhibit to that original resolution so that we are no longer committing those fund

balances in the HUD funds. And I stand for questions.

CHAIR ANAYA: Are there any questions of Ms. Jaramillo. What's the pleasure of the Board?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll go ahead and make a motion to approve amending Exhibit A to Resolution No. 2015-88.

COMMISSIONER HOLIAN: Second.

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

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

#### **IV. MATTERS FROM THE COUNTY MANAGER**

##### **A. Miscellaneous Updates**

MS. MILLER: I just wanted to give a reminder, our legislative dinner reception, we have that scheduled for Monday, December 7<sup>th</sup> at 5:30 at the Inn of Loretto. Please make sure you keep that open on your calendar, and then also our annual Santa Fe County Day is scheduled February 16<sup>th</sup> from 9:00 to 1:00 pm at the Roundhouse and that's the second annual Santa Fe County Day to be held at the state capitol. And we'll be setting up information tables and booths from all our different departments and we will be submitting a proclamation to both chambers of the House and Senate proclaiming February 16<sup>th</sup> as Santa Fe County Day at the legislature.

The other thing I just wanted to mention, we had talked about the Association of Counties was here at our last BCC meeting. We will be bringing at the November 24<sup>th</sup> meeting the Association of Counties resolutions that the executive board has recommended as priorities for the Association of Counties. We will be bringing that. Additionally, we've been working with the Association of Counties on our insurance and the insurance pools, and I have requested that the staff and the multiline board go back and look at some of the changes that they made to the policy so that that would come back for reconsideration at the December 16<sup>th</sup> multiline board meeting. So based upon some of the changes they made at their last meeting we did ask for reconsideration of some of those. I think they might be detrimental to members of the pool and that they might want to relook at them after looking at total claims data for each county. And that's all I have. Yes, that's it.

CHAIR ANAYA: Thank you, Ms. Miller. Commissioner Chavez, I'd like to see, are you going to be here on the 24<sup>th</sup> of November? I'm going to be on a little adventure in Cibola County. I will call in as necessary if I need to but I wanted to ask if you could chair that meeting for me I'd appreciate it very much.

## **V. MATTERS OF PUBLIC CONCERN**

CHAIR ANAYA: Are there any members of the public that have any items they'd like to bring forward at this time? Are there any matters from the public? Come on up, sir. Are these items that aren't reflected on a later agenda item? You're not here to speak to an agenda item that's later in the meeting, sir?

COMMISSIONER CHAVEZ: The land use code.

CHAIR ANAYA: That will be part of the code discussion, so after 5:00 when we start that public hearing you'll have that opportunity at that time, sir. Thank you so much for coming forward. Are there any matters from the public that are not agenda items on the agenda? Seeing none.

## **VI. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS**

### **A. Matters from County Commissioners and Other Elected Officials**

- 1. Elected Officials Issues and Comments**
- 2. Commissioner Issues and Comments**

CHAIR ANAYA: We'll go to matters from Commissioners and I'll go to Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all I'd like to say happy birthday, Commissioner Stefanics. I say go for 39. That's a tried and tested number over the years. The other thing is I would like to thank Paul Olafson and Rudy and Tony and Mike Kelly for meeting with a representative of the Greater Glorieta Water Association last week. It's a tricky situation what's going on with them but it's important that we figure out how to close out the CDBG project that they received money for year before last so that we can apply for CDBG money this coming go-round when it's available. And hopefully we will get that worked out. It sounds like we are making progress.

And the only other comments I wanted to make had to do – I wanted to add a little bit to my Veterans Day comments. I think it's really important to recognize the sacrifices that veterans have made over the years, but the veterans that come here before us who are able to be here with us, they are the lucky ones. They are the ones who have been able to return to their lives and are healthy and so on. But we have to recognize that many of the veterans who do come back come back with serious issues. Some of them are homeless. Many of them are unemployed. Many of them have drug addictions, PTSD, other mental health problems.

And there are veterans even from the Vietnam War, still, who have those problems and who are in our midst in our community. And so I think it's really important in our county, on a local level to figure out how we can give the veterans in our community and their families the help that they need, whether it's help with medical issues or mental health issues or addiction issues and that sort of thing. But I also think that it's important to think on a national level as well and to stop sending any more soldiers into unnecessary and ill-conceived wars.

And we often – that's the elephant in the room that we don't talk about but many



of the wars that we have gotten into have been ill-conceived and they've led to a lot of unnecessary suffering, not only the part of our veterans but of the people who are in those countries or those wars have occurred. So I think that in these ways we should honor those veterans who have served our country on this Veterans Day. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Holian. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would reiterate again about Veterans Day. I would also like the public to know that we have several vacancies on different committees, many of which I know our public information officer is sending out – CDRC, the Water Advisory, I think the Fair Board has something coming up. The Tax Valuation Board. So I would ask members of the public who would like to get more involved with the County to watch the newspaper or all of the newsletters or our postings on the website for all of those vacancies. Thank you very much.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Commissioner Roybal.

COMMISSIONER ROYBAL: Just to add to what Commissioner Stefanics said, you can also, if you'd like to participate in those boards you can also just contact the County Manager's Office and they can put you through to the correct person that you need to contact.

Another thing is I've been getting a lot of thank you letters, the same as Commissioner Chavez had mentioned last BCC meeting and I'd like to recognize some of the kids that are sending them. I want to say thank you to our 4-H Club and the participants in that because honestly, you guys are the ones that make this a great fair. So I'd like to recognize Samantha Sanchez, Eric Sanchez, McKenzie Butler, Grant, Connie and Trey Stellen-Mitchell, Tessa Sheller, Madison and Emma Davis and Willie Schwendel. Thank you.

CHAIR ANAYA: Thank you, Commissioner Roybal. Ditto. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I want to also extend a safe and prosperous and healthy Veterans Day and again, just ditto our interest in helping in whatever way we can, veterans, day in and day out, and certainly their families. Happy Birthday to Commissioner Stefanics and thank you for your work and your committed dedication to citizens and in your outreach to encourage them to participate on boards and committees. It's really necessary.

The 4-H Club. We have a young group of students that go out of their way to send us thank you cards, as Commissioner Roybal mentioned, and I guess it's a class project because I can see some of them are self-addressing their envelopes and so they're going through that process and learning how to self-address an envelope and get it to the right address and the right format. I'll read this one. This is from McKenzie Butler, and these were addressed to all of us so it's not just one Commissioner but they had addressed them to the Commissioners and so it reads: Dear Commissioner Miguel Chavez, thank you for letting us show at the County Fairgrounds. Sincerely, McKenzie Butler.

And then another one, Dear Commissioner Chavez, thank you very much for

everything that you do and provide for Santa Fe County 4-H. Our fair is fun, educational and a success because of you. Well, I would argue that it's a success because of these young students and what they're learning and the fact that their education and their lives are enhanced by a simple 4-H program. It's simple in nature but very meaningful in their lives and so each meeting we've received a series of these thank you letters and I just wanted to mention them and I don't know if any of them will be listening but I think it was worth mentioning and I thank Commissioner Roybal for also highlighting those students because what's to say that some of those individuals, the students that are thanking us hopefully will be up here doing the job that we're doing and hopefully that will encourage them to do that. So thank you, Mr. Chair.

CHAIR ANAYA: Thank you very much, Commissioner Chavez, for those remarks as well as the others. Madam Clerk, do you have anything you'd like to add at this time?

CLERK SALAZAR: The only thing I would like to add is to remind our residents that we will be having an election for the City, for the School Board and for the County, the main primary election next year, June 7, 2016. And so that gives us all an opportunity to contact the Clerk's Office and the Clerk's staff so that they can update their voter registration, if they have to make a name change or any changes to their address, now's the time to do this so we have the time now before the end of when you can make them. There are deadlines when you cannot make any more changes.

CHAIR ANAYA: Thank you, Madam Clerk and then we're also coming into property tax time and so our County website provides direction to taxpayers. Also our main number in the Manager's Office, 505 986-6200 can provide people access to the right places. Madam Clerk, do you want to provide your number to your office if people have election questions?

CLERK SALAZAR: Absolutely. It's 505 986-6280. And you can also go on the Clerk's webpage off of the Santa Fe County's website. So the Clerk has a webpage has a lot of information regarding elections, records, marriages. There's a wealth of information.

CHAIR ANAYA: Thank you, Madam Clerk. I just have one item and I wanted to thank this Commission again for the support they provided. We did the groundbreaking, Ms. Miller, County staff, we had the superintendent of schools, we had former Senator, Commissioner and State Representative Don King there, former Attorney General King was there. Former Commissioner Anaya and others, but they were all very much thankful for the project, but as I stood there and made the brief remarks that I did in the rain people said aren't you going to cancel and we said, no, we love rain in this county so whenever we get it we're going to take it. And so all expressed their thanks on the project and as I stood and provided my brief remarks I thought of the many, many projects thanks to Mr. Flores, Mr. Barela and others that helped – Paul and Antonio and the whole team.

But I thought of all the projects around the county that this and past Commissions have worked on and thought about the ballfields in Pojoaque, Commissioner Roybal, and I thought about your water project with the Glorieta system and Sunlit Hills road projects that you've done, Commissioner Holian. Commissioner Chavez, I thought about the work

in Agua Fria Village and the parks and the open space that the Commission has done and Commissioner Stefanics thought about the senior centers and the work in Eldorado and all the culmination of fire stations, community projects, roads that are all in direct accordance with what communities have requested and services that those communities will utilize and render. So it felt good to stand there and break ground on that project but it also gave me an opportunity to reflect on the many good things that the County has done as a whole with the support of the Commission.

So that's all I had and just a last thought, and if we could, just a brief moment of reflection relative to the thanks that we all give to the veterans, past, present and future. If we could just all pause for a moment of thought and reflection to their service that they provide our country.

Thank you very much, Commissioners.

**VI. A 3. Presentation and Approval of a Proclamation Declaring the Week of November 16, 2015, through November 20, 2015, as "DWI Awareness Week"**

CHAIR ANAYA: If we could, Commissioners, I would like to alternate and get your help to read in the proclamation. Does everybody have the proclamation in front of them? If we could, Commissioner Stefanics, if you could start us off?  
Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, Santa Fe County proclamation proclaiming November 16 through 20, 2015 to be DWI Awareness Week.

Whereas, Santa Fe County values the health and safety of all citizens of Santa Fe County and the state; and

COMMISSIONER CHAVEZ: Whereas, local leaders in government and the community are aware that the support of people in our communities is the most effective tool our communities have in the effort to reduce the use and abuse of alcohol and drugs by New Mexicans; and

CHAIR ANAYA: Whereas, Santa Fe County is a member of the New Mexico DWI Coordinators Affiliate and supports the Affiliate's efforts to reduce DWI-related crashes, DWI related fatalities and the use or abuse of alcohol by residents throughout the state; and

COMMISSIONER ROYBAL: Whereas, Santa Fe County is a member of the New Mexico DWI Coordinators Affiliate and supports the Affiliate's efforts to reduce DWI-related crashes, DWI related fatalities and the use or abuse of alcohol by residents throughout the state; and

COMMISSIONER STEFANICS: Whereas the New Mexico DWI Coordinators Affiliate represents all 33 counties in New Mexico who share the common goals of reducing the incidence of DWI, alcoholism, alcohol abuse, drug addiction or drug abuse and the prevention and reduction of domestic abuse related to the use or abuse of alcohol; and

COMMISSIONER HOLIAN: Whereas, DWI Program Coordinators in the

Affiliate counties provide services under Local DWI programs that provide compliance monitoring/tracking for over 13,634 DWI offenders to ensure that offenders are in compliance with court-ordered requirements; and

COMMISSIONER CHAVEZ: Whereas, Local DWI programs provided more than that 29,145 hours of treatment in 2014 with more than 13,875 offenders receiving detoxification services. The Santa Fe County DWI program funded detoxification services to 1,207 Santa Fe County residents; and

CHAIR ANAYA: Whereas, 229,745 students from kindergarten through high school throughout the state received prevention education activities through the efforts of Local DWI programs. Prevention programs provided in 27 schools throughout Santa Fe County reached 5,600 students; and

COMMISSIONER ROYBAL: Whereas, alcohol related fatalities in New Mexico have been reduced from 152 in 2009 to 133 in 2013 and serious alcohol related injuries have also been reduced from 987 in 2009 to 668 in 2013. Alcohol related fatalities in Santa Fe County have been reduced from 10 in 2009 to 6 in 2013; and

COMMISSIONER STEFANICS: Whereas, alcohol related crashed in New Mexico have also been reduced from 3,386 in 2006 in 2006 to 1,995 in 2013; and alcohol related crashes in Santa Fe County have been reduced from 251 in 2006 to 160 in 2013; and

COMMISSIONER HOLIAN: Whereas, the reduction in alcohol related vehicle crash fatalities and serious alcohol related vehicle crash injuries is due in part to the educational efforts and activities of Local DWI programs; and

COMMISSIONER CHAVEZ: Whereas, the Youth and Resiliency Survey published by the Department of Health and Public Education Department shows that the DWI prevention programs appear to have a positive effect on alcohol related behaviors in New Mexico youth grades 9 through 12. The data shows the following changes from 2009 to 2013: current drinking is down from 50.7 percent to 28.9 percent; binge drinking is down from 35.4 percent to 17.1 percent; drinking and driving is down from 19.1 percent to 8.9 percent; and first drink before age 13 is down from 35.8 percent to 22.3 percent; and

CHAIR ANAYA: Whereas, the purpose of DWI Awareness Week is to raise awareness of the serious health and legal issues of alcohol addiction and abuse, drug addiction and abuse and to inform communities of the ongoing efforts of the DWI Coordinators Affiliate and Local DWI programs; and

COMMISSIONER ROYBAL: Whereas, activities planned during DWI Awareness Week will focus on educating state legislators and the community on the efforts of the DWI Coordinators Affiliate and Local DWI programs; and

COMMISSIONER STEFANICS: Whereas, DWI Awareness Week will be recognized in all 33 counties in New Mexico during DWI Awareness Week, November 16 through 20.

COMMISSIONER HOLIAN: Now, therefore, be it proclaimed by the Board of County Commissioners of Santa Fe County that November 16 through 20, 2015 is DWI Awareness Week.

COMMISSIONER CHAVEZ: Be it further proclaimed, Santa Fe County urges all citizens, parents, governmental agencies, the public, private institutions, businesses, hospitals, schools and colleges in Santa Fe County to support the efforts that increase community awareness, understanding and action to address DWI in our community.

Approved, adopted and passed on this 10<sup>th</sup> day of November 2015.

CHAIR ANAYA: Thank you, Commissioners. I want to thank all of the DWI programs and all of the DWI councils and community efforts throughout the State of New Mexico for their work and their drive to help reduce the many areas that are reflected in this particular resolution. I'll go to Commissioner Stefanics for a motion.

COMMISSIONER STEFANICS: Mr. Chair, I would move and I have questions later.

COMMISSIONER CHAVEZ: And I'll make a second along with others I'm sure.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Commissioner Stefanics, a second from Commissioner Chavez and Commissioner Holian. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I think we have another great service in our community and I'm not sure that other counties have it but some of the County Commissioners this morning were at the Friendship Club. And the Friendship Club is set up for regular meetings of AA and OA throughout the week. It has peer support groups. It also has professional counseling groups. They received a big grant from Christus St. Vincent's to host counseling there. They will be approaching our Health Policy and Planning Commission to see how they fit in with our goals. But the Friendship Club is now located on Apache Street here in Santa Fe and is open to any member of a family or an individual who would like to drop in and visit. Thank you very much, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioners. I have a motion. I have a second declaring November 16<sup>th</sup> to the 20<sup>th</sup> DWI Awareness Week. We'll go and have more discussion. Commissioner Chavez.

COMMISSIONER CHAVEZ: No, I just wanted to thank you, Commissioner Anaya, for bringing this forward and thank staff and Community Services for the work that they do day in and day out. I know this is one of their tasks and it's one of those issues I think that is kind of perennial and never really seems to go away, but the numbers are coming down. The education is working. You can argue gateway drugs but I think that alcohol is by far on that list of gateway drugs because it's so accessible. It's been accessible for so long. It's sort of accepted. I remember a day when we would celebrate our fiesta here in Santa Fe and people were walking in the street with open containers, and it was accepted and that was like the norm. But we're changing that a little at a time. And it takes vigilance and again that dedication. But I just wanted to thank staff and you for bringing that forward, Commissioner Anaya.

CHAIR ANAYA: Thank you, Commissioner. You have the floor and thank you for your work and efforts.

LUPE SANCHEZ (DWI Coordinator): Thank you, Mr. Chair, members of the Commission. I'd like to thank you for support on the proclamation. As it mentioned, all 33 counties throughout the state will be celebrating DWI Awareness Week, and the important thing to remember is the timing of this, and it's two-fold. One is to highlight the programs and all the good work that they're doing. A lot of people don't know what the DWI programs do, and it's an effort on the part of the DWI programs to create that awareness and let people know exactly what we do.

We provide compliance services for the courts so everybody convicted of a DWI offense is supervised by our program. We also go into the schools and provide prevention work and that's what you're talking about Commissioner Chavez. We are trying to change those norms and get to the kids at a younger age. That way it's no longer considered okay to drink and get behind the wheel. We also support our law enforcement agencies. We provide them funding to do checkpoints. And the second part of why it's important is we're going into the holiday season and it's a busy time for our law enforcement agencies. It's also a time where people tend to drink a lot more. So we're trying to create awareness around the holiday season and make people think ahead. And like one of our campaigns says, think safe and plan ahead, and that's what we're trying to get the word out there.

So I'd like to thank the Commission for their support. I'd also like to recognize two agencies that were here. We have Jeres Rael from the Attorney General's Office. He's a special traffic safety prosecutor, and his assistant, Jenna. And then we have Maire Claire Voorhees with the Santa Fe Prevention Alliance.

CHAIR ANAYA: I'd like to offer you the opportunity to say some remarks if you'd like.

MAIRE CLAIRE VOORHEES: Thank you, Mr. Chair and the Board of Commissioners. My name is Maire Claire Voorhees. I am with the Santa Fe Prevention Alliance. I am their communications director, and we really appreciate all the efforts of the DWI – well, we have a wonderful DWI Planning Council and we work closely with it in collaboration with and also the efforts of the behavioral health services here in the county.

Santa Fe County, as alluded to in the proclamation, we have some serious issues with alcohol and it's wonderful that we're seeing a decline. It means our efforts are working. It's really wonderful but one of the alarming pieces to us is that we still have a very high rate of early initiate drinkers, those drinkers that start at 13 years and younger. Those youth, according to the data, depending on which data you look at, are anywhere from four to seven times greater to have adult onset of alcohol related problems. And I believe that fuels our very high rate of alcohol related deaths. We're number one in the country and have been for the last 30 years.

Until recently, New Mexico was number one in the early initiate drinking, actually for 17 years. But in 2014 we did see a drop. We're not the fourth highest state. But I think it's efforts like the DWI work that is done in this county that's made a huge impact to reduce it, to get us to drop down to that fourth slot and we're going to continue to work, with your support to be able to drop it even further, because those youth are those who become our adult drinkers and have such an incredible impact on our

community in so many different ways because so many of us know people who have been impacted negatively, either through DWI or people who are actually alcohol or drug dependent. So thank you.

CHAIR ANAYA: Thank you very much for your presence and your comments.

JERES RAEL: My name is Jeres Rael. I'm the traffic safety resource prosecutor for the state of New Mexico. I'm actually out of the Attorney General's Office and I want to thank you for recognizing DWI Awareness Week at the local level. It's extremely important that it's addressed at the local level and Santa Fe has been doing a tremendous job in doing that through the DWI Planning Council and Mr. Sanchez. So it's very important that you guys are actually recognizing this right before the holidays and I want to thank you. Thank you, Commissioners.

CHAIR ANAYA: Thank you very much for your remarks and just reflecting, I think back a little bit to people who have been on the council in the past, Dr. Linda Dutcher who I just saw the other day, worked on the program and many clinical based programs that the County has worked on over the years and Richard Roth worked on the Drive Sober Initiative and ignition interlock for not only the County but the state of New Mexico. Chet Walters. Many, many other people that have contributed. Fred Sandoval, who participated. Many, many – I could go on and on, but it's the culmination of those collective efforts over time that continue, as Commissioner Chavez said, to help us continue to chip away at the numbers. So all the past work that's been done I really appreciate and acknowledge and surely acknowledge your work and participation on the council with the partners that are here today and those across the state of New Mexico. So thank you very much.

MR. SANCHEZ: Thank you, Commissioner.

CHAIR ANAYA: There's a motion, there's a second. Is there any further discussion? Seeing none.

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

**VI. A. 4. Presentation and Approval a Proclamation November 15, 2015  
to be America Recycles Day**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Believe it or not, we have a nationally recognized day in this country to celebrate recycling. I would especially like to thank Karen Sweeney, Joe Eigner, and all the member of Eldorado 285 Recycles for bringing this to my attention and for all the work that they do in the Eldorado area. The Eldorado transfer station has the highest volume of recycling I think by weight and by volume of any of the transfer stations and a lot of it is due to the work of the Eldorado 285 Recycles group.

Unfortunately, they could not be here today because in fact right now they are having their monthly meeting. So in any event, I thought that we could read the proclamation and then I would like to make a few remarks and I will give them a copy of our signed proclamation later on so that they can have this to keep as a remembrance. So

I will start. Santa Fe County proclamation proclaiming November 15, 2015 to be America Recycles Day.

Whereas. Santa Fe County's recycling rate remains well below the national average; and

COMMISSIONER CHAVEZ: Whereas, burying useful resources in a landfill is wasteful, costly, and produces dangerous greenhouse gases; and

COMMISSIONER ROYBAL: Whereas, higher levels of recycling by our residents, businesses and institutions would extend the life of the Caja del Rio Landfill; and

COMMISSIONER STEFANICS: Whereas, recycled commodities are made into new, useful product and reduce the use natural resources, water and energy; and

CHAIR ANAYA: Whereas, recycling offers many more job opportunities than landfilling; and

COMMISSIONER HOLIAN: Whereas, in 2013 the Santa Fe County Board of County Commissioners through the Lead by Example initiative, instituted recycling in our departments and offices; and

COMMISSIONER CHAVEZ: Whereas, our Solid Waste Division has restored a ReUse area at the Eldorado Convenience Center to allow and encourage the reuse of materials that should not be landfilled; and

CHAIR ANAYA: Whereas, in 2014 the Board enacted Solid Waste and Recycling Management Ordinance 2014-10 to, among other things, divert recyclable materials from the landfill; and

COMMISSIONER ROYBAL: Whereas, the Santa Fe Solid Waste Management Agency's 2015 processing contract with Friedman Recycling permits recycling of many more materials; and

COMMISSIONER STEFANICS: Whereas, we, as community leaders, must encourage participation in the excellent expanded recycling and reuse programs we have established.

COMMISSIONER HOLIAN: Now therefore, be it proclaimed by the Santa Fe County Board of County Commissioners that November 15, 2015 shall be recognized as America Recycles Day. Be it further proclaimed that all county residents should observe America Recycles Day by actively supporting our commitment to starting or increasing recycling. Passed, approved and adopted on this 10<sup>th</sup> day of November 2015, signed by the five County Commissioners, the County Manager, the County Attorney and our County Clerk. Mr. Chair, I move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a motion from Commissioner Holian, a second from Commissioner Stefanics. Any further discussion? Commissioner Chavez.

COMMISSIONER CHAVEZ: I really appreciate that we're moving away from just recycling and we're actually talking about reusing or repurposing because that is a different way, different method of recycling. I think here we've been doing that for a long time. I think we've been recycling and repurposing before recycling became really popular. But I think now it's more organized and more focused, which I think is good.

The other thing that this proclamation highlights is that as we can divert waste



from the waste stream into the landfill, whether it's recycling or repurposing and reusing in doing that we're extending the life of that landfill. So I think that's one thing that we need to be aware of. So I want to thank Commissioner Holian for bringing this forward and thank the staff in Santa Fe County for all the work that they're doing to encourage more recycling. Thank you, Mr. Chair.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would like to just point out some good news that's happening on the front of recycling in Santa Fe County in a number of different regards. For one thing, more items are now being recycled, thanks to the contract with Friedman down in Albuquerque. For example, you can recycle all plastics now and items like cardboard from cereal boxes. That is a really big thing, to increase the amount that we're recycling.

Also, food scraps are now starting to be recycled. There is a compost operation going on out at the Caja del Rio Landfill and there is an entity, Reunity Resources, that is picking up the food scraps from restaurants in Santa Fe City and County and taking them out there to the Caja del Rio Landfill to be recycled, and that diverts a tremendous amount of waste from the waste stream that's been going into the landfill.

Also, another bit of good news is this coming Saturday, November 14<sup>th</sup> from 9:00 am to 1:00 pm is household hazardous waste amnesty day. This is taking place at the Buckman Road recycling and transfer station, otherwise known as BuRRT and they are going to take all kinds of household hazardous waste like motor oil, anti-freeze, paints and other kinds of lacquers and thinners, pesticides, herbicides, batteries – just about anything in your house that could be classified as hazardous waste. They are also going to be accepting e-waste, and this is free.

CHAIR ANAYA: Thank you very much, Commissioner Holian. Other questions from Commissioners? Commissioner Chavez, I want to go back to something that you said about repurpose and reuse. Now those people that have been repurposing and reusing stuff from our landfills, because you know someone else's trash is another person's treasure and there are many good things that have been utilized for many, many years. Now it's just legal, I guess, for lack of a better word, but it's good that they repurpose those things. I've been to those landfills and seen those areas and there's many, many good uses for things that people discard that others can utilize. So I thank everyone for their efforts in that regard and it's been going on for many, many years but I appreciate the efforts and the work. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Your comments just reminded me of one other thing and that is out at the Eldorado transfer station there is now a reuse/repurpose center there. And if people have old furniture or other items that they don't really want anymore but that are still usable, they can take them. They can be put into this repurpose center and people can pick them up for free and put them to good use.

CHAIR ANAYA: Excellent. Thank you very much. There's a motion, there's a second.

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

**VII. MATTERS FROM THE COUNTY ATTORNEY**

**A. Executive Session**

- 1. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, and Discussion of Competitive Sealed Proposals Solicited Pursuant to the Procurement Code, as Allowed by Section 10-15-1(H)(6) NMSA 1978**
  - a. Proposal Submitted in Response to RFP # 2015-0031-PW, La Bajada Ranch Development.**
- 2. Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978, Including the Following:**
  - a. Litigation Concerning Applications of O Centro Espirita Beneficente União do Vegetal, Nucleo Santa Fe for Development Approvals or Permits for a Community Service Facility Located at 5 Brass Horse Road Santa Fe NM ("UDV Litigation")**
  - b. Arbitrations involving the City of Santa Fe**
  - c. Potential Breach of Contract Action**
  - d. *AFSCME, Council 18, AFL-CIO v. Board of County Commissioners of the County of Santa Fe, State of New Mexico, Public Employees Labor Relations Board, PELRB Case No. 121-15***
- 3. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations, as Allowed by Section 10-15-1(H)(5) NMSA 1978**
  - a. Negotiations with Santa Fe County Fire Fighters Association, Local 4366, International Association of Firefighters**

MR. SHAFFER: Mr. Chair, we would have need, I would submit, for an executive session for those items set forth on the agenda and I would just request that any motion to go into executive session at least incorporate by reference those matters to be discussed and the statutory basis allowing it to be discussed in executive session.

CHAIR ANAYA: Based on the Attorney's advisement, Commissioner Chavez, do you want to take a stab at it?

COMMISSIONER CHAVEZ: Sure. I make a motion to go into executive session for discussion of the purchase, acquisition or disposal of real property or water rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, and discussion of competitive sealed proposals solicited pursuant to the Procurement Code, as allowed by Section 10-15-1(H)(6) NMSA 1978. a) proposal submitted in response to RFP # 2015-0031-PW, La Bajada Ranch Development.

2. Threatened or pending litigation in which Santa Fe County is or may become

a participant, as allowed by Section 10-15-1(H)(7) NMSA 1978, including the following: a) litigation concerning applications of O Centro Espírita Beneficente União do Vegetal, Nucleo Santa Fe for development approvals or permits for a community service facility located at 5 Brass Horse Road Santa Fe, New Mexico, also known as the UDV Litigation; b) arbitrations involving the City of Santa Fe; c) potential breach of contract action; d) *AFSCME, Council 18, AFL-CIO v. Board of County Commissioners of the County of Santa Fe*, State of New Mexico, Public Employees Labor Relations Board, PELRB Case No. 121-15.

3. Discussion of bargaining strategy preliminary to collective bargaining negotiations, as allowed by Section 10-15-1(H)(5) NMSA 1978. a) Negotiations with Santa Fe County Fire Fighters Association, Local 4366, International Association of Firefighters.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a long but comprehensive motion from Commissioner Chavez that covered it and a second from Commissioner Holian. Roll call.

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (5, 6, 7 and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:**

Commissioner Anaya	Aye
Commissioner Chavez	Aye
Commissioner Holian	Aye
Commissioner Roybal	Aye
Commissioner Stefanics	Aye

CHAIR ANAYA: So we're in executive session and we will be out as soon as we can. Thank you very much. We're in executive.

[The Commission met in closed session from 4:10 to 6:39.]

CHAIR ANAYA: I'd like to thank everyone for their patience.  
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I move that we come out of executive session where we discussed all the items that are delineated on our agenda.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a motion from Commissioner Holian, second from Commissioner Stefanics. Seeing no further discussion.

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

**VII. B. Settlement Agreement Concerning UDV Litigation, Including the Following Lawsuits: *Seigel, et al. v. Santa Fe County Board of County Commissioners and UDV*, New Mexico Court of Appeals, Case No. 34,508, and *Seigel, et. al. v. Santa Fe County Board of County Commissioners and UDV*, First Judicial District Court, Case No. D-101-CV-2015-00586**

COMMISSIONER HOLIAN: Mr. Chair, I would like to make a motion that we approve the settlement agreement concerning UDV litigation.

COMMISSIONER STEFANICS: Second.

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

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

CHAIR ANAYA: Just some logistics. We're going to do item 1 and item 2. Under land use cases we're going to do the first land use case. We have a translator that we need to accommodate and then we will do the Case 4, Galisteo Basin Preserve, then the rest of the cases in order on the agenda. Is that okay with the Commissioners? Okay.

**VIII. PUBLIC HEARINGS**

**A. Ordinances**

**1. Ordinance No. 2015-\_\_, an Ordinance Establishing Development Permit and Review Fees for Projects in Santa Fe County, New Mexico; and Repealing Ordinance No. 2008-12 and Section 9.A (Fee Table) of Ordinance No. 2010-6 (Motion Picture and Television Productions) (First Public Hearing)**

VICKI LUCERO (Building & Development Services Manager): Thank you, Mr. Chair. On October 27, 2015 the BCC granted authorization to public title and general summary of the proposed ordinance establishing development permit and reviews fees for projects in Santa Fe County. This ordinance was presented to the BCC at several meetings prior to the October 27<sup>th</sup> meeting in order to obtain feedback and direction from the Commission on the proposed fees. At the various Commission meetings the Board had several comments and directives and staff has addressed all of those issues and concerns that were brought by the BCC and those changes were presented at prior meetings.

Since the October 27<sup>th</sup> BCC meeting staff has not proposed any additional changes to the fee ordinance, nor have we received any public comments regarding the fee ordinance. Also, Mr. Chair, I just wanted to address a comment that was brought up at the last Commission meeting where the BCC requested information regarding the percentage of development fees that are generated relative to the Growth Management Department budget as a whole, and Penny has handed out a chart that we put together

which shows the last three fiscal years and as you can see, the Growth Management Department total expenses, it's got the Building and Development Services Division total expenses and the revenue generated by land use fees within those three fiscal years also.  
[Exhibit 3]

And the outcome basically shows that as far as the department budget, it ranges from 14 to 18 percent that is made up by fees generated by the development permit fees, and as far as the Building and Development Services Division budget the amount of fees generated accounts for anywhere from 63 percent to 73 percent of that budget. With that, Mr. Chair, I stand for any questions.

CHAIR ANAYA: Are there questions of staff? Questions of staff from the Commission? What's the pleasure of the Board? This is a public hearing, first public hearing. Who's here to speak on this particular ordinance? Can I see a show of hands on the fee ordinance? The public hearing is open. So is there anybody here that wants to speak on the development permit fees for projects? This is the first of two public hearings, Vicki? We're going to have one more public hearing, correct?

MS. LUCERO: Mr. Chair, that is correct.

CHAIR ANAYA: So those of you that maybe haven't had the opportunity of reviewing it but want that opportunity, those of you here, listening in or streaming still have another opportunity for comment. I'll ask again, are there any members of the audience that are here to speak in relation to this particular ordinance? Seeing none, the public hearing is closed. We will have another public hearing on the fee ordinance at our next land use meeting. Vicki, when is the next public hearing for this item?

MS. LUCERO: Mr. Chair, the next public hearing will be on December 8<sup>th</sup>.

CHAIR ANAYA: On December 8, 2015 there will be another public hearing for any questions or comments anybody might have. They don't have to come to the meeting, Vicki? They could submit questions or concerns or input directly to you and tell the public how they can do that.

MS. LUCERO: Mr. Chair, they can submit a written comment form directly to us, to our Planning Division and they will forward that on to me. They also have the opportunity to get onto our website and put in their comments on our website as well.

CHAIR ANAYA: Excellent.

MS. LUCERO: And if they have any questions they're welcome to give us a call directly.

CHAIR ANAYA: Excellent. Give them that number one more time.

MS. LUCERO: Our front desk number is 986-6225.

CHAIR ANAYA: And the website where they can find all the information relative to the fees and the code?

MS. LUCERO: It's [www.santafecountynm.gov](http://www.santafecountynm.gov).

CHAIR ANAYA: Thank you very much.

**VIII. A. 2. Ordinance No. 2015-\_\_\_\_, an Ordinance Amending and Restating in Its Entirety The Sustainable Land Development Code (SLDC), Ordinance 2013-6 (First Public Hearing)**  
*[Exhibit 4: Staff Compilation of Public Comments; Exhibit 5: Redline Changes to Code; Exhibit 6: Comments from Walter Wait and the San Marcos Association; Exhibit 7: Comments from Ross Lockridge]*

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Mr. Chair, Commissioners. On October 13<sup>th</sup> staff presented changes to the SLDC and we were authorized to publish title and general summary at the October 27<sup>th</sup> meeting. This is the first public hearing of the SLDC Ordinance which amends and restates in its entirety the Sustainable Land Development Code.

At the October 27<sup>th</sup> meeting staff addressed additional changes related to an addition of light industrial zoning district, amendments to the TDR section, amendments to the water supply section allowing a hydro used for an OSE process of converting water rights from ag to subdivision use would be allowed for proof of water use under our code, an amendment in the water conservation systems prohibiting temporary pools with a fill capacity over 3,000 gallons – we added that fill capacity, addition of a density bonus to mixed-use and PD districts, transitional provisions to allow final orders to be approved in accordance with the CDRC or the Board's voice vote, addition of other plat reviews that are not considered subdivisions, addition to the density bonus section requiring a density bonus to be used on the same parcel within the same zoning district, and an additional definition for a movie ranch.

Staff has handed out – or Vicki has handed out some additional proposed changes that are either from staff review or from the public comments. She also has handed out the public comments database which is current as of yesterday afternoon, I believe.

So the first additional change that we're looking at is in Chapter 4 on the procedural change table is a clarification for the process for a DCI conditional use permit and a DCI overlay zone. Since we now have the DCI ordinance we're making that consistent.

The next change is in Chapter 6. Again, just clarifying that the development of countywide impact row is related to the overlay or conditional use permit.

Chapter 7, Design Standards, we actually added this language in at the last meeting; we're now deleting it. We realized that the section that it references also relates to any development of 7,800 feet in elevation or higher.

Chapter 8, Zoning, we're trying to clarify that grazing and ranching uses would be allowed in the county and you wouldn't need a permit for that use. So if you have cattle and that's all you've got on your property you don't need a permit for that but you do need a permit for structures that are related to that use.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I have a question of clarification on this. What about fencing?

MS. ELLIS-GREEN: Fencing already under the code does not need a

permit if it's less than six foot in height unless it's retaining walls.

COMMISSIONER HOLIAN: Thank you.

MS. ELLIS-GREEN: Also in Chapter 8, we clarified on the base zoning district. We had added light industrial. We had forgotten to add it to Table 8.1, so we made that change. Under Planned Development Districts, under the purpose and finding, we're adding a purpose of recognizing approved master plans that are in effect on the effective date of both the code and the zoning map, which relates to a later section in the planned development section. Table 8.19, we're striking minimum and maximum. That was an error because we now have one – we don't have minimum and maximum of the density. There's an amendment where we had missed a master site plan. We're now calling that conceptual plan. And then on the following pages 8-10, -11, we've got some modifications to the existing approvals identified as PDs. And we're stating in order to recognize existing approvals that do not fit into a base zoning district the following developments that have received master plan approval prior to the effective date of this SLDC are identified on the zoning map and listed below. And they are the Galisteo Basin Preserve, Aldea, Tessera, Bishop's Lodge Resort, the Downs, Tavelli, Santa Fe Canyon Ranch, Cimarron Village, St. Francis South, Avanti, Sunrise Springs, Santa Fe Horse Park, Ten Thousand Waves, Rancho Encantado and Las Campanas. That section goes on then to read, "The above approved developments may be developed in accordance with the densities and uses and conditions identified on their approved master plans, plat or development plans." And we've added a section to the expansion requiring any increase in intensity of non-residential use or an increase in residential density requires a new PD application.

Under Chapter 10, Accessory Structures, again, we're trying to clarify that agricultural grazing or ranching uses are allowed on a property without needing a dwelling unit and that you need a permit and a permit only for the structures. The temporary uses, we're allowing Christmas tree sales in more zoning districts. We're allowing the temporary outdoor retail sales have been in commercial but we now have two types of commercial – commercial-general and commercial-neighborhood, so it's allowing them in both of those. Produce stand in any base zoning district, and the public assembly in all of the non-residential districts and the larger residential districts. We're also adding, under the temporary uses the requirement to remove a temporary structure within 60 days of expiration of the permit.

We had an error in Chapter 11. We were still referencing Article 11 of the land development code but because we now have a DCI ordinance and we have Section 10.19 of the code which regulates small-scale sand and gravel, we needed the cross reference to 10.19 instead of Article 11.

Under Chapter 14 we had a section called administrative minor deviations and we're recommending an amendment to that to add in a minor deviation of .5 percent of the gross acreage allowed in a zoning district. That is a standard policy right now, so if someone has just below the requirement for the density we will allow a density of .5 percent.

And the last few changes in the Appendix, a definition change for density which would now read, "The number of dwelling units allowed per gross acre" and on Appendix B, the use table, we had a row that stated cattle ranching and the grazing of

cattle or other livestock, and we're replacing that with grazing and ranching of livestock, allowing that as a permitted use in all zoning districts. And those are the proposed changes. Many of those changes have identified on the public comments database that you have a copy of, and we will continue to keep that updated and bring that back to you at the next meeting.

The one other thing that I'd like to add is that at the next meeting and between meetings staff will correct anything we find typographical errors, a wrong cross reference, pagination and table of contents still needs to be updated. Thank you.

CHAIR ANAYA: Thank you, Penny. Are there any questions of staff? Seeing no questions of staff, where's Mr. Flores, Tony Flores? Tony, if you could put the screen down. We're going to go into public comment. How many people are here in public comment on the code? If I could see a show of hands. Okay. What I'm going to do is I'm going to -- we've had a very lengthy public hearing process. I'm going to give you each an opportunity to speak, but I am going to limit the comments to two minutes apiece. If there's additional input that you want to provide you can ask that your additional comments be provided on the record for written comment, and plus between now and the next hearing you still have an opportunity to come back to the next hearing and also submit additional comments. So if we would put the screen down. Tony, if you'd help me out with that. So we're there.

So if everyone that's going to speak, if you could line up and all be sworn in at one time then we could be expeditious about this.

[Those wishing to speak were placed under oath.]

CHAIR ANAYA: So for clarity, you give your name, your address and that you understand that you're under oath. So the public hearing is now open. Mr. Wait, you have the floor.

[Duly sworn Walter Wait testified as follows:]

WALTER WAIT: Mr. Chair, members of the Commission, my name is Walter Wait. I'm here today representing the San Marcos Association Board of Directors. I live at 48 Bonanza Creek Road. You have in our packet our letters expressing our continued opposition to designating over 1,000 acres of high-density development in the form of mixed-use zoning along the Turquoise Trail National Scenic Byway. We have offered some recommendations to mitigate some of the possible detrimental effects, not the least of which is to extend the proposed Turquoise Trail environmental and resource protection overlay zone to 1,000 feet from the centerline on either side of the road.

We're joined in our opposition to the establishment of a light industrial zone -- to the south of the state penitentiary by virtually all of the civic and neighborhood associations that lie along the national scenic highway, all of which fear the loss of character that such a move would have on the byway and the potential loss of tourism. A letter detailing our concerns and some suggestions to mitigate some of the impacts is also included in your packet. I might add that since the letter was drafted three more Madrid associations have asked to be included as signators to the no industrial zone letter and these are the Madrid Landowners Association, the Madrid Cultural Projects and Madrid Water Cooperative.

We urge you to take into consideration our concerns and suggestions for either elimination of the mixed-use and industrial zoning along the Turquoise Trail, or to



mitigate some of the impacts such a zoning designation will surely bring. I suggest that it might even go west.

Two additional points. The revised code calls for the creation of conceptual plans and the planning staff has stated that such a plan would be a kind of heads-up notification of potential development. If the very brief description of conceptual plan does not contain a requirement for proposed developer to include conceptual intent for development or lack thereof of all of the land holdings that it may have or are owned by subsidiaries, linked corporations or affiliated property owners having an interest in the proposed development then the County and the public will find the plan virtually useless as a long-term planning tool.

CHAIR ANAYA: Mr. Wait, in fairness to those that I said I would allow you to include the rest of your comments on the record we'll take those and put them on the record. I thank you for your input very much.

[Duly sworn, Julian Lee testified as follows:]

JULIA LEE: My name is Julia Lee and I am president of the San Pedro Neighborhood Association. That is a partner of the Turquoise Trail Preservation Trust, which supports the beautiful scenic byway of Route 14 for now and for future generations. The San Pedro Neighborhood Association Board and I oppose any industrial zoning bordering Route 14. Thank you.

CHAIR ANAYA: Thank you very much, ma'am.

[Duly sworn, Frank Herdman testified as follows:]

FRANK HERDMAN: Mr. Chair, members of the Commission, my name is Frank Herdman. My address is 123 East Marcy Street and I am the attorney for the homeowners association for Las Campanas. And I want to speak to you regarding an issue that I've spoken to you on two prior occasions regarding the new code, very briefly.

Las Campanas is proposed to be zoned as a planned development district or a PDD. If you were to read the code as currently drafted you would sort of get the impression that all the uses permitted in a PDD are permitted in Las Campanas. That would include everything from hotels to warehouses, to hazardous waste storage facilities. Under the current code, if you wanted to determine what is permitted in Las Campanas you would look at the existing approvals. You would pull out the existing master plan. You would look at the existing development plans and the existing approved subdivision class. That's how you would determine what's permitted, including the uses and the densities as well as where those items can be located.

Regrettably, there is nothing in the code that explains that when you create a new PD, upon the adoption of this code, that the existing uses are restricted and governed by the existing approvals. It's a missing link in the code. Staff, we've been working with staff on some proposed language. We're going to continue to work on staff. They've proposed some language but I still feel that the language that they propose has not adequately said that the existing uses, density and development are governed by and restricted to what is in the existing approvals. And that would be true not only for Las Campanas but all the other PDDs that you'll be creating upon the adoption of the new map. So I look forward to being able to report back to you on the 8<sup>th</sup> that we've worked out an agreement and proposed revision of the code.

CHAIR ANAYA: Just briefly, sir, you don't need to respond, but we –

many times over the course of the last five years that I've sat on this Board had discussions about what's previously approved and what moving forward would change in the code and time after time we've been provided feedback on the record that those prior approvals would still be in place. So staff's going to continue to work with you relative to those discussions but once again I say on the record those approvals that were previous to this code are from our perspective remaining intact. So you continue to work with staff, but I wanted to say that on the record again.

MR. HERDMAN: Mr. Chair, very briefly, I'd like to address that. If you look at the code there is a provision that says that prior approvals shall be recognized. That's all it says. There's no explanation of how you reconcile this long list of permitted use and the restrictions under the existing approvals. The term recognize has no legal import as far as I'm concerned in sorting out that distinction. So that's what we're working to resolve. Thank you.

CHAIR ANAYA: Thank you for your input.

[Duly sworn, Richard Hughes testified as follows:]

RICHARD HUGHES: Mr. Chair, Commissioners, I'm Richard Hughes from 15 Bonanza Creek Lane and I'd like to talk briefly about the definition of a movie ranch.

CHAIR ANAYA: And you do understand that you're under oath.

MR. HUGHES: Yes, I do. Basically we had asked staff and we had submitted some comments regarding the definition of movie ranch and we had asked that the definition be expanded to address some current uses that are being done at these facilities for public gatherings, parties, corporate events, things like that, which have happened not only currently with the movie filming but also in the past. So we have asked that this definition be added or expanded to allow these uses in these facilities. We realize that a movie ranch is not – is in a large area, usually a residential area, or the underlying zoning would be residential, so many of these uses would not fall under the table as a permitted use or it might be a conditional use, which realistically, for someone who's booking an event would probably not go through the process of doing it.

One of the reasons we would like to have these definitions added is because these are historical uses for these locations. These type uses have been done, at least at our movie set for the last 30 years. So this was a brief list of things that have done. We've added as a comment. We've submitted to the staff. Thank you.

CHAIR ANAYA: Thank you, sir.

[Duly sworn, Craig Eaves testified as follows:]

CRAIG EAVES: Chairman Anaya and other Commissioners, my name is Craig Eaves. I and my sister Jessica and Matthew Eaves are owners of the Eaves Movie Ranch and I'm here to comment on the movie ranch definition. I do understand I am under oath, and 75 Rancho Alegre Road.

I also agree with Mr. Hughes that movie ranches are kind of a relatively new concept and perhaps an unusual zone type. And these historic properties do depend on the ability to diversify the business that they do in the form of special events, in the form of photographic workshops, political events we've had out there for County Commissioners, things like that. And so – by the way, we're happy to do one for anybody that wants one. That's a joke but it's kind of true.

So if you look at the historic use of the property we are – we’ve done all of the types of events and the types of activities that Mr. Hughes described, and what we’re asking for is a specific consideration or specific language that allows us to continue to do those things and the reason being that the underlying zoning there is residential and we’re worried that if it is not specified in the code that any application that is made to do some type of event could default to the residential designation. So we’re asking for your consideration to have more specific language to enable these properties to do these specific types of events. Thank you very much.

CHAIR ANAYA: Thank you, sir. Mr. Lockridge.

[Duly sworn, Ross Lockridge testified as follows:]

ROSS LOCKRIDGE: Ross Lockridge from the Village of Cerrillos, P.O. Box 22, and I’m under oath. I wish to affirm my opposition to any kind of industrial zone on New Mexico 14 byway. I would emphasize that the SGMP’s keys to sustainability state that industrial activities be sited well away from scenic byways. Although the byway should have truck restrictions it does not. Concerning setbacks, they should I think be maximized along New Mexico 14 and we appreciate the 1,000 foot setback in this area but it’s my understanding that especially south of Cerrillos the setbacks are only 100 feet, essentially next to nothing. Considering that much of Turquoise Trail south of Madrid passes through very large parcels there is no reason not to likewise extend the setbacks at least to 1,000 feet minimums.

Concerning gravel mines of “small scale”, Section 10.19 has some disturbing lacks. It has no section addressing the siting of gravel mining operations and it does not reach the state standards of minimal impact of mines regarding state cultural properties. It doesn’t have to demonstrate the existence of significant resources at the site. It doesn’t have to demonstrate need. It would allow crushers and other heavy industrial equipment that has no meaningful setbacks from neighbors or roads, 200 feet. It allows up to ten acres which is large in relation to the allowed maximum tonnage.

I feel the County may be bending over backwards under the false rationale of using relaxed standards to avoid putting gravel mines out of business, but would the adjustments to what I’ve listed actually do that? I don’t think so.

Lastly, concerning 2.2, community participation. I’m pleased to see unincorporated organizations added to the list for recognition and registered organizations. For instance, there would be no Ortiz Mountain educational preserve without the Friends of Santa Fe County.

CHAIR ANAYA: Thank you, Mr. Lockridge.

MR. LOCKRIDGE: Thank you.

CHAIR ANAYA: Appreciate it. The balance of your comments can be put on the record for the minutes. Thank you.

[Duly sworn, Joel Yellich testified as follows:]

JOEL YELLICH: Commissioners, Chair, thank you. My name is Joel Yellich, 71 San Marcos Loop, and I understand I’m under oath. Thank you for the opportunity to speak and I appreciate all the communication we’ve had. I think it’s been done fairly well. Staff has also been very helpful, in particular Robert and Tim in the Planning. They’ve explained a number of things to me. After reviewing what’s going on north of my property and the mixed use along Highway 14, I’m generally in opposition to

it, however, I appreciate the changes that have been made to the mixed use table. Specifically I'd like to suggest a change to the TDR column in Table 8-18. Right now it's currently at a 48-foot height. It's the only thing in that column that hasn't been changed, and I think that that height should be lowered.

Currently, the light industrial section has a height limit of 40 feet with TDRs and it's still 48 feet in the mixed-use area. But otherwise I really appreciate the changes you've made so far and thank you very much.

CHAIR ANAYA: Thank you, sir. And thank you for being patient. You've been with us most of the afternoon.

[Duly sworn, Trevor Burrowes testified as follows:]

TREVOR BURROWES: Thank you, sir. I'm Trevor Burrowes, I'm 2836 State Highway 14, Madrid and I have been sworn. What I have – first of all I want to say I ditto what Mr. Wait and Mr. Lockridge has said. To save time I don't have to go into that. I don't know where to start. Okay, so I'm bringing up things that are not the normal things that you have in planning. I'm really – I'm terribly out of the loop where it comes to the documents that are the official documents. To me people who can read these things are saints. I don't know how they manage not to die from such tedium. It's just incredibly difficult for ordinary people.

So I don't even both with that. My comments tend to be more philosophical, tend to be things that I don't think the plan addresses. Every time I hear pueblo representatives speak here they talk about sacred land. Does the SGMP talk about sacredness of land or not? And if not, why not? What the normal planning paradigm is is to talk about the highest and best use of the land, which is materialistic and financialistic view of land and if we can't see what effect it's having on the planet, God help us.

I won't – I'm missing a whole lot here; I hope you'll indulge me. This is the material. I had something like this that had been left out in the rain and the snow for over eight years. It's mostly made of paper and it's a sort of version of paper-crete, as I see as kind of a new adobe alternative that could use the wastepaper in the landfill and save landfill space. Thank you. Sorry I don't have time.

CHAIR ANAYA: Thank you, sir, and you could include as you have in the past additional – if you want to include additional comments in writing you can do that. You can also come to the next hearing as well if you like.

MR. BURROWES: Thank you. And also may have the alternative of sending them to you? Emailing them to you?

CHAIR ANAYA: Yes, you can. Thank you, sir.

[Duly sworn, Jay Dratler, Jr. testified as follows:]

JAY DRATLER, JR.: Hello. My name is Jay Dratler, Jr., 127 Calle Galisteo in Rancho San Marcos and I'll give my card to the scribe there to make sure it's right in the record. I am under oath. I'd like to make a very brief point about the new table for light industrial use. First I'd like to thank the Commission for the changes from industrial use to light industrial use, and I think as far as I personally am concerned that we can work with the Commission to reach a zoning description that is commensurate and corresponds to the kind of lifestyle that we have in the San Marcos Valley.

But there are two things that I think – at least two things that need to be addressed in the light industrial use table and that is the two designations mill-type factory structure.

I have absolutely no idea what that means but it sounds pretty broad to me. And the second one is manufacturing plants. I don't think anyone would want to do it but I certainly think most of the people in this room would not want to see General Motors or Toyota assembly plant or manufacturing plant in the valley.

So I strongly urge the Commission and staff to look at those two designations in the table and other similar very broad designations to provide some kind of definition that narrows them to uses appropriate to the San Marcos Valley. I would also like to note that I stand in support of the comments of Joel Yellich and Mr. Lockridge of the San Marcos Association. Thank you.

CHAIR ANAYA: Thank you very much, sir. Are there other questions or other comments, I should say, in the public hearing process, the first public hearing for the Sustainable Land Use Code? Also noting once again that everyone here listening in, watching, streaming in, still has the opportunity between now and our next meeting and at the meeting to provide those additional comments in writing, in direct communication with staff, whatever is most do-able for that particular individual. Correct, Penny? If you could just once again restate how people can do that and where they can access these document so that everybody has that ample opportunity to do so.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, it is on our webpage. It's the first item under Hot Topics. You click on that, it says Sustainable Land Development Code. The public comment form is on there. The redlined code is on there. You can submit your public comments through that way. We've also got public comments coming in in person and by phone to both our Planning Department and our Building and Development Services, and we actually compiled some of the comments in the walk-ins that we've had and in Building and Development we've had 73 calls and walk-ins since the last meeting and Planning 322. Online comment form we've had 30 comments for the zoning map, 20 for the SLDC and none for the fee ordinance.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Penny, will this be – have the second hearing on November 24<sup>th</sup> or December 8<sup>th</sup>?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, the second public hearing will be on December 8<sup>th</sup>.

COMMISSIONER STEFANICS: Okay. The other question I have, Mr. Chair, is we heard quite a few comments and received written comments about changing some things in the code. So what is the process for accommodating those requests?

MS. ELLIS-GREEN: Mr. Chair, staff is reviewing them. We'll make any recommended changes and the Board can provide direction if you want us to make additional changes.

COMMISSIONER STEFANICS: Okay. Thank you very much, m.

CHAIR ANAYA: On that point, Penny, I want to make sure that we're not getting to December 8<sup>th</sup> and then have a slew of changes that we're going to be asked to look at that day and make changes. So if there are changes, and I'm going to look to my colleagues, if there are changes that my colleagues or others are going to champion or take and consider, I'd like to figure out a way that we make sure that we begin to take those draft possible changes, understand where there might be positions or perspectives

that Commissioners might take so that we're able to give the public ample notice in regards to those changes prior to getting to December 8<sup>th</sup> with a slew of changes. So I'm not sure how we do that but I think we have between now and December 8<sup>th</sup> to figure out a game plan that is reasonable, that accommodates the public the opportunity to provide that input on any changes, especially if they're material in nature. So I'd say that.

The other thing I would want to say. I appreciate all the public that came to comment today. We've had a lot of comments on Highway 14 and we appreciate it, but this code stretches from the northernmost boundary of Santa Fe County to the southernmost boundary, the westernmost boundary and the easternmost boundary. Every piece of the county encompasses their particular code and the changes and the maps and everything in it. So those of you that may not be here but may be listening in, now is the opportunity for you to come forward to provide a read of these things – the code, the map, all the things we're going to go through this process on and provide your input to. So I just wanted to accentuate that fact that I appreciate all the facts we've got, comments we got on the corridor on Highway 14 but this code encompasses much more than just Highway 14.

Penny, do you have any other comments, or Commissioners?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: So based on your comment, at the study session I had made a motion to create a light industrial section, and it had been supported by the other Commissioners. And now we're hearing something different from a request from the community. So I'd like to – and I totally understand your comment about this doesn't just apply to Highway 14. There are other areas that the light industrial that in fact were affecting. Correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, I believe there were about five areas. By adding that as a base zoning district it could allow in the future additional areas to identify light industrial.

COMMISSIONER STEFANICS: Right. So if, Mr. Chair and Penny, this group decided to ask for a light industrial to be changed to mixed use, would it affect all five of those areas or just some of those areas?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, no, if it's just on one specific piece of property during the zoning map hearing and we were given that direction it would just affect that property because we would still have the base zoning district under Chapter 8 of the SLDC. And that could still apply to the other four areas.

COMMISSIONER STEFANICS: So, Mr. Chair, it seems that Land Use would need to hear from individuals here about whether or not they want to have a change to something else before our next meeting. Thank you.

CHAIR ANAYA: And thanks for that clarification because I think it helps the public understand what's happening and makes sure that we're providing ample information opportunities for people to provide input. Okay. Thank you, Ms. Ellis-Green. This public hearing is closed and we'll have the next one December 8<sup>th</sup> and look forward to receiving more comments at that meeting as well as from now until then. So thank you very much, those of you that came and were patient and waited for your opportunity to speak. Thank you.

**VIII. B. Land Use Cases**

- 1. CDRC CASE # V 15-5060 Homero Arras Variance. Homero Arras, Applicant, Requests a Variance of Article III, Section 3.5 of Ordinance No. 2008-10 (Flood Damage And Stormwater Management) to Allow an Existing Illegally Constructed Retaining Wall, Gazebo, and a Chicken Coup within a FEMA Designated Special Flood Hazard Area on a 2.53-Acre Lot without Submitting the Required Technical Analysis. The Property is Located at 12 N. Paseo de Angel, within the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 27, Township 16 North, Range 8 East (Commission District 3) [*Exhibit 8: Letter from La Cienega Valley Association*]**

JOHN LOVATO (Case Manager): Thank you, Mr. Chair. Homero Arras, applicant, requests a variance of Article III, Section 3.5 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow an existing illegally constructed retaining wall, gazebo, and a chicken coup within a FEMA Designated Special Flood Hazard Area on a 2.53-Acre lot without submitting the required technical drainage analysis. The property is located at 12 N. Paseo de Angel, within the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 27, Township 16 North, Range 8 East, Commission District 3.

On September 17, 2015, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the applicant's request by a 3-2 voice vote. The subject lot was created in 2007 as part of the Vallecita de Gracia Subdivision. The property currently has a mobile home, a gazebo, a chicken coop and a retaining wall. A permit for a 1,960 square foot manufactured home was issued in 2014 as permit #14-291.

The applicant requests a variance of Article III, Section 3.5 of Ordinance No. 2008-10, Flood Damage and Stormwater Management, to allow an illegally constructed 8' retaining wall, 196 square foot gazebo, and 80 square foot chicken coop within a FEMA designated Special Flood Hazard Area. On January 12, 2015, the Applicant received a Notice of Violation and a stop-work order for unpermitted development on the property as he was constructing the retaining wall, gazebo, and chicken coop. After review of the property, it was determined that the gazebo, retaining wall, and chicken coop were illegally constructed in a FEMA designated Special Flood Hazard Area.

The property consists of 2.53 acres, and approximately 1/3 of the property is located within the FEMA designated Special Flood Hazard Area. There are other buildable areas for the proposed structures outside the FEMA designated Special Flood Hazard Area. The applicant states that he constructed the block wall due to people entering his property through the drainage with motorized vehicles and horses and he incorporated a gazebo and chicken coop into the design.

Placement of walls, fences, and structures in the FEMA designated Special Flood Hazard Area will impede flows and may cause the base flood elevation to rise and cause upstream or downstream flooding. The applicant states that he does not want to provide a



detailed technical drainage analysis prepared by a certified licensed engineer as the cost would be too much. Therefore he is requesting a variance.

Growth Management staff has reviewed the application for compliance with pertinent code requirements and finds the project is not in compliance with County criteria for this type of request.

Staff recommendation: Staff recommendation and the decision of the CDRC was to recommend denial of a variance of Article III, Section 3.5 of Ordinance No. 2008-10 and removal of the structures within the FEMA designated Special Flood Hazard Area. If the decision of the BCC is to recommend approval of the applicant's request, staff recommends imposition of the following conditions. Mr. Chair, may I enter those into the record?

CHAIR ANAYA: Yes, you may.

[The conditions are as follows:]

1. The Applicant must obtain a Development Permit from the Building and Development Services Department for the gazebo, wall, and chicken coup. (As per Article II, § 2)
2. The retaining wall must be approved and stamped and certified by a licensed Professional Engineer.

MR. LOVATO: Thank you, Mr. Chair, and I stand for any questions.

CHAIR ANAYA: Are there questions of staff at this time?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you very much for your presentation.

In your opinion could construction of the retaining wall actually cause downstream damage or even upstream damage in the event of a heavy rain, on neighboring private properties?

MR. LOVATO: Mr. Chair, Commissioner Holian, yes, it would.

COMMISSIONER HOLIAN: And could the chicken coop itself flood?

MR. LOVATO: Mr. Chair, Commissioner Holian, the way it's designed, it's incorporated into the wall so it has solid sides and it doesn't have any openings to let the flows run through it, so yes, it would.

COMMISSIONER HOLIAN: And I don't know. Maybe this is a question for legal but could the County be liable if we granted a variance and damage ensued, due to a heavy rain?

MR. SHAFFER: Mr. Chair, Commissioner Holian, it certainly possible that we could be sued. I'd want to analyze a bit further whether I thought there would be potential liability, but I think the possibility of a lawsuit, if we approved something that caused damage on this property or surrounding areas is certainly possible.

COMMISSIONER HOLIAN: Thank you, Mr. Shaffer. Thank you very much, John. That's all, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Holian. Commissioner Chavez.



COMMISSIONER CHAVEZ: So I want to follow up along the lines of the questioning that Commissioner Holian started regarding the permanent nature of these structures. You mentioned that the wall and the chicken coop has what you feel is a permanent foundation?

MR. LOVATO: Mr. Chair, Commissioner Chavez, yes, it does. The retaining wall has not been core-filled but it does have rebar running through it and it is in a permanent foundation.

COMMISSIONER CHAVEZ: So you have a retaining wall and a chicken coop that are incorporated? It's all one unit?

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

COMMISSIONER CHAVEZ: And the gazebo, is it standalone? Does it have its own foundation?

MR. LOVATO: Mr. Chair, Commissioner Chavez, the way that the gazebo is located on the property is it's outside the actual drainage way but located within the flood hazard area.

COMMISSIONER CHAVEZ: So everything that we see in our packet that's photographed is within the floodplain.

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

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR ANAYA: Are there other questions or comments at this time? Is the applicant here? If the applicant would come forward.

ALEJANDRA SELUJA: Mr. Chair, Commissioners, I'll be the translator for Mr. Arras.

Duly sworn, Homero Arras through his sworn translator Alejandra Seluja provided the following testimony:

MS. SELUJA: He built the wall so he could have more space on the property. He's a little bit nervous.

CHAIR ANAYA: That's okay. Tell him he can relax.

MS. SELUJA: When he started to build the wall he had chickens so it was easy for him to make the wall and he didn't think he was going to have problems with it. He would like to know if he could have that permit. He doesn't think it's a flood zone. It's far from the arroyo.

CHAIR ANAYA: I have a question of staff, if you could help me out, Mr. Lovato. So we were talking about fences earlier in the new code but in the existing code can you tell me what defines – and if you need help you can get it from wherever you need it, but what defines what a fence is as far as – I know that if a fence is under a certain height it doesn't require permits. Does it change depending on the type of fence it is? As far as permits requirements now in the existing code? This would be under the existing code.

MR. LOVATO: Mr. Chair, right now, you're correct. Under six feet you don't need a permit. It's really – I don't think it's really clearly defined within the

ordinance of the walls and fences but I do believe that any type of fence within the FEMA flood hazard area, whether it be a barbed wire fence, whatever type – coyote fence, are not allowed within that flood hazard area.

CHAIR ANAYA: And I'm just coming from a public perspective, having been on the Commission and worked at the County I know a little bit more about the rules but how would a citizen know that? As far as the floodplain area and as far as – we're just talking about fencing and going back to what the question was earlier is that a fence under six feet doesn't need a permit. Right?

MR. LOVATO: Correct.

CHAIR ANAYA: So how would somebody know that?

MR. LOVATO: Mr. Chair, Commissioners, there's not really a definite answer to that type of question but we do encourage every citizen to come forward for any type of variance, at least to get proper information. That's the best I can –

CHAIR ANAYA: That's fine. Next question I have is how does a person – and I know floodplain maps have recently changed, but how does a person know even if a floodplain is within their – I mean they obviously know if they have it on a plat, but how would they otherwise know? Do we do anything on our website? Like right now, could somebody listening in or in this room go on to the computer and pull up a survey or a map and see where they're at and see if they're in a floodplain right now?

MR. LOVATO: Mr. Chair, it's not located on our website but it is under FEMA.gov. In there they have interactive maps which you can click on your parcel or your parcel ID number or your actual address, I should put it, and it will pull up your property and show you what changes have been done. In 2012 we had maps redone, Santa Fe County as well as numerous other counties, and within those remaps public outreach was done. We did have meetings with the public and letters were sent out as well.

CHAIR ANAYA: So relative to fences in Santa Fe County if by chance you're in a floodplain and maybe – I think there's a lot of people that don't even realize that they're in a floodplain, but they could have their entire parcel in a floodplain and basically they wouldn't be able to construct any type of fence or any structure that would potentially impede water flow or anything else. So basically, if they're in a floodplain they have a higher set of requirements, if you will, that they would have to do as opposed to somebody who just might be 100 feet above the area or in a different area all together. Right?

MR. LOVATO: Mr. Chair, that is correct. We do inform them that they can hire a professional engineer or surveyor to do a letter of map revision or a conditional letter of map revision. We can also have them do base flood elevations with a professional land surveyor where they can determine the actual base flood elevation and build their structure up to that point.

CHAIR ANAYA: So the next question I have is page 29, Exhibit 8 shows a view of the wall on the bottom picture. Was that picture taken from the downstream side or the upstream side?

MR. LOVATO: Mr. Chair, Commissioners, that's from the upstream side.

CHAIR ANAYA: So on those homes that I see on that picture, are those all in the floodplain? Or partially in the floodplain or do we know?

MR. LOVATO: Mr. Chair, Commissioners, those are outside the FEMA flood hazard area.

CHAIR ANAYA: Okay. So the houses that I see in the picture that are in the arroyo in the flood area are outside of the floodplain area is what you said?

MR. LOVATO: Mr. Chair, what you have there is you have a contributory adding to one of the main streams, which is – I believe it's the Arroyo Hondo. It comes right down into there and it meets into each other. They join each other. So this is a branch off the main FEMA flood hazard area. Then what you have is a bank that rises probably about 12 feet and those houses are probably set back at least a good 300, 400 feet.

CHAIR ANAYA: So they're out of the immediate area of the arroyo. The houses that I see in the picture, that upstream wouldn't be impacted. I guess and maybe I could get some clarification from an earlier question, but upstream wouldn't be affected. Downstream could potentially be affected if there was people in that area. I guess I wouldn't understand how upstream could be affected. Did you say upstream would be affected?

MR. LOVATO: Mr. Chair, that is correct. And the reason why I say this is because we have a 100-year storm event and this material gets caught up in it. It clogs drainages down way. It clogs culverts downstream, potentially causing a backup, causing a dam. When that dam breaks it affects downstream and it creates shallow flooding upstream.

CHAIR ANAYA: So I see – and maybe I'm not looking at it right, but I see the wall is parallel to the flow of water. And so as the wall goes down, does it cross in the direct path? Because what I'm seeing is parallel with the flow of the water, now across the arroyo if you will. So I'm trying to in my mind and logically understand, because it's parallel to the flow of the water, where do you see the obstruction being?

MR. LOVATO: Mr. Chair, Commissioners, you're correct. It is parallel with that actual embankment. The main concern is –

CHAIR ANAYA: Just on that point, that's the other thing I was looking at is the flow of water – if the wall's not there the flow of water comes directly down that area and the embankment of the dirt, which the retaining wall, which he built is higher, okay? not lower than the wall. Okay? So he basically built a wall up against a natural embankment that's higher. So I guess – I'm just trying to understand where it would impede flow. But I think what I'd like to do at this time – I appreciate you answering those questions is I'd like to see if there's any other questions or comments of staff and then if not go ahead and go to public hearing. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So I'm reading that there's also the horses in the arroyo. Correct?

MR. LOVATO: Mr. Chair, Commissioner Stefanics, that is incorrect. There are no horses located within that.

COMMISSIONER STEFANICS: I'm reading it on – I also have placed a

small 14 X 14 gazebo for my horses in the arroyo. It's the handwritten letter by Homero. So that's all I wanted to bring up on that point. The second point is, so in a floodplain – I just heard you say no fences are allowed.

MR. LOVATO: Mr. Chair, Commissioner Stefanics, that's correct.

COMMISSIONER STEFANICS: So how do people, on their private land keep out livestock?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, fences and other structures may be allowed within the floodplain, but in order to make the determination whether or not they're going to affect downstream or upstream properties they would have to do a technical analysis and the applicant did not want to do a technical analysis. Therefore that's why they're requesting the variance.

COMMISSIONER STEFANICS: Thank you very much. So they were offered. Mr. Chair, Vicki, they were offered the option of a path to proceed with.

MS. LUCERO: Mr. Chair, Commissioner Stefanics, they were offered another option rather than coming forward with the variance.

COMMISSIONER STEFANICS: Thank you.

CHAIR ANAYA: Are there other questions or comments? And I appreciate – I actually appreciate Commissioner Stefanics' line of questioning but I guess the other thing that I'm raising in my mind is when you start bringing out fences and livestock and floodplain, this isn't the only parcel in this area or in any part of the county that has similar structures that might be included in a floodplain, so we're not just talking about this parcel; we're talking about precedents and that's what I'm trying to understand as far as what's there and what are we doing and how, in a decision that's made by the Commission, might that impact everything else in that given corridor. So that's the reasoning for some of my questions. Is there any other questions or comments from the Commission? And also, I would add, this is my district so I have an added concern that we evaluate it carefully but that we make sure that we're not impeding and impacting many other properties that maybe didn't understand what those requirements were or get into a situation where we're forcing people to tear out things that have been in place for maybe generations. I don't know. So that's where I'm headed. Commissioner Roybal.

COMMISSIONER ROYBAL: I wanted to ask staff, what does it cost for them to get that technical review of the property or of the structure they're trying to build?

MS. LUCERO: Mr. Chair, Commissioner Roybal, they would have to hire a professional engineer in order to conduct the review but I couldn't, off the top of my head, just give you an estimate as to what one of those would cost.

COMMISSIONER ROYBAL: Thank you.

