

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

May 17, 2018

I. This meeting of the Santa Fe County Planning Commission convened on the above-cited date at approximately 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

II. & III. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Charlie Gonzales, Chair
Frank Katz, Vice Chair
Phil Anaya [leaves 5:20]
Rena Gray
Susan Martin
Steve Shepherd

Member(s) Excused:

Leroy Lopez

Staff Present:

Vicki Lucero, Building & Services Manager
Paul Kavanaugh, Building & Services Supervisor
John Michael Salazar, Development Review Specialist
John Lovato, Development Review Specialist
Tony Flores, Deputy County Manager
Cristella Valdez, Assistant County Attorney
Jaome Blay, Fire Marshal

IV. Approval of Agenda

Vicki Lucero noted that staff was still working on the findings of fact on Case #CUP, CS Performance Horse Conditional Use Permit.

Member Martin moved approval of the agenda as amended and Member Katz seconded. The motion carried by unanimous [6-0] voice vote.

SFC CLERK RECORDED 06/22/2018

V. Approval of Minutes: April 19, 2018

Member Martin moved to approve the April minutes as submitted. Member Katz seconded and the motion passed by unanimous voice vote.

VI. Consent Agenda: Final Orders

- A. **CASE # V 17 - 5230 Dorothy Montoya Variance.** Dorothy Montoya Applicant, Requested a Variance of Chapter 10.4.2.1, to Allow an Accessory Dwelling within a Major Subdivision, a Variance of Chapter 10.4.2.2, to Allow an Accessory Structure to Be 1,350 Square Feet Where the Main House is 2000 Square Feet Heated Floor Area, a Variance of Chapter 10.4.2.3.3 (Building and Design Standards) to Allow a Separate Driveway Access Points for an Accessory Dwelling Unit, and a Variance of Chapter 10.4.2.4 (Utilities) to Allow an Accessory Dwelling a Separate Liquid Waste System. The Property is Located at 33 N Paseo de Angel Road Within the La Cienega and La Cieneguilla Community District Overlay, within the Residential Estate Zoning District, within, Section 21, Township 16 North, Range 8 East, (Commission District 3). Approved 4 -0, John Lovato Case Manager

Member Katz moved approval of the final order on the Montoya Case and Member Martin seconded. The motion carried unanimously [5-0] with Member Shepherd abstaining.

VII. NEW BUSINESS

- A. **CASE # V 17-5290 James Baker Variance.** James Baker, Applicant, Karl Sommer, Agent, requests a variance of Chapter 7, Section 7.6.3.1.1.2b, (Preservation of Existing Vegetation and Significant Trees), Chapter 7, Section 7.17.4.1, No Build Areas (Disturbance of Rock Outcroppings), Chapter 7, Section 7.17.10.4.1, Roads and driveways over 25 percent, and a variance of Chapter 7, Section 7.17.4.3, No Build Areas (Disturbance of 30 percent Slope). The property is located at 36 Stacy Rd. within, Section 18, Township 18 North, Range 10 East, (Commission District 4)
[Exhibit 1: Fire Marshal's Report; Exhibit 2: Survey Plat]

JOHN LOVATO (Case Manager): Thank you, Mr. Chair. On January 4, 2018, this application was presented to the Hearing Officer for consideration. The Hearing Officer supported the application as memorialized in the findings of fact and conclusions of law written order subject to the following conditions:

- A. Applicant shall submit a letter of credit for the revegetation of the disturbance on the lot for 125 percent of the cost of revegetation /landscaping to be kept for a minimum of 1 year after planting to ensure all revegetation has taken

- B. The height for structures on the lot shall not exceed 18 feet
- C. No further disturbance of vegetation, buildable area, or rock outcroppings shall occur on the lot.

At the January 4, 2018, Hearing Officer meeting, the applicant's agent stated the disturbance was partially within the platted buildable area. The agent further stated he would hire a surveyor to determine if the disturbance was within the platted buildable area. Staff has contacted the agent with several attempts for a site visit, but the applicants have not had the buildable area staked to determine where the disturbance occurred. Staff waited for the applicant to stake the buildable area, but this project needs to proceed, therefore staff has placed this case, V 17-5290, on the agenda for the Santa Fe County Planning Commissions regularly scheduled hearing.

The applicant is pursuing the request for the requested variances to construct a driveway and building site for a new house. The property consists of 10.08 acres within the Rural Residential Zoning District as defined by Ordinance 2016-9, Sustainable Land Development Code.

On June 6, 2017, the applicant was issued a Notice of Violation for unpermitted development for grading without a permit. After conducting a site inspection and meeting with the applicant's engineer, it was determined that the applicant disturbed significant trees, rock outcroppings, and slopes in excess of 30 percent to construct a driveway, and building pad without approvals or permits.

The applicant has disturbed seven isolated occurrences totaling 3,620 square feet of 25 percent slopes for the proposed driveway and 3,307 square feet of 30 percent slope for the proposed residence. The combined total cumulative disturbance done is 6,927 square feet of slopes in excess of 25 percent slope.

The applicant's engineer states, We are requesting these variances of the Sustainable Land Development Code because the lot was disturbed without professional design, and the undisturbed lot had very few areas under 30 percent slope. The fact of the matter is that the lot was always going to be very difficult to develop even before the existing excavation. Mr. Baker hired a contractor who was expected to seek proper permits prior to starting the excavation work. Since that time, the project has been shut down, and Mr. Baker has been doing everything that Santa Fe County staff has requested.

Staff has reviewed topography that is available for this site showing pre-disturbance conditions and has identified buildable areas on the site which are lower in elevation and contain slopes in the range of 15 percent- 30 percent which is considered buildable, and that is in Exhibit 3.

The applicants have addressed the variance criteria; staff has responded on whether it meets or does not meet the code and variance criteria.

Hearing Officer Recommendation: On January 4, 2018, this application was presented to the Hearing Officer for consideration. The Hearing Officer supported the application and recommended approval of all variances as memorialized in the findings of fact and conclusions of law written order subject to conditions.

- A. Applicant shall submit a letter of credit for the revegetation of the disturbance on the lot for 125 percent of the cost of revegetation /landscaping to be kept for a minimum of 1 year after planting to ensure all revegetation has taken
- B. The height for structures on the lot shall not exceed 18 feet

C. No further disturbance of vegetation, buildable area, or rock outcroppings shall occur on the lot.

Staff Recommendation: The disturbance on this site has already occurred but could have been minimized by proper permitting and planning and siting on the lower portion of the subject lot.

Significant Tree removal: Staff recommends denial of the applicant's request and recommends a condition stating the applicant shall revegetate the previously disturbed area in its entirety and design a home on the lower portion of the property to mitigate further disturbance. The applicant illegally removed trees and graded the property without a permit.

Disturbance of Rock Outcroppings: Chapter 7.17.4.1 No-Build areas states, No development shall occur within these locations. Therefore, staff recommends denial of the applicant's request.

Disturbance of 30 percent slope: Staff recommends denial of the applicant's request. There is ample room on the lower portion of the property with slopes less than 30 percent. The applicant could revegetate the previously disturbed site and relocate the building pad to the lower portion of the property.

Disturbance of 25 percent slope for roads and driveways: If the building area was on the lower portion of the property there would be less disturbance of 25 percent slope to access the lower buildable area. The applicant failed to present an unusual or exception practical difficulty associated with the land. Therefore, staff recommends denial of the applicant's request.

If the decision of the Planning Commission is to approve the variances requested, staff recommends the following conditions be imposed. Mr. Chair, may I enter those into the record?

CHAIR GONZALES: Yes, you may.

MR. LOVATO: And Mr. Chair, if I can add a condition. What you received up there is a letter from Fire and what this condition would state is that the applicant shall comply with all fire prevention conditions.

[The conditions are as follows:]

1. The Applicant shall submit a letter of credit for the revegetation of the disturbance on the lot for 125 percent of the cost of revegetation /Landscaping to be kept for a minimum of 1 year after planting to ensure all revegetation has taken.
2. The height for structures on the lot shall not exceed 18'
3. No further disturbance of vegetation, buildable area, or rock outcroppings shall occur on the lot.
4. Trees to be planted to revegetate the disturbed area that is not being built on as proposed by the Applicants shall be a minimum of 6' in height with a 1.5" caliper.
5. The applicant shall comply with all fire prevention conditions.

CHAIR GONZALES: Okay. Thank you, John. All right. Does the Commission have any questions of John? Mr. Katz.

MEMBER KATZ: John, did you ever get out there and view where did they stake the building sites?

MR. LOVATO: Mr. Chair, Member Katz, the site was never staked out. So it's hard to determine the exact location where the buildable area is platted. As you see

from your handout, it shows approximately where the buildable area is on that lot with a plat and it's hard to determine where it was. Some of the grading is within it but there's a majority that's probably located outside of that.

MEMBER KATZ: Are there two buildable areas? I was a little confused by the report.

MR. LOVATO: Mr. Chair, Member Katz, buildable areas is platted on the plat. When they graded the property they have extended past that buildable area. The area is in another location lower on the property boundary, more or less, that probably would have disturbed a lot less slopes in excess of 30 percent.

MEMBER KATZ: Okay. Thank you.

CHAIR GONZALES: Anyone else on the Commission? Questions? Okay, I have a couple. John, could you – and the applicant may need to help you on this response later – could you clarify: Are we here tonight to hear a variance request for reclamation of the site, or approval of a buildable area for a residence?

MR. LOVATO: Mr. Chair, I believe we are actually doing this for the site, the disturbance that has occurred. You're acting on the actual disturbance of the applicant.

CHAIR GONZALES: Okay. Would any variances have been required to build and improve the building envelope?

MR. LOVATO: Mr. Chair, that is a possibility. We would have to see the slope analysis prior – and design prior to the cut having occurred.

CHAIR GONZALES: Okay. Is the grading which has been conducted, is it visible from a public road?

MR. LOVATO: Mr. Chair and committee members, it is visible from I-25 and from Old Las Vegas Highway.

CHAIR GONZALES: On Exhibit 3 there's a buildable area marked in black Magic Marker. Is that where staff would like the buildable area to be?

MR. LOVATO: Mr. Chair, committee members, that is correct.

CHAIR GONZALES: Okay. And will this project be able to comply the slope requirements for installation of a septic tank and leachfield?

MR. LOVATO: Mr. Chair, committee members, I believe it will be. Looking at the topo I think there is a location within the property boundary where they would be able to fit those needs. Their well is shared from a neighbor, so.

CHAIR GONZALES: Okay. Thank you, John.\

MR. LOVATO: You're welcome.

CHAIR GONZALES: Okay, Karl, are you going to represent the applicant? Okay. Go ahead. Before you start, Karl, I just want to – this project kind of reminds me of a Glorieta Mesa [inaudible]. But I just want to say I'm not really happy with what's happened out there. I'm really disappointed. I'm not really happy when I see this free-for-all grading, removal of rock outcroppings and significant trees, which have been removed by a property owner or rogue contract. I'm really concerned about the erosion and the drainage runoff generated from these disturbed slopes and the previous rock areas, as we are as well. I guess my first question to you right off is there – has anybody put wattles or silt fences out there?

KARL SOMMER: I believe that the current situation is that there is not drainage of soils off onto the property, that it's fairly well contained. But it is not a stable

situation and it needs to be reclaimed in accordance with the engineer's recommendations and I know that you, our chairman, are very familiar with those and having looked at the file here you'll see that his recommendation to you about the reclamation is exactly what you would have imposed in your profession when you were here at the County.

So we're concerned about it as well. It does need to be rectified soon, and the sooner we can get that done the better.

CHAIR GONZALES: Okay. Go ahead and proceed with your presentation.

MR. SOMMER: Let me start – I'm here with Mr. Baker tonight. Mr. Baker purchased this property. He hired a contractor from Albuquerque, got a set of plans approved, entered into a construction contract with the contractor. The contract with the contractor requires that the contractor obtain all of the permits necessary from Santa Fe County as well as from CID. The subcontractor apparently hired a grading contractor as a subcontractor and that person, without permits, without anything, got out on the site and started grading. And it was not under his direction or his permission to do that, and then it got stopped fairly immediately.

Unfortunately, this grading contractor went well beyond where Mr. Baker was going to ever disturb and so that's how we find ourselves here. This was not Mr. Baker saying, Hey, why don't you go start without it. He hired a professional. That professional hired a subcontractor. That subcontractor unfortunately violated the County's ordinances.

I'd like to pass out the – which is not in your packet – the existing approved plat for this property. It was approved before the SLDC and it shows the buildable area.

CHAIR GONZALES: I think they handed it out to us already, Karl.

MR. SOMMER: You will see on that, under the current SLDC, this plat gives the owners of these properties and Mr. Baker the right to build within that what was that buildable area of 3,000 square feet. The buffer – it's not scaled where you are, but that buffer is – you see around each one of those lots, that is a 50-foot setback required by the County from the lot line. Okay? You will note that where the County has said the buildable area is in that 50-foot buffer. The second thing is is a driveway. The reason for – that's the first thing. That's a 50-foot setback from the lot line.

The second thing is is that buildable area, I have Mr. Sal Vigil who did the topographical work on this property and he did the survey. He's the one that did the surveying showed there. So all of this data is in his database, both slope analysis as well as the setback and every aspect of the survey. He did a placement of the approved building envelope on this property and almost all of it is above 20 percent and some of it is above 30 percent.

The Chair asked, would variances be required to build within that area. The way the County has treated these kinds of plat is if you are going to build in a location shown in an approved building site you can build without seeking a variance, even though it does not – it disturbs 30 percent slopes. And the point in case that I'm talking about is the Santa Fe Summit has the exact same thing. It has an approved subdivision plat that shows building envelopes on the plat. The SLDC was passed. Those have been grandfathered in with respect to those building envelopes.

So a variance would not have been required to build within that square of 3,000 square feet. However, what that was approved – you will see on the plat that you got – I'm not sure if the recorded plat showed – may I approach and see if your plat shows a proposed –

CHAIR GONZALES: Sure.

MR. SOMMER: It does. You'll see – whoever recorded this plat all those years ago put a proposed driveway. That driveway does not meet any County requirements; it is too steep. So it goes up a very steep slope there. At the time this was approved the County did not require that you do an engineering analysis on the slope of the driveway. This driveway would not be approved today. In point of fact it is not practical to build that driveway and get to the house. This driveway needs to be longer and go up gradually to the building site. Okay? So you asked, Mr. Chair, would this property need a variance to build on this property. In order to get a driveway that meets the Fire Marshal's requirements, both with respect to slope and width and the ability to turn around and move on the site, we would have to get a variance for the driveway and we would have to make that driveway longer so it was not as steep, and we'd have to deal with the ability of trucks to be able to turn around.

So a variance would be required to do that. The variances we're asking for are to allow us to get out and do the reclamation of the area that is on the side of this property that is highly visible, and that is you have seen the engineer's plans in front of you. It's on page – it's the second page with a slope analysis and it looks like that, and it's stamped by the engineer, and it is entitled – it has up in the upper corner legend, and you will see there is an area that is in red lines, and it almost encompasses an entire 30 percent area, that is an area that is going to be totally reclaimed. We need a permit to go in and do that. That is both slope stabilization, revegetation and planting. That's what this plan calls for is the area that highly visible from the public ways is going to be revegetated. This is an engineering plan to do that. In order for us to do that we need a variance for you to get out there and do that work. Okay?

That's the variance – those variances would allow us to reclaim that area. We're not talking about a variance to build on that area and move this house up the slope. So the variances where the house is, the layout of the house is shown, that is to allow us to take what was a 3,000 square foot square and move it slightly, tilt it slightly, and that would mean that we would be into areas that would not otherwise have been disturbed if you were going to just do the square. But we are building this house essentially in the location shown on the approved plat. That's where they would like to build their house. In order to do that, we need a variance to disturb slopes that were next to that area that were outside that 3,000 square foot box.

So we're not asking to move the location of the approved building envelope up the hill. We're asking to turn it slightly so that it points more east-west and meets the design of the house. Nobody builds generally, a house of just a square and they don't disturb an area that is just 3,000 feet square. So that's what is going on here. First, it's unfortunate. We know it needs to be reclaimed. Second of all, the engineering plans here propose to do that. We need a permit to do that. That requires you all to say yes. And that is principally why the Hearing Officer said, as a practical matter you've got to get out there and do this and in order to do that you have to have the right to do that.

The variances we're asking to build the driveway on really doesn't ask for a variance, it moves the location of the driveway. If I may approach, you see on the same plan I was asking you about, I was telling you about, you see the driveway swings – is much longer and it swings along the southern part of the property, so that it has the correct slope and it allows for a person and the Fire Department and emergency vehicles to get to

the structure safely and to maneuver. We're asking to be able to build that and build the house essentially in the location shown on the approved plat.

Again this is not a situation where Mr. Baker set out to just start and see if he got caught and that was it. He hired somebody and unfortunately they didn't do their job correctly. Is there a hardship in this case? Yes, there's a hardship in this case with respect to the existing lot before any construction or grading took place, a variance would have been required to move this house and change its orientation.

I don't believe we need a variance to build the driveway because it doesn't disturb slopes more than 1,000 square feet but we're showing you what we want to do because a driveway on the property to reach the available buildable site is going to be longer than is shown on the approved plat and it will comply with the Fire Department's requirements.

I think that the Board is faced with, well, what do we do with an unfortunate situation? Well, it should be reclaimed. The second thing is, well, what do we do with the request to build the house in the location shown on the plans? That's up to your discretion about what you want to do. Mr. Baker, he has the right to build where that square was. That square is not where the County says you should move down to in the lower part of the lot because that's within a 50-foot setback requirement that is required by the recorded plat. We can't build within that area.

If you look at the area that staff has shown on Exhibit 3, first of all, this is the County Assessor's map and where staff is saying this could be built, you could not build either a driveway that complied, or put a septic tank on the property where it complied, and you can't comply with the 50-foot setback in that location. The actual approved site is further up, not to the degree that it has been graded, but it's further up the slope, and it allows for Mr. Baker to build a reasonable sized house with a septic tank and a driveway that complies.

I know we're here after the fact asking for it but it is not Mr. Baker's personal fault that it happened, although he bears the responsibility and liability to fix the problem. And that's what we are trying to do. Fix the problem and allow Mr. Baker and Mrs. Baker a reasonable opportunity to use their property. I could answer any questions you might have but I think that the Hearing Officer recognized the necessity for the variances to allow for the reclamation and I think that we need to do that and do that as soon as we can.

You asked a question about – I think Commissioner Katz asked a question about whether the property has been staked, the buildable envelope has been staked. It's been staked three times. I spoke to Mr. Vigil, it's been staked three times. Each time the stakes have been removed. We don't know why or what the reason is, but he staked it three times. We know that the buildable site that was approved is in areas that right now would require a variance. So when I say would require a variance, except for the fact that it's an approved location. We're asking to reorient that location and that is in areas that we require a variance to reorient it.

So that's the purpose behind this application. Those are the facts that support the application. I believe at a minimum you have in front of you engineering drawings that comply with all of the things that County would require for reclamation and we would stand for any questions you might have.

CHAIR GONZALES: Thank you, Karl. Does the Commission have any questions of the applicant? Mr. Anaya.

MEMBER ANAYA: Mr. Sommer, over here on [inaudible] which shows the road running from A1 all the way south and back up north.

MR. SOMMER: Yes.

MEMBER ANAYA: What's the linear feet of that road?

MR. SOMMER: I couldn't tell you, but if you looked at the plat, it's on the approved plat and you look at the dimension of the western boundary, you will see that the dimension of the western boundary that is straight before the – may I approach? On the approved plat that dimension is 150 feet, approximately.

MEMBER ANAYA: So you're looking at about 300 feet of road.

MR. SOMMER: I'm looking at that plat right there and that's about 150 feet from there to there, and this road goes from there around there.

MEMBER ANAYA: All the way up to back here.

MR. SOMMER: No, it goes over to about right here. That's the area where we're going to replant.

MEMBER ANAYA: So you're going to come like this?

MR. SOMMER: that's correct.

MEMBER ANAYA: And you think maybe 200 feet?

MR. SOMMER: My guess is is that that is probably about 200 feet.

MEMBER ANAYA: Okay. At 200 feet from point A to point Z, what's the slope?

MR. SOMMER: The slope on that would be less than 10 percent.

MEMBER ANAYA: That's the continuing, but I'm talking about from point A to point Z. Not A, B, C, D.

MR. SOMMER: I don't know. If you went straight up the slope what the –

MEMBER ANAYA: That would be about 30.

MR. SOMMER: That would be more than 30 percent. Well, it wouldn't be 30 percent. The degree of that would be over 15 percent of that. It would be right over 15 percent. If you were to go straight up like this, from the beginning to the end of the driveway it would be over 15 percent.

MEMBER ANAYA: And do you have proof of the envelope being staked out? Do you have the previous plats on that? If he did it three times he's going to have proof that he had –

MR. SOMMER: I had him send me what he has and showing it on a slope analysis it's very difficult to read. I'll give that to you though.

MEMBER ANAYA: I can't read it.

MR. SOMMER: You can see where he has the areas that are dark colored slopes and the envelope that is on his plat are all above 20 percent.

MEMBER ANAYA: And those were approved?

MR. SOMMER: Those were approved. That is what's shown on that approved plan.

MEMBER ANAYA: In 10 or what?

MR. SOMMER: That's correct.

MEMBER ANAYA: Is that when this was –

MR. SOMMER: It was when that plat was recorded.

MEMBER ANAYA: 2010?

MR. SOMMER: Yes.

MEMBER ANAYA: And the reason that they required them to show a building envelope was the previous lots didn't have any buildable sites that complied. These were lower down the hill and they were more in compliance. And by that mean the plat that you have in front of you is a lot line adjustment plat. All of those previously recorded plats don't have any compliant – did not have any compliant buildable sites and in fact the roadway that went up the hill, you can see the remnants of it on that plat, that's where the original owner proposed to build the houses that high up the slope. This was reconfigured to move the building envelopes down the slope to the end of the lots to be off the side of the hill, but they were more compliant but not fully compliant.

MEMBER ANAYA: Okay. Next question, please. Mr. Baker, was he present?

MR. SOMMER: He is; he's right here.

MEMBER ANAYA: No, I mean was he present during any of the construction going on?

MR. SOMMER: He was not.

MEMBER ANAYA: He was out of town?

MR. SOMMER: He was not here. You were not there when they were doing the construction.