CHAIR ANAYA: Thank you, Commissioner Roybal. Any other questions or comments? So right now we'll go to public hearing. The public hearing is now open. So now we'll invite anybody that would like to speak in favor or against this project to come forward.

[Duly sworn, Warren Thompson testified as follows:]

WARREN THOMPSON: My name's Warren Thompson and I wanted to

comment on this case. We have a cattle ranch and we have numbers, miles of fence out there that cross arroyos, cross drainages. If we had to go fence out every drainage it would be prohibitively expensive. And so it concerns me this conversation that's going on that we're going to control things to the point that you can't fence your property. So I would support this application and this variance because I think it leads us in a very dangerous direction. Thank you.

CHAIR ANAYA: Thank you for your input. Yes, sir.

[Previously sworn, Tom Fulker testified as follows:]

TOM FULKER: My name's Tom Fulker. I live at 190 Camino Querencia and I'm under oath. I agree with the last speaker that we have water gaps on our cattle ranch. That's ridiculous to say a fence is an impedance in a flood zone because we're crossing the Galisteo three times that I know of right across our place. So I don't want to waste your time but I agree with him that he should get a variance if it's going to create a mud bog like that. Thank you.

CHAIR ANAYA: Thank you for your input. Are there any other questions of comments? I have a letter here that Mr. Dickens – I believe I have it here somewhere. It says – Carl Dickens is the president of the La Cienega Valley Association. Penny, my apologies for not providing official La Cienega Valley Association on this case by a La Cienega Valley Association letter. As noted in previous communications the La Cienega Community Valley Association opposes this variance. We regret that Mr. Arras does not realize the damage his structures will cause downstream for downstream infrastructure, property owners as a result of a flood event. This is a blatant disregard to County ordinances, regulations and should be denied.

So I'm going to read that into the record. Are there any other questions or comments from the public before I go to the Commission? I'm going to have some more comments, I know that. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. So I have a question I guess of the applicant and I hope that this clarifies maybe some of the comments that the public made because I know that the variance is asking that we allow an illegally constructed eight-foot retaining wall, 196 square foot gazebo and an 80 square foot chicken coop within a FEMA-designated special flood hazard area. So it's not just fence, it's not just a wall, it's a wall, a retaining wall, 196 square foot gazebo and an 80 square foot chicken coop. So that's just an observation. And I want to ask what the length of the retaining wall is, because a retaining wall is not a perimeter fence for the property. They are two separate functions.

MS. SELUJA: He wants to mention that he already took – where it's in this picture, it's already been taken from the property. It's no longer there.

COMMISSIONER CHAVEZ: Nothing of that is there? Nothing in that picture is there?

MS. SELUGA: Just the wall.

CHAIR ANAYA: The wall is still there? Is that what you're saying?

MS. SELUGA: The wall is still there.

COMMISSIONER CHAVEZ: So there's no gazebo or no chicken coop?

MS. SELUJA: No. So the wall is all that is left.

CHAIR ANAYA: The chicken coop was attached to the wall?

MS. SELUJA: Yes.

CHAIR ANAYA: So the chicken coop is not there anymore or it is still there? I think chicken coops are good, personally. I like chickens.

MS SELUJA: The carport is no longer there, so just the wall. That's it.

COMMISSIONER CHAVEZ: I like chicken coops too, Commissioner Anaya, but I'm not sure if they're attached to a retaining wall, if that's the best place for a chicken coop.

MS. SELUJA: He says he doesn't have any more chickens because the dogs ate them.

COMMISSIONER CHAVEZ: Oh, the dogs got them.

MS. SELUJA: So that's why.

COMMISSIONER CHAVEZ: Okay, well, that's a little confusing because earlier in the presentation the question was asked about the chicken coop and the wall and we were told that they were all incorporated into one.

MS. SELUJA: He says the wall that is all that is left.

COMMISSIONER CHAVEZ: Okay. So can you tell me the length of that retaining wall, because it's not a fence or a wall that's fencing off the property?

MS.SELUJA: 80 X 8.

COMMISSIONER CHAVEZ: Eighty feet long and about 8 feet tall.

MS. SELUJA: Six to eight.

COMMISSIONER CHAVEZ: Six to eight feet tall and about 80 feet long?

MS. SELUJA: Yes.

COMMISSIONER CHAVEZ: Thank you.

CHAIR ANAYA: Does the applicant have something else they want to add? Does the applicant have something else they want to say?

MS. SELUJA: He said that if he can't have it, that's okay, but if he can't have it he's going to hire a person to tell him, like an architect so he'll have to take it down.

CHAIR ANAYA: So any other questions or comments? So my concern Commissioner Holian and Commissioner Chavez and just everyone here is that when you look where this wall is constructed it's adjacent to a natural berm that the wall is actually lower than the berm for the natural flow. And so I'm no engineer, but I can see that he didn't build a wall in a place where there wasn't already a natural barrier. He build the wall to – let me just ask him. He built the wall so that he could keep the area that he was using from basically flooding so he could use that particular area. Correct?

MS. SESLUJA: It is so there wouldn't be floods.

CHAIR ANAYA: I don't have any other questions or comments. What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I really so no compelling reason to grant this variance for the retaining wall. The risks of flood damage are not insignificant and we do have a letter from someone who lives in the area who presumably has looked at the wall and evaluated it as far as the possibility of flood damage in the case of a heavy rain, and furthermore, our staff has analyzed it as well. Mr. Arras does have a possible remedy. He can have a technical drainage analysis done and so it would be possible for him to keep the wall in that case. I really think that approving this without requiring the technical drainage analysis would set a bad precedent. Therefore I move for denial of the variance.

COMMISSIONER STEFANICS: I second for denial.

CHAIR ANAYA: There's a motion from Commissioner Holian and a second from Commissioner Stefanics. Any further discussion?

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

**VIII. B. 4. CDRC CASE # Z 06-5033 Village at Galisteo Basin Preserve ("Trenza") Master Plan Amendment. Commonweal Conservancy (Ted Harrison), Applicant, Requests a Master Plan Amendment for the Village at Galisteo Basin Preserve (aka "Trenza") to Reconfigure the Planning Envelope from 10,360 Acres to 2,502 Acres, to Reduce the Size of the Development from 965 Dwelling Units and 150,000 Square Feet of Commercial and Civic Land Uses to 275 Dwelling Units and 71,000 Square Feet of Mixed Use, Commercial and Civic Land Uses, a Green Cemetery and a 60-Seat Outdoor Amphitheater. The Applicant also Requests a Revision of the Original Five-Phase Development to Seven Phases that Would Take Place Over a Period of 10 Years. The Property is Located South of Eldorado, West off US 285, South of the Railroad Tracks, within Sections 1, 3, 11-14 23 and 24, Township 14 North, Range 9 East; Sections 5-7 and 18, Township 14 North, Range 10 East; Sections 34-36, Township 15 North, Range 9 East; and Sections 30 and 31, Township 15 North, Range 10 East (Commission District 5)**

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. Commonweal Conservancy, applicant, requests a master plan amendment to a previously approved master plan to reconfigure the planning envelope and reduce the size from 10,360 acres to 2,502 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses, a green cemetery

and a 60-seat outdoor amphitheater. The applicant also requests a revision of the original five-phase development to seven phases that would take place over a period of 10 years. The Property is located south of Eldorado, west off US 285, south of the railroad tracks, within Sections 1, 3, 11-14 23 and 24, Township 14 North, Range 9 East; Sections 5-7 and 18, Township 14 North, Range 10 East; Sections 34-36, Township 15 North, Range 9 East; and Sections 30 and 31, Township 15 North, Range 10 East, Commission District 5.

On October 15, 2015 the County Development Review Committee recommended approval of a master plan amendment to the previously to reconfigure the planning envelope and reduce the size from 10,360 acres to 3,560 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses, a green cemetery and a 60-seat outdoor amphitheater. The CDRC also recommended approval of a request for a revision of the original five-phase development to seven phases that would take place over a period of 10 years.

On June 12, 2007, the Board of County Commissioners granted Master Plan Zoning approval for a mixed-use development consisting of 965 residential units; 150,000 square feet of commercial, institutional, educational, and recreational land uses; and open space, parks, and trails on 10,316 acres. On February 9, 2010, the BCC granted preliminary plat and development plan approval for Phase I of the referenced subdivision which consisted of 131 single-family residential lots and three multi-family residential lots for a total of 149 residential units, and five non-residential lots within a 60-acre development envelope. This approval was set to expire on February 9, 2012.

On December 13, 2011, the BCC granted a 36-month time extension of the previously approved preliminary plat and development plan for Phase 1. The 36-month time extension expired on February 9, 2015. A new preliminary and final plat conforming to the master plan will need to be submitted. On November 20, 2014, the County Development Review Committee met and recommended approval for a master plan amendment to reconfigure the planning envelope from 10,360 acres to 3,560 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial to 450 dwelling units and 88,000 square feet of mixed use, commercial, and civic land uses, which included a green cemetery and a 60-seat outdoor amphitheater. The applicant also requested a modification of the original five-phase development to six phases that would take place over a period of 12 years.

The application was scheduled to be presented to the BCC on January 13, 2015. At the request of the applicant, the master plan amendment was deferred from consideration by the BCC in order to address questions about the application that Los Alamos National Bank expressed prior to the hearing. LANB's questions related to whether the application would affect the bank's collateral interest on a portion of the lands contained with the master plan amendment planning envelope. LANB was unable to give Commonweal clear direction as to its needs. Therefore, this application was withdrawn.

Commonweal is now proposing to reconfigure and reduce the planning envelope of the previous master plan amendment application to remove the lands held as collateral by LANB. For the proposed reconfiguration the applicant requests a master plan amendment to the planning envelope from 10,360 acres to 2,502, reducing the size of the



development from 965 dwelling units and 15,000 square feet of commercial to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses which includes a green cemetery and a 60-seat outdoor amphitheater. The applicant also requests a revision of the original five-phase development to seven phases which would take place over a period of ten years.

The applicant states, that in the face of a deep and protracted economic recession, Commonweal has been re-evaluating its economic opportunities and development ambitions for Trenza and the larger Galisteo Basin Preserve. Although the building envelope is still expected to encompass approximately 235 acres the density of the development will be reduced relative to the existing approved plan. The total number of residential units is 275 and the total area for commercial and civic use is 71,000 square feet. Approximate lot size will be 8,500 square feet.

Due to the changed size and scale of the proposed development, the project's water budget will be reduced. Specifically the water budget for the development uses will involve a 46.40 acre-feet allocation for residential uses and an 18.73 acre-feet allocation for mixed use, commercial and civic land uses. By this allocation, the proposed water demand at full build-out in 2026 would total 65.13 acre-feet. The Applicant also requests a modification to the original master plan to change the location of the proposed Memorial Landscape. The Memorial Landscape will be relocated slightly south of its current location to an area that will allow for improved access from Morning Star Ridge Road.

Phase 1-A of the development includes an 11-acre memorial landscape/green cemetery and a 60-seat outdoor amphitheater/community performance space. Given the natural landscape objectives of the green cemetery, a water allocation equivalent to a single residence is projected for the cemetery at 0.16 acre-feet per year. The amphitheater will include a composting toilet facility and a two-faucet hand-washing facility. The water budget associated with the amphitheater is expected to be minimal given the event calendar planned for the facility.

In Phase 1-B, a residential neighborhood will consist of 11 residential units ranging in size from 750 square feet to 1,450 square feet. The water demand of the residential development is budgeted at 0.16 acre-feet per lot. The remaining five phases will consist of the remaining 264 residential units and 68,000 square feet of commercial and civic uses.

Staff's recommendation: Staff's recommendation and the decision of the CDRC was to recommend approval of a master plan amendment to reconfigure and reduce the planning envelope from 10,360 acres to 2,502 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses, which includes a green cemetery and a 60-seat outdoor amphitheater. The applicant also requests a revision of the original five-phase development to seven phases that would be developed over a period of 10 years, subject to the following conditions. Mr. Chair, may I enter those into the record?

CHAIR ANAYA: Yes, you may, Vicente.

[The conditions are as follows:]

1. The Amended Master Plan must be recorded with the County Clerk's office prior

- to Preliminary Plat Application.
2. An Affordable Housing Agreement must be prepared and submitted for consideration by the Board of County Commissioners along with the Final Plat and/or Development Plan for the projects first development phase.
  3. The Applicants shall meet all Preliminary and Final Plat and Development Plan requirements for each phase.
  4. The Applicants shall construct the Community Water and Community Sewer system with Phase 1B. Design plans for the Water and Sewer System shall be submitted with the Preliminary Plat Application.
  5. Written documentation that sufficient water rights are available for the development will be required at Preliminary Plat submittal.
  6. Model runs used to determine the regional and long-term drawdown shall be required at Preliminary and Final Development Plan submittal.
  7. Updated calculations of lowest practical pumping level shall be required at Preliminary and Final Development submittal.
  8. A Terrain Management plan must be submitted with the Preliminary Plat and Development Plan.
  9. Required Open Space shall be designated on Plat of Survey for each phase and dedicate as Permanent Open Space. The Applicant is clustering the development and shall identify the Open space required for each phase.
  10. Design plans for the on-site drip irrigation system must be submitted with Preliminary and Final Development Plan submittal.

CHAIR ANAYA: Are there any questions of staff at this time? Is the applicant present?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Santa Fe, 87505. Thank you very much for moving this case forward. We're double-booked this evening with the City Council so I appreciate the move up. This case is an effort to size the project accordingly for the next ten years. The density has been reduced by almost two-thirds. Commercial has been reduced as well by almost half, which in turn reduces the water budget and it reduces the overall scope of the project.

We agree with Vicente's staff report as well as the conditions of approval and we will stand for questions. Thank you.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I don't really need it right now but I would like the applicant to occasionally send us little updates on what's happening with the property. Occasionally we'll read something in the newspaper but we won't really know what's happening and so we would like to know. Don't go into it right now. We have a long agenda. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Any other questions of the applicant? This is a public hearing. Is there anybody here to speak in favor or against this particular application? Is there anybody here to speak in favor or against this application? Seeing none the public hearing is closed. What's the pleasure of

the Board?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I will move approval.

COMMISSIONER HOLIAN: Second.

COMMISSIONER STEFANICS: Are there staff conditions? With staff conditions.

CHAIR ANAYA: Motion to approve from Commissioner Stefanics, second from Commissioner Holian. The only comment I would have is I know that there was outreach and communications with surrounding communities that are impacted – Galisteo, Lamy residents, all three districts, District 4, District 5 and District 3 are in close proximity to this project, so I'm appreciative of those communications and efforts for outreach. There's a motion and second. Seeing no further discussion –

COMMISSIONER HOLIAN: Mr. Chair, I just wanted to make a comment. I would really like to just commend Mr. Harrison and the Commonweal Conservancy for adapting to changing conditions that are happening out in the rural areas of our county as far as development is concerned. And I would also like to commend you on the progressive elements of your design. For example, terrain management, dealing with stormwater in a very progressive way and also, I really appreciate the significant inclusion of open space and trail. This property is actually going to benefit our whole community. So thank you very much.

CHAIR ANAYA: Thank you, Commissioner Holian, Seeing no other questions or comments.

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

**VIII. B 2. CDRC CASE # V 15-5140 Vernon DeAguerdo Sign Variance.  
Vernon DeAguerdo, Applicant, Alberto Alcocer, Agent, Request  
a Variance of Article VIII, § 7.15 (Prohibited Signs) of the  
Land Development Code in Order to Allow an Existing 96  
Square Foot Sign Advertising an Off-Site Business on 2.213  
Acres. The Property is Located at 267 Rabbit Road, within  
Section 10, Township 16 North, Range 9 East, (Commission  
District 4)**

JOHN MICHAEL SALAZAR (Case Manager): Thank you, Mr. Chair and Commissioners. Vernon DeAguerdo, applicant, Alberto Alcocer, agent, request a variance of Article VIII, § 7.15 (Prohibited Signs) of the Land Development Code in order to allow an existing 96 square foot sign advertising an off-site business on 2.213 acres. The property is located at 267 Rabbit Road, within Section 10, Township 16 North, Range 9 East, Commission District 4.

The owners of the property, Vernon, Jennifer and Grace DeAguerdo acquired the property with a small house and a smaller unpermitted sign which advertises an offsite

landscaping business. The owner then increased the size of the unpermitted sign to 96 square feet and allowed the agent to advertise his offsite business on this sign.

On November 11, 2014 a Notice of Violation was issued to the applicant for an illegal commercial advertisement sign posted on the property. A Final Notice of Violation was issued on January 9, 2015. In order to keep the sign and remedy the notice of violation the applicant is requesting this variance in order to keep a 96 square foot sign advertising an off-site business.

On August 20, 2015 the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the variance and removal of the sign by a 3-1 vote with the Chair abstaining from the vote.

Staff recommendation: The CDRC and staff recommend denial of the variance of Article VIII, Section 7.15 with the condition that the applicant remove the sign within thirty days from the recording of the Final Order. If the decision of the BCC is to recommend approval of the applicant's request, staff recommends imposition of the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIRMAN ANAYA: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall reduce the sign to 70 square feet which is the maximum size allowed for commercial use.
2. The Applicant must obtain a development permit from the Building and Development Services Division for the 96 square foot sign (As per Article VIII, § 3).
3. The placement of additional signs is prohibited on the property (As per Article VIII, § 7).
4. The Applicant must apply for a sign permit from NMDOT within thirty days from the recording of the Final Order.
5. The Applicant must obtain a sign permit from NMDOT and provide a copy of the approved permit to the Building and Development Services Division.

MR. SALAZAR: I'll stand for questions, Mr. Chair.

CHAIR ANAYA: Are there any questions of staff? Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Mr. Salazar, in the first condition of approval states the applicant shall reduce the sign to 70 square feet, so that's reducing it from 90 square feet to 70 square feet.

MR. SALAZAR: Mr. Chair, Commissioner Chavez, that's correct. It would be a 26 square foot reduction in size.

COMMISSIONER CHAVEZ: So then would the 70 square foot size meet the zoning requirements for a sign in that corridor?

MR. SALAZAR: Mr. Chair, Commissioner Chavez, not necessarily. We're just reducing it to the size of a sign that would be allowed for a commercial use. That's the maximum allowable size for a sign in the county.

COMMISSIONER CHAVEZ: Whether it's offsite advertising or not.

MR. SALAZAR: Correct.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez.

COMMISSIONER STEFANICS: On that point.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Has the applicant agreed to reduce the sign?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, at the CDRC meeting he did agree to staff conditions, the agent for the applicant. You may want to ask him again though, Mr. Chair, for this meeting. It's my understanding the way the sign has been constructed it would be really tough to reduce the size of it without putting up an entirely new sign.

COMMISSIONER STEFANICS: Thank you. So when we get to that, Mr. Chair, maybe we could hear.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Commissioner Holian.

COMMISSIONER HOLIAN: So what are the regulations regarding signs advertising commercial properties in that area? Or anywhere along the highway?

MR. SALAZAR: Mr. Chair, Commissioner Holian, the existing billboards that are up along the highway are either on state right-of-way or they're legal non-conforming signs. The code doesn't allow for what we would consider a billboard. The land development code doesn't allow for new billboards to be constructed anywhere in the county, actually.

COMMISSIONER HOLIAN: Except for along the highway right-of-way?

MR. SALAZAR: Mr. Chair, Commissioner Holian, if that were the case we wouldn't have jurisdiction over the state highway right-of-way and NMDOT would have to issue a permit for that.

COMMISSIONER HOLIAN: I see. Thank you, John.

CHAIR ANAYA: Thank you, Commissioner Holian. Other questions or comments? Is the applicant here? If you would be sworn, sir and you could provide whatever comments you'd like.

[Duly sworn, Alberto Alcocer testified as follows:]

ALBERTO ALCOCER: Good evening. My name is Alberto Alcocer and I'm the owner of Clearealty, which is the real estate company which is the sign we're talking about. I live at 117 Avenida Codorniz in Santa Fe, New Mexico, 87507 and I'm here to ask you to grant me a variance to allow this sign that as far as I know it's been long-standing and historically balanced. The sign that used to be there before for over 20 years, I've been told, was at the same spot and it was an improvement when we put this sign. It was professionally made. We ordered it from an Albuquerque company and it actually made the landscape nicer because we removed the old sign that was there before [inaudible] to the topography of Old Rabbit Road.

It also helps me, my clients to find my rural office, because I do have a real estate license there that was granted by the New Mexico Real Estate Commission, I have a second license in that location.

CHAIR ANAYA: If I could, what sign was there before? What was it?

MR. ALCOCER: It was sand and gravel.

CHAIR ANAYA: There was another business in that same property?

MR. ALCOCER: Exactly.

CHAIR ANAYA: And you replaced their sign with your sign, basically.

MR. ALCOCER: That is correct, Mr. Chair. This one is bigger but we didn't – we respect all the laws. I wasn't even aware that it was an ordinance – just out of ignorance we went and put this sign because it's on the same posts and it's been there already for about 2 ½ years. And it really has helped my business. I'm a sole proprietor of a small real estate company and we are promoting home ownership in the Santa Fe County which I think is also a benefit. So, and this is in District 4. So it was pre-existing, so that's what my assumption was. I was familiar with that property. I sold that property, basically, to the owner. And it's not really an eyesore. I paid some good money for the logotype. It's not something that I just went and started painting myself. It's a logo that's professionally made and produced. So I really appreciate your consideration here in allowing me to keep this sign because it's really – it was a big investment as far as I'm concerned for me and removing it would be a hardship for me but I totally respect what your decision might be and I respect all your –

CHAIR ANAYA: Thank you, sir. Commissioner Stefanics. You had a question?

COMMISSIONER STEFANICS: Yes, Thank you. If you were asked – if the only way you could maintain the size is by reducing it would you do so?

MR. ALCOCER: Yes.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR ANAYA: Other questions? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I know that this is maybe not easy and I know that there are things that were existing and things are changing just a little bit. One question that was asked was reducing the square footage of the sign, but then the other conditions also asked that the applicant apply for a sign permit from New Mexico Department of Transportation within 30 days of the final order, so that you know that the proper permits are in place because a lot of these signs and probably this one when it was place originally were done without permits in a right-of-way that's not under our jurisdiction. So would you be willing to follow those recommendations as well?

MR. ALCOCER: Yes, I would.

COMMISSIONER CHAVEZ: Thank you. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Any other questions or comments of the applicant? Seeing none, this is a public hearing. I'll now open the public hearing. Is there anybody here that would like to speak in favor or against this applicant? This project? This sign? Is there anyone here that would like to speak in favor or against this applicant and this sign? Seeing none, this public hearing is closed. What's the pleasure of the Board?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'm going to make a motion to grant the request for the variance with all of the staff recommendations and there are four conditions of approval.

CHAIR ANAYA: There's a motion to grant the variance with conditions.

Is there a second? I'll second.

COMMISSIONER STEFANICS: I have a question.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, and this is for staff. Reducing it to 70 feet, is there our normal, allowable size?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, that's the maximum allowable square footage for a sign in a commercial area.

COMMISSIONER STEFANICS: So what we're doing, by passing this, we are asking the applicant to take it to the allowable size. Thank you very much.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Is there any other questions or comments? There's a motion, Commissioner Chavez. I made the second. With staff conditions.

**The motion passed by majority [4-1] voice vote with Commissioner Holian casting the vote in opposition.**

COMMISSIONER STEFANICS: So, Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to ask a question. Did we really approve a variance if we just maintaining that they have to take it to the allowable size?

CHAIR ANAYA: Commissioner Stefanics, as I understood it, the motion that passed is a motion to take it to the size in a commercial lot. Is that right?

MS. LUCERO: Mr. Chair, that's correct. This particular sign is not within a commercial area. It's off-site advertising, which is not allowed, so the condition would just be maintaining what the maximum size is in other districts.

COMMISSIONER STEFANICS: So the variance, Mr. Chair and Vicki, is allowing the sign in a non-commercial area.

MS. LUCERO: Mr. Chair, Commissioner Stefanics, that's correct.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR ANAYA: Thank you very much, Commissioners.

- VIII. B. 3. **CDRC CASE #Z/V 15-5210 28 Main Street Master Plan/Variance. Patrick and Kelly Torres, Applicants, Request Master Plan Zoning Approval to Allow a 1,211 Square Foot Restaurant within a 3,257 Square Foot Structure with the Remaining 2,046 Square Feet to Remain as Residential Use on a 0.656-Acre Tract. This Request also Includes a Variance of Ordinance No. 2003-6 (Rainwater Catchment Systems), so the Applicants will not Have to Construct a Rain Water Harvesting System. The Property is Located at 28 Main Street within The Los Cerrillos Traditional Community, within Section 17, Township 14 North, Range 8 East, (Commission District 3). John M. Salazar, Case Planner.**

MR. SALAZAR: Mr. Chair, Commissioners, Patrick and Kelly Torres,

applicants, request master plan zoning approval to allow a 1,211 square foot restaurant within a 3,257 square foot structure with the remaining 2,046 square feet to remain as residential use on a 0.656-acre tract. This request also includes a variance of Ordinance No. 2003-6 (Rainwater Catchment Systems), so the applicants will not have to construct a rainwater harvesting system. The property is located at 28 Main Street within the Los Cerrillos Traditional Community, within Section 17, Township 14 North, Range 8 East, Commission District 3.

As stated, Mr. Chair, the applicants are requesting zoning approval to allow a 1,211 square foot restaurant. The remaining 2,046 square feet of the 3,257 square foot structure will remain as a two-bedroom house. The applicants are additionally requesting a variance of the rainwater harvesting Ordinance requiring rainwater catchment systems for all commercial and residential developments so the applicants will not have to construct a rainwater catchment system.

The subject property falls within the Los Cerrillos Commercial District of the Los Cerrillos Traditional Community Zoning District. Restaurants are a permitted use within this commercial district as Ordinance No. 2006-11 refers to Article III, § 4.3.2 of the Code as to which kind of uses are allowed in a local or small scale district. The structure was built around 1890. It's had multiple commercial uses on the property including a saloon and bar. The applicants are not proposing any new construction as the saloon area or of the existing residence. They are simply requesting to resume a commercial use which has been utilized off and on over the last 100+ years.

Staff recommendation: Staff requests the BCC make two separate motions – one regarding the variance and one regarding master plan zoning. The CDRC recommended approval for a variance of Ordinance No. 2008-4, Rainwater Harvesting. The CDRC and staff recommended approval for master plan zoning subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIR ANAYA: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
2. Master Plan, Preliminary and Final Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. The Applicant shall install a 36" door for ingress and egress in the kitchen
4. The existing septic system shall be modified to sufficiently handle the extra flow from the proposed restaurant with the installation of a grease interceptor. An updated septic permit from NMED must be submitted prior to development permit issuance.
5. The Applicant must obtain a development permit prior to remodeling the structure.

MR. SALAZAR: And the applicants' argument, Mr. Chair, for the rainwater harvesting ordinance is that the way the building is sited on the property has zero lot line. There wouldn't be a way to get the water collected from the roof into a cistern without having to go into the County right-of-way along the side of that particular



building. I'll stand for questions, Mr. Chair.

CHAIR ANAYA: Are there any questions? Seeing none, is the applicant here? Would the applicant like to come forward and make any comments?

[Duly sworn, Eric Harris testified as follows:]

ERIC HARRIS: Eric Harris, 2920 Pueblo Tsankawi, Santa Fe, New Mexico. Mr. Chair and members of the Board, Patrick and Kelly Torres purchased this really amazing piece of property with the lofty goal of restoring it to one of its original historic uses, that of being a restaurant. However, the commercial status of the property had, because of inactivity, reverted back to commercial making this a much more daunting prospect than originally thought.

Despite this, the Village of Cerrillos, which as evidenced here this evening, both the people in attendance and with numerous letters of support, really starving for a gathering place and the village has really rallied and unified their support behind Patrick and Kelly in their dream of opening a small restaurant in the village.

They, along with their neighbors and every tourist who will visit the Village of Cerrillos in the future would implore you all to make it possible to realize their dream and do their part to help revive a truly charming village and Main Street. I'll stand for questions. Thank you.

CHAIR ANAYA: So just to clarify, you're speaking – I know you're supporting the project but are you speaking –

MR. HARRIS: I'm speaking as an agent for Kelly and Patrick.

CHAIR ANAYA: Excellent. That's what I wanted clarification on. Great. Thank you. Are there any questions or comments of the applicant, the agent in this case.

COMMISSIONER CHAVEZ: Well, I just – sir, are you familiar with the staff recommendations and the conditions that have been placed on this request.

MR. HARRIS: Yes, Commissioner.

COMMISSIONER CHAVEZ: And you all agreed to that?

MR. HARRIS: Yes, we do.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Any other questions or comments? This is a public hearing so I'm going to go ahead and open that public hearing right now. Is there anyone here that would like to speak in favor or against this project? Please come forward and be sworn.

[Duly sworn, Bonnie Gibons testified as follows:]

BONNIE GIBONS: My name is Bonnie Gibons. I live at 20 Yerba Buena in Cerrillos and we are hoping – we are so desperately hoping that you will approve this. This is going to be an anchor in our community that is so desperately needed. These are great people and they deserve a chance. So we're hoping that you will please approve this for us. Thank you.

CHAIR ANAYA: Thank you.

[Duly sworn, Annie Whitney testified as follows:]

ANNIE WHITNEY: I'm Annie Whitney, also from Cerrillos, and I've lived there over 40 years and we have not had a great restaurant and gathering place for so very long and it really brings a community together and we are very excited that this could be an excellent possibility and these guys are great. So we certainly appreciate your

time for giving them consideration. Thank you.

CHAIR ANAYA: Thank you, ma'am.

[Duly sworn, Steve Gibons testified as follows:]

STEVE GIBONS: My name is Steve Gibons. I live at 20 Yerba Buena in Cerrillos as well. I would like to just tell the Commissioners that I hope that you'll also vote in favor of this particular project. It's already created a very unique buzz in the little village that we live in. People are excited about the fact that the opportunity is there for this to happen. I think it will also bring employment to the place of which I'm hoping maybe one day I might be one of the employees, but that's just wishful thinking. But the point is that it is an exciting opportunity for the little village of ours to stimulate more feelings for the place and more pride of which we have, and I also think it will bring out the historical value of what Cerrillos used to be by what these folks plan to do. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Mr. Lockridge testified as follows:]

MR. LOCKRIDGE: Ross Lockridge, Village of Cerrillos. This is truly a great thing for our village and I'd like to echo everyone who has spoken for this. Thank you very much.

CHAIR ANAYA: Thank you, Ross.

[Previously sworn, Mr. Fulker testified as follows:]

MR. FULKER: I'm Tom Fulker from Cerrillos. I was up earlier. I'm just for it. They're great, great people. Good luck.

CHAIR ANAYA: Thank you, sir.

[Duly sworn, tan Bies testified as follows:]

STAN BIES: My name is Stan Bies. I'm at 8 Don Jose Loop, about five miles from Cerrillos, so I don't live in Cerrillos. We moved here from another state a couple years ago and I want to thank the people in Cerrillos because it's just amazing how they're supporting this. You guys got to just give – this is the kind of business – I know Eric as a builder and I know Pat and Kelly also. This is the kind of business New Mexico needs to support and needs to have this sort of community spirit. It just isn't around the country, but it is here. Thank you.

CHAIR ANAYA: Thank you, sir. Are there any other comments? Are there any other comments? Seeing none the public hearing is closed. I'm going to make some comments; I'm going to make a motion and I'm going to seek a second from my colleague that's a neighbor in this area that borders this District 3. I'm appreciative of the people that come forward that are trying to work to re-engage a community and small business and so I congratulate you on your efforts, hope that you can get it through, based on the community support that you have and your efforts to create this business. So I'm going to move for approval and look to a second from my colleague to my right.

COMMISSIONER CHAVEZ: I would second that, Mr. Chair, and just note that we have – that staff is asking that we make two separate motions.

COMMISSIONER STEFANICS: I'll be a second second.

CHAIR ANAYA: If we could, Commissioner Chavez, if Commissioner Stefanics could do the second on the first item, if that's okay.

COMMISSIONER CHAVEZ: That's fine. Sure.

CHAIR ANAYA: So a motion, second from Commissioner Stefanics, second from Commissioner Chavez as well.

COMMISSIONER CHAVEZ: You have a double second.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to make a comment that I'm really looking forward to a good restaurant in Cerrillos and apparently, so is just about everybody else who lives in the area, judging from all the comments that we got in our packet. I think we're unanimous on this one. Thank you.

CHAIR ANAYA: Thank you, Commissioner. Any other questions or comments? There's a motion, there's two seconds.

**The motion to approve the master plan passed by unanimous [5-0] voice vote.**

CHAIR ANAYA: Do we need another motion?

MR. SALAZAR: The motion for the variance for rainwater harvesting and that one was the motion for the master plan, correct?

CHAIR ANAYA: That motion will cover the master plan. So I'd make a motion to approve the variance on the harvesting for the space limitations noted.

COMMISSIONER STEFANICS: I'll second that.

CHAIR ANAYA: There's a second. Motion from myself, second from Commissioner Stefanics.

COMMISSIONER CHAVEZ: And Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Just for clarification, that does include the following conditions 1 through 5.

CHAIR ANAYA: The motion as made would include staff conditions.

COMMISSIONER CHAVEZ: Okay.

CHAIR ANAYA: Is there any further discussion? Seeing none.

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

- VIII. B. 5. **CDRC CASE # ZA 15-5041 La Entrada Master Plan, Preliminary Plat, Final Plat and Development Plan Amendment.** Univest-Rancho Viejo, Applicant, James W. Siebert, Agent, Request an Amendment of the Master Plan, Preliminary Plat, Final Plat, and Development Plan for La Entrada Phase 1 to Sub-Phase the Previously Approved La Entrada Phase I Residential Subdivision into Four (4) Sub-Phases. Sub-Phase 1 will Consist of the 500 Series Lots (58 Lots), Sub-Phase 2 will Consist of the 600 Series Lots (24 Lots), Sub-Phase 3 will Consist of the 700 Series Lots (35 Lots), and Sub-Phase 4 will Consist of the 800 Series (49 Lots) for a Total of 166 Lots. The Property is Located North of Rancho Viejo Blvd and West of Avenida del Sur, within the Community

**College District, within Sections 19 and 20, Township 16  
North, Range 9 East (Commission District 5)**

MR. ARCHULETA: Thank you, Mr. Chair. Univest-Rancho Viejo, applicant, James W. Siebert and Associates, Agent, request an amendment of the master plan, preliminary plat, final plat, and development plan for La Entrada Phase 1 to sub-phase the previously approved La Entrada Phase I Residential Subdivision into four sub-phases. Sub-Phase 1, the 500 Series, Sub-Phase 2, the 600 Series Lots, Sub-Phase 3, the 700 Series Lots, and Sub-Phase the 800 Series for a Total of 166 Lots. The property is located north of Rancho Viejo Boulevard and west of Avenida del Sur, within the Community College District, within Sections 19 and 20, Township 16 North, Range 9 East.

On October 16, 2015 the County Development Review Committee recommended approval of this case. On June 9, 2015 the BCC approved the request for the amendment to the preliminary plat and final plat and development plan for La Entrada Phase 1, reducing the number of lots and the layout.

The applicant requests another amendment to the master plat, preliminary plat, final plat and development plan for La Entrada Phase 1 in order to sub-phase the previously approved La Entrada Phase 1 residential subdivision into four sub-phases.

Staff recommends approval of the amendment to the master plan, preliminary plat, final plat, and development plan of the La Entrada Phase 1 Subdivision creating four sub-phases subject to the following conditions. May I enter those into the record?

COMMISSIONER CHAVEZ: Yes, you may.

[The conditions are as follows:]

1. Compliance with all conditions of the approved Master Plan, Preliminary Plat, Final Plat, and Development Plan.
2. Each sub-phase of the Final Plat and Development Plan must be recorded in the office of the County Clerk.

MR. ARCHULETA: Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Are there any questions from staff? No. Okay. This is a public hearing then. Is there anyone here to speak in favor of or against this request? Please come forward. Seeing none, that closes the public hearing portion.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: I will move for approval with staff conditions.

COMMISSIONER HOLIAN: Second.

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

**The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact, see page 65.]**

**VIII. B .6. CDRC Case 06-5212 La Bajada Ranch (Santa Fe Canyon Ranch) Time Extension. Santa Fe County, Applicant, Requests**

**a Two-Year Time Extension of the Previously Approved Master Plan for the La Bajada Ranch (Formerly Santa Fe Canyon Ranch) for a Residential Subdivision Consisting of 156 Residential Lots on the 470.55 Acres to be Developed in Three (3) Phases. The Property is Located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3)**  
*[Exhibit 9: Letter from the La Cienega Valley Association]*

MR. ARCHULETA: Thank you, Mr. Chair. On September 30, 2008, the Board of County Commissioners granted master plan approval of the Santa Fe Canyon Ranch residential subdivision consisting of 162 lots on 1,316 acres to be developed in three phases. On September 10, 2013 the BCC granted a 24-month time extension. The applicants are requesting a 24-month time extension of the La Bajada Ranch.

Staff recommendation: Approval for the 24-month time extension of the master plan for the La Bajada Ranch, formerly Santa Fe Canyon Ranch residential subdivision which will render the master plan valid until September 10, 2017. Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Thank you, Mr. Archuleta. Questions of staff? Seeing none, this is a public hearing. Anyone here that would like to speak in support or opposition to this request please come forward. Anyone that would like to speak in opposition or support of this request please come forward at this time. Seeing none, Mr. Chair, I will close the public hearing portion of the meeting.

CHAIR ANAYA: Mr. Chair.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: I've move for approval of the extension.

COMMISSIONER HOLIAN: Second, and I would just like to make a couple of comments.

COMMISSIONER CHAVEZ: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would just like to let the public know that we are slowly, I admit, developing a plan for this piece of property and my personal firm goal is that whatever plan we develop that all of the people of Santa Fe County will benefit from the planned use for this property. I think that it would be very premature at this point to let the master plan expire and I will also note that the development rights are actually valuable. They could be used to seed a transfer of development right program that the County is planning on putting in place with our new code. Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: So we have a motion and we have a second. Any further discussion? Seeing none.

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

CHAIR ANAYA: Mr. Chair, I would let the record reflected, we voted on the last item as well, item La Entrada, I would vote I favor.

**VIII. B. 7. CDRC CASE #Z 15-5200 Spotlight RV Park Master Plan. Rick Anaya, Applicant, Requests Master Plan Zoning Approval to Allow an RV Park Consisting of 54 RV Spaces, 20 Horse Stalls, Public Bathroom/Shower Facilities and an Existing Residence on an 11.57-Acre Tract. The Property is Located at 16 Ella Dora Road, within Section 31, Township 10 North, Range 9 East, (Commission District 3) [Exhibit 10: Petition in Support; Exhibit 11: Petition Against; Exhibit 12: Photographs]**

CHAIR ANAYA: Mr. Chair.

COMMISSIONER CHAVEZ: Yes.

CHAIR ANAYA: Pursuant to our own Code of Ethics, the next case, CDRC Case 15-5200, the applicant is my brother. I do not have any involvement with the application that was submitted and it's his property, but in accordance with our ethics I'm going to turn the chair over to you, Mr. Chair, and recuse myself on this case.

COMMISSIONER CHAVEZ: Okay. Thank you.

MR. SALAZAR: Thank you, Mr. Chair. On September 17, 2015, the County Development Review Committee met and recommended denial of the master plan approval by a 3-1 vote. This request is under large-scale residential uses as they are allowed anywhere in the county provided the requirements of the code are met. The applicant states that the proposed RV park will be designated as a transit park as opposed to a destination park. Transit parks typically have guests who stay no longer than three days, as a quick stop before their final destination. Each of the proposed 54 RV spaces are to be designed to provide access to water, power and sewage for RV owners along with a barbecue grill and a picnic table. Each space will be constructed using base course material and each space will be landscaped with one evergreen tree. The Applicant is proposing to develop the proposed RV park in three phases. The first phase will consist of design and building the water, fire protection sewage system with the appropriate connections for water and sewer for 21 RV spaces on the western end of the development. The existing residence will be converted into living quarters with an attached office for the park manager. The bathroom and laundry facilities along with four horse corals and four tack sheds would be constructed in this first phase as well. The Applicant is estimating this phase to be completed within 12 months from permit issuance. Phase 2 will consist of building 18 more RV spaces with water and power connections along with 4 more horse corrals and 4 tack sheds. That phase is estimated to be completed within 12 months as well. The final phase will consist of the construction of the final 15 RV spaces, remaining horse stalls and tack sheds. This phase is estimated to be constructed within 12 months after the second with a total estimated time of three years to complete the entire development.

Staff recommendation: The CDRC recommends denial of the request for master plan. Staff has reviewed this application and has found the following facts support staff's

inability to recommend approval of the application to the Board of County Commissioners: the submittal meets all requirements for Article V, § 5, of the land development code. Should the BCC approve the request for master plan staff recommends the following conditions. Mr. Chair, may I enter those conditions into the record?

COMMISSIONER CHAVEZ: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall address all redline comments prior to recordation of the Master Plan.
2. The Applicant shall provide an approved discharge permit from NMED and an approved design of a community liquid waste system prior to development plan submittal.
3. The Applicant shall submit drainage and grading plan with ponding design calculations prior to development plan submittal.
4. The Applicant shall provide lighting cut sheets that meet Code requirements prior to development plan submittal.
5. The Applicant shall be required to submit a signage plan meeting Code requirements prior to development plan submittal.
6. The Applicant shall comply with Ordinance No. 2003-6 for rainwater harvesting and address redlines on the landscaping plan prior to development plan submittal.
7. The Applicant shall provide proof of adequate water supply to meet the water budget for full build-out prior to development plan submittal. If the Applicant is unable to satisfy this condition, the Applicant must downsize the project to coincide with the amount of water available.
8. The Applicant shall provide an updated water budget to include a summer season of 120 days and a winter season of 245 days; an updated reference for the number of occupants per RV; specify is high efficiency washers will be used in the laundry facility and provide a reference of 18 gallons of water per load; and specifics clarifying which trees and shrubs in the landscape plan are existing and which will be new plantings prior to development plan submittal.
9. The Applicant shall be required to design and construct a community water system which will include a water availability assessment, a water quality and a water conservation report prior to development plan submittal.
10. The Applicant shall submit sufficient written documentation regarding the transfer of water rights from the Office of the State Engineer prior to development plan submittal.

MR. SALAZAR: I'll stand for questions, Mr. Chair.

COMMISSIONER CHAVEZ: Thank you. Any questions of staff?

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: In our packet, it seemed like there were still some unanswered questions on this master plan proposal. For example, has the liquid

waste facility been designed yet?

MR. SALAZAR: Mr. Chair, Commissioner Holian, that would have to be designed at preliminary and final development plan. Under master plan the applicant recognizes that that's what is required and is stating that they would build it out, as master plan is conceptual, they are conceptualizing that for the sewage system.

COMMISSIONER HOLIAN: Okay. Thank you. Also this is a rather large-scale development and there's going to be lots of truck and horse trailer traffic and on going down this dead-end road, and I wondered if there has been any thought given to modifications that could be made to the road to handle that amount of traffic. Or is that also not done at the master plan stage?

MS. LUCERO: Mr. Chair, Commissioner Holian, are you referring to improvements on Highway 41?

COMMISSIONER HOLIAN: No. That this particular facility would be at the end of – I forgot what the name of the road is, but a small road in Stanley.

MR. SALAZAR: Ella Dora Road, Commissioner.

COMMISSIONER HOLIAN: As I recall, when I was reading the packet it said that this was at the end of a – that the facility would be at the end of a small dead-end road taking off of the main highway.

MS. LUCERO: Mr. Chair, Commissioner Holian, this property will access off Ella Dora Road which is a single road accessing the development but it does have several loops within the road, so staff did not feel that it would meet the requirements for a dead-end road. It does have additional points of –

COMMISSIONER HOLIAN: So you're saying that the road would not need any modifications to handle that amount of traffic.

MS. LUCERO: Mr. Chair, Commissioner Holian, it would need to be improved to local standards but it wouldn't be considered a dead-end road so no additional approvals or variances would be required.

COMMISSIONER HOLIAN: I see. Thank you. And then there was a question about the signage. Apparently three signs are being proposed and I think it said in our packet that there should only be one sign?

MR. SALAZAR: Mr. Chair, Commissioner Holian, I have met with the applicant since the packet went to copy and they are going to reduce the signs for the development. The applicant is willing to go down to one sign at the entrance, which would be allowed for this development.

COMMISSIONER HOLIAN: And then what about purchase of water rights. There was a fair amount of water that was required and so that they were going to have to purchase water rights. Or is that also only done beyond the master – when it gets to the preliminary plat and final plat phases that they need to prove water?

MR. SALAZAR: Mr. Chair, Commissioner Holian, correct. That would have to be something that's taken care of at preliminary and final development plan stage.

COMMISSIONER HOLIAN: Okay. Thank you very much, John Michael.

COMMISSIONER CHAVEZ: Commissioner Holian, there are ten



conditions, two conditions apply to water and a community water system. Well, condition 9, the applicant shall be required to design and construct a community water system which will include a water availability assessment, a water quality and a water conservation report prior to development plan submittal. The applicant shall submit written documents regarding the transfer of water rights from the Office of the State Engineer prior to development of plan submittal. So the applicant has agreed to all of the staff conditions, Mr. Salazar?

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

COMMISSIONER CHAVEZ: And the condition on the signage says that the applicant shall be required to submit a signage plan meeting code requirements prior to development plan submittal. Is that separate from the question Commissioner Holian was asking earlier?

MR. SALAZAR: Mr. Chair, that's in line with what she was asking.

COMMISSIONER CHAVEZ: Okay. Are there any other questions from staff? Okay, then I'd like to open the meeting up to the public comment portion. Is there anyone here this evening that would like to speak in support or opposition to this project please come forward at this time.

[Duly sworn, Steve Shepherd testified as follows:]

STEVE SHEPHERD: My name is Steve Shepherd. I live at 225 B & I Road in Stanley and I've just got a few short comments. I've lived in Stanley for about 20 years now and right now the only RV park in the Edgewood-Stanley-Moriarty area is in the Town of Edgewood where I do work, along Route 66. They serve mostly the traffic on Interstate 40. And I think the proposed RV park is a great addition to the Stanley area. It will help Moriarty. It will allow people attending large events, both in Edgewood and Stanley, especially horse events to have a place to go. And hopefully this will kind of spark the return of some commercial businesses to the Stanley area. Thank you.

COMMISSIONER CHAVEZ: Thank you, Mr. Shepherd. I have a question, Mr. Salazar. In our packet we have a staff recommendation that somewhat contradicts itself a little bit and that's why I need you to explain it. The CDRC recommends denial of the request for master plan. Do you know what that vote was?

MR. SALAZAR: Mr. Chair, that was a 3-1 vote from the CDRC. It appeared that they mixed up the requirements for a master plan with preliminary and final development plan and Chair Katz did try to correct the members of the CDRC in that, however, they still moved forward with their recommendation of denial for master plan and preliminary and final development plan.

COMMISSIONER CHAVEZ: So even having said that then staff, your staff then has reviewed the application and has found that the following facts support staff's ability to recommend approval of the application to the Board of County Commissioners, but they have to meet – the submittal has to meet all requirements for the master plan procedure and they have to agree to the following conditions, and there are ten conditions that you did say they agreed to.

MR. SALAZAR: Yes, Mr. Chair.

COMMISSIONER CHAVEZ: Is there anyone else that wants to speak in

favor or support? Please come forward now. Now's your time.

COMMISSIONER STEFANICS: Mr. Chair, I'll have questions after the public hearing.

COMMISSIONER CHAVEZ: Okay. If there's anyone else, anyone now that wants to speak on this item please come forward.

[Duly sworn, Saul Araque testified as follows:]

SAUL ARAQUE: My name is Saul Araque and I live at 29 Tumbleweed Road. Good evening. Thank you for the opportunity to address the Commissioners. I live within about a three-mile radius of the project and I also own property within a mile and a half of the project, and I'm here to state my support for the project. My day job, I work with the Workforce Connection and we're tasked with helping employers with their staffing needs and the local community, helping them look for work. We have a lot of residents in southern Santa Fe County that struggle to find work because of the rural nature of the community, so any type of commercial development that is feasible and that's responsible in the Highway 41 corridor I would be in support of. I have individuals who have ridden bikes from Stanley to our office in Moriarty looking for work, so anything that encourages commercial development along 41 I'm in total support of. Mr. Anaya's project is very complementary to the area in my opinion and hopefully it will be a seed business to encourage other synergy businesses in the area. Thank you for your time.

COMMISSIONER CHAVEZ: If anyone – again, if you want to speak on this item please come forward and to save time, why don't you line up in the order that you want to speak and you each have a couple of minutes to share your thoughts with us.

[Those wishing to speak were placed under oath.]

[Duly sworn, Sandra Olivas testified as follows:]

SANDRA OLIVAS: My name is Sandra Olivas. I live on County Road 2B and I have a petition from all of the neighbors in this small community that we have there and we are opposing this development because it will impact this rural community that everybody has lived there. And there has been people that have lived there for quite a number of years, some even have been there since 1975. As you can see right there, the red dots, you can see where our wells have been dried up. All the wells that have to be drilled are over \$10,000 and we do not have that kind of money – none of us. The orange dots are compromised wells. That means that we're not getting some really good water, water that has lots of sand, red dirt. This is a big problem to all of us and we're really concerned with all of this and we would not want this development for a number of reasons, and as you see, some of these folks have even written you letters and have asked for you to really consider this as something we do not need in our area.

And the pictures that you have in front of you is this was supposed to be a home that was built for his mother but it didn't. It was a four-plex, complex that he rents out and as far as I know, that's a commercial building. These are tanks that are going to be going in. We figure it's probably going to be for septic, which are rusted and you could take a look at that. This is environmentally unsafe. This is a sign that has been up, not even coming to hearing on September 17<sup>th</sup>. This is false advertisement for stalls. So I ask of you Commissioners to really consider this carefully. Thank you for your time.

[Previously sworn, Emilio Olivas testified as follows:]

EMILIO OLIVAS: I'm Emilio Olivas and I'm under oath. Today I stand here to you guys. This development says he's going to have six spaces – five spaces on the paperwork. Today, there's six spaces out there. He already has 24 – he already has four horse stalls in there for – he's going to put 20 more. The watertable is low in that area so the whole area is going to be messed up. This man –

COMMISSIONER CHAVEZ: Sir, please point your comments to us please. Thank you.

MR. OLIVAS: He says he lives in Stanley. Stanley is five miles, ten miles from that property. How can he say that that's so – that's wrong. It is wrong. Thank you.

[Previously sworn, Dominic Olivas testified as follows:]

DOMINIC OLIVAS: Under oath, my name is Dominic Olivas. I'm from 2B County Road, Lot 47. I live right across from – I lived here for 20+ years and I think everybody in the neighborhood has lived here for 20 years. We live here for solitude and isolation from people. What this is going to do is going to put over at least 50 to 100 people at one time on this property and I believe that will take down the property value of these places so I'm against it. Thank you.

[Previously sworn, Charles Meech testified as follows:]

CHARLES MEECH: I'm Charles Meech. I'm under oath. I own property adjacent to Mr. Anaya's property on the 15 County Road 2B. The area is single-family, minimum two acre, 2.5-acre lots for miles around till you get to Moriarty. There's no place for this – there's no reason for this place to be at this location. You can go to Moriarty or Stanley. It's out of place here. We live in a quiet community like they say. It's real peaceful and quiet. It's dark. We see the stars at night and we moved there for a reason. Our water tables are dropping. I had to put a new well in at considerable expense, on credit, I might add, and we're not able to bear these costs, these burdens to us. Our land will be worthless without water. We have single-family homes there. It's just not the proper area in our opinion. Thank you.

[Previously sworn, Karen Wise Knights testified as follows:]

KAREN WISE KNIGHTS: My name is Karen Wise Knights. Twenty-two years ago when we purchased this property in the family it was a quiet area. That's why we liked it. It's far enough away from Moriarty that it's not affected by the lights. He will be putting up lights so seeing the stars and the moon and stuff will not be one of our options probably anymore. There will be the noise level. If he's not going to fix the road – it's dirt. When we have rain and snow it will be nothing but slick mud and they're going to get stuck in it. The noise, the traffic. I see no reason for it. We are all single families out there and that's why we like it. Thank you.

[Previously sworn, Jill Vares Mora testified as follows:]

JILL VARES MORA: I'm Jill Vares Mora and I live off of County Road 2B. This would be going in basically right across the street from me. I do not want to have to look out my window and see this big glare of lights coming into my home at night. The noise will be obnoxious. It's just – I'm definitely opposed. I do not want this one bit. Thank you.

[Previously sworn, Christopher Knights testified as follows:]

CHRISTOPHER KNIGHTS: Christopher Knights and I'm under oath. I have to agree with everything they've said before. We have problems with our wells already. I've spent multiple hundreds of dollars on filters just trying to keep what we have maintainable. And I just see this as a further burden on our resources that we currently have and for how much longer, who knows? But I said I agree with everything they've said – the lights, the noise. What about the RVs that get stuck and come down our dead-end road and try turning around, taking out our fences and driveways and everything else? Who's going to pay for that? So Thank you.

[Duly sworn, Mark Anaya testified as follows:]

MARK ANAYA: Mr. Chair, Commissioners, my name's Mark Anaya. I'm Rick's brother and I would like to say that my family has been in the Estancia Valley for probably over 300 years and we really look forward to seeing something that helps develop Stanley and the surrounding areas to bring growth and development to this area. I worked for 25 years with the Department of Transportation. Part of my duties was to oversee rest areas in New Mexico and for the traveling public, rest areas are very, very nice to have. Anybody that's traveling within the county or within the state, it's nice to stop at a rest area.

An RV park is pretty much the same thing to those people that are RVers. They need to have a place to stop. They enjoy having a place where they can come and see all of our sights that New Mexico has to offer, the Estancia Valley has to offer, so it is very nice for them to have a place for them to come into our county. We also are looking forward to the RV park for 4-Hers, 4-H kids who are traveling around the state, going to 4-H rodeos, different events throughout the county, throughout the state. RV parks that can accommodate animals, horses, is very, very important to those people. So I am in support of this project. Thank you very much.

[Previously sworn, Debbie Ortiz testified as follows:]

DEBBIE ORTIZ: Good evening, Commissioners, Mr. Chair. My name is Debbie Ortiz. I'm the former Chamber of Commerce Director for the City of Moriarty. They no longer have a chamber but during my tenure there we on a daily basis received calls requesting RV parks for the traveling public. We have so much to offer. I'm a lifelong resident of the Estancia Valley. I grew up there, went to school in Moriarty and chose to live here. On a daily basis I would get calls asking if we had a place for people to stop. We have the Turquoise Trail, we have the Salt Missions Trail. We have some amazing quarry ruins to the south of Moriarty and this RV park would be a perfect place to get people off of I-40. They're looking for – myself as an RVer, we look for quiet places. They're not loud places, they're not party places. They're nice places that you can take your family to and enjoy the afternoon and it is a nice place. It's a quiet place and I think that anybody that's traveling would more than enjoy having a nice place to stop and rest for the evening or stay a couple of days and enjoy the sights in our area. So for that and because we've had a lot of requests I am in full support of the RV park. Thank you.

[Previously sworn, Mike Anaya testified as follows:]

MIKE ANAYA: Mr. Chair, members of the Commission, my name is Mike Anaya and I stand in support of the project. Rick is my brother. Rick is a very hard

worker and he likes to do things right away and he likes to do things right. I know that because I work with him and we never get to take any breaks.

As Mark said, we've been there a long time in the Stanley-Galisteo area. I can remember when I was probably about eight years old, we went camping on the ranch. And we looked from the east side towards the west side. So we're looking towards Edgewood and we're looking towards Moriarty, and I told my dad, I said, Look dad, there's a light out there. And he said, Where? Where's there a light? And I said, Look, come over here. And we saw one light. One light.

Through the years the lights keep coming. The lights are coming east. And it's kind of sad but people need a place to live. So we've gotten used to the fact that the lights just keep coming. I think this is a good project. It's a needed project in that area. There is not an RV park – I can't even tell you. I don't even know if there's one till Santa Rosa. I'm sure there's one in Santa Rosa but there's not one in between. And I don't know how far – I don't know if there's RV parks in Edgewood. There might be; I don't know, but there's none. It's needed.

There's a lot of talk about water and I want to say just a few things about water. My wells have gone dry. Two of them. Okay? And it's not because the people, the residents moving in, it's because of all the agriculture. And I'm not going to stand up here and bad-mouth agriculture because we need it. But Rick will talk more about the water issue and he's purchasing more than he needs and then he's going to put those water rights away forever. They can't be touched. They can't be used. So that actually helps our wells.

I know it's expensive. I've got to go drill another well to deepen it but I know it's not because of the residential use. I know what it is; it's agriculture use. So I stand in strong support. Thank you, Commissioners.

[Previously sworn, Rick Anaya, testified as follows:]

RICK ANAYA: My name is Rick Anaya. I am the owner of the proposed RV park and I just have a few comments with regards to what has been said so far. There seems to be a lot of concern about water rights. I would like to inform the Commission that I will be purchasing ten acre-feet of agricultural water rights that need to be converted to consumptive water rights. So once I purchase the ten acre-feet of water it will be reduced by half. Five acre-feet of water equates to 1.6 million gallons of water that will be taken out of the system forever. My park will require at a maximum 2.5 acre-feet of water per year, at a maximum, assuming that the RV park is at maximum capacity, which I doubt. So therefore 1.6 million gallons of water will be conserved and if you take into account what I will actually be using, I'm actually conserving water and not consuming water, is what I'm trying to say, as a reduction in the water rights.

Someone mentioned the tanks that are located on my property. I was informed by the Santa Fe County Fire Department that I was supposed to put 30,000 gallons of water on standby for fire protection. So I will do that with these tanks that I currently have. I will bury them. That water will not only be for the RV park but if my neighbors have a grass fire or a fire at their house that water will be used by the Santa Fe County Fire Department for that purpose. So I believe that that is a benefit associated with the RV park.

Just a few more comments. I believe that this park is very strong in terms of economic development. I will be hiring between three and six full-time and/or part-time during the life of this project. I believe that it will increase property values. I also believe Santa Fe County will benefit in terms of tax revenues. It's also going to be eco-friendly. I have just this past weekend installed water tanks for water harvesting. I will have shielded lighting. I will have a pro-active recycling program. So I feel that the RV park is very eco-friendly.

I've also been very pro-active in attempting to contact the community and you have in your packet 125 signatures of neighbors and locals within a three- to five-mile radius who are in favor of this RV park. Thank you very much for your time.

COMMISSIONER CHAVEZ: Thank you, Mr. Anaya. Is there anyone here this evening that would like to speak in favor or support of this request? Seeing none, I will close the public hearing portion of the meeting and ask direction from the County Commission.

COMMISSIONER STEFANICS: Mr. Chair, I have some questions. These questions are for staff. So we are looking, with this request, to approve the master plan. Is that correct?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, that's correct.

COMMISSIONER STEFANICS: And then after that master plan would be approved, then could you describe the next steps?

MR. SALAZAR: Mr. Chair, Commissioners, this would essentially change the zoning on the property, so that change of zoning would need to be reflected on the new zoning map for the SLDC. Now, what that designation would be, I would have to probably ask Penny or Vicki what exactly that designation would be on the zoning map.

COMMISSIONER STEFANICS: Is this mixed use?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, I think we would probably have to evaluate what zoning district best fits this type of use if the zoning is approved.

MR. SALAZAR: Possibly a planned development. It really depends. After that, the zoning map has been changed they would have to come in for a site development plan in order to develop the project. So at that time they would need to have their water situation in order, the community sewer situation in order – designed, and the community water system designed along with the water rights purchased and all the other conditions that we set forth within our staff recommendation, those would have to be brought in before they can apply for a site development plan. It would all have to be in that package to staff in order to process it.

COMMISSIONER STEFANICS: So, Mr. Chair, I have a question for Mr. Anaya if he'd come back.

MR. R. ANAYA: Yes, Commissioner.

COMMISSIONER STEFANICS: So Mr. Anaya, what if your well went dry? What if you had this whole development and your well went dry? What would you do?

MR. R. ANAYA: I would have to drill another well, but I can tell you that I had a geohydrological test done and the conclusion of the test was that the watertable would recharge itself based on my water usage, for the next 100 years.

COMMISSIONER STEFANICS: Well, the reason I ask this is that your area, and my area that I live in, we have wells go dry all the time. And when one neighbor's well goes dry they blame it on the next neighbor. It's just water is so scarce and it's so important. So I do think that your water and the water of your community around you does need to be planned for. And so I believe that as you progress, I'm recommending or suggesting how to do deal with the community on this. Because it happens in very small neighborhoods let alone developments such a what you're requesting.

MR. R. ANAYA: If I may, Commissioner, first of all, I'm a local, a small businessman, and if I believed strongly that my well was going to go dry I promise you I wouldn't spend hundreds of thousands of dollars on an RV park knowing that I wouldn't have any water. Which is why I did the geohydrological report and why it confirmed that I will in fact have water. But I think the real issue is, as my brother Mike pointed out, the farming community. And I've done a little bit of research on this. The farming community uses approximately 1,000 acre-feet of water a year, which equates to 326 million gallons of water a year. And we're only talking about 2.5 acre-feet for my RV park.

I think I'm being chastised for using 2.5 acre-feet of water when the farming community is using over 300 million gallons a year. I don't get it. I don't understand that. I don't understand why my neighbors think that their well is going to run dry because I'm using 2.5 acre-feet. I just don't understand that.

COMMISSIONER STEFANICS: Thank you very much, Mr. Anaya.  
Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Mr. Anaya, now that you're here, one of the conditions of approval, one of the conditions that staff is recommending, it's condition 7, states the applicant shall provide proof of adequate water supply to meet the water budget for full build-out prior to development plan submittal. If the applicant is unable to satisfy this condition the applicant must downsize the project to coincide with the amount of water available. You're willing to – you're accepting that condition of approval?

MR. R. ANAYA: I'm accepting that condition of approval, but as I mentioned previously, the geohydrological report indicates that the watertable will recharge itself for the next 100 years.

COMMISSIONER CHAVEZ: I understand that, but I still want to be sure that if that equation doesn't play out that you're willing to scale back your project.

MR. R. ANAYA: I really don't understand your question because the geohydrological report has indicated that the water supply can support my RV park.

COMMISSIONER CHAVEZ: I don't know that I can put full faith in that study and so I'm asking you if you would be willing to, if there's a point in time where that report or the aquifer does not support that that you would be willing to scale your project back?

MR. R. ANAYA: Commissioner Chavez, who is going to conduct that study?

COMMISSIONER CHAVEZ: I'm not asking anyone to conduct that study, I'm second-guessing the study that you've done.

MR. R. ANAYA: Well, if you're second-guessing the study then someone needs to conduct another study. I've already spent thousands of dollars on this geohydrological report that indicates that it's favorable for the RV park that I plan.

The answer is yes. I will agree to that.

COMMISSIONER CHAVEZ: Thank you. Any other questions?

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. Actually, this is a question for staff. So how far away is this site from the Stanley Cyclone Center, and is the purpose of this RV park to serve the Stanley Cyclone Center?

MR. SALAZAR: Mr. Chair, Commissioner Holian, I don't have that information right now at this time as to how far away this is from the Cyclone Center. They both are – it is located on Highway 41 I believe so that I would assume that this would help support that project.

COMMISSIONER HOLIAN: And I take it from the discussion that we've had that the water supply for the RV park will be from groundwater wells. Is that correct?

MR. SALAZAR: Mr. Chair, Commissioner Holian, that's correct.

COMMISSIONER HOLIAN: Thank you, John Michael.

COMMISSIONER CHAVEZ: Any other questions of staff or the applicant? Is there a motion to approve or deny the request? Okay, I'm going to take an attempt – I know that these land use cases are not popular and not easy. I'm going to make a motion to approve the applicant request with staff recommendations.

COMMISSIONER ROYBAL: I'll second.

COMMISSIONER CHAVEZ: Okay. There's a motion and a second.  
Further discussion?

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian

COMMISSIONER HOLIAN: I actually am going to vote against this and I just wanted to explain my reasons for doing so. I think that's there's just a number of unanswered questions, notably compatibility with the surrounding area, whether it really fits in with the type of development that's there already, and also, I have to admit that I have questions about the water supply myself. Thank you, Mr. Chair.

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

**The motion passed by majority [3-1 voice vote with Commissioner Holian voting no and Commissioner Anaya having recused himself.]**



**VIII. B. 8. BCC CASE # APP 15-5250 Robert and Bernadette Anaya Appeal. Robert and Bernadette Anaya, Applicants, Karl H. Sommer (Sommer, Karnes & Associates, LLP), Agent, are Appealing the County Development Review Committee's Decision to Reject a Submittal for Master Plan, Preliminary and Final Development Plan as it was Deemed Untimely. The Property is Located at 2253 Ben Lane, within Section 31, Township 17 North, Range 9 East, (Commission District 2)**

JOSE LARRAÑAGA (Case Manager): Thank you, Mr. Chair. On May 21, 2015 the County Development Review Committee met and acted on a request made by Robert and Bernadette Anaya to appeal the Land Use Administrator's decision to reject a submittal for master plan, preliminary and final development plan because it was untimely and incomplete. The CDRC upheld the Land Use Administrator's decision to reject the applicant's submittal for master plan, preliminary and final development plan approval because it was untimely and incomplete. The motion to deny the appeal passed by unanimous 6-0 vote.

The following is a chronology of the past events leading up to the applicants' request. On November 13, 2012 the Board of County Commissioners granted a request made by the applicants for a variance to allow a towing business as a special use under Ordinance No. 2007-2, Section 10.5, Village of Agua Fria zoning district use table. A special use is an allowed use which is subject to master plan and development plan approval by the Board of County Commissioners. The approval of the variance was conditioned on the applicants presenting a master plan to the BCC within eight months of the November 13, 2012 hearing. The applicants submitted an application for master plan, preliminary and final development plan on February 8, 2013.

On April 18, 2013 the CDRC met and acted on the request by the applicants for master plan zoning and preliminary development plan approval. Staff only recommended master plan approval because the request for preliminary development plan approval was incomplete due to non-compliance with Article V, Section 7.1.2.E and 7.1.2.J, Development Plan Requirements, and Article III, Section 4.4, Development and Design Standards. The decision of the CDRC was to recommend approval of the applicants' request for master plan approval and denial of the applicants' request for preliminary development plan.

On June 11, 2013 the BCC granted the request for master plan zoning to allow a towing business on .33 acres subject to the following conditions:

1. The master plan with appropriate signatures shall be recorded with the County Clerk per Article V, Section 5.2.5
2. A Preliminary and Final Development Plan shall be submitted within ninety days of issuance of this Order, meeting all criteria set forth in Article V, § 7, to be reviewed and presented to the CDRC for consideration;
3. The Applicants shall comply with Ordinance No. 2007-2, § 10.6, Density & Dimensional Standards;

4. Storage of towed vehicles shall not be permitted on this site as per the 1989, decision of the Extraterritorial Zoning Authority. A note stating that the storage of towed vehicles on the site shall not be allowed shall be placed on the Master Plan;
5. No more than three small tow trucks and two large tow trucks may be stored on the site at any given time.

On September 26, 2013, the Applicants submitted a request for an extension of time to submit the Preliminary and Final Development Plan, an amendment to the approved Master Plan, and for reconsideration of the BCC's August 20, 2013, Final Order conditions. The Applicants submitted a letter of request (Exhibit 4), a copy of the Master Plan Report, Master Plan drawings, fees, deed and recorded plat.

On March 11, 2014, the BCC held a public hearing on the request by the Applicants to reconsider the conditions imposed on the Master Plan Zoning approved on June 11, 2013. The BCC then deliberated over the matter in closed executive session on March 25, 2014, and again on May 13, 2014. The conditions that the Applicants requested the BCC to reconsider are:

1. The Applicants shall submit Preliminary and Final Development Plan to the County Development Review Committee for consideration within 90 days of approval of the Final Order.
2. No more than three small tow trucks and two large tow trucks may be stored on the site at any given time.
3. The implementation of a landscape buffer on the east side of the site alongside the platted easement.
4. The listing of personal vehicles that will be stored on the site.

On June 11, 2014, the BCC approved a Final Order which denied the request to reconsider the conditions and which allowed an extension of the deadline for submitting a Preliminary and Final Development Plan to the CDRC, to thirty days after recording the order denying the request for reconsideration. All other requests were denied.

The approval of the extension of the previously imposed deadline was subject to submitting the Preliminary and Final Development Plan to the County Development Review Committee within thirty days of the recordation of the Final Order.

The Final Order was recorded on June 13, 2014. The Preliminary and Final Development Plan was not submitted within the thirty days of the recording date. Additionally, an appeal of the Order was not filed within thirty days of the recording date. A copy of the recorded Final Order was mailed to the Applicants on June 16, 2014, via certified mail along with a letter stating the following:

This letter is to inform you that the Board of County Commissioners met and acted on your request for reconsideration of conditions which were imposed by the BCC for Master Plan Zoning approval to allow a towing business on .33 acres. The decision of the BCC was to deny your Application, except that the deadline for submitting a Preliminary and Final Development Plan to the County Development Review Committee shall be extended thirty days after recording of the Final Order. The Final

Order was recorded on June 13, 2014. The enclosed order is a final order of the Board of County Commissioners, which, pursuant to Section 39-3-1.1 of the New Mexico Statutes Annotated 1978, you may appeal by filing a timely Notice of Appeal in the appropriate district court. Any such district court appeal must be filed within 30 days of the recording of this Order. The Order was recorded today, which is a matter of public record.

On June 17, 2014, the United States Postal Service left notice of the certified letter at the Applicants' mailing address. The Applicants did not contact staff nor did they file an appeal with the District Court during the 30 day period. The Applicants did contact staff after the thirty-day deadline and inquired how to proceed with their Application. Staff advised the Applicants that the deadline for submitting the Preliminary and Final Development Plan and for filing an appeal to District Court had expired.