MR. BAKER: I was aware that they were moving forward.

MR. SOMMER: Why don't you come on up? Why don't you come up and swear yourself in.

[Duly sworn, James Baker testified as follows:]

JAMES BAKER: James Baker, 22 Vuelta Maria, Santa Fe, New Mexico.

MR. SOMMER: The question was were you present when they did the grading.

MR. BAKER: I was not present, physically on the site when they started and did the grading. I was working through a contractor. He had indicated what he was going to do. Again, according to our contract with him, he was supposed to be complying with all of the rules, regulations, permits, and so when he was moving forward, I assumed that he was under the proper permits and it wasn't until we got into this situation that I realized he wasn't under the proper permits and that's when everything stopped.

MEMBER ANAYA: Okay, so you're the one that stopped it.

MR. SOMMER: No, the County stopped the excavator.

MR. BAKER: Right. The project was ongoing. There were complaints that were made to the County. The County stepped in and when we realized there weren't the proper permits it stopped. And I think that's been confirmed by the County. We haven't touched anything since we were told to stop – anything on the property.

MEMBER ANAYA: How long has that been?

MR. BAKER: I can correct one of the statements. It was June of 2016, so we've been in this situation for almost two years now.

MEMBER ANAYA: Okay. Thank you, sir.

CHAIR GONZALES: Mr. Katz.

MEMBER KATZ: Mr. Baker, let me ask you while you're still there. Were you in Santa Fe at that time or were you not in the –

MR. BAKER: We had a rental property that was off of –

MEMBER KATZ: You were in Santa Fe?

MR. BAKER: We were in Santa Fe.

MEMBER KATZ: I appreciate your taking responsibility to remedy what was done and that's very helpful. I guess I could ask Karl these other questions that I have. What is it – you said something was approved. What was approved and by whom?

MR. SOMMER: The building envelope shown on the plat that was handed to you by John is an approved building envelope by the County of Santa Fe. That's what was approved. A 3,000 square foot building envelope in that location.

MEMBER KATZ: And who approved that?

MR. SOMMER: The County Land Use Administrator.

MEMBER KATZ: Okay.

MR. SOMMER: They approved this plat showing the building envelope.

MEMBER KATZ: Right. I guess I'm having real trouble dealing with exactly which variances are needed. Obviously there was a whole bunch of area that was disturbed that had you been there it wouldn't have happened. But I don't know what area needs variances and I don't know where the building envelope is with regard to the graphic of the casita that is in our packet. I guess I would really like us to have the opportunity to go out there and see where the building envelope there is.

MR. SOMMER: We don't have any objection to that and I think that we could, if it's appropriate, have the surveyor there so that he can say I surveyed this; these are the stakes of this box. This is the stake of the proposed site for the house. This is how they compare to one another.

MEMBER KATZ: That would be enormously helpful to us. Obviously, Mr. Baker has to have a place to build his house and we are very conscious of doing that.

MR. SOMMER: And it would assure you that the representations I'm making are that we're not moving this up the hill.

MEMBER KATZ: Right. One other question. The 50-foot setback, who's rule was that?

MR. SOMMER: It was a condition imposed on the county by the County when they approve this plat, this 50-foot setback. And I didn't represent the property owner at the time but this is what my best understanding of that is, Commissioner Katz. At the time, the County required that you show 30 percent open space and I believe that this setback on all the lots – excuse me; not 30 percent. A percentage of open space, and this 50-foot setback is calculated on all of these lots to provide for that area.

MEMBER KATZ: Okay. I'm wondering about whether that 50-foot setback – obviously there is way more than – there's every bit of open space that you would need on that lot because of the steepness, and whether that's something that might be in the mix of how to get the Bakers the house that they want, but still be as much as possible within the rules.

MR. SOMMER: Certainly. I understand exactly where you're going. And I think a site visit to see what it looks like out there, getting the 50-foot setback staked, and that would show us in comparison what the lot line is and how it looks. I think what you're saying is is well, if we didn't use that 50-foot for open space and designate somewhere else on the lot, maybe we could move into that spot a bit and make up for that open space. Because, as you say, there's going to be the vast majority of this lot that is not going to ever be touched except for our reclamation if you all allow it.

MEMBER KATZ: Right.

MR. SOMMER: I think that that's an appropriate suggestion and we'd be glad to look at that and see how it works. Again, I think that what you're expressing is allowing him the reasonable opportunity to build or make the reasonable use of his property, given all the considerations how we best accommodate that. And in a way that is sensitive to the visibility of this lot and what's transpired on it.

MEMBER KATZ: Mr. Chair, it's my intention at the appropriate time to postpone, move to postpone until we have the opportunity for a site visit, the Board have the opportunity for a site visit after it's staked. But I'm wondering if you want – I think there are people here for the hearing. You may want to have them discuss before we do that.

CHAIR GONZALES: Yes, thank you, Mr. Katz.

MR. SOMMER: Mr. Chair, in accordance with what Commissioner Katz said, we would get the surveyor out there and stake both – stake the following: the lot line, the 50-foot, the box that is shown on that plat, and the proposed location of the home or casita shown on the property. Then you could make an appropriate assessment of all of those things, looking at them saying, okay, now we know what you're asking for in that regard. And then you might adjust appropriately.

CHAIR GONZALES: I am totally up for a field visit. I do have a few more questions myself that I like to maybe kind of go through as well, and also some statements on the engineering plans. I believe the engineering plans submitted for this project are kind of weak or incomplete for this caliber of project. So I have a few – I basically reviewed the plans so let me start real quick so I can get this done.

Okay, do we have the name of the contractor?

MR. SOMMER: Mike Sanchez. He was the general contractor. Crescent Homes.

CHAIR GONZALES: Do we know if he's licensed?

MR. SOMMER: He is licensed.

CHAIR GONZALES: Okay. Are you planning on using the same contractor to finish the work?

MR. SOMMER: No.

CHAIR GONZALES: Thank you. How were the rock outcroppings removed? Were they graded? They weren't blasted, were they?

MR. SOMMER: There was no blasting done. The only thing was heavy equipment on the site.

CHAIR GONZALES: I don't think blasting is allowed anymore.

MR. SOMMER: I'm not aware whether it is or not.

CHAIR GONZALES: Okay. And how soon do you want to start the residence? I think the cut's been there for over two years, right?

MR. SOMMER: As soon as we can get the approval we'd like to get our plans finalized. Our design and everything may be altered so as soon as we can.

CHAIR GONZALES: Okay. And has the applicant obtained a septic tank permit from NMED yet?

MR. SOMMER: I'm not aware of that.

CHAIR GONZALES: Okay. And I'll go over these plans kind of quickly. Let me know if I'm talking too fast, okay? Okay, first of all, none of the plans were stamped by the PE. I know they were prepared by a PE but they're not stamped. C-102 on

the plan, I had some statements. Please clarify. Does this slope – and you don't have to answer me now, Karl.

MR. SOMMER: I was just writing down the notes. That was C-102. The first comment you made was that all of these plans ultimately need to be stamped by him.

CHAIR GONZALES: Right. And then for C-102, I guess the question I had on this was does this slope analysis map reflect before disturbed or after disturbed, and they also need to show the contour elevations on it. And also the location of the original buildable envelope, as per the plat.

MR. SOMMER: If I could just repeat: These plans need to designate clearly what is pre-construction conditions and what is post-construction conditions and the original building envelope needs to be shown on these plans. That will also be helpful for your site visit.

CHAIR GONZALES: Correct. Okay. Sheet 103, this one has a few on it. Okay, the reclamation plan – the plan needs to indicate if the soil or topsoil will be imported; what was under the existing rock outcroppings which were removed – was it more rock or more soils? Show locations of rock outcroppings which were removed and existing rock outcroppings remaining within the original buildable area. How many trees were removed including significant trees?

MR. SOMMER: I think I understand what you're saying. However, we're going to have to go by aerial photos.

CHAIR GONZALES: Yes.

MR. SOMMER: Obviously.

CHAIR GONZALES: Show locations of existing rock outcroppings and significant trees within and just outside of the boundary of the proposed excavation.

MR. SOMMER: Mr. Chair, the question of whether or not a tree was significant or not significant is going to be difficult because they're gone, but we can show the location of a tree and we can show the aerial. So obviously, if it looks like a big pinon it probably was significant. If it's a little shrub – but we'll show the location if that's okay.

CHAIR GONZALES: That will be fine.

MR. SOMMER: We won't be able to have the engineer say whether it was significant or not because he can't measure them.

CHAIR GONZALES: Okay. Let's see. A section of the proposed temporary retention pond, and where would that overflow to. What type of slope would be under the proposed geo-textile?

MR. SOMMER: Do you mean the percent?

CHAIR GONZALES: Two to one, or three to one.

MR. SOMMER: Got it. Got it.

CHAIR GONZALES: What size of trees will be planted and how will they be watered along with the geo-textile cells? Let's see. The slope of the proposed dirt berm needs to be shown along with erosion control blankets on a section. And this next one is kind of a bigger one. Need to provide north-south and west-east cross sections of the existing disturbed area. And the west and east cross section –

MR. SOMMER: I'm sorry. Would you like a top, middle and bottom cross sections?

CHAIR GONZALES: Yes. Just across the lot, north-south, east and west. And the one that you do east and west, take it all the way to the west side of the road, so I can see how much is going towards the road, towards Stacy Road.

MR. SOMMER: Got it.

CHAIR GONZALES: And then the need to show contour elevations and the location of the original building envelope as per the plat; proposed footprint of the structure should be overlaid. And most of these ones that I'm talking about, I'll just mention, they should probably be shown on the map, called a natural features map. That will be indicating existing vegetation and the number and location of rock outcroppings and significant trees, removed or to be removed.

MR. SOMMER: Basically the physical features shown on one map that you described.

CHAIR GONZALES: Correct. Right. And then on Sheet C-104, preliminary grading plan. Provide a proposed driveway and fire staging area section. Indicate location of future retaining wall and permanent pond. Show proposed well, septic and leach field locations.

MR. SOMMER: The well, I believe, is not on this property. The shared well. Is it at the bottom?

MR. BAKER: Yes.

MR. SOMMER: It's at the very bottom. Okay. Got it.

CHAIR GONZALES: And provide a terrain management plan – that goes without saying. And of course show location of the original building envelope as per the plat.

MR. SOMMER: On that site it will show the overlay.

CHAIR GONZALES: Yes. And that's all I have.

MR. SOMMER: Thank you.

CHAIR GONZALES: Thank you. And Commissioners, do you have anything else? Okay, let's move to the public hearing. Is there anyone here who wants to speak in favor of opposition to the requested variances for this project? Please come forward. How many do we have? Can we have some hands? Are you the only two? Okay. Please give your name and address.

[Duly sworn, Hillary Riggs testified as follows:]

HILLARY RIGGS: Hillary Riggs. 22-B Stacy Road. If you notice, on the plat, on the lot line adjustment on the plan, I'm actually a signer on there because I am with the – not only am I a neighbor but now also own the adjacent property, but I'm on the Architectural Committee for Cerros Negros, as is Phil Sanchez who signed this. So I thought maybe since we were there back in 2010 when this happened, this was with – that was between Steven Paxton, who owned Tract - the one that I own now – Tract 1. So when this lot line adjustment was done between Steve Paxton on Tract 1 and then there were two new owners for 20-A and 20-B, not Mr. Baker, and they did all this lot line adjustment and they brought the Cerros Negros Architectural Committee in to take a look at it and approve it.

So the setbacks actually have to do with the Cerros Negros covenants and that's why they're there and there was in fact an adjustment made for these lots because of the narrowness of Lot 20-A and 20-B, that the Cerros Negros covenants require a 100-foot setback from the main road and a 50-foot setback on each property from the sides. And we

agreed to actually make those setbacks smaller because of the narrowness of these lots, so that the 50 feet between the lots is the combination of the two. So there's 25 feet on each side of the boundary line for a total of 50 feet of setback.

Now, we've been having discussions in the Architectural Committee the last couple of years and kind of realizing that the Cerros Negros lots that are above 7,400 feet are all kind of up the mountain, straight up the mountain. And so the setbacks are not really realistic. There's tons and tons of land up on the top that nobody's ever going to use. It's there, it's open, and that in order to actually keep the houses down a little lower it makes more sense to not have those setbacks, to say, you know, essentially that 100-foot setback or that big setback will satisfy that because behind you there's all of this land going up the mountain.

So from the Architectural Committee's standpoint there's probably a fair amount of flexibility now and that's something that can be discussed. The other question I have is with the well. The well is located – the well used to be on Steve Paxton's land. It used to be his own well, and then when we did this lot line adjustment he agreed to a shared well as part of the whole deal. And so the well is actually at the very point, at that little black dot down on Stacy Road, which is where the bottom line or the sort of southwestern line on Tract 1 and 20-B ends at that black point. The well is right there.

So there is a concern about the septic, making sure that they can locate it far enough away from where that well is.

In terms of how high the properties are, the way that these – now that I – I actually own Tract 1 now and so I was able to see the original agreement that went with this lot line adjustment in terms of how and where these building sites were located, and the agreement really, the major agreement was that the two lots, 20-A and 20-B not build at any higher level than Steve Paxton's house that was already there. And the 100 level, kind of on Steve Paxton's house is about 7,600 feet. And so if you follow the contour lines, the 7,600 feet on that engineering one that shows the casita, 7,600 feet is kind of sort of towards the upper part of that buildable area.

And so there is an agreement in place that this lot on Tract 1 to keep it down there. And I believe that the engineering plan does do that. I've been in conversation also with people across Stacy Road. Laura is particularly concerned about having any kind of drainage problems or runoff or anything coming across Stacy Road and onto her lot. She wasn't able to be here today, but she's really concerned about where the septic is going to go and what they're going to do with drainage and so on. That's her concern. At the same time, we all want them to build their house, the sooner the better and if it's at 7,600 feet, if it's reasonable, we're very, very happy for them to build and come and be part of the neighborhood. So thing that we really don't want is for the situation to continue as it is and I think that they're very earnest about their intentions to reclaim the land and fix it and all of that. As long as we can figure out where that septic is going to go, that it's well away from the well. If they're terribly concerned about those setbacks you need to talk to us. It would be great if they were to keep us in the loop, which we were. At the time that this was done we were not later on in any way with what happened. We were just kind of taken aback by the fact that the excavation started and we had never really been approached with plans or anything, which is part of the covenants of Cerros Negros. So in that sense I would very much like for Philip and I be present when you come and do the visit, both as a neighbor and also because of the Architectural Committee.

CHAIR GONZALES: Yes. Could you make sure that staff has your contact information.

MS. RIGGS: Yes, I think John does.

CHAIR GONZALES: Okay. Anything else?

MS. RIGGS: No. That's all.

CHAIR GONZALES: Thank you very much.

MS. RIGGS: Thank you.

CHAIR GONZALES: Anybody else for the public hearing? Sir, come on up.

DAVID BIRNBAUM: I'm David Birnbaum and I live at 7727 Old Santa Fe Trail, and I'm here on behalf of a client, on behalf of Santa Fe Trail Builders, which was previously my business but I'm working for them as a consultant and one of our clients has property in the neighborhood and had asked us to please monitor the process here.

[Duly sworn, David Birnbaum testified as follows:]

MR. BIRNBAUM: I was here at the previous hearing and I also have been to the site and I'm really looking forward to your field trip out there. I think it's going to really be an important thing for this body to see the extent of the damage. It's clear to me today – I had a conversation with Hillary about this meeting I think yesterday or the day before and I can see that from the perspective of the neighborhood, it's really important that we don't trip over all of the details but actually get this thing moving. There's a real danger of serious erosion that could affect a lot of the neighboring properties if we got a really heavy rainfall. The situation right now is very, very unstable.

So the only reason I got up here this afternoon is to say that I think there have been so many things that came up this afternoon with the survey stakes getting pulled so there's no staking that can be looked at and the concerns you had about the engineering for the reclamation, and I know from being in the contracting business for decades how long these things take. And I would like to just suggest that I think it's going to be necessary, and I think you'll see this when you're out there, to break off a small portion, say the emergency portion of this reclamation from the larger picture of where the septic tank is going to be and how the driveway and the turnaround for the fire equipment is going to fit into the long term. Because I think there's – frankly, I think there's potentially years – certainly many months of planning that are still missing from putting this thing together into a complete picture.

But in the meantime, something really needs to be done quickly, and I think that the County has the capability to – I'm not going to say bend the rules, I'll just say prioritize and say this is a case where we need to separate where the house is going to be, ultimately, from how do we keep this incredible mess from getting worse and even being dangerous and reducing the necessary access for people who already live in the neighborhood.

So I just wanted to suggest that, that when you're out there that perhaps you could be focusing on the fact this may need to be split into what's got to be done immediately versus what's the whole picture going to look like when we work out all the details.

CHAIR GONZALES: All right. Thank you, David.

MR. BIRNBAUM: Sure.

CHAIR GONZALES: Okay. No other questions out there?

MR. SOMMER: Mr. Chair, I may just add one thing. I was looking at the plat that you have that is a recorded plat for this, and I'm looking at what looks like an

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easement in that area that Commissioner Katz was talking about. You see that dashed line that goes through this lot onto the next lot? I'll find out what that is and I will know whether that's a limiting factor or not. But I certainly will get that information, both to the Board and to staff. For instance, if there's a power line that's in that area then that might be a limiting factor. But it's a water line, I'm told. It's a water line. Okay. So there's an easement there. But I raise that.

Anyway, thank you very much. Is there any questions you might have?

CHAIR GONZALES: Go ahead, Steve.

MEMBER SHEPHERD: I don't exactly know how to answer this. In our package we have an NBA-22, which is an aerial photography from 2017 and it shows the middle of the page towards the left-hand side, looks like a cleared area. It looks sort of like a driveway and it has an elevation of 7,610. Could somebody explain what that is, relative to the other drawings that people have been talking about? Is that the area that was disturbed? Or is that proposed? Or what is that?

MR. SOMMER: That, I believe, shows the area where the guy got onto the lot with his bulldozer straight up the hill and then turned this area right here. Let me see if I understand. You're talking about that right there?

MEMBER SHEPHERD: In that cleared area. It's obvious that something is different than the rest of the topography.

MR. SOMMER: That's shown on the – there was an existing road that was there before, but are you talking about – this area over here was cleared.

MEMBER SHEPHERD: Is that the area that was disturbed?

MR. SOMMER: Yes. You see it's kind of barren. It changes color. That shows you there was an existing road down here. This area is the area that was disturbed up the side of the hill.

MEMBER SHEPHERD: Up to an elevation of 7,620?

MR. SOMMER: Yes. That's correct.

CHAIR GONZALES: Okay. It looks to me like the contours were overlaid over the cut on the aerial.

MR. SOMMER: This is a County overlay, so I don't know how accurate –

CHAIR GONZALES: The cut's not reflected on these topos, basically.

MR. SOMMER: The cut is not reflected on this topo. Correct. It would look a lot different if it was.

CHAIR GONZALES: Right.

MEMBER SHEPHERD: Thank you.

CHAIR GONZALES: Okay. Mr. Katz.

MEMBER KATZ: Yes. I would like to move to postpone to our next meeting and have staff arrange for us to a site visit to view all of this and the staking and whatever.

MEMBER MARTIN: Second.

CRISTELLA VALDEZ (Assistant Attorney): Commissioner Gonzales, if I may just briefly address the motion. The Commission will have to – because the site visit has to be a public meeting.

MEMBER KATZ: Absolutely.

MS. VALDEZ: And in addition, the SLDC, I believe it's Section 3.3.2.6 requires the Commission to adopt an order prior to entering the land. So the

recommendation of counsel is to identify – to recess and continue to a later meeting and specify the meeting date and then also to indicate – because at the next meeting the order will have to be adopted by the Commission to allow entry and in the interim between the adoption of that order and the next meeting date where the hearing will be continued to there will have to be enough time to call a special meeting for this board to go out for the site visit.

MEMBER KATZ: Okay, tell us – I would like to not delay it. We've heard that people, the neighbors and everybody wants to get this done. I am assuming that when we go out there we will see – we will know what questions we need to ask and get resolved and my hope was that in June we could finalize this. And I am puzzled by what you're telling me. Can we do that? Do we have to have special – what else do we have to do to get that done?

MS. VALDEZ: Mr. Chair and Member Katz, the Commission will first have to adopt that order. So that would have to occur at the next meeting in June and that would have to occur before any entry could happen. So that – an entry would not happen until after June and then that would be a special meeting. So there would have to be enough time between the adoption of an order authorizing entry and the special meeting to actually conduct the visit. We're unclear at this time –

MEMBER KATZ: Who does that order?

MS. VALDEZ: The Planning Commission does.

MEMBER KATZ: Why can't we do that now?

MS. VALDEZ: Because it's not on the agenda as an action item.

MEMBER KATZ: Okay.

MR. SOMMER: Mr. Chair, we would waive the requirement of an order for entry. I think that order is essentially to protect – so we're consenting to it. We would waive the requirement of an order. I do believe that as part of what was noticed here today was your action on this would be a site visit as part of the postponement and I'm with Mr. Katz, if we could get out there in any way, if there is a way to have the board give the – adopt the terms of an order, direct staff to prepare that order and present it to the Chair as part of today's action, we would prefer that. Because we want this done for the reasons that Mr. Birnbaum stated, and we want to get out there and get this done.

So I don't know that counsel would agree that my waiver on behalf of the owner to an order allowing entry. We are consenting to that and we waive any requirement in the code of an order.

CHAIR GONZALES: Would that change anything?

MS. VALDEZ: Commissioner Gonzales, my concern is that the order may also serve the purpose of giving notice to the public that a site visit is going to happen in this public forum, allowing input on the order and the time and place of inspection, in addition to the applicant's rights.

MEMBER KATZ: So we would need to – how much notice? This is going to be a special meeting. It's going to be a public meeting, so certainly the neighbors and anyone else can be there. How much notice is necessary for that?

MS. VALDEZ: Member Katz, are you asking for clarification on the notice for the special meeting to do the site visit?

MEMBER KATZ: Yes. How much notice?

MS. VALDEZ: So if it's called as a special meeting and not as a regular meeting of the Planning Commission, it would be 72 hours notice, and if it's at a regular meeting and we recess and go out on the site inspection as part of your regular meeting that would be the normal 15 days notice.