On August 13, 2014, approximately twenty-nine days after the deadline for their submission, or approximately 59 days after the Final Order was recorded, Joseph Karnes on behalf of the Applicants submitted an Application for Master Plan Zoning, Preliminary and Final Development Plan. The plan that was submitted was identical to the original submittal, submitted on February 7, 2013, which ultimately did not meet Code requirements or conditions imposed by the Board of County Commissioners. The submittal was deficient in the following:

- a. The proposed Master Plan, Preliminary and Final Development Plan drawings do not demonstrate the easement required to create the 28 foot inside radius, at the intersection of Agua Fria and Ben Lane, which is required by the County Fire Marshal.
- b. The proposed plan set illustrates 8 parking spaces for trucks, where the condition of approval, by the BCC, was to limit the Tow Trucks to 5 (three small tow trucks and two large tow trucks).
- c. A Master Plan Report and Development Plan Report was not submitted as per Article V, Section 5.2.2 Master Plan Submittals and Article V, Section 7.2.1 Final Development Plan Submittals.
- d. A survey to create a .33 acre parcel to be zoned as a Special Use, under the Village of Agua Fria Zoning District Ordinance Use Table, was not submitted.

On November 13, 2014, the Land Use Administrator issued a letter to Mr. Karnes stating the following: The submission of the Robert & Bernadette Anaya Master Plan, Preliminary and Final Development Plan is rejected as untimely and not constituting a complete Application.

The Applicants claim that they did not receive notice of the Final Order adopted by the BCC until after the 30 days had passed. They also claim that the Final Order did not address ramifications of failure to submit the Application within the identified timeframe.

Staff Response: The Applicants failed to appeal, in a timely manner, the BCC order imposing a deadline for submission of the Preliminary and Final Development Plan as a condition precedent to Master Plan approval. The BCC approval of the order was made in a televised open meeting and the order was adopted at properly noticed public hearing. A certified letter along with the Final Order was mailed to the Applicants, a letter the Applicants did not timely retrieve.

The failure of the Applicants to retrieve the order sent to them does not serve to extend the deadline for submission of the Preliminary and Final Development Plan, which deadline was triggered by the recording of the Order in the Office of the County Clerk. In light of the untimely filing of the Master Plan, Preliminary and Final Development Plan, no Master Plan Zoning is in place which would form the basis for the submission of a Preliminary and Final Development Plan. Having failed to meet a condition precedent to approval of the Master Plan, staff has no authority to accept the Master Plan, Preliminary and Final Development Plan for processing.

Additionally, the documents presented were not compliant with submittal requirements of the Code.

Staff recommendation: Staff recommends denial of the Applicants' appeal of the CDRC's decision to uphold the Land Use Administrator's decision to reject the Applicant's Master Plan, Preliminary and Final Development Plan submittal because it was untimely submitted and did not constitute a complete Application.

Staff requests BCC to support the CDRC and Land Use Administrator's decisions to deny the Applicant's Master Plan, Preliminary and Final Development Plan submittal because it was untimely and not in compliance with the BCC's June 13, 2014 Final Order and thirty-day deadline extension.

Mr. Chair, I stand for any questions.

COMMISSIONER CHAVEZ: Thank you, Mr. Larrañaga. Mr. Chair, go ahead.

CHAIR ANAYA: Thank you, Commissioner Chavez. Is the applicant present?

KARL SOMMER: Mr. Chair, my name is Karl Sommer. I'm here on behalf of Bernadette and Bob Anaya who are here. They're taking care of their grandson here this evening, and yes, we are present. We'll make a very brief presentation to you. It's a long night and you have other cases behind us.

What is this case about? It's about one simple thing. You have four pages of a litany of a history that boiled down to one question and one question only. Mr. and Ms. Anaya received an approval from you after a reconsideration of a long and drawn-out application. And the final order said submit your master plan documents within a certain time period, 30 days from the date of the recording of the order.

Staff says they sent out the notice, certified mail. I have no doubt that they did. Ms. Anaya who's here will tell you, under oath, she checked. She was going to the mailbox every day because that's their business and they get certified mail in their business of towing all the time. They always have to deal with that. She says she never got or never saw the slip for this particular notice. Whatever happened, it did not get picked up within the 30 days and they did not get the notice within the 30 days. They got it later, realizing that they needed to do something they came into staff very shortly after that and said we need to move our application along. Staff said, done, you're out. It's finished. We have no authority to accept your application and we're not going to do it. So they hired us.

We submitted an application and the question is in front of you just simply this. Was that deadline that you all set hard and fast, unforgivable? Did it mean that because they did not submit on time, even though you will hear tonight that they had hired Morey

Walker, the plans were actually finished and done before the deadline. They just didn't realize that they had to get that thing finalized by that time, whether that means they're out of luck.

These people have been working in this community for 28 years in this business, in this location. They have hired dozens of people, raised many, many kids and grandkids, and they have put their life, their heart and their soul into their business and they fought a long, hard battle in front of this Commission and the Commission said you can have your business here are the conditions. Was one of those conditions you can't have it ever, ever, ever if you miss this deadline. That is the question in front of you.

I submit this Board has been laboring under deadlines that have passed without consequence and passed again without consequence, and the question in front of you is, is that what you meant? That Ms. Penny Ellis-Green could not, should not accept the application 30 days or less than 30 days late. That's the question in front of you. I submit to you that that is not what your order meant, that is not the policy behind setting this particular kind of deadline. I submit to you that the reason you set a deadline, and you all can determine, is so that this would get over with, that it would be done with and they would not sit back on their rights for years and years and years. That's not what happened. They missed a deadline inadvertently by less than 30 days.

We're here in front of you asking that you take into account the facts and circumstances. There is a long litany of four pages that has nothing to do with the set of facts in front of you. It's just simply this: Does Ms. Penny Ellis-Green have your authority to process this application 30 days after the time ran. There's nothing in your code, absolutely nothing in the law that requires you or required you to set a deadline. And so we're here asking you give Ms. Penny Ellis-Green the authority to accept and process this application and please consider the circumstances under which these people come in front of you.

Yes, they missed the deadline; it was inadvertent. They showed every intention of complying with your deadline. They just missed it on an inadvertent basis. Why is this case here a year later? Well, in the last year their house has burned down. They're living with relatives, in relatives' homes, and they're trying to get out. This case has taken them a long time to get in front of you. They had many, many delays and we're here tonight asking you for your consideration. I submit to you that this is a family, a local family, that deserves at least the consideration that you have given yourselves to extend deadlines, that you have given to your staff to extend deadlines.

And the reasons for that were all good reasons and right in front of you, you're talking to people who have been in this community working hard, serving their community and they deserve your consideration. I would ask Mr. and Ms. Anaya to testify to the facts that I've told you about. I represent to you that's what they would say. It would be redundant but you can ask them any of the questions that you might have and they'll answer your questions under oath. So we would stand for questions you might have.

CHAIR ANAYA: Thank you, Mr. Sommer. Commissioner Chavez.

COMMISSIONER CHAVEZ: So Mr. Sommer, I guess I can agree with you that deadlines come and go but I think that we don't want to hold that as a standard. I

think that deadlines do mean something and I don't personally like them but I have to deal with them. And so that's one issue. So let's put that aside. Let's say deadlines don't matter for purposes of discussion. But in this case, on August 13<sup>th</sup>, approximately 29 days after the deadline for their submission, or approximately 59 days after the final order was recorded, Mr. Karnes, on behalf of the applicants submitted an application for master plan zoning, preliminary and final development. The plan that was submitted was identical to the original submittal submitted on February 7, 2013 which ultimately did not meet code requirements of conditions imposed by the Board of County Commissioners. The submittal was deficient in the following.

So let's say that that deadline didn't matter, but the plan that was submitted I think in this case means more to me than the deadline because of the conditions of approval that were placed on that business. And I agree that that business was there for many, many years but it's grown, and rightly so. They've done good at growing their business. It's outgrown the size of the property and the residential setting that it started out in. That's my observation. That's why the conditions of approval were placed on the original request.

So how would you – what would your response be to the plan that was submitted not being accurate to what was presented?

MR. SOMMER: In response, Mr. Chair, Commissioner Chavez, I've been at this business for a few years now and I can't tell you the number of times that applications have been submitted to staff and returned with redlines.

COMMISSIONER CHAVEZ: No, forget the deadline.

MR. SOMMER: I said with redlines.

COMMISSIONER CHAVEZ: Oh, okay.

MR. SOMMER: Saying you need to submit this, your application doesn't have that, you need to have this in there, this is wrong. Look at what they're telling you. There are parking spaces not designated. Okay, so designate the parking spaces. There are – an easement not shown. So you're not going to record the master plan until that easement is shown. So I submit to you, Commissioner Chavez, that what you got in terms of deficiencies are standard, redline kinds of comments that staff routinely returns to applicants and says we need the following documents from you; this is wrong, and we will not act further on your application until these things are in there.

I tell you that that is no excuse for staff not processing an application. If that were the case that an application came in without all the things in there, there would be no applications being processed because almost – would bet you 99.9 percent of them get redlines and get turned back. They do not get rejected because they're incomplete just because there are redlines required.

COMMISSIONER CHAVEZ: I want to ask staff then to respond to deadlines, because if deadlines mean something they mean something. If they don't, they don't. So could you respond to the concept of having deadlines and what that means for staff and the process, and is it applied fairly and equally across the board?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, this particular deadline was set by the BCC. That was one of the conditions of approval that they submit the, first of all to submit the preliminary and final development plan to CDRC. They

didn't meet that deadline and came back for an extension of that deadline plus the reconsideration of conditions that were imposed by this Board on the master plan. And then that deadline wasn't completed either.

COMMISSIONER CHAVEZ: So these are not necessarily deadlines that would be imposed by Penny or your staff but these were deadlines that were imposed by the County Commission during the proceedings of the hearing the request.

MR. LARRAÑAGA: That's correct.

COMMISSIONER CHAVEZ: Thank you. Thank you, staff. Are there any other questions of staff? Commissioner Anaya.

CHAIR ANAYA: I got it, Commissioner. We're gone through the applicant. Does the applicant have anything else they want to add at this time before we go to public comment, and the public comments under narrow parameters.

MR. SOMMER: Just one thing in response to what's been said is we're here on one question, not the whole history of this case. We're here on one question and what was the policy of this Board behind setting this deadline? I submit to you it was so that this case didn't sit around for years and years and then nothing happened. These people acted late but diligently. They should not be severely punished or penalized for it. I've never seen this Board do that before.

CHAIR ANAYA: Thank you, Mr. Sommer and before I go to public comment, Mr. Shaffer, if you could help me out. The public comment we're looking for is narrowed to the framework of the request at hand dealing with the policy and the actual timeline. If you could clarify, Mr. Shaffer, before I ask people to come forward, because we don't want to get into all of the detailed cases already previously been presented and heard in various hearings.

MR. SHAFFER: Mr. Chair, I think that's right. You have two separate issues, the timeliness of the application in light of the Board's established deadline and then also whether or not the submittal complied with the previously adopted and unappealed conditions of the Board. So it is very limited to those two issues.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I have another question for staff. If this case is denied again, or denied this evening, then the applicants can reapply?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, if this gets denied the SLDC and the Agua Fria Ordinance would not allow a wrecking service in this area, so it's not a permitted use. So I don't know. We'd be running out of time. If they reapplied – I don't know what they'd reapply –

COMMISSIONER STEFANICS: They would have to reapply with a variance? For a variance?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, they would be reapplying under the SLDC at this point. It would be probably too late to get them through the entire process before the SLDC takes effect. And as Jose mentioned, in the SLDC this is not an allowed use, so my understanding is that the new code doesn't allow you to request a variance for use, therefore it may require some type of a rezoning request

or other type of application.

COMMISSIONER STEFANICS: So it wouldn't be a request for a variance but there would be another avenue.

MS. LUCERO: Mr. Chair, Commissioner Stefanics, I believe that's correct.

COMMISSIONER STEFANICS: Okay. Thank you very much.

CHAIR ANAYA: Other questions or comments from the Board? Seeing none, this is a public hearing on those limited items we just clarified and that public hearing is now open. Is anybody here that wants to speak related to this case? If you would be sworn and come forward.

[Duly sworn, Rosemary Medrano testified as follows:]

ROSEMARY MEDRANO: My name is Rosemary Medrano and I own property adjacent to where this business would be located. Of course you have on record you have my concerns as to why this business should not be in that area but more than anything, that area is zoned residential and this type of business really does not belong there. Again, I'm requesting that the request for appeal be denied by you the Commissioners for those reasons. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Georgia Romero testified as follows:]

GEORGIA ROMERO: Georgia Romero. We have the property right behind the Anayas. We're an adjoining property. We filed the complaint back in 2012 when they tore down our wall. They had a 23-foot gap that was never repaired by them. We had to go through our house insurance, and they – we've been here for 3 ½ years. They're never in compliance. They're always late. And the fact that they didn't get their notice in the mail – sorry. Everybody else gets certified registered mail and if you don't pick it up within a few days they send you another notice. In 30 days they should have gotten at least three notices. They just don't get one.

Anyway, this is how the property is being used as of today. I took some pictures this morning. Can I pass them out to the committee? The fact that Mr. Chavez put restrictions on them, that they were to have three small tow trucks and two large tow trucks and they didn't even want to do that. I mean, you can't help people that can't help themselves. Right now they're storing wrecked vehicles which they weren't supposed to do since 1989. We're going on 26 years that there has been no tax revenue to the County for them doing business in the county. I think that you should deny the appeal. They have to get their act together and they have two other areas where they can park cars.

If you go up to the Nancy Rodriguez Center, up there off of Agua Fria, all that junkyard you see right behind Nancy Rodriguez belongs to them. They have an acre and a half there and it's all nothing but burnt vehicles, junked, wrecked vehicles. If you remember the bus accident that happened in Hyde Park where the little boy and father were killed, that bus is still sitting on their property. Everybody can see it.

So I'm asking you to please not accept their appeal. Thank you.

CHAIR ANAYA: Thank you. Is there anybody else that would like to speak in relation to this case? Is there anybody else that would like to speak in relation to



this case? Seeing none, this public hearing is closed. What's the pleasure of the Board?

COMMISSIONER CHAVEZ: Chair Anaya.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I know this and other cases like this are not easy. We've been through this two or three times already. In this case I'm going to support staff request and make a motion to deny the applicants' request for a variance.

COMMISSIONER HOLIAN: I will second that.

CHAIR ANAYA: There's a motion from Commissioner Chavez, a second from Commissioner Holian to deny the request. Is there any further discussion.

MR. SHAFFER: If I could, Mr. Chair, Commissioners, it would be a motion to deny their appeal.

COMMISSIONER CHAVEZ: Motion to deny their appeal. This would be an appeal for their master plan, preliminary and final development plan submittal.

MR. SHAFFER: That's correct.

CHAIR ANAYA: Motion from Commissioner Chavez to deny the appeal. Second from Commissioner Holian accepting the new motion?

COMMISSIONER HOLIAN: Yes.

CHAIR ANAYA: Is there any further discussion? I just have one comment. This case has been before us – I think even before you got here, Commissioner Chavez, and we had a lot of discussion, a lot of deliberation. We had requests for facilitation, we had numerous amounts of comments. I actually think it's beyond the scope of this Board after this particular vote takes place and there are other vehicles and venues – no pun intended – that people can pursue. But I think it's been discussed, over-discussed. I think there was options that were provided. There was an attempt at a balance. All that being said I'll leave it at that. Is there any further discussion?

**The motion to deny the appeal. passed by unanimous [5-0] voice vote.**

**VIII. B. 9. CDRC CASE # Z/PDP/FDP 15-5130 Ashwin Stables. Don Altshuler, Applicant, James W. Siebert & Associates, Agent, Request Master Plan Zoning, Preliminary and Final Development Plan Approval to Allow an Equestrian Facility on 2.71+ Acres. The Property is Located at 10 Heartstone Drive, within Section 4, Township 17 North, Range 9 East (Commission District 2) [Exhibit 13: Packet from Mr. VanAmberg]**

MR. LARRAÑAGA: Thank you, Mr. Chair. Don Altshuler, applicant, James W. Siebert & Associates, agent, request master plan zoning, preliminary and final development plan approval to allow an equestrian facility consisting of a 706 square foot residence located above a four-horse barn, an eight-horse stable, a four-horse stable, a hay barn, a covered arena and a maximum of 12 horses to be boarded on on 2.71+ acres. The property is located at 10 Heartstone Drive, within Section 4, Township 17 North, Range 9 East, Commission District 2.

On July 16, 2015 the County Development Review Committee recommended approval of the request for master plan zoning, preliminary and final development plan to allow an equestrian facility with a maximum of 16 horses to be boarded on 2.71 acres. The CDRC's recommendation of master plan zoning, preliminary and final development plan approval included staff conditions, as amended, with an additional condition imposed by the CDRC that the applicant shall meet fire flow requirements by moving the hydrant within 1,000 feet of the fire staging area for this site.

As a result of the CDRC meeting and concerns raised at the meeting regarding the water budget for 16 horses the County Hydrologist reanalyzed the water budget. As a result, the applicant has amended their application to allow 12 horses instead of 16 horses. The County Hydrologist in analyzing the data agrees that 0.25 acre-foot per year allotment is in accordance with 12 horses being on the property. Additionally, stables and other equine facilities with up to 12 horses will be allowed as a permitted use under the incoming SLDC. Although 12 horses is a lesser number than the CDRC recommended in the public hearing it is important to note the CDRC was not apprised of the change in horses from 16 to 12.

The applicant's current amended request is to allow a maximum of 12 horses to be boarded on the site. The applicant requests master plan zoning, preliminary & final development plan approval to allow an equestrian facility on 2.71 acres in conformance with Ordinance No. 1998-15, Other Development, and Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code. The equestrian facility consists of a 706 square foot residence located above a four-horse barn, an eight-horse stable, a four-horse stable, a hay barn, a covered arena on 2.71 acres. The applicant also has amended the plans to illustrate how four of the 16 existing horse stalls will not be utilized to house horses. The structures were permitted and were utilized by the applicant for personal use. The proposed facility is currently located within a 7.74-acre parcel. The applicant proposes to sub-divide the 7.74-acre parcel to create three lots consisting of two 2.5-acre

residential lots and a 2.71-acre parcel to be utilized for the equestrian facility.

The applicant's report states: The equestrian use that is shown in this request for master plan and development plan approval will remain as it has existed for the last 15 years. Until recently Mr. Altshuler kept four of his family horses on this site. Mr. Altshuler is no longer able to ride and the horses have been sold. Some of the residents who used to board horses no longer do so. If boarding of horses from outside the subdivision is not possible, the equestrian use is not financially feasible. The use list for the property is limited to an equestrian facility including boarding of horses and its ancillary use structures and activities, such as the small residence for the stall keeper and training and instruction of riders.

Building and Development Services staff has reviewed this project for compliance with pertinent code requirements and have found that the facts presented support this request: the application is comprehensive in establishing the scope of the project; the proposed preliminary development plan substantially conforms to the proposed master plan; the final development plan conforms to the code requirements for this type of use; and the application satisfies the submittal requirements set forth in the code

The review comments from state agencies and County staff have established findings that the application is in compliance with state requirements, Ordinance No. 1998-15, Article V, Section 5.2, Master Plan Procedures, Article V, Section 7.1, Preliminary Development Plan, and Article V, Section 7.2, Final Development Plan of the Code.

Staff recommendation: Staff and CDRC recommended approval of Master plan zoning, preliminary and final development plan to allow an equestrian facility on 2.71 acres subject to the following conditions, with an amendment to condition 4 based on the changed number of maximum horses and the inclusion of condition 6 added by the CDRC. Mr. Chair, may I enter those conditions into the record?

CHAIR ANAYA: Yes, you may.

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
2. Master Plan, Preliminary and Final Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. Horse manure shall be removed on a weekly basis and taken to the regional landfill for burial. This shall be noted on the Master Plan/Development Plan.
4. Maximum amount of horses to be stabled at facility shall not exceed 12. This shall be noted on the Master Plan/Development Plan.
5. Water restrictive covenants, restricting the water use to 0.25 acre-feet per year, shall be recorded along with the Final Development Plan. Meter readings shall be submitted to the County Hydrologist on a quarterly basis. If the water use exceeds 0.25 acre-feet per year the number of horses allowed to be stabled on the facility shall be reduced. This shall be noted on the Master Plan/Development Plan.
6. The Applicant shall meet fire flow requirements by moving the hydrant within 1,000 feet of the fire staging area for this site.

MR. LARRAÑAGA: Mr. Chair, there were some handouts passed out to the Board. The first handout is a request by Mr. Ron VanAmberg to allow him to cross-

examine and all persons testifying before the BCC pursuant to the requirements for quasi-judicial proceedings. The second handout is Resolution No. 2009-2, a resolution establishing rules of order for meetings of the Board of County Commissioners tabbed as Article 5.B.3, administrative adjudicatory proceedings which describes the process for cross examination. And the third handout is materials submitted by Mr. VanAmberg. The same material is in the staff report labeled as Exhibit 15. Mr. Chair, I stand for any questions.

CHAIR ANAYA: Any questions of staff at this time? Seeing none, we'll go to the applicant. Mr. Siebert.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Mr. Chair, Commissioners, my name's Jim Siebert. My address is 915 Mercer, Santa Fe. Let me give you a little background on this. This is a facility that was actually constructed in conjunction with the Heartstone Subdivision. The Heartstone Subdivision that sits here is – it was accomplished through a density transfer provision. To give you an idea of how this kind of relates to the residential and to the roadway, the County has approximately 15 acres of land here that's designated open space. There is another area here. It consists of about 13 acres that is actually part of the homeowners association open space. Then there's another eight acres here, a little over eight acres that has open space designated an equestrian easement.

This particular site that the application has requested sits here. So just to reiterate, there's kind of three different types of open space. The particular project sits here in the middle surrounded by open space. This is a 15-acre tract that's part of the County open space. This is associated with the homeowners association and then there is open space that's been designated equestrian easement adjacent to the equestrian facility.

There is a lot here or is in the process of being created a lot and it's 2.5 acres and the Altshulers own that particular lot.

So to kind of –

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Hold on, Mr. Siebert. Commissioner Stefanics has a question on the prior document?

COMMISSIONER STEFANICS: Right. So in that map, you're saying all of the green is already open space.

MR. SIEBERT: That's correct.

COMMISSIONER STEFANICS: The orange is?

MR. SIEBERT: The orange is the application in front of you tonight.

COMMISSIONER STEFANICS: And the white, the little white piece?

MR. SIEBERT: Here. This is a lot that's being created that's currently owned by the Altshulers.

COMMISSIONER STEFANICS: Thank you very much.

MR. SIEBERT: So this is the enlargement. This is the main road into Heartstone. The Altshulers now own this lot that we described to you. They also own the lot that sits on the other side of the road. The access comes off through this lot here. The buildings consist of a covered riding arena, which is the orange color here. There is a barn, and on top of the barn there's a very small apartment. It's about 700 square feet and the caretaker that takes care of the stalls and the horses at times actually lives in that

particular unit.

The stables are here and actually inside the barn as well. There is a shed here and then additional stables here. We'll talk in just a minute about the conditions, but the one issue that came up is on the water budget was is it sufficient to accommodate 16 horses and the County Hydrologist felt like it was sufficient to handle 12 horses. We're in agreement with that condition.

One of the stalls or one of the stables that has four stalls, in order to comply with the 12-stall limit, the stalls would be taken out and that would be converted to a storage area associated with the equestrian center. Staff has looked at this. The various departments, the state agencies have looked at it. They're all in agreement that it is in compliance with the County code. We're in agreement with the conditions as stated by staff and I'll answer any questions you have.

CHAIR ANAYA: Is there any questions? Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. On that point, Mr. Siebert, condition 5 reads, Water restrictive covenants, restricting the water use to .25 acre-feet per year, shall be recorded along with the final development plan. Meter readings shall be submitted to the County Hydrologist on a quarterly basis. If the water use exceeds .25 acre-feet per year the number of horses allowed to be stabled on the facility shall be reduced. This shall be noted on the master plan/development plan. You're okay with that?

MR. SIEBERT: The applicant is in agreement with that condition.

COMMISSIONER CHAVEZ: I know that's kind of worst-case scenario but if it doesn't pan out you can adjust.

MR. SIEBERT: Correct. You can reduce the number of horses to bring it in compliance.

COMMISSIONER CHAVEZ: Thank you.

CHAIR ANAYA: Other questions? Okay. This is a public hearing. I'm going to open the public hearing. Are there people who want to speak in favor of or against this project? If you would stand and be sworn in. Let's get everybody up at one time.

[Those wishing to speak were placed under oath.]

[Duly sworn, Barry Shrager testified as follows:]

BARRY SHRAGER: My name is Barry Schrager. I reside at 21 Diamante in the Heartstone Development which adjoins Ashwin Stables. First, could I just point out something on the maps that he just brought out? The space he referred to as open space, this is not open space. This is part of Heartstone part of our [inaudible] So this area he referred to as open space is actually Heartstone HOA space, which is zoned residential.

First of all, I'm on the board of directors on the Heartstone Homeowners Association and I am here to represent the membership of that association. Over the past few months since we first were notified of the zoning changes proposed by Don Altshuler, LLC, to change the zoning at Ashwin Stables from residential, which it is presently zoned to commercial, the HOA and board of directors had held a series of meetings. After a vote of the total membership the Heartstone HOA strongly opposes any zoning changes of the Ashwin Stables to commercial or other use designations, but to keep it as residential as it is now listed with Santa Fe County.

Members of the home association bought their properties in this development to avoid the commercial areas of other parts of Santa Fe and Santa Fe County. We do not want spot zoning in this area nor do we want commercial development bordering our open spaces and meadows as depicted in that particular schematic. There is no commercial zoning along the Tano Road corridor. It is the desire of the residents in this area of the county to avoid the commercializations of their neighborhood. Granting spot zoning may open the door to more commercial activities in this pristine and tranquil area that is zoned residential. None of the residents of Heartstone own any horses nor do any of the residents plan on using Ashwin Stables in the near future. We do not want horses riding on our streets and the meadows that our Heartstone community granted open spaces.

We purchased our home two years ago in Heartstone community not knowing there was an illegal, commercial activity going on right next door within eyesight from my home with no compliances with the County for water meters or fire protections. Horses were being boarded and trained for commercial use by Don Altshuler and his trainer. This was not a benefit to any of the Heartstone residents but benefit only to Don Altshuler. He was conducting an illegal commercial business on land that was zoned residential.

According to the latest Santa Fe County SLDC zoning map that was adopted October 27, 2014 the area in question, Ashwin Stables, is zoned residential estate, RES-1, which means one dwelling for 2.5 acre base density. It is not commercial or listed as other property. The intended buyer of Ashwin Stables, Joan Bolden withdrew her contract when she realized the Altshulers were involved in a legal dispute with the Heartstone Homeowners Association over the ownership of a portion of the Ashwin Stables property involved in the sale.

Don Altshuler had an ad in a New Mexico paper this past Sunday listing the property, Ashwin Stables, as a boutique equestrian facility before receiving any final zoning changes from the County. Again, this property is zoned residential, one dwelling per 2.5 acres. It is the recommendation of the Heartstone Homeowners Association that this zoning change not be granted to Ashwin Stables and Don Altshuler. Thank you for your time.

CHAIR ANAYA: Thank you, sir. Just a quick question. You said you purchased a home in the area. When did you purchase the home?

MR. SCHRAGER: Two years ago.

CHAIR ANAYA: Okay. Thank you.

[Previously sworn, Don Miller testified as follows:]

DON MILLER: Good evening. I think it's still evening, isn't it. Anyway, my name is Don Miller. I live at 45 Heartstone Drive and have lived there for ten years – nine years going on ten. And some of the following may be redundant but it's necessary to make certain points more obvious and important to the conversation. I'm going to tackle water usage only. The water uses aspect in the applicant's proposal as originally given was a gross misrepresentation, as the average horse generally drinks more than 13 gallons per day, particularly in our New Mexico heat and also when the horse is worked. Using the staff's low numbers that equates to 12 horses drinking no less than 40,000 gallons a year. Most of the horses at the barn are large and some could drink up to 18

gallons a day. Add the three rental homes, the apartment, the washing of the horses, the watering of the arenas, the barn facilities and you can see the amount of water usage created by this illegal, spot-zoned commercial barn and property split was still estimated at much less than realistic.

Regarding the split of the property and the spot zoning we now have four meters, and how will they be monitored? How will they be tamper-proofed or locked, and how will fines and penalties be established for the overages? Remember, this is a residential property. It is currently an illegal horse facility and will need monitoring, unlike the self-monitoring residences, as circumstances within a business change rapidly and often.

The community does now want the monitoring responsibility, and since we have been threatened with trespassing by the developer we could not try to even monitor the facility. Does the County have the manpower and resources to handle inspections? If not, then the County should not allow something they cannot control.

Finally, we must go back to the fact that the developer has shown a propensity to operate outside of the laws. The County has previously talked to him about one serious situation and only slapped his hand. It's indicative of future behavior and the County Commissioners should take that into consideration and judgment. I'm not going to bore you with the details on the water usage. Everything that I've done I took off the net, googled, and it's as accurate as can be to my knowledge and what I was supplied with through the net. But the sum of what I have as water usage is simple. The total usage would be well over 1.5 acre-feet, or no less than two times what you have deemed correct or the amount that should be used.

The staff revised their numbers downward and our question to the Commissioners is simply, is that a reasonable consideration? Granting a zoning change where the established water use is more than twice the allowable usage, and that's a serious question.

Last, I question why we are all here when the fact that spot zoning is illegal throughout the United States and here we are discussing whether it should be allowed here in Santa Fe County. At a prior hearing the committee was neglect and should have recognized that fact and turned the applicant down at that time.

In summary, we are faced with an illegal operation applying for illegal spot zoning, creating a need for water beyond what is allowable before it is voted upon. And all of this with no methods for control and inspection. There remains only one answer to the myriad of problems and illegalities and that's a simple no.

One last quick statement, and that is the important statement about the future of water here in Santa Fe County. It is well known that the City of Santa Fe is currently in the process of attempting to legally steal water from the aquifer that supplies much of the water from Las Campanas through La Tierra across Sundance, Heartstone and Tano Road. A legal battle has already been assumed and the County, the homeowners in Tano and the Tano Road Association, as well as many other citizens and taxpayers in the county will be faced with a serious potential shortfall in the watertable. The Commissioners must recognize that they will be involved in many future litigious battles over water as the shortfall comes closer to reality. The future land plan that is under review will most probably have to be amended before approval as it virtually raises the allowable water usage for 2.5 acres to a half acre-foot or more by allowing 12 horses on



commercial or residential lots. The water future does not bode well for all of us, more reason for the County not to allow the current application to be approved if only on the basis of excess water usage. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Rebecca Schneider testified as follows:]

REBECCA SCHNEIDER: Good evening, Commissioners. My name is Rebecca Schneider and I reside at 10 Plano Arboledo in the Heartstone Subdivision. I'm approximately one half mile from the stables in question. After a long battle with cancer my spouse Kevin passed away in 2014. We had always planned on retiring in Santa Fe so when he passed I began looking for a peaceful and quiet home in the Santa Fe foothills, which I eventually found and closed on May 1, 2015.

A few weeks after closing I saw signs posted from Mr. Altshuler's intent to rezone the stables from residential to commercial. After further investigation I found that this was filed prior to my closing and was never disclosed either to myself, the selling or buyer's realtors, hence it was never disclosed to me as the purchaser. Since moving into the subdivision there have been several issues with the stables with excessive flies, with excessive waste not being disposed of timely, and excessive numbers of horses, more than the stable could hold.

The Heartstone community is a closely knit group of folks that have worked all of their lives to settle in a place that is a safe and peaceful environment that we can call home, free from any commercial zoning whatsoever. I would ask that you consider myself as well as other residents in Heartstone and I request that you deny the rezoning request of Mr. Altshuler to make the stables a commercial property. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Tamara Rymer testified as follows:]

TAMARA RYMER: My name is Tamara Rymer. I reside at 36 Heartstone Drive. Good evening, Commissioners. I'm speaking on behalf of my husband, Steve Rymer, as well as myself. We live at 36 Heartstone Drive in the Canterbury Subdivision, which is the first house into the development past the Ashwin Barn. You go through an entrance signifying that you are entering an enclosed development and it would be except there had to be an exit road for emergency purposes. Ashwin, Canterbury and Heartstone are all within this small development.

We are opposed to the approval of the requested zone change for this case. We bought in this development after seven years of searching for residential property away from commercial development. The reason being is we had a bad experience in Texas with a B&B and a nursery moving into our subdivision. We were out of any jurisdiction for zoning being out in the country and quickly learned now to make that mistake again. Now we come to find out that an illegal commercial boarding and training business had been operating at Ashwin Barn for several years before our land purchase. This was no longer the residential development we thought we had bought into. There was no disclosure from the title company because this business was flying under the radar.

In checking with the County for clarification on the Ashwin Barn I contacted Jose Larrañaga. He quickly checked his computer to find no business listing at 10 Heartstone, which is the address in question. Later Jose said they would need to rezone the barn to bring it into compliance. In an email I asked Jose does that mean rezone from residential



to commercial. His response was yes. A copy of that email is Exhibit E-2 submitted in the brief by Mr. Ron VanAmberg.

There are several points I'd like to make regarding this zoning change. First is the noise factor. For months we had noticed at sun every morning a leaf blower was being used to clear the barn aisles. From our house, which we figure is a few hundred feet from the Ashwin Barn the high-pitched, annoying sound kept us from being able to sit under our portal for morning coffee. After complaining, they moved this activity to 10:00, only to have it bounce back again to 7:00. Furthermore, we've had issues where an 18-wheeler would back up to the Ashwin Barn, presumably to either deliver a horse or to take a horse out, at 1:00 am in the morning.

This is not normal residential activity. Upon trying to get this barn rezoned Altshuler had to put a catchment system in and he needs a hydrant within 1,000 feet of the facility, so he's never been in compliance with the Fire Marshal or the Count for water restrictions. This barn is a commercial business and he's been advertising online with a website for some time. A commercial venture is allowed only when it benefits a community. We know of maybe one Tano Road area person that boarded her horses with Bolton, the trainer. Everyone else is from outside the area. As a matter of fact, most of the support for this change is from outside of our area. The few people who are in support are either close friends of the Altshulers, their business partner, Diamond, or clients of Bolton. How does that benefit our community?

This business of Joan Bolton could have been done elsewhere in the county, such as the horse park, without disturbing the original zoning plan of this community. This can be solved very simply by going back to Don Altshuler's original plan for the barn as a privately owned residential barn. This is why the New Mexico lawmakers enacted the spot zoning law.

I'd also like to point out that the proposed stipulation that was in the package presented to the County for the Ashwin Barn state that manure removal will be made on a weekly basis. They use a dump trailer of similar size to the one that we use for our two horses, a 5 X 10 that we fill up on a weekly basis. Our Canterbury covenants require us to remove manure for two horses every two weeks. They can have 12 horses at a low average of 50 pounds of manure each per day. That's 600 pounds total per day. And if you do the math based on our requirements they should be removing the manure every other day and this is not the case.

This is a concern as we were in close enough proximity to receive their fly population. Even our vet made a comment that we were getting more than our share and felt Ashwin was where they were coming from. Which leads us to the point that there's not enough buffer between the residences and a professional horse facility. By allowing this commercial business spot into the neighborhood you force us to police it. So then, when they are in violation by riding their horses out beyond their boundary we are to contact the County. Then by the time the County gets on to check on them they're back in the barn or they've quickly gotten rid of their enormous pile of manure.

We are horse owners and have been in the horse business for almost 30 years. I've been a board member of the capital area quarter horse association and have been involved in enough aspects of the horse industry to know that taking horses that have been disciplined in arena work out for a trail ride is still training. This group has been riding

out beyond their boundary and will continue to do so. Why are you putting the responsibility on the residents of this development to keep them in check? Why does the County set up the rules and ordinances when you don't have a viable plan to enforce them? This started out as a small, private residential barn, told to us was part of our development and for development use and it has grown historically to an illegally operated facility. How can you grant approval to anything that has been doing this? If you say this is okay, then realistically you are telling Santa Fe County to go ahead, start your business, and we'll deal with it later.

I'd like to refer you to Exhibit H from the brief that Ron VanAmberg presented to you. This is a zoning map of the Tano Road area showing the area is residential. Please find the dot and arrow in red showing the approximate location of the Ashwin Barn. There is no other commercial zoning for miles, but essentially this map is incorrect, because by approving this commercial barn you're already changing the map. In Austin, Texas, they don't allow commercial horse facilities into most residential neighborhoods because they want to protect the integrity of the original zoning plan, but here, why doesn't that matter? You're talking about destroying the structure of the zoning map you've been taking so long to make work. Why bother having a zoning map if you're not going to adhere to it? What's the point?

By showing this map with its zoning areas in place and online in the County website you're advertising to the work that Santa Fe has distinct residential areas. You're telling all of us Texans, Oklahomans, Californians and others that have helped keep this economy alive for the last few years to come on over, buy our real estate, move into our residential areas and then, oh, by the way, a commercial business will be coming in next door to you.

So what you have advertised to the world as residential, isn't. Sounds like false advertising to me. You the County are in conflict with yourselves. You show zoning maps but you don't want to offer a system based on your own appendix charts that work with the zoning map. They're not congruent and viable with each other. You can't put forth a zoning map showing residential zoning then pop in commercial businesses and still call it residential zoning via the map. This is what is happening in this town and the trend needs to stop before beautify historic Santa Fe is trashed out. And by allowing commercial businesses into areas that are not designed for them, just because you want to make sure that the horse industry is allowed to grow, you're shooting yourselves in the foot. Why bother promoting the horse parks and large equestrian centers if you're not going to do the things that help keep them viable?

The horse training and boarding businesses can be located in those larger facilities without the long-term effects of what you would allow to happen in an untouched residential area. This is wrong on so many levels and I implore you to consider the future of the county by what you do here. Thank you.

CHAIR ANAYA: Ma'am, did I hear you say you've been here 30 years, that you're at that property? Did you say 30?

MS. RYMER: No, I've been in the horse business for over 30 years. I have been on the property – I've owned the property for two years.

CHAIR ANAYA: Two years. Thank you. And if we could, if we could not be redundant with the comments please, I would appreciate it.

[Previously sworn, Audrey Stein-Goldings testified as follows:]

AUDREY STEIN-GOLDINGS: Okay. First I'd like to read to you a testimony of Nancy Berry and Tony Buffington who aren't here today but have provided very important information I think you should hear.

CHAIR ANAYA: Ma'am, if this is other information from another individual I'm going to allow it to be put on the record, but I want to have you make your comments that you've stated. Okay?

MS. STEIN-GOLDINGS: They've already submitted this to Jose and received permission to have it read.

CHAIR ANAYA: So these are on the record. I'll let you summarize it but I don't want you to read this entire thing and then get into your comments.

MS. STEIN-GOLDINGS: I'm sorry. I don't understand.

CHAIR ANAYA: If you could make a summary of their comments that are in and then provide your comments. Then go ahead and focus on your comments.

MS. STEIN-GOLDINGS: Well, I think I would have put this in my comments if I had known because they have such important information. So I'd like to just get started. Because I really am not prepared to give a summary of it because it's very detailed and includes a lot of legal information. I'll start at a point that makes sense. Okay. Prior to the July 16<sup>th</sup> CDRC meeting on the zoning change application we submitted an email to Mr. Jose Larrañaga detailing our concerns and reasons for opposition to the change, which is included in the CDRC packet. We also traveled to Santa Fe for the September 8<sup>th</sup> BCC meeting but the applicant cancelled on the day of the hearing. We are unable to travel back to Santa Fe for today's hearing and have asked that our testimony be read by Audrey Stein-Goldings.

We carefully reviewed the packet material for this BCC meeting and noted the new limitations and conditions placed on the application as well as clarification regarding the use of the property. These changes appear to be in response to the brief submitted to the County Attorney by Mr. Ronald VanAmberg on our behalf of several residents of the Heartstone and Canterbury subdivisions. While we appreciate the intent of these limitations in our view they have not gone far enough. First, the BCC packet material does not mention and do not appear to take into account that the BCC will be voting to approve a zoning change taking place in a neighborhood currently embroiled in a legal dispute with the applicant related to his failure to properly deed 48 acres of subdivision land to the Heartstone Homeowners Association. This dispute relates to the open space land on three sides of the Ashwin Stables.

On September 4, 2015, just four days before the originally scheduled BCC meeting the applicant made multiple transfers of land that had never been properly deeded to the HOA. The 8.6 acres of land referred to as the equestrian easement area was transferred to Altshuler LLC. This is property that should have been our property and he deeded it to himself to make this exchange, to make this commercial land work for him and a sale. Applicant also executed a deed attempting to transfer the 18 acres of County-designated open space to the County. However, we were advised the County refused to accept the transfer.

On October 8, 2015, Michael Patcho, an attorney representing the Heartstone HOA against Mr. Altshuler sent a letter to Karl Sommer, counsel to the applicant,

outlining demands of the HOA and this matter has yet to be resolved. Given the significant dispute taking place between the Heartstone Homeowners Association and the applicant we ask that the BCC consider the wisdom of a zoning change within a neighborhood already in legal turmoil.

A second issue not reflected in the BCC packet materials is the fact that Ashwin Stables currently operates a website advertising its service and this website represents that the stable has five miles of riding trails for its clients to utilize. It takes only a quick look at the Heartstone Subdivision plat to realize that the land associated with this permit application could not possibly contain five miles of riding trails. It is clear that Ashwin Stables has used and intends the continued use of the surrounding open space which is subject to a Heartstone HOA restrictive covenant prohibiting commercial activity on HOA premises. The applicant has previously admitted 4.5 years of illegal commercial equestrian activity taking place at Ashwin Stables. It is important for the BCC to know that as soon as the community became aware of this illegal, long-standing commercial activity they objected immediately and forcefully.

Given the applicant's long-standing disregard for the rules of law we submit that if the BCC were to approve this permit you will effectively be consigning the Heartstone neighborhood to a future of constant monitoring and vigilance to ensure that Ashwin Stables does not seek to utilize for its business operation land subject to Heartstone's restrictive covenant prohibiting commercial activity. The applicant's current website marketing lots for sale in the Heartstone community states this meadow known throughout the region is prized for its pastoral quality and will remain open in perpetuity. A pristine meadow is central to the beauty of our community and residents don't want to see this meadow damaged by clients of an equestrian business we are unable to control.

A third issue to consider is community reaction to this permit application. Since the CDRC hearing the community became aware of applicant's failure to properly deed land to the HOA and community opinion has shifted to strong opposition. A recent vote held by the Heartstone HOA with the results that families are overwhelmingly opposed to this proposals to change the Ashwin Stables' zoning to non-residential equestrian use. While we are not aware of a formal vote by the Canterbury HOA it is our understanding the Canterbury families are also overwhelmingly opposed to the zoning change. More so than our Tano Road and Sundance neighbors it is the Heartstone and Canterbury residents who are most immediately impacted by whatever takes place at Ashwin Stables as we pass by the stables each and every time we drive into and out of the neighborhood or go to the mailbox to check our mail our guests drive by the stables on the way to their homes.

As your constituents we ask that you do the right thing, not for the applicant who needs the zoning change to sell his land but do the right thing for the residents who remain in the neighborhood. Do the right thing for the county and the environment.

Now I'd like to go and proceed with my testimony if I might. I am Dr. Audrey Stein-Goldings, licensed to practice medicine in the great states of both New Mexico and Texas. I currently live at Heartstone immediately adjacent to the stables. I did not know when we bought a house here a couple of years ago that zoning changes were flagrantly disregarded by the Altshulers at Ashwin Stables subjecting the community to risks regarding sanitation and health. The stables population density of horses was illegally

expanded without permission from the County prior to our move into the home but there was no way for us to know that.

If I had known 16 horses lived literally next door to me I would not have moved here. It is interesting that the bylaws of Heartstone, much of it written I believe by Mr. Altshuler himself, forbid us from having more than two dogs in our homes, but Don Altshuler thinks it's okay to have 16 horses on property next door. It is not. The Altshulers told us they are moving from the community, so they won't be subject to the health hazards related to the horses, the need to meter the water, install fire hydrants and the increased population density of horses all put us at health risks which I would like to discuss further with you.

Now that the Altshulers want to sell the property they have to get it right with the County, which they should have done years ago. Permission should have been sought prior to operating a 16-horse stable equestrian center in a residential zone. There is no one in the vicinity of the stable who uses the stables currently or would ever use the stables except the Altshulers themselves in the remote past. The [inaudible] growth of commerce was not done as a service to the community but a way for the Altshulers to line their own pocket. Regarding their claim that it adds to our pleasure living in a pastoral environment, I don't need to live next to a stable with 16 horses to be thankful every morning that I live in Santa Fe because of its glorious beauty. I love my dog but I don't want to live next to a kennel either.

I prefer that the Altshulers were compliant with the County regarding residential zoning limits because, well, that's what law-abiding people should do. Do not reward them for defying the rules.

At the last hearing regarding rezoning I was shocked and dismayed to find out the violations discovered by the authorities that are currently going on at Ashwin and have passed under the radar of the County for years. One, there was no water meter. By now you've heard several neighbors express worry about our water supply. I am grateful the County has restricted it to a maximum of 12 horses based on their research that 16 is over the limit that the environment can sustain. Don Miller has already presented to us that the water requirements are vast for 12 horses and even this restriction is not enough. We are listed under the Santa Fe ordinances as a very high wildland urban hazard area. Please take that into account.

Two, there are no fire hydrants on the property. Twelve horses plus all that hay in the desert, this is a fire hazard, a fire waiting to happen. It seems particularly irresponsible to subject all of us who live next door to this fire hazard. This has been going for years under the stewardship of Mr. Altshuler and Ms. Bolton who have not been concerned about this fire hazard, either for us or for their horses.

Three, a high density of horses adds to the risk of zoonosis, animal-borne diseases that infect humans. I can speak on this as an expert since I'm a medical doctor and have written articles about Lyme disease and have lectured on this tick-borne disease. I co-authored an article with the Texas Department of Health when I lived in Dallas which appeared in Texas Medicine. In fact Lyme disease has been reported as an emerging infection here in New Mexico as well.

As a medical doctor I know the risk of living too close to a large number of horses. I would not have chosen to live here if I had known there were 16 horses living in

a high-density area essentially in my backyard. Comparing us to Las Campanas as the Altshulers have suggested to the homeowners is simply stupid. There the stables are far from where the residents are so families are not subjected to exposure to a high density of horses 24/7. Aside from fecal contamination and sewage in horse droppings, 12 or 16 horses harbor a large population of fleas, ticks, flies, mosquitoes and there is an increase in rodent population. Runoff from manure piles and horse paddock areas are rich with contaminants to our streams and drinking water supply.

Tamara has already discussed the poor manure handling practices she has witnessed at the Ashwin Stables. Two other well-known diseases on the rise here in New Mexico would include the plague and West Nile virus. People usually get plague from the bite of rodent flea that is carrying plague bacteria. With the large amount of extensive rainfall we have received recently mosquito populations can be expected to increase, and there is a potential for West Nile virus cases of both people and horses throughout the state, according to Dr. Paul Ettestad, the New Mexico State Department's public health veterinarian.

Symptoms of West Nile Virus, a new invasive disease can include stupor, disorientation, coma, tremors, convulsions, muscle weakness, paralysis and death. There is no medication to treat or vaccines to prevent West Nile Virus infection. Most importantly people over 50 years old and those with other health issues I might add are at higher risk of becoming seriously ill or dying when they become effective. One hundred percent of families at Heartstone and Canterbury, the adjacent areas to Ashwin stables are over 50 years old, so we are more vulnerable to the morbidity and mortality due to the West Nile virus. Hantavirus pulmonary syndrome is a severe respiratory illness that kills 36 percent infected. It is caused by the Sin Nombre virus and also endemic to New Mexico. It is transmitted by infected rodents through urine droppings or saliva. Humans can contract the disease when they breathe in aerosolized virus. Blowing manure can be a vehicle for infection to us, and I've already discussed with you the manure situation that Tamara has photographed for you and you have documentation that there are huge piles of manure that are present at Ashwin Stables that can cause ill health and death.

None of us here at Heartstone, I repeat none of us use the stable and all of us are at retirement age. The majority of families at Heartstone and Canterbury adjacent to the stables do not want the area to be rezoned. The stable was not expanded to meet the needs of the community and in fact puts the community at risk due to poor sanitation, fire and disease. As Tamara said, there is no buffer between us and the stables. There should be a large buffer between senior citizens and the stable that contains either 12 or 16 horses.

The County told us about these serious infractions at Ashwin during the last hearing by requiring the water to be monitored and fire hydrants to be installed. Since Mr. Altshuler and his manager who is the person he intends to transfer the stable to overlooked the fact that the stable was not safe and up to code I fear for the future here since we do not have access to its daily operations to double check that they remain in violation. Already the community has seeing a clamping down on our movements into the area and have been warned of trespassing.

In summary, proposed rezoning is contrary to the needs of the seniors who live here and is in fact detrimental to our health. I am glad in one way Mr. Altshuler petitioned for rezoning in that we now know what is going on at the stables. Hopefully,



you will help us return the land back to its intended residential zone designation. This is a beautiful, fragile environment where we live and we must protect it. This has already been broached today by other homeowners. Please do not allow the rezoning. The development of the stables to its current size has been a disgrace. It doesn't serve the community at all and in fact puts us in harms' way. Mr. Altshuler requested spot zoning which we've already discussed is illegal in the state of New Mexico. By conducting a business in this residentially zoned area for years now it has only benefited his pocket.

Once sold it still won't be needed or desired by this community. The stable business will, if legitimized rather than operating clandestinely under the radar of the County change the tenor of the area most assuredly. This business is not harmonious with our housing community and will stick out like a sore thumb to those of us who live there.

On a personal note I have a sister who lives in downtown Chicago and she can walk from her condo on the 29<sup>th</sup> floor to supermarkets, drug stores, go to the movies and catch a bus. She loves it. But living in the big city was not my dream. For those of us who moved to Heartstone we didn't bargain for business in our backyard of any kind, and, as a doctor I would not have chosen to live adjacent to a stable housing 12 or 16 horses. I appreciate the audience of our esteemed panel tonight who have listened to our testimonies and I thank each and every one of you. Thank you.

CHAIR ANAYA: Thank you.

RON VANABERG: May it please the Commission, I'm Ron VanAmberg. I'm an attorney and represent several of the people who are here and some who are not here – Tamara and Steve Rymer, Marilyn and Don Miller, Audrey and Barry Schrager, Rebecca Schneider. I've been trying to unravel exactly how it is that we've gotten to where we are where we have the staff recommending a spot zoning within a residential zone which would simply drop a commercial zone in the middle of this residential zone. It's totally antithetical to the whole concept of zoning, which is an organized and reliable and stable method for establishing where uses are going to be, rather than what is being promoted here which is essentially chaos where at any moment someone can come in and say that they want to make a particular use of their property and instead of applying for a variance, which is what they should be doing and what this should be about, they apply for a master plan rezoning, which has a rather innocuous ring to it but effectively is a rezoning of a piece of property which then allows whatever multiple uses are permitted in the particular rezoning that they have obtained.

I think I understand where we've gotten to this point and I suggest that this Commission ought to reverse this trend. The way it is supposed to work is you have a number of potential areas that can be zoned commercial. You've got your regional and major centers. You've got your community centers, your local village centers, you've got your neighborhood small-scale centers, and then there are a list of uses which may take place within those particular districts. There is sort of an odd provision in the code that says that if there is a use that is not otherwise regulated by the code it can be located anywhere within the county and that is apparently the problem that results in the rather strange position we find ourselves in today, which is staff promoting spot zoning.

And apparently what has happened is that if the use is not specifically the use that is being sought by the property owner it cannot be specifically found within these examples of uses found in the list within the ordinance then immediately the staff jumps

to otherwise not regulated, can be located anywhere within the county, and then they use the land use to really drive the zoning and so they say it can be located anywhere but it's a commercial use so we need a zoning so you end up with spot zoning here and spot zoning there. But that is not the way it is supposed to work.

If there is a – first of all, you do regulate commercial uses within the county and what is supposed to happen under Section 4.3.4, if the use is not found on the list then the proposed uses or use groups, either generalized or not listed as suggested to be permitted for zoning districts by the code shall be evaluated by the code administrator to determine how a proposed use or use group should be categorized. And so what you do with a horse facility is you shouldn't just be plopping down in the middle of residential areas followed by a spot zoning. The code administrator is supposed to determine what type of use and category of use this horse facility should fall into, and that in turn determines whether or not it should be in a village district or the small-scale district or whatever district. But it doesn't mean that that use is suddenly converted into a rezoning that can be placed anywhere within the county.

Section B says evaluations or interpretations of uses not listed shall be made in writing and shall state any precedent reason or analysis on which the evaluation is based and shall be kept on file in the Land Use Department. Then it continues and it says the standard industrial classification manual, US Department of Commerce latest version may be used as a reference for such evaluations. And in the submittal that I made to you I extracted a number of categories which included the various aspects of horse facilities. And so this type of activity, instead of being set loose anywhere in the county should be categorized and compartmentalized as a commercial use to be located only within the various commercial districts that either exist or can be established in this county.

My clients and every resident in this county, as established by New Mexico case law, while they don't have a property right to zoning they have a right to reasonably rely upon zoning in making determinations of where they buy, how they use their property, and what they can expect to move in next door. And this process that is currently being used by County staff really destroys that pattern and that expectation. And really, what we've got here should not be a request for a spot zoning within a residential area which is illegal, this is really and should be a request for a variance, because we have a residential zone, there is nothing authorizing a governmental entity to spot zone to allow for a particular use. Instead there should be an application for a variance and Ashwin Stables then should be brought before this Commission to try to justify why it wants a variance. And obviously, the only reason it wants a variance is not because it has its back against the wall because of certain idiosyncratic factors which is it not responsible for, it simply wants to have a use which is inappropriate in a particular location.

What I am submitting to this Commission is that what is being proposed is not supported by your own ordinance. It is not support by New Mexico case law. It is wholly inappropriate and if the applicant wants to come back for a variance that would be the appropriate application and we can deal with that at the time also. Thank you. Unless there are any questions.

CHAIR ANAYA: Are there any questions at this time?

COMMISSIONER CHAVEZ: I don't have a question, Commissioner Anaya, but I'm wondering if staff, if it would be appropriate for staff to respond to the



concept that this proposal is staff driven and it's spot zoning.

CHAIR ANAYA: First thing I'm going to do, Commissioner, if I could is I'm going to close the public hearing and I'm going to go to the Commission. Commissioner Chavez.

COMMISSIONER CHAVEZ: So that would be my question, if it's appropriate. I want staff to respond to suggestions that were made that this is staff driven and that it's some sort of spot zoning. And I guess there's different definitions of that but if you could address that, Mr. Larrañaga.

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, under the ordinance that it falls under, Other Development, this is what we put under, let's say a bed and breakfast, a horse facility like this one presented to you tonight, and it refers you back to Article III which there has to be master plan zoning involved with it. It has to meet the commercial standards such as water, traffic, landscape, all those standards, and there are several examples in here of past horse facilities that have been processed in this matter and come to this Board and been approved through the – under Other Development for the horse facility. So we don't consider it spot zoning. It's allowed under Other Development for this type of facility.

COMMISSIONER CHAVEZ: So spot zoning then really isn't the correct term to use for this type of request, is it?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, no. We don't have any spot zoning.

COMMISSIONER CHAVEZ: I didn't think so. Okay. That's sufficient. Thank you, Mr. Larrañaga. Thank you, Mr. Chair.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Larrañaga, it seems to me that a horse stable at which people pay to board their horses is not actually considered a commercial activity in Santa Fe County. Is that statement correct?

MR. LARRAÑAGA: Mr. Chair, Commissioner Holian, ultimately, they have to meet the commercial standards for water and obviously for traffic, parking, landscape, everything else. Water harvesting. And this particular project went through the process, got approved, recorded, ultimately they would have a commercial business license because they wouldn't qualify as a home occupation. So it would be considered a commercial business under the business license.

COMMISSIONER HOLIAN: I see. And then in the new code, however, it seems to me that actually that was a big topic of controversy was how we were going to deal with horse stables in the code rewrite. And as I understand it, horse stables, especially horse stables that only have a limited number of horses are allowed pretty much in any of the rural zones in the county. Correct?

MR. LARRAÑAGA: Mr. Chair, Commissioner Holian, actually horse facilities, commercial or private, 12 horses is under is a permitted use across all residential properties.

COMMISSIONER HOLIAN: All residential.

MR. LARRAÑAGA: So on this particular one, residential estate, this

particular case would qualify for that, meeting the criteria of the SLDC and that was stated kind of briefly in my report. Twelve horses and above are permitted and conditional on the larger parcels.

COMMISSIONER HOLIAN: Thank you, Mr. Larrañaga.

CHAIR ANAYA: Thank you for asking for that clarification, Commissioner Holian. That's a question I was going to bring up. Commissioner Chavez, do you have another item.

COMMISSIONER CHAVEZ: I do. And this goes – these points I'm bringing up actually came from concerns from people that are questioning this request and it's good that we have this debate because you have to find that balance if at all possible. So the one question that came up was enforcement. Enforcement having to do with water restrictions and the number of horses that will be stabled shall not exceed 12. And so can you talk to enforcement a little bit and how that might play out, Mr. Larrañaga?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, yes. Unfortunately, it is an issue. We rely on the owner of the property, whoever that may be. They might sell this property, the future owner, to submit the meter readings in accordance to the approvals. Number of horses, maybe spot enforcement, but again, the final approvals and business license, everything else is going to say 12 horses if that's how this gets approved, with water restrictions. Other things like rain catchment and so on, that will be in place prior to recordation of the master plan/development plan, but actual requirements that take further monitoring? Yes, that's hard to enforce.

COMMISSIONER CHAVEZ: Okay. So enforcement is not always easy but it doesn't have to be ignored completely. Two other concerns that came up which I think are somewhat valid. Hours of operation and the regular cleaning and removal of manure. Are those things that would be considered a commercial business license even though it has a residential setting, could there be hours of operation and a requirement that the manure be cleaned on a regular basis? And again that would go back to enforcement, but I think if it's part of the requirements, at least it's noted.

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, yes, that's completely up to the Board to put in place hours of operation and enforcement of the manure. It's not unusual in any of these horse facilities that are listed in the packet that you go back and look at the original files and there was manure must be removed every week at 12 horses and so on. Just I did get a complaint about the manure. A code enforcement officer and myself drove out there just didn't tell anybody we were going out there and saw the manure pile and there's photos of that as Exhibit 20 in your packet also, of the facility and the horse.

COMMISSIONER CHAVEZ: That's good. And then the final thing that I have, Mr. Chair, and to staff and actually to the applicant, there's condition six that reads, The applicant shall meet fire flow requirements by moving the hydrant within 1,000 feet of the fire staging area for this site. I know that was a concern that was brought up by some of the residents as well. So would that address, at least to some degree, the concern about being able to put out a fire if that were the case?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, yes. One of the reasons the CDRC requested it to be as a separate condition. It was listed under the

review by the Fire Marshal as an exhibit and inside the report but they wanted it as a condition clearly stated.

COMMISSIONER CHAVEZ: Okay. So I would suggest that maybe we add at least the other two conditions of approval – the hour of operation and the requirement that they would clean the manure on a regular basis. Okay, there already is one condition. I apologize. Condition 3, Horse manure shall be removed on a weekly basis and taken to the regional landfill for burial. This shall be noted on the master plan and development plan. The only thing would be the hours of operation that I would ask that that be considered. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. I know the opposing counsel had an opportunity to make comments and made comments. Does the applicant's counsel have any comments they want to make?

MR. SOMMER: Mr. Chair, thank you for the opportunity but I think that your staff has adequately covered the issues that have been raised and the questions that have been asked by Commissioner Chavez and by Commissioner Holian related to those uses so we really don't have anything to add. It would be redundant at this late hour. So thank you for the opportunity. Mr. Siebert may have something he wanted to add on the planning side of it.

CHAIR ANAYA: Mr. Siebert.

MR. SIEBERT: Just a very quick response on some of the items regarding the water use. The 13 gallons, that actually comes from the Office of the State Engineer. The County Hydrologist did further research and felt that that number was consistent with his particular research. One thing I think you need to take into account is that there is a certain history of ranching that's taken place in this area over several years and there's a large archeological site that's within the open space. What that was, it was actually the housing for the wranglers that ran cattle on this particular area. So there's a real history of equestrian use. It was viewed by the doctor that if she's correct on the relationship between disease and horses, Santa Fe County is a horse county and I think we'd all be dead.

Just, there's discussion about is this the correct process for hearing this case. My firm has handled three different equestrian centers and they've all been handled as Other Development. Other Development restricting to equestrian use and a specific site plan that details how that can be used, so with that, thank you for the opportunity.

CHAIR ANAYA: Mr. Siebert, can you restate on the water that the water amounts came from the State Engineer recommendations? Did you say that?

MR. SIEBERT: Correct. If you take a look at the papers – the State Engineer provides papers on a variety of things and one of these papers was on water use, daily water use for horses, so that in fact did come from the State Engineer's Office. I think the other point there is that there is a condition that Commissioner Chavez pointed out that if you exceed .25 acre-feet you've got to cut back on the number of horses you have. Thank you.

CHAIR ANAYA: Thank you. I'll go to the Commissioners.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to make a motion but I'd like

to make a few remarks first. I really don't believe that having a horse stable near one's home lowers the property values. I grew up in southern California. I grew up on the Palas Verdes Peninsula and nearby where I lived was an area called Rolling Hills Estates. And it's essentially in Los Angeles city limits. And it was really a horse area. A lot of people had horses on their properties. There were a number of stables in the area and as a matter of fact, some of the most expensive land in the southern California area in is the Rolling Hills Estates. So having horses nearby is not necessarily going to lower your property values.

Secondly, with regard to the topic that was brought up about West Nile virus, that is something that's easily controlled in horses. It takes a vaccination a year and your horses will be protected from West Nile virus. I'm sorry. It's my turn to talk.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. And so it can be controlled. I think the dangers of West Nile virus are probably more from wild animals in the area. It is spread by mosquitoes and if you have deer in the area who might have West Nile virus in their blood the mosquitoes could pass it on from the deer, and nobody's going to be going out vaccinating deer. So I don't think that this is a major danger in our area.

So in any event, I would like to make a motion to approve the master plan zoning and also the preliminary and final development plan approval for the equestrian facility, with staff conditions including the extra condition setting hours of operation that was suggested by Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, I'll second the motion.

CHAIR ANAYA: There's a motion from Commissioner Holian to support the application with staff conditions. A second by Commissioner Chavez. Any further discussion?

MR. SHAFFER: Mr. Chair, if I could, we just need what the hours of operation would be.

COMMISSIONER CHAVEZ: I would be open to suggestions from staff and maybe if this has applied to any other businesses that are similar in nature.

MR. SOMMER: Mr. Chair, along the lines of the hours of operation, we think that the hours of operation related to training and those sorts of things is reasonable. However, as anybody will admit, whenever you have either a private or a training facility, you might have horses delivered at times that are not between 7:00 and 5:00 of the day, whatever you set your training as, and we'd just like to make that clear for you all that anybody who owns horses moves them when they move them, and I don't want that to be considered an operation of the facility. And just so we make that clear.

COMMISSIONER CHAVEZ: Thank you, Mr. Sommer. Mr. Larrañaga, do you have anything to add to this concept of setting hours of operation?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, I guess I'd just like to add that in the summer months of course they're going to start earlier and they have more daylight to be riding horses. Where it's cooler in the winter months, those hours of operation might change depending on –

COMMISSIONER CHAVEZ: Okay, what I'm looking for is some reasonable balance between that activity and the residential component, because I think

we do need to be sensitive to that. So I think that there needs to be a range. I think that there can be some winter and summer flexibility but I think it needs to be within reason for the residential component.

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, I'm [inaudible] in coming up with certain hours. The applicant kind of suggested sun-up to sundown. You have early hours in the summer, later hours in the summer.

COMMISSIONER CHAVEZ: Okay. I wonder – so we do have a homeowners association. I wonder if the applicant could work with staff and the homeowners association to establish some reasonable hours of operation. Is that too much to ask for?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, I believe we can work with that, work with the applicant and the –

COMMISSIONER CHAVEZ: Okay. Are you okay with that? Is that good for the attorney or do we need to set some specific time now and then work around that?

CHAIR ANAYA: Mr. Vice Chairman, I'm going to suggest a recommendation of sun-up to sundown with deliveries of horses no later than 10:00 pm.

COMMISSIONER CHAVEZ: 10:00 pm? I'll go with that. I think that sets some parameters. I think we can study it and if we have to adjust it we can adjust it. Are you okay with that?

CHAIR ANAYA: Is that okay, Greg, or do you want –

MR. SHAFFER: The motion as I understand it is the hours of operation would be from sun-up to sun-down with deliveries of horses no later than 10:00 pm?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER HOLIAN: As the maker of the motion I'll agree with that.

MR. SHAFFER: And delivery of horses could be no earlier than sunrise?

CHAIR ANAYA: What's that?

MR. SHAFFER: I'm just trying to understand – I want to make sure that we're clear on delivery of horses.

CHAIR ANAYA: I think that's reasonable.

MR. SHAFFER: Okay.

CHAIR ANAYA: And that's a recommendation to the makers of the motion. Deliveries no earlier than sunrise and no later than 10:00 pm, sun-up to sundown operational hours.

COMMISSIONER CHAVEZ: For me that's a good – I think that's a reasonable place to start.

COMMISSIONER HOLIAN: I'm in agreement with that, Mr. Chair.

CHAIR ANAYA: There's a motion, there's a second. Is there any further discussion?

**The motion passed by majority 4-1 voice vote with Commissioner Stefanics voting against the motion.**

**VIII. B. 10. CDRC Case No. S/V 10-5363 St. Francis South. Vegas Verdes LLC, Applicant, JenkinsGavin Design and Development Inc., Agent, Request a Master Plan Amendment and a Variance of Article III, Section 10 (Lot Size Requirements) of the Santa Fe County Land Development Code to Establish the Maximum Density for the St. Francis South Mixed-Use Subdivision. The Request is to Allow a Maximum Density of 250 Dwelling Units on 68.9 acres. The Property is Located on the Northwest Corner of Rabbit Road and St. Francis Drive, within Section 11, Township 16 North, Range 9 East, (Commission District) [Exhibit 14: Aerial Map and Supporting Material; Exhibit 15: Letter from Campo Conejos Homeowners Association; Exhibit 16: Letters of Opposition]**

MR. ARCHULETA: Thank you, Mr. Chair. Vegas Verdes LLC, applicant, JenkinsGavin Design and Development Inc., agent, request a master plan amendment to establish the maximum allowable residential density of 250 dwelling units and 760,000 square feet of non-residential development on 68.9 acres.

CHAIR ANAYA: Vicente, hold on one second. Hold on one second. Go ahead, Vicente.

MR. ARCHULETA: In order to obtain the density requested the applicants are requesting a variance of Article III, Section 10 of the Santa Fe County Land Development Code, Ordinance No. 1996-10. The Property is Located on the Northwest Corner of Rabbit Road and St. Francis Drive, within Section 11, Township 16 North, Range 9 East.

On December 14, 2010 the Board of County Commissioners approved the Master Plan Zoning for the mixed-use subdivision consisting of 22 lots on 68.94. On January 14, 2014, the BCC met and approved the preliminary plat and development plan for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres. On June 10, 2014, the BCC met and approved the Preliminary Plat and Development Plan for Phase 1 of the St. Francis South mixed-use subdivision which consists of five lots on 68.94 acres.

When the Master Plan was approved, the approval was for a large-scale, mixed-use development which permitted uses including senior housing, live/work and multi-family uses. However, the allowable residential density was not identified.

The Applicants are now requesting an amendment to the master plan to establish the maximum allowable residential density of 250 dwelling units for multi-family use in addition to the 760,000 square feet of non-residential development on 68.94 acres with a maximum of 18 dwelling units per acre.

The Applicant states: The multi-family uses permitted by the St. Francis South master plan and large-scale residential code provisions cannot be feasibly developed at the single-family density. Therefore, we are requesting the master plan amendment and a variance to allow a maximum density of 18 dwelling units per acre, but with a maximum density of 250 dwelling units on the entire 68.94 acres.

The Applicant further states: The Sustainable Growth Management Plan policies indicate that development should comply with the principles for sustainable development and should provide for rational development patterns and adequate public facilities and services at adopted levels of service. The mixed-use designation is defined as a combination of residential and commercial areas and higher density development. It further defines the mixed-use district to include multi-family residential, live-work, and artistic opportunities that may require light industrial capabilities.

The subject property is not designated as a Mixed-Use Zoning District, but is designated as a Planned Development District (PDD) on the proposed zoning map. A designation as a PDD allows the property to be developed in accordance with the approved master plan. Staff is recommending a base density of one dwelling unit per acre in a PDD. A density of up to 15 dwelling units per acre can be achieved by a transfer of development rights. However, a PDD designation would only allow development in accordance with the master plan.

Staff recommends denial of the Applicant's request for a Master Plan Amendment and Variance of Article III, Section 10 of the Land Development Code to allow 250 dwelling units for multi-family use in addition to the 760,000 square feet of non-residential development on 68.94 acres. If the decision of the BCC is to approve the applicant's request staff recommends the following conditions be imposed. May I enter those into the record?

CHAIR ANAYA: Yes, sir.

[The conditions are as follows:]

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.

- Applicant shall comply with all NMDOT regulatory requirements for this project (per SFC Public Works).
- Traffic Impact Analysis will be required with future Phases II, III, and IV to insure that off-site improvements are addressed for the development (per SFC Public Works).
- Speed change lanes and tapers re required as per original Traffic Impact Analysis (per SFC Public Works).
- It is Staff's opinion that future Traffic Impact Analysis address St. Francis Drive/Old Galisteo Road concerns regarding the feasibility of a signal light or roundabout (per SFC Public Works).
- Actual water usage shall be recorded on a monthly basis via metering and reported annually (per SFC Utilities).
- The Applicant must enter into a Water Service/ Line Extension Agreement with SFC before final plat approval. The Agreement will specify requirements, such as construction standards, metering requirements, design approval process, infrastructure inspections and dedications, and payment schedules. The Applicant is responsible for the design and construction of this project in its entirety and pays for all costs associated with the water system (per SFC Utilities).
- The Applicant must obtain a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is

needed in order to supply the proposed 62.81 acre-foot/year demand. St. Francis South shall provide SFCU with a copy of this letter, and agree to construct and dedicate all infrastructure needs identified by the City's water utility hydraulic modeling (per SFC Utilities).

- The Board of County Commissioners (BCC) must approve the New Water Deliveries (or the equivalent) for St. Francis South, as required by Resolution No. 2006-57, "Adopting a Santa Fe County Water Resource Department Line Extension and Water Service Policy" (as per SFC Utilities).
  - The BCC must approve the project's proposed water budget of 62.81 acre-feet/year, which is in excess of the maximum of 35 acre-feet/year identified in Resolution No. 2006-57, Section IX.C. It is the applicant's responsibility to justify the "extraordinary circumstances" that merit an exception to the water allocation limit (per SFC Utilities).
  - The Applicant shall develop the water budget and construct the project premised on the SF County Conservation Ordinance No. 2002-13, which enumerates required water conservation measures. If requested the Applicant will provide SFCU with additional data and calculations upon which the water budget was established. SFCU may adjust the Applicant's water budget as appropriate.
  - The Applicant must compensate SFCU for the market value of the quantity of water rights and supply assigned to St. Francis South per Resolution No. 2006-57, Article X and IV.A.3 of Attachment A. SFCU currently values water rights at \$11,000 per acre-foot (per SFC Utilities).
  - The Applicant shall meet all other conditions in Resolution No. 2006-57, Resolution No. 2012-88 and all other SFCU water-related ordinances and resolutions (per SFC Utilities).
  - The Applicant must provide adequate public facility requirements to include connection to water and sewer (per SFC Planning).
  - An updated Traffic Impact Analysis must be submitted with the future Phases (per NMDOT).
2. The Applicant must apply for an access permit from NMDOT prior to construction.
  3. Compliance with conditions of the Original Master Plan.
  4. A residential component shall be required at Phase 2 of the development.

MR. ARCHULETA: Thank you, Mr. Chair.

CHAIR ANAYA: Are there questions of staff right now? Is the applicant present?

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: Good evening, Mr. Chair, Commissioners. I'm Jennifer Jenkins with JenkinsGavin Design and Development here this evening on behalf of Vegas Verdes, LLC in request for a master plan amendment and the variance that Vicente mentioned. To my right I have Dave Gurule, who's the property owner, and behind me I also have Mike Gomez, who is the civil engineering consultant on the project.



So as Vicente mentioned, the master plan designating the 69-acre property as a large-scale mixed-use project was unanimously approved by this body in 2010 and at that time and that night of that hearing, I remember it very well, there was a lot of discussion about the extensive opportunities for this property and this project in this incredibly unique location, at the corner of St. Francis Drive, a major arterial, and an interstate, as to be a real economic driver for Santa Fe County.

And as part of the large-scale mixed-use project we have a mandate to have a residential component. And the residential component that was approved in 2010 was multi-family development, senior housing, those types of projects. At that time, we as the applicant were unaware that the requests that are before you this evening were necessary in order to allow for the multi-family development that is really our permissible residential use. So we are basically dotting an i and crossing a t just to resolve that inconsistency with the original master plan approval.

And just as a point of comparison, you may recall that last year I came before you with the senior campus at Caja del Rio with this exact same density variance request to accommodate the independent living senior housing that is proposed as part of that approved master plan. Exact same request that's before you this evening. So just to be clear, there's not a specific multi-family project or something of that nature that's before you tonight. This is just staff requested of us that we designate the maximum number of dwelling units that would be permissible in the project, which we done, as well as allow for the appropriate density for a multi-family project.

And as I mentioned, this property as you can see on the aerial I distributed, it's at a very unique location. It's 69 acres, has excellent access from St. Francis Boulevard and Interstate 25. But also in recognition of our unique location we have taken steps with respect to the master plan approval in recognition of our residential neighbors as well. So we have a 100-foot landscape buffer along Rabbit Road. The project incorporates 25 percent open space. These are the types of measures that we've taken in recognition of what's around us and the context of the community.

And I would also like to point out in the staff report, staff states that the master plan and variance is consistent with the Sustainable Growth Management Plan principles related to future land use categories and the map, as well as the recently adopted Sustainable Land Development Code and draft zoning map. We are consistent with the SGMP and the SLDC as adopted. Again, we're just asking to rectify something that really should have been part of our application in 2010, we just weren't aware of it at the time.

And there has been some interesting press as of late that you may have read, for example, on Monday there was an article in the New Mexican, the headline reads, Rental housing market puts squeeze on business growth. "The tight rental housing market throughout the city continues to be one of the biggest issues facing business owners as they think of relocating or expanding in Santa Fe. The need for rental housing and a greater diversity of options affects businesses because it makes it harder for them to keep and retain younger workers, the ones who are mobile and not drawn to homeownership and its many encumbrances. The shortage in housing here drives employees to live outside the city, and we all are aware of that issue with housing options in Santa Fe. Santa Fe County is uniquely situated to really address this issue, and I can tell you as a

representative often of developers who are looking at senior housing opportunities, in our first phase of our preliminary plat that's been approved by this body last year we have a skilled nursing facility which is desperately needed in this community, and we really hope to attract some senior housing opportunities that would really be complementary to that type of use in this community as well.

And so with that I really do appreciate your attention. I'm just going to keep it as brief as I can in light of the late hour and I would be happy to stand for any questions. Thank you very much.

CHAIR ANAYA: Are there any questions of the applicant at this time?

MR. ARCHULETA: Mr. Chair, I failed to state that I had Jose hand out some letters of opposition that he just passed out to you.

CHAIR ANAYA: Yes, we have those. I was just looking at them. This is a public hearing. I'm going to open the public hearing. Ask people who would like to speak if you would please don't be redundant and if you want to all stand, if you're here to speak and be sworn at the same time, that would be greatly appreciated.

[Those wishing to speak were administered the oath.]

CHAIR ANAYA: And respectfully, and I say this completely respectfully, but we on this Commission can all read, and these documents that have been handed out are all provided as part of the record so it's not necessary for anybody to get up and read in the letters that they've provided. So if you would keep that in mind as you're coming forward to make their comments. I actually have a few questions based on some of the stuff I did get provided, that I did read. So please come forward, sir.

[Duly sworn, Richard Rotto testified as follows:]

RICHARD ROTTO: Mr. Chair, and Commissioners, my name is Richard Rotto. I live at 48 Camino Mariquita in Campo Conejos Subdivision, approximately, or less than one mile from the applicant's lot. I do represent the Campo Conejos Homeowners Association as the president. Campo Conejos is a 75-lot subdivision located on about 187 acres. We have an average lot size of 2.5 acres, in comparison to the applicant's lot of 68, 69 acres. Doing the math on the density proposed before you tonight, 250 units on that, that's about a 45 factor greater than the density that we have in Campo Conejos.

I'm not sure if I could ask, Mr. Chair, do you have a copy of our letter with the Conejo in the corner?

CHAIR ANAYA: Is this it?

MR. ROTTO: Yes.

CHAIR ANAYA: Excellent.

MR. ROTTO: Okay. So if that's already been read by the Commissioners I will not read it verbatim other than to say we are deeply concerned with this. We were kind of lately notified at the CDRC meeting. We only found out about it about a day before-hand and we had some members speaking out in opposition to that. We do have some members here tonight as well. One point to point out is the traffic volume generated from this subdivision is going to be significant. At 250 units with trip generation, I understand it would be well over 1,500 vehicles per day on Rabbit Road. That concerns us.

The viewshed is another concern. I'm not sure if the 760,000 square feet of

commercial is part of this variance or not. I'm not actually sure if that's part of it but that seems very excessive as well. That equates to 17 acres of commercial heated space. It is out of character with this side of I-25. We're in the county for a reason. We love the City of Santa Fe. I work in the City of Santa Fe but we live in the county; we like the open space.

The subdivision will require significant improvements on Rabbit Road. I think the original 2010 master plat showed acceleration-deceleration lanes on the full access intersection along with left turn pockets, you're talking about 40 feet wide of road there. That's very uncharacteristic of the two-lane Rabbit Road that we have today. So these are some of our concerns and we believe it's going to be a significant hardship upon us. We think it will devalue – at this density it will devalue our property and thank you for listening to our request.

I would like to close with we concur with staff's recommendation and urge you to deny this variance request. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Eve Cohen testified as follows:]

EVE COHEN: Thank you for the opportunity to speak to you. It's a late hour and I'll be brief. My name is Eve Cohen. I live in the Campo Conejos Homeowners Association at 5 Los Pinoneros Court. And I would just like to reiterate the points that have been raised by our homeowners association with particular attention to the traffic density on Rabbit Road, especially at this intersection at South St. Francis and Rabbit Road, which is already extremely busy. Once Rabbit Road was connected to Richards Avenue there's been a significant increase in traffic already to Rancho Viejo and the Community College as well as Richards.

The density proposed is definitely not in keeping with the area surrounding not just our development and I would urge you to consider your own staff recommendations. Thank you.

CHAIR ANAYA: Thank you very much.

[Previously sworn, Simone Huertas Koutsouflakis testified as follows:]

SIMONE HUERTAS KOUTSOUFLAKIS: Hello. My name is Simone Huertas Koutsouflakis. I live at 25 Calle Aguila in Campo Conejos. I moved here in 2003. I've been visiting Santa Fe since probably 1990, dreaming of moving to Santa Fe. I love this city. I will die in this city. What's being planned scares me. I have two children and what I'm seeing is going to change this place significantly. I understand wanting to squeeze a rock for everything it's worth but once we do this we'll never be able to go back. Go over in the summertime, you will see bicyclists going up and down Rabbit Road, connecting to the bike trails and that will disappear. There's no way you're going to see that with that many cars on the road.

And it's also going to be kind of scary when I get old, getting into that traffic, what's going to happen? I totally support the staff's position on denying this request. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, John Singleton testified as follows:]

JOHN SINGLETON: Mr. Chair and Commissioners, I'm John Singleton. I live at 4 Calle Aguila in the Campo Conejos Subdivision. The one point I would like to

make is that the institution of this large a commercial development on the south side of I-25 between Old Pecos Trail and State Highway 14, this is the first development of that size on the south side of I-25 in that area. Other than this it's a residential area and this is the nose of the camel under the tent. So I'm opposed this development and I'm very much in favor of the staff recommendation that the variance be denied.

CHAIR ANAYA: Thank you.

[Previously sworn, James Mokres testified as follows:]

JAMES MOKRES: My name is James Mokres. I live at 27 Old Galisteo Way. I just want to give you a break from the Conejo Campos contingent. I've lived at 27 Old Galisteo Way for 23 years and watched the evolution and the growth out in that part of the county. The latest, the most significant thing, other than just general building is the extension of Rabbit Road supplying another artery to Santa Fe Community College. And they're having trouble dealing with that and handling that traffic and there was other meetings about cutting in another road to provide even more access to the Community College. And it also is an artery road to Rancho Viejo and Windmill Ridge.

When I first saw one of the public meeting signs a couple years ago and it was talking about 22 residential lots I thought, wow, that's a lot, but, okay. Well, you know, we can probably handle it. This request is absolutely outrageous and it's just inconceivable that they would even begin to consider this kind of volume.

Now, this Jenkins group, I've encountered before. They represented a landowner who has a property further down on Old Galisteo Road, which is a very small, hardly two lanes. People have to stop and let people by, but they advocated with the landowner to pack as many lots as they could on, I think it was 14 acres. And again, everybody on the road was just really concerned about how this was going to affect their safety, amongst other things.

At the end of St. Francis there's a group of crash barrels and they're there for a reason. And every once in a while one of these things will be broken open. I think that allowing any sort of massive development on this property would seriously jeopardize public safety. And the only driving force for this is greed. The owner could sell the land just as it is and be a millionaire and I don't understand why there has to be so much on this parcel of land other than greed. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Louise Singleton testified as follows:]

LOUISE SINGLETON: First of all, I want to thank you for your patience. I admire your stick-with-it-ness. In a sense I'm amazed with this whole thing. First it was 21 units and suddenly we're talking 250 and commercial space. It's kind of like this variance to me is really buying a pig in a poke. We've seen no pictures. We have no idea of what's being laid out. There's nothing that – granted, we probably don't know but that's what worries me is that we don't know. So I would certainly concur with the staff that this variance be denied until there's a lot more clarity on what's being proposed here. So with that, thank you very much.

I didn't tell you who I was, did I? No, I didn't. I'm Louise Singleton and I live in 4 Calle Aguila.

CHAIR ANAYA: Thank you.

[Previously sworn, Barry Wolner testified as follows:]

BARRY WOLNER: I'm Barry Wolner, 52 Vereda Serena. I live in what we call Vista Vereda which is directly across Rabbit Road from the development that we all love so much. I know I've been here before and I've objected to the whole development before and I know the master plan is done and finished but I think that what we really want know is for this whole development to be good neighbors and there's a lot of aspects about the development, to me, that is not a good neighbor. 250 units is not a good neighbor. That's a big number of apartments across from a small development of about 12 or 15 homes.

In that development, in fact, is one of the applicants for this variance. I think that as the lady said, we don't know what this 250 units represents. The applicant told us at a homeowners meeting recently it was going to be similar to Zocalo and that big wall of red apartments. That doesn't feel good; that doesn't feel like a good neighbor.

What you guys granted in the master plan is so scary to us. I'm a photographer. I don't speak well. My pictures are worth a thousand words. I think my pictures tell better really how I feel about this so I made this picture, based on – and I'm going to show it to you – based on the entitlements that you have given these guys. If they got everything that you gave them, that you granted them, this is what our neighborhood would look like.

Sorry about my voice; I had vocal cord surgery. They could have a mini-mart. They could have – now they're asking for 250 units. They can have a gas station. They can have a fast food restaurant. All of those things in an area is now kind of in harmony with where we live. I know you said before that we have to get used to the fact that we're living in an urban area, no longer in a suburban area, and I agree with you. Things are changing dramatically. But it has to be consistent with the area around it. And what they're proposing is not consistent. I'm for really thoughtful development. I don't think what they're proposing is thoughtful. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Charles Wilder testified as follows:]

CHARLES WILDER: My name's Charles Wilder. I live at 8 Senda Torcida, a little bit further south and west of the development at this time. I am very concerned about the traffic patterns. You've already heard all that, and I'm concerned about what light pollution is going to turn up from a development that size. I like my dark skies out where I live and I'm watching it slowly fade away over the years, and I really don't want to see it disappear overnight with a development that size. That's all I have to say. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Deborah Seek testified as follows:]

DEBORAH SEEK: Good evening. My name is Deborah Seek. I live at 54 Vereda Serena in the Vista Vereda Subdivision, directly across Rabbit Road from this proposed project. Most of all I wanted to say I agree with those who have preceded me with their concerns, specifically Ms. Jenkins inferred that even though you may or may not approve 250 units on this property if you do agree with this request for a variance that will be completely up to them and that is way too much density. I personally live in a neighborhood that was required at the time of its development to do a archeological study. We were required by virtue of the Extraterritorial requirements which you have

recently, in the last few years dispensed with. We were required that we have no greater density than one private home on every 2.5 acres. And now you are this evening being asked to consider a density that far exceeds that.

I think we are very much aligned with our neighbors in Campo Conejo in our appreciation for the rural nature of the neighborhood in which we invested both our finances and our energetic resources and our hopes for a future for our families. So I would urge you to vote in accordance with the staff who have professionally evaluated the situation and recommended that the request be denied. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Greg McGregor testified as follows:]

GREG MCGREGOR: My name is Greg McGregor. I live at 4 Calle Cascabel, about one mile or less from the proposed development. I came from a big city in the Bay Area and we had densities there like 250 units for an acre, and I thought when I moved here and went into a rural community which I still consider south of 25 to be, that that would be it for life, that I got rid of the city. I'm very disappointed – I will be disappointed if this area is approved for that kind of density. It just seems in appropriate for this land and this location. It does set a precedent for development south of I-25 which to me was county, and I've been here 20, 30 years now. I urge you to deny this variance for that kind of intensity.

CHAIR ANAYA: Thank you. Seeing no other questions or comments from the public, this portion, the public hearing is closed. I will – do you have something else you want to add?

MS. JENKINS: Just a couple of brief clarifications, Chair, if I may. What we are fundamentally requesting this evening is an opportunity to develop this property in compliance with our master plan. That's all we want to do. We just want to develop the property in accordance with the master plan that this body approved almost five years ago. In accordance with the preliminary plat approval that this body approved last year. That's all we're asking for. That's it. Completely consistent with similar large-scale mixed-use projects that had to request the same type of variance, because although the County code, the current County code that this project was approved under clearly calls out multi-family housing as a permissible use. It's called out in the code as a permissible use when we're talking about large-scale residential projects. Our master plan says this is what you're permitted to do for residential. And we have to do residential; we're a mixed-use project.

But the absence in the current code is the appropriate density that permits that type of development. So we're just here addressing that basically area where the current code is silent. That's all we're requesting tonight.

With respect to traffic and there may be questions that come up about this but we conducted a traffic study as part of the master plan. We updated that traffic study as part of our preliminary plat. We also updated the traffic study as part of this application. All of which have been reviewed and approved by your Public Works Department as well as the Department of Transportation for the State of New Mexico. We will continue to update that study as the project develops over time, doing all requisite offsite improvements that are appropriate with respect to the project.

And just as a reminder, we received a recommendation for approval unanimously

from the CDRC and every single reviewing agency recommended approval of this request. And with that we also ask for your approval so we can move forward and develop this property in accordance with our master plan approval. Thank you very much for your attention.

CHAIR ANAYA: I'll go to Commissioners. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I don't have a question. It's a comment. I think that it is true that we need more good multi-family in the Santa Fe area but this proposal for allowing up to 250 dwelling units is probably too much for that particular area. It's in an area that's across the street that is Rabbit Road, across Rabbit Road, from a neighborhood that's quite rural in nature and it's in a place that already has traffic flow issues. So I really think that before we go any further that this proposal needs more thought and hopefully more community meetings to talk to people in the area to see what would work to make this sort of a transition area from a rural area to a more densely developed area in town.

So therefore I am going to make a motion to deny this master plan amendment and the associated variance.

COMMISSIONER CHAVEZ: I'll second that motion, Mr. Chair.

CHAIR ANAYA: There's a motion from Commissioner Holian and a second from Commissioner Chavez. Under discussion I have a few comments I want to make, questions. Is A. Lewis here? Several in the people in the packet spoke but did A. Lewis, is she here? Annette Lewis.

MR. ARCHULETA: Mr. Chair, she didn't show up for the meeting, sir. She submitted her letter.

CHAIR ANAYA: So the question I was going to ask and then I'll see if somebody wants to address it that came to speak in opposition to the applicant, Ms. Lewis speaks of the school district and the capacity of the school district to accommodate additional housing, basically. Is there anybody here that is familiar with Ms. Lewis' letter and speaking to the capacity of the schools? It's interesting. The other thing that she includes is projected enrollments in the school district which is pretty interesting information. Not surprising but interesting, relative from what I can tell as fact of the exodus – I would call it an exodus – of students over a progression of time from the eastern part of the city of Santa Fe, including this segment and an increase, a huge increase in enrollment in the southwest sector that I represent as a Commissioner that has brought on many, many challenges and I guess whatever the decision is made today, the assumption that the absorption of students has to be in the southwest sector and that the development and the school expansion needs to only be there, I think is a false assumption.

I think we all collectively in our communities have a responsibility to have a broad array of housing and housing types and that no one segment of a community should bear the burden of multi-family housing as one example. So that's a comment I'll make. I wish she would have been here so she could have provided her thoughts and maybe expanded thoughts, but that's what I gathered from her documents in her letter that she provided.

The other thing I wanted to point out is that if you weren't aware of the location of the property and you were just listening in on the radio and didn't know much about

Santa Fe – and I respect and appreciate each comment that was made, but you would think that you guys were way out of town, and way out of the urban area, and you're not. You're right in the heart of the urban area of Santa Fe. Catty-corner to this property is a multi-family – and I see a gentleman shaking his head now, but catty-corner, right across the interstate is a very substantial multi-family housing property that serves many, many people, some of which that I know.

And so the assumption or some of the points that this is a rural part of the county, it's not. It's not a rural area. It's right next to one of the largest interchanges, that's going the largest interchange expansion in the whole county. And so I just felt compelled to put that on the record. Now, Commissioner Holian, I concur that maybe it's not 250, as far as the size, but to assume that every tract of land, because the adjacent parcel or the parcel across the road has to remain exactly the same as the other I think is a false assumption. I think that there does need to be an accommodation of various housing types and mixed uses to include multi-family housing.

I actually think there used to be more. Speaking as somebody that's been in affordable housing for most of my adult career over two decades and watching the evolution of some of the fears associated with multi-family housing dispelled over time, I can remember going to projects 20 years ago where you would think the devil was moving in next door, associated with some of the comments that were made about people who would live in multi-family housing. As recent as a couple of years ago, we had a project in the Community College District, assumptions drawn on who lives in multi-family housing and what types of people they might be, and I think we've evolved from that to a better place and in New Mexico in particular, I think it's becoming more and more prevalent that people don't want to live in a single-family dwelling and have a desire to have access to city services and be next to the community. And you can shake your head all day long, sir. You could shake it all day long.

I'm just letting everyone know, the reality is – time out. Time out. Just let me finish my remarks. You had your remarks and what I'm saying is that multi-family housing does have a place in the community and does have a place even in this area. Because of a common use that's directly across the interstate. So it's not a stretch to have this type of use there. But like I said before, I concur with Commissioner Holian that maybe the number of units needs to be evaluated. But as far as the housing type and the mixed use, I don't see an evolution into something that would disrupt the entire area as was presented in some cases tonight, and I see it as an opportunity where there could be a balance of multiple uses.

So I'll leave it at that. Commissioners, other comments? Seeing none, there's a motion, there's a second.

**The motion passed by majority 5-0 voice vote.**

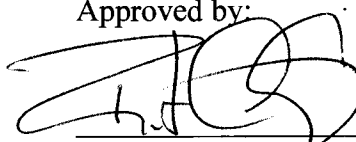


**IX. CONCLUDING BUSINESS**

- A. Announcements**
- B. Adjournment**

Upon motion by Commissioner Stefanics and second by Commissioner Chavez, and having completed the agenda and with no further business to come before this body, Chair Anaya declared this meeting adjourned at 11:52 p.m.

Approved by:



Board of County Commissioners  
Robert A. Anaya, Chair

ATTEST TO:

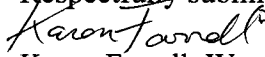


GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

12-8-2015



Respectfully submitted:

  
Karen Farrell, Wordswork  
453 Cerrillos Road  
Santa Fe, NM 87501

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 326

I Hereby Certify That This Instrument Was Filed for  
Record On The 9TH Day Of December, 2015 at 10:18:47 AM  
and Was Duly Recorded as Instrument # **1781433**  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Geraldine Salazar

Deputy  County Clerk, Santa Fe, NM



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

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



III

Comm

**Liz Oteramos**  
Commissioner, District 5

**Katherine Miller**  
County Manager



SFC CLERK RECORDED 12/09/2015

## MEMORANDUM

**To:** Santa Fe County Board of County Commissioners

**From:** Carole H. Jaramillo, Finance Division Director

**Via:** Katherine Miller, County Manager

**Date:** November 10, 2015

**Re:** Resolution 2015-\_\_\_\_\_ A Resolution Declaring the Intent of the Board of County Commissioners of Santa Fe County, New Mexico, to Consider for Adoption an Ordinance Authorizing the Issuance of the Santa Fe County, New Mexico Gross Receipts Tax Revenue Improvement Bonds, Series 2015, in an Aggregate Principal Amount Not to Exceed \$25,000,000 for Purposes of Defraying the Costs of Planning, Designing, Constructing, Reconstructing, Renovating, Rehabilitating, Equipping, and Furnishing Necessary County Buildings And Facilities, Including, Without Limitation, County Facilities Located at the County Administration Building and at the Old Judicial Complex, and to Pay Costs of Issuance of the Series 2015 Bonds; and Directing the Publication of a Notice of Meeting, Public Hearing and Intent to Consider an Ordinance Authorizing the Series 2015 Bonds in a Newspaper of General Circulation Within the County (CMO/Finance, Carole Jaramillo)

### Issue

Santa Fe County staff is requesting approval of a resolution declaring the BCC's intent to issue Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015. The proposed 2015 bond series will be issued for the purpose of constructing, reconstructing, renovating, equipping and furnishing "necessary County buildings and facilities." The intended use of the bond proceeds is to construct a new administrative building at the location of the former District Court Complex located on Catron Street as well as renovation of the current County Administrative Building.

### Background

At its February 24, 2015 meeting the BCC approved an allocation for the County Administrative Complex project in the amount of \$32.0 million. At that time, approximately \$6.9 million in

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505-995-2740 www.santafecountynm.gov

P.C. III  
funding from Capital Outlay Gross Receipts Tax (GRT) was approved with the balance of \$25.1 million to be financed through other sources. One of the potential funding sources identified at that time was proceeds from the issuance of revenue bonds. This resolution will enable the County to move forward with the issuance of revenue bonds in an aggregate amount not to exceed \$25.0 million, pledging revenue from the Hold Harmless GRT.

If approved, this resolution will call for bids to purchase the bonds and will direct the publication of a "notice of sale." The proposed bond sale date is January 12, 2016.

**Recommendation**

The Finance Division recommends approval of the above captioned resolution declaring the BCC's intent to consider and adopt an ordinance authorizing the issuance of Hold Harmless Gross Receipts Tax Revenue Bonds in an aggregate amount not to exceed \$25,000,000.

SANTA FE COUNTY, NEW MEXICO  
RESOLUTION NO. 2015-\_\_\_\_

---

A RESOLUTION

DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO, TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE SANTA FE COUNTY, NEW MEXICO HOLD HARMLESS GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2015, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 FOR PURPOSES OF DEFRAYING THE COSTS OF PLANNING, DESIGNING, CONSTRUCTING, RECONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING, AND FURNISHING NECESSARY COUNTY BUILDINGS AND FACILITIES, INCLUDING, WITHOUT LIMITATION, COUNTY FACILITIES LOCATED AT THE COUNTY ADMINISTRATION BUILDING AND AT THE OLD JUDICIAL COMPLEX, AND TO PAY COSTS OF ISSUANCE OF THE SERIES 2015 BONDS; AND DIRECTING THE PUBLICATION OF A NOTICE OF MEETING, PUBLIC HEARING AND INTENT TO CONSIDER AN ORDINANCE AUTHORIZING THE SERIES 2015 BONDS IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY

---

WHEREAS, Sections 4-62-1 through 4-62-10, NMSA 1978 (the "Act"), authorize New Mexico counties to issue gross receipts tax revenue bonds secured by gross receipts tax revenues; and

WHEREAS, Santa Fe County, New Mexico (the "County"), desires to consider for adoption an ordinance authorizing, in accordance with the Act, the issuance and sale of the Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015 (the "Bonds") in an aggregate principal amount not to exceed \$25,000,000 to provide funds for the planning, designing, construction, reconstruction, rehabilitation, renovation, equipping, and furnishing of necessary County buildings and facilities, including, without limitation, County facilities located at the County Administration Building located at 102 Grant Avenue Santa Fe NM and at the Old Judicial Complex located at 100 Catron Street Santa Fe NM (the "Project"); and

WHEREAS, Section 4-37-7 NMSA 1978, requires that publication of the title and general summary of the subject matter of any proposed ordinance be made in a newspaper of general circulation within the County at least two weeks prior to the meeting of the Board of County Commissioners (the "Board") at which the ordinance is proposed for final passage; and

WHEREAS, a form of the Notice of Meeting, Public Hearing and Intent to Adopt an Ordinance authorizing the issuance and sale of the Bonds is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD, THE GOVERNING BODY OF SANTA FE COUNTY, NEW MEXICO:

Section 1. All action (not inconsistent with the provisions hereof) heretofore taken by the Board and the officers thereof directed toward the authorization, issuance and sale of the Series 2015 Bonds for such purposes, be and the same is hereby ratified, approved and confirmed, including, without limitation, the publication, in accordance with Section 4-37-7 NMSA 1978, as amended, in the *Santa Fe New Mexican* or other newspaper of general circulation within the County, a title and general summary of the subject matter of the ordinance relating to and authorizing issuance and sale of the Series 2015 Bonds at least two weeks prior to the meeting at which the Board will consider such ordinance.

Section 2. The Series 2015 Bonds shall be special, limited obligations to pay principal in an amount not to exceed \$25,000,000 plus interest thereon.

Section 3. A Notice of Meeting, Public Hearing and Intent to Adopt An Ordinance, in substantially the form attached to this Resolution as Exhibit "A", with such revisions as may be approved by the County Manager in consultation with the County Attorney, the County's bond counsel, and the County's financial advisor, shall be published in a newspaper of general circulation within the County at least two weeks before the meeting at which the Board takes final action on the ordinance authorizing issuance and sale of the Series 2015 Bonds.

(signature page follows)

PASSED, APPROVED, AND ADOPTED this 10<sup>th</sup> day of November, 2015.

SANTA FE COUNTY, NEW MEXICO

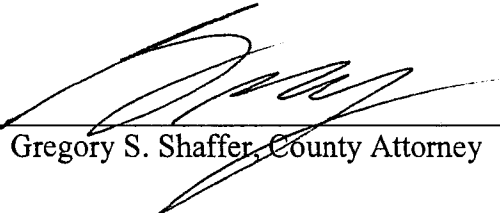
By: \_\_\_\_\_  
Robert A. Anaya, Chair  
Board of County Commissioners

[SEAL]

ATTEST:

By: \_\_\_\_\_  
Geraldine Salazar, Clerk

APPROVED AS TO FORM:

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

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**EXHIBIT "A"**

FORM OF NOTICE OF MEETING, PUBLIC HEARING  
AND INTENT TO ADOPT BOND ORDINANCE  
FOR PUBLICATION

\*\*\*

Santa Fe County, New Mexico  
Notice of Meeting, Public Hearing and Intent to Adopt Bond Ordinance

Notice is hereby given of the title and general subject matter contained in an ordinance which the Board of County Commissioners (the "BCC") of Santa Fe County, New Mexico (the "County"), the governing body of the County, intends to adopt at a regular meeting on December 8, 2015 at the hour of 2:00 p.m. in the Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico relating to the authorization, issuance and sale by the County of its Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015.

The title of the proposed Ordinance is:

SANTA FE COUNTY, NEW MEXICO  
ORDINANCE NO. 2015-\_\_\_\_

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO HOLD HARMLESS GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2015, IN AN AGGREGATE PRINCIPAL AMOUNT OF \$25,000,000 FOR PURPOSES OF DEFRAYING THE COSTS OF PLANNING, DESIGNING, CONSTRUCTING, RECONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING, AND FURNISHING NECESSARY COUNTY BUILDINGS AND FACILITIES, INCLUDING, WITHOUT LIMITATION, COUNTY FACILITIES LOCATED AT THE COUNTY ADMINISTRATION BUILDING AND AT THE OLD JUDICIAL COMPLEX, AND TO PAY COSTS OF ISSUANCE OF THE BONDS; APPROVING THE PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES, AND OTHER DETAILS OF THE BONDS; RATIFYING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; PROVIDING THAT THE BONDS SHALL BE SPECIAL, LIMITED OBLIGATIONS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS FROM THE REVENUES OF THE HOLD HARMLESS GROSS RECEIPTS TAX WHICH ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT

TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

Public Hearing. All interested parties will be heard at the public hearing prior to the BCC taking action. Written comments, questions, and objections regarding the proposed ordinance may also be submitted to the Santa Fe County Attorney's Office, addressed to P.O. Box 276 Santa Fe NM 87504-0276, or presented in person at the hearing. Written comments submitted in advance of the hearing must be received in the Santa Fe County Attorney's Office before December 1, 2015, to be considered.

Possible BCC Action on December 8, 2015. After the public hearing on December 8, 2015, the BCC may adopt the proposed ordinance, with or without changes, vote not to adopt the proposed ordinance, recess the public meeting in accordance with the Open Meetings Act, or postpone the public hearing or delay action on the proposed ordinance until a future meeting of the BCC. Further newspaper publication of a recessed meeting or postponed hearing or action is not legally required. Interested parties not in attendance at or watching the December 8, 2015, public hearing where recessing or postponement might be announced should thus inquire of the County as to whether the BCC took action to recess or postpone.

Copies of the Proposed Ordinance. Copies of the proposed ordinance are available for inspection and copying in the Santa Fe County Clerk's Office, located at 102 Grant Avenue Santa Fe NM 87501.

This notice is given pursuant to Section 4-37-7 NMSA 1978.

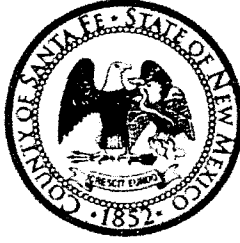
Dated: November 10, 2015



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

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



III

Comr



**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

## MEMORANDUM

**To:** Santa Fe County Board of County Commissioners

**From:** Carole H. Jaramillo, Finance Division Director

**Via:** Katherine Miller, County Manager

**Date:** November 10, 2015

**Re:** Resolution 2015-\_\_ A Resolution Amending Exhibit A to Resolution No. 2015-88  
(CMO/Finance, Carole Jaramillo)

### Issue

The Finance Division is seeking approval of a resolution to amend Exhibit A to Resolution 2015-88 a Resolution Committing Santa Fe County Fund Balance. In the original Exhibit A to Resolution 2015-88, Housing Services funds were included in the list of committed fund balance amounts and should not have been. By amending the exhibit, references to three Housing funds, the Section 8 Voucher Fund, the Affordable Housing/Home Sales Fund and the Housing Enterprise Fund, will be removed.

### Background

On June 30, 2015 the Finance Division brought forward Resolution 2015-88 a resolution to formally commit Santa Fe County fund balance per the requirements of Resolution 2015-84, a Resolution Adopting the Santa Fe County Fund Balance, Reserve and Budget Contingency Policy. At that time, fund balance was committed in all County funds that support ongoing operations excluding grant funds. This included the Section 8 Voucher Fund in the amount of \$230,924, Affordable Housing/Home Sales Fund in the amount of \$1,250, and the Housing Enterprise Fund in the amount of \$104,957.

According the U.S. Department of Housing and Urban Development (HUD) policies, the County is not allowed to hold any portion of HUD-provided funds in reserve. Further, HUD maintains a reserve account for the County Housing Authority in accordance with its policies and federal law. It was, therefore, determined that the amounts related to Housing Services in the fund balance commitment resolution should be removed.

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SFC CLERK RECORDED 12/09/2015

20. III  
Recommendation

The Finance Division recommends approval of the above captioned resolution amending Exhibit A to Resolution 2015-88 to delete references to the Section 8 Voucher Fund, the Affordable Housing/Home Sales Fund and the Housing Enterprise Fund and the associated amounts.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY  
RESOLUTION NO. 2015 - \_\_\_\_\_**

---

**A RESOLUTION  
AMENDING EXHIBIT A TO RESOLUTION NO. 2015-88  
TO MAKE FUND BALANCES FOR AFFORDABLE  
HOUSING FUNDS UNCOMMITTED**

---

**WHEREAS**, under Resolution No. 2015-84, the Santa Fe County ("County") Board of County Commissioners ("Board") adopted the Santa Fe County Fund Balance, Reserve, and Budget Contingencies Policy ("Policy"); and

**WHEREAS**, the Policy identifies various categories of County funds, including special reserve funds and enterprise funds; and

**WHEREAS**, Section IV(B)(2) of the Policy requires the County to maintain "in any special reserve fund that supports staff and/or ongoing operations a minimum Reserve of 10% of the current fiscal year's operating budget for that fund"; and

**WHEREAS**, Section IV(B)(3) of the Policy requires County Enterprise Funds, except that maintained for the County Utility, to "maintain a minimum reserve of 10% of the current fiscal year's operating budget for that fund or comply with any restrictions/requirements mandated by the major funding sources, e.g., Housing & Urban Development" ("HUD"); and

**WHEREAS**, the HUD policies, as set out in Chapter 20 of the Housing Choice Voucher Guidebook, do not allow the County to hold any portion of HUD-provided funds in reserve; and

**WHEREAS**, HUD maintains a reserve account for the County Housing Authority in accordance with its policies and federal law; and

**WHEREAS**, Resolution No. 2015-88 established reserve amounts for various County funds in accordance with the Policy, as identified in Exhibit A to that Resolution; and

**WHEREAS**, Exhibit A to Resolution 2015-88 inadvertently established reserve amounts for the "Section 8 Voucher Fund," the "Affordable Housing /Home Sales Fund," and the "Housing Enterprise Fund" (collectively referred to as "Affordable Housing Funds"); and

**WHEREAS**, to comply with HUD requirements and the Policy, Exhibit A to Resolution 2015-88 should be amended to remove any reference to the Affordable Housing Funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Board that Exhibit A to Resolution 2015-88 is hereby amended to delete the references to the "Section 8 Voucher Fund," the "Affordable Housing /Home Sales Fund," and the "Housing Enterprise Fund" and Fund Balance committed for those funds via Resolution 2015-88 are hereby made uncommitted.

**PASSED, APPROVED, AND ADOPTED THIS** \_\_\_\_ **DAY OF** \_\_\_\_\_, **2015.**

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

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

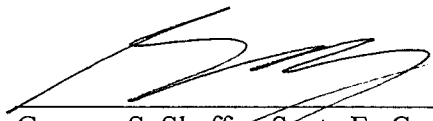
Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

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

Date: 11/9/15

**APPROVED:**

\_\_\_\_\_  
Carole H. Jaramillo, Finance Director

Date: \_\_\_\_\_

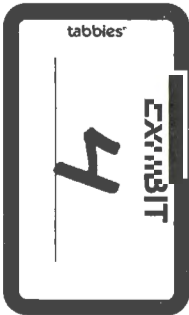
## GROWTH MANAGEMENT DEPARTMENT-FUNDS

	Actual FY 2013	Actual FY2014	Actual FY2015
Growth Management Department Total Expenses	\$3,218,371	\$3,821,166	\$4,933,909
Building & Development Services Total Expenses	\$799,788	\$1,021,269	\$1,098,582
Revenue Generated by Land Use Fees	\$585,360	\$695,314	\$700,561
% of Department Budget that is made up by fees generated	18%	18%	14%
% of Building & Development Service Division Budget that is made up by fees generated	73%	68%	63%



SLDC 2015 Public Comments

ID	First Name	Last Name	SLDC Chapter	Comment Summary	Staff Review and Recommendation
1	Russ	Deal	General	Unhappy with development being portrayed as sustainable.	Staff reviewed the comment and no changes were requested.
2	Lesley	Mansfield	Chapter 8 Community College District	Appendix F of the CCD documents has a map displaying a road in the eastern section that would impact an archaeological site. What are the plans for this road prior to the finalization of the SLDC.	No change requested, staff spoke with individual and answered questions and identified map amendments which addressed the comment.
3	Gary	Sanford	Chapter 9 San Marcos use table	Concerned that the ranching, grazing and other livestock uses being listed as prohibited or conditional uses does not line up with the existing San Marcos Community Plan.	Changes have been made to the Use Matrix for the County and Community Districts to clarify ranching, grazing and livestock uses.
4	James K and Janet L	Laignel	Use Table	In the General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited What is Conditional and Accessory Uses? Do you have another table explaining them?	Staff reviewed comment and recommends no change as the item is already included in Chapter 8 and Appendix B.
5	Michael	Wright	Use Table and Permits	Can permitted uses avoid having to get special permits?	Staff reviewed comments and recommends no change. Staff communicated with the individual and answered questions.
6	Kyle	Harwood	Definitions	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 enterprise which may include, special events, sightseeing tours and photography, public and private gatherings, music & 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.	Staff reviewed comments and recommends no change. Options for additional suggested uses are addressed in the use table.



ID	First Name	Last Name	SLDC Chapter	Comment Summary	Staff Review and Recommendation
7	Chris	Furlanetto	1) 5.4.3 (p. 5-1 or 8/349)	This seems like it should include a list of land divisions not deemed subdivision but there's no list included	Staff reviewed the comments and the list is in the text which identifies all 13 exemptions. Additional plat reviews have now been added.
8	Chris	Furlanetto	2) 7.11.3.1 (p. 7-5 or 15/349)	Does this mean 5 lots total whether or not they are built on or 5 lots that are developed	Staff reviewed the comments and it is 5 lots in total, staff recommends no change.
9	Chris	Furlanetto	3) 7.13.11.2 (pp 7-10,11 or 20-21/349)	"Temporary swimming pool" should be clarified. Does this include inflatable pools - if so, is there a size limit?	Staff reviewed the comment and this section does include temporary inflatable pools. Staff has recommended a change to include 3,000 gallon fill capacity limit.
10	Chris	Furlanetto	4) 7.17.11 (pp 7-21,22 or 31-32/349 in the 1st part of SLDC changes)	Should this say "requirements over and above those for development at or above 7400 feet'?	Staff reviewed the comments and the change has been made to address development above 7400 feet.
11	Chris	Furlanetto	5) Table 8-13 (p 8-1 or 33/349)	Here and in tables 8-14 and 8-16 densities are given in acres/dwelling unit whereas later in the chapter densities are - more logically, we think - given as dwelling units/acre. The units should be consistent throughout. Also the footnote (**) says "the density shall be 1 acre" which doesn't make sense.	Staff has reviewed the comments and recommends no changes because the densities are written differently as some are 1 dwelling per multiple acres, and there are some districts that allow multiple dwellings per acre and need to be written differently (eg 15 dwellings per acre is easier to understand than 1 dwelling per 1/15 acre).
12	Chris	Furlanetto	6) Table 8-15 (p 8-4 or 36/349)	Doesn't have the zoning Industrial district that it applies to in the column heading.	Staff has reviewed the comments and a change has been made to the I zoning district.
13	Chris	Furlanetto	7) Table 8-19 (p 8-19 or 44/349)	The first row say it shows minimum and maximum values but only one number per column is shown	Staff has reviewed the comments and will be making this change.

ID	First Name	Last Name	SLDC Chapter	Comment Summary	Staff Review and Recommendation
14	Chris	Furlanetto	8) 12.14.1.1 (12-14 or 24/59 in 2nd part of SLDC changes).	PDR is not defined. It must mean Purchase of Development Rights but I didn't notice it being used later on.	Staff has reviewed this comments. The PDR reference has been removed.
15	Chris	Furlanetto	9) 13.9.3 (13-2 or 31/59)	We wonder why this paragraph was deleted??	Staff has reviewed this comment and this section was amended to reflect the current affordable housing ordinances. Staff recommends no further changes.
16	Ed	Shedd	Chapter 8 and 9	Is there any allowances in the allowable lot sizes? For example: a property owner has 19.95 acres of property in the Rural Residential (1 dwelling unit per 10 acre zoning district), can this property owner subdivide? Can this property owner build to primary dwelling units?	Staff reviewed this comment and recommends a change to Chapter 14 to allow administrative authority for minor deviation of 0.5% of the gross acreage allowed.
17	Ross	Lockridge	Chapter 10 section 10.19	A request to increase set-backs for small scale and sand and gravel extraction.	Staff reviewed the comment and recommends no change.
18	Walter	Wait of the San Marcos Association and Others		A request to change from Light Industrial to Rural Fringe or Mixed Use along NM Hwy 14. Letter sites increased truck traffic, toxic impacts, congestion and the size and height of the buildings from Light Industrial uses. The letter states if the zoning change does not occur the uses should be changed from permitted to conditional.	Staff reviewed the comment and recommends no changes for to the SLDC for this comment. Staff will add this comment to the zoning map database for review of the zoning map database comments.
19	Ross	Lockridge		There appears to be a contradiction between section 11.7.7.4 and 11.7.7 dealing with sand and gravel operations, specifically size and tonnage.	Staff reviewed the comment and recommends a change to address the contradiction in this section of the SLDC.



## Chapter 4 – Procedures

Table 4-1: Procedural Requirements by Application Type

Application Type	Discretionary Review?	Application Requirements			Review/Approval Process				
		Pre-application TAC meeting	Pre-application neighborhood meeting	Studies, reports, assessments	Agency review	Approval by Administrator	Hearing Required?		
							Hearing Officer	Planning Commission	BCC
Development permit: Residential	no	no	no	no	as needed	yes	no	no	no
Development permit: non-residential, mixed use & multi-family	no	yes	as needed	see Table 6-1	as needed	yes	no	no	no
Land divisions, subdivision exemptions and other plat reviews	no	no	no	no	as needed	yes	no	no	no
Family transfer	no	no	no	no	as needed	yes	no	no	no
Temporary use permit	no	no	no	no	as needed	yes	no	no	no
Minor subdivision - final plat, 5 or fewer lots	no	yes	no	see Table 6-1	as needed	yes	no	no	no
Minor subdivision – final plat, more than 5 lots	yes	yes	no	See Table 6-1	As needed	no	no	no	yes
Major subdivision - preliminary plat	yes	yes	yes	see Table 6-1	yes	no	no	no	yes
Major subdivision final plat	yes	yes	No	no	no	no	no	no	yes
Conceptual plan for subdivision – phased or over 24 lots, phased MU, I, IL, CG, CN	yes	yes	Subdivision – yes Others - no	See Table 6-1	As needed	no	no	no	yes
Conceptual plan PDD, CCD	yes	yes	yes	See Table 6-1	yes	no	yes	yes	yes
Vacation of subdivision plat	yes	no	no	no	as needed	no	no	no	yes
Conditional use permit	yes	yes	as needed	see Table 6-1	as needed	no	yes	yes	no
<u>DCI Conditional use permit</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>no</u>	<u>yes</u>	<u>yes</u>	<u>no</u>
Variance	yes	yes	as needed	no	as needed	no	yes	yes	no
Time Extension	yes	no	no	As needed	As needed	No	No	No	yes
Planned development district	yes	yes	yes	see Table 6-1	yes	no	yes	yes	yes
Overlay zones	yes	yes	yes	no	as needed	no	yes	yes	yes
<u>DCI Overlay zones</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>no</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
Zoning map amendment (rezoning)	yes	yes	yes	see Table 6-1	as needed	no	yes	yes	yes
Text amendment	yes	yes	no	no	as needed	no	no	yes	yes
Area, District Community Plan, or Plan Amendment	yes	yes	yes	no	as needed	no	no	yes	yes
<u>Development of countywide impact</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>see Table 6-1</u>	<u>yes</u>	<u>no</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>

Beneficial use determination	yes	yes	no	no	no	no	yes	no	yes
Appeals	See Sec. 4.5	no	no	no	no	no	no	See Sec. 4.5	See Sec. 4.5

Chapter 6 – Studies, Reports and Assessments (SRAs)

Table 6-1: Required Studies, Reports and Assessments (SRAs).

Application Type	SRA Type				
	TIA	APFA	WSAR	FIA	EIR
Development Permit-non-residential (up to 10k sf)***	yes*	no	no	no	no
Development Permit-non-residential (between 10k sf and 25,000 sf)	yes*	yes	as needed**	no	no
Development Permit-non-residential (over 25k sf)	yes*	yes	yes	yes	yes
Minor subdivision	yes	yes	no	no	no
Major subdivision 24 or fewer lots	yes*	yes	as needed	as needed	as needed
Major subdivision more than 24 lots	yes	yes	yes	yes	yes
Conditional Use Permit	yes*	as needed**	as needed**	as needed**	as needed**
Planned development	yes	yes	yes	yes	as needed**
Rezoning (zoning map amendment)	yes	no	yes+	as needed**	as needed**
Development of Countywide Impact (DCI) <u>Overlay or Conditional Use Permit</u>	yes	yes	yes+	yes	yes

\* See NMDOT State Access Manual  
\*\* As part of the pre-application TAC meeting process (see § 4.4), the Administrator will determine which SRAs are applicable based on the scope and impact of the proposed project.

Chapter 7 – Sustainable Design Standards

**7.17.10. Development at or above 7400 Feet ~~but less than 7800 feet In Elevation.~~**  
Development at or above an elevation of 7400 feet but less than 7800 feet will be subject to additional requirements.

Chapter 8 – Zoning

**8.5.2. Grazing and Ranching Uses.** Grazing and ranching of livestock shall be allowed anywhere in the County. A development permit is not required for this use, however, a development permit is required for any structure(s) related to this use in accordance with the siting and design standards of this SLDC.

**8.5.28.5.3. Uses not specifically enumerated.** When a proposed use is not specifically listed in the use matrix, the Administrator may determine that the use is materially similar to an allowed use if:

**8.5.23.1.** The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA). See <http://www.planning.org/lbcs/standards/>.

**8.5.23.2.** If the use cannot be located within one of the LBCS classifications, the Administrator shall refer to the most recent manual of the North American Industry Classification System (NAICS). If the use cannot be located within the NAICS, the Administrator shall make a determination whether the proposed use is materially similar to a use within the same industry classification of the NAICS manual; if so, the Administrator shall approve the use. If not, the Administrator shall deny the use. *See <http://www.census.gov/cgi-bin/sssd/naics/naicsrch>.*

Table 8-1: Base Zoning Districts.

Residential:	
A/R	Agriculture/ranching
RUR	Rural
RUR-F	Rural Fringe
RUR-R	Rural Residential
RES-F	Residential Fringe
RES-E	Residential Estate
RES-C	Residential Community
TC	Traditional Community
Non-Residential:	
CG	Commercial General
CN	Commercial Neighborhood
I	Industrial <u>General</u>
<u>IL</u>	<u>Industrial Light</u>
P/I	Public/Institutional
Mixed Use:	
MU	Mixed Use



## 8.10. PLANNED DEVELOPMENT ZONING DISTRICTS.

**8.10.1. Generally.** A planned development district is a flexible zoning tool intended to provide for efficient land uses, buildings, circulation systems, and infrastructure in order to: promote a sense of place and aesthetic design; increase walkability; allow for a mixing of uses; reduce the cost of infrastructure and services; reduce vehicle miles traveled; and reduce air pollution and greenhouse gas emissions. A planned development district may be generic in nature and intent, or it may be of a special type that incentivizes certain kinds of development (e.g., neighborhood, regional commercial, transit-oriented, office) or protection of valuable natural resources. This section provides the processes and procedures for establishment of a standard Planned Development (PD), and includes additional standards and modifications for establishing special types of planned developments including Planned Traditional Neighborhood Developments, Planned Neighborhood Centers, Planned Regional Centers, Planned Campus/Opportunity Centers, Planned Transit Oriented Developments, and Planned Conservation Subdivisions.

### 8.10.2. Planned Development District (PD).

**8.10.2.1. Purpose and findings.** Planned Development (PD) districts are established to:

1. Provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties;
2. Provide an environment within the layout of a site that contributes to a sense of community and a coherent living style;
3. Encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape, and size; and to provide for a minimum amount of open space;
4. Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and
5. Encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or topography.

6. Recognize approved master plans that are in effect upon the effective date of both the SLDC and the Zoning Map.

**8.10.2.2. Application.** Every application for creation of a PD zoning shall be accompanied by a conceptual plan, a rezoning request if applicable and any concurrent preliminary subdivision plat, where applicable.

**8.10.2.3. Review/approval procedures.** All ~~MU-PD~~ developments must meet the design standards of this section in addition to the applicable standards of Chapter 7. A conceptual plan shall be required for all phased development in accordance with procedures outlined in Chapter 4.

**8.10.2.4. Criteria.** In order to foster the attractiveness of a PD district and its surrounding neighborhoods, preserve property values, provide an efficient road and

utility network, ensure the movement of traffic, implement comprehensive planning, and better serve the public health, safety, and general welfare, the following criteria shall apply to the required conceptual plan. These criteria shall neither be regarded as inflexible requirements nor are they intended to discourage creativity or innovation:

- 1. Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil removal;
- 2. Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings;
- 3. With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public roads, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties; and
- 4. Private roads and gates may be approved as part of the application but are not required.

8.10.2.4. **Minimum Size.** The minimum size for a PD district is five acres.

Table 8-19: Dimensional Standards – PD (Planned Development).

PD Zoning District	Base	With TDRs
Density ( <del>minimum/maximum</del> , dwelling units/acre)	1	15
Non-residential (Min required, percent/Max permitted, percent)	5/15	0/50
Frontage (minimum, feet)	50	25
Lot width (minimum, feet)	50	25
Height (maximum, feet)	27	48
Lot coverage (maximum, percent)	40%	80%
Setback from outside property boundary – no existing residential uses adjoining property	50	50
Setback from outside property boundary – existing residential uses adjoining property	100	100

8.10.2.5. **Permitted Uses and Density.**

- 1. **Uses.** A PD district may include residential, commercial, and industrial uses; cluster housing; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development. The uses permitted in a PD district are those designated in the approved ~~master site~~conceptual plan. Density limits are used to determine the maximum number of permitted dwelling units.

**2. Base Density.** The base density permitted in the PD zone is one (1) dwelling unit per acre for residential use. A minimum of five percent (5%) nonresidential development is required with a maximum of 15% nonresidential development allowed. Development at densities above the base density requires the Transfer of Development Rights in accordance with 12.14 of this SLDC.

**3. Dimensional Standards.** The dimensional standards within the PD district are outlined in Table 8-19.

**4. Lots.** As shown on Table 8-19, there is no minimum area requirement for lots, and lots do not need to front onto a road. Lot boundaries may coincide with structure boundaries except where perimeter lot setbacks are required.

**8.10.2.6. Height and Yard Requirements.** Setbacks shall be governed by the PD conceptual plan and the Setback Table in Chapter 7. Lots located on the perimeter of a PD district shall adhere to the minimum and maximum setback requirements of the base zoning district set forth in the Setback Table in Chapter 7 unless a lesser setback is approved in the master site plan. There are no setbacks for interior lots, provided that the requirements of the New Mexico Building Code are met.

**8.10.2.7. Infrastructure Requirements.** Publicly owned and/or maintained utilities shall be placed in public roads or easements that are a minimum of 16 feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless an approved vehicular turnaround is provided at the end of each such easement.

**8.10.2.8. Open Space.** A minimum of 30% Open Space is required in a PD District. Developed parks shall be in accordance with Section 8.10.3.

1. The following property may be considered open space for the purpose of meeting the 30 percent requirement:

a. Open space identified on the Zoning Map shall be public open space;

b. Common or Public Parks and Plazas;

c. Trails allowing public access and connecting to County trails;

d. Public trailheads;

e. Archaeological easements;

f. Setbacks required by this section or other Ordinances; or

g. Open space shall be dedicated or reserved on the final plat.

2. Open space may be dedicated on property not contiguous to the area for which the applicant is seeking subdivision approval where all of the following circumstances exist:



a. Open space adjacent to or within the proposed development is not feasible or has already been dedicated as part of another development phase;

b. The continuous property is within property designated as open space on the Zoning Map; and

c. The proposed open space dedication is contiguous to other lands dedicated as open space

3. Required open space may not be used for a density bonus or as a sending area for TDRs.

#### **8.10.11. Existing ~~Approvals Master Plans~~ Identified as PDDs.**

8.10.11.1. In order to recognize existing approvals, that do not fit into a base zoning district, the following developments that have received master plan approval prior to the effective date of this SLDC are ~~PDDs~~ identified on the ~~initial~~ zoning map and listed below:

1. Galisteo Basin Preserve.
2. Aldea.
3. Tessera.
4. Bishops Lodge Resort
5. The Downs at Santa Fe
6. Tavelli Mixed Use Subdivision.
7. Santa Fe Canyon Ranch.
8. Cimarron Village.
9. Saint Francis South Business Park.
10. Avanti Business Park/Santa Fe Metro Center
11. Sunrise Springs Resort.
12. Santa Fe Horse Park.
13. Ten Thousand Waves Spa and Resort
14. Rancho Encantado Resort
15. Las Campanas

**8.10.11.2** The above approved developments may be ~~built-out~~ developed in accordance with the densities, uses and development conditions identified on ~~an~~ ~~the~~ ~~their~~ approved master ~~plans~~ plan, plat or development plan. ~~which were was approved prior to the effective date of this SLDC.~~

**8.10.11.13. Expansion of existing PDDs.** Non-residential structures within an existing PDD may expand up to twenty-five (25%) under a conditional use permit. ~~Additional~~ ~~uses~~ Any increase in intensity of non-residential uses or ~~an~~ increase in residential density shall require submittal of a new PD application or rezoning request.

Chapter 10 – Supplemental Zoning Standards

10.3. ACCESSORY STRUCTURES.

**10.3.1. Applicability.** Where a principal use or structure is permitted, the Use Matrix may permit certain accessory structures subject to this section. Accessory structures shall be clearly incidental and subordinate to the principal use, customarily found in connection with the principal use, and located on the same tract or lot as the principal use.

**10.3.2. Requirements.**

**10.3.2.1.** Accessory structures shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established; however, an accessory structure may be constructed before the principal structure when development approval has been granted for both the principal and accessory structures unless otherwise prescribed below.

**10.3.2.2.** The accessory structure shall share a driveway and utilities with the principal use or structure unless prohibited by terrain constraints.

**10.3.2.3.** The accessory structure shall not contain a kitchen or cooking facilities, including kitchen appliances, unless approved as part of an approved home occupation or non-residential use. If a kitchen is provided for such use, the accessory structure shall not also contain a bath or shower.

**10.3.2.4.** Agricultural and grazing and/or ranching accessory structures shall be permitted on property where the ~~primary-principal~~ use is agriculture, grazing and/or ranching, provided that a development permit is obtained in accordance with the siting and design standards of this SLDC.

**10.3.2.5.** Accessory structures used for dwelling purposes are governed by § 10.4.

SFC CLERK RECORDED 12/09/2015

Table 10-2: Temporary Uses.

Activity	Permitted district	Duration	Maximum times/year per lot/parcel	Permit required?
Auctions	any	3 days	1	no
Christmas tree sales	<u>CG, CN, I, IL, P/I, MU, PD, A/R, RUR, TC</u>	60 days	1	no

Office in a model home	any	24 months, renewable for additional (up to) 12 month periods	n/a	yes
Fireworks stand	CG, I	30 days	1	yes
Temporary outdoor retail sales	CG, CN	10 days	4	yes (unless shown on approved site development plan)
Produce stand or farmers' market	Ag/Ranch, RUR, RUR-F, RUR-R, RES-F, TC Any	90 days renewable for additional (up to) 6 month periods	n/a	no
Public assembly (carnival, fair, circus, festival, show, exhibit, concert, or similar)	CG, I, IL, P/L, CN, MU, PD, A/R, RUR, RUR-F.	up to 2 weeks	n/a	yes
Yard/garage sales	any residential	2 consecutive days, limited to daylight hours	n/a	no
Film production	any	As needed	n/a	yes

**10.9. TEMPORARY USES.**

**10.9.1. Applicability.** Authorized temporary commercial uses are authorized so long as all requirements of this section are complied with. Table 10-2 provides the rules under which the temporary uses may be accommodated. Additional requirements for certain uses are included in subsections 10.9.2 – 10.9.6.

**10.9.2. Constructed Temporary Uses.** Temporary buildings and structures are permitted in any zoning district while approved building, land development or redevelopment is occurring. Such buildings or structures may include offices, construction trailers or construction dumpsters and storage buildings.

**10.9.3 Dumpsters.** Construction dumpsters are subject to the following:

**10.9.3.1.** No construction dumpster may impede pedestrian or vehicular access to and from adjoining properties or otherwise create an unsafe condition for pedestrian and vehicular traffic;

**10.9.3.2.** Every construction dumpster shall clearly identify the owner of such dumpster and telephone number and shall be clearly labeled for the purpose of containment of construction materials only; and

**10.9.3.3.** Every construction dumpster shall be routinely emptied so it does not create an unsightly or dangerous condition on the property resulting from the deposit, existence, and accumulation of construction materials and stagnant water.

**10.9.4. Public Assembly.** Temporary buildings, structures, or tents for public assembly (including carnivals, circuses, and similar events) are permitted as specified in Table 10-2 ~~in areas~~

~~zoned for commercial and industrial uses~~, provided that:

**10.9.4.1.** No such building, structure, or tent shall be permitted to remain on the site for a consecutive period exceeding two weeks;

**10.9.4.2.** Sufficient space for parking shall be provided on the site to meet the anticipated needs;

**10.9.4.3.** Adequate provision shall be made for utility services; and

**10.9.4.4.** No exterior amplifiers, speakers, or other similar equipment shall be permitted outside of the temporary building, structure, or tent.

**10.9.5. Yard/Garage Sales.** Outdoor yard/garage sales are permitted in all residential zoning districts without a permit. Items purchased elsewhere expressly for resale at a yard/garage sale are prohibited. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day or days of the sale. Commercial outdoor sales activities are prohibited. For purposes of this subsection, a “yard/garage sale” means a public sale at a dwelling at which personal items belonging to the residents of the dwelling are sold.

**10.9.6. Film Production and Related Activity.** *See* County Ordinance 2010-6.

**10.9.7. Removal of Temporary Structures.** Structures related to a temporary use shall be completely removed within 60 days of the expiration of the permit for the temporary use.



## Chapter 11 – Developments of Countywide Impact (DCIs)

### 11.7.7. Regulations for Sand and Gravel Extraction.

**11.7.7.1. Purpose; Intent.** The purpose of this Section 10 is to establish operational, location, reclamation and general standards for sand and gravel operations and associated extraction activities that are designed to establish reasonable limitations, safeguards, mitigate negative impacts on the surrounding properties, and provide controls for the conservation of natural resources and rehabilitation of land.

**11.7.7.2. Applicability.** This Section 10 applies to the extraction and processing of any sand and gravel extraction operation that affects 10 or more acres of land or extracts more than 20,000 tons of earth materials, or utilizes blasting. Small, incremental increases of an approved extraction operation by the same owner or operator that effectively avoid the application and approval requirements of this ordinance are prohibited. No applicant, operator or owner, whether individually or as an agent or corporate officer of any business entity, who has been granted an approval to operate a sand and gravel extraction operation of less than 10 acres of land or less than 20,000 tons of earth material shall be granted approval to operate an expanded or similar extraction operation on the same or contiguous property, where the total of any additional operation increases the extraction operation to one in excess of 10 acres of land, or to one in excess of 20,000 tons of earth material. Instead, any such additional operation shall be treated as a DCI and shall require application and processing under this Ordinance.

**11.7.7.3.** Sand and gravel extraction and processing includes any removal, stockpiling, or processing of any material identified in the definition of sand and gravel. Any screening, crushing, gravel recycling, washing, or stockpiling of aggregate, in concert with extraction, constitutes a gravel operation.

**11.7.7.4.** This Section 11.7.7 does not apply to:

1. Excavation related to basements and footings of a building, or retaining walls.
2. Sand and gravel operations that are less than 10 acres in size and extract less than 20,000 tons of earth materials and which do not utilize blasting, are regulated by Section 10.19 of this SLDC.~~Article XI of the Land Development Code.~~
3. Mineral Exploration and Extraction regulated by Article III, Section 5 of this Ordinance.

**Chapter 14 – Inspections, Penalties, Enforcement, Miscellaneous Permits  
and their Expirations**

**14.9.7.6. Administrative ~~variance~~/minor deviations.** The Administrator is authorized to administratively approve ~~administrative minor deviations~~variances upon a finding that the result is consistent with the intent and purpose of this Code and not detrimental to adjacent or surrounding properties as follows:

1. ~~minor deviations~~ from the dimensional requirements of Chapter 7 ~~of~~ the SLDC not to exceed ten percent ~~(10%)~~ of the required dimension, ~~but only upon a finding that the result is consistent with the intent and purpose of this code and not detrimental to adjacent or surrounding properties.~~

2. ~~minor deviations~~ from the density requirements of Chapter 8 of the SLDC not to exceed five tenths of a percent (0.5%) of the gross acreage allowed in the zoning district.

Appendix A - Definitions

Density: ~~the number of dwelling units allowed per gross acre, an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.~~

Appendix B - Use Table:

“Cattle ranching and the grazing or cattle or other livestock” is replaced with “Grazing and ranching of livestock” and is allowed as a permitted use in all zoning Districts.





Mr. Chairman, members of the Commission;

My Name is Walter Wait and I am here today representing the San Marcos Association Board of Directors

You have in your packet our letters expressing our continued opposition to designating over a 1000 acres to high density development in the form of Mixed Use zoning along the Turquoise Trail National scenic Byway. We have offered some recommendations to mitigate some of the possible detrimental impacts, not the least of which is to extend the proposed Turquoise Trail Environmental and Resource Protection Overlay Zone to one thousand feet from the center line on either side of Road.

We are joined in our opposition to the establishment of a light industrial zone immediately south of the State Penitentiary by virtually all of the civic and neighborhood associations that lie along the National Scenic Highway - all of which fear the loss of character that such a move would have on the By-way and the potential loss of tourism. A letter detailing our concerns and some suggestions to mitigate some of the impacts is also included in your packet.

I might add that since that letter was drafted, three more Madrid Associations have asked to be included as signatories to the "no industrial zone" letter.

These are:

*Madrid Land owners Association  
Madrid Cultural Projects  
Madrid Water cooperative*

We urge you to take into consideration our concerns and suggestions for either elimination of the Mixed use and industrial zoning along the Turquoise Trail or to mitigate some of the impacts such a zoning designation will surely bring.

Two additional points. The revised code calls for the creation of "conceptual plans" and the planning staff has stated that such a plan would be a kind of "heads up" notification of potential development. If the very brief description of "conceptual plan" does not contain a requirement for a proposed developer to include conceptual intent for development ( or lack there-of)all of the all the land holdings that it may have or are owned by subsidiaries, linked corporations, or affiliated property owners having an interest in the proposed development - then the County and the public will find the plan virtually useless as a long term planning tool. We recommend, therefore, that such a clause be added to the official description of "conceptual plan".

Second, the proposed zoning map envisions a very large increase in traffic on the Northern sections of the Turquoise trail over the next fifteen years but the code offers little remediation to cope with such traffic. We recommend that the code insist that prior to the adoption of any development that would currently "feed" into Highway 14, that a new route be designed and constructed that would connect the highway to either rodeo road or St Francis Drive.

Nov 10 2015 BCC meeting presentation by Walter Wait

Once again, we ask you to consider our recommendations, as e-mailed last week, and as , hopefully, found in your packet.

Thank you

SFC CLERK RECORDED 12/09/2015



## 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.**

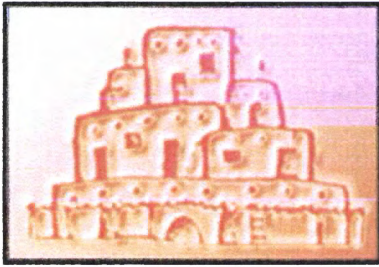
A second alternative could also be considered. While we oppose the population build-out along the National Scenic By-way that "Mixed Use zoning would promote, Mixed Use zoning may be a better alternative for the 320 acres now preposed as "light Industrial". The "mixed Use" definition would eliminate 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



## THE SAN MARCOS ASSOCIATION

November 5, 2015

**THE SAN MARCOS ASSOCIATION  
P. O. Box 722  
Cerrillos, NM 87010**

### **Opposition to "Mixed Use" zoning along a National Scenic Byway**

The San Marcos Association is strongly opposed to the proposed placement of approximately 2 miles of "Mixed Use" zoning immediately South of the County Jail spanning both sides of State Highway 14. We feel that this proposed County forced zoning will degrade the National Scenic By-way, promote sprawl, and create unacceptable levels of traffic congestion. As demonstrated at the October 27 BCC meeting, Mixed Use zoning could create developments that, combined, could approach as many as 15,000 dwelling units in an area that is currently taxed as ranch land.

The new code and plan advocates the development of mixed use zones for the express purpose of "insuring a market for development rights (2.2.4.1). While we believe that the new code's introduction of TDR's as a method for preserving special places is both sound and welcome, we are not convinced that two miles of Scenic By-way is an appropriate "receiving area".

We have argued in the past that the proposed Highway corridor mixed use development is both unwise and unwarranted. We believe that zoning the areas along State Route 14 as anything other than "rural fringe" ( 1 dwelling per twenty acres) makes no sense at all, and as the properties are currently comprised of working ranches, should be zoned as the rest of the working ranches property is. We believe that strip zoning along 14 would cause a serious disruption to the use of the Rancho Viejo Ranch cattle grazing Lands and the Bonanza Creek Ranch range land ranching operation. It is currently being operated as a single ranching entity. By cutting off access, separating the two major holdings, and increasing the population density by 100 percent, we believe that the proposed zoning would sound the death knell to ranching on almost 30,000 acres of land. This would destroy one of the last natural gateways into Santa Fe.

Forcing development of this area to as many as 15 houses per acre would also create a health and safety issue. There is no alternative driving route into Santa Fe should State Route 14 become obstructed. Increasing population density along this route will only make it worse.



## **Recommended Alterations to the Proposed Zoning Map**

1. We believe that the County should eliminate the "mixed use" zoning proposed for the Turquoise Trail Scenic Byway.

2. While we applaud the recent changes to the proposed zoning map that added the "Turquoise Trail Environmental and Resource protection Overlay Zone", we believe that the zone should extend 1000 feet from the center-line on either side. This would place any proposed development at the same distance from the Scenic By-way as the County Jail and the Elementary school. A 1000 foot corridor would also lessen the impact on the view-shed and reduce impacts on the National Scenic By-way designation.

### **Some additional ideas that might eliminate neighborhood concerns:**

1. Change the Mixed use zone along Highway 14 to one dwelling per ten acres to match the zoning in the San Marcos District.
2. Reduce the "top end" of the number of TDR's that can be applied to mixed use properties within the Scenic Byway corridor.
3. Permit only a single TDR per acre (maximum 4 houses) on mixed use property within the highway 14 corridor.
4. Increase the proportion of TDR's required from 1/4 acre per 3 dwellings, to 3 acres per 3 dwellings ( a one to one ratio) within the Scenic By-way corridor.,
5. Differentiate between "Ag land" that is used for farming and "Ag land" that is used for Ranching, when making determinations of TDR sending requirements.
6. Make the 2000' between the San Marcos Subdivision ( within the San Marcos District) and any proposed mixed Use development into a "designated sending area". This would lessen the impact of high density development on a mature "quiet residential neighborhood".
7. If elimination of the MU zone is not considered feasible, eliminate 360 acres (half a section) at the southern end, either side of the Turquoise Trail from the Mixed Use zone. This would restore some portion of the scenic value that would potentially be impaired by development in the Northern portion of the proposed MU zone.

Walter Wait

President, SMA Board of Directors



Comments on the Draft SLDC by Ross Lockridge, 11/10/15  
POB 22, Cerrillos, NM 87010

I have a short list of items I wish to comment on.