MEMBER KATZ: Right. Okay. Would it be appropriate for first me to withdraw the motion to postpone until we – and then make a motion for a special meeting in order for a site visit at a special meeting at a time – I think it would be arranging the schedules, but then we would have the 72 hours to give the notice and then recess the hearing on this case until our next meeting after the special meeting – our next regular meeting. Would that be the appropriate way of doing it?

MS. VALDEZ: Commissioner Katz, I believe the site visit would be part of this hearing, so I think you would recess and reconvene to the site visit and then recess and reconvene back to a hearing, I think is how you would end up doing that. It's very complicated which is why the Planning Commission typically doesn't do site visits.

MEMBER KATZ: Exactly.

MEMBER ANAYA: Mr. Chair, how about if we did it this way? Recess, until staff can come up with the answers to the questions that were stated earlier and just a couple of the members of the Commission attend those with them. It won't be in an official capacity; it will be just as a – merely a site exploration. Because if we don't have a quorum then we're not in a session.

MEMBER KATZ: Mr. Chair, I would have real trouble with that because I think we all need to have the same evidence. It doesn't work if the Chairman and I go and we're telling you – we have to have the same evidence.

CHAIR GONZALES: Commissioner, did you have something to say? Okay. Continue, Frank.

MEMBER GRAY: Is it possible we could have, as you suggested, just a couple of the members go out there, after everything has been staked, take the photographs that the remainder of us can look at and make an assessment from the photos?

MS. VALDEZ: Commissioner Gonzales, may I address that? The Planning Commission members cannot go. It would be against the counsel's advice for the Planning Commission to go out on their own, in groups, or in any way other than in a publicly noticed meeting, because it would be gathering evidence and the only evidence that should be heard should be heard in a public hearing and not outside by any kind of *ex parte* communication or actions of the board to learn information on their own.

MR. SOMMER: May I ask a question? I'm trying to seek solutions here. Is it possible to set a special meeting, at the beginning of that special meeting adopt the order. That way the public would have notice that a special meeting is being adopted for the adoption of an order and a site visit immediately after the adoption of that order, at the same meeting.

MEMBER KATZ: There needs to be notice, doesn't there?

MR. SOMMER: If you notice the adoption of an order allowing a site visit then the public has the notice that the order is going to be adopted and you notice that the site visit is going to immediately follow that then the public will have notice of both the adoption of the order and the site visit at a special meeting. Is that a possibility?

MEMBER KATZ: I think it would be much better if we simply adopted the order to have a site visit now, recess until the site visit is scheduled with 72-hour notice of that when we are reconvening from the recess. Does that satisfy the County Attorney?

MS. VALDEZ: Commissioner, Chair Gonzales and Member Katz, it does not. The Commission cannot take action per the County's rules of conduct for the meetings. They can't take action. You can't take action unless there is an item on the agenda and there is not an item on the agenda for an order of that nature.

[Member Anaya excused himself for the remainder of the meeting.]

MR. SOMMER: May I make another suggestion. If you all postpone this to your next meeting. In the interim we will have everything staked. We will meet with staff on the site. We will get photographs and all the graphics showing all the comparisons, show up at your next meeting, give it to you all, and then at that meeting you could have a draft order and adopt that order if you felt it was necessary to go out and do a site visit. That would mean between now and your next meeting we would do the staking, we would take all the photographs, we would meet with staff out there to make sure that we did get as much information back to you as possible. You'll look at that and say, Okay, this is a hell of a lot better than where we were back then.

I'm trying to move this along. So if that's what you would like us to do we will make the arrangements to get the staking, maybe staff on site, get the graphics done and photographs of all of that so that it's intelligible to you all the things you've asked for. And then you can notice up an order and then if you feel like it's necessary to adopt that order then you can give a 72-hour notice to get out on the site. That's a proposal.

CHAIR GONZALES: What do the Commissioners think? Frank?

MEMBER KATZ: That's fine. It delays it a month, but I think it's probably the – if the County Attorney is satisfied with that.

CHAIR GONZALES: Is that okay?

MEMBER KATZ: That's a better way to do it than – it may be that what we'll see is enough, but we will have the notice. And make sure you put that notice on the agenda that we may adopt an order to go out and do a site visit.

CHAIR GONZALES: So then basically we need a motion.

MEMBER KATZ: I would move to postpone to the next meeting.

MEMBER MARTIN: Second.

MEMBER KATZ: And to have on the agenda an order for a site visit.

MEMBER ANAYA: Second.

The motion passed by unanimous [5-0] voice vote. [Member Anaya was not present for this action.]

CHAIR GONZALES: Okay. It's been postponed.

VII. B. CASE # CUP 17-5370 CS Performance Horses Conditional Use Permit.
Philip Leonard, Applicant, requests approval of a Conditional Use Permit to allow a horse training facility on a 12.5-acre residential property. The site is within the U.S. 285 South Highway Corridor District Overlay and is zoned as Rural Residential (RUR-R). The site is located at 18 C Camino Amansador via U.S. Highway 285 within T15N, R10E, Section 16, SDA-2 (Commission District 5)

JOHN SALAZAR (Case Manager): Thank you, Mr. Chair. The applicant is requesting this CUP to allow a horse training facility within an existing structure on the property. The applicant purchased the property in 2017 and resides in the existing residence. The 2600 square foot barn and the shelters are all existing as well as the 300 x 150 foot fenced riding area and are currently used for his three horses. The property has always been used for residential purposes. Staff found a permit for the single-family residence issued in 1986. Staff was unable to locate a permit for the barn. That permit from 1986 did show the barn on it, which was approved.

The applicant's wife currently operates a No Impact Home Occupation out of the residence in which she goes to other properties to train and work with horse, however, they would like to bring horses on-site and board them within their facilities. The applicant proposes to accommodate a maximum total of ten horses, three of which are for personal use. The applicant states that on average a horse will remain in training for one month up to a year.

The property is located within the US 285 South Highway Corridor District Overlay. Table 9-10-12 of the SLDC lists stables and other equine-related facilities, commercial up to 12 horses as a Conditional Use which is an allowed use within the Rural Residential zoning district upon approval of a conditional use permit.

This matter came before the Hearing Officer on April 12, 2018. The decision of the Hearing Officer was to recommend approval with staff conditions. Chapter 9, Section 9.10.3.3.4, Rural Residential Purposes, states: The purpose of this district is to designate areas for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, small-scale renewable energy production, home-based businesses, bed and breakfasts, agro-tourism, equestrian and boarding facilities, and farmers markets.

Table 9-10-11: Use Table Labels, states, a conditional use "is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 4." Chapter 4 has some findings in order to approve a conditional use permit. Staff has analyzed the application and has determined that the proposed use meets the criteria set forth in Chapter 4, Section 4.9.6.5.

1. The proposed use will be limited to no more than ten horses on the property.
 Actually, in our conditions, we changed that to 12 because the use table does

- allow up to 12. It's up to the applicant whether they want to have ten or 12. With very few traffic trips generated, therefore will not be detrimental to the area;
2. A Traffic Impact Analysis was not required by the County Public Works Department due to the low volume of traffic generated during peak hours, therefore the use will not create congestion on roads;
 3. The existing buildings are serviced by fire hydrants, therefore the use will not create a potential fire hazard for fire, panic, or other danger;
 4. The exterior of the existing structure as well as the parking and access will not be altered. The lot is built out and most site improvements are existing, therefore the use will not overcrowd land and cause undue concentration of population;
 5. The proposed water use and wastewater discharge have been approved by the County Utilities Department and the New Mexico Environmental Department and are in compliance. The use will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
 6. The type of use proposed does not require a New Mexico Air Quality Permit, therefore the use does not interfere with adequate light and air; and
 7. The site is within the US 285 South Highway Corridor District Overlay. Table 9-10-12 illustrates stables and other equine-related facilities, commercial up to 12 horses as a Conditional Use which is a permitted use within the Rural Residential zoning district upon approval of a CUP, therefore the use is consistent with the purposes of the property's zoning classification and with the spirit and intent of the SLDC and SGMP.

This application was reviewed for the following applicable design standards as per Chapter 7: access and road design standards, fire protection, landscaping and buffering, fences and walls, lighting, signage, parking and loading, utilities, water supply, wastewater and water conservation, terrain management, flood prevention and flood control, and solid waste.

Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a CUP to allow a horse training facility: the use is compatible with the current development within the US 285 South Highway Corridor District Overlay; the use will not impact adjacent land uses; and the application satisfies the submittal requirements set forth in the SLDC inclusive of the conditional use criteria set forth in Chapter 4, Section 4.9.6.5.

The review comments from state agencies and County staff have established findings that this application to operate a horse training facility is in compliance with State requirements and design standards set forth in the SLDC.

If the decision of the Planning Commission is to approve the application – I'm going to exclude that paragraph because we have to come back with the findings of fact and conclusion of law based on Legal's recommendation.

Staff recommends and the decision of the Hearing Officer was to recommend approval of a Conditional Use Permit to allow a horse training facility with the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIR GONZALES: Yes, you may.

[The conditions are as follows:]

1. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.
2. The water use for the Horse Facility shall not exceed 0.25 acre feet per year. Water restrictions shall be recorded in the office of the County Clerk along with the CUP.
3. A water meter shall be installed on the well and annual meter readings shall be reported to the Santa Fe County Land Use Administrator no later than April 30th of each year.
4. Horse manure shall be spread throughout the proposed area of the property monthly. Excess manure which cannot be spread or harrowed on the ground to enrich the soil shall be removed from the property on a monthly basis.
5. The Applicant shall have no more than 12 horses on the property.
6. The Applicant shall designate three parking spaces on the site plan for clients coming to the property.
7. The Applicant shall improve the driveway to be 14 feet in width and shall comply with all Fire Marshal conditions including the turnaround.
8. The Applicant shall provide an approved development permit for the barn to Staff. If a permit does not exist, the Applicant shall submit for an after the fact development permit.
9. The Applicant shall provide appropriate water retention ponding for the barn structure designed to be at least 600 cubic feet.

MR. SALAZAR: I'll stand for questions.

CHAIR GONZALES: Okay, does the Commission have any questions of John? Mr. Katz.

MEMBER KATZ: John, were you the one who did the neighborhood meeting?

MR. SALAZAR: Commissioner Katz, I did not attend. The applicants have to put that together and run the neighborhood meeting.

MEMBER KATZ: There's a report about the meeting in the file. Who did that? That's page 14.

MR. SALAZAR: Mr. Katz, I'm on page 14. What's the question regarding the neighborhood meeting?

MEMBER KATZ: Who did that report?

MR. SALAZAR: The applicant.

MEMBER KATZ: Okay. I guess I have a real problem in that the basis – this is a conditional use because there are certain circumstances that it's not appropriate and I think you quoted that because of the unique characteristics or potential impacts on adjacent land use, it's not a permitted use, it's a conditional use. So you say, okay, what's the impact going to be? And you did a lot of the impacts.

But the only thing that I don't know is what do the neighbors think about having a lot of horse manure in their area? Now, I like horses, I like the horse manure that my sister brings me from her horses to fertilize my garden. But ten horses or 12 horses is a big impact and we have no idea what these neighbors think. And I think that we need more information on that. If they're fine with it I think you've done everything else, but the only thing that we don't have is what do the neighbors think. That's why you have

neighborhood meetings, and yet nothing in the report tells us what the neighbors thought. And so maybe the applicant can clarify that for us but I'd sure like staff to have either have been there or made inquiry as to what their thoughts are on this conditional use.