--I wish to affirm my opposition to any type of industrial zone on the NM14 Byway. I would emphasize that the SGMP Keys to Sustainability state that industrial activities be sited well away from scenic byways. Remember that although the Byway should have through-truck restrictions, it does not, so we must be especially careful how we plan for development here and elsewhere along it. I'd recommend that if the people of Estancia would welcome industrial zones that it makes sense. It is near Albuquerque where growth is occurring and would be the logical place for planners to look. That and better organizing of the industrial zone along 599.

--Concerning Setbacks, they should I think be maximized along NM14 and I appreciate the 1000 feet in this area. But it's my understanding that especially south of <sup>Cerrillos</sup> Madrid the setbacks are only 100 feet, essentially next to nothing. Considering that much of the Turquoise Trail south of Madrid passes through very large parcels, there is no reason not to likewise extend the setbacks to 1000 feet minimums. Please choose the best solutions and ones that protect and respect the Byway so that it might continue its contributions both visually and economically to the county into the future.

--Concerning gravel mines of <sup>Quote "small" scale</sup> minimum impact, if section 10.19. is to govern them, the draft I think has some disturbing lacks. It's better on reclamation than Article XI, but It's a draft law that:

- 1) has no section addressing the siting of gravel mining operations, and it doesn't reach the state standards of minimal impact mines regarding state cultural properties.
- 2) it doesn't have to demonstrate the existence of significant resources at the site,
- 3) it doesn't have to demonstrate need,
- 4) it would allow crushers and other heavy industrial equipment, but has no meaningful set-backs from neighbors or roads,
- 5) it allows up to 10 acres which is large in relation to the allowed maximum tonnage,
- 6) it can come under the radar of public notice as applicants are not required to alert any but the closest neighboring landowners. Local community & registered organizations down the road, would not receive notice.

I feel the county may be bending over backwards under a false rationale of using relaxed standards to avoid "putting gravel mining out of business", but would the adjustments I've listed actually do that? I don't think so.

--Lastly, concerning 2.2. COMMUNITY PARTICIPATION, I am pleased to see unincorporated organizations added to the list for recognition as a Registered Organization. After all, these kinds of organizations are important. If not for Friends of Santa Fe County, for instance, there would be no Ortiz Mountain Educational Preserve. So I would thank Staff for the recognition. However I think that if the intention of 2.2. is really QUOTE "designed to maximize public input" the regulations should not demand the phone numbers of all the members. I don't think the membership would appreciate their phone numbers going into the county's public database. State regulations don't require even the number of members let alone personal phone numbers and email address. I'd suggest such information gathering be limited to the founders of the organization.



Vicki Lucero



**Subject:** FW: CDRC CASE # V 15-5060

**From:** Carl Dickens [mailto:[cedickens2@yahoo.com](mailto:cedickens2@yahoo.com)]  
**Sent:** Monday, November 09, 2015 1:03 PM  
**To:** Penny Ellis-Green  
**Cc:** Judith Hands; Kathryn Ken Becker; Paul Murray; Jose Varela-Lopez; Mary Winter; JJ and Dolores; Keir Careccio; Tom Mary Dixon; [erlindagrill@aol.com](mailto:erlindagrill@aol.com); Robert-Patricia Romero; Christopher M. Barela; Robert A. Anaya; Miguel Chavez; Henry P. Roybal; Kathy S. Holian; Liz Stefanics; Katherine Miller  
**Subject:** CDRC CASE # V 15-5060

Penny,

My apologies for not providing an offiical LCVA letter on this case (below) coming before the County Commission tomorrow.

As noted in a previous communication LCVA opposes this variance request. We regret that Mr. Arras doesn't realize the damage his structures will cause for downstream infrastructure and property owners as the result of a flood event. This is a blatant disregard to County ordinances and regulations and should be denied.

Sincerely,

Carl Dickens, President  
La Cienega Valley Association

CDRC CASE # V 15-5060 Homero Arras Variance. Homero Arras, Applicant, Requests a Variance of Article III, Section 3.5 of Ordinance No. 2008-10 (Flood Damage And Stormwater Management) to Allow an Existing Illegally Constructed Retaining Wall, Gazebo, and a Chicken Coup within a FEMA Designated Special Flood Hazard Area on a 2.53 Acre Lot without Submitting the Required Technical Analysis. The Property is Located at 12 N. Paseo De Angel.

S F C C L E R K R E C O R D E D 1 2 / 0 9 / 2 0 1 5

**La Cienega Valley Association**  
PO Box 23554  
Santa Fe, New Mexico 87502  
**Preserving Our Rural Way of Life**

November 6, 2015

Katherine Miller, County Manager  
Santa Fe County  
102 Grant Avenue  
Santa Fe, New Mexico 87501

RE: CDRC Case 06-5212 La Bajada Ranch (Santa Fe Canyon Ranch) Time Extension.

Dear Ms. Miller,

At our November meeting the La Cienega Valley Association Board (LCVA) discussed the County's request to extend the master plan for La Bajada Ranch. The LCVA understands the purpose of the extension and will not oppose it although our community continues to maintain there are serious unresolved issues regarding water rights available for any development on the property.

At this time the LCVA is more concerned about what the County's plan is for the property. The La Bajada Ranch Steering Committee's work concluded over a year ago. At that point the County solicited proposals for the property based on the criteria and conditions established by the Steering Committee. It is our understanding that only one proposal met the established criteria and County deadline for submittals. That proposal was from Frank Mancuso who purchased the Borrego owned part of the previously proposed Santa Fe Canyon Ranch development.

That was several months ago and since then our community has heard nothing. There has been no indication of any progress or decisions being made. For a community that has responded to numerous development and County proposals for the ranch property over the last ten years this is unsettling especially for new residents who suddenly see the yellow signs with the announcement of an 156 home development . This includes representatives of a Sufi group who have purchased an adjoining property and home for a proposed religious center.

The LCVA requests an update on plans for La Bajada Ranch that we can share with the residents of our community.

Finally the LCVA questions the process that proposes that La Bajada Ranch be zoned a Planned Development District (PPD). This designation appears to be self-serving and was done with little community input or comment. That is unfortunate and creates unnecessary questions and doubt about the County's intention for the property. The LCVA wants to note that there is an important underlying issue of proposed PPDs, in that there is no base zoning for these properties.

This issue was raised by the La Cienega-La Cieneguilla Planning Committee but was and has been ignored. The problem is that if a master plan for a PDD is denied or abandoned there is no base zoning to fall back on to protect the property from future inappropriate development. This is unacceptable and poor planning for large tracts of land in our and other communities in Santa Fe County. The LCVA will continue to support the position of the La Cienega-La Cieneguilla Planning in requesting all PDD have a base zoning that protects communities from unsuitable development.

Over the last several years our community has been consistently clear on our commitment of working with the County to create a plan for La Bajada Ranch that appreciates the history and traditions of our community. The LCVA supported the creation of the La Bajada Ranch Steering Committee and has a sincere appreciation of their work. Our community's regret is that Committees work appears to be lost in County bureaucratic processes.

Thank you.

Carl Dickens, President  
La Cienega Valley Association

CC: Santa Fe County Commission  
Penny Ellis Green, Land Use Administrator  
Gene Bostwick, Chair LCLC Planning Committee  
LCVA Board

# PETITION

Rick Anaya is requesting approval from Santa Fe County to develop a RV park consisting of 54 RV spaces, 20 horse stalls, public bathroom/shower facilities and an existing residence on 11.57-acres. The property is located at 16 Ella Dora Road, within Section 31, Township 10 North, Range 9 East, (Commission District 3). Each of the proposed RV spaces are to be designed to provide access to water, power and sewage for RV owners, along with a barbecue grill and a picnic table. Each space will be constructed using base coarse material and each space will be landscaped with one evergreen tree.

There are a number of significant advantages to the local community which includes full time employment for several individuals; eco-friendly park (water harvesting, indigenous trees/shrubs, dog park, walking/exercise path, and an aggressive recycling program); very low impact to the environment (air, surface and groundwater); additional tax revenues for Santa Fe County; and the potential to increase property values in the local area.

Rick was born and raised in the Stanley area and is a life-long resident of Santa Fe County. He and his family are passionate about their local community and have served in many different capacities as public servants and private citizens to help and support the needs of the community. Rick is sincerely asking you for your support of his project and is available to answer any questions and/or concerns. Please feel free to contact him directly at: 832-277-8381. Thank you!

**Yes, I am in support of the above referenced RV park project on behalf of Rick Anaya!**

DATE	NAME	ADDRESS	TELEPHONE
SEP 19, 2015	Donna Soule	3850 Hwy 41 Stanley	832 4339
✓	Nancy Soule	3850 Hwy 41 Stanley NM	832-4339
20 Sept '15	Walt Rye	63 Joe Keen Rd Stanley	573-2728
✓	Theresa Dumas	63 Joe Keen Rd Stanley	514-1788
✓	Walt Marshall	He 72 Box 135 Ribera	575 421 2465
✓	Dorothy King	907 Hwy 472	832-4229
✓	Phyllis Gove	36 Surrey Lane	414-1541
✓	Cathy Lysman	28 Carrie Adams	
✓	Wanda Fisher	32 Sandia Mt. Trail	286-2359
✓	Don King	907 Hwy 472	832 4229
✓	Ray King	943 Hwy 472	832 4229
✓	Bonnie Alford	48 Rock Rd	
✓	J.M. Richardson	3660 Hwy 41 Stanley	332-1473

SEC CLERK RECORDED 12/09/2015

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SEC CLERK RECORDED 12/09/2015

DATE	NAME	ADDRESS	TELEPHONE
10/4/15	Steve Moya	23 VIA LA PUENTE Golieth	505-466-1544
10/4/15	Jean Moya	23 VIA LA PUENTE Golieth	505-466-1544
10/5/15	Matthew Moya	115 C JAYMAR RD Stanley	505-231-0708
10/3/15	Deanna Lopez	179 Jaymar Rd, Stanley, NM 87066	505-832-4030
10/3/15	Kim Anaya	767 D. B. Anaya Rd Stanley NM	505-577-1395
10/13/15	Craig Moya	115B Jaymar Rd Stanley NM	505-231-0632
10/3/15	Heather Tassel	115B Jaymar Rd Stanley	505-231-8414
10/3/15	Brian Moya	115 Jaymar RD Stanley	505-832-4336
10/3/15	Melissa Moya	115 Jaymar Rd Stanley	832-4834
10/3/15	NATHAN Miller	4 Brayden Ct Edgewood	505-350-6709
10/3/15	Jonah Miller	4 Brayden Ct Edgewood	505-450-8887
10/3/15	Ashlynn Moya	115 Jaymar Rd. Stanley, NM	505-832-0506
10-3-15	Gy Walden	3458 STATE RD 41 Stanley NM	505-832-6759

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DATE	NAME	ADDRESS	TELEPHONE
10-7	MICHAEL TULLO	701 RT 66	239-5574
10-7-15	Elizabeth McDonough	102 Girard	221-1655
10-7-2015	Eldon Montoya	4 North Caroline	872-9879
10-7-2015	DOYLE M LARSON	238 Poch Dr. Edgewood N.M.	505-301-4148
10-7-2015	Billie Rodarte	de Harrow Rd 87035	505-274-6883
10-7-2015	SHAWN REAGAN	30 STEELING AVE 87035	505-549-4565
10-7-15	Francisca Stans	28 Bell Ave 87035	505-399-0464
10/12/15	Antias Andrade	P.O. Box 13 McIntosh 87032	550-4097
10/12/15	K. L. El	80 MI RANCH ROAD MORRIS	2432380
10/12/15	S. Drake	2 Peak RD. 87015	286-6240
10/13/15	Carol Martinez	Sweetwater Hills	350-6903
10/13/15	Ray Muen	153 Hale Rd Stanley	2590080

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DATE	NAME	ADDRESS	TELEPHONE
10.6.15	Susan Smith	12145 HWY 14 N J-2	505-273-0247
10-6	Dwaine Dumas	136 Long Horn Trl	505-710-6521
10-6	Milinda Prather	108 W Buford Ave	352-745-0758
10/06	Bruce Katschauer	P.O. Box 41 Estancia	227-6703
10/06	Alton Constant	P.O. Box 2762 Moriarty	832-6207
10-06	Elizabeth Dalton	PO Box 1851 Moriarty N.M.	4109-2762
10-6	Rendacfer	P.O. Box 704 Moriarty	689-7039
10-6	V. N. C. A. DEAO	PO Box 452 Moriarty	437-4467
10-6-14	Julie Bettis	P.O. Box 1920 Moriarty NM 87035	505-705-0373
10-6-15	Denay June	POB 1552 Moriarty	832-6042
10-6-15	Patrick Robert	PO Box 3106, Edgewood, NM	—
10.6.15	Kim Sugar	243 A. Madrid Moriarty	—

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DATE	NAME	ADDRESS	TELEPHONE
10-6	JERRY SAUCEDO	40 Jemez RD.	505-550-6800
10-6-15	JAMES RODRIGUEZ	107 LINK AV.	306-2377
10-6-15	TERESA L. HENRIKSEN	220 IRVING AVE	604-2938
10-6-15	Jonathan Torres	34 Sun Up	307-3921
10-6-15	Jeffrey Martin	58 Clubhouse Rd	384-4173
10-6-15	Trina Monaghan	51 A PION LP. Edgewood,	
10-7-16	Dr. S. Smith	2 N. Main	688-2026
10-6	Cathryn Roberts	1314 Michael St	
10-6	John C. Long	104 Moriarty	328-2937
10-6-15	Natasha Rawlin	193 Appaloosa	917-2801
10-6-15	William A. Tatro	P.O. Box 322 Moriarty	505-261-3175
10-6-15	Jeanne Hooten	P.O. Box 473 Moriarty	225-0970



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DATE	NAME	ADDRESS	TELEPHONE
10/13	SHARON HERICKS	801 MARTINEZ RD	302 482 6655
10/13	LEE SMITH	807 CENTER	832-1219
10/13	Amanda Melvin	40 Chisum trail	358-6031
10/13	David Methvin	40 Chisum trail	358-6031
10/13	Miriam Garcia	76 Estancia Del Norte	607-4515
10/13	Kathy Julius	808 Linden Ave	702 354-0742
10/14	Linda Maylin	P.O. Box 634 Moriarty	505-832-0051
10/14	DeAnna Garza	35 Edo Rd Jct	505 316-1771
10-14	THOMAS GARCIA	3 KANSAS COURT MORIARTY	505-814-4503
10-14	Becky Heim	P.O. Box 913 Moriarty	505-977-4910
14 Oct 15	Michael Gallagos	9 Chisum MORIARTY	505-681-6661
10-14-15	Angela Cook	Moriarty, NM	505-832-4161

SFC CLERK RECORDED 12/09/2015

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[illegible]

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DATE	NAME	ADDRESS	TELEPHONE
10-3-15	Helen Waldorf	3458 Hwy. 41 Stanley, NM	505-604-1877
10-3-15	Bhannon Moya	115 Jaymar Rd	505-832-4336
10-3-15	Justin Powell	01 springs rd, Edgewood, NM	(505) 515-7397
10-3-15	MARK B. ANAYA	767 B. ANAYA RD <sup>STANLEY</sup> NM 87056	(505) 385-6844
10-3-15	Ron Madrid	179 Jaymar Rd <sup>87502</sup> Stanley NM	505 832 4050
10-4-15	MaryAnn Anaya	120 Little Ranch <sup>Stanley NM</sup>	505 832 6024
10-6-15	Mike Anaya	P.O. Box 10 Moriarty NM	505 220 9843
10-19-15	Josephine Bruner	P.O. BOX 2510 Moriarty NM	505 1220-3776
10-19-15	Melita Waldorf	P.O. Box 3314 Moriarty NM 87058	505-306-4781

# PETITION

Rick Anaya is requesting approval from Santa Fe County to develop a RV park consisting of 54 RV spaces, 20 horse stalls, public bathroom/shower facilities and an existing residence on 11.57-acres. The property is located at 16 Ella Dora Road, within Section 31, Township 10 North, Range 9 East, (Commission District 3). Each of the proposed RV spaces are to be designed to provide access to water, power and sewage for RV owners, along with a barbecue grill and a picnic table. Each space will be constructed using base coarse material and each space will be landscaped with one evergreen tree.

There are a number of significant advantages to the local community which includes full time employment for several individuals; eco-friendly park (water harvesting, indigenous trees/shrubs, dog park, walking/exercise path, and an aggressive recycling program); very low impact to the environment (air, surface and groundwater); additional tax revenues for Santa Fe County; and the potential to increase property values in the local area.

Rick was born and raised in the Stanley area and is a life-long resident of Santa Fe County. He and his family are passionate about their local community and have served in many different capacities as public servants and private citizens to help and support the needs of the community. Rick is sincerely asking you for your support of his project and is available to answer any questions and/or concerns. Please feel free to contact him directly at: 832-277-8381. Thank you!

**Yes, I am in support of the above referenced RV park project on behalf of Rick Anaya!**

DATE	NAME	ADDRESS	TELEPHONE
10/6/15	Alexandra Scindoval	8 Caleb Ct. Stanley NM	505 231 1118
10/6/15	Ernie Sandoval	8 Caleb Ct. Stanley NM	505-660-5144
10/6/15	Frank Sandoval	05 Ramada Lane Stanley NM	505 832 4243
12/10/15	T Roy Chan	120 Little Ranch Rd	505-466-0414
11/10/15	Jo Ann Chan	120 Little Ranch Rd	505-466-0414

SFC CLERK RECORDED 12/09/2015

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Yes, I am in support of the above referenced RV park project on behalf of Rick Anaya!

DATE	NAME	ADDRESS	TELEPHONE
10/29/2015	Dominic Ortiz	95 Sunlap Trail	453-2613
10/29/2015	Ralph D. Ortiz	95 SUNLAP TRAIL	604-5999
10/29/2015	Alfred Larrinaga	884-DINKLE ROAD	505-453-2218
10/29/2015	Graciela Larrinaga	884-DINKLE ROAD	505-453-2497
10/29/2015	Wendy	Katherine Moriarty	505-453-2169
10/29/2015	<del>Maria</del>	<del>Katherine Moriarty</del>	<del>505-453-2169</del>
10/29/2015	Amanda	95 Sunlap Trail	505-453-2215
10/29/2015	Dominic Ortiz	Dinkle Road	505-453-2792
10/29/2015	Celine Ortiz	DINKLE RD.	505-514-9665
10/29/2015	Delia A. Ortiz	P.O. Box 309 Moriarty	505-832-4582
10/29/2015	Alonso A. Ortiz	P.O. Box 309 Moriarty	505-832-4582
10/29/2015	Anna	Moriarty	505-719-2607
11/10/15	De JARAMILLO	Moriarty	505-720-2772

PETITION

Rick Anaya is requesting approval from Santa Fe County to develop a RV park consisting of 54 RV spaces, 20 horse stalls, public bathroom/shower facilities and an existing residence on 11.57-acres. The property is located at 16 Ella Dora Road, within Section 31, Township 10 North, Range 9 East, (Commission District 3). Each of the proposed RV spaces are to be designed to provide access to water, power and sewage for RV owners, along with a barbecue grill and a picnic table. Each space will be constructed using base coarse material and each space will be landscaped with one evergreen tree.

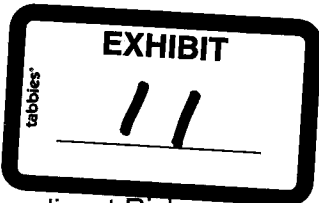
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Yes, I am in support of the above referenced RV park project on behalf of Rick Anaya!

DATE	NAME	ADDRESS	TELEPHONE
11-9-15	SAUL ARAQUE	PO BOX 3552 MORIARTY, NM	505-573-2072
11-9-15	VERONICA ARAQUE	PO BOX 3552 MORIARTY, NM	505 440-0547
11-9-15	Janella Montoya	P.O. Box 908 Moriarty NM 87035	305 288 8962
11-9-15	Leanne Tapia	P.O. Box 1944 Monarch	505 888-7351
11-9-15	Santos Tapia	P.O. Box 1944 Monarch	505 717-9304
11-9-15	Helen Tapia	PO BOX 162 Moriarty	505 832-6436
11/10/15	Steve Shepherd	225 B Anaya Rd Stanley	(505)-917-5744
11/10/15	Dorothy Shepherd	225 B Anaya Rd Stanley	505-710-3266

SFC CLERK RECORDED 12/09/2015



We, the citizens of Santa Fe County, New Mexico, petition the County to **DENY** applicant Rick Anaya (CDRC Case # A/DP 15-5200 Spotlight RV Park) approval for Master Plan Zoning Preliminary and Final Development Plan for a RV Park consisting of 54 RV spaces, 20 horse stalls, and public bathroom/shower facilities and an existing residence on 11.57 acres. The property is located at 16 Ella Dora Road, within Section 31, Township 10 North, Range 9 East, and Commission District 3.

The facility and service of the RV Park and facilities will create a significant increase in demand on existing water supply shared by current residents. The non-permanent, traveling nature of the intended customers will place undue burden on existing rural residents, roadways, and law enforcement. In addition, the biological effect (flies, order, and manure) of 20 livestock stalls on the current neighborhood. There will be also be an increased need for higher resident incurred protection costs. As a whole, the County, Emergency Response, and residents will bear substantial costs to prevent critical breaches in security and safety.

I demand that the Master Plan Zoning Preliminary and Final Development Plan for this RV Park be **DISAPPROVED**.

SFC CLERK RECORDED 12/09/2015

Name	Address	Phone #	Signature
Emmanuel Muech	P.O. Box 86 CRANE TX 79731	432-502-8266	
Sandra Olivas	P.O. Box 1582 Moriarty	832-1591	
Emilia Olivas	P.O. Box 1582 Moriarty	975-5416	
Paul a. Lemus	Santa Fe City R #488 P.O. Box 927 Moriarty	505-832-6012	
E. J. Penick	Santa Fe City R #488 P.O. Box 927 Moriarty	505-832-6012	
Cavelene M. Penick	SANTA FE CO RD 2B R 488 P.O. Box 927	505-832-6012	
Dennis Penick	MORIARTY NM SF CO RD 2B 488 P.O. Box 927 Moriarty	505-832-6012	
Anthony Encino	SF city Rd 2B 488 P.O. Box 1582	505-249-9296	
Roxie Encinas	Moriarty	269-1965	
Aimee Elliott	P.O. Box 37 Moriarty NM	505-832-4065	
Irelma Elliott	P.O. Box 37, Moriarty, New Mex 87056		
Naomi Johnson	P.O. Box 3363 Moriarty NM	505-832-4065	
Karen L. Wise-Pitz	P.O. Box 2728 MORIARTY NM	505-550-1780	

87035

Print Name	Address	Phone #	Signature
Giyanra Zamora	PO Box 775 <sup>Moriarty NM 87035</sup>	(505) 480-3556	Giyanra Zamora
Christopher Nitz	PO Box 775 <sup>Moriarty NM 87035</sup>	(505) 550-0390	Christopher Nitz
Victor Nitz	PO Box 2708 <sup>Moriarty NM 87035</sup>	505-453-8342	Victor Nitz
AJ Martinez	15 County Rd 203	505 553 0885	AJ Martinez
RODERICK OLIVER	PO Box 1582	505-417-5581	Roderick Oliver
Daniel Chavez	PO Box 86	505-832-6990	Daniel Chavez
Miguel Chavez	PO Box 86	"	Miguel Chavez
Jose Astorga	Box 314	505-573-6713	Jose T. Astorga
Maria Astorga	Box 314	"	MARIA ASTORGA
Cathy Dink	P.O. Box 416	505-350-6273	Cathy Dink
Charles Breckenridge	P.O. Box 2249	505-832-4215	Charles Breckenridge
ANDREA BRECKENRIDGE	PO Box 2249 <sup>MORIARTY, NM</sup>	505-832-4215	Andrea Breckenridge
Dominic Chas	PO Box 1582 <sup>Moriarty NM</sup>	505-306-0115	Dominic Chas
Georgina Flores	PO Box 86 <sup>Moriarty NM 87035</sup>	(505) 702-5746	Georgina Flores
TED FLORES	PO Box 86 <sup>Moriarty NM 87035</sup>	(505) 469-6495	Ted Flores
Viviana Ruiz	413 Campbell Loop <sup>Moriarty 87035</sup>	(505) 235-2204	Viviana Ruiz
MARK WHITESIDE	PO Box 3358 <sup>MORIARTY NM 87035</sup>	505-417-2899	Mark Whiteside
MARSHA K. McLean	PO BOX 92398 <sup>YERMOCA</sup>	760-617-4695	Marsha K. McLean

new  
well



November 10, 2015

Santa Fe County Development Review Committee  
Re: Case A-DP 15-200

To Whom It May Concern:

I would first like to apologize for not being able to be physically present at this meeting but due to a previous commitment; thus I am submitting my opinions and request in writing for your consideration.

We have been residents of County Road 2B for approximately 25 years. When we chose to leave Moriarty we moved here for the opportunity to live in a quiet, friendly peaceful neighborhood environment, free from excessive noise, lights, traffic, and businesses. Our land did not come furnished with electricity, gas, telephones or running water, those were added expenses above and beyond the price we paid for our land so we could be in the country.

Now Mr. Anaya wants to bring in businesses consisting of a 54 RV Spaces, 20 Horse Stalls, Public Bathroom/Shower Facilities and an existing residence.

Allowing Mr. Anaya to bring these businesses into our neighborhood would be a detriment to our community.

Several area wells have run dry and or the water tables are very low and yet Mr. Anaya is in the process of adding more strain to these water tables in providing more demand to supply his trailer park, public facilities and horse ranch? Although it was possibly mentioned that he might have an agreement with someone to provide him with water, has anyone thought that maybe we (established residents) are tied into the same water stream, table, or well? If our wells go dry due to his excessive usage is he going to pay to drill well for us? I know we can't afford to drill another well at approximately ten thousand dollars, could you?

Traffic here is minimal, mostly residents, we have a few yard lights, noise is extremely minimal, now please consider bringing in all of what has been discussed above. How is that going to be contained?

Now, let's consider the crime element this will also bring in, law enforcement is extremely minimal, when called upon it takes a good amount of time to get assistance because we are out of City of Moriarty, County of Torrance, and South of Santa Fe County. Who will be paying for extra that?

The Anaya family has large amounts of land in Stanley and other area's which they could easily utilize for these businesses. As stated in my opening, we have been here 25 plus years and other residents have been here much longer, all we ask is that our voices be heard before any decisions be made.

Thank you for your time.

Respectfully,  
Anthony & Roxie Encinias

Anthony Encinias  
Roxie Encinias

Charles A. Meech  
Cynthia A. Fox  
2815 E. 31<sup>st</sup> St  
Odessa, TX 79762

SFC CLERK RECORDED 12/09/2015

October 30, 2015

To: Santa Fe County Development review committee  
Ref: Case A-DP 15-5200

As owners of the adjacent properties at 11 and 15 County Rd 2B, we wish to express our disapproval to the establishment of Mr. Anaya's business "next door" designed for "heavy use". Whether the business is retail, manufacturing, high density housing, or numerous trailer spaces and horse stalls, there will be too many negative effects. These would include excessive traffic, noise, lighting, trash and above/below ground solid waste or sewer for such uses.

We moved here almost 12 years ago to escape these nuisances and admired the uncluttered views. We would also wish to sell our properties to families who would want to conform to the existing, peaceful neighborhood.


More importantly, the water table has been dropping in this area for years. Our properties share a well which, early in 2015, brought up mud. A new, deeper well had to be drilled at a considerable expense. Therefore, we fear for our water and our property values!

Please find a different, appropriate location for this business and preserve our peaceful, rural neighborhood.

Thank you for your consideration.



Charles A. Meech



Cynthia A. Fox



Acknowledgment by Individual

State of Texas County of Ector

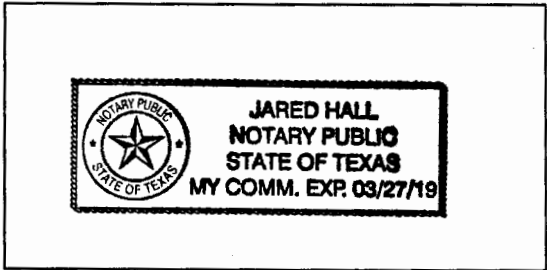
On this 31<sup>st</sup> day of October, 20 15 before me, JARED HALL  
Name of Notary Public

the undersigned Notary Public, personally appeared  
Cynthia Fox and Charles Meech

Name of Signer(s)  
☐ Proved to me on the oath of \_\_\_\_\_  
☐ Personally known to me  
☒ Proved to me on the basis of satisfactory evidence Texas Driver's Licenses  
(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed it.

WITNESS my hand and official seal.



Notary Seal

[Signature]  
(Signature of Notary Public)  
My commission expires 3-27-19

Optional: A thumbprint is only needed if state statutes require a thumbprint.

Description of Attached Document

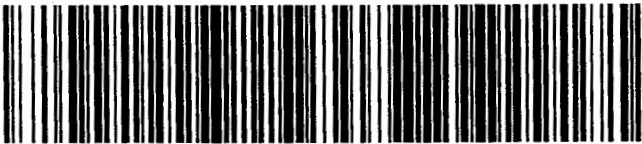
Type or Title of Document  
Letter to Santa Fe County Development Review Committee  
Document Date 10-30-2015 Number of Pages 2 including this one  
Signer(s) Other Than Named Above  
None

Right Thumbprint of Signer

Top of thumb here

Scanner Enabled Stores should scan this form  
Manual Submission Route to Deposit Operations

DSG5350 (Rev01-01/15)



FO01-00000DSG5350-01

SFC CLERK RECORDED 12/09/2015





EXHIBIT  
12

SFC CLERK RECORDED 12/09/2015











VANAMBERG, ROGERS, YEPa, ABEITA, GOMEZ & WORKS,

ATTORNEYS AT LAW

RONALD J. VANAMBERG (NM)  
CARL BRYANT ROGERS (NM, MS)\*\*  
DAVID R. YEPa (NM)  
CAROLYN J. ABEITA (NM)\*\*  
DAVID GOMEZ (NM, NAVAJO NATION)\*\*  
SARAH WORKS (NM, AZ, DC)

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347 EAST PALACE AVENUE  
SANTA FE, NEW MEXICO 87501

\*\*NEW MEXICO BOARD OF LEGAL SPECIALIZATION  
CERTIFIED SPECIALIST IN THE AREA OF FEDERAL  
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SUITE C  
ALBUQUERQUE, NEW MEXICO 87102  
(505) 242-7352  
FAX (505) 242-2283



August 27, 2015

VIA: E-Mail and  
FIRST CLASS MAIL

Penny Ellis-Green  
Growth Management Director  
County of Santa Fe  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, New Mexico 87504-0276  
[pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov)

Vicki Lucero  
Building and Development Services Manager  
County of Santa Fe  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, New Mexico 87504-0276  
[vlopez@santafecountynm.gov](mailto:vlopez@santafecountynm.gov)

Re: CDRC Case # Z/PDP/FDP15-5130, Ashwin Stables

Dear Ms. Ellis-Green and Ms. Lucero:

This firm represents Tamara and Steve Rymer, Marilyn and Don Miller, Pilar and Don Henry. Audrey and Barry Shrager, and Rebecca Schneider. The Rymers, Millers and the Henrys are all residents of the Canterbury Subdivision which is part of an original land division and subdivisions created by the applicant Don Altshuler. The Canterbury Subdivision is approximately 100 yards from the proposed commercial stable operation. The Rymers have a direct view of the proposed commercial stable operations. Ms. Schneider, and Audrey and Barry Shrager are residents of the Heartstone Subdivision, also part of the Altshuler land divisions and subdivisions. This subdivision is adjacent to the proposed commercial stable operation.

SFC CLERK RECORDED 12/09/2015



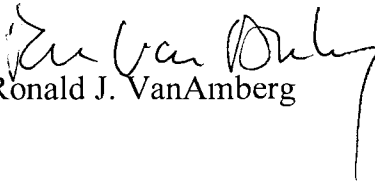
Penny Ellis-Green  
Vicki Lucero  
August 27, 2015  
Page 2

Pursuant to the requirements for *quasi-judicial* proceedings, I request that I be permitted to cross-examine any and all persons testifying before the BCC. This would include the applicant, County representatives, and others who testify in these proceedings.

Please let me know what the procedure will be for allowing cross-examination.

Thank you.

Sincerely,

  
Ronald J. VanAmberg

RVA/tmb

Cc: Rachel Brown  
Deputy County Attorney

SFC CLERK RECORDED 12/09/2015

# VANAMBERG, ROGERS, YEPa, ABEITA, GOMEZ & WORKS, LLP

ATTORNEYS AT LAW

RONALD J. VANAMBERG (NM)  
CARL BRYANT ROGERS (NM, MS)\*\*  
DAVID R. YEPa (NM)  
CAROLYN J. ABEITA (NM)\*\*  
DAVID GOMEZ (NM, NAVAJO NATION)\*\*  
SARAH WORKS (NM, AZ, DC)

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INDIAN LAW

August 27, 2015

VIA: E-Mail and  
FIRST CLASS MAIL

Penny Ellis-Green  
Growth Management Director  
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102 Grant Avenue  
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Santa Fe, New Mexico 87504-0276  
[pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov)

Vicki Lucero  
Building and Development Services Manager  
County of Santa Fe  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, New Mexico 87504-0276  
[vlopez@santafecountynm.gov](mailto:vlopez@santafecountynm.gov)

Re: CDRC Case # Z/PDP/FDP15-5130, Ashwin Stables

Dear Ms. Ellis-Green and Ms. Lucero:

Pilar and Paul Henry are no longer being represented by this firm.

Thank you.

Sincerely,

  
Ronald J. VanAmberg

RVA/tmb

Cc: Rachel Brown

SFC CLERK RECORDED 12/09/2015

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

**RESOLUTION NO. 2009-2**

**A RESOLUTION ESTABLISHING RULES OF ORDER  
FOR MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE  
COUNTY AND FOR CERTAIN SPECIFIED COMMITTEES;  
RESCINDING RESOLUTION NO. 2008-03.**

**WHEREAS**, NMSA 1978, Section 4-38-12 (1876) permits a Board of County Commissioners to establish rules of order to govern the transaction of business during meetings of the Board of County Commissioners;

**WHEREAS**, the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the Board") has periodically adopted rules of order to govern the transaction of business during meetings of the Board and meetings of certain committees whose members are appointed by the Board; and

**WHEREAS**, the Board periodically revisits these rules to ensure that the rules are fair, workable and consistent with applicable law, and desires at this time to amend the current rules to clarify certain procedural matters that have arisen since the previous resolution on the subject was enacted.

**WHEREFORE**, the Board of County Commissioners hereby adopts the following Rules of Order to govern its meetings and the meetings of certain committees whose members are appointed by the Board of County Commissioners, and hereby repeals Resolution No. 2008-03, and any resolution inconsistent herewith.

**I. APPLICABILITY**

This Resolution applies to the transaction of business during meetings of the Board and the transaction of business during meetings of certain committees whose members are appointed by the Board of County Commissioners, including the County Development Review Committee ("CDRC"), the Local Development Review Committees ("LDRCs"), and the County Open Space, Lands and Trails Committee ("COLTPAC"). This Resolution shall not apply to the Extraterritorial Land Use Committee ("ELUC"), the Extraterritorial Land Use Authority ("ELUA"), the Buckman Direct Diversion Board ("BDDB"), the Regional Planning Authority ("RPA"), the Regional Emergency Communications Committee ("RECC"), or the Solid Waste Management Authority ("SWMA").

## II. QUORUM.

**A. Definition, "Quorum."** A quorum of a Board is the number of members who must be present at the meeting to legally conduct business.

**B. Number Constituting a Quorum.** A majority of the number of members of a Board is necessary to constitute a quorum.

**C. Disqualification.** Where a Board member is disqualified, voluntarily or involuntarily, from voting on a particular matter, the calculation of a quorum shall be redone so as to reduce the constituent number of members necessary for the vote on a particular item only, but in no event shall a quorum be construed to consist of fewer than three members of the Board of County Commissioners.

**D. Action Without Quorum.** No action may be taken without a quorum except in the following circumstances:

1. Any actions determined necessary to obtain a quorum; and
2. Adjournment and/or recess.

**E. Loss of Quorum.** If a quorum is not present during any part of a meeting, no action except those listed in Article II. D above may be taken until a quorum is reestablished.

## III. CHAIR

**A. Direction.** Every meeting shall be convened under the direction of a Chair.

**B. Election.** Election of the Chair and Vice Chair of the Board of County Commissioners shall be as prescribed by Ordinance No. 2001-03. For committees governed by this resolution, each calendar year, or sooner if required or requested by a majority of the committee, the committee shall elect a Chair. At such meeting, the committee shall also elect a Vice chair.

**C. Vote.** The Chair has all rights as any other member for purposes of voting and making and seconding motions.

**D. Vice Chair.** Whenever the Chair is not present or is unable to participate in the discussion of a matter before the Board, the Vice Chair shall serve as the Chair. If the Chair should arrive during the course of a meeting that is already underway, the Vice Chair may continue to act as chair for the duration of the discussion regarding the specific matter, and thereafter shall relinquish the Chair to the elected Chair. Whenever the Chair and the Vice Chair are not present, the members may appoint a temporary chair to conduct the meeting.

**E. Duties.** The Chair's duties include:

1. Opening meetings;
2. Announcing the business before the Board or committee and consideration of the agenda items;
3. Recognizing Board members; ;
4. Allowing members of the Board to speak on matters under consideration;
5. Recognizing members of the public to speak on matters under consideration;
5. Stating and calling for a vote all questions and motions properly made;
6. Announcing the results of all votes;
7. Preventing motions and discussion from becoming unduly delayed, disrespectful, frivolous, or cumulative;
8. Enforcing order and decorum at all times, and ensuring that members of the board or committee and the public conduct themselves in a respectful and appropriate manner; and
9. Assuring that these Rules are complied with.

**F. Discussions.** The Chair may take part in any discussion of any matter before the Board or committee.

**IV. AGENDA.**

**A. Agenda Required.** The Board shall establish its order of business for each meeting in the form of an agenda. So long as it is consistent with the applicable Open Meetings Resolution, the Board may provide notice of a meeting by publishing only a copy of the agenda.

**B. Items to be Included On the Agenda.**

**1. Regular Meetings.** The Agenda for each Regular Meeting of the Board must include the following items (additional items may be included as necessary):

- a. Call to Order;
- b. Roll Call;
- c. Pledge of Allegiance;
- d. State Pledge;
- e. Invocation;
- f. Approval of the Agenda;
- g. Approval of the Consent Agenda;
- h. Approval of the Minutes;
- i. Matters of Public Concern;
- j. Matters from the Board;
- j. Action and information items for Board consideration and possible

action;

k. Matters from the county staff, the County Manager, and the County Attorney; and

l. Adjournment.

**2. Administrative Adjudicatory Proceedings.** The agenda for each meeting during which an administrative adjudicatory matter will be heard shall include all the items listed above for a regular meeting, and the following additional item(s):

a. Public Hearings.

**3. Enactment of an Ordinance.** The agenda for each meeting during which a proposed ordinance of the Board of County Commissioners will be heard shall include all the items listed above for a regular meeting, and the following additional item(s):

a. Public Hearing on Proposed Ordinances.

**4. Special and Emergency Meetings.** The Agenda for each Special Meeting or Emergency Meeting must include the following items:

a. Call to Order;

b. Roll Call;

c. Approval of the Agenda;

d. Any action or informational item that is the subject of the meeting; and

e. Adjournment.

**5. Closed Executive Session.** The Agenda for each meeting that includes a closed executive session (or the agenda for a meeting following a closed executive session that was not open to the public) shall include the authority for the closure and the subject to be discussed with reasonable specificity.

**C. Specificity.** The agenda shall specifically state the business for which the meeting is convened so that the Board or committee and the general public will have notice of the proposed action and will have an opportunity to consider it.

**D. Action Items.** The agenda shall clearly identify each action item. An action item is one which requires a vote of approval or denial. The Board or a committee to which these rules apply may only act on those subjects listed on the agenda that are designated for action.

## V. PROCESSING ITEMS ON THE AGENDA

### A. Administrative Items.

**1. Tabling, Postponing or Withdrawing Administrative Items.** The Board of County Commissioners may hear any matter on the agenda, or table, postpone or permit withdrawal of the item. Once an item has been tabled, postponed or withdrawn three times, the relevant application shall be deemed withdrawn and a new application and appropriate notice shall be required before the item may be placed on the agenda.

**2. Staff Presentation.** Staff shall present a detailed report and shall respond to questions from Board or committee members. During the staff presentation, only Board or committee members shall be permitted to question staff.

**3. Public Input.** At the discretion of the Chair, members of the public or interested persons may be allowed to make statements in favor of and in opposition to the item at hand. Public input on administrative items shall not be sworn.

**4. Discussion.** At the discretion of the Chair, members of the Board or committee may be permitted to make statements or engage in discussion concerning the item prior to action.

### B. Administrative Adjudicatory Proceedings.

**1. Tabling, Postponing or Withdrawing Administrative Adjudicatory Matters.** The Board of County Commissioners may hear any matter on the agenda, or table, postpone or permit withdrawal of the item. Once an item has been tabled, postponed or withdrawn three times, the relevant application shall be deemed withdrawn and a new application and appropriate notice shall be required before the item may be placed on the agenda.

**2. Staff Presentation.** Staff shall present a detailed report and shall respond to questions from Board or committee members. During the staff presentation, only Board or committee members shall be permitted to question staff.

**3. Cross Examination (if requested).** A party to an administrative adjudicatory proceeding shall be afforded the opportunity to cross examine any staff member who participates in the presentation of the staff report. The party seeking the cross examination must notify the Chair that cross examination is desired before the staff member is excused or such cross examination shall be waived.

**4. Applicant's Presentation.** The applicant shall be permitted to make a presentation in support of the application and may call witnesses in support of the application. The applicant and any witness shall be sworn prior to addressing the Board, and all statements



made to the Board shall be under oath and on the record. The applicant or witness may be questioned by members of the Board.

**5. Cross Examination (if requested).** A party to an administrative adjudicatory proceeding shall be afforded the opportunity to cross examine the applicant or any witness presented by the applicant. The party seeking the cross examination must notify the Chair that cross examination is desired before the witness is excused or such cross examination shall be waived.

**6. Presentation of Other Parties.** A person who claims an interest in the outcome of an administrative adjudicatory process shall be permitted to make a presentation in support of or in opposition to the application, and may call witnesses in support of the person's position. Any such person must identify themselves as a party to the proceedings, and state with specificity their interest in the outcome. The person and any witness called to support that person's position shall be sworn prior to addressing the Board, and all statements made to the Board shall be under oath and on the record. The party or witness may be questioned by members of the Board on the application.

**7. Cross Examination (if requested).** The applicant shall be afforded the opportunity to cross examine the interested party so presenting or any witness presented by the party. The party seeking the cross examination must notify the Chair that cross examination is desired before the witness is excused or such cross examination shall be waived.

**8. Public Input.** Members of the public shall be allowed to testify in favor of and in opposition to an administrative adjudicatory item. Members of the public shall be sworn and all such testimony shall be under oath and on the record. The Chair may impose reasonable restrictions to limit testimony so as to eliminate extraneous, redundant, irrelevant, or harassing testimony. The Chair may set time restrictions on testimony as necessary.

#### **C. Adoption of Ordinances and Other Matters Requiring Public Hearings.**

**1. Tabling, Postponing or Withdrawing Ordinances and Other Public Hearing Matters.** The Board of County Commissioners may hear any matter on the agenda, or table, postpone or permit withdrawal of the item. Once an item has been tabled, postponed or withdrawn three times, the relevant application, if any, shall be deemed withdrawn and a new application and appropriate notice shall be required before the item may be placed on the agenda.

**2. Staff Presentation.** Staff shall present a detailed report and shall respond to questions from Board or committee members. Staff shall provide sworn testimony as necessary. During the staff presentation, only Board or committee members shall be permitted to question staff on the item.

**3. Public Input.** During the public hearing, members of the public shall be allowed to testify in favor of and in opposition to a proposed ordinance or other matter requiring a public hearing. Members of the public shall be sworn and all such testimony shall be under oath and on the record. The Chair may impose reasonable restrictions to limit testimony so as to eliminate extraneous, redundant, irrelevant, or harassing testimony. The Chair may set time restrictions on testimony as necessary.

**D. Documents and Exhibits Tendered for Consideration.**

**1. Deadline for Submission.** All documents and exhibits that are relevant to the item under consideration shall be provided in advance so that the documents and exhibits can be included in the Board's or committee's packet and distributed to members prior to the meeting. All such materials to be tendered to the Board of County Commissioners shall be submitted to the County Manager no later than the date set by the County Manager for receipt of such items (usually no later than 5 p.m. one week prior to the meeting); documents and exhibits submitted after this date may be considered at the discretion of the Chair or a majority of the members of the Board, but in many cases submitting documents for the first time at the meeting will result in an item being tabled or postponed. All such materials to be tendered to a committee shall be submitted to staff of the Land Use Department no later than the date set by the Director of the Land Use Department for receipt of such items, or the date set for receipt of such items by the applicable ordinance.

**2. Identifying Documents and Exhibits for the Record.** Before the meeting by letter, or during the meeting, a presenter shall indicate to the Board or committee the documents or exhibits that are to be entered into the official record of the proceedings. For each administrative adjudicatory item on the agenda of the Board of County Commissioners, Staff shall provide to the County Clerk or recording secretary an exact copy of any documents or exhibits that were submitted to the Board in its packet so that the items may be included in the record of the proceedings. Any document to be entered into the record shall be presented to the County Clerk or recording secretary.

**3. Size Restrictions.** Any and all documents or exhibits presented for the record by Staff, an applicant, or by a presenter may be no larger than eleven inches by seventeen inches (11"x17"). In all cases, the applicant or the presenter has the burden of reducing any documents to conform to these size requirements. For any photographs or other display items that are requested to become a part of the record, it shall be the applicant's or presenter's responsibility to provide duplicate photos or copies that are in conformance with the size restrictions to the County Clerk or recording secretary at the time of presentation. Any videotape or other form of media presentation shown and requested to become a part of the official record of the proceedings shall become the exhibit to be filed with the County Clerk or recording secretary.

**4. Custody, Marking.** All exhibits to be entered in the record shall remain in the custody of the County Clerk or recording secretary. Any exhibits, not already identified

sequentially and by case number or in any other way specific to the presentation shall be marked for identification by the County Clerk or recording secretary. All documents and exhibits to be entered in the record should also be provided to each board member and to staff, for a total of six copies.

**5. Ambiguities.** In any instance when a discrepancy with any of the above procedures occurs, the Chair, acting upon his/her discretion and in consultation with the County Clerk and/or the County Attorney, shall determine how any item or situation will be resolved.

## **VI. MOTIONS**

**A. Definition.** A motion is a proposal on which a Board may take formal action or that which expresses itself as holding certain views.

### **B. Procedure for Passing a Motion.**

**1. Necessity of a Motion.** Before any action may be taken by a Board on an item that the agenda has identified as requiring action, a motion must be made by a member who has obtained the floor.

**2. Addressing the Chair.** A member obtains the floor by addressing the chair and then asking to be recognized.

**3. Making a Motion.** After the chair recognizes the member, the member may state his/her request for action in the form of a motion.

**4. Seconding.** After a motion is made, the chair shall call for a second. A motion may be seconded by a member saying, "I second the motion." Every motion must be seconded before any further action can take place. A motion that is not seconded cannot be discussed or voted upon. If a motion is not seconded, the chair then states that the motion "dies for lack of a second."

**5. Stating a Question and Debate.** After a motion has been seconded, the chair shall restate the exact motion or refer to the motion as stated by a member and shall ask if there is any debate on the motion. Debate shall be limited to the motion on the floor. If a member wishes to comment on the motion, the member shall ask to be recognized by the chair. During such debate, the chair or a member may question the staff, the applicant, or a witness for information. Unless specifically requested by a member, no other public input from the floor shall be allowed.

**6. Parliamentary Motions.** While a motion is on the floor, the chair may entertain a secondary motion to amend the pending motion. There are two methods to amend a motion on the floor.

a. **Friendly Amendment.** Under a friendly amendment, a recognized member asks the maker and the second of a motion to change the motion in some way. If the maker of the motion and the second both agree, the motion for consideration is then changed and restated.

b. **Secondary Motion.** A recognized member may make a secondary motion to amend the motion on the floor. Such secondary motions must be seconded and resolved by vote before discussion of the primary motion may continue. All secondary motions shall be non-debatable and a secondary motion that has been properly seconded and that is otherwise in order shall be voted on before consideration of any pending motion. Secondary motions include:

- i. a motion to adjourn;
- ii. a motion to table;
- iii. a motion to limit, extend or end debate; and
- iv. a motion to call the question, provided that the chair shall have

the discretion to allow or disallow such a motion to be made.

**7. Ending Debate and Voting.** When debate has ended, the chair or a member shall restate the exact motion, as amended, calling upon the recording secretary, if necessary. The chair then calls for the affirmative and then the negative votes (and, if applicable, any abstentions). Each member's vote shall be recorded. The chair then announces the vote. A simple majority of the members present shall be necessary to pass a motion, except as otherwise provided by law. If a vote results in a tie and one or more members are absent for a reason other than voluntary or involuntary disqualification, the item shall be tabled until the next meeting at which a greater number of members are present, or a special or emergency meeting if necessary. If the vote results in a tie as a result of a voluntary or involuntary disqualification, the motion is lost.

**8. Motions to Reconsider.** A motion to reconsider may be made to reconsider any matter on which the Board of County Commissioners has previously taken formal action. A motion to reconsider formal action taken during an administrative meeting shall be in order only when it is made no later than the next administrative meeting, and a motion to reconsider formal action taken during a regular meeting shall be in order only when it is made no later than the next regular meeting. A motion to reconsider formal action taken during a special meeting shall be in order only when it is made no later than the next regular or administrative meeting. A motion to reconsider shall be in order only when it is made by a member who voted with the prevailing side on the matter to be reconsidered, and a vote on a motion to reconsider shall only be made when the matter is placed on the agenda for reconsideration. A motion to reconsider is not in order on any question that has been reconsidered previously. Votes on the following matters may not be reconsidered: Motions to Adjourn, a Motion to Table, a Motion to Take a Recess, a Motion to Reconsider, a Motion to Approve the Agenda, a Motion to Amend the Rules of Order, and a Motion to Approve membership on any Authority, Board or Committee. A motion to reconsider

shall not be made and shall not be in order if made before any Board other than the Board of County Commissioners.

**9. Findings of Fact, Statement of Reasons.** The Board or, as applicable, a committee, shall set forth the basis for its action, if appropriate given the subject of the action, in a set of findings of fact and conclusions of law pursuant to NMSA 1978, Section 39-3-1.1 (1998), or in a statement of reasons adopted by formal resolution of the Board or, as applicable, a committee.

**10. Improper Motions.** No motion shall be allowed that conflicts with these Rules. No motion can suspend these Rules contained in Section VI.

## **VII. ADJOURNMENT**

A meeting of a Board or committee continues until terminated by motion and order of adjournment. The Chair cannot arbitrarily adjourn a meeting. The adjournment may be approved in accordance with the procedures for motions described in Section VI herein. If an adjournment is voted and approved, no further business can be transacted.

## **VIII. MISCELLANEOUS PROVISIONS**

**A. Voting by Members.** A member must either be physically present at a vote, or if it is difficult or impossible for a member to attend the meeting in person, the member may vote from a location outside the meeting place if the member is able to participate fully in the meeting by use of audio equipment that allows the member to be identified when speaking, allows the member to hear all persons at the meeting, and allows all persons at the meeting to hear that member. Members may not vote absentee or by proxy. A member need not be present at discussion, debate or testimony on the matter taken for vote.

**C. Suspension or Amendment of Rules.** The rules stated in this Resolution may only be suspended or amended by a majority vote of the Board of County Commissioners at a public meeting except as provided in Section VI(B)(10).

**D. Conflict of Interest.** No member may take part in any deliberation, testimony or vote on any matter in which such member or an immediate family member has a financial interest, either direct or indirect, in the outcome of the proceeding.

**E. Question of Order.** Only a member may invoke a question of order. A question of order may be invoked for the purpose of calling to the chair's attention that a rule of procedure is being violated. A question of order takes precedence over any pending matter, even interrupting a speaker. The question of order must be decided by the chair alone, who can ask advice of others before rendering the decision. If the chair is still in doubt after receiving such advice, the question may be presented to the board or committee for a vote.

**F. Interpretation of Rules.** If there is a question regarding the interpretation of any of these Rules or if a matter arises that is not addressed by these Rules, the chair, in consultation with the County Attorney, shall make a determination on the matter.

**G. Removal from Board or Committee.** The Board of County Commissioners may remove a member of any Board whose members are appointed by the Board of County Commissioners if a member misses three or more meetings within a one-year period. The Board of County Commissioner shall have the discretion to allow a member with more than three absences to retain his or her position if such absences were unavoidable or excused.

**IX. RESCINDING RESOLUTION NO. 2008-03.**

Resolution No. 2008-03, and any other resolution of this body that is inconsistent with this Resolution, shall be and hereby is rescinded.

APPROVED, ADOPTED AND PASSED, this 13<sup>th</sup> day of January, 2009.

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

By

Mike Anaya, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to Form:

Stephen C. Ross, County Attorney



COUNTY OF SANTA FE  
STATE OF NEW MEXICO

) ss

BCC RESOLUTIONS  
PAGES: 11

I Hereby Certify That This Instrument Was Filed for  
Record On The 4TH Day Of February, 2009 at 11:06:22 AM  
And Was Duly Recorded as Instrument # 1551184  
Of The Records Of Santa Fe County.

Deputy

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

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY**

**CDRC CASE # Z/PDP/EDP 15-130 ASHWIN STABLES**

**SUBMITTALS OF TAMARA AND STEVE RYMER, MARILYN AND DON  
MILLER, AUDREY AND BARRY SHRAGER AND REBECCA SCHNEIDER  
AND REQUEST FOR FINAL DECISION**

The above referenced parties ("Neighbors") by and through undersigned counsel and pursuant to NMSA 1978 § 39-3-1.1(B)(3)(B) request that notice of the final decision in the above matter be served upon undersigned counsel. The Neighbors are aggrieved persons because they live in subdivisions which are either adjoining or in close proximity to the Applicant's property. They bought their properties in reliance upon the existing residential zoning that applies to all properties in the La Tierra area and oppose residential lots spot zoned to allow for commercial activities. It will reduce property values and the quality of their enjoyment of their properties.

**THE APPLICATION**

Attached as Exhibit A is a plat of the Heartstone Subdivision which also shows the Canterbury Subdivision and the area that the applicant Altshuler is apparently seeking to subdivide, but has not, and a portion of which parcel contains the area that he is seeking to rezone to commercial so as to accommodate a commercial horse facility operation. Some of the Neighbors live in the Canterbury Subdivision and some live in the Heartstone Subdivision. As shown in Exhibit A there exists within the Heartstone Subdivision an "equestrian easement" which contains an outdoor riding arena mentioned by the Applicant's representative as a facility that the Applicant possibly intends to

SANTA FE COUNTY LAND USE  
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incorporate into the proposed commercial activity on his property. The Applicant's property is identified as Tract A-1C and is northwest of the Heartstone Subdivision as shown on the plat. The Applicant's property is not part of the Heartstone Subdivision or the Canterbury Subdivision.

As discussed later, all of this property is in the La Tierra area which is zoned agricultural and residential. A plat of the Canterbury Subdivision and a more detailed plat of the Applicant's property are attached as Exhibits B and C.

Located upon the Applicant's property is a 2,500 square foot horse barn, a 1,000 square foot hay barn, a 9,946 square foot covered arena and 16 horse boarding facilities. See Exhibit D which is NBD, the Board packet (NBD-2). These facilities were for years "utilized by the Applicant for personal use". (NBD-2). However, the Applicant no longer rides and seeks to lease or sell the facilities to a private operator for commercial use. (NBD-2). See also a series of e-mails, Exhibit E -1, where the Applicant confirms that the lease of these facilities would be for "a business to rent out stalls and to use the indoor arena for training." See also Exhibit F which are the draft minutes of the CDRC, page numbered 13, where the County states: "The change will allow up to 16 horses and use the facility as a business".

Not disclosed at the CDRC hearing is that there are four stalls across the road that are associated with the house being leased by the same people who are leasing the horse facilities that are the subject of the rezoning request. There are three or four horses that occupy those four stalls which are walked across the street to use the horse facilities,

adding to the use of the facilities otherwise being made by horses housed in the sixteen stalls currently located and operated on the horse facility.

Also, the packet presented to the CDRC bases water use on 12 horses, not the 16 the Applicant wants approval for. The usage figures for the horses is incorrect as to water usage per horse per day, horses drink about 15-17 gallons per day. The water usage described by the Applicant also does not include water needed to bathe the horses, which in the summer can be several times a week, and it does not include water needed to moisten the arena for dust control, which is done weekly or more. It also does not take into consideration any extra horses that may come in for a training clinic, the three or four hoses of the lessees, or the ones coming from across Heartstone that stay in the turnouts for exercise- and while there drink. All of this likely takes the Applicant way over what the Applicant is allowed by the county. While water catchment is anticipated, this is at best an unreliable source.

#### THE ZONING REQUEST

As Mr. Larrañanga with the County states succinctly in his e-mail, in response to an inquiry made by Tamara Rymer relating to this application: "Yes the re-zone would be to change the zoning from residential to commercial for the specific use as horse boarding/training." Exhibit E-2. Indeed, the application requests "Master Plan Zoning, Preliminary and Final Development Plan Approval to allow an equestrian facility." See, NBD-1. See also, CDRC Minutes, page 13, "Member Booth asked about the current zoning and Mr. Larrañanga said it is residential, one unit per 2.5 acres".

Accordingly, this application involves a request to rezone to commercial 2.7 acres which is part of an unsubdivided larger parcel located in the middle of residential developments and to be issued a development permit to operate a commercial horse facility.

#### SPLIT ZONING

The current property is 7.74 acres. However, the re-zoning application is to apply only for 2.71, obviously a split zoning which is historically avoided by the County. There has been no subdivision approval, and there should be no application entertained which requires subdivision approval but does not have it. Of note is NMSA 1978 § 47-6-27 which provides for penalties in the event any person “sells” or “leases” (which includes under the definitional section “an offer to sell or lease”) a parcel of land prior to a plat being approved and recorded. It has been admitted during these proceedings that the Applicant is intending to sell or lease the 2.71 acres to a commercial operator which would appear to invoke this penalty provision. While that is another matter, certainly the BCC should not be providing re-zoning for a lot that has not been legally created and is otherwise in violation of the Subdivision Act if offered for sale or lease.

#### EXISTING ILLEGAL OPERATION

As admitted by the Applicant, CDRC Minutes Exhibit F, page 14, “Ms. Bolten has been there for 4.5 years and has neither been permitted nor legal”. See also, CDRC Minutes, page 17, where the Applicant acknowledges that the current operations are being conducted illegally. The Applicant should not be able to come before this BCC and rely on these illegal operations to support the current application.

## NOTICE

As discussed further, the required notice of the application and the proceedings was that as show at NBD-55. The only public notice about the application provides that it is for “Master Plan Zoning, Preliminary and Final Development Plan Approval to Allow an Equestrian Facility on 2.71 Acres ±.” There is no notice that the property zoning is to be changed from residential to commercial.

## ZONING CHANGE

Article 3 § 1, states that, “agriculture, grazing and ranching uses and construction of fences and accessory structures related to these uses are permitted anywhere in the County . . .” Section 2.1 provides that residential uses are allowed anywhere in the County provided all the requirements of Code are met. Section 4.1 provides that: “Commercial and industrial non-residential land uses are permitted only in zoned districts of various sizes and locations in the County of Santa Fe”. The Code then establishes four types of commercial districts:

1. Regional or major center districts;
2. Community center districts;
3. Local village center districts; and,
4. Neighborhood or small scale center districts.

Section 4.2.4(B) provides that zoning districts are to be found on a zoning map. Section 4.2.4(C) provides for re-zoning. Here, the re-zoning that is permitted is either creating a new district or amending an existing district. It does not contemplate re-zoning a lot here and a lot there in the middle of a residential district.

Section 4.2.4(D) relates to permitted uses. This provides that uses are assigned to a parcel of land that has been “re-zoned for all or part of a commercial or residential non-industrial district”. Again, for a use to be assigned which is commercial the property needs to be located within one of the four districts that are created for commercial use. Qualifying for the designation of a commercial district is limited only to certain locations, certainly not at the site of the Applicant’s property.

Accordingly, before a commercial use is permitted, there must be underlying zoning, and that underlying zoning has to be through the creation of one of the four commercial districts. At that point the proposed use is examined as to whether it is appropriate for the particular commercial district.

Since there are four types of commercial districts, there are varying types of uses that are permitted in them. These districts are to be established in accordance with guidelines set out in § 4.2.5. Section 4.3 then describes the types of uses that are permitted in the various zoning districts. This list of uses is, however, “not necessarily limited by the list”. (4.3). This provision continues: “The Standard Industrial Classification (“SIC”) may also be used to compare categories not listed here.”

Attached as Exhibit G is a list of activities under the SIC Code 0752. Horse training is Code 075209, pet boarding is 075211, horse care is 075222 and equestrian center is 075225. These specific activities should then be assigned by the code administrator as being appropriate in particular commercial zone districts as is contemplated by § 4.3.4. Again, the SIC is suggested as a reference in classifying these unlisted activities. As discussed later, these horse facility operations are not outliers.

They are common, recognized commercial activities, regulated by the County and to be located in a commercial district.

The County staff is unclear in its position when addressing the zoning issue. First, it admits that the Applicant's property is zoned residential. It admits that proposed zoning change is required because this proposed project, which has been illegally operating for four and one-half years, is a commercial business. It admits that zoning is sought in the application. However, when confronted with the obvious – a commercial activity needs to be located in a commercial district and a small lot does not qualify for any commercial district designation, staff then relies upon Article 3 § 8.1: All uses not otherwise regulated by the Code are permitted anywhere in the County. Such uses specifically include, but are not limited to utilities, parking facilities and cemeteries." Staff's interpretation appears to be that if one does not find an activity on the limited ordinance use list, then such commercial activities can be located where ever the applicant wishes.

There are several problems with this interpretation. First, it is absurd, as it completely destroys the concept of carefully planned and regulated zoning and amounts to institutionalized spot zoning which is not permitted. Can one put a nuclear power plant on a residential lot? It is not on the list, and it is also a utility. However, § 8.2 dispels any such suggestion, as it separates out large scale uses from small scale uses. The only reason to do so is to help decide in which commercial zone the activity is to be placed. Second, this section relates to "uses not otherwise regulated by the Code." Commercial activities are regulated by the Code and if a particular activity is not found on a list, bearing in mind that there are thousands of activities listed in the SIC that are not listed in

the County Code, then the SIC needs to be referenced and the activity placed in the proper commercial district. Third, § 8.1 relates to “uses” and does not relate to “zoning”. A commercial activity can only be located in a commercial district that is created in accordance with the requirements of the Code. See § 4. Fourth, such an interpretation leads to the absurdity that the Code supports institutionalized zoning chaos where a particular use suddenly becomes a zoning category and a zoning district becomes a lot. This completely runs contrary to the scope and intent of the Code which is to have organized and designated areas where commercial activity can take place. Santa Fe County is not Houston.

The application asks for and the staff acknowledges that the application is seeking a zoning change. If this County concludes that unlisted commercial activities can be placed anywhere in residential communities, then no zoning change is needed – it is just open season on residential communities.

The Code states that zoning goes in first and then the use is examined to see if it fits within the particular district. Zoning and use are separate and distinct. Curiously, neither the Applicant nor the County identifies which zone it intends to create on the Applicant’s property. There is no horse facility zoning district. Also, under the Code, if the use is terminated, the rezoning still remains. This then opens the property up to every type of use that is permitted under that particular category of zoning.

The Applicant’s property does not qualify for being zoned as a commercial district. The use that the Applicant is proposing belongs in a commercial district and is not allowed in the middle of a residential community.



## ZONING NOTICE

A zoning change from residential to commercial is absolutely required. One of the four commercial zone designations on this 2.7 acre parcel would likely support an equestrian facility, but it would also support hundreds of other commercial activities as described on the use list or the SIC code. When the horse facility is no longer viable, the zoning remains.

As stated previously, as shown at NBD-55 and 57, the only public notice about the application is that it is for "Master Plan Zoning, Preliminary and Final Development Plan Approval to Allow an Equestrian Facility on 2.71 Acres  $\pm$ ." This does not describe the true nature of these proceedings and such deficient notice renders these proceedings jurisdictionally defective, as there is a lack of due process and reasonable notice of what is being proposed.

NMSA 1978 § 3-21-6 requires that whenever there is a proposed change in zoning, notice needs to be provided to property owners within 100 feet of the proposed areas affected and notices must be posted and published. Further, all notices provided must fairly apprise the average citizen reading them of the general purpose and nature of what is contemplated. If a notice is "insufficient, ambiguous, misleading or unintelligible to the average citizen," it is inadequate. *Nesbit v. City of Albuquerque*, 91 N.M. 455. By not describing the full nature and import of the zoning change requested, the notice as to everyone, including the general public, is deficient.

No average person reading this would know what Master Plan Zoning is. There is a vast difference between approving a particular use, such as a horse facility, and

changing the entire zoning of a piece of property which would allow the owner to scrap the proposed use and introduce a far more impacting use that fits within the new zoning.

The following excerpts from New Mexico cases are instructive and are conclusive that notice requirements for this zoning change proposal have not been met and these and the CDRC proceedings are jurisdictionally defective.

*Miller v. City of Albuquerque*, 89 N.M. 503, 554 P.2d 665 (N.M. 09/09/1976)

By failing to comply with its own published procedures, specifically by failing to give reasons for the proposed change, the EPC deprived petitioner of notice and the opportunity to prepare an adequate defense. This was a denial of procedural due process.

*Eldorado at Santa Fe Inc. v. Cook*, 113 N.M. 33, 822 P.2d 672 (N.M.App. 10/11/1991)

Our decision is additionally mandated by constitutional due process requirements. Petitioners were entitled to notice and an opportunity to be heard. See Nesbit v. City of Albuquerque, 91 N.M. 455, 575 P.2d 1340 (1977) (in zoning action, due process requires notice where change in zoning restriction would amount to change in fundamental character of property, and failure to give notice renders void all subsequent acts of zoning authority); *Miller v. City of Albuquerque* (same). Failure to follow statutory procedures violated petitioners' due process rights, and no subsequent act could correct the defect. See *Miller v. City of Albuquerque*; *Nesbit v. City of Albuquerque*. Consequently, Eldorado's arguments that petitioners were not a party to the state engineer's proceedings and that they can assert their alleged prior water rights in a separate action for damages and injunction lack merit.

*Nesbit v. City of Albuquerque*, 91 N.M. 455, 575 P.2d 1340 (N.M. 12/20/1977)

Where substantial compliance with mandatory publication requirements is not met, the action of the zoning authority is invalid. *Hopper v. Board of County Commissioners*, 84 N.M. 604, 506 P.2d 348, cert. denied, 84 N.M. 592, 506 P.2d 336 (1973).

The zoning authority need not follow the entire statutory procedure whenever a minor change is requested, but when the deviation is of such importance or materiality as to amount to a change in the fundamental character of the property then due process requires notice to be given. *St. Bede's Episcopal Church v. City of Santa Fe*, 85 N.M. 109, 509 P.2d 876 (1973).

Section 14-20-4(B) requires a published notice and a public hearing for changes in zoning restrictions. The consideration of a new development plan for an SU-1 zoned property is an amendment to a zoning restriction. Lack of notice is a jurisdictional defect which renders the proceedings void. The decision of the City Planning Department at the July 18, 1972 and August 15, 1972 hearings was legally ineffective. *Louisville & Jefferson County Plan. & Z. Comm'n v. Ogden*, 307 Ky. 362, 210 S.W.2d 771 (Ky. App.1948); *Alderman v. Town of West Haven*, 124 Conn. 391, 200 A. 330 (1938).

In order to meet the statutory requirement of adequate notice, it must be determined whether notice as published fairly apprised the average citizen reading it with the general purpose of what was contemplated. *St. Bede's Episcopal Church v. City of Santa Fe*, supra. If the notice is insufficient, ambiguous, misleading or unintelligible to the average citizen, it is inadequate to fulfill the statutory purpose of informing interested persons of the hearing so that they may attend and state their views. *Hawthorne v. City of Santa Fe*, supra; *Holly Development, Inc. v. Board of County Comm'rs*, 140 Colo. 95, 342 P.2d 1032 (1959). The September 8, 1972 notice was clearly inadequate and the actual notice of four of the Neighbors was legally insufficient. Therefore, the City Commission's decision of October 2, 1972, is also void.

*St. Bede's Church v. City of Santa Fe*, 85 N.M. 109, 509 P.2d 876 (N.M. 05/04/1973)

We believe the rule governing the sufficiency of the original notice, or the need for additional notice, when changes are made by a zoning commission in a rezoning request, is set forth in 1 Anderson, *American Law of Zoning*, 179 (1968), as follows:

[25] "If the change is so fundamental that it is no longer within reach of the notice of hearing, it will be necessary to publish a new notice. \* \* \* If, however, the change is not substantial, a second hearing will be unnecessary. The problem was concisely summarized by a Florida court in the following language: 'As a general rule the notice must apprise the public of the suggested changes, and the zoning amendment must conform substantially to the proposed changes. Some deviation, however, may be immaterial where the variance is a liberalization of the proposed amendment rather than an enlarged restraint on the property involved. \* \* \* A change may, of course, be "substantial" where an amendment makes a greater or more significant change than that requested.'"

[26] In 1 Rathkopf, The Law of Zoning and Planning, 165-6 (Supp. 1972), the principle governing the sufficiency of the original notice to embrace changes made in proposals is stated as follows:

[27] "The true test (as to adequacy of notice) is whether the notice as published fairly apprised the average citizen reading it with the general purpose of what is contemplated.

[28] "The final form of a proposed amendment may differ from the draft submitted to the public hearing. Changes may be made in passage if they are not of fundamental character." (Citing Leventhal v. Buehler, 346 Mass. 185, 191 N.E.2d 128 (1963).

[29] See also Heaton v. City of Charlotte, supra; Naylor v. Salt Lake City Corporation, 17 Utah 2d 300, 410 P.2d 764 (1966); McGee v. City of Cocoa, 168 So.2d 766 (Fla. App. 1964).

#### SPOT ZONING CHANGE

The proposed zoning change is effectively a spot zoning. *Bennett v. City Council for the City of Las Cruces*, 1999-NMCA-015, ¶¶ 17-20, 126 N.M. 619, 973 P.2d 871 explains illegal spot zoning:

"Spot Zoning is an attempt to wrench a single lot from its environment and give it a new rating that disturbs the tenor of the neighborhood, and which affects only the use of a particular piece of property or a small group of adjoining properties and is not related to the general plan for the community as a whole, but is primarily for the private interest of the owner of the property so zoned."

There are four factors that are examined in determining whether prohibited spot zoning is involved:

1. Disharmony with the Surrounding Area:

In our case, to the south of this proposed operation are two residential subdivisions. Further, in all other directions, there are only residential developments.

2. Size:

As stated in Bennett: "{24} The smaller the property being rezoned, the more likely the finding of spot zoning; while the larger the tract, the less inclined courts are to find spot zoning. See Watson, 111 N.M. at 379, 805 P.2d at 646; 1 Anderson's American Law of Zoning, supra, § 5.15, at 412, 414. Size is often the most important factor, but not the only one in determining spot zoning."

In our case, there is only a 2.7 acre parcel involved. Clearly this is a small parcel which has nothing to do with promoting an orderly scheme of land development.

3. Benefit to the Community or the Owner:

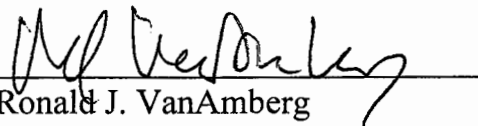
Again Bennett instructs that one should ". . . examine whether the rezoning primarily benefits the property owner or the community." As admitted by the owner, he no longer has need for the facilities because he no longer rides horses. There is no crying need for horse facilities. There are a number of facilities around.

4. Comprehensive Plan:

Bennett also provides that ". . . spot zoning may also occur "if the use fails to comply with the comprehensive plan." The current Sustainable Development Growth Management Plan is conceptual in nature. It does not pinpoint areas for development that include the La Tierra area. Also there is nothing in the plan which suggests that hoc rezoning of individual residential lots is supported. It certainly does not support commercially re-zoning only a portion of a residential lot. See Exhibit H which is the currently proposed zoning map showing the Applicant's property to be in the middle of Residential Estate zoning (1 dwelling per 2.5 acres)

Also, the entire county is currently the subject of a comprehensive rezoning process. What is being proposed by this Applicant is a dramatic spot zoning which under the circumstance is not permitted and is otherwise inappropriate at this time.

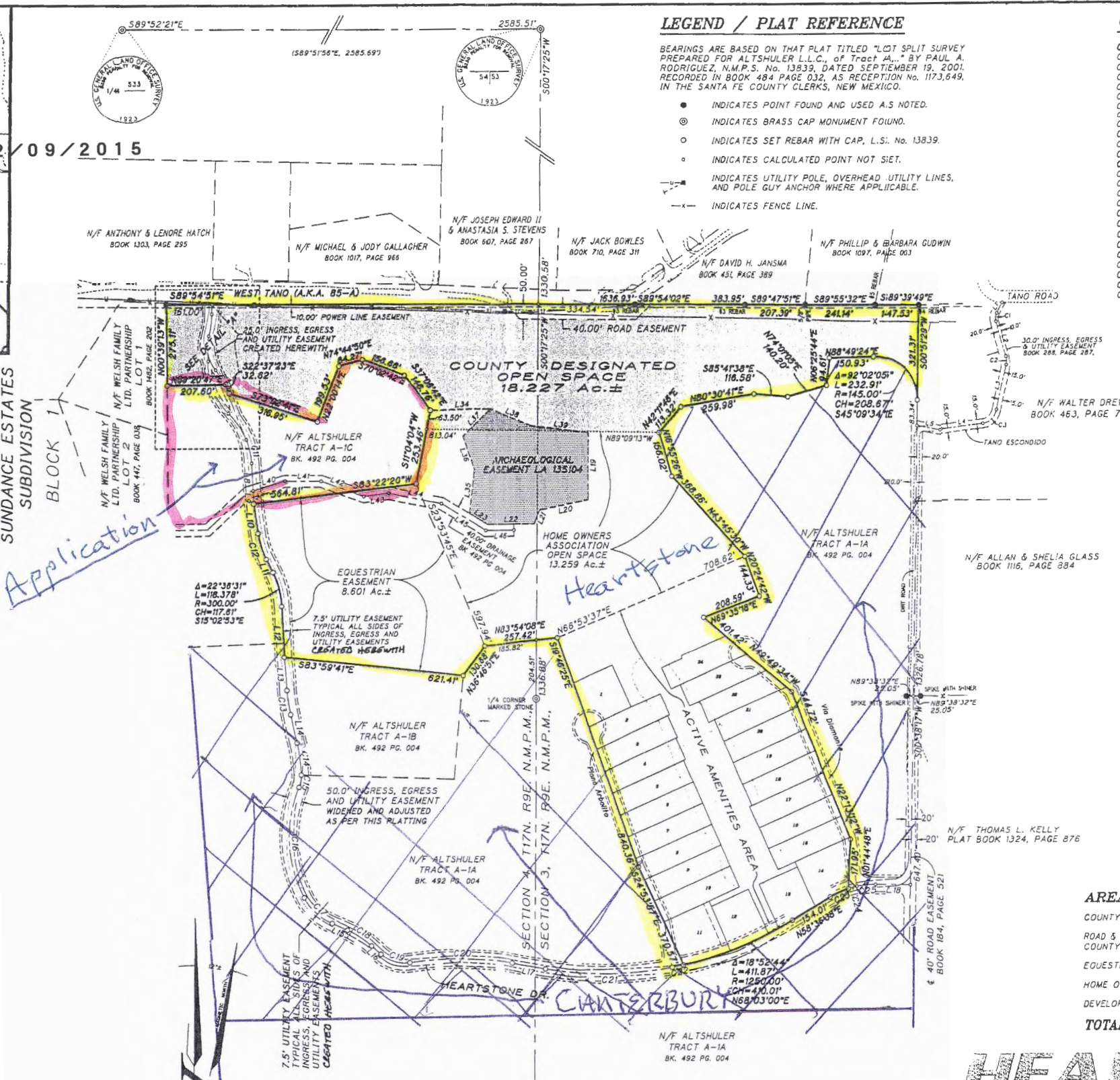
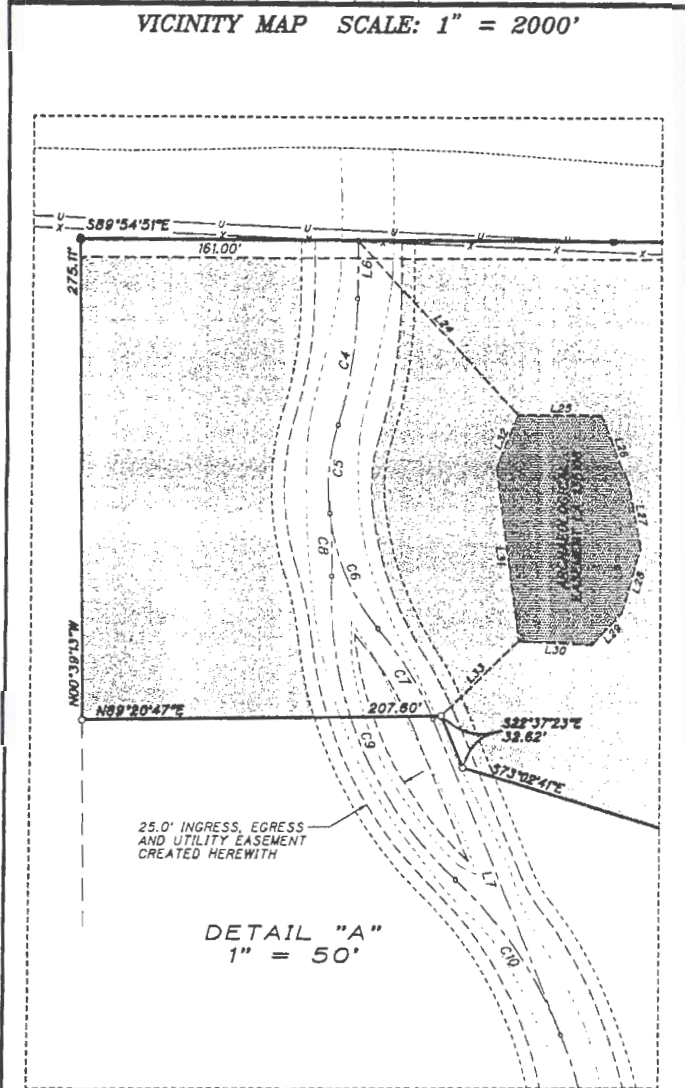
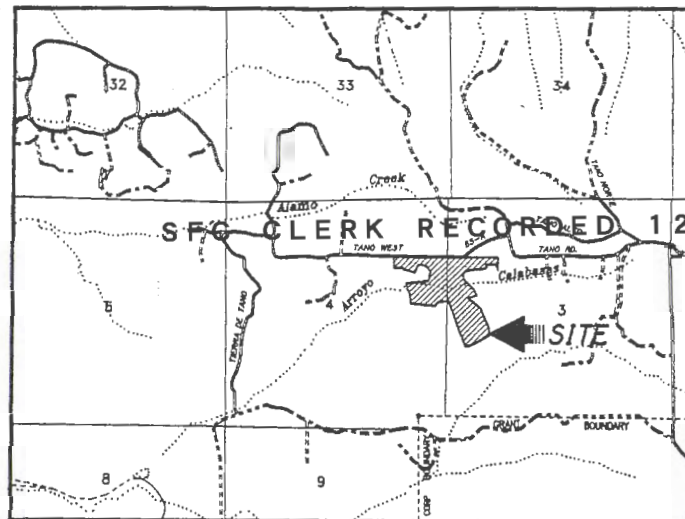
Respectfully submitted,

  
\_\_\_\_\_  
Ronald J. VanAmberg  
VanAmberg, Rogers, Yepa,  
Abeita, Gomez & Works, LLP  
P.O. Box 1447  
347 E. Palace Avenue  
Santa Fe, New Mexico 87501  
505-988 8979  
505-983-7508 (fax)  
[rvanamberg@nmlawgroup.com](mailto:rvanamberg@nmlawgroup.com)

cc: Rachel Brown

James Siebert  
915 Mercer Street  
Santa Fe, NM 87501





**CURVE DATA**

CURVE	DELTA	RADIUS	LENGTH	BEARING	DISTANCE
C1	45°00'00"	36.21'	28.44'		
C2	28°45'00"	57.29'	29.00'		
C3	70°27'00"	57.29'	70.50'		
C4	16°52'21"	250.00'	73.62'	S08°31'19"W	73.36'
C5	23°52'16"	125.00'	52.08'	S05°01'22"W	51.70'
C6	33°18'38"	125.00'	72.67'	S23°34'05"E	71.65'
C7	17°36'01"	200.00'	61.44'	S01°55'23"E	61.10'
C8	09°11'03"	225.00'	36.07'	S02°19'14"E	36.03'
C9	49°44'11"	225.00'	195.31'	S22°35'48"E	189.24'
C10	24°50'30"	250.00'	108.39'	S35°02'38"E	107.55'
C11	19°05'45"	250.00'	83.32'	S13°04'31"E	82.94'
C12	17°47'18"	300.00'	93.14'	S17°27'30"E	92.77'
C13	10°08'34"	481.00'	85.15'	S08°48'39"E	85.04'
C14	12°12'50"	519.00'	110.64'	S07°46'47"E	110.43'
C15	23°42'41"	104.78'	43.36'	S10°10'59"W	43.05'
C16	50°08'57"	450.00'	393.87'	S03°02'09"E	381.42'
C17	38°18'34"	200.00'	133.73'	S47°15'55"E	131.25'
C18	17°30'56"	325.00'	99.35'	S57°39'44"E	98.97'
C19	49°46'46"	125.00'	108.60'	S73°47'39"E	105.22'
C20	18°09'15"	1140.00'	361.21'	S89°36'24"E	359.70'
C21	20°09'46"	1250.00'	439.88'	N89°23'21"E	437.62'
C22	01°49'05"	1250.00'	39.67'	N78°23'55"E	39.66'
C23	13°30'30"	290.00'	68.37'	N69°21'53"E	68.21'
C24	05°53'12"	290.00'	29.80'	N75°03'44"E	29.78'
C25	12°37'57"	290.00'	63.94'	N84°19'18"E	63.81'

**LINE DATA**

LINE	BEARING	DISTANCE
L1	N28°54'00"E	40.11'
L2	N18°06'00"W	123.50'
L3	N12°39'00"E	155.20'
L4	N18°06'00"E	151.40'
L5	S79°21'00"E	81.90'
L6	S00°05'09"W	32.33'
L7	S22°37'23"E	195.94'
L8	S03°31'38"E	93.92'
L9	S03°31'38"E	42.53'
L10	S08°33'51"E	97.92'
L11	S26°21'09"E	50.65'
L12	S03°44'38"E	177.24'
L13	S03°44'25"E	115.95'
L14	S13°53'12"E	97.88'
L15	S66°25'12"E	58.26'
L16	S48°54'16"E	43.20'
L17	S80°31'47"E	119.39'
L18	S89°21'43"E	115.66'
L19	S00°18'01"W	226.70'
L20	S78°27'55"W	172.13'
L21	S21°33'15"W	48.40'
L22	S89°35'28"W	169.93'
L23	N60°49'49"W	72.84'
L24	S43°17'02"E	135.43'
L25	EAST	48.80'
L26	S21°35'51"E	42.61'
L27	S10°56'28"E	39.02'
L28	S15°57'21"W	38.04'
L29	S43°37'22"W	25.26'
L30	N87°04'53"W	42.73'
L31	N07°46'54"W	99.75'
L32	N20°59'53"E	34.04'
L33	N45°50'37"E	61.94'
L34	N88°38'56"E	211.69'
L35	N06°42'52"E	148.24'
L36	N20°14'16"W	120.17'
L37	N47°10'03"E	134.43'
L38	S68°51'08"E	157.91'
L39	S83°33'07"E	200.81'

**AREA DATA CHART**

COUNTY DESIGNATED OPEN SPACE	18.227 Ac.±
ROAD & UTILITY EASEMENT AREA ADJACENT TO COUNTY DESIGNATED OPEN SPACE	1.328 Ac.±
EQUESTRIAN EASEMENT	8.601 Ac.±
HOME OWNERS ASSOCIATION OPEN SPACE	13.259 Ac.±
DEVELOPMENT AREA INCLUDING ACTIVE AMENITIES	18.794 Ac.±
<b>TOTAL AREA (TRACT A-2)</b>	<b>60.209 Ac.±</b>

# HEARTSTONE SUBDIVISION

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WAS MADE BY ME OR UNDER MY PERSONAL DIRECTION AND CONTROL, AND THAT THE DATA SHOWN HEREON IS TRUE AND CORRECT. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS. FIELD WORK PERFORMED ON APRIL 20, 2001.

Paul A. Rodriguez, N.M.P.S. No. 13839, DATE 08-27-02



SCALE 1" = 200'

COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed for record on the day of A.D. 20 at o'clock m. and was duly recorded in book page of the records of Santa Fe County.  
Witness my hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, N.M.



**INDEXING INFORMATION FOR COUNTY CLERK**

TYPE OF SURVEY:	SUBDIVISION
OWNER:	HEARTSTONE DEVELOPMENT, LLC
SECTION:	SEC. 3 & 4, T-17-N, R-9-E, N.M.P.M.
SUBDIVISION NAME:	HEARTSTONE

**PARAMOUNT SURVEYS, INC.**  
444 GALISTEO ST. SUITE E SANTA FE, NM 87501  
Phone: 505-820-2340 Fax: 505-986-2012

**SUBDIVISION PLAT PREPARED FOR**

HEARTSTONE DEVELOPMENT, LLC				
of Tract A-2,				
WITHIN SECTION 3 AND 4,				
T17N. R9E. N.M.P.M.,				
SANTA FE COUNTY, NEW MEXICO				
SCALE	DATE	DRAWN BY	CHECKED BY	PROJECT NO.
1" = 200'	Aug. 2002	P.A.R.	P.A.R.	1280-2

SHEET 2 OF 13

EXHIBIT A



SFC CLERK RECORDED 12/09/2015

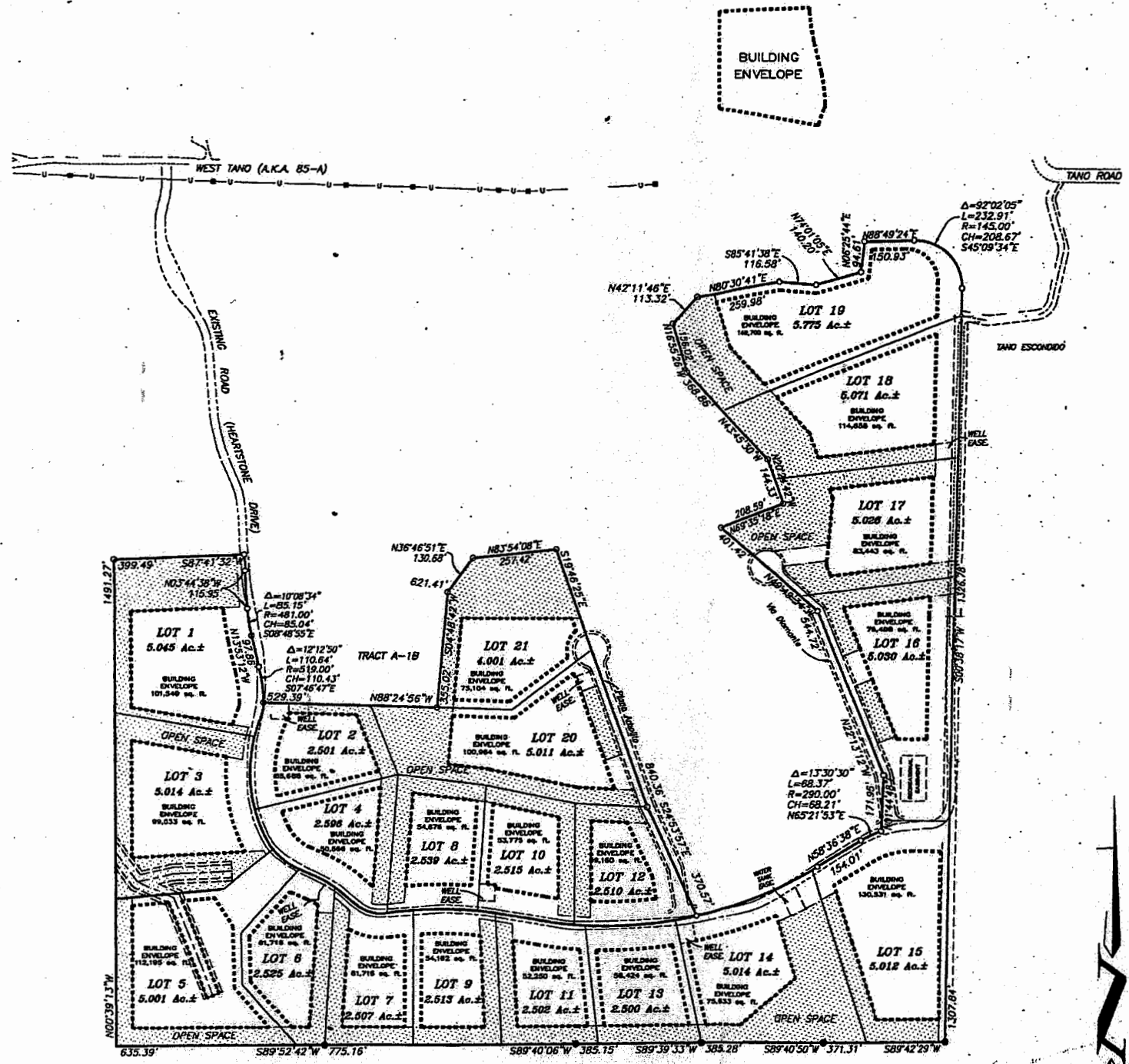
NOTES:  
SETBACKS TO BUILDING STRUCTURES TO BE IN ACCORDANCE TO COUNTY OF SANTA FE REGULATIONS AND WITH RECORDED COVENANTS, RESTRICTIONS, ARCHITECTURAL GUIDELINES AND BUILDING ENVELOPES AS NOTED ON PLAT.  
OPEN SPACE CONFIGURATIONS ARE SUBJECT TO CHANGE IF INDIVIDUAL LOTS ARE CONSOLIDATED OR IF LOT LINES ARE ADJUSTED.

DEVELOPMENT DATA

534020

TOTAL SUBDIVISION AREA	80.219 Ac.
NUMBER OF RESIDENTIAL LOTS	21
AVERAGE LOT SIZE	3.82 AC.
SMALLEST LOT	2.500 AC.
LARGEST LOT	5.775 AC.

OPEN SPACE REQUIRED 30% OF 80.219 AC. 24.0657 AC.



SANTA FE COUNTY APPROVAL

APPROVED AT THE E.Z.C. MEETING OF DECEMBER 12, 2003

Refer to Sheet 1  
CHAIRPERSON, ENVIRONMENTAL ZONING COMMISSION  
COUNTY LAND USE ADMINISTRATOR  
COUNTY FIRE MARSHALL  
COUNTY PUBLIC WORKS DIRECTOR

02-4501  
COUNTY DEVELOPMENT PERMIT NO.

Refer to Sheet 1  
CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS

COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed for record on the 17 day of June A.D. 2003 at 1:34 o'clock P.M. and was duly recorded in book 534 page 17-20 of the records of Santa Fe County.



Witness my hand and Seal of Office  
County Clerk, Santa Fe County, N.M.  
Deputy

CANTERBURY SUBDIVISION  
DEVELOPMENT PLAN

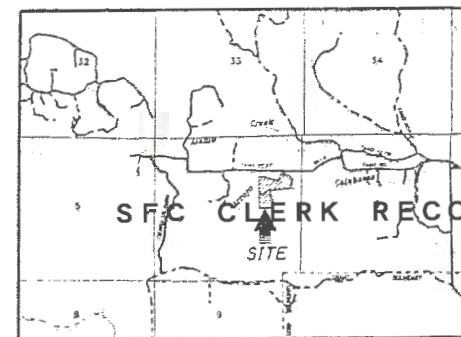
SCALE 1" = 200'

TRACT A-1A  
80.219 Ac.±  
S2 HEARSTONE RD.

Project: CANTERBURY SUBDIVISION - 2003  
RICHARD GORMAN + ASSOCIATES  
SHEET 5 OF 11  
LAND USE PLANNING

EXHIBIT

B



SFC CLERK RECORDED 12/09/2015

VICINITY MAP NOT TO SCALE

### SANTA FE COUNTY APPROVAL

County Land Use Administrator: Shelly Cohen 3-11-2008  
County Rural Addressing Director: Mark Gadd 2-29-08  
County Development Permit No.: 08-3018

### UTILITY COMPANIES

THE UNDERSIGNED UTILITY COMPANIES HEREBY ACKNOWLEDGE THE EASEMENTS AS MARKED AND DESCRIBED ON THIS PLAT

Paul Lopez 2-29-2008  
DNM - ELECTRICAL SERVICES  
Paul Lopez 2-29-2008  
DNM - GAS SERVICES  
Quest Communications, Inc. 2-29-2008  
QUEST COMMUNICATIONS

Quest Communications, Inc. Disclaimer:  
This plat has been approved for easement purposes only. The signing of this plat does not in any way guarantee telephone service to the subdivision.

### LEGEND / PLAT REFERENCE

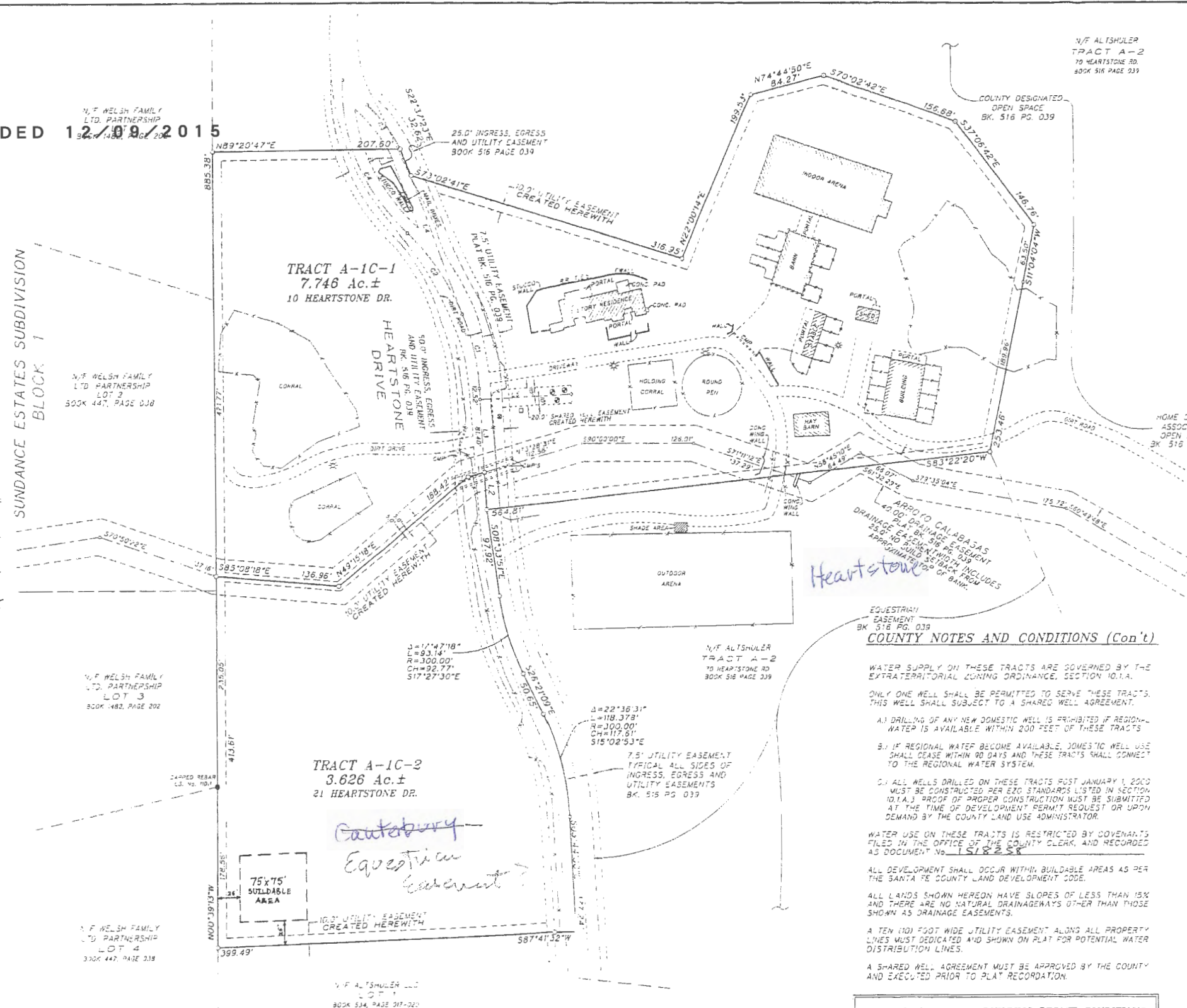
REFERENCE THAT PLAT TITLED "LOT SPLIT SURVEY PREPARED FOR ALTSHULER LLC" BY PAUL A. RODRIGUEZ, N.M.P.S. No. 13839, RECORDED IN BOOK 492 PAGE 004, AS RECEPTION No. 1188,429 IN THE OFFICE OF THE SANTA FE COUNTY CLERK, NEW MEXICO.

- INDICATES POINT FOUND AND USED
- INDICATES REBAR WITH CAP, L.S. No. 13839
- INDICATES SET REBAR WITH CAP, L.S. No. 13839
- INDICATES CALCULATED POINT
- INDICATES UTILITY RISER
- INDICATES 3'x3' UTILITY BOX
- INDICATES WATER WELL CAP
- INDICATES FENCE LINE
- INDICATES WATER SPRING

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WAS MADE BY ME OR UNDER MY PERSONAL DIRECTION AND CONTROL, AND THAT THE DATA SHOWN HEREON IS TRUE AND CORRECT. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS. FIELD WORK PERFORMED ON APRIL 3, 2007.

Paul A. Rodriguez, N.M.P.S. No. 13839, DATE 02-28-08



### LINE DATA

LINE	BEARING	DISTANCE
L1	N73°28'31"E	18.86'
L2	S03°47'35"E	42.54'
L3	N02°31'38"W	33.52'
L4	N21°06'05"W	195.38'
L5	N86°29'22"E	102.74'

### CURVE DATA

CURVE	DELTA	RADIUS	LENGTH	CH. BEARING / DISTANCE
C1	9°05'45"	250.00'	82.32'	S13°04'31"E / 82.94'
C2	24°50'50"	250.00'	108.39'	S13°02'38"E / 107.35'
C3	7°38'01"	200.00'	61.44'	S13°02'38"E / 51.19'
C4	49°44'11"	228.00'	185.31'	S22°35'48"E / 199.24'

Inst # 15182 SG

COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed for record on the 13th day of March, 2008, at 1:14 PM, at the County Clerk's Office, Santa Fe County, New Mexico.

Witness my hand and Seal of Office  
Valerie P. Nantz  
County Clerk, Santa Fe County, N.M.  
Ken King  
Deputy

### SPECIAL NOTES AND BUILDING PERMIT CONDITIONS

BUILDING ON THESE TRACTS ARE SUBJECT TO THE WILDLAND INTERFACE CODE.  
THE FIRE MARSHAL AFFIDAVIT IS FILED IN THE OFFICE OF THE COUNTY CLERK, AND RECORDED AS DOCUMENT NO. 1518257

TRACT A-1C U.P.C. No. 1-051-102-49-348

INDEXING INFORMATION FOR COUNTY CLERK
LAND DIVISION SURVEY
OWNER: DON ALTSHULER
SECTION: SECTION 4, T17N, R3E, N.M.P.M.
SECTION NAME: CANTERBURY SUBDIVISION
TRACT: TRACT A-1C-1 AND TRACT A-1C-2

PARAMOUNT SURVEYS, INC.
1925 ASPEN DRIVE, SUITE 300-B, SANTA FE, NM 87505
Phone: 505-920-2340 Fax: 505-766-2072

LAND DIVISION SURVEY PREPARED FOR
DON ALTSHULER OF TRACT A-1C, CANTERBURY SUBDIVISION, WITHIN SECTION 4, T17N, R3E, N.M.P.M., 10 HEARTSTONE DRIVE, SANTA FE COUNTY, NEW MEXICO
SCALE: 1" = 100' DATE: February, 08' DRAWN BY: N.C.L. CHECKED BY: P.A.R. PROJECT NO: 1280-LS

### COUNTY NOTES AND CONDITIONS

MAINTENANCE OF ACCESS ROADS AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNER/USER, UNLESS CURRENTLY MAINTAINED BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT.

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS.

ACCORDING TO FEMA FLOOD HAZARD MAP COMMUNITY PANEL NO. 33003-0175 B, THIS PROPERTY LIES WITHIN DESIGNATED FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN.

EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPERED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY ENGINEER. DEVELOPMENT SHALL NOT IMPERE HISTORIC FLOW RATES OR PATTERNS TO OR FROM THESE LOTS.

THESE LOTS ARE SUBJECT TO THE SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.

THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE.

SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENTS, OR ROADS, AS SHOWN PRIOR TO THE CONSTRUCTION OF SAID PRIVATE EASEMENTS, OR ROADS. IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.

NEW DRIVEWAYS/ROAD ACCESS FROM HEARTSTONE DRIVE IS SUBJECT TO APPROVAL BY THE PUBLIC WORKS DIRECTOR. THE DIRECTOR SHALL APPROVE THE LOCATION AND INSTALLATION OF A CULVERT AS PERMITTED BY THE SANTA FE COUNTY PRIOR TO ISSUING A PERMIT FOR CONSTRUCTION.

THE PARCELS AS PLATTED HEREON ARE SUBJECT TO SECTION 12.1 OF THE E20, TERRAIN MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT.

PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOILS RATING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE TO SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL BUYERS/SELLERS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENTAL DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.

### DEDICATION / AFFIDAVIT

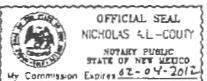
KNOW ALL PERSONS BY THESE PRESENTS:

THAT THE UNDERSIGNED OWNER(S) AND PROPRIETOR(S) HAS CAUSED TO BE REPLATTED THE LANDS SHOWN HEREON, LYING AND BEING SITUATE WITHIN THE COUNTY OF SANTA FE, NEW MEXICO. ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) AND PROPRIETOR(S). THESE LANDS LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE, NEW MEXICO. MAINTENANCE OF THE ACCESS EASEMENTS AS SHOWN HEREON IS TO BE THE RESPONSIBILITY OF THE LAND OWNER(S). AN EASEMENT IS HEREBY GRANTED FOR ALL EXISTING UTILITIES.

Don Altshuler 2/28/08  
DON ALTSHULER DATE

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

ON THIS 28 DAY OF February, 2008, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY THE PERSON(S) WHOSE NAME(S) APPEARS ABOVE.  
Nicholas A. J. County 02-04-2012  
NOTARY PUBLIC COMMISSION EXPIRES



SCALE 1" = 60'

EXHIBIT



Henry P. Roybal  
Commissioner District 1

Miguel M. Chavez  
Commissioner District 2

Robert A. Anaya  
Commissioner District 3



Kathy Hohan  
Commissioner District 4

Liz Stefamys  
Commissioner District 5

Katherine Miller  
County Manager

**DATE:** July 16, 2015

**TO:** County Development Review Committee

**FROM:** Jose E. Larrañaga, Development Review Team Leader *JEL*

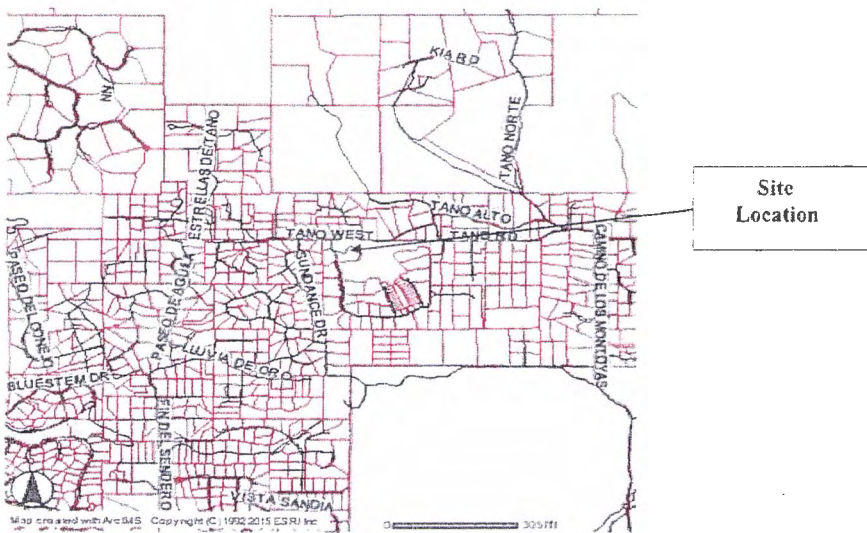
**VIA:** Penny Ellis-Green, Growth Management Director *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*

**FILE REF.:** CDRC CASE # Z-PDP/FDP 15-5130 Ashwin Stables

**ISSUE:**

Don Altshuler, Applicant, James W. Siebert & Associates, Agent, request **Master Plan Zoning, Preliminary and Final Development Plan approval** to allow an Equestrian Facility on 2.71 acres  $\pm$ . The property is located within Section 4, Township 17 North, Range 9 East, (Commission District 2) at 10 Heartstone Drive.

**Vicinity Map:**



NBD-1



SUMMARY:

The Applicant requests Master Plan Zoning, Preliminary & Final Development Plan approval to allow an Equestrian Facility on 2.71 acres in conformance with Ordinance No. 1998-15 (Other Development) and Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code (Code). The facility consists of a 706 square foot residence located above a 2,250 square foot-4 horse barn, a 1,960 square foot-8 horse stable, a 648 square foot-4 horse stable, a 1,035 square foot hay barn, a 9,946 square foot covered arena and a maximum of 16 horses to be boarded on the site. The structures are existing and were permitted and utilized by the Applicant for personal use. The proposed facility is currently located within a 7.74 acre parcel. The Applicant proposes to sub-divide the 7.74 acre parcel to create 3 lots consisting of two 2.5 acre residential lots and a 2.71 acre parcel to be utilized for the Equestrian Facility.

The Applicant's Report states:

The equestrian use that is shown in this request for Master Plan and Development Plan approval will remain as it has existed for the last 15 years. Until recently Mr. Altshuler kept four of his family horses at this site. Mr. Altshuler is no longer able to ride and the horses have been sold. Some of the residents who use to board horses no longer do so. If boarding of horses from outside the subdivision is not possible, the equestrian use is not financially feasible. The use list for the property is limited to an equestrian facility including boarding of horses and its ancillary structures and activities, such as the small residence for the stall keeper and training and instruction of riders.

Ordinance 1998-15, Section 8.1 states, "subject to the requirements of this Section, all uses not otherwise regulated by the Code are permitted anywhere in the County provided a request for zoning approval is granted per Article III..."

Article V, § 5.2.1.b states, "a master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval."

Article V, § 7.1.3.a (Preliminary Development Plans) states, "a preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan."

Article V, § 7.2 (Final Development Plan) states:

A final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets. Documents to be submitted at this time are: proof of ownership including necessary title documents.

NBD-2

articles of incorporation and by-laws of owners' association; required disclosure statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required.

The owner of the property acquired the property by warranty deed recorded as Instrument # 1420118 in the Santa Fe County Clerk's records dated February 14, 2006. James W. Siebert & Associates is authorized by the property owner to pursue the request for Master Plan Zoning, Preliminary and Final Development Plan approval to allow an Equestrian Facility on a 2.71 acre  $\pm$  site, as evidenced by a copy of the written authorization contained in the record (Exhibit 9).

Notice requirements were met as per Article II § 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on June 25, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on June 25, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners (Exhibit 10).

This Application was submitted on April 10, 2015.

Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support this request: the application is comprehensive in establishing the scope of the project; the proposed Preliminary Development Plan substantially conforms to the proposed Master Plan; the Final Development Plan conforms to the Code requirements for this type of use; and the Application satisfies the submittal requirements set forth in the Code.

The review comments from State Agencies and County staff have established findings that the Application is in compliance with state requirements, Ordinance 1998-15, Article V, § 5.2 Master Plan Procedure, Article V, § 7.1 Preliminary Development Plan and Article V, § 7.2 Final Development Plan of the Code.

**APPROVAL SOUGHT:** Master Plan Zoning, Preliminary & Final Development Plan approval to allow an Equestrian Facility on 2.71 acres.

**GROWTH MANAGEMENT AREA:** SDA-1.

**HYDROLOGIC ZONE:** Basin Hydrologic Zone, minimum lot size in this area is 2.5 acres with recorded water restrictive covenants of 0.25 acre feet.

NBD-3

**ARCHAEOLOGIC ZONE:**

An Archeological Survey was conducted on 140 acres for the Heartstone Subdivision in 2002. The New Mexico Historic Preservation Division reviewed the Application and states the following, "there are no historic properties listed on the State Register of Cultural Properties or the National Register of Historic Place within the project parcel. One archaeological site appears to be within or very near the project area; however, this site was determined to be ineligible for listing in the State or National Register. Because this site is not significant, the proposed project will have No Effect on Historic Properties."

**ACCESS AND TRAFFIC:**

The primary access to the project is via Heartstone Drive. Heartstone Drive is a 24 foot wide, two lane road with an asphalt surface. The distance from the equestrian use driveway intersection at Heartstone Drive to Tano West is 920 feet. Tano West is a paved two lane roadway which is designated as County Road 85A. A Site Threshold Assessment form has been prepared as required by the New Mexico Department of Transportation (NMDOT), District Five, as part of the NMDOT review of projects in Santa Fe County. Since the use is existing the additional traffic would be limited to the horses that might be stabled at the site from clients that are not residents of the Heartstone Subdivision. The horse trainer and her assistant live on the property on an adjoining lot and, therefore, create no greater use than a residential dwelling, and actually less so, since during the AM and PM periods they are generally working at the site.

Santa Fe County Public Works Department has reviewed the submittal and supports the Application. Public Works did not require a TIA for this Development.

NMDOT reviewed the Application and has determined that this development will not impact any State Transportation System.

**FIRE PROTECTION:**

The closest fire station is located off Las Campanas Drive at 3 Arroyo Calabasas approximately 4.1 miles from this site. This fire station is manned on a full time basis. The Agua Fria fire station that is also manned on a 24 hour basis is located on 58 Caja del Oro Grant Road (CR 62) approximately 7.7 miles from the site. There is currently 60,000 gallons of water storage available in the Heartstone development and fire hydrants have been installed

NBD-4

throughout the residential subdivision. The existing water system serving the subdivision will be extended within 1000 feet of the fire staging area for this site.

Santa Fe County Fire Prevention Division reviewed the Application and stated the following: a fire hydrant shall be located within 1000 feet of the fire staging area; driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves; shall comply with Article 1, § 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all subsections and current standards, practice and rulings of the Santa Fe County Fire Marshal." The existing driveway complies with these standards.

**WATER SUPPLY:**

The existing well is located on Lot A-1C-1 which will serve all three proposed lots. The well was permitted by the Office of the State Engineer (OSE) with an assigned well number of RG76968. There currently is not a meter on this well. Meters, one for each lot, shall be installed and meter readings shall be submitted to the OSE and the County Hydrologist on a quarterly basis. The Applicant has submitted a water budget, establishing that the yearly water use will not exceed .25 afy. Water restrictive covenants, restricting the water use to 0.25 acre feet per year, shall be recorded along with the Final Development Plan.

The County Hydrologist reviewed the water budget submitted by the Applicant and states the following,

the proposed Ashwin Stable lot falls under non-residential development, in which the project as a whole uses up to 0.25 acre-foot of water annually. The water budget indicates that the amount of water to be used for the facility will be .226 afy. The Applicant proposes to provide water to the equestrian facility (Tract A1C-1C), which includes a single residential unit, an adjoining residential unit (Tract A1C-1B) and a third residential lot (A1C-1A) via an existing domestic well permitted by the OSE. The well is identified by OSE as RG-76968. The property lies within the Basin Hydrologic Zone. Santa Fe County previously approved a lot split administratively and limited water use to 0.75 acre-foot per year for the entire 7.746 acre property. Therefore, each lot will be limited to 0.25 acre-feet at time of Plat approval. Each lot owner will be required to read their individual meter monthly and submit those readings to

NBD-5



the County annually to ensure compliance with this requirement.

**LIQUID WASTE:**

An existing septic tank and leach field will serve the small residence above the barn and the few clients of the horse trainer utilizing the facilities in the residence. The existing septic system is approved and permitted by the New Mexico Environment Department (NMED).

NMED reviewed the Application and states that the existing on-site liquid waste disposal system is adequate for the proposed development.

**SOLID WASTE:**

Solid waste will be collected on a weekly basis by a private solid waste collection company that currently services the residential subdivision. Horse manure will be removed on a weekly basis and taken to the regional landfill for burial.

**FLOODPLAIN & TERRAIN  
MGMT:**

The site contains slopes, from the north to the south, of 0-20%. All cut slopes are less than 2:1 and all fill slopes are 3:1. The request is in conformance with Article VII, Section 3.4.2 (Terrain Management Plan).

The Applicant's proposal illustrates existing conditions and a proposed grading and drainage plan. The required amount of retainage required for runoff is 4,615 cubic feet. The amount of retainage provided is 25,000 cubic feet. Therefore, the proposal is in conformance with Article VII, Section 3.4.6 and Ordinance 2008-10 (Flood Damage Prevention and Stormwater Management).

**SIGNAGE AND LIGHTING:**

The Applicant does not propose any signage in this Application. Any future signage shall comply with Article VIII (Sign Regulations).

The Application does not illustrate any proposed or existing outdoor lighting in this Application. Any future outdoor lighting shall comply with Article III, Section, 4.4.4h (Outdoor Lighting Standards).

**EXISTING DEVELOPMENT:**

Existing structures consist of a 706 square foot residence located above a 2,250 square foot-4 horse barn, a 1,960 square foot-8 horse stable, a 648 square foot-4 horse stable, a 1,035 square foot hay barn and a 9,946 square foot covered arena.

NBP-6

**ADJACENT PROPERTY:** The site is bordered to the north, east and south by designated open space. To the west the site is bordered by a residence owned by the Applicant.

**PARKING:** The site plan illustrates a designated parking area of 10 parking spaces. An area for horse trailer parking and an area for unloading feed are delineated on the site plan. All parking areas shall be clearly marked. Parking of vehicles outside of the designated area shall be discouraged to minimize erosion and dust on the site. Staff has determined that the parking element of the Application meets the criteria set forth in Article III, Section 9 (Parking Requirements).

**LANDSCAPING:** The Applicant submitted a landscaping plan illustrating the existing vegetation on the site. The existing vegetation is adequate, therefore the landscape element of the development meets the intent of the landscape standards of Article III, Section 4.4.4.f 4 Landscaping Plan of the Code.

**RAINWATER HARVESTING:** The Applicant submitted a water harvesting plan consisting of two existing 5,000 gallon storage tanks and a water budget to reduce the cistern size from 23,758 gallons to 10,000 gallons. The captured rain water will be utilized for the horses (drinking, bathing and washing of facilities) in an effort to reduce water used from the well. Therefore the water harvesting element of the request meets the intent of Ordinance No. 2008-4.

<b>AGENCY REVIEW:</b>	<u>Agency</u>	<u>Recommendation</u>
	NMOSE	No Formal Opinion
	NMDOT	Approval
	NMED	Approval
	NMDHP	Approval
	County Fire	Conditional Approval
	County PW	Approval
	County Hydrologist	Approval

**STAFF RECOMMENDATION:** Approval of Master Plan Zoning, Preliminary and Final Development Plan to allow an Equestrian Facility on 2.71 acres subject to the following staff conditions:

- 1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.

NBP-7

2. Master Plan, Preliminary and Final Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. Horse manure shall be removed on a weekly basis and taken to the regional landfill for burial. This shall be noted on the Master Plan/Development Plan.
4. Maximum amount of horses to be stabled at facility shall not exceed 16. This shall be noted on the Master Plan/Development Plan.
5. Water restrictive covenants, restricting the water use to 0.25 acre feet per year, shall be recorded along with the Final Development Plan. Meter readings shall be submitted to the County Hydrologist on a quarterly basis. If the water use exceeds 0.25 acre feet per year the number of horses allowed to be stabled on the facility shall be reduced. This shall be noted on the Master Plan/Development Plan.

**EXHIBITS:**

1. Applicants Report
2. Drawings
3. Ordinance 1998-15 (Other Development)
4. Article V, § 5 (Master Plan Procedures)
5. Article V, § 7 (Preliminary Development Plans)
6. Article V, § 7.2 (Final Development Plan)
7. Aerial Photo of Property
8. Agency Reviews and Comments
9. Warranty Deed and Letter of Authorization
10. Legal Notice
11. Letters of Concern
12. Letters of support

NBD-8



**ASHWIN STABLES**

**MASTER PLAN/PRELIMINARY & FINAL  
DEVELOPMENT PLAN**

**REPORT**

**PREPARED FOR DON ALTSHULER**

**PREPARED BY**

**JAMES W. SIEBERT & ASSOCIATES INC.**

**APRIL 10, 2015**



NBD-9

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## Figures

Figure 1:	Vicinity Map
Figure 2:	Adjoiners Map

## APPENDICES

Appendix A	Proposed Land Division Plat
Appendix B	Warranty Deed & Plat
Appendix C	Site Threshold Assessment
Appendix D	Approved Drainage Plan
Appendix E	FEMA Floodplain Map
Appendix F	Well Permit
Appendix G	Liquid Waste Permit

NB0-10

### Introduction and Background Information

The property that is the subject of this application was previously approved as an administrative lot split creating four lots to establish the boundary of the Heartstone Subdivision (aka Canterbury Subdivision). The equestrian structures on the subject property were built for use by the current owners of the property and for the residents of the Heartstone Subdivision. After being injured from falling off a horse, Mr. Altshuler, who owned several horses decided he would no longer use the facility and at that point leased the property to his trainer for boarding and training of her own horses. At the time the equestrian facility was built it included stalls for 16 horses, a small residence for the person taking care of the horses, an indoor riding arena, an outdoor riding corral and a hay barn.

These facilities were permitted and constructed in the time period from 2001-2005.

### Project Location

The equestrian facility is currently located on a 7.746 acre lot. In order to define the size of the equestrian center a subdivision plat has been prepared that identifies the site of the equestrian center as a 2.711 acre lot. A description of the lot as prepared by Paramount Surveys is included in the report as Appendix A. The subject property is located to the south of Tano West, which is also designated as County Road 84A. The access road to the equestrian use is Hearstone Drive. This road was constructed as part of the Heartstone Subdivision. Don Altshuler, the developer of Heartstone will continue to retain ownership of the equestrian facility lot. The equestrian use is located at the entry to the residential dwelling on future Lot A1C-1B and is largely surrounded by open space that was platted and dedicated at the time of the approval of the original development plan. Figure 1 is a description of the location of the equestrian use relative to the public and private roads in the area.





**Ownership and Legal Lot of Record**

The property is owned by the Altshuler LLC, a company own by Don and Jean Altshuler and their three children. The 7.746 acre lot is identified by a plat recorded in Book 677 Page 29 of the records of the Santa Fe County Clerk. A survey has been prepared which limits the equestrian use to 2.711 acres. This same survey also creates two other residential lots that were part of the Heartstone master plan. There is a house on Tract A1C-1A, where the trainer for the equestrian use currently resides. Tract A1C-1B also has a residential dwelling originally occupied by Don and Jean and now rented. The deed for the property and a reduction of the current plat creating legal lot of record is provided in this report as Appendix B.

**Development Request**

An "Other Development" designation is requested for the proposed use. Article III, Section 8 of the Land Development Code, therefore, is the development request applicable to this application. "Other Development" is generally used for less intensive projects that do not fit into the usual land use categories defined by the Land Development Code.

Because this is an existing use and has been for the last 15 years the development request includes a master plan, preliminary and final development plan to be considered by the County Development Review Committee and the Board of County Commissioners.

**Existing Conditions and Adjoiners**

This use is surrounded on three sides by open space which is part of the Heartstone development. The residence in closest proximity to the equestrian use is owned by Don Altshuler. The tract of land that is across Heartstone road has a residential dwelling unit and is also owned by Altshuler LLC. The location of the equestrian and the adjoining land uses is described on the existing conditions found on P-2 of the plan set.

The existing buildings located on the equestrian use consist of the following:

Lot Size:

4 horse barn and residence above:	Stable 2,250 sq. ft. Residence 706 sq.ft.
8 stable structure (stable B):	1,960 sq. ft.
Covered arena:	9,943 sq. ft.
4 stable structure (stable A):	648 sq. ft.
Hay barn:	1,035 sq. ft.
Lot coverage for all structures:	13% (15,836 sq.ft.) of 2.71 acre lot

**Fire Protection**

The closest fire station is located off Las Campanas Drive at 3 Arroyo Calabasas approximately 4.1 miles from this site. This fire station is manned on a full time basis. The Agua Fria fire station that is also manned on a 24 hour basis is located on 58 Caja del Oro Grant Road (CR 62) approximately 7.7 miles from the equestrian use.

A site visit was conducted by the County Fire Marshal to assess the measures needed to provide adequate fire protection to this use. There is currently 60,000 gallons of storage available in the Heartstone development and fire hydrants have been constructed throughout the residential subdivision. It was agreed as a result of the site visit by the Fire Marshal that the existing water system serving the subdivision would be extended to a point shown on the fire protection plan which would be located within 1000 feet of the fire staging area, also shown on the fire protection plan.

There is an existing loop road that extends to the parking area and one of the stables crossing the drainage and returning to Heartstone Road. The loop road serves as the fire access instead of a dead-end turnaround.

Heartstone Drive, which serves as the primary access to the subject use is a 24 foot, two lane road with an asphalt surface. The distance from the equestrian use driveway intersection at Heartstone Road to Tano West is 920 feet. Tano West is a paved two lane roadway which is designated as County Road 85A.

## Access

A Site Threshold Assessment form has been prepared as required by NMDOT, District Five, as part of the NMDOT review of projects in Santa Fe County. Since the use is existing the additional traffic would be limited to the horses that might be stabled at the site from clients that are not residents of the Heartstone Subdivision. The horse trainer and her assistant live on the property and adjoining lot and, therefore, create no greater use than a residential dwelling, and actually less so, since during the AM and PM periods they are generally working at the site. The completed Site Threshold Assessment form is found in Appendix C.

## Environmental Evaluation

### Drainage

There is a platted drainage easement for the Arroyo Calabasas that is located on the most southern end of the property and was previously platted as shown on the plat of record in Book 492 Page 004. The drainage improvements and the engineering calculations for the drainage that were prepared and approved in 2000 are provided in a reduced form in Appendix D.

The drainage structures improvements to the drainage were also approved by the Army Corps of Engineers. A copy of the approved Nationwide permit has been requested and will be submitted upon delivery from the Army Corps of Engineers. The storm water retention requirements were satisfied as part of the improvements for the entire subdivision.

### Flood Plain

The subject property lies outside the limits of the 500 year flood plain as shown on the FEMA floodplain map in Appendix E.

### Terrain

A site for the indoor (covered) arena was graded into the hill in order to lower the profile of the largest structure within the equestrian area. No grading will take place within the lot as a result of approval of this application. The structures that are existing within the 2.711 acre tract is the total of development that will occur if this application is approved.

A slope analysis, soils evaluation and description of existing vegetation has not been submitted with the application since no further disturbance of the site is proposed if the request is approved.

**Project Description**

The equestrian use that is shown in this request for master plan and development plan approval will remain as it has existed for the last 15 years. Until recently Mr. Altshuler kept four of his family horses at this site. Mr. Altshuler is no longer able to ride and the horses have been sold. Some of the residents who used to board horses no longer do so. If boarding of horses from outside the subdivision is not possible, the equestrian use is not financially feasible.

The use list for the property is limited to an equestrian facility including boarding of horses and its ancillary structures and activities, such as the small residence for the stall keeper and training and instruction of riders.

No more than 16 horses will be kept on the property at any given time, unless the property owner provides the County with a geo-hydrologic study that proves additional water use above the .25 acre foot restriction. It should be pointed out that the water budget assumed horses to be stabled for 365 days out of the year. In practice the number of horses varies with several horses only being stabled for a few months.

Signs and Lighting

No identification signs are proposed with this application. No outdoor lighting is proposed for the property. It is the desire of the owner to maintain a low profile and have the least impact to the existing residents from this modification to the operation of the equestrian facilities at this site.

Solid Waste

The minimal personal solid waste that is generated by this use is collected on a weekly basis by the same private solid waste collection company that currently services the residential subdivision. Horse manure is removed on a weekly basis and taken to the regional landfill for burial. A site inspection demonstrated that this is an exceptionally clean operation.

Water Supply

There is a well located on Lot A-1C-1 that serves all three lots. This well is limited to .75 acre feet as a shared well for all three lots. This well has been permitted by the Office of the State Engineer with an assigned well number of RG76968. The well permit from the OSE is enclosed as Appendix F. There currently is not a meter on this well. The applicant understands that a meter will have to be installed and meter readings submitted to the OSE on a quarterly basis. The stables and one person residence will be limited to .25 acre feet per year.

ASHWIN STABLES MASTER PLAN PRELIMINARY/FINAL DEV PLAN  
APRIL 10, 2015

Water Budget

Rain water capture

Size of tanks: (2) existing 5,000 gal tanks = 10,000 gal storage  
Roof area: 1,960, sq.ft  
Annual rainfall, drought conditions: 9.46 inches

$9.46 \times 2.623 \times 1960 = 11,551 \text{ gals} \times .90 \text{ evaporative loss} = 10,396 \text{ gals of annual water capture}$

\*roof run-off used for horses.

Use	Gals/day	Days/year	Total gals/year
Stall keeper (1)	60	<sup>3</sup> 350	21,000
Horses (12)	<sup>4</sup> 13 gals/horse	365	56,940
Clients (4)	<sup>5</sup> 5gals/client	300	6,000
		Subtotal	83,940
		Less Rain Water Capture	-10,396
		Grand total of water use	73,544 gals (.226 af/yr)

Liquid Waste

There is a septic tank and leach field that serves the small residence above the barn and the few clients of the horse trainer. The permit from NMED for the septic tank is included in this report as Appendix G. The location of the septic tank and leach field are shown on sheet 4 of the plan set. The liquid waste for this use is limited and will continue to be limited if Other Development zoning is approved for this property.

<sup>1</sup> Based on drought year  
<sup>2</sup> Conversion of inches to gals/sq.ft.  
<sup>3</sup> 15 days vacation or absence/year  
<sup>4</sup> Based on average of 12 horses housed 365 days/year, based on experience by horse trainer 13/gals/day derived from OSE New Mexico Water Use by Categories  
<sup>5</sup> Horse trainer and 3 clients/day

NBID-17


\_\_\_\_\_  
DON ALTSHULER

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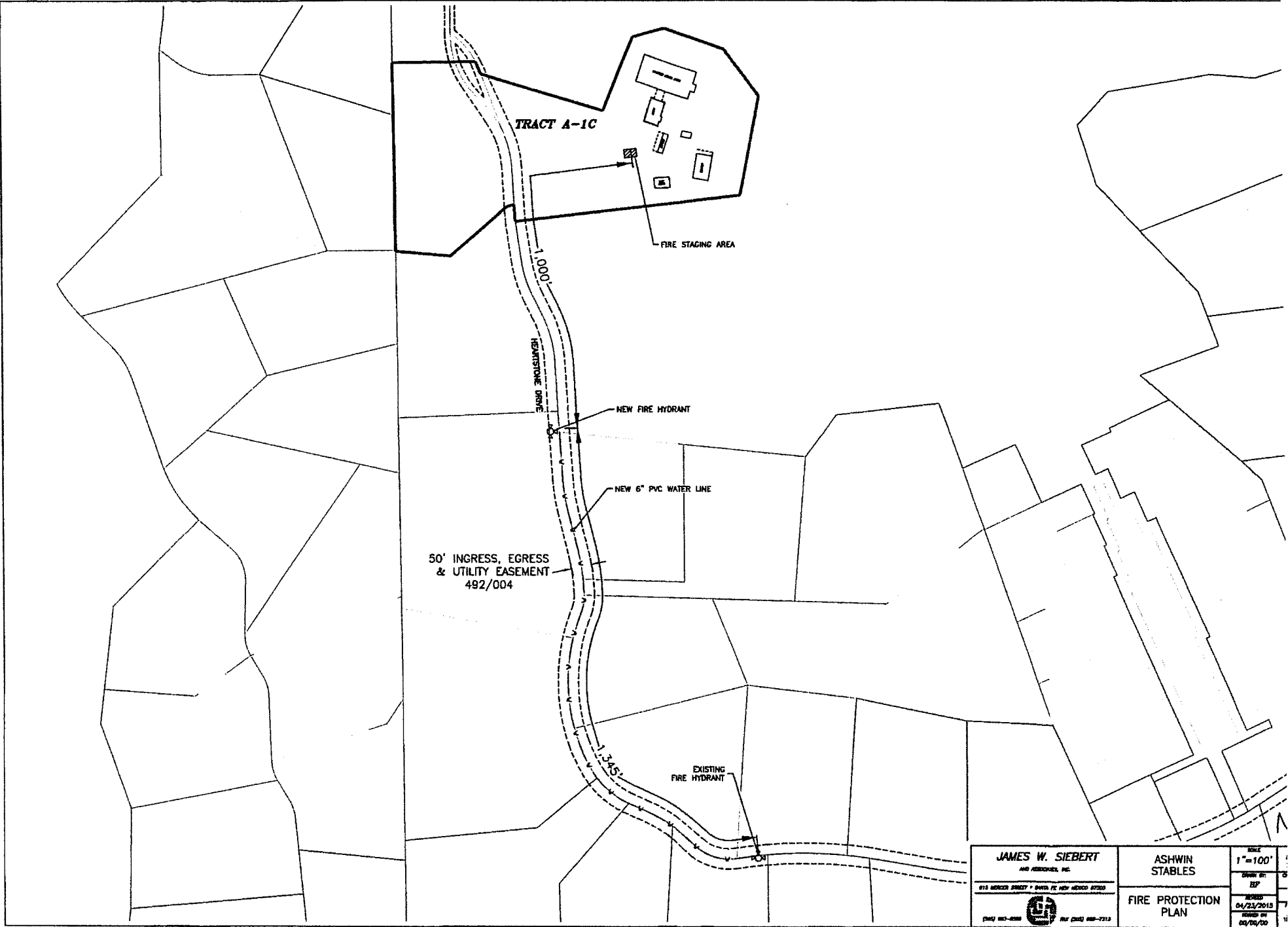
08/08/00





<p><b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC.</p> <hr/> <p>815 NORTHER STREET • DAVEN, PA 16813-0708</p> <div style="text-align: center;">  </div> <p>(717) 863-0586      FAX (717) 868-7713</p>	<p><b>ASHWIN STABLES</b></p>   <p><b>EXISTING CONDITIONS PLAN</b></p>	<p>SCALE <b>1"=40'</b></p> <p>DRAWN BY <b>HP</b></p> <p>REVISED <b>02/01/00</b></p> <p>ISSUED ON <b>02/01/00</b></p>
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N/F WELSH FAMILY  
LTD. PARTNERSHIP  
LOT 2  
BOOK 447, PAGE 03B

SUNDANCE ESTATES SUBDIVISION  
BLOCK 1

N/F ALTSHULER  
TRACT A-2  
70 HEARTSTONE RD.  
BOOK 516 PAGE 039

N/F ALTSHULER  
TRACT A-2  
70 HEARTSTONE RD.  
BOOK 516 PAGE 039

SITE DATA:

LOT SIZE: 2.71 AC±

EXISTING EQUESTRIAN STRUCTURES:

STABLE A:	648 SQ. FT.
STABLE B:	1,960 SQ. FT.
BARN:	2,250 SQ. FT.
HAY BARN:	1,035 SQ. FT.
<u>COVERED ARENA:</u>	<u>9,943 SQ. FT.</u>
TOTAL AREA:	15,836 SQ. F.

LOT COVERAGE: 13%

**LEGEND:**

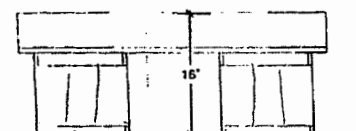
PART OF ADMINISTRATIVE LAND DIV

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

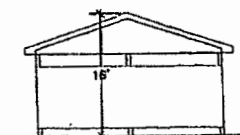
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**ASHWIN  
STABLES**

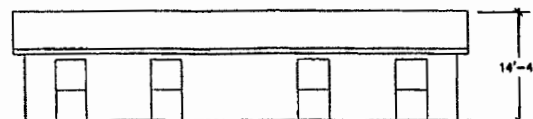
MASTER PLAN,  
PRELIMINARY & FINAL



HAY BARN  
FRONT ELEVATION



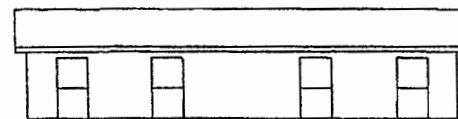
HAY BARN  
SIDE ELEVATION



STABLE B  
FRONT ELEVATION



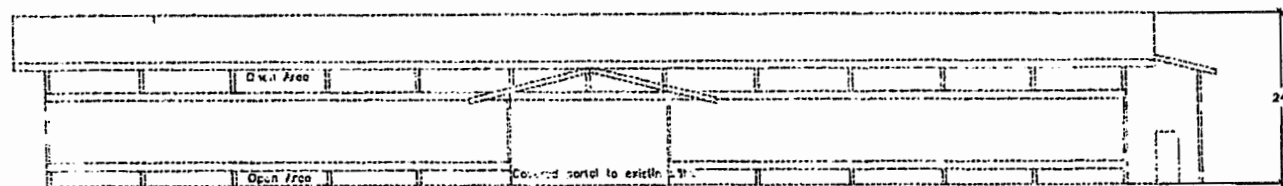
STABLE B  
SIDE ELEVATION



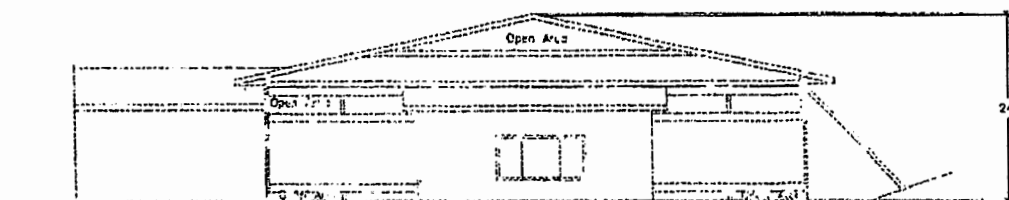
STABLE A  
FRONT ELEVATION




STABLE A  
SIDE ELEVATION



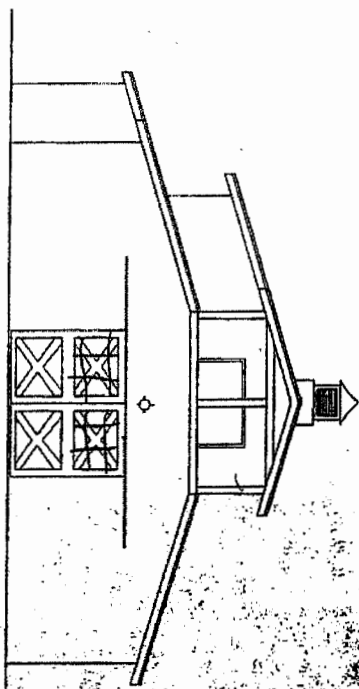
COVERED ARENA  
FRONT ELEVATION



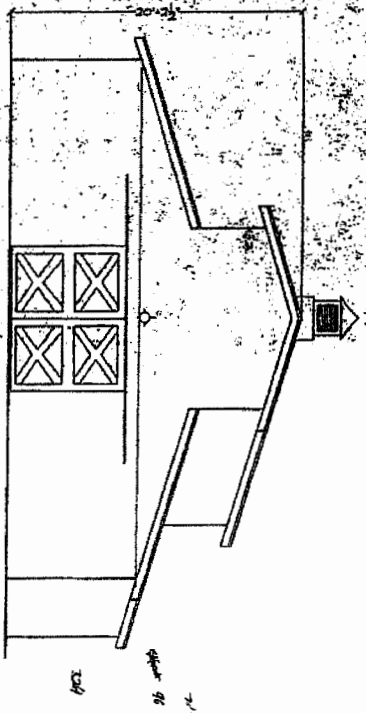
COVERED ARENA  
SIDE ELEVATION

<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC.  612 MONROE STREET • SUITE 101 NEW HAVEN, CT 06511 (203) 862-2288  FAX (203) 868-1713	<b>ASHWIN STABLES</b>	SCALE 1/8"=1'-0"
		DRAWN BY JSP
		<b>BUILDING ELEVATIONS</b>

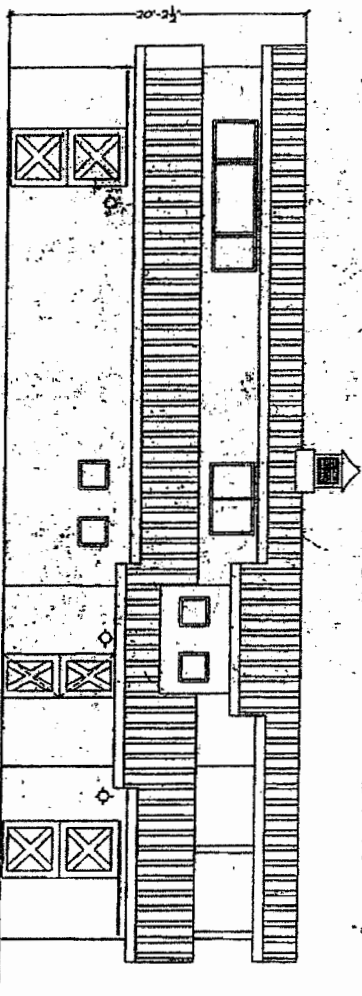
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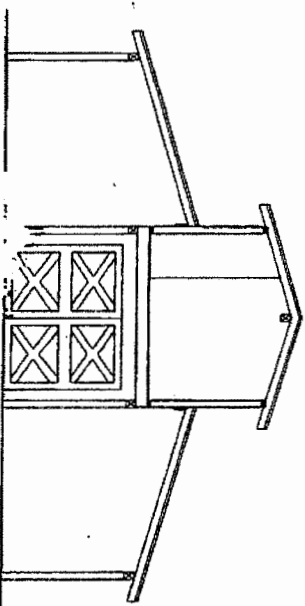
4 SOUTH ELEVATION  
SCALE 1/4"=1'-0"



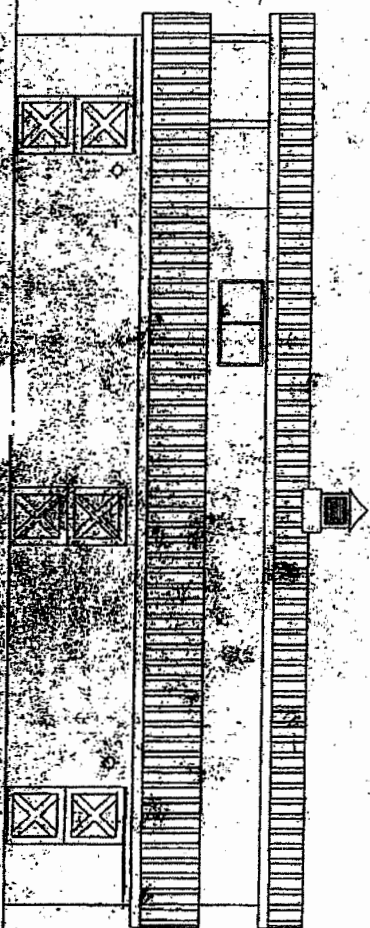
3 NORTH ELEVATION  
SCALE 1/4"=1'-0"



2 EAST ELEVATION  
SCALE 1/4"=1'-0"



1 SECTION  
SCALE 1/4"=1'-0"



5 WEST ELEVATION  
SCALE 1/4"=1'-0"

TRACT A-1  
WEST TANO  
BARN

ARCH-TECH DRAFTING  
1125 ASPEN DRIVE SUITE 201 "A"  
SANTA FE, NEW MEXICO  
(505) 471-5727

COMMUNITY REALTY, INC.  
2200 WEST ALAMEDA  
SANTA FE, NEW MEXICO  
(505) 471-1185

A NEW  
BARN

AT TANO ROAD  
SANTA FE, NEW MEXICO

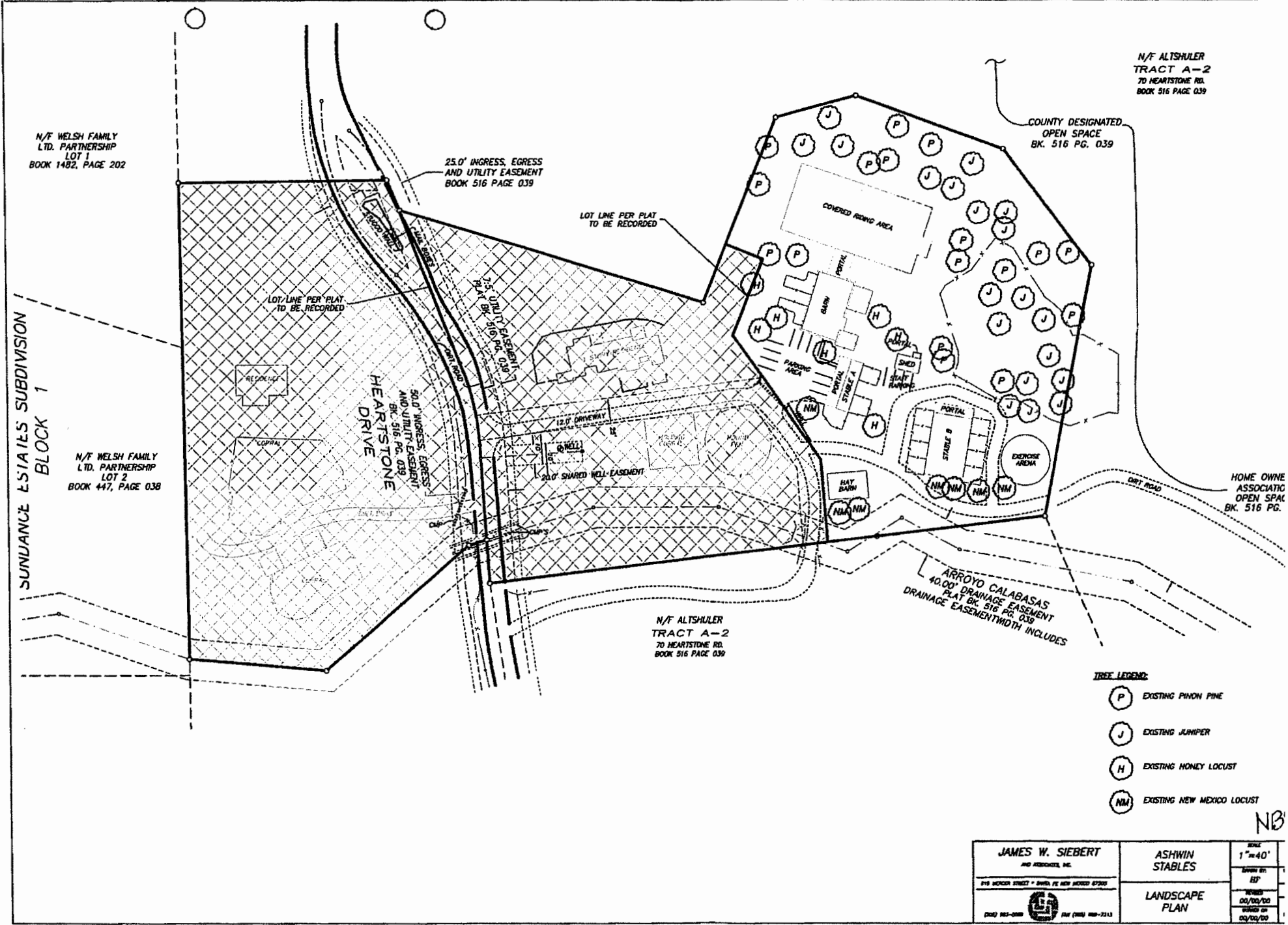
DATE: 11/10/11  
REVISED: 4/11/12

SHEET TITLE:  
ELEVATIONS  
PLANS  
1/4"=1'

P-6


N

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- TREE LEGEND:**
- P EXISTING PINON PINE
  - J EXISTING JUNIPER
  - H EXISTING HONEY LOCUST
  - NM EXISTING NEW MEXICO LOCUST

NB

JAMES W. SIEBERT AND ASSOCIATES, INC. 415 MONROE STREET • SUITE 100 NEW MEXICO 87102  (S) 983-008 (M) 988-3213	ASHWIN STABLES	SCALE 1"=40'
		DATE 02/02/20
	LANDSCAPE PLAN	REVISION 02/02/20

SANTA FE COUNTY  
Ordinance No. 1998-15

1575551

An Ordinance Amending Article III Section 8 "Other Development" of the Santa Fe County Land Development Code to Clarify the Definition of a Utility Line Extension and Clarify the Requirement for a Development Permit for Construction of Utilities

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

The Board of County Commissioners of Santa Fe County hereby amends for the purpose of clarifying the development permit requirements for Utilities. Specifically Article III, Section 8 "Other Development", of the Land Development Code is amended as follows:

8.1 Uses Permitted

Subject to the requirements of this Section, all uses not otherwise regulated by the Code are permitted anywhere in the County provided a request for zoning approval is granted per Article III, except for utility lines which may be approved administratively per subsection 8.3.7 set forth below. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries. Notwithstanding the fact that these uses are permitted, a development permit is still required.