MR. SALAZAR: Mr. Chair, Commissioner Katz, staff isn't required by the SLDC to attend the pre-application neighborhood meetings. However, I'll refer that to the applicants so they can say what exactly went on. For future reference I will make sure that more information is in these reports regarding the pre-application meeting.

MEMBER KATZ: Thank you.

CHAIR GONZALES: So is that the applicant behind you?

MR. SALAZAR: Yes.

CHAIR GONZALES: Can you elaborate more on this meeting?

[Duly sworn, Philip William Leonard testified as follows:]

PHILIP WILLIAM LEONARD: My name is Philip William Leonard. My address is 18-C Camino Amansador, Santa Fe. Our neighborhood meeting was attended by all of our immediate neighbors. It should be noted that there are two other properties in this area which house a significant number of horses. One of our neighbors, Jack, currently boards and trains horses and has been for 20 years. The people we purchased the property from, they actually board rescue horses. So in the context of this particular neighborhood the addition of ten horses is not as significant as you might expect, and in particular, the layout of our property does not place that point of emission close to any of our neighbors who are not already horse owners.

There were people at the meeting who wanted to know how we thought a horse business would affect the value of their property and from my perspective I didn't think that was a significant issue because of the distances involved and the current use of the adjacent properties.

MEMBER KATZ: May I enquire?

CHAIR GONZALES: Sure.

MEMBER KATZ: Did any of the neighbors object to your increasing the use, the number of horses?

MR. LEONARD: No, they did not. No one objected to us increasing the number of horses. The main concern was actually that the County during their visits would draw attention to our neighbors. That was the major concern.

MEMBER KATZ: Okay.

MR. LEONARD: And that their property values and therefore taxes might increase. But I don't think that's actually how the tax structure in this county works per se. I also don't believe that adding a home business should change the taxable value of any of my neighbors' properties.

MEMBER KATZ: Thank you.

CHAIR GONZALES: Okay, any more questions of staff or the applicant?

MEMBER SHEPHERD: I have one, Mr. Chair.

CHAIR GONZALES: Go ahead, Steve.

MEMBER SHEPHERD: Probably for staff. Could you walk through the water supply, water budget, water usage? Because I'm a little confused. It says here it's going to be a single domestic well as the water supply, and I see a number of places a budget of .25 acre-feet, and when I look at the residence use and the calculated water consumption of a horse, instead of 81,463 gallons it comes out to 102,000 gallons of

water for ten horses. So I must be missing something because it says everything's okay but yet my numbers say it's not.

MR. SALAZAR: Mr. Chair, Commissioner Shepherd, the County Hydrologist went through the water budget the applicant supplied in their report. What we as staff and what we clarified with the County Hydrologist was the domestic use would be limited to a quarter acre-foot for residential purposes. I don't recall which section it is in the code but it refers to an additional use that you would have on the property in regards to something like this with a conditional use permit which limits that use to a quarter acre-foot as well.

MEMBER SHEPHERD: So you're saying that technically –

MR. SALAZAR: Technically, it's allowing the applicant about a half-acre foot.

MEMBER SHEPHERD: Half-acre off of the single well.

MR. SALAZAR: Correct.

MEMBER SHEPHERD: And is there some verification somewhere that that well can double its output without a problem?

MR. SALAZAR: Mr. Chair, Commissioner Shepherd, the well permit that was given to us from the applicant is from 1984. From what I'm reading in it, typically they were granted three acre-feet with these well permits at the time. This one is actually showing one acre-foot so with these water restrictions we're actually restricting the applicant by a half-acre foot from what they're permitted through the State Engineer.

MEMBER SHEPHERD: So they're okay up to three acre-feet?

MR. SALAZAR: Typically, that's what they would be allowed with a normal well permit that was given by the State Engineer. This one in particular, if I'm reading it correctly, is saying one acre-foot. So with their residential use and then with the use for the horse facility, we're restricting it to half an acre-foot per year.

VICKI LUCERO (Development & Services Manager): Mr. Chair, Commission member Shepherd, if I could just add to that. This property did not have any previous or prior water restrictions on there. Therefore the code basically says that if the business is not utilizing more than a quarter acre-foot of water they are not required to do any type of geohydrologic tests or analysis. So they're within that water budget for the business itself and then the home will get another quarter acre-foot.

MEMBER SHEPHERD: Thank you.

CHAIR GONZALES: Okay. Any other questions of the applicant or staff? I had a couple.

MR. SALAZAR: Mr. Chair, also to expand on what Commissioner Shepherd was saying, the total water usage is actually .31, so it's even less than the .5 that is allowed to the applicants by code.

CHAIR GONZALES: All right. Okay, John, has staff conducted a site inspection out there?

MR. SALAZAR: Mr. Chair, members from staff have gone out to inspect the roads. There were some road improvements that had to be made.

CHAIR GONZALES: How about is there a small arroyo on the site? Small flow line or arroyo? It looks like the topo is showing something.

MR. SALAZAR: Mr. Chair, to the west of the square, I see the west of the square does show some type of – I do see what you're talking about, Mr. Chair.

CHAIR GONZALES: See where those trees are at?

MR. SALAZAR: Yes.

CHAIR GONZALES: I'm just curious. Is there a small flow line there? An arroyo or something like that?

MR. LEONARD: My answer to your question, Mr. Chair, is kind of. So the property does make a saddle-type configuration. So last year we had torrential rains and water flows into that area, but not enough to flow out of that area.

CHAIR GONZALES: Okay. My main concern is that I really want to make sure that none of the horse manure ends up in the flow lines or arroyos out there.

MR. LEONARD: Understood.

CHAIR GONZALES: As far as that's concerned, you have conditions. Would you accept another condition to what's already in place that manure will not be placed in the arroyo?

MR. LEONARD: Absolutely. Yes. We will not place manure in the arroyo. We actually have, in this application, sketched out where the manure will go. That is not along that flow line, into that area.

CHAIR GONZALES: Thank you. All right. The public hearing is over. What's the pleasure of the Commission? Anybody have anything? Member Martin.

MS. LUCERO: Mr. Chair. Mr. Chair, if I could just, did we ask if there was anyone from the public here to speak, just for the record.

CHAIR GONZALES: No, we didn't.

MS. LUCERO: Because it was the applicant that was –

CHAIR GONZALES: Yes, you're right. No, I didn't. Let me state it. Okay, this is a public hearing. Is there anybody out there that wants to speak in favor or against this? No? Okay. Thank you, Vicki. All right. What's the pleasure of the Commission?

MEMBER MARTIN: Mr. Chair.

CHAIR GONZALES: Ms. Martin.

MEMBER MARTIN: Mr. Chair, I move for approval of Case #CUP 17-5370, CS Performance Horses conditional use permit.

CHAIR GONZALES: Would that include the conditions and the one I also added?

MEMBER MARTIN: Including the conditions as agreed to by the applicant.

CHAIR GONZALES: Okay. Do we have a second?

MEMBER GRAY: I second.

CHAIR GONZALES: Seconded by Renae.

The motion passed by unanimous [5-0] voice vote. [Member Anaya was not present for this action.]

MR. SALAZAR: Mr. Chair, how does that additional condition read?

CHAIR GONZALES: Just say that manure will not be placed in the arroyo.

MR. SALAZAR: Okay. Thank you, Mr. Chair.

VII. C. Possible action on the Findings of Fact and Conclusions of Law for Case #CUP 17-5370, CS Performance Horses conditional use permit

This item was tabled at Approval of the Agenda.

VIII. A. Petitions from the Floor

None were offered.

B. Communications from the Committee

None were presented.

C. Communications from the Attorney

None were presented.

D. Matters from Land Use Staff

None were presented

E. Next Planning Commission Meeting: June 21, 2018

F. Adjournment

Having completed the agenda and with no further business to come before this Committee, Chairman Gonzales declared this meeting adjourned at approximately 5:45 p.m.



GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Submitted by:

Karen Farrell
Karen Farrell, Wordswork



Santa Fe County Planning Commission: May 17, 2018

Approved by:

Charlie Gonzales, Chair
Planning Commission

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PLANNING COMMISSION M:
PAGES: 31

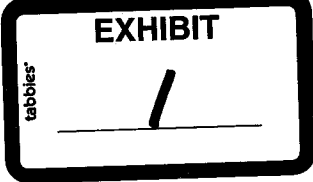
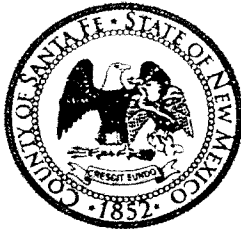
I Hereby Certify That This Instrument Was Filed for
Record On The 22ND Day Of June, 2018 at 01:47:33 PM
And Was Duly Recorded as Instrument # 1860859
Of The Records Of Santa Fe County

E. Strella
Deputy _____
Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department
Fire Prevention Division
Fire Plans Review

Date	October 20, 2017	Reviewer	J.Blav
Project Name	James Baker Residence		
Project Location	36 Stacy Rd		
Description	Residential grading and driveway variances		
Applicant Name	James Baker	Case Manager	J. Lovato
Applicant Address	22 Vuelta Maria	County Case #	17-5290
Applicant Phone	617-866-9152	Fire District	Hondo

Project Status: Approved ☐ Approved with Conditions ☒ Denied ☐ Incomplete ☐

The Santa Fe County Fire Prevention Division has reviewed the above submittal and requires compliance with all applicable Santa Fe County fire and life safety codes, ordinances, and resolutions.