8.2. Submittals, Reviews and Standards

Uses regulated by this section 8 shall be considered large if they involve the grading and clearing of 10 or more acres, contiguously or cumulatively, and small scale if less disturbance of the land is involved. Development standards and criteria and submittal requirements are set forth in Subsection 4.4; as well as any other Section of the Code which refers to or regulates Terrain Management or Utilities.

8.3 Utilities

8.3.1 A development permit shall be required for, and provisions of the Code shall apply to, all development; including utilities, utility easements, utility rights-of-way, and construction of utility lines and facilities.

8.3.2 Utility Lines include the following definitions:

- A. "line" or "lines" in all cases include any appurtenant hardware, equipment, buildings, etc.;
- B. Utility service lines are lines that connect individual utility customers to the utility distribution system and facilities;
- C. Utility distribution lines are lines that interconnect the service line to a station, substation, or other parts of the distribution system or network.
- D. Utility transmission lines are lines that interconnect the distribution network(s). Typically, but not always, transmission lines. In the case of gas



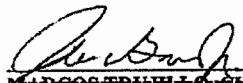
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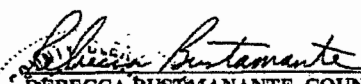
SFC CLERK RECORDED 12/09/2015

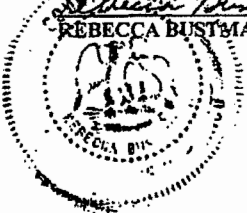
- and electric power, make connections between, connect to, and use substations, stations, and other generating facilities.
- 8.3.3 Where any doubt exists as to a line being part of a service line, distribution line, or transmission line, such item shall be included in the larger system or facility.
  - 8.3.4 Authority for installation of service lines, and their interface or point of connection to distribution lines, shall be included in the development permit for construction of buildings, subdivision plans, or other development.
  - 8.3.5 A development permit is required for utility transmission and distribution lines and appurtenant facilities, including storage facilities, pipelines, transmittal towers and facility, and power and communications transmission lines. Such uses shall meet standards, as applicable, set forth in Section 8.2 above.
  - 8.3.6 In addition to the above requirements, any development involving a water or sewer utility must be in conformance with an adopted Community Land Use and Utility Plan, unless system improvements are limited to that needed to serve existing development.
  - 8.3.7 Development permits for purposes of Section 8, may be approved administratively subject to the policies adopted at the discretion of the Code Administrator. Such policies shall be implemented by the Code Administrator and will be effective when published and posted.
  - 8.3.8 All utility lines shall be placed underground as provided in subsection 2.3.9.b.1), or upon final approval of the Board of County Commissioners, who shall consider environmental and visual impacts.
  - 8.3.9 Solely in the case of telecommunications masts, microwave masts, television of radio masts, or other masts or towers for the purpose of transmitting or receiving wireless signals, such shall be regulated and zoned as "Other Development" per the requirements of Section 8.2.

History: Ordinance 1998- 15 replaced existing Section 8 to require development permits for other Development.

PASSED, ADOPTED AND APPROVED this 24<sup>th</sup> day of November, 1998, by the Santa Fe County Board of County Commissioners.

  
**MARCOS TRUJILLO, CHAIRMAN**  
 Joe S. Grine, Vice Chairman

  
**REBECCA BUSTAMANTE, COUNTY CLERK**



NBD-26



1575561

APPROVED AS TO FORM:

Rosanne Vazquez for  
DENICE BROWN, COUNTY ATTORNEY

SFC CLERK RECORDED 12/09/2015

COUNTY OF SANTA FE )SS  
STATE OF NEW MEXICO 1052) 399  
I hereby certify that this instrument was filed  
for record on the 8 day of Dec, A.D.  
19 98 at 1:59 o'clock P m  
and was duly recorded in book 1575  
page 559 - 561 of the records of  
Santa Fe County.  
Witness my Hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, N.M.  
Cherron Clayton  
Deputy



NBD-27

fulfill the proposals contained in the subdivider's disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.

#### 4.8 Common Promotional Plans

The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in this Article V.

### SECTION 5 - PROCEDURES AND SUBMITTALS

#### 5.1 Pre-application Procedures

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the Code Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:

1. Submittals required by the Code.
2. Type and/or class of the proposed subdivision.
3. Individuals and/or agencies that will be asked to review the required submittals.
4. Required improvements.
5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

#### → 5.2 Master Plan Procedure

##### 5.2.1 Introduction and Description

- a. Master plans are required in the following cases:
  - i. All Type I, Type II, and Type IV subdivisions with more than one development phase or tract;
  - ii. As required in Article III for developments other than subdivisions; and
  - iii. Such other projects which may elect to apply for master plan approval.
- b. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
- c. The master plan submittal will consist of both plans and written reports which include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

##### 5.2.2 Master Plan Submittals

- a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel.



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The locations of all Federal, State, or County Roads within one thousand (1000) feet of the parcel shall be shown. In addition, location of future highways and arterials as designated on the appropriate master plan for roads in the County (see 3-19-9 N.M.S.A. 1978) shall be shown.

- b. Existing Site Data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or other appropriate scale as determined by the Code Administrator and shall include the following:
  - 1) Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts;
  - 2) Easements: Location, width and purpose;
  - 3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way width;
  - 4) Utilities on and immediately adjacent to the tract;
  - 5) Owners of record of unplatted land and existing subdivision plats by name and recordation, together with owners of record for affected lots shall be shown for property within one-hundred (100) feet of that tract not including public rights-of-ways.
  - 6) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
  - 7) Proof of legal access from a county or state road as required by the Code.
- c. Conceptual environmental plan shall include, when appropriate:
  - 1) Graphic representation of existing topography, natural features, slopes, and floodplains.
  - 2) Soils maps and reports (SCS)
  - 3) Recreational and/or open space plan, or landscape concepts,
  - 4) Liquid waste disposal plan, and
  - 5) Water Supply plan.
- d. Master plan map(s) showing the proposed development in sketch form, including:
  - 1) Proposed major vehicular and pedestrian circulation system.
  - 2) Designation and description of proposed land uses, including information about residential uses by type, area and density, and information about office, general commercial and industrial uses by area and intensity of development. Mixed uses shall not be prohibited.
  - 3) Logical and natural boundaries defining development limitations, and
  - 4) Any proposed sites for schools or other community facilities.
- e. A phasing schedule shall be included in the master plan giving a general description of each phase of the development.
- f. A schematic utilities plan showing location, locational cross sections, and approximate line sizes. It is recognized that there may be changes in the final utilities plan due to the requirements of utility companies or final engineering plans and specifications.

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g. Master plan report which includes the following:

- 1) A general description of the project, existing development on the parcel, location, adjacent properties, acreage, lot coverage, access, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, water, liquid waste, solid waste, archaeological sites and fire protection measures;
- 2) If appropriate, market analysis and economic impact report which address: demand, projected sales and build-out; identifies a trade area; estimates retail sales and potential, and identifies the scale and extent of local competition.
- 3) Preliminary fiscal impact estimates of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project.
- 4) Preliminary environmental assessment, which identifies the possible effects of proposed development on natural resources or natural features. This may be combined with Section 5.2.2.c of this Article.
- 5) A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Code Administrator.
- 6) Description of concepts for restrictive covenants proposed for the development if applicable, outlining the areas and extent of restriction or regulation. Detailed covenants are not required at this time.
- 7) Schools impact report. A written report which projects the effects the proposed project will have on public schools, and which includes:
  - the proposed number, size, and price of residential units within the project;
  - a description of the project's target market; and
  - where applicable, any special educational needs of the project's school-aged residents.

The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.

5.2.3 Master Plan Review

The master plan shall be submitted to the Code Administrator or his authorized representative with a written application for approval. The Code Administrator will review the plan and submit analysis, written comments and a recommendation to the County Development Review Committee and the Board. Master plans shall be reviewed by the County Development Review Committee which shall make determinations regarding compliance with the County General Plan or the Extraterritorial Plan and the Code and shall forward the plan to the Board with the Committee's recommendation. The Board may adopt, amend, supplement, or reject the County Development Review Committee recommendation.

5.2.4 Master Plan Approval

- a. The approved master plan shall show the area of residential use and general density measured in dwelling units per acre of land, less dedicated or conveyed rights-of-way, and the area and intensity of commercial and industrial use measured in gross square feet of building area or maximum gross floor area ratio. These shall constitute the maximum permitted number of dwelling units and maximum permitted area and intensity of commercial or industrial use.
- b. The County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans:
  1. Conformance to County and Extraterritorial Plan;

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2. Suitability of the site to accommodate the proposed development;
3. Suitability of the proposed uses and intensity of development at the location;
4. Impact to schools, adjacent lands or the County in general;
5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed;
6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

#### 5.2.5 Filing of Approved Master Plan

The approved master plan with maps which has been approved by and received signatures of the County Development Review Committee Chairman and Board Chairman shall be filed of record at the County Clerk's Office.

#### 5.2.6 Amendments and Future Phase Approvals

- a. Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits.
- b. The Code Administrator may approve minor changes to the master plan. Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.
- c. Any changes approved by the Code Administrator pursuant to Section 5.2.6b of this Article shall be subject to the review and approval of County Development Review Committee and the Board at the time of development plan or plat approval.
- d. The phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan. (See Article 4, Section 4.5)

#### 5.2.7 Expiration of Master Plan

- a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board.
- b. Master plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.
- c. Progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project.

History. 1980 Comp., 1980-6. Sections 4.4, 4.5, 5.1 and 5.2 were amended by County Ordinance 1987-1 to provide for the submittal of a master plan.

#### 5.3 Preliminary Plat Procedure

##### 5.3.1 Introduction and Description

- 5.3.1a Preliminary plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions.

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**SECTION 6 - FEES AND LEVIES****6.1 Standard Fees**

Any person desiring to subdivide land in the County shall pay the current administrative fees set by the County. A fee schedule, which may be periodically amended, is available from the Code Administrator.

**6.2 Additional Fees for Unusual Circumstances**

Where additional review by the County is required above and beyond normal review requirements due to complex, unforeseen, or unique circumstances relating to the proposed plan or plat, such as complex hydrological considerations, then the County may charge an additional review fee to defray the cost of such review. Review fees shall be only for professional services rendered to the County in the case that the County does not have qualified personnel to assist in reviewing such reports, plans and plats. When an additional fee is deemed necessary, the fee shall be arrived at between the County and the subdivider.

**SECTION 7 - DEVELOPMENT PLAN REQUIREMENTS****7.1 Preliminary Development Plans****7.1.1 Pre-application conference**

- a. Prior to the application for approval of a preliminary development plan for any phase or for an entire project, the subdivider may confer with the Code Administrator regarding the plan submittal and requirements of the Code according to Section 5.1 of this Article.
- b. At this time a determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

**7.1.2 Information to be submitted**

- a. Evidence of legal lot of record;
- b. Contour intervals of two feet or such other appropriate scale as determined by the Code Administrator;
- c. Arrangements, location and size of buildings, where applicable;
- d. Off-street parking and loading or dumping facilities, where applicable;
- e. Internal vehicular and pedestrian circulation, and ingress and egress;
- f. A drainage, grading, and erosion control plan including existing and proposed contours for roads and utilities; a preliminary/conceptual grading plan around buildings, when applicable;
- g. A landscaping plan providing a schedule specifying conceptual methods, to include type, size, and location of vegetative and non-vegetative landscape material, and a preliminary description of the irrigation system to be used;
- h. Walls, fences and earth berms; their approximate locations and identifying types of fences and walls, if applicable;
- i. Size, location, orientation, lighting and type of signage, where applicable;
- j. Conceptual plan for outdoor lighting, including type, size, location of fixtures, if applicable;
- k. Easements, rights-of-way and street design;
- l. Access to telephone, gas, and electric utility service;
- m. Utility plan for water and sanitary sewer;
- n. Residential densities/gross acres;



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- o. Intensity of non-residential development, including lot coverages, gross floor area ratios or gross square feet of building area;
- p. A vicinity map showing the boundaries of the project, owners of record within one hundred feet of the tract including public rights-of-way and existing conditions and development, including adjacent streets and utilities, for at least two hundred feet from the project boundaries;
- q. If appropriate, the phases and approximate dates of development of the phases;
- r. The plan shall be drawn at a scale of one hundred feet (100') to the inch or such other appropriate scale as determined by the Code Administrator;
- s. Proposed community facilities and/or sites and recreational areas, if any, and proposed ownership of such;
- t. A schedule of on-site and off-site public improvements with the time of construction related to the phasing schedule;
- u. Information as required by state agencies;
- v. The preliminary subdivision plat may be submitted concurrently with the preliminary development plan, but is not required. Submittal of a schematic or sketch subdivision plat showing proposed lot layout, approximate dimensions and lot areas together with topography and natural features; and
- w. A written traffic report prepared by a licensed traffic engineer or other qualified expert as determined by the Code Administrator.
- x. Schools Impact Report. A written report which projects the effects the proposed project will have on public schools, and which includes: the proposed number, size, and price of residential units within the project; a description of the project's target market; and where applicable, any special educational needs of the project's school-aged residents. The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.
- y. Water Supply Plan - Water System. As required by Article VII, Section 6 of the Code and Table 5.1. of Section 9.3 of this Article V.
- z. Solid Waste Disposal Plan. As required by Article VII, Section 7 of the Code.
- aa. Liquid Waste (Disposal) Plan. As required by Article VII, Section 2 of the Code.
- bb. Timing and Phasing of Development. Projections for 5 to 10 years.
- cc. Copies of deed restrictions and protective covenants must be submitted.

#### 7.1.3 Review

- a. A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan.
- b. A preliminary development plan shall be submitted prior to or concurrent with submission of a preliminary plat.
- c. The application for preliminary development plan approval shall be presented to the County Development Review Committee for review with a staff report. The staff report shall include a description of the proposed project, an evaluation of pertinent planning issues, and a statement on the compliance of the project with the County General Plan and Code. The report may include recommended conditions of approval. The report shall include all comments from appropriate State or Federal agencies, the County Fire Marshal, the County Hydrologist, and other appropriate County personnel. Particular attention shall be given in the staff report to public

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agency comments which relate to potential limitations of lot size, intensity, or character of development.

7.1.4 Criteria for development with phase approval

- a. Conformance to the approved master plan;
- b. The plan must meet the criteria of Section 5.2.4 of this Article.

7.2 Final Development Plan

7.2.1 Submittals

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

7.2.2 Review

The final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.

History. 1980 Comp. 1980-6. Section 7 of Article V was amended by County Ordinance 1987-1 adding language relating to master plans.

**SECTION 8 - SUBDIVISION DESIGN STANDARDS**

These standards shall be binding upon the subdivider unless modifications are justified by sound engineering principles. Such modifications from these standards may be approved by the Board after a review by the County Development Review Committee upon presentation of documented justification by a licensed professional engineer.

8.1 General Policy on Roads

8.1.1 General

The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed uses of land to be served by such roads. Prior to grading or roadway cuts, all applicable permits shall be granted by the Code Administrator.

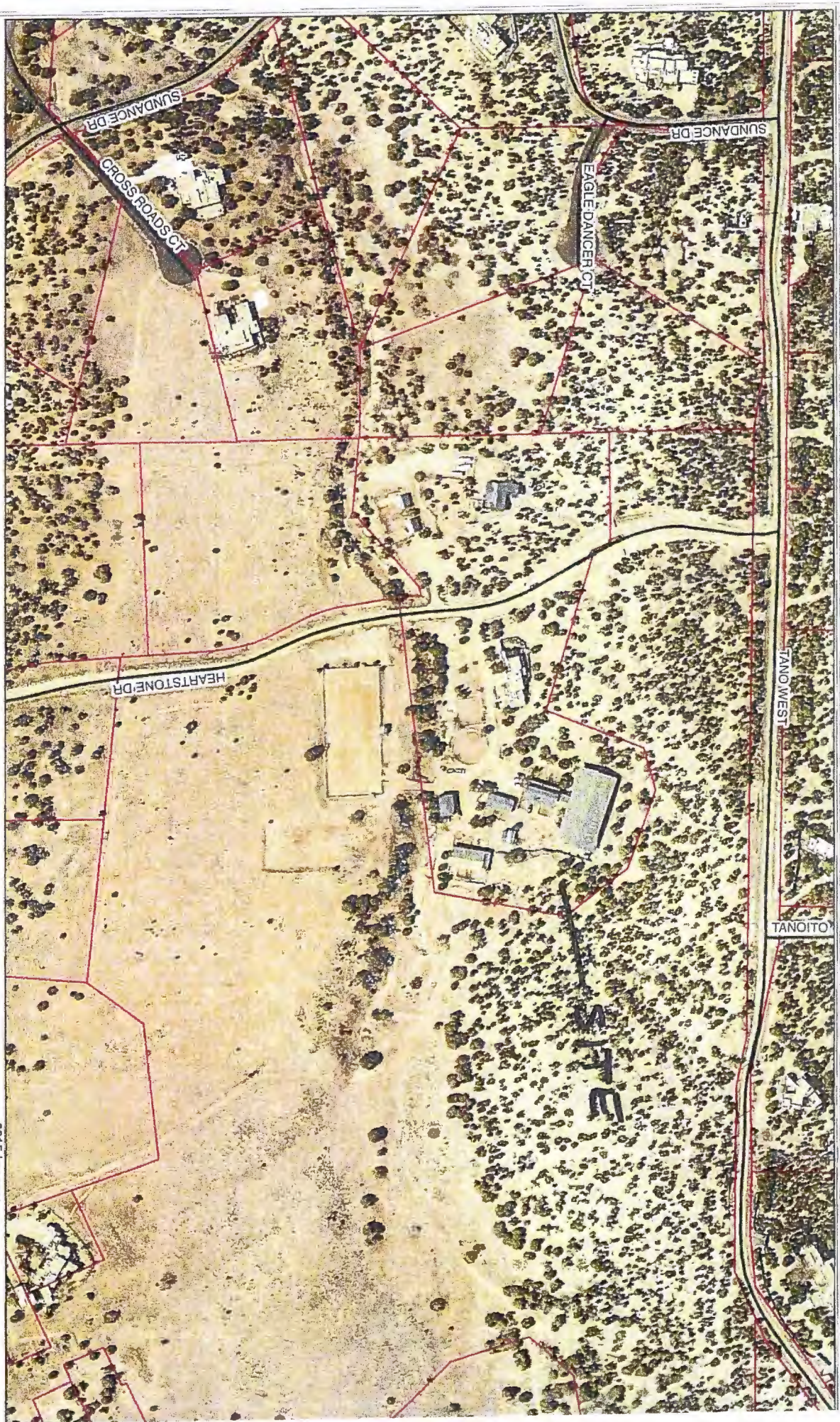
SANTA FE COUNTY LAND DEVELOPMENT CODE



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V-20

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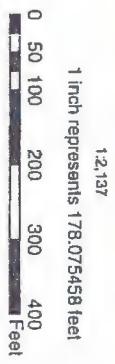




**Legend**

ROADS

PARCELS



2015 Imagery  
2 FOOT CONTOURS

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

NBD-35





STATE OF NEW MEXICO  
DEPARTMENT OF CULTURAL AFFAIRS  
HISTORIC PRESERVATION DIVISION

Susana Martinez  
Governor

RATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6120 FAX (505) 827-6118

May 20, 2015

Jose E. Larrañaga  
Development Review Team Leader  
County of Santa Fe  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, NM 87504-0276

RE: CDRC Case # Z/PDP/FDP Ashwin Stables

Dear Mr. Larrañaga:

I have completed my review of the above referenced master plan/preliminary and final development plan, received at the Historic Preservation Division (HPD) on April 20, 2015. According to our records, and the archaeological survey report prepared in 2002 for the property, there are no historic properties listed on the State Register of Cultural Properties or the National Register of Historic Place within the project parcel. One archaeological site appears to be within or very near the project area; however, this site was determined to be ineligible for listing in the State or National Registers. Because this site is not significant, the proposed project will have No Effect on Historic Properties.

Please do not hesitate to contact me if you have any questions. I can be reached by telephone at (505) 827-4064 or by email at [michelle.ensey@state.nm.us](mailto:michelle.ensey@state.nm.us)

Sincerely,

Michelle M. Ensey  
Archaeologist

Log 101273



NBD-36

SFC CLERK RECORDED 12/09/2015



June 04, 2015

Jose E. Larranaga,  
Development Review Team Leader  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87504-0276

Susana Martinez  
Governor

Tom Church  
Interim Cabinet Secretary

RE: CDRC CASE#Z/PDP/FDP Ashwin Stables Final Development Plan

Commissioners

Dear Mr. Larranaga:

Pete Rahn  
Chairman  
District 3

The New Mexico Department of Transportation (NMDOT) District 5 Traffic Section has reviewed the Master Plan/Preliminary & Final Development Plan for Ashwin Stables final development. The proposed development is within the County of Santa Fe, New Mexico and consists of several types of Land uses off our roadway system.

Ronald Schmeits  
Commissioner  
District 4

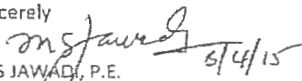
We are in agreement with your findings and recommendations that this development will not impact our State transportation system. We therefore approve the study.

Dr. Kenneth White  
Secretary  
District 1

Please feel free to contact me at (505)995 7802 if you have any questions.

Robert R. Wallach  
Commissioner  
District 2

Sincerely

  
M S JAWAD, P.E.  
District 5 Asst. Traffic Engineer

Butch Mathews  
Commissioner  
District 5

Jackson Gibson  
Commissioner  
District 6

Cc: Habib Abi-Khalil, Assistant District Engineer – Engineering Support  
Javier Martinez, District 5 Traffic Engineer  
Jeremy Lujan, Property Management Unit

District Five

P.O. Box 4127

Santa Fe NM 87502

NBD-37

SFC CLERK RECORDED 12/09/2015



STATE OF NEW MEXICO

OFFICE OF THE STATE ENGINEER

CONCHA ORTIZ Y PINO BUILDING, 130 SOUTH CAPITOL, SANTA FE, NM 87501  
TELEPHONE: (505) 827-6091 FAX: (505) 827-3806

TOM BLAINE, P.E.  
STATE ENGINEER

May 15, 2015

Mailing Address:  
P.O. Box 25102  
Santa Fe, NM 87504-5102

Jose E. Larrañaga  
Development Review Team Leader  
Santa Fe County  
P.O. Box 276  
Santa Fe, NM 87504-0276

**CERTIFIED MAIL**  
**RETURN RECEIPT**  
**REQUESTED**

Reference: Ashwin Stables Master Plan and Preliminary/Final Development Plan

Dear Mr. Larrañaga:

On April 20, 2015, the Office of the State Engineer (OSE) received a request to provide comments for the Ashwin Stables Master Plan and Preliminary/Final Development Plan submittal.

The proposal makes a request to change the proposed use from the existing Equestrian Use to Other Development. The development, which was previously built, included stalls for 16 horses, a small residence for the person taking care of the horses, an indoor riding arena, an outdoor riding corral and a hay barn. It is located south of Tano West Road, which is also designated as a County Road 84A, within Section 4, Township 17 North, Range 9 East, NMPM. The proposed water will be supplied by an existing well (RG 76968).

This proposal was reviewed pursuant to the Santa Fe County Land Development Code (Code) and the New Mexico Subdivision Act.

When a development/subdivision proposal is received by the OSE, the developer's water demand analysis is reviewed (pursuant to the Code) to determine if it is technically correct and reasonable.

The proposal includes a water budget which estimates water use for the stables and a one person residence as 0.23 acre-feet per annum. The existing well (RG 76968) is a shared well for the proposed development and two additional lots located within the 7.75 acres parcel. According to the proposal, well RG 76968 is limited to 0.75 acre-feet per annum for all three lots.

There currently is not a meter on this well, but the applicant understands that a meter will have to be installed and meter readings submitted to the OSE on a quarterly basis.

NBQ-38

SFC CLERK RECORDED 12/09/2015

Section 47-6-11.F (1) of the New Mexico Subdivision Act requires that the developer provide documents demonstrating that water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision is available. Therefore, the OSE reviews the water rights and the physical water availability.

Article VII, Section 6.1 of the Code allows the Santa Fe County Land Use staff to refer development plans to state agencies for review *"if, in the opinion of the County Hydrologist and the Code Administrator, such referrals will provide information necessary to the determination of whether or not a proposed development is in conformance with provisions of this Code"*. The OSE recognizes the proactive actions on behalf of the County to solicit the technical opinion of the OSE on this development plan. However, because the proposed development is not formally covered under the New Mexico Subdivision Act, the OSE declines to provide an opinion at this time. We appreciate the opportunity to review the Ashwin Stables Master Plan and Preliminary/Final Development Plan.

If you have any questions, please call Emily Geery at 505-827-6664.

Sincerely,



Molly Magnuson, P.E.  
Water Use & Conservation Acting Bureau Chief

cc: OSE Water Rights Division, Santa Fe Office

NBP-39



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

2540 Camino Edward Ortiz  
Santa Fe, NM 87507  
Phone (505) 827-1840 Fax (505) 827-1839  
www.nmenv.state.nm.us



RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

May 20, 2015

Mr. Jose Larrañaga  
Development Review Team Leader  
Santa Fe County  
102 Grant Avenue, P.O. Box 276  
Santa Fe, NM 87504-0276

RE: CDRC CASE # Z/PDP/FDP  
Ashwin Stables

Hello Mr. Larrañaga:

I have reviewed the Master Plan/Preliminary & Final Development Plan Submittal you sent for Ashwin Stables.

There is an existing, on-site liquid waste disposal system on the property (SF080264) that serves the barn, the residence located above the barn, and clients of the horse trainer. Based on the proposed development, this system appears to be adequate for this use. Therefore, I have no comments at this time.

Please contact me with any questions or if you need additional information.

Sincerely,

Bill Brown  
Liquid Waste Specialist, District II  
New Mexico Environment Department  
2540 Camino Edward Ortiz  
Santa Fe, NM 87507  
505-827-1840 office

NBD-40

SFC CLERK RECORDED 12/09/2015



Henry P. Roybal  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Elizabeth Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

**MEMORANDUM**

TO: Jose E. Lurranga, Development Review Team Leader  
FROM: Jerry Schoeppner, SFC Utilities  
THROUGH: Claudia L. Borchert, Utilities Director  
SUBJECT: Master Plan/Preliminary & Final Development Plan, Ashwin Stables  
DATE: 6/17/2015

---

This memorandum provides review of the water availability portion of the Master Plan/Preliminary & Final Development Plan for Ashwin Stables to allow an equestrian facility on 2.71 acres. The proposed Ashwin Stable lot falls under non-residential development, in which the project as a whole uses up to 0.25 acre-foot of water annually.

The applicant's submittal indicates that the property totals 7.746 acres, 2.711 acres of which is proposed to be used as an equestrian facility. The applicant proposes to provide water to the equestrian facility (Tract A1C-1C), which includes a single residential unit, an adjoining residential unit (Tract A1C-1B) and a third lot (A1C-1A) via an existing domestic well permitted by the Office of the State Engineer (OSE). The well is identified by OSE as RG -76968 and the property lies within the basin hydrologic zone.

Santa Fe County (County) previously approved a lot split administratively and limited water use to 0.75 acre-foot per year for the entire 7.746 acre property. Therefore, each lot is limited to 0.25 acre-foot. Each lot owner will be required to read their individual meter monthly and submit those readings to the County annually to ensure compliance with this requirement.

The applicant provided a water budget and states that a meter is not installed on the well and that one will be installed to measure usage. The OSE records indicate a meter is installed and water use has been recorded (2015 use was reported at 0.585 acre-feet). Please have the applicant clarify and provide any other meter readings if available.

NBD-41

SFC CLERK RECORDED 12/09/2015

Henry P. Roybal  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Hollan  
Commissioner, District 4

Elizabeth Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

**MEMORANDUM**

TO: Jose E. Larranaga, Development Review Team Leader  
FROM: Jerry Schoepner, SFC Utilities  
THROUGH: Claudia I. Borchert, Utilities Director  
SUBJECT: Master Plan/Preliminary & Final Development Plan, Ashwin Stables  
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The applicant provided a water budget and states that a meter is not installed on the well and that one will be installed to measure usage. The OSE records indicate a meter is installed and water use has been recorded (2015 use was reported at 0.585 acre-feet). Please have the applicant clarify and provide any other meter readings if available.

NBD-41

SFC CLERK RECORDED 12/09/2015

Henry P. Roybal  
Commissioner, District 1  
Miguel M. Chavez  
Commissioner, District 2  
Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4  
Liz Stefanics  
Commissioner, District 5  
Katherine Miller  
County Manager

Date: May 12, 2015

To: Jose Larranaga, Land Use Department

From: Paul Kavanaugh, Engineering Associate Public Works *R*  
Johnny P. Baca, Traffic Manager Public Works *JP*

Re: CDRC CASE #Z/PDP/FDP Ashwin Stables Zoning, Preliminary & Final Development Plan.

The referenced project has been reviewed for compliance of the Land Development Code, and shall conform to roads and driveway requirements of Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads). The referenced project is located within Santa Fe County Zoning Jurisdiction, southwest of County Road 72 (Tano Road) /County Road 85A (Tano Road West) intersection and east of Heartstone Drive. The applicant is requesting a Zoning approval, Preliminary and Final Development Plan approval for an existing equestrian facility on approximately a 2.711 acre tract.

Access:

The property that is subject to approval was previously approved as an administrative lot split creating four lots to establish the boundary of the Heartstone Subdivision. The existing equestrian structures on the property were built for use by the residents of Heartstone Subdivision. These facilities were permitted and constructed in the time period from 2001-2005.

The applicant is proposing to access the proposed development from Heartstone Drive a 24 foot, two lane road with an asphalt surface. This road was constructed as part of the Heartstone Subdivision. Heartstone Drive is privately maintained by the Home Owners Association.

The Institute of Transportation Engineers (ITE) was used for the trip generation data for traffic impact analysis. The *Institute of Transportation Engineers Trip Generation 8<sup>th</sup> Edition*; does not have a specific designation for Equestrian facility, however, ITE 412 County Park (2.71 Acres) was used, which is consistent with what Santa Fe County has used for other equestrian facilities and will generate approximately 33 Total Driveway Trips for a 24 hour Two Way Volume. Therefore, no Traffic Impact Study is required.

Conclusion:

Public Works has reviewed the applicant's submittal, and feels that they can support the above mentioned project for Zoning approval, Preliminary and Final Development approval.

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:  
505-995-2740 www.santafecountynm.gov

NBP-42

SFC CLERK RECORDED 12/09/2015

Henry P. Roybal  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Hollan  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

Santa Fe County Fire Department  
Fire Prevention Division

Official Submittal Review

Date	5/20/15		
Project Name	Ashwin Stables		
Project Location	10 Heartstone Drive		
Description	Equestrian Facility	Case Manager	J. Larranaga
Applicant Name	Don Altshuler	County Case #	15-5130
Applicant Address	22 Plano Arbolito Santa Fe, NM 87506	Fire District	Agua Fria
Applicant Phone	505-983-5588 (agent)		
Review Type	Commercial <input type="checkbox"/>	Residential <input type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input checked="" type="checkbox"/>	Preliminary <input checked="" type="checkbox"/>	Final <input checked="" type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input type="checkbox"/>	
	Hydrant Acceptance <input type="checkbox"/>	Inspection <input type="checkbox"/>	Lot Split <input type="checkbox"/>
Project Status	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input type="checkbox"/>

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

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

Roadways/Driveways

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 12' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development. If a gate is proposed it shall be minimum 14' wide.

The proposed fire department staging area has been reviewed and approved.

▪ **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

▪ **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

Driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

▪ **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

**Fire Protection Systems**

▪ **Water Storage/Delivery Systems**

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Section 903.2 Required Water Supply for Fire Protection. *An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protect is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief.*

Section 903.3 Type of Water Supply (1997 UFC) *Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the chief may be guided by Appendix III-A.*

The subdivision where this project is located has an existing, approved water storage system.

- Hydrants

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Section 903.4.2 Required Installations. (1997 UFC) *The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*

Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3 of the 1997 UFC.

As discussed, a new hydrant shall be located within 1,000 feet of the proposed staging area.

Fire hydrant locations shall be no further than 10 feet from the edge of the approved access roadways with the steamer connections facing towards the driving surface. Final placement of the fire hydrants shall be coordinated and approved by the Santa Fe County Fire Department prior to installation.

Supply lines shall be capable of delivering a minimum of 500 gpm with a 20-psi residual pressure to the attached hydrants. The design of the system shall be accordingly sized and constructed to accommodate for the associated demands placed on such a system through drafting procedures by fire apparatus while producing fire flows. The system shall accommodate the operation of two pumping apparatus simultaneously from separate locations on the system. Final design shall be approved by the Fire Marshal.

All hydrants shall have NST ports, as per the County thread boundary agreement.

No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.

All hydrants shall comply with Santa Fe County Resolution 2000-55, Hydrant color-coding, marking and testing. Note: Please have the installing contractor contact this office prior to the installation of the fire hydrant, so that we may assist you in the final location placement and avoid delays in your projects' final approval.

### Life Safety

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

### Urban-Wildland Interface

*SFC Ordinance 2001-11, Urban Wildland Interface Code*

This development location is rated within a "Very High Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas.

#### ▪ Building Materials

Buildings and structures located within urban wildland interface areas, not including accessory structures, shall be constructed in accordance with the Fire Code, the Building Code and the Urban Wildland Interface Code.

#### ▪ Location/Addressing/Access

Per SFC 2001-11/EZA 2001-04, addressing shall comply with Santa Fe County Rural addressing requirements.

Per SFC 2001-11 / EZA 2001-04 Chapter 4, Section 3.2 Roads and Driveways; *Access roads, driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions of the Fire Code and the Land Development Code.* Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development.

#### ▪ Vegetation Management



It is recommended that the development also have a vegetation management plan to establish fire-safe areas and to minimize the threat and occurrence of fire in the urban wildland interface areas. Assistance in details and information are available through the Fire Prevention Division

**General Requirements/Comments**

▪ **Inspections/Acceptance Tests**

Shall comply with Article I, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

▪ **Permits**

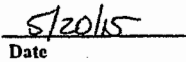
As required

**Final Status**

Recommendation for Final Development Plan approval with the above conditions applied.

*Victoria DeVargas, Inspector*

  
Code Enforcement Official

  
Date

Through: David Sperling, Chief  
Buster Patty, Battalion Chief Fire Marshal

File: WestReg/DevRev/AguaFria/AshwinStables.doc

Cy: J. Larranaga, Land Use  
Battalion Chiefs  
Regional Lieutenants  
District Chief  
Applicant  
File

Official Submittal Review  
5 of 5

NB10-45

Daniel "Danny" Mayfield  
Commissioner, District 1  
Miguel M. Chavez  
Commissioner, District 2  
Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4  
Liz Stefanics  
Commissioner, District 5  
Katherine Miller  
County Manager

MEMORANDUM

DATE: May 14, 2015  
TO: Jose Larranaga, Development Review Team Leader  
FROM: Caleb Mente, Development Review Specialist  
FILE REF.: CDRC CASE #MPZ/PDP/DP/15-5130 Ashwin Stables

**REVIEW SUMMARY**

The Referenced Project has been reviewed for compliance with the Santa Fe County Land Development Code. The request is for an Equestrian Facility Master Plan Zoning/ Preliminary and Final Development Plan on 7.746 acres. The subject property is located at 10 Heartstone Drive, south of Tano West.

**LEGAL LOT OF RECORD**

The applicant has submitted a warranty deed (recorded as document # 1420118) and a survey plat (recorded in book 697 page 029) as per Article III section 2.4.B1 Submittals. Staff has determined that the documentation provided does prove legal lot for the subject property.

**SUMMARY REVIEW SUBDIVISION:**

The applicant has provided a survey that proposes a summary review subdivision of one (1) lot into three (3) lots. Staff has determined that the proposed summary review subdivision does meet density requirements of Article III section 10 and must comply with Article III Section 2.4.2b.

**Due to the nature of the comments contained herein, additional comments may be forthcoming upon receipt of the required information.**

MEMORANDUM

DATE: April 24, 2015  
TO: Jose Larranaga, Development Review Team Leader  
FROM: Mathew Martincz, Development Review Specialist  
VIA: Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor  
FILE REF.: CDRC CASE #MPZ/PDP/DP/15-5130 Ashwin Stables

---

**REVIEW SUMMARY**

**ARCHITECTURAL, PARKING, LIGHTING, AND SIGNAGE:**

The Referenced Project has been reviewed for compliance with the Santa Fe County Land Development Code. The request is for Master Plan Zoning, Preliminary and Final Development Plan to allow an Equestrian Facility on 7.746 acres. The subject property is located at 10 Heartstone Drive, south of Tano West.

**PARKING:**

The Applicant has provided an existing Parking Plan which includes 10 parking spaces. The Applicant shall comply with all parking requirements within Article III, Section 9 (Parking Requirements). Staff has determined that the Parking element of this Application complies with Article III, Section 9 (Parking Requirements).

**ARCHITECTURAL:**

The Applicant has submitted Building Elevations of existing structures. No new structures are proposed with this Application. The elevations of the existing structures range from 10 feet 10 inches to 24 feet in height. Staff has determined that the Architectural element of the Application complies with Article III, Section 2.3.6b of the Land Development Code.

**SIGNAGE:**

The Applicant does not propose any signage in this Application. Any future signage shall comply with Article VIII (Sign Regulations).

NBD-49

**LIGHTING:**

The Applicant does not propose any outdoor lighting in this Application. Any future outdoor lighting shall comply with Article III Section 4.4.4h (Outdoor Lighting Standards).

Due to the nature of the comments contained herein, additional comments may be forthcoming upon receipt of the required information.

NBD-50

**MEMORANDUM**

**DATE:** May 27, 2015  
**TO:** Jose Larranaga, Commercial Development Case Manager  
**FROM:** John Lovato, Terrain Management  
**VIA:** Penny Ellis-Green, Land Use Administrator  
Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor  
**FILE REF:** CDRC CASE # MP/PDP/FDP 15-5130 Ashwin Stables

---

**REVIEW SUMMARY**

The above referenced project has been reviewed for compliance with the Santa Fe County Land Development Code and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management. The request is for Master Plan, Preliminary and Final Development Plan approval to allow for a barn, hay barn, 2 stables, covered arena, horse barn, and residence totaling 16,542 square feet on a 2.71 acre tract.

**Terrain Management**

The site contains slopes from the north to the south less than 0-20%. All cut slopes are less than 2:1 and all fill slopes are 3:1. The request is in conformance of Article VII, Section 3.4.2 (Terrain Management Plan).

**Storm Drainage and Erosion Control:**

The Applicant's proposal illustrates existing conditions and a proposed Grading and Drainage plan. The required amount of retainage needed for runoff is 4,615 cubic feet. The amount of retainage provided is 25,000 cubic feet. Therefore, the proposal is in conformance with Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management.

NBD-51

WARRANTY DEED

The Altshuler Family Trust, whose address is 22 Plano Arbolito, Santa Fe, New Mexico, as a transfer in lieu of foreclosure, grants to Altshuler LLC, a New Mexico limited liability company, whose address is 22 Plano Arbolito, Santa Fe, New Mexico, the following described real estate in Santa Fe County, New Mexico:

Tract A-1C as shown and delineated on plat of survey entitled "Lot Split Survey Prepared for Altshuler LLC, of Tract A-1 within Sections 3 and 4, T17N, R9E N.M.P.M. SANTA FE COUNTY, NEW MEXICO" prepared by Paul Rodriguez, NMPS No. 13839 filed the 10<sup>th</sup> day of June 2002 as document No. 1188,429 and recorded in Plat Book 492, Page 004 in the records of Santa Fe County, New Mexico.

SUBJECT TO reservations, restrictions and easements of record

Witness this 14<sup>th</sup> day of February, 2006

Donald Altshuler  
Trustee of Altshuler Family Trust

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

This instrument was acknowledged before me on 14 day of February, 2006 by Donald Altshuler, trustee of the Altshuler Family Trust, on behalf of said trust

Marlene E. Trujillo  
Notary Public

My commission expires: 2/27/2006



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss.  
I Herby Certify That This Instrument Was Filed for  
Record On The 14<sup>th</sup> Day Of February A.D. 2006 at 11:05  
And Was Duly Recorded as Instrument # 1428118  
Of The Records Of Santa Fe County  
Witness My Hand And Seal Of Office  
Marlene E. Trujillo  
Deputy Notary Public Santa Fe, NM



NBD-52

SFC CLERK RECORDED 12/09/2015


April 16, 2015

Jose Larranaga  
Development Review Team Leader  
102 Grant Avenue  
Santa Fe, NM 87504

Dear Mr. Larranaga:

On behalf of Altshuler LLC., I hereby authorize James W. Siebert & Associates to submit application documents, attend meeting with Land Use staff and present to the CDRC and BCC my request to rezone and subdivide the property located at 10 Heartstone Drive.

Sincerely,



Don Altshuler

NBD-53



CERTIFICATION OF POSTING

I hereby certify that the public notice posting regarding Land Development

Case # 15-5130 was posted for 21 days on the property beginning  
the 24 Day of June, 2015.\*\*

  
SIGNATURE

\* Photo of posting must be provided with certification

**\*\* PLEASE NOTE:** Public notice is to be posted on the most visible part of the property. Improper legal notice will result in tabling of your case at the public hearing. It is the applicant's responsibility to ensure that the notice is on the property for the full 21 days.

STATE OF NEW MEXICO     }  
  }  
COUNTY OF SANTA FE     }

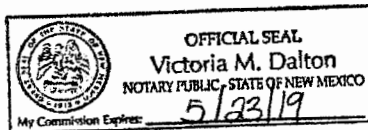
The foregoing instrument was acknowledged before me this 24 day of  
June, 2015, by Don Altschuler.

  
NOTARY PUBLIC

My Commission Expires:

5/23/19

SEAL



NB0-54

SFC CLERK RECORDED 12/09/2015

**PUBLIC NOTICE**  
Notice is hereby given that an application has been filed  
with Santa Fe County for **MOBILE PLAN ZONING,**  
**PRELIMINARY & FINAL DEVELOPMENT PLAN APPROVAL** TO  
**ALLOW AN EQUESTRIAN FACILITY ON 2.71 ACRES, ±**

Name of Applicant: DONALD HILLER  
Address of Request: 10 WILKSTONE DRIVE  
Legal Description: Section 4 Township 14 NORTH  
Range 2 West NMPM Santa Fe County, New Mexico  
A PUBLIC HEARING will be held ~~at~~ at the  
Old Santa Fe County Courthouse, corner of Palace and Grant  
Avenues, Santa Fe, New Mexico on ~~the~~ the 16<sup>th</sup> day of  
JULY 2016 at 4pm before the COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
Further information can be obtained by contacting  
the Land Use Department, P.O. Box 276, Santa Fe, NM 87504  
Phone (505) 866-6225 Development Permit # 16-1930

95-097



NBD-56



# NEW MEXICAN

Founded 1849

LEGAL # 98644

CDRC CASE #  
Z/PDP/FDP 15-5130  
Ashwin Stables

Notice is hereby given that a public hearing will be held to consider a request by James W. Siebert and Associates, agent for Don Altschuler, for Master plan Zoning, Preliminary and Final Development Plan approval to allow an Equestrian Facility on 2.71 acres ±. The property is located at 10 Hearstone Drive, within Section 4, Township 17 North, Range 9 East, (Commission District 2).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 16th day of July 2015, at 4 p.m. on a petition to the County Development Review Committee.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action.

All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Published In The Santa Fe New Mexican on June 25, 2015

NB0-57

[www.santafenewmexican.com](http://www.santafenewmexican.com)

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PS Form 3800, August 2006 See Reverse for Instructions		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature X <i>D. Dickenson</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>D. Dickenson</i> C. Date of Delivery <i>6/2/15</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below.</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
1. Article Addressed to:  Heartstone HOA C/O Doug Dickenson 2 Plano Arbolito Santa Fe, NM 87506	
2. Article Number (Transfer from service label) <i>Ashwin Stables CDRC</i>	
7014 1200 0001 4192 1391	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

NAD-58

SFC CLERK RECORDED 12/09/2015

To:

County Development and Review Committee

The Board of County Commissioners

Jose Larranaga

Subject:

10 Heartstone Dr. Santa Fe, NM 87506 Rezone from residential to commercial

AKA: Ashwin Stables

Our concerns:

- Bringing commercial zoning to a residential neighborhood that may open the door for more commercial zoning.
- The project for review has started from a privately owned barn then progressing to a leased facility, now asking for commercial zoning. Concerns here are based on the barn's illegal history that a commercial zoning permit should not be granted because it has already been operating in this way. That what has been historically a residential area should introduce commercial zoning, simply because the owner wants to be able to lease his barn to a horse trainer for profit. Does 9 years of illegality justify changing residential permitting to commercial, in a quiet residential area, and who is required to police this, since they have historically been doing things they shouldn't? This is not a case where the owner was unaware of the law; he has been a very successful real estate developer. It's not a case of ignorance, and should not be granted a rezoning permit when they have been operating with intentional violation of the law.
- Water usage. The proposed project rezoning lists usage of .226 (73,544 gallons) per year for trainer, clients, horses, etc. based on 12 horses in the chart, but the description lists 10 horses for clients and 4 of the trainers, with potentially 2 more for Heartstone development residents, totaling 16. The barn proposal calls for 12 limit, yet shows stalls for 16 and does not list additional usages of water beyond 12 animals in addition to uses not listed such as watering the arena, or washing 16 horses.
- Traffic concerns. The plan makes no mention of added horse shows or clinics that may take place. Parking is already limited with little parking for additional visitors that may require parking on the main drive. The main drive is a 2-lane road with the barn located close to the entrance from Tano west.
- Most clients will be coming in from outside of the development to work with the one trainer listed in the proposal, but the plan makes no mention of any other trainers that have been seen working with clients at the facility, or the



NB10-59


traffic of the farriers, vets, and any temporary help needed for clinics held, or horse shows.

- In addition to the traffic concerns, we are concerned about any usage of horse haulers. An eighteen-wheeler woke us up at 1 a.m. rattling our walls and windows where it was seen backing up to the barn. This is unreasonable in a residential neighborhood.
- In conjunction to the parking concern, the plan makes no mention of trailer parking. Currently horse trailers are parked across the road on the far left side where there are also additional stalls in use.

#### Closing

After less than 8 months as a resident of Canterbury we have learned of an unlicensed barn that has been in existence for over 9 years and then just recently Don Altshuler, the developer and owner of the barn, decides he wants to put in a new road beside our property without approval from the county. How many more times is the county going to allow this man to cheat the system? We certainly had to abide to many building codes and neighborhood covenants. It never entered our minds to try to cheat on any rules. Why should this developer continue to be allowed this course of action?

Sincerely,



Steve and Tamara Rymer  
36 Heartstone Dr.  
Santa Fe, NM 87506

NBD-60



Jose Larranaga

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From: Bernard <bernardh@cybermesa.com>  
Sent: Thursday, July 02, 2015 11:14 AM  
To: Jose Larranaga  
Subject: Commercial Zoning in the Tano Road area

To: Mr. Jose Larranga  
From: I. B. Hirsch, Esq. and Deborah Schreifels (4 Plano Arbolito, 87506)  
Subject: Rezoning of Ashwin Farms

My wife and I are residents of the Heartstone development which abuts the property known as Ashwin Farms currently being considered for rezoning for commercial use. Unfortunately, we will be out of town when the official hearing on this application is held and, therefore, wish to express our views about this issue at this time. They are as follows:

1. We believe that any rezoning that changes the residential character of this area benefits no one other than the applicant. Commercial usage in a residential area that does not service the residents of that area has no positive effects and, more than likely, will have a negative impact on residential property values and the peace, quiet, and tranquility that currently exist here. Many years ago, I lived in a residential area that was relatively close to a commercial (business) zone. There was the constant disturbance to local residents by the sights and sounds of commercial activity. The area was excessively trafficked during all hours of the day. Horns, lights, and noise were constant irritants. The potential for a similar situation is not what anyone needs or wants here.
2. In most instances, municipalities and government entities rezone areas for commercial use because there is a need for such commercial development. Services and businesses in these commercial zones are planned and developed, usually in some form of comprehensive master plan, to serve the surrounding residential area. The intent is to create areas with a wide variety of commercial establishments allowing for convenient day to day shopping and services. Often, jobs are also created. That is not the case here. Commercial zoning of this area would benefit none of the adjacent residents.
3. Further, it is our understanding that this zoning change is being sought because changes have already been made that violate the existing zoning code. These changes were obviously made without the consent of the county or without the knowledge or even consideration of the nearby property owners. One cannot help but wonder whether or not such actions will take place in the future; making changes and by-passing any process or rules the county puts in place if this rezoning is approved.
4. Granting such a change in zoning would also seem to be legitimatizing that which is already illegitimate. Rather than the rewards of a zoning change, we would think that if there were clandestine and arbitrary actions in the past that violated codes, penalties should be incurred.

5. We have been advised that it would be necessary for the applicant or any future owner of this property to go to the county for any usage change. Past experience, however, shows that not everyone adheres to the rules and that, as we indicated before, changes that violate existing zoning restrictions appear to have already been made without county approval or knowledge. Therefore, there is no guarantee that the same modus operandi would not be followed in the future.
6. Lastly, we have also been advised that the county does not have the resources to monitor whether or not any future changes are clandestinely made. If they do not, the burden of making certain that the applicant is adhering to "the letter of the law" will fall on nearby homeowners. This places an unfair responsibility of continued vigilance on local residential property owners.

It would appear from the foregoing that the logical solution to this issue would be to deny the application and maintain the existing zoning restrictions. There is only one beneficiary of this rezoning and acting in favor of this change would be to reward alleged past transgressions and without any guarantees that whatever restriction is now being imposed will not be violated in the future. Moreover, such rezoning provides no economic or any other benefit to the residents of this community and, if anything, would be detrimental to the local homeowners. We are hopeful that whoever is responsible for making this decision would strongly consider the rights of these home owners and would strive to make certain that the residential character of this community is maintained.

**Jose Larranaga**

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**From:** Barry Schrager <barry8226@sbcglobal.net>  
**Sent:** Thursday, July 02, 2015 11:28 AM  
**To:** Jose Larranaga  
**Subject:** protest

Dr Barry Schrager  
21 Via Diamante  
Santa Fe N.M.  
87506

Mr. Jose Larranaga  
Development Review Team Leader

I would like to formally protest against application 12-5130 to make a zoning change from residential to commercial development at the Ashwin Stables, 10 Heartstone Drive, Santa Fe, New Mexico 87506. I am a resident of Santa Fe County and reside in the Heartstone Community off of Tano Road. I am on the Board of Directors of the Home Owners Association. My property would be effected if this zoning change is passed. The value of my home would decrease due to my proximity to a commercial zone.. The Northwest area of Tano Road has no commercial zoned property. My wife and I moved to this located because we understood that there is no commerce in the area. We enjoy being away from the commercial locations of the city and the traffic patterns that exit. No one in our Heartstone community is using the Ashwin Stables so this property does not even serve the residents. If this passes, it would increase the use of the common well water and take away the rural setting of our community as well as bring more traffic and create more repairs to our roads.

This proposed commercial area benefits only Don And Jean Atshuler who plan to sell the property as soon as the zoning passes. They have no concerns for there neighbors that border on this property for them; it is strictly a business proposition. **They have been in violation of the zoning rules for years and are now trying to change the laws so they can profit from it.** They failed to disclose the history of their business venture while they were building and even before they submitted the application to the County Offices and have caused much distress in the community that borders Ashwin Stables.

Sincerely,  
Dr. Barry Schrager

**Sandra Bruce & Wendy Stresau**

19 Via Diamante • Santa Fe, New Mexico 87506

Date: July 2, 2015

Jose E. Larranaga  
Building & Development Services  
Santa Fe County  
108 Grant Ave.  
Santa Fe, NM 87504

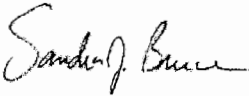
Dear Mr. Larranga:

We are residents of the Heartstone development. We object to changing the zoning from residential to commercial zoning for the Equestrian Facility located at 10 Heartstone Drive, within Section 4, Township 17 North, Range 9 East, (Commission District 2).

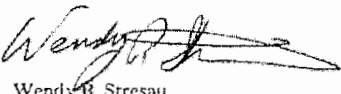
Since this area (and the large area around Tano Road) is exclusively a residential area, we are not in favor of allowing commercial zoning in this area.

In addition, we are concerned that the current and potential future owners of this property and the associated equestrian boarding and training business may have additional, increasingly negative impact on the community including: increased traffic, noise, air pollution and water consumption.

Sincerely,



Sandra J. Bruce



Wendy R. Stresau

NBD-64

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Jose Larranaga

**From:** Audrey Goldings <asgmd2@sbcglobal.net>  
**Sent:** Thursday, July 02, 2015 4:23 PM  
**To:** Jose Larranaga  
**Subject:** re: rezoning of Ashwin Stables to commercial real estate

Dear Mr. Jose Larranaga, Development Review Team Leader :  
I am a resident of Heartstone Homeowners Association.  
re:rezoning of Ashwin Stables to commercial  
When we bought our property we purchased it thinking that it was a residential quiet area apart from any commercial business. The whole community was not informed that there was actually a commercial business being conducted by the Altshulers who were using a residential-equestrian zoned area to build it illegally, unknown to us and the county or Santa Fe. NONE of the residents in the area have ever used the stables so this business grew as an enterprise solely to benefit the Altshulers. Many of us do not welcome the deceit of their endeavor to us or the county of Santa Fe these years and do not wish to "oh well, they already did it so just let them sell it to someone else who might continue to grow the business without our knowledge." Who knows how much water these horses have used since it is unmetered? One resident reports the building of a road onto the property and an 18 wheeler carrying horses riding by at 1 AM.  
The Altshulers have also threatened us and stated if they can't sell the Stables or keep the business they will let the property deteriorate. I do not like being threatened this way. Please do not reward them and penalize the homeowners who live near these stables and did not know the expansion that was taking place behind our ( and the county's) backs.  
Audrey Stein Goldings, M.D.  
21 Via Diamante  
Santa Fe, New Mexico 87506  
505- 982- 4405

SFC CLERK RECORDED 12/09/2015

Jose Larranaga

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**From:** Tony Buffington <tbuffington@huntconsolidated.com>  
**Sent:** Tuesday, July 07, 2015 7:26 AM  
**To:** Jose Larranaga  
**Cc:** 'Nancy Berry'; 'Tony Buffington'  
**Subject:** RE: Ashwin Stables Zoning Change Application 15-5130

Mr. Larranaga,  
I have noticed that my earlier email incorrectly cited the zoning change application as case number 12-5130 vice 15-5130. The error has been corrected in the below email.

Kind Regards,  
Tony Buffington  
Nancy Berry

---

**From:** Tony Buffington [mailto:tdbuffington@att.net]  
**Sent:** 07/05/2015 10:27 AM  
**To:** joselarra@santafecountynm.gov  
**Cc:** 'Nancy Berry'; Tony Buffington  
**Subject:** Ashwin Stables Zoning Change Application 15-5130

Tony Buffington  
Nancy Berry  
6 Plano Arbolito  
Santa Fe, NM 87506

July 5, 2015

Mr. Jose Larranaga  
Development Team Leader  
Building and Development Services  
Santa Fe County

RE: Zoning Change Application 15-5130

Dear Mr. Larranaga:

We own a home at 6 Plano Arbolito, in the Heartstone community, which we currently occupy on a part-time basis. Our plans are to begin living there full time in 2017. We wanted to write and express our views about the application for Ashwin Stables zoning change 15-5130 - changing the property in question from Residential use to Commercial use.

>>

>> We object to this change for the following reasons:

- In our view granting the change simply opens the entire community up to future Commercial development. No matter the supposed restrictions placed on the current request - the change creates a Commercial Neighborhood (CN) overlay in an area currently zoned Residential Estate (RES-S). The first step down a road we have no interest in taking and a change which benefits

NBD - Cole

no one in the community other than the applicant and operator of the stables - past, present and future.

>> - We believe that having Commercially zoned property within the boundaries of the Heartstone and Canterbury residential communities will lower the property values in those communities, as well as those of our neighbors in the Tano Road area.

>>

>> -We believe that a commercially zoned business would inevitably diminish the quiet enjoyment of the homes in the area. Increased traffic coming into our residential neighborhood will place increased demands on an infrastructure designed to support a residential neighborhood. There will no doubt be more noise, more cars on our roads, more strangers becoming aware of and entering our neighborhood.

>>

>> -It is especially significant to Heartstone residents that we not have a commercially zoned business at the very entrance to our neighborhood. This area is near our mailboxes and increased traffic at the Stables has the potential to create a bottleneck at the entrance to our neighborhood. When a Heartstone or Canterbury resident wants to sell their home, perhaps for medical reasons or to be closer to one's children, it will be a commercial property that will create the first impression potential buyers have of our community. This will no doubt result in slower sales and lower resale prices.

>>

>> -This is primarily a retirement community and as we and our neighbors age in place, concerns of security and neighborhood safety will only become more of a priority. As elderly citizens, we will increasingly become vulnerable to the presence of strangers in the neighborhood and we will have no real way to know if cars with strangers are there for a lawful purpose. Many neighbors walk on Heartstone Drive for exercise, and increased road traffic would decrease the safety of the road for resident walkers and joggers.

>>

>> -The stable has been operating for some time with an illegal number of horses, and for the County to reward a landowner who has been quietly violating the law with a convenient transition to commercial status, prompted by an agreement to sell the property which is already in place, is unwise public policy and sets a dangerous precedent.

>>

>> -Don and Jean Altshuler do not appear to understand the potential for detrimental impact to their neighbors in a change to commercial zoning and the likely evolution of the Ashwin Stables business when it is sold to a third party without a residential interest in the Heartstone Community. In a July 1 letter to the Heartstone Board and Community Members, Jean Altshuler stated, "Don and I live in a manner that has irked our neighbors in that while we recognize the rules and laws, we also tend to turn a blind eye when some convenient infraction is apparent but is not hurting anyone." Apparently the current violation of the existing zoning law(s) is a convenient infraction in their minds. Given that and the County's limited code enforcement resources any representations or guarantees made by the Altshulers about what will or won't happen in the future cannot reasonably be relied upon by Heartstone residents. Even if the county limits this to equestrian use, could our future include a retail store selling equestrian related items? We shudder at the prospect.

>>

>> -While it may be in the best interests of The Altshulers and the potential buyers of their business to have this zoning change granted, the residents of the Heartstone, Canterbury and Tano Road communities need the County to exercise leadership on this matter and protect the interests of the entire neighborhood and the common good.

>

> -Finally, and specifically as the request relates to use of the property for stabling horses, most of the open space around Ashwin Stables is owned by the Heartstone Homeowners Association (HHOA) as common area. Community property if you will. We are told, but have yet to officially confirm, that Mr. Altshuler retained an "equestrian easement" (the precise meaning of this is not clear to us) to this property when he organized the HHOA. It is our understanding the easement was retained in order to provide horse owning residents of the

NBD-67



Heartstone and Canterbury communities a place to ride their horses, whether the horses were boarded at Ashwin Stables or not. It is not known to us how granting the requested zoning change would impact this easement, but our assumption is that non-residents of the Heartstone and Canterbury communities would have the opportunity to ride horses throughout the HMOA's common area property. We object strongly to having complete strangers riding through our open spaces and a backdoor commercialization of community owned property. A commercialization of which has already taken place albeit illegally. This is not to mention the environmental impact brought on by the increased automotive traffic, demands on the aquifer due to increased water usage and potential damage to the open spaces as more horses are ridden through them.

>  
> In summary, we believe the entire Heartstone, Canterbury and Tano Road communities' financial investment, quality of life and security will be negatively impacted by granting the requested zoning change. If the change is approved the list of commercial activities that could eventually be conducted at the existing site is virtually endless. What's next if the horse stabling business isn't successful? A storage facility? An equipment yard? A flea market? A recycling facility? What? The only party that benefits from the change is the applicant, Don Altshuler, as it does nothing positive for the community at large. Please deny requested zoning change application 15-5130.

>  
> Kind Regards,  
> Tony D. Buffington  
Nancy Berry

NBD-68

July 3, 2015

To: Mr. Jose Larranaga  
Building and Development Services  
Santa Fe County

The first item to be discussed should be plain and simple. Why are you considering granting a commercial license in an area that is purely residential? There is no need for commercial property to exist in our Northwest area. Is there anything in your master plan for commercial use in a residential area? The resulting loss in property values could be extreme. The property in question was built for residential use and should remain as intended. The fact that has been used illegally as a commercial property should influence the county's decision since it establishes that the applicant has no problem with going outside of County regulations to pursue his end goals. It is clear signal that the County should should recognize the need to monitor, control and put fines and penalties in place on the actions of the applicant. This is primary in our objection and compiled on this is a proposal filled with erroneous assumptions as follows:

NB0-69

The project chart uses 12 horses for its criteria. The proposal itself shows there will be 16 horses. All the projections made for water usage etc are based on 12 horses and are therefore incorrect assumptions. Additionally, the projection does not show any provision for water usage for washing the horses. Most owners who ride - wash their horses after riding their horse, if not more often. Also, there two houses included in tract 1-A that are not shown. They appear to be rented as there are presently always cars parked in front - so, there will be additional water usage from the tenants of these two homes - which appear to be about 2000 + square feet in size and there is an additional apartment over the stalls making no less than three families using water for bath facilities and cooking etc. The outdoor arena area which is not shown on the map, as it is owned by the Heartstone Homeowners Assoc. (Mr Altshuler uses the land based on a granted easement) The arena(s) is/are used by many of the riders at the barn and is often watered to keep the dust down. Estimate of water usage for these arenas is difficult to estimate but it should be considered substantial. It should be noted there is also one additional assumption regarding the cistern to catch roof water. If there is not sufficient rain to keep it filled - where will the water come from? There is also an indoor arena that is

NBD-70

watered to keep it comfortable for riding.

Last, there are an additional 4 horse stalls, built a few years back, owned by Mr. Altshuler on a property adjacent to the barn property. What is the outcome and usage for these stalls if not to have them for lease to the barn owner (tenant) as additional space for future growth. They are currently being used as extra space for the barn and as a maternity ward for just born and young horses. As expected they are not included in any proposal. A summation of the water usage should be noted by the County: Total water usage could easily exceed 200,000 gallons per year and the well usage could exceed the estimates in the proposal by at least 40% if there is a continued drought not providing the the estimated cistern production. The water usage aspect of the proposal is a gross misrepresentation as the average size horse drinks 15 gallons per day. That equates to 16 horses drinking 77,000+ gallons a year. Most of the horses at the barn are large and some could drink up to 20 gallons a day, if ridden regularly. Add the rental homes, the apartment, the washing of horses, the watering of the arena (s) and barn facilities and you can judge the inordinate amount of water usage for this proposed, commercial barn.

NB00-71

The past shows the developer has moved outside of the zoning regulations previously with total disregard of the rules and procedures established by the County. Since this operation has operated illegally for years is not a reason for the County to now make it legal. The zoning change should be dis-approved and returned to its original use as residential stable. The number of stalls should be reduced and the owner can then be in a position to sell it as a residential property since he owns contingent land and this will cause him no financial hardship. The County should look at its Land Use Code and recognize that granting this commercial zoning change will affect many homeowners with major investments. No one gains from the proposed change other than the developer. Establishment of a commercial zone will leave the door open for others to establish other commercial enterprises in the middle of a residential neighborhood. Commercial zoning is designed to help and enhance an area not detract and reduce values. The other ramifications are the specifics for traffic (that are mis-estimated), the wear and tear on the road (Ashwin pays only 10 % of its upkeep) and the need for signage and lights that would detract from our residential area.

One more item – The classification of “other use” does not show a riding stable or training facility. Therefore one must refer to the NAICA code

NBD-72

which lists horse stables and training facilities as commercial

establishments under # 713990. The list of commercial establishments

that are within the code are frightening should one ever be applied for

after a commercial license is granted in our area.

Please turn down the application and keep us a friendly, happy bunch of homeowners.