Conditions of Approval

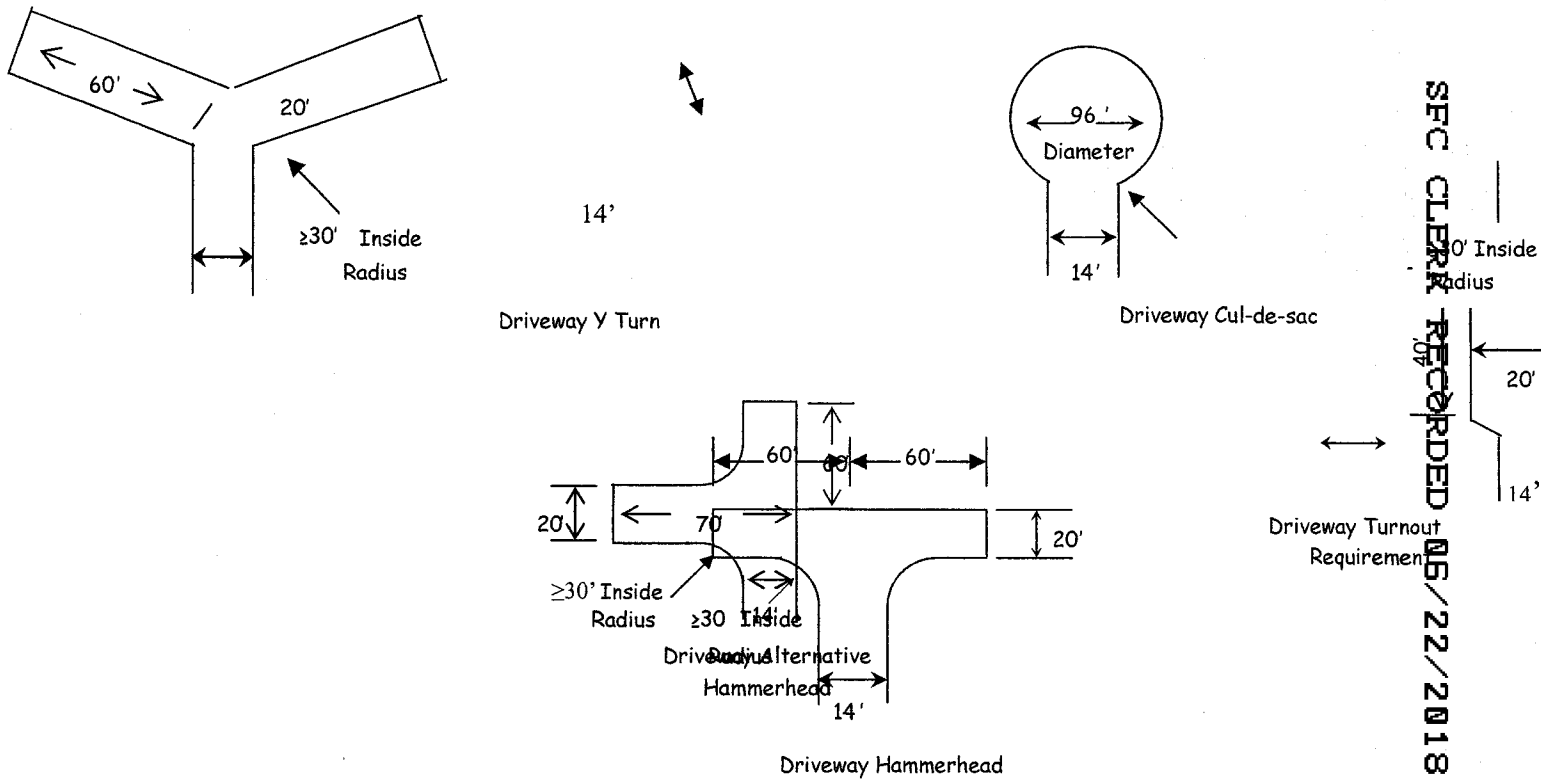
The following conditions shall be met prior to occupying the premises. Please, contact Santa Fe County Fire Prevention Division 505-995-6526 with questions or concerns.

- An approved vegetation management plan intended to modify the fuel load in areas adjacent to structures to create a defensible space shall be provided.
- An approved automatic sprinkler system shall be installed in the main residence and in any other required building.
- 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.
- Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or firefighting purposes, the code official is authorized to require an approved key box to be installed in an accessible location.
- Fire apparatus access driveways shall have an approved, all weather driving surface, capable of supporting the imposed load of fire apparatus.

SEC
CLERK
RECORDED
06/22/2018

Driveways in excess of 150 feet in length shall be provided with turnarounds.
 Driveways in excess of 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds.
 The following is a list of width and height requirements related to residential turnarounds and turnouts:

- The minimum unobstructed vertical clearance shall be 13 feet 6 inches.
- Turnarounds shall not be located within 50 feet of any combustible structure.
- The maximum slope of the turnaround shall not exceed 10% in grade.
- The maximum slope of the driveway shall not exceed 15% in grade.
- The minimum driveway width shall not be less than 14 feet.



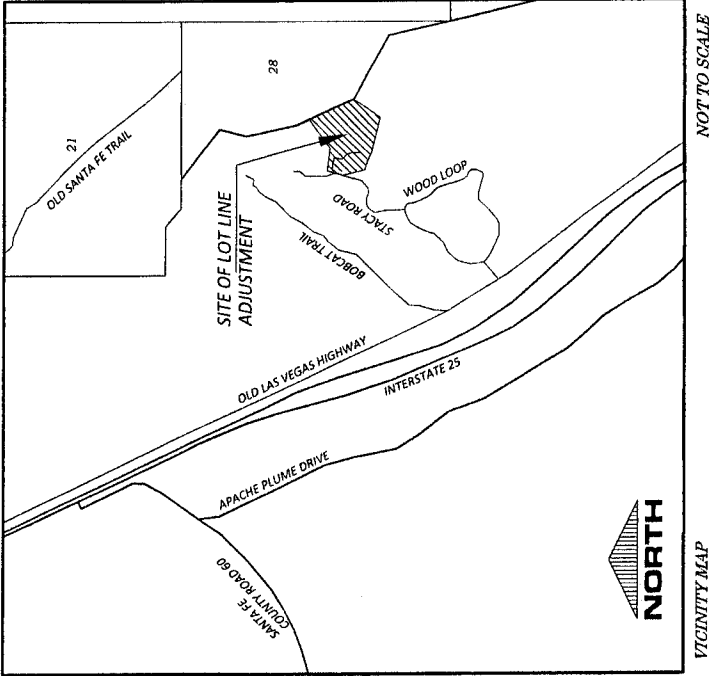
LOT LINE ADJUSTMENT / BOUNDARY SURVEY
PREPARED FOR
LOTS 20-A, 20-B, and TRACT 1 OF LOS CERROS NEGROS
LYING AND BEING SITUATE IN LOT 20-A, LOT 20-B, AND TRACT 1, OF THE LOS CERROS NEGROS SUBDIVISION, WITHIN PROJECTED
SECTION 28, T.16N., R.10E., N.M.P.M., WITHIN THE SEBASTIAN DE VARGAS GRANT, COUNTY OF SANTA FE, STATE OF NEW MEXICO.
TOTAL AREA = 35.27 ACRES ±
PURPOSE STATEMENT: ADJUST EXISTING LOT AND TRACT BOUNDARIES

LEGEND
BEARINGS ARE BASED ON STATIC SESSION ORUS POST PROCESSED APPLYING NAD 83
CENTRAL ZONE COORDINATES, USING TOPCON HIPER-GRS RTK GPS APPLICATIONS
AND LEICA TS-16 TOTAL STATION

- 50.0' WIDE BUILDING SET BACKS
- MONUMENT FOUND AND USED AS NOTED.
 - MONUMENT SET, No. 4 REBAR WITH 10988 CAP.
 - ⊙ USGLOS BRASS CAP FOUND AS NOTED AND DESCRIBED
 - ⚡ POWERPOLE WITH OVERHEAD UTILITY LINE
 - Ⓜ GAS METER
 - Ⓜ ELECTRIC METER
 - Ⓜ CLEANOUT PLUGS

SURVEYORS NOTES

EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS PART OF THIS SURVEY IS NOTED ON THE PLAT HEREON.
ONLY THE DOCUMENTS AS NOTED WERE SUPPLIED THE SURVEYOR.
SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES,
RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE
SEARCH MAY DISCLOSE.
THIS BOUNDARY SURVEY PLAT FALLS WITHIN THE PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, AND IS SUBJECT
TO ALL EASEMENTS, RESTRICTION, AND RESERVATIONS AS RECORDED OR NOT RECORDED.
THE PARCEL AS DEPICTED IS ZONED "X" AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN
SEE F.I.R.M. PANEL No. 35049C 0550D, DATED JUNE 18, 2005.



DOCUMENTS REFERENCED

LOT LINE ADJUSTMENT PLAT PREPARED FOR HILLARY RIGGS FILED FOR RECORD IN BOOK 653, PAGE 023, AS CERTIFIED BY
PAUL A. ARMUO, NMPS 13804
BOUNDARY SURVEY PREPARED FOR MARTIN AND KAREN LAURENT TO STEVEN AND JOY PATTON, FILED FOR RECORD IN
BOOK 384, PAGE 039, AS CERTIFIED BY PAUL A. ARMUO, NMPS 13804
PLAT OF BOUNDARY SURVEY AND EASEMENT VACATION FOR LYNN STALLMASTER, FILED IN BOOK 400, PAGE 021 AS
CERTIFIED BY PHILIP B. WIEGEL, NMPS 9758.
PLAT OF LOS CERROS NEGROS FILED FOR RECORD IN BOOK 29, PAGE 16, AS CERTIFIED BY GUY D. HAYDEN, NMPS 4070.
REPLAT OF LOTS 21-A and 21-B FILED FOR RECORD IN BOOK 176, PAGE 010, AS CERTIFIED BY MITCHEL K. NOONAN, NMPS
6998.

U.P.C. CODE
1-057-092-222-412 PARCEL 20-A
1-057-092-231-302 PARCEL 20-B
1-057-092-222-412 TRACT 1

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR
RECORD ON THIS 29th DAY OF Nov, A.D. 2010
AT 2:23 O'CLOCK, P.M., RECORDED IN
BOOK 724, PAGE 011013, AS DOCUMENT
No. 16193 IN THE OFFICE OF THE COUNTY CLERK
OF SANTA FE COUNTY, STATE OF NEW MEXICO.

WITNESS MY HAND AND SEAL OF COUNTY OFFICE
SANTA FE COUNTY CLERK

Paula Montoya
DEPUTY

SEC CLERK RECORDED 06/22/2018



LAND SURVEYING COMPANY, L.L.C.

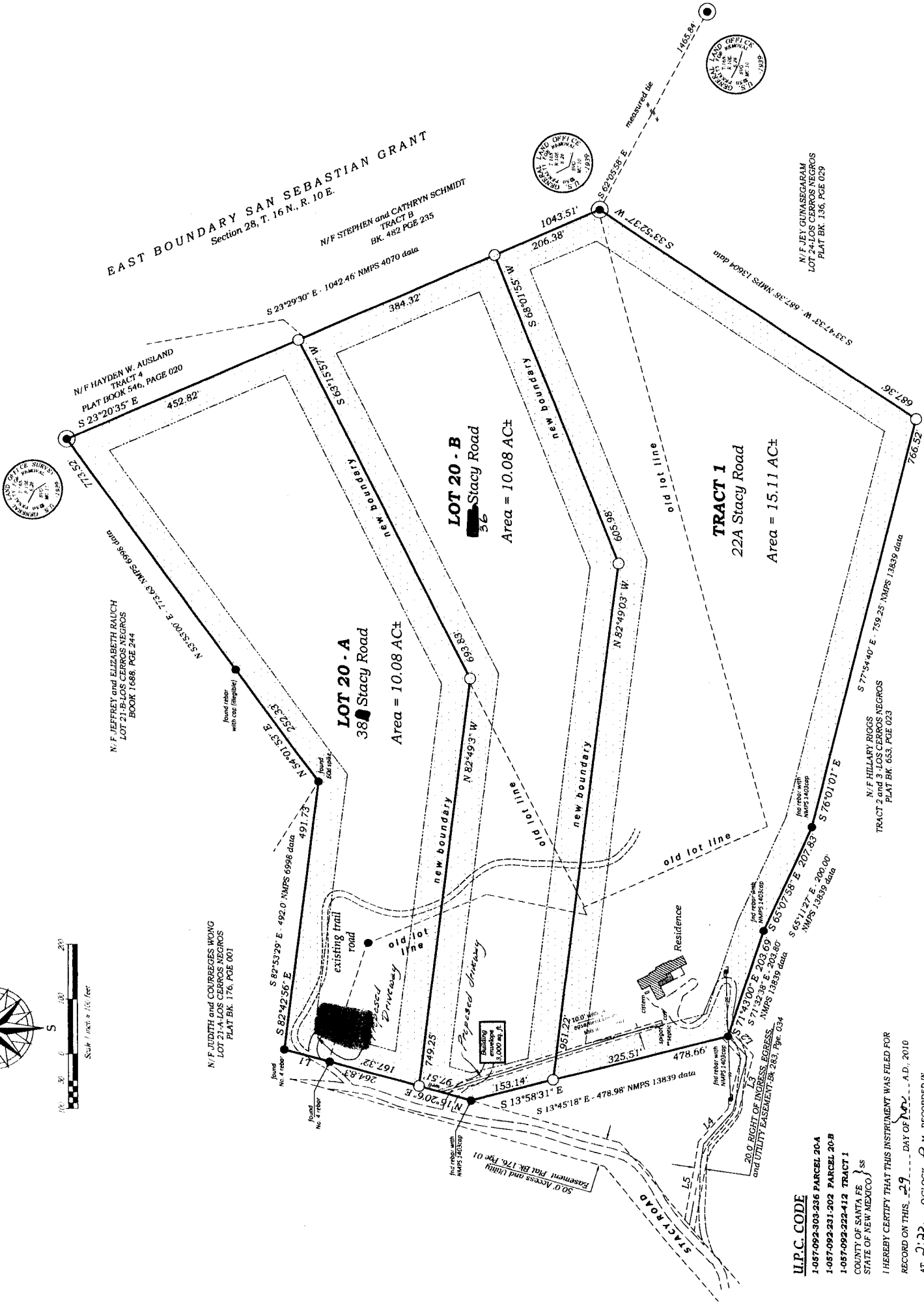
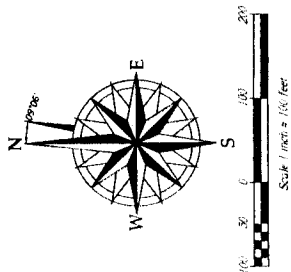
SALVADOR I. VIGIL, NMPS 10988
P.O. BOX 1194
SANTA FE, NEW MEXICO
505-773-0001
FAX 505-471-9050