Sincerely,  
Don Miller  
454 Hartstone Dr.  
Santa Fe, NH. 87506

NBD-73

One more item that becomes important to a number of homeowners in our development. Regarding the split of the property – if there are to be 3 meters, one for each parcel, how will they be monitored, how will they be tamperproofed or locked and how will fines and penalties be established for overages? The community does not want the responsibility – does the County have the manpower and resources to handle the above?

NBD-74



Jose Larranaga

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**From:** Zev Guber <zevguber@icloud.com>  
**Sent:** Monday, July 06, 2015 10:39 PM  
**To:** Jose Larranaga  
**Cc:** Claudia Vianello; Doug Dickerson; Barry Schrager  
**Subject:** Fwd: Regarding the division and change of status of Ashwin Stables

Jose Larranaga  
Development Review Team Leader  
County of Santa Fe  
102 Grant Avenue  
Santa Fe, NM 87504  
[joseclarra@santafecountynm.gov](mailto:joseclarra@santafecountynm.gov)

Monday, July 6, 2015

Dear Mr. Larranaga;

We have been informed that this letter needs to reach you by July 7 to be included in the County Development Review Committee (CDRC) on July 11. Please confirm your receipt and inclusion of this letter for the CDRC review.

First a bit of history regarding the development of the Heartstone Community: My wife and I walked the property with Don and Jean Altshuler shortly after its purchase. Don was at that time planning a horse community of 5 and 10 acre lots. Our response was that we would only be interested in acquiring land if the property were developed on a basis similar to that of The Commons co-housing community on West Alameda. Don said that he doubted that that would be permitted in this area, but he would make a submission to the County for a variance that permitted 24 clustered homes on 60 acres. To his and our surprise, the County approved the plan shortly thereafter. On that basis, we purchased a property with the intention of building our future home here.

We also shared the community plan with close friends, the Slibers, who visited with their friends, the Dickersons. All three of these couples have since built substantial residences in the Heartstone community. Our friends, the Cohens, also visited and purchased a property on our recommendation. We then purchased an additional adjacent lot to offer friends or family. All of this is to say that we have caused the purchase of 5 lots from the Altshulers, an opportunity that we represented to all as the establishment of a residential intentional community. In our view, a change in status from a purely residential community to one having a commercial subdivision is a violation of the original understanding and agreement. As a matter of fact, had we been informed that the Altshulers might change the status of the property to allow commercial usage, we would not have purchased a lot nor encouraged friends to do so.

At present, in the context of being a residential community, we have no objection to the running of a boarding stable. The change in status to a commercial re-zoning, however, changes the original usage and agreement. It is in the view of this household that this change would happen at the expense of the community, as it sets a precedent that could be pointed to as the basis for further alteration. A well paid lawyer could make the case that since the Altshulers were entitled to establish commercial ventures along Tano Road, so should the same rights be extended to others. The Heartstone and Canterbury communities would then be forever fighting further encroachment of our residential property rights. As such, we are emphatically against any zoning change that

would allow commercialization of this area. In fact, what makes Tano Road so special is that it is purely residential. Let's keep it that way.

Sincerely,

Zev and Heidi Guber  
74 Heartstone Drive  
Santa Fe, NM 87506

SFC CLERK RECORDED 12/09/2015

NBD-76

Jose Larranaga

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**From:** Diane Lotti <diane.lotti@gmail.com>  
**Sent:** Monday, July 06, 2015 7:33 PM  
**To:** Jose Larranaga  
**Subject:** Zoning Change Application 12-5130

Diane Lotti  
69 Heartstone Drive  
Santa Fe, NM 87506

July 6, 2015

Mr. Jose Larranaga  
Development Team Leader  
Building and Development Services  
Santa Fe County

RE: Zoning Change Application 12-5130

Dear Mr. Larranaga:

I own a home at 69 Heartstone Drive, which is part of the Canterbury subdivision. I am writing to comment on the application for Ashwin Stables zoning change 12-5130, which would alter the property's use from Residential to Commercial.

I would like to be on record as opposing this change. I and everyone else that I have spoken to in this area moved here to enjoy the peace and solitude of a beautiful residential community. Although it has been stated that the "special permit" would be limited and would allow no further development, it does indeed set a dangerous precedent for further development in this and other surrounding neighborhoods. The private residential use which was originally approved should continue to be the only use allowed.

I appreciate your careful consideration of the comments and issues raised by my neighbors and others in the Tano Road area and trust you will not grant this change.

Sincerely,

Diane Lotti

SFC CLERK RECORDED 12/09/2015

**Jose Larranaga**

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**From:** SCohen1110@aol.com  
**Sent:** Tuesday, July 07, 2015 12:33 PM  
**To:** Jose Larranaga  
**Cc:** zevguber@gmail.com  
**Subject:** Regarding the division and change of status of Ashwin Stables

Dear Sir:

As the owner of a lot in Heartstone Division (lot5) I strongly object to any change in the zoning for Ashwin Stables. It will lower property values, increase traffic problems, and change the environment of the division.

Thank you,

Stanley L COhen

S F C C L E R K R E C O R D E D 1 2 / 0 9 / 2 0 1 5

Jose Larranaga

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**From:** Stan <scohen1110@aol.com>  
**Sent:** Tuesday, July 07, 2015 11:23 AM  
**To:** Jose Larranaga; Zev Guber  
**Subject:** Stables

I am strongly against the stables being rezoned as commercial !  
Stan Cohen

Sent from my iPhone  
Please excuse any typos!

Stan Cohen  
410-371-8000

SFC CLERK RECORDED 12/09/2015

Jose Larranaga

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**From:** Jeaco1110@aol.com  
**Sent:** Tuesday, July 07, 2015 2:33 PM  
**To:** Jose Larranaga  
**Subject:** Heartstone Community's Proposed Zoning Change

Dear Mr. Larranaga,

We would like to add our voices to those of the Gubers and others in the Heartstone Community speaking *against* the prospective rezoning of the land currently occupied by the equestrian center, Ashwin Stables.

As stated by others, we, too, bought into the Heartstone community because it was developed and 'sold' as a special, *residential* community. We feel that any zoning changes which would allow for commercial enterprises will fundamentally change the community and create a slippery slope by way of a precedent for further commercial encroachments down the road.

We see no benefit whatsoever to the community at large if this re-zoning is granted. In fact, quite the opposite, and hope that you will agree.

Many thanks for your consideration,  
Jeanne & Stan Cohen

*"Asking a working writer how [s]he feels about critics is like asking a lamppost how it feels about dogs." ~ Christopher Hampton*

S F C C L E R K R E C O R D E D 1 2 / 0 9 / 2 0 1 5

Jose Larranaga

From: Ellen Collins <ellen@newmexico.com>  
Sent: Monday, July 06, 2015 3:20 PM  
To: Jose Larranaga  
Cc: TRA altshuler jean  
Subject: CDRC Case # Z/PDP/FDP Ashwin Stables

Follow Up Flag: Follow up  
Flag Status: Completed

TO: Jose Larranga, County Development and Review Committee  
FROM: Ellen and Patrick Collins, 30 Tanoito, Santa Fe, NM

IN SUPPORT OF CDRC Case # Z/PDP/FDP Ashwin Stables

In 1993, my husband and I built our house at 30 Tanoito. Tanoito is a private dirt road in the Tano Road neighborhood off Tano West. Twenty-two years ago, our neighborhood was very rural – Tano Road, Camino de los Montoyas and Tano West were all dirt roads, and there were several large horse properties in the area. A parcel of land just east of Camino de los Montoyas grazed a herd of black cattle. What is now the Heartstone/Canterbury/Ashwin Stables development was a pristine valley visible to us from Tano West as we traveled to and from the city.

In 2000, when the Altshulers applied for a development permit for their property, we were very interested in what was being proposed for the valley. We attended a neighborhood meeting to review and discuss the preliminary master plan. The primary concerns of Tano Road residents, including us, were: housing density, road access and traffic, water use, size and scope of the Ashwin Stables facility, character of the neighborhood and integrity of terrain, open space and trails. All of these issues were taken into consideration by the Applicants and the County, and were addressed and resolved to the general satisfaction of the neighborhood.

The houses are clustered or on large lots with some architectural guidelines. Tano West was widened and paved by the Applicants, and in the past 12 or 13 years since the development was built, traffic from Heartstone/Canterbury has not increased noticeably on Tano West. Water use for the residences and the stables is permitted by the County and OSE in compliance with State and County policy and regulations. The Ashwin Stables were downsized from the original plans, and the facilities are very attractive and nestled into the Tano West ridge. There have always been horses in the neighborhood, so an equestrian facility is in character with the area. There are large open spaces in and around the development, so the impression of the valley remains visible from Tano West.

We support the Special Permit for Equestrian Use with the various restrictions for the Ashwin Stables property as outlined in your email of July 2, 2015. We also depend on the County to consider what is best for each neighborhood when development applications are made to the CDRC and BCC. We do not expect that approval of the Special Permit for Ashwin Stables will set any precedent for unrestricted and inappropriate commercial development in the Tano Road residential neighborhood.



NBP-81



**Jose Larranaga**

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**From:** Nancy Drake <nancydrake@earthlink.net>  
**Sent:** Tuesday, July 07, 2015 4:34 PM  
**To:** Jose Larranaga  
**Subject:** CDRC Case #Z/PDP/FDP Ashwin Stables

Dear Mr. Larranaga:

We wanted to voice our support of granting Mr. Donald Altshuler Master Plan Zoning, Preliminary and Final Development Plan approval allowing an Equestrian Facility on 2.71 acres in conformance with Ordinance 1998-15 and Santa Fe Ordinance 1996-10, the Santa Fe County Land Development Code.

We believe all of the original and current concerns of our community/neighborhood were taken into consideration during the original application in 2000. These concerns in summary were: housing density, road access and traffic, water use, size, and scope of Ashwin Stables facility, character of the neighborhood, and integrity of terrain, open space and trails. The Altshuler's have consistently held the integrity of the Tano Road community as a high priority. They have been excellent stewards of the Heartstone and Canterbury developments in addition to the Ashwin Stables. We don't see the application for a special permit for sub-division as in anyway jeopardizing the original concerns of the Tano Road community.

Nor do we see the approval of the special permit in anyway harming the Tano Road community as the historical perspective of the Altshuler's stewardship has been consistently community centric. Please consider our position of approving the sub-division to be an asset to the community. Thank you for your consideration. We can be reached at 505-982-3732 should you want to contact us for any further information.

Kind regards,  
Nancy Drake  
Brent Feulner  
45 Tano Alto  
Santa Fe, NM 87506

To our neighbors,

We realize Heartstone as a courtesy policy of not blanketing emails to the entire community, but given that the Buffington's latest emails have begun with this strategy, I feel a need to reply in a similar manner.

While you are sitting down with your glass of wine, let me clear up some of the assumptions that you received about Ashwin and me personally.

First and most important is that there are two separate issues that we are dealing with.

E-1

One: is the special permit allowing Ashwin to rent more than 6 stalls and allowing Joanie to train her horses, and

- ① Two: The ability of boarders at Ashwin to ride on land that is identified on the Heartstone Subdivision Plan as "Equestrian Easement".

It is very helpful in understanding the controversy that has developed to realize the separation. The memo seems to combine the two which has created a lot of the controversy.

- ② I have never claimed there is anything called an "Ashwin Equestrian Easement". I have never heard about a demand for a deed of easement else I would have responded that **there is no such thing**. When I first started negotiating with Joanie on her lease I told her the **Equestrian Easement was open to everyone**. I was wrong. I purchased the land to create Ashwin before Heartstone was ever thought up and I did not realize I was giving up what I already had when I filed the Heartstone Subdivision map. I was not trying to put over anything on anybody.

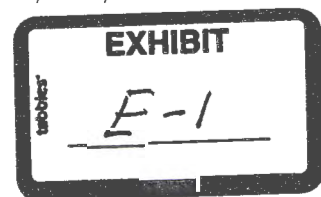
- ③  
④ **My lease with Joanie was a business to rent out stalls and to use the indoor arena for training.** She now tells me that before a show she does have to teach her students on a full size arena but this is very rare. Since that is now a problem I see **no other alternative other than building a new arena on Ashwin land.**

I mistakenly considered the existing arena to be like the walking and hiking trails which are used by all residents of Heartstone, Canterbury, Ashwin and their guests and a lot of outside people without compensation. When negotiating the sale of Ashwin to Joanie I offered to move the outside arena to onto the Ashwin lot if she needed to use it exclusively. The subdivision map that created Ashwin, before Heartstone, actually had land set aside for an outside arena. My planner for Heartstone, Richard Gorman, at the time said we could continue to use the arena we were then building on the open space level land that could be used for my density transfer to create Heartstone. It would save me the grading cost I had to spend to create the indoor. I did not see the note on my plat giving the exclusive right to control the equestrian easement in the hands of the Heartstone HOA. Even if I had seen the note, I don't think I would have objected since I never thought there would be future owners at Heartstone that would consider a high end riding stable as anything but a valuable addition to the community.

- ⑤  
⑥  
⑦ **Since I now concede that the Heartstone HOA has control over the outside arena and there is no such thing as an existing Ashwin Equestrian Easement, I have no intention of hiring an attorney to support that position.**

The use of the Equestrian Easement has nothing to do with my ability to sell Ashwin to a third party and obtain a **Special Permit to allow renting more than 6 stalls and training horses in the indoor**. People who are trying to stop the Special Permit are intentionally trying to confuse the issue between the Special Permit and the use of the Equestrian Easement. They are two different issues that have to be handled separately.

Again a separate issue is the claim about Heartstone Lot owners supporting Ashwin by paying the taxes on the Equestrian Easement. There is no tax to any Heartstone owner on Open Space Land. The tax bill is based on structures and the ownership of a 1/2 acre lot. When the County mistakenly thought they could tax the community house on the open space they finally conceded they could not.



From: Jose Larranaga <joselarra@santafecountynm.gov>

Subject: RE: Horse Facility

Date: January 5, 2015 at 8:45:43 AM MST

To: Tamara Rymer <tamararymer@yahoo.com>

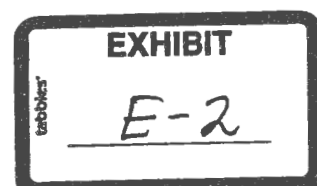
Yes the re-zone would be to change the zoning from residential to commercial for the specific use as horse boarding/training.

This type of development would require a public hearing therefore full notice will be required. Legal notice in the New Mexican, posting of the property and certified letters to adjacent property owners and Home Owners Associations within 100 feet of the property.

I will keep you posted and if you have any questions please contact me.

Hope your day is great!

E-1



- D. CDRC CASE #Z/PDP/FDP 15310 Ashwin Stables. Don Altshuler, Applicant, James W. Siebert & Associates, Agent, request Master Plan Zoning, Preliminary and Final Development Plan approval to allow an Equestrian Facility on 2.71 acres +. The property is located within Section 4, Township 17 North, Range 9 East, (Commission District 2) at 10 Heartstone Drive  
*[Exhibit 2: List of supporters' names and addresses; Exhibit 3: Barry Shrager's statement; Exhibit 3: Tamara Rymer, opposition statement; Exhibit 4: Public Notice property posting, introduced by Tamara Rymer; Exhibit 5: Series of emails between neighbors and applicants]*

Case manager, Mr. Larrañaga presented the staff report as follows:

"The Applicant requests Master Plan Zoning, Preliminary & Final Development Plan approval to allow an Equestrian Facility on 2.71 acres in conformance with Ordinance No. 1998-15, Other Development, and Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code. The facility consists of a 706 square foot residence located above a 2,250 square foot four-horse barn, a 1,960 square foot/eight-horse stable, a 648 square foot/four horse stable, a 1,035 square foot hay barn, a 9,946 square foot covered arena and a maximum of 16 horses to be boarded on the site. The structures are existing and were permitted and utilized by the Applicant for personal use. The proposed facility is currently located within a 7.74 acre parcel. The Applicant proposes to sub-divide the 7.74-acre parcel to create three lots consisting of two 2.5-acre residential lots and a 2.71 acre parcel to be utilized for the Equestrian Facility."

"The Applicant's Report states: The equestrian use that is shown in this request for Master Plan and Development Plan approval will remain as it has existed for the last 15 years. Until recently Mr. Altshuler kept four of his family horses at this site. Mr. Altshuler is no longer able to ride and the horses have been sold. Some of the residents who used to board horses no longer do so. If boarding of horses from outside the subdivision is not possible, the equestrian use is not financially feasible. The use list for the property is limited to an equestrian facility including boarding of horses and its ancillary structures and activities, such as the small residence for the stall keeper and training and instruction of riders."

"Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support this request: the application is comprehensive in establishing the scope of the project; the proposed Preliminary Development Plan substantially conforms to the proposed Master Plan; the Final Development Plan conforms to the Code requirements for this type of use; and the Application satisfies the submittal requirements set forth in the Code."





Mr. Larrañaga stated that staff recommends approval of Master Plan Zoning, Preliminary and Final Development Plan to allow an Equestrian Facility on 2.71 acres subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
2. Master Plan, Preliminary and Final Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. Horse manure shall be removed on a weekly basis and taken to the regional landfill for burial. This shall be noted on the Master Plan/Development Plan.
4. Maximum amount of horses to be stabled at facility shall not exceed 16. This shall be noted on the Master Plan/Development Plan.
5. Water restrictive covenants, restricting the water use to 0.25 acre-feet per year, shall be recorded along with the Final Development Plan. Meter readings shall be submitted to the County Hydrologist on a quarterly basis. If the water use exceeds 0.25 acre-feet per year the number of horses allowed to be stabled on the facility shall be reduced. This shall be noted on the Master Plan/Development Plan.
6. [Additional condition added at motion]

Chair Katz asked what the application proposed to change in this already existing facility. Mr. Larrañaga said in order to board/train over six horses the facility has to come under "other development" for this use. It could only qualify for home occupation if the number of horses were limited to six. The change will allow up to 16 horses and use the facility as a business. There is no limit to the number of personal horses.

Member Booth asked about the current zoning and Mr. Larrañaga said it is residential, one unit per 2.5 acres. He clarified the application was not for commercial zoning, rather "other development" which allows for a horsing boarding facility anywhere in the County.

Duly sworn, Jim Siebert, agent/planner for the applicant, stated that three issues were relevant to the project: development process and how "other development" is interpreted; the open space; and the uses on the property.

In terms of what is being requested, Mr. Siebert said the County process of an approved development plan is for a specific use, specific building, specific location and size of building as well as specific intensity of use. Any change in that requires application before the CDRC and BCC with public hearings. The area residents have expressed concern that this approval will be a stepping stone to a Wal-Mart and that is not true.

Mr. Siebert defined the open space relative to the project using a site map and identified the two vacant lots that, if the application is successful, will be purchased by the individual seeking to operate the horse facility, Joanie Bolton. The applicant is in the process of administratively dividing 7.74 acres into three lots. Each lot will receive .25 acre-feet of water rights. He located the horse arena, cisterns, horse stalls, receiving and storage area for hay and two outdoor arenas. He isolated an additional outdoor arena that is within the designated equestrian easement.

Ms. Bolton has operated the equestrian use for the past four years and she is not asking to expand the operation but rather to continue what she has been doing.

Mr. Siebert said Gary Dellapa supports the project and will be representing the proponents.

Member Anaya asked how many horses were owned by surrounding neighbors and Mr. Siebert said he understood there were none within the Heartstone Subdivision. In the past the Altshulers, the developer of the 160 acres, had their horses there.

Mr. Siebert said the facility has been in operation for 15 years. Member Booth asked about Ms. Bolton's operation. Mr. Siebert said the request will allow for the boarding of 16 horses and Ms. Bolton will conduct classes there as well. Ms. Bolton has been there for 4.5 years and has been neither permitted nor legal.

Chair Katz asked to hear from the proponents of the request first.

Duly sworn Gary Dellapa, 206A Tano Road, said there were 20 to 22 folks in support of this request. He asked those in support to stand and approximately 20 stood. County staff conducted a thorough review of the application in regards to the impact on the community and there is none. He said the application does not represent a change of what has historically and currently going on. Ashwin Stables has 16 stalls now and if approved it will still have 16 stalls.

Mr. Dellapa said the supporters believe that Ashwin Stables under the Altshulers' ownership and Joanie Bolton's management is a well-run and well-maintained facility and is in character with the area. He noted his wife uses the facility.

Chair Katz asked whether the people Mr. Dellapa represented lived within the subdivision and Mr. Dellapa responded some do but he does not.

Zev Guber, duly sworn, identified himself as one of the earliest members of Heartstone and supported the proposal. When the notice of the application came forward there was a lot of fear in the area, stated Mr. Guber, and he added that fear spreads like a virus. He and his wife visited the stable yesterday and talked with Ms. Bolton. Now that they understand the application he fully supports it. He said the facility is attractive and pleasant to walk by. However, in the original uncertainty of what was being proposed he and his wife and Stan and Jean Cohen, whose proxy he holds, did not support the development.

Mr. Guber said they originally supported the association motion to oppose any development and now having visited the sites they would rescind their vote. The vote had been 12-8 vote with 12 opposing the development and with the three changed votes it would now be 9-11.

Duly sworn, Carl Diamond, a resident of the Heartstone community for over 10 years said he has a direct view of Ashwin stable from his lot. The stable has been a



positive for everyone in the community. In fact, even those who opposed the application have enjoyed having the stable but are concerned about possible negative development.

Mr. Diamond said he supports the application and thought a lot of the animosity against this project is not based on the merits of the project but other incidents from the past.

Under oath, Lee Nash, nine-year resident of the Heartstone community and past board member, read his statement that he originally opposed the application because he feared it would open the subdivision to further non-residential development in the area. However, with additional information his fears have been allayed and he was comfortable with approval of the request. If the vote came before the community today, Mr. Nash said Heartstone would clearly vote to support this application.

President of the Heartstone Homeowners Association, Douglas Dickerson, duly sworn, said has lived in the area for 4.5 years and is one of the few who has carefully reviewed the application: he approves of it in its entirety.

Barry Schrager, duly sworn, 21 Via Diamante, Heartstone, a newly elected member of the homeowners association, said he was not informed at the time he purchased his home that Ashwin Stables was being operated illegally. He said had he known there was an illegal commercial stable being operated adjacent to his property he would not have purchased his home.

Mr. Schrager asserted that property owners of Heartstone may be liable for any accident that might occur at the stables. The area is zoned residential and not commercial. He said the Altshulers should not be allowed "to profit...by a zoning change from residential to any other category that does not benefit the community and also lowers our property values."

Don Miller, a resident of the County 17 years and a resident of Heartstone for eight years, under oath, said he was a lover of horses and a co-founder of the New Mexico Center for Therapeutic Horses. He said there was no need for commercial use in a residential area. The only benefit of the change is to the developer and his bank account. The resulting loss in home property value could be extreme. The barn was built for residential use of the neighborhood.

The fact that it has been used illegally as a commercial property should influence the County's position because it demonstrates the applicant has no problem going outside of County regulations, stated Mr. Miller.

Mr. Miller said Ms. Bolton runs a good facility/business, however, the commercial zoning is what is in question. The water usage is based on 12 horses and there are incorrect assumptions if the number of horses increases. He said there were more structures on the property than noted by the applicant and water is an issue. The outdoor arena is owned by the homeowners association not Mr. Altshuler. Mr. Miller said the water use projection is incomplete and a misrepresentation.

Mr. Miller said the property split will further increase the water use. He asked how the County will monitor the well use. The taxpayers deserve the County's protection. In closing, Mr. Miller stated that the owner/development has shown a



propensity to operate outside of the zoning laws and this is indicative of future behavior and that fact should influence the County's decision.

Duly sworn, Tamara Rymer, 36 Heartstone Drive, said she and her husband looked for a home in the Santa Fe area for over seven years and have been there since 2014. Ms. Rymer said she and her husband were adamant about being in an exclusively residential neighborhood. She understood the barns were for residents' use and it was part of the development. No commercial use was disclosed. Ms. Rymer said they did contact the barn to house their animals but never received a call-back. The barn had become a business for the trainer Joanie Bolton. She said that was a major disappointment.

Ms. Rymer said she and her husband would like to see the barn remain a residentially zoned lot as originally intended. She said they oppose the application. The zoning change would be spot-zoning. Ms. Rymer cited caselaw, *Bennett vs. City of Las Cruces*, 1999, to support the spot-zoning allegation, and the Land Development Code in regard to negotiations/transfer of property that has not been subdivided. Further, she directed the CDRC's attention to the posted public notice which according to Ms. Rymer denied due process in that the information regarding the zoning changes was insufficient and cited *Nesbitt vs. City of Albuquerque*, 1991.

Ms. Rymer urged the CDRC to uphold the law and deny the application.

Dick Kennis, under oath, stated he purchased land in Heartstone 4.5 years ago and one of their requirements in property was assurance that it was all residential. The stables were for the residents and he thought it was a great marketing tool. The stable was basically empty after the Altshulers removed their horses. The changes the Altshulers undertook violated law or code due to lack of permits. Mr. Kennis said he has worked for a large corporation and he would have been fired from his position if he proposed an illegal activity. Mr. Kennis said this is an illegal business and however well it is run and however much we wish Ms. Bolton the best – the fact is it is an illegal business in the wrong zoned area.

Mr. Kennis said this spot zoning and as described by the previous speaker is an illegal procedure and it will be challenged. He recommended that the CDRC stop the process and deny the application.

The applicant was invited to respond to the comments of the public.

Mr. Siebert denied said Mr. Schrager's assertion that the outdoor arena creates a liability for the Heartstone residents. He located the arena and the circle that serve as fire protection measures. The equestrian easement is owned by a corporation of the Altshulers and is not part of Heartstone; there is no liability that runs to the residents of Heartstone.

Mr. Siebert said the County permits equestrian facilities of this size anywhere in Santa Fe County and it is not a spot zoning issue. Santa Fe County is a rural area and part of being rural is having equestrian facilities and uses. The property was originally a ranch that ran cattle with horses. It is not spot zoning.

The lot in question has not been subdivided and there is one well. The well will serve whatever subdivision is accomplished. Each lot will receive .25 acre-feet from the well and the well is metered. Each of the lots will require separate metering and quarterly meter readings will be submitted to the County for review.

The stalls in the arena are included in the 16 stalls mentioned in the application. The opponents' statement that the facility will be expanded to 21 stalls is incorrect. He asked that Ms. Joan Bolton respond to the arena and boarding issues.

Duly sworn, Joan Bolton, stable operator, said the biggest misconception is that the outdoor ring is being watered. She said nature does that. However, it was recently sprayed with water and an additive to hold water longer. The indoor ring is watered to keep the dust down, although the additive has been added thus reducing water by half. Two 5,000 gallon tanks have been installed to collect water and that is the water that is used for arena watering. She said when she and her partner purchase the property they will be harvesting all the roof water.

Ms. Bolton said, space permitting, the facility will be open to community horses if they want to be within a program. She said every horse in the barn is in a riding program. The barn is an educational facility.

Chair Katz asked a series of questions and Ms. Bolton offered the following information: They do not have horse shows, there are no trail rides, occasionally boarded horses may ride the trails, and infrequently clinics are held at the property with one or two trailers on the property.

Duly sworn, Don Altshuler, applicant, said he appears to be the criminal and wanted to speak in his defense. He provided a history of the property stating they built the stables prior to any subdivision. Originally there were eight stalls for his personal use and they leased out four of them. When Heartstone was being developed the Ashwin stable facility was created.

Mr. Altshuler acknowledged they were in violation. One of the opponents of the project, with whom the Altshulers had personal problems, counted the horses on the property, found an ad Ms. Bolton had placed in the paper and called County Code Enforcement. He went to the County and this was the solution. Ms. Bolton was Mr. Altshuler's trainer and having her take over the facility was not done for profit.

Mr. Altshuler said people that live in Heartstone generally think it is good; however, there are a few that don't. He said some of the neighbors resent him because he makes a lot of money. He said the application was presented to support the community and his former trainer Joanie Bolton.

That concluded the public hearing.

Member Martin asked whether the application would be permitted under the Sustainable Land Development Code. Mr. Larrañaga said, yes, horse facilities are a permitted use anywhere in the County with a site development plan. The facility could be approved administratively as a permitted use.

Ms. Booth asked about the distinction of a horse facility and a business. To run a business, Mr. Larrañaga said would require CDRC approval and going through this process.

Chair Katz asked whether an approval changes the zoning. Mr. Larrañaga said yes, it changes it to "other development" from residential. The other development is for the "specific use of an equestrian center." Ms. Lucero said equestrian center is not listed under the commercial section of the code and instead falls under "other development" and only zoned for this use.

Mr. Larrañaga said the lot subdivision meets the code density requirements and will be handled administratively.

Mr. Larrañaga said the County does not have a meter reading on the current well. The 7.74-acre lot is subject to .75 acre-foot and a water budget has been submitted and reviewed by the County hydrologist. Chair Katz asked the applicant to inform the CDRC what the water meter readings were.

Mr. Altshuler said the meter readings were delivered to the County annually and he didn't know the number. He offered to check the meter for a current reading. Mr. Altshuler said that well is currently servicing the general road landscaping of subdivision. Once the property is subdivided, Mr. Altshuler said the well will no longer provide irrigation for the community landscaping.

Member Anaya asked if the well was a shared private or shared public well. Mr. Siebert responded it was a shared private well. He said under the 72-12-1 provisions, the OSE allows for sharing of the well and it is private in the sense it is shared only by adjacent lot owners. Mr. Siebert noted that each of the new lots will have to be metered with meter readings submitted quarterly to the County and the OSE.

Mr. Larrañaga referred to condition 5 for meter reading requirements.

Member Lopez asked about the County Fire Department's conditional approval and Fire Marshal Patty said the applicant is required to provide additional fire flow. The applicant has agreed to extend the hydrant system.

Member Booth made a motion to deny the application. That motion failed for lack of a second.

Member Anaya moved to approve Z/PDP/FDP 15-5130 with the staff-imposed conditions and an additional condition:

6. Applicant shall meet fire flow requirements – moving the hydrant.  
Member Martin seconded.

Member Booth said she was not supporting the motion because 1) this is a commercial business in a residential area and 2) the applicant has been acting illegally for 4.5 years and should not be rewarded.



The motion passed by majority [3-1] voice vote. Voting for were Members Anaya, Martin and Lopez, voting against was Member Booth. Member Gonzales was not present for this action.

Chair Katz thanked the audience for their comments.

**E. PETITIONS FROM THE FLOOR**

None were offered.

**F. COMMUNICATIONS FROM THE COMMITTEE**

None were presented.

**G. COMMUNICATIONS FROM THE ATTORNEY**

None were presented.

**H. MATTERS FROM LAND USE STAFF**

An update on the disposition of CDRC cases by the BCC was distributed. Ms. Lucero pointed out that Elevations appealed the CDRC's condition that the no construction of buildings may begin until actual construction of the SE Connector begins. The BCC modified the condition prohibiting occupancy of any building until the SE Connector is completed.

**I. NEXT MEETING**

The next meeting was scheduled for August 20, 2015.

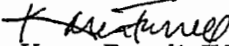
**J. ADJOURNMENT**

Having completed the agenda and with no further business to come before this Committee, Chair Katz declared this meeting adjourned at approximately 6:35 p.m.

Approved by:

\_\_\_\_\_  
Frank Katz, Vice Chair  
CDRC

Submitted by:

  
Karen Farrell, Wordswork



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0752

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- Nationwide counts at 2-digit code level
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- Business Mailing List Count System

Sic4=0752  
SIC Code 0752

SIC, Description

0752, ANIMAL SPECIALTY SVCS-EXCEPT VETERINARY
075201, PET TRAINING
075202, PET CEMETERIES & CREMATORIES
075203, ANIMAL SHELTERS
075204, PET WASHING & GROOMING
075206, DOG TRAINING
075207, DOG BREEDERS
075208, HORSE BREEDERS
075209, HORSE TRAINING
075210, PET SERVICES
075211, PET BOARDING SITTING & KENNELS
075213, ANIMAL REGISTRATION & IDENTIFICATION SVC
075214, PET IDENTIFICATION SERVICE
075215, PET BREEDERS
075216, ANIMAL NUTRITIONIST CONSULTANTS
075217, LIVESTOCK-EMBRYO TRANSFER
075218, PET FUNERAL SERVICES
075219, ANIMAL TRAINING
075220, ANIMAL THERAPY-ALTERNATIVE
075222, HORSE CARE
075223, CATS-PRODUCTS & SERVICES
075225, EQUESTRIAN CENTERS
075226, PET CONSULTANTS
075227, LIVESTOCK CARE SERVICES
075228, ANIMAL SHOWS & ORGANIZATIONS
075230, PET FINDING SERVICE
075231, VETERINARY PHARMACIES & SERVICES
075232, POOPER SCOOPER SERVICE
075233, PET TEMPORARY & PERMANENT PLACEMENT
075234, HORSE PHYSICAL THERAPY
075235, WEDDING DOVE & BUTTERFLY RELEASING
075236, ANIMAL COMMUNICATOR
075237, PET MASSAGE
075238, EQUINE THERAPY

Count

Click by State	
43,571	Order
1,020	Order
637	Order
2,277	Order
20,782	Order
1,538	Order
560	Order
1,221	Order
815	Order
3,353	Order
10,654	Order
10	Order
22	Order
81	Order
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8/27/2015 1:13 PM

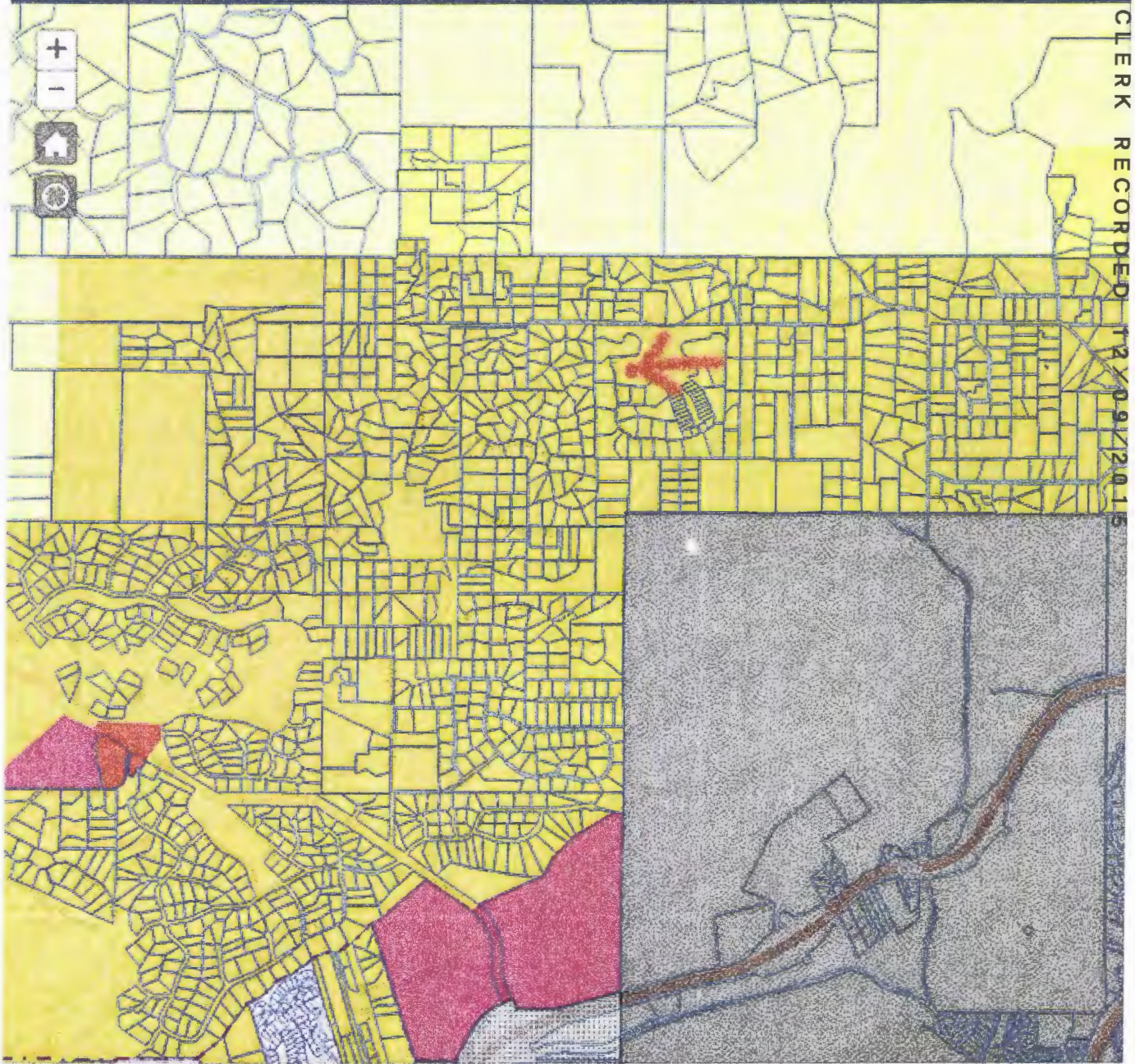
SFC CLERK RECORDED 12/09/2015





*Santa Fe County*

# Proposed Zoning Districts







CLERK RECORDED 12/09/2015

EXHIBIT  
H.

**Santa Fe County Sustainable Land Development Code Official Zoning Map  
Adoption Draft, March 21, 2014**

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**Not Under Santa Fe County Zoning Jurisdiction**

-  Municipality
-  Municipal Annexation Area
-  Tribal Lands
-  Federal and State Public Lands

**Community Districts**






**Proposed 3/21/2014 SLDC Official Zoning Map**

-  Ag / Ranch (1 dwelling per 160 acres)
-  Rural (1 dwelling per 40 acres)
-  Rural Fringe (1 dwelling per 20 acres)
-  Rural Residential (1 dwelling per 10 acres)
-  Residential Fringe (1 dwelling per 5 acres)
-  Residential Estate (1 dwelling per 2.5 acres)
-  Residential Community (1 dwelling per acre)
-  Traditional Community (1 dwelling per 0.75 acres, to 3 dwellings per acre - on central water and sewer)
-  Commercial Neighborhood
-  Commercial
-  Industrial
-  Public/Institutional
-  Mixed Use
-  Planned Development District

**Rural Commercial Overlay Zone**



**Airport Noise Overlay Zone**

-  55 DNL
-  60 DNL
-  65 DNL





St. Francis South



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 1725726, 1684840



Legend  
2011 Aerial Photography - 1 foot resolution

Scale: 1:7,386







1700 A Paseo De Paraiso  
Santa Fe, NM 87501  
(tel.) 505.982.8363  
(fax) 505.988.3311  
sfarchitect@comcast.net  
www.santafearchitects.com

St. Francis South - Lot Typical  
Santa Fe, New Mexico

REVISIONS:  
NO. DATE

1-7-2011

DATE

9-15-2010

DRAWN BY:

PR

CHECKED BY:

PM



130 Grant Avenue, Suite 101  
Santa Fe, New Mexico 87501

SHEET

3-2

## COOPER LIGHTING - LUMARK

**DESCRIPTION:**  
The IMPACT Trapezoid wall lighting fixture is ideal for exterior wall lighting. It is available in three sizes: 12", 18", and 24". It is made of die-cast aluminum and is finished in a powder-coated finish. It is available in three colors: black, white, and bronze. It is available in three finishes: matte, satin, and gloss. It is available in three mounting options: surface, recessed, and pendant. It is available in three beam spread options: 15°, 25°, and 35°. It is available in three wattage options: 100W, 150W, and 200W. It is available in three voltage options: 120V, 240V, and 480V. It is available in three phase options: single phase, three phase, and three phase four wire. It is available in three frequency options: 60Hz, 50Hz, and 400Hz. It is available in three temperature options: -40°F to 140°F, -40°F to 120°F, and -40°F to 100°F. It is available in three humidity options: 5% to 95% RH, 5% to 90% RH, and 5% to 85% RH. It is available in three salt crystal options: 100% NaCl, 100% KCl, and 100% LiCl. It is available in three sulfur dioxide options: 100% SO2, 100% SO3, and 100% SO4. It is available in three hydrogen sulfide options: 100% H2S, 100% HS-, and 100% S2-. It is available in three ammonia options: 100% NH3, 100% NH4+, and 100% NH2-. It is available in three carbon dioxide options: 100% CO2, 100% CO, and 100% C. It is available in three methane options: 100% CH4, 100% CH3-, and 100% CH2-. It is available in three ethane options: 100% C2H6, 100% C2H5-, and 100% C2H4-. It is available in three propane options: 100% C3H8, 100% C3H7-, and 100% C3H6-. It is available in three butane options: 100% C4H10, 100% C4H9-, and 100% C4H8-. It is available in three pentane options: 100% C5H12, 100% C5H11-, and 100% C5H10-. It is available in three hexane options: 100% C6H14, 100% C6H13-, and 100% C6H12-. It is available in three heptane options: 100% C7H16, 100% C7H15-, and 100% C7H14-. It is available in three octane options: 100% C8H18, 100% C8H17-, and 100% C8H16-. It is available in three nonane options: 100% C9H20, 100% C9H19-, and 100% C9H18-. It is available in three decane options: 100% C10H22, 100% C10H21-, and 100% C10H20-. It is available in three undecane options: 100% C11H24, 100% C11H23-, and 100% C11H22-. It is available in three dodecane options: 100% C12H26, 100% C12H25-, and 100% C12H24-. It is available in three tridecane options: 100% C13H28, 100% C13H27-, and 100% C13H26-. It is available in three tetradecane options: 100% C14H30, 100% C14H29-, and 100% C14H28-. It is available in three pentadecane options: 100% C15H32, 100% C15H31-, and 100% C15H30-. It is available in three hexadecane options: 100% C16H34, 100% C16H33-, and 100% C16H32-. It is available in three heptadecane options: 100% C17H36, 100% C17H35-, and 100% C17H34-. It is available in three octadecane options: 100% C18H38, 100% C18H37-, and 100% C18H36-. 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**CAMPO CONEJOS HOMEOWNERS'  
ASSOCIATION**

P.O. Box 6159  
Santa Fe, New Mexico 87502



November 9, 2015

Ms. Penny Ellis-Green  
Growth Management / Land Use Director  
Santa Fe County  
Growth Management Department  
P.O. Box 276  
Santa Fe, NM 87504-0276

Re: CDRC CASE # S/V 10-5363

Dear Ms. Ellis-Green:

The Board of Directors of the Campo Conejos Homeowners Association is greatly concerned about the proposal of Vegas Verdes, LLP. to build 250 units on the property it owns at the intersection of St. Francis Drive and Rabbit Road. Our concern arises from several considerations.

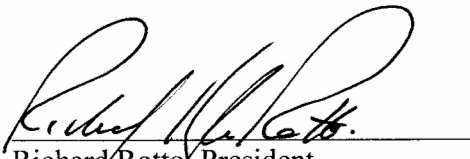
- Such high density is incompatible with the current density of the surrounding area South of Interstate 25, averaging 1.0 to 2.5 acres per residence.
- Building a multi-unit building South of I-25 sets an undesirable and detrimental precedent for this rural residential area.
- The proposed density will lead to a significant increase of traffic on Rabbit Road, already crowded at rush hour times.
- The proposed density will compromise safety at the Rabbit Road/St. Francis intersection.
- Such a high-density installation is likely to lower property values in the residential areas South of I-25.
- A multistory building in this location will adversely impact view sheds from St. Francis, Rabbit Road and surrounding properties.
- Rabbit Road maintenance with the present traffic load already appears to tax state and county maintenance resources. Additional traffic will add to this burden.

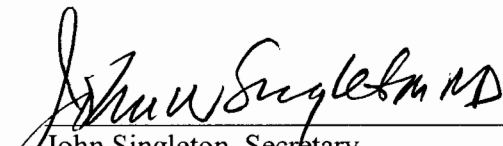
S F C C L E R K R E C O R D E D 1 2 / 0 9 / 2 0 1 5

In addition we are concerned that, in light of the proximity of our development to the proposed installation, we were not informed of these plans. We urgently request that the Campo Conejos Homeowners Association be notified of any future applications for development along Rabbit Road.

Based on the above cited reasons, the Board of Directors of the Campo Conejos Homeowners' Association, a 75 lot subdivision, unanimously opposes this proposal.

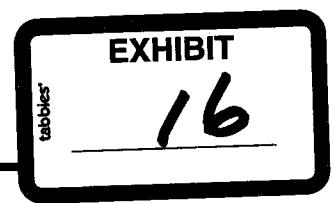
On Behalf of the Board of Directors:  
Sincerely,

  
Richard Rotto, President  
Campo Conejos Homeowners' Association

  
John Singleton, Secretary  
Campo Conejos Homeowners' Association

Board Members:      Richard Rotto, president  
                             Jim Wechsler, vice-president  
                             John Singleton, secretary  
                             Kenneth Wortman, treasurer  
                             Shin-Juh Chen, director  
                             Simone Koutsouflakis, director  
                             Dave Wilkison, director

**Vicente Archuleta**



**From:** Eve Cohen <ecohen05@comcast.net>  
**Sent:** Saturday, November 07, 2015 4:16 PM  
**To:** Vicente Archuleta  
**Subject:** CDRC Rabbit Rd Apartment development proposal

Dear Mr Vicente Archuleta-

I am writing in regard to development proposal for St Francis South Mixed-Use Subdivision, specifically a proposed apartment complex of 250 units. It is my understanding that a variance for the maximum allowable density is to be granted pending a public hearing this coming week on Tuesday November 10.

I live in the Camp Conejos development just east of this intersection and am disturbed by this proposal which differs significantly from any nearby residential developments in its density and height proposals. Apartment buildings of three stories are not in keeping with the density of the surrounding area south of I25. There has already been a significant increase in traffic on Rabbit Road with the extension to Richards Ave and Ranch Viejo and at the intersection in question. I would hope that this development could at least be placed on hold pending a review of its impact on density, water and sewage disposal and obstruction of views.

I appreciate your involvement and hope this letter may be forwarded to the County Commission prior to the meeting on Tuesday.

Yours sincerely-  
Eve Cohen

S F C C L E R K R E C O R D E D 1 2 / 0 9 / 2 0 1 5

## Vicente Archuleta

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**From:** Greg Wortman <gwortman@comcast.net>  
**Sent:** Saturday, November 07, 2015 6:55 PM  
**To:** Vicente Archuleta  
**Subject:** CDRS Case #S/V 10-5363, Vegas Verdes LLC Development

**Importance:** High

Dear Mr. Archuleta,

I am very concerned about the proposal of Vegas Verdes, LLC to build 250 units on the property it owns at the intersection of St. Francis Drive and Rabbit Road. My concern arises from several considerations:

- 1) Such high density is incompatible with the current density of the surrounding area South of Interstate 25, namely 1.0 acre per residence.
- 2) Building a multi-unit building South of I-25 sets an undesirable and detrimental precedent for this rural residential area all along Rabbit Road.
- 3) The proposed density will lead to a significant increase of traffic on Rabbit Road, already crowded at rush hour times, and will likely increase maintenance requirements for the road.
- 4) The proposed density will compromise safety at the Rabbit Road/St. Francis intersection.
- 5) Such a high-density installation is likely to lower property values in the residential areas South of I-25.
- 6) A multistory building in this location will adversely impact view sheds from St. Francis, Rabbit Road and surrounding properties.

I urge the county to consider those most impacted by this development – those of us who live nearby – and reject the proposed development plan.

Respectfully,

Greg Wortman, homeowner  
17 Camino Azulejo  
Santa Fe, NM 87508  
(505) 989-1858



## Vicente Archuleta

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**From:** Peggy <peggy@PEGGYFINO.COM>  
**Sent:** Friday, November 06, 2015 3:01 PM  
**To:** Vicente Archuleta  
**Subject:** Peggy Fino: from Campo Conejos...250 apartment complex mixed use

**kw | SANTA FE**  
**KELLER WILLIAMS REALTY**  
130 Lincoln Avenue, Suite X, Santa Fe NM 87501

Hello Vicente, thank you for speaking with me yesterday about the impending 250 apartment complex at the intersection of Rabbit Rd and St. Francis. As you know this sub-div Campo Conejos is 2000 feet away so we were not notified and have become involved only recently. I have lived here 14 years and was the third person to move in. I love it here, it's 8 minutes to downtown where I work but it's the country, wide open spaces, beautiful views, hiking paths, plenty of room to garden and grow my own veggies, etc. When I come home I feel like I am on vacation. Here are some of the points that I would like to express about these dense apartments:

- \* Breaks precedent for current density of surrounding area south of I-25. 1.0 acre per residence.
- \* Will lower our property values.
- \* Significant increase in traffic on Rabbit Rd.
- \* Decreased safety at intersection of Rabbit Rd. and St. Francis Dr.
- \* In light of our proximity we regret not being informed of this planned development.
- \* Request to be notified regarding any future applications for development.
- \* Big multi-unit buildings south of I-25 at this location sets an undesirable and detrimental precedent.
- \* Concerned about the proposed building heights, building mass, and the view shed and visual impacts of the development.

That intersection is already a dangerous one. Since Rabbit Rd. has been opened to Richards the per day auto count has gone from 500 to 6000.

Thank you for your assistance,

Respectfully, Peggy Fino

[www.peggyfinosantafehomes.com](http://www.peggyfinosantafehomes.com)

Download this excellent free mobile property app:

<http://app.kw.com/kw2NQ89LC>

SFC CLERK RECORDED 12/09/2015



## Vicente Archuleta

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**From:** buxen3 buxengard <buxspur@yahoo.com>  
**Sent:** Friday, November 06, 2015 3:02 PM  
**To:** Vicente Archuleta  
**Subject:** variance of development code to allow a 250 dwelling units on 68.9 acres at NW corner of St. Francis and Rabbit Rd

Mr. Archuleta, This possible future development has come to my attention just today. This is a significant variance from the current density of residences south of I-25 in our area which now is at 1 residence per 1 to 2.5 acres.

We home owners off of Rabbit Road in the Campo Conejos development are fearful that the traffic increase on Rabbit Rd will be unacceptable, and property values in our noncommercial and relatively rural area will drop. This is especially true if this multiunit and multi-building proposal should end up including other commercial add-ons, like gas stations, stores, etc. We are on and in the rural side of town by choice, but this proposal with 3 stories of massive buildings, loss of view, increased traffic etc, will send this area of the city off in a whole new direction. Don't allow this precedent to be set!.

Hope that this letter does not fall on deaf ears, and thank you for listening.

Gizelle Spurgeon  
23 Calle Aguila  
Santa Fe, NM 87508

Vicente Archuleta

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**From:** John & Carmela McIntire <jr.cm.mcintire@gmail.com>  
**Sent:** Monday, November 09, 2015 2:59 PM  
**To:** Vicente Archuleta  
**Subject:** Opposition to Vegas Verde Proposal - Please forward to all of the committee members

Dear Mr. Archuleta,

I would like to express my concern in opposition to the proposed development of Vegas Verdes, LLP to build 250 units at the intersection of St. Francis Drive and Rabbit Road. A development of 250 units will change the character of our community. Please reconsider this proposal as the density will deteriorate our community--one that we love and seek to retain.

John McIntire  
Homeowner  
21 Camino Mariquita  
Santa Fe

SFC CLERK RECORDED 12/09/2015

## Vicente Archuleta

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**From:** Louise Martinez <flo.lou.mtz@gmail.com>  
**Sent:** Monday, November 09, 2015 8:20 PM  
**To:** Vicente Archuleta  
**Subject:** Vegas Verdes LLC proposal

Mr. Archuleta, concerning the proposed 250 units at the intersection of Rabbit Rd. and St. Francis Dr. My wife and I recently built a house in the Campo Conejos subdivision after living in the Santa Fe city limits most of our lives. We love the semi-rural area we live in and we are opposed to the building of so many units at this intersection.

Thank you,  
Florencio and Louise Martinez

Vicente Archuleta

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**From:** Ken Kirk <kdkirksf@aol.com>  
**Sent:** Tuesday, November 10, 2015 9:09 AM  
**To:** Vicente Archuleta  
**Subject:** Concerns on Tonight's Vegas Verdes Hearing

Dear Mr. Archuleta:

We are residents in Campo Conejos, near the proposed development by Vegas Verdes, LLC, at the corner of St. Francis Drive and Rabbit Road. We object to this land being used for a mixed use development for several reasons.

Allowing apartments and other businesses to be built sets a bad precedent for the entire neighborhood which has been primarily a neighborhood of homes on at least one acre. The high density of this proposal will bring a large increase in traffic to the area, especially to Rabbit Road. Also light pollution will be greatly increased in our rural setting.

Please forward our concerns to the commissioners.

Thank you,  
Ken and Julie Kirk  
25 Camino Mariquita  
Santa Fe, NM 87508

Sent from my iPad

SFC CLERK RECORDED 12/09/2015

## Vicente Archuleta

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**From:** Louise Martinez <flo.lou.mtz@gmail.com>  
**Sent:** Tuesday, November 10, 2015 9:31 AM  
**To:** Vicente Archuleta  
**Subject:** Vegas Verdes LLC

We are opposed to such a big development in our neighborhood.

Thank you

Florencio & Louise Martinez  
32 Calle Cascabela

Vicente Archuleta

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**From:** Alewis <alewis87501@centurylink.net>  
**Sent:** Monday, November 09, 2015 8:13 PM  
**To:** Vicente Archuleta  
**Subject:** CRDC CASE #Z/V/S 10-5363  
**Attachments:** SFPS Data.tif

Dear Mr. Archuleta,

My name is Annette Lewis. I live at 102 Rabbit Road. I am writing to you today to ask that the CDRC and or Commissioners consider the following data I have compiled regarding the variance requested for 250 dwelling units to be constructed at St. Francis South.

We are guardians of three of our grandchildren two of which attend EJ Martinez currently and will be for two to four more years and one who will be starting kindergarten next year and attending for 7 years. Our Public School District can not accommodate the amount of additional children that would be housed in the proposed area. I have included SFPS Student Data demographic information for you. I have also spoken directly with Principal Nancy Olivares at E.J. Martinez to discover that they have enough room for 3 additional Teachers/Classrooms which will accommodate up to 75 students, if they get the funding for teachers. This is still not enough vacancies to accommodate a large scale housing development in the district.

Please take into consideration that the new subdivision across the street from the school on the corner of San Mateo and Galisteo, Pueblo Bonito Subdivision, has a total of 44 lots. If my math is correct, with approximately two children per household, the amount of space at E.J. is already exceeded. If the proposed 250 dwelling unit houses the same approximation of children, and that's being generous, there is NO WAY the district will be able to accommodate that amount of students and once again doing the math, this is a gross overage in adequate space in our school district. As you can see the current and projected enrollment at other nearby Elementary Schools is nearly at or above capacity as well. And unless you know of something the public isn't aware of in the way of development of a new school, this proposal is not feasible.

I plead with the decision makers not to approve such a large scale housing project due to the hardship it will have on the existing School District and the students currently attending. Thank you for your time.

Respectfully,  
Annette L. Lewis

S F C C L E R K R E C O R D E D 1 2 / 0 9 / 2 0 1 5

**Vicente Archuleta**

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**From:** hesig@comcast.net  
**Sent:** Monday, November 09, 2015 10:57 PM  
**To:** Vicente Archuleta  
**Subject:** CDRC Rabbit Road Apartment Proposal, CDRC Case # S/V 10-5363

Dear Mr. Archuleta,

As residents of the Campo Conejos subdivision we have great concerns regarding the above referenced development proposal and would like to voice our opposition.

- The proposed development is inconsistent with the current density of the surrounding area and will negatively affect our property values. The current lot size per residence for the area averages from 1.0 to 2.5 acres.
- The Rabbit Road and St. Francis Drive intersection already struggles during periods of high traffic and is a dangerous intersection due to poor visibility of oncoming traffic. Right at the intersection or close to it where Rabbit Road curves, vehicles go off the road and down an embankment or hit the yellow container barriers with some regularity. The intersection and Rabbit Road in general, are ill equipped to handle additional traffic and we are afraid this will further decrease safety.
- The proposed building heights, building mass, and the visual impact the development will have are of additional concern to us.

Thank you for your and the County Commissioners' willingness to hear our concerns and take them into consideration.

Respectfully,

Silvia & Henry E. Gonzales

8 Mariquita Court, Santa Fe, NM 87508

SFC CLERK RECORDED 12/09/2015



## Vicente Archuleta

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**From:** Alewis <alewis87501@centurylink.net>  
**Sent:** Monday, November 09, 2015 8:13 PM  
**To:** Vicente Archuleta  
**Subject:** CRDC CASE #Z/V/S 10-5363  
**Attachments:** SFPS Data.tif

Dear Mr. Archuleta,

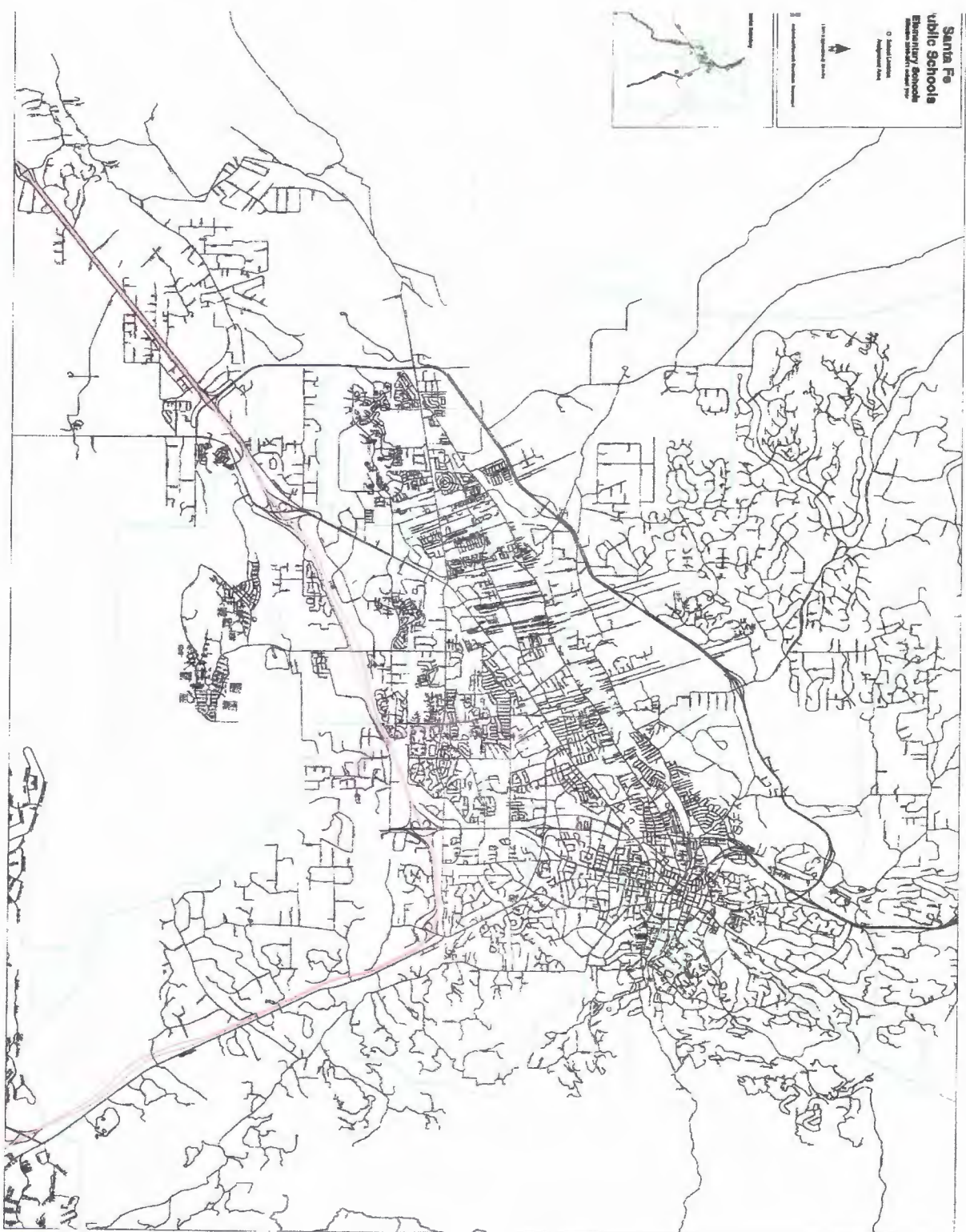
My name is Annette Lewis. I live at 102 Rabbit Road. I am writing to you today to ask that the CDRC and or Commissioners consider the following data I have compiled regarding the variance requested for 250 dwelling units to be constructed at St. Francis South.

We are guardians of three of our grandchildren two of which attend EJ Martinez currently and will be for two to four more years and one who will be starting kindergarten next year and attending for 7 years. Our Public School District can not accommodate the amount of additional children that would be housed in the proposed area. I have included SFPS Student Data demographic information for you. I have also spoken directly with Principal Nancy Olivares at E.J. Martinez to discover that they have enough room for 3 additional Teachers/Classrooms which will accommodate up to 75 students, if they get the funding for teachers. This is still not enough vacancies to accommodate a large scale housing development in the district.

Please take into consideration that the new subdivision across the street from the school on the corner of San Mateo and Galisteo, Pueblo Bonito Subdivision, has a total of 44 lots. If my math is correct, with approximately two children per household, the amount of space at E.J. is already exceeded. If the proposed 250 dwelling unit houses the same approximation of children, and that's being generous, there is NO WAY the district will be able to accommodate that amount of students and once again doing the math, this is a gross overage in adequate space in our school district. As you can see the current and projected enrollment at other nearby Elementary Schools is nearly at or above capacity as well. And unless you know of something the public isn't aware of in the way of development of a new school, this proposal is not feasible.

I plead with the decision makers not to approve such a large scale housing project due to the hardship it will have on the existing School District and the students currently attending. Thank you for your time.

Respectfully,  
Annette L. Lewis



# Projected Enrollments



Based on proposed assignment areas where Nina Otero and Agua Fria open as K-7; pure-feeding from ES to MS; limiting transfers; and students attend newly-assigned school

School	Grades	Capacity* (2014)	Actual 2012-13 (40-day)	Actual 2013-14 (20-day)	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2021-23
Acequia Madre	K-6	171	173	166	170	170	169	166	160	159	156	153	150
Agua Fria	K-8	750	548	578	653	728	721	716	715	693	693	682	670
Amy Biehl	K-6	467	483	493	460	464	452	452	437	419	408	409	406
Aspen Community	K-8	550	501	527	530	533	530	525	521	525	520	505	499
Atalaya	K-6	350	194	194	190	193	189	191	187	182	179	178	177
Carlos Gilbert	K-6	325						323	300	294	292	292	290
César Chavez	K-5	480	629	11	476	473	464	455	437	423	422	420	421
Chaparral	K-6	425	414	452	425	440	428	418	414	409	398	393	388
EJ Martinez	K-6	380	343	319	352	360	365	368	360	354	345	344	339
El Dorado	K-8	750	570	562	550	543	533	527	517	517	512	516	504
Gonzales	K-8	550	512	516	579	571	540	530	513	505	501	504	491
Kearny	K-6	535	524	515	540	530	518	511	511	504	491	487	480
Nava	K-6	275	350	331	285	287	286	284	271	258	251	253	251
Nina Otero	K-8	650			618	658	668	652	648	641	628	615	586
Piñon	K-6	450	522	538	458	454	441	434	428	414	401	401	397
Ramirez Thomas	K-5	500	451	502	476	483	473	459	450	436	431	427	430
Salazar	K-6	425	392	393	400	416	421	417	416	402	393	386	377
Sweeney	K-5	575	566	631	479	469	466	456	445	431	431	428	431
Tesuque	K-6	150	119	108	123	125	125	125	130	129	126	126	124
Turquoise Trail	K-6	465	463	519	461	462	464	465	488	474	477	480	441
Wood Gormley	K-6	386				386	368	365	355	336	341	348	350
Capshaw	7-8	529	481	436	502	452	467	468	482	469	482	452	391
De Vargas	7-8	598	380	342	359	246	274	261	267	296	306	268	229
Ortiz	6-8	896	756	809	653	620	635	645	674	679	661	635	588
Capital High	9-12	1459	1,158	1,349	1,212	1,254	1,264	1,205	1,200	1,174	1,187	1,200	1,214
Santa Fe High	9-12	2013	1,566	1,592	1,479	1,507	1,448	1,419	1,425	1,401	1,427	1,426	1,447

\* functional capacity planned for the 2014-15 school year without portables; capacity is under review and will be verified by late 2013

Schools with figures in blue are over enrollment capacities set by the school board or exceed physical capacities of the school.

Projections include Turquoise Trail Elementary Charter School, but exclude preschool students. Actual enrollment on the 20-day of 2013/14 includes preschool students.

Changes in assignment areas start in the 2014/15 school year.





SFPS Student Demographics - STARS: School Year 2014-2015

School Demographics | District Demographics | View Other Years

Grade Level

Ethnicity

English Language Learners

Students with Disabilities

Economic Status

EOY

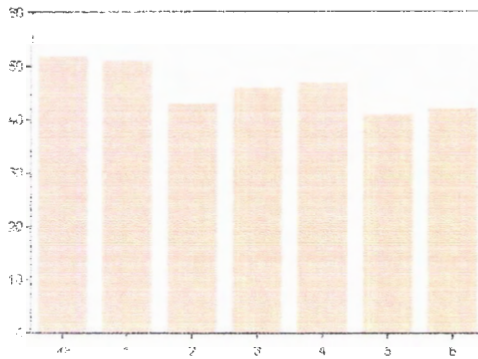
12th Day

80th Day

40th Day

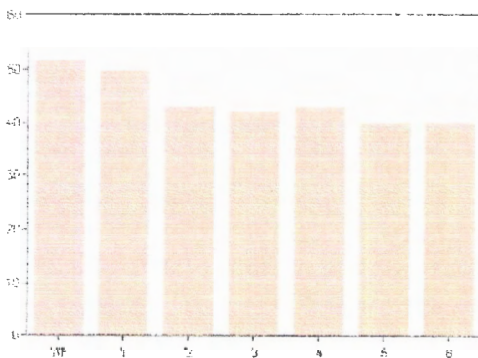
Grade Level: E.J. MARTINEZ E

KF	52
1	51
2	43
3	46
4	47
5	41
6	42
Total	322

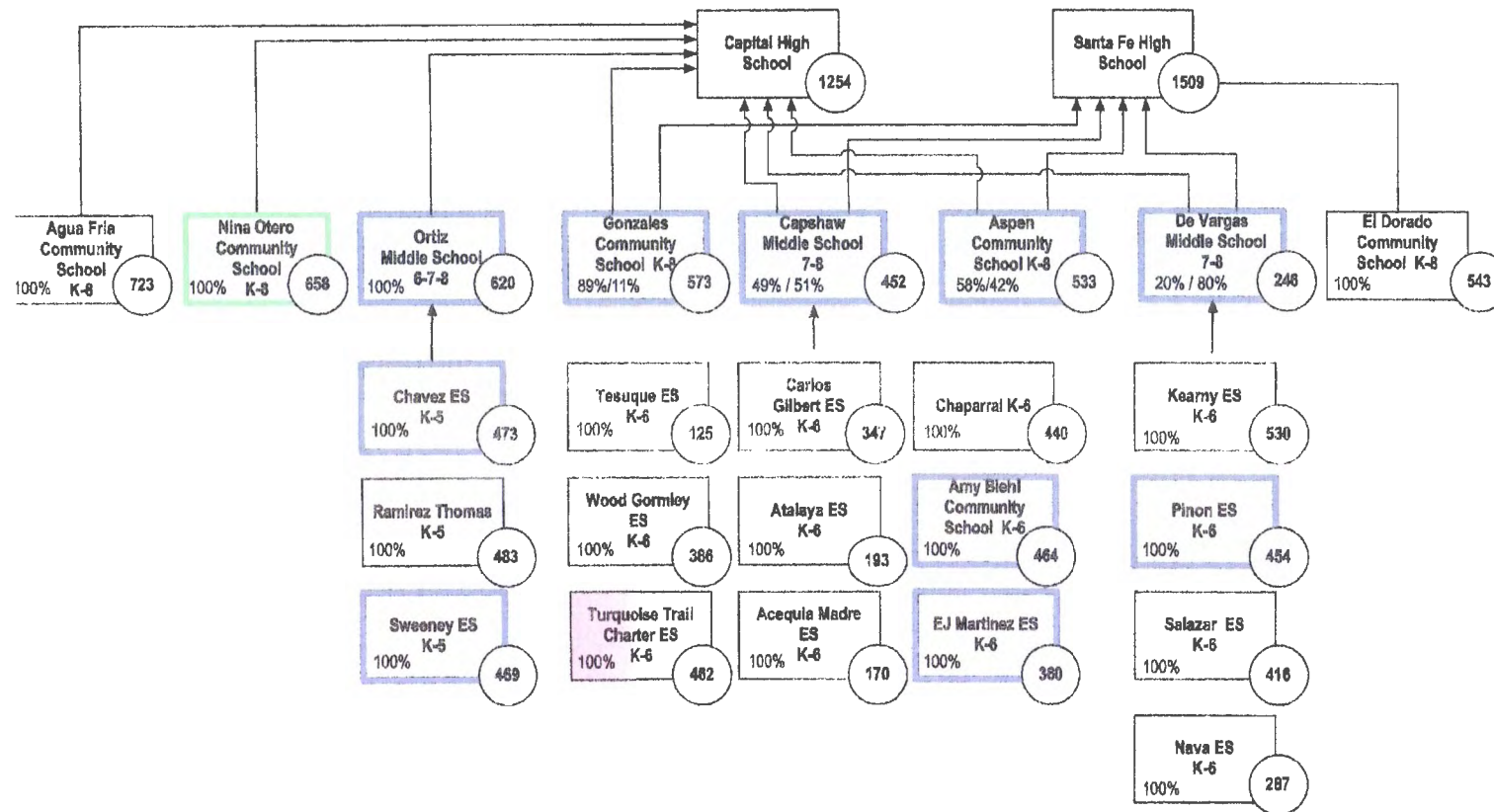


Grade Level: E.J. MARTINEZ E

KF	52
1	50
2	43
3	42
4	43
5	40
6	40
Total	310



# School Flow Chart



**Approved**  
Beginning August 2014

558 Projected  
2015-16  
Enrollment  
100% feeder  
Southside

New School  
Boundary Change