PREPARED BY	S.I. Vigil, NMPS	SANTA FE COUNTY CLERK'S INDEX INFORMATION
DATE	AUGUST 31, 2010	LOTS 20-A, 20-B, and TRACT 1
PROJECT No.	L 2338 / PLAT	LOS CERROS NEGROS
CHECKED	S.I. Vigil, PM	PROJECTED SECTION 28, T.16N., R.10E., N.M.P.M.
SHEET No.	ONE	COUNTY OF SANTA FE, STATE OF NEW MEXICO

LOTS 20-A, 20-B, and TRACT 1 OF LOS CERROS NEGROS
LYING AND BEING SITUATE IN LOT 20-A, LOT 20-B, AND TRACT 1, OF THE LOS CERROS NEGROS SUBDIVISION, WITHIN SECTION 28,
T.16N., R.10E., N.M.P.M., WITHIN THE SEBASTIAN DE VARGAS GRANT, COUNTY OF SANTA FE, STATE OF NEW MEXICO.

TOTAL AREA = 35.27 ACRES ±

PURPOSE STATEMENT: ADJUST EXISTING LOT AND TRACT BOUNDARIES



U.P.C. CODE
1-057-092-303-236 PARCEL 20-A
1-057-092-303-231-202 PARCEL 20-B
1-057-092-322-412 TRACT 1
COUNTY OF SANTA FE }
STATE OF NEW MEXICO } ss

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR
RECORD ON THIS 29 DAY OF Nov A.D., 2010
AT 2:32 O'CLOCK, P.M., RECORDED IN
BOOK 724, PAGE 911 AS DOCUMENT
No. 61193 IN THE OFFICE OF THE COUNTY CLERK
OF SANTA FE COUNTY, STATE OF NEW MEXICO

WITNESS MY HAND AND SEAL OF COUNTY OFFICE
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

ARCHITECTURAL COMMITTEE

PHILIP SANCHEZ
HILLARY RIGGS
CARY ARDEN
DATE
DATE
DATE

SURVEYORS CERTIFICATE

I, SALVADOR I. VIGIL, LICENSED PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT THIS
BOUNDARY SURVEY PLAT AND THE NOTES HEREON WERE PREPARED FROM AN ACTUAL FIELD SURVEY PERFORMED BY
ME OR UNDER MY CLOSE PERSONAL SUPERVISION ON AUGUST 31, 2010, AND THAT I AM RESPONSIBLE FOR THIS
SURVEY AND CERTIFY THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS SET
FORTH BY THE NEW MEXICO PROFESSIONAL BOARD OF LICENSES FOR SURVEYORS AND ENGINEERS.

SALVADOR I. VIGIL
N.M.P.S. No. 10988
DATE Dec 24, 2010

SEC. CLERK RECORDED

THIS INSTRUMENT WAS FILED FOR RECORD ON AUGUST 31, 2010, AT 2:32 P.M., RECORDED IN BOOK 724, PAGE 911, AS DOCUMENT NO. 61193, IN THE OFFICE OF THE COUNTY CLERK OF SANTA FE COUNTY, STATE OF NEW MEXICO.

LAND SURVEYING COMPANY, L.L.C.

SALVADOR I. VIGIL, N.M.P.S. 10988
P.O. BOX 4384
SANTA FE, NEW MEXICO 87507
505-471-0003
FAX 505-471-9050
PREPARED BY S.I. Vigil, N.M.P.S. SANTA FE COUNTY CLERK'S INDEX INFORMATION
DATE AUGUST 31, 2010 LOTS 20-A, 20-B, and TRACT 1
PROJECT No. L-2338 / PLAT LOS CERROS NEGROS
CHECKED S.I. Vigil, P.M. SECTION 28, T.16N., R.10E., N.M.P.M.
SHEET No. TWO COUNTY OF SANTA FE, STATE OF NEW MEXICO

ACKNOWLEDGMENT AFFIDAVIT:

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED OWNERS (and PROPRIETORS) HEREON HAS CAUSED A LOT LINE ADJUSTMENT AS DEPICTED ON THE PLAT HEREON. LANDS
LYING AND BEING SITUATE IN LOT 20-A, LOT 20-B, AND TRACT 1, OF THE LOS CERROS NEGROS SUBDIVISION, WITHIN SECTION 28, T.16N.,
R.10E., N.M.P.M., WITHIN THE SEBASTIAN DE VARGAS GRANT, COUNTY OF SANTA FE, STATE OF NEW MEXICO, AND THE PLAT HEREON
IS THE PROPERTY OF THE COUNTY OF SANTA FE AND ALL APPLICABLE LAWS, ORDINANCES, AND REGULATIONS OF THE COUNTY OF SANTA FE
AND THE STATE OF NEW MEXICO, AND THE UNDERSIGNED OWNERS (and PROPRIETORS) ARE FULLY AWARE OF THE RIGHTS AND OBLIGATIONS OF THE
UNDERSIGNED LAND OWNERS, ACCESS AND UTILITY EASEMENTS AS SHOWN ARE THE RESPONSIBILITY OF THE LAND OWNERS AND/OR LOS
CERROS NEGROS NEIGHBORHOOD ASSOCIATION OR TO THE RESPECTIVE UTILITY COMPANIES AND/OR COUNTY AUTHORITY.

JEAN LUC SALLES DATE _____
LOT 20-A and LOT 20-B
FRANCES SALLES DATE _____
JOY FANTON DATE _____
STEVEN FANTON DATE _____
TRACT 1

STATE OF NEW MEXICO } ss
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged and sworn to before me on this _____ day of _____, 2010, by
Jean Luc Salles, Frances Salles, Steven Fanton, and Joy Fanton.

NOTARY PUBLIC



SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS:

COUNTY LAND USE ADMINISTRATOR DATE 11-29-10 COUNTY RURAL ADDRESSING DATE 11/29/10
COUNTY FIRE MARSHAL DATE 11-24-10 COUNTY TREASURER DATE 11/29/10

COUNTY DEVELOPMENT PERMIT NUMBER 10-3087

1. THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF SANTA FE COUNTY
2. MAINTENANCE OF PRIVATE ACCESS EASEMENTS, UTILITY EASEMENTS AND/OR PRIVATE ROADWAYS IS NOT THE RESPONSIBILITY OF SANTA FE COUNTY UNLESS DESIGNATED AND ACCEPTED FOR MAINTENANCE BY THE SANTA FE PUBLIC WORKS DEPARTMENT AND THE BOARD OF COUNTY COMMISSIONERS.
3. THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS. ALL STANDARD COUNTY PERMITS AND FEES MUST BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY OF ANY KIND. DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROADS, FIRE PROTECTION, TERRAIN MANAGEMENT, AND DRAINAGE ARE COMPLETED AND APPROVED.
4. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL No. 330049C050D, DATED JUNE 17, 2008, THIS PROPERTY LIES OUTSIDE THE LIMITS OF THE 100-YEAR (1%) FLOODPLAIN, IN ZONE X. THIS DESIGNATION DOES NOT GUARANTEE THAT THE PROPERTY WILL BE FROM FLOODING OR FLOOD RELATED DAMAGES.
5. BUILDABLE AREAS ARE DEPICTED HEREON; THE BUILDABLE AREAS INDICATED HAVE SLOPES OF LESS THAN 15%.
6. THE TRACTS, PARCELS, AND/OR LOTS SHOWN HEREON LIE INSIDE THE HIGH HAZARD AREA OF THE URBAN WILDLAND INTERFACE ZONE AS DEFINED BY THE SANTA FE COUNTY FIRE DEPARTMENT. FIRE SPRINKLERS AND/OR FIRE STORAGE MAY BE REQUIRED.
7. WATER WELL WITHDRAWAL ON LOTS 20-A, 20-B, AND TRACT 1 OF LOS CERROS NEGROS IS RESTRICTED BY COVENANTS FILED IN THE OFFICE OF THE COUNTY CLERK, RECORDED IN BOOK 655, PAGES 139-143, DOCUMENT No. 684-838.

SPECIAL BUILDING PERMIT CONDITIONS

THE INSTALLATION OF AN AUTOMATIC FIRE SUPPRESSION SYSTEM IS REQUIRED FOR ALL HOMES ON ALL LOTS.
THE PARCELS, LOTS OR TRACTS PLATTED HEREON ARE SUBJECT TO ARTICLE VII, SECTION 3 AND ORDINANCE 2008-10, AS WELL AS ALL PERTINENT COUNTY CODE AND ORDINANCES AT THE TIME OF DEVELOPMENT.
THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR DEVELOPMENT PERMIT.

NEW DRIVEWAY / ROADWAY ACCESS FROM **STACY ROAD** IS SUBJECT TO APPROVAL BY THE COUNTY PUBLIC WORKS DIRECTOR.
DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROAD AND EMERGENCY TURN-AROUND ARE COMPLETED AND APPROVED BY STAFF.

LINE	BEARING	DISTANCE	Comments
L1	N 15°34'13" E	84.77	N 16°30'48" E - 84.70 NMPS 9758 data
L2	S 47°52'29" W	55.75	Center of 20.0 Right of Ingress, Egress, and Utilities Easement Bk. 283, page 034
L3	N 75°32'31" W	104.90	Center of 20.0 Right of Ingress, Egress, and Utilities Easement Bk. 283, page 034
L4	N 47°52'31" W	79.20	Center of 20.0 Right of Ingress, Egress, and Utilities Easement Bk. 283, page 034
L5	N 80°53'31" W	149.09	Center of 20.0 Right of Ingress, Egress, and Utilities Easement Bk. 283, page 034