Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *December 4, 2013*

TO: *Board of County Commissioners*

FROM: *Adam Leigland, Public Works Department Director*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting December 10, 2013*
EXPRESSING CONSENT TO TOWN OF EDGEWOOD ANNEXATION AND AUTHORIZING COUNTY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO THE ANNEXATION (PUBLIC WORKS)

BACKGROUND AND SUMMARY:

The Town of Edgewood is currently preparing to annex certain property located wholly within its municipal boundaries. The purpose of the annexation is to consolidate the Town's core area in order to alleviate the checkerboard pattern of incorporated and unincorporated property that has developed within the Town boundaries. This annexation will include the County roads shown at Attachment 1, a total of 5.56 miles. Note that the original November 20, 2013, communication from the Town of Edgewood on the County roads involved in this annexation (Attachment 2) incorrectly identified the involved roads. This error has subsequently been corrected and both sides concur with the road listing found on Attachment 1.

The Town of Edgewood has requested the County's consent to the proposed annexation. The Public Works Department wholeheartedly supports this annexation. The annexation will alleviate a problematic condition that could threaten the health, safety, and welfare of Town and County residents, and will reduce government waste by clearly defining the jurisdictional bounds of both entities. Public Works anticipates that the annexation will benefit both Town and County governments by consolidating areas of road maintenance, and helping emergency dispatchers quickly identify the proper unit to respond to a call. This clear delineation of roles and responsibilities will be particularly useful during snow removal operations. The roads will be transferred to the Town at no cost to the Town, and no improvements to the roads will be accomplished by the County prior to transfer.

As the Town of Edgewood proceeds through the process with the State Boundary Commission, the County may be asked to execute various documents.

ACTION REQUESTED:

Express consent to Town of Edgewood annexation and authorize the County Manager to execute any documents necessary to consent to this annexation.

ATTACHMENT 1: COUNTY ROADS WITHIN TOWN OF EDGEWOOD ANNEXATION

SANTA FE COUNTY YEAR 2013

MAINTENANCE DISTRICT V ROUTE NAME	ROUTE NUMBER	FROM: BEGINNING TERMINI	TO: ENDING TERMINI	MILEAGE LENGTH OF MAINTAINED SECTION miles	TOTAL ROADWAY WIDTH feet	SURFACE type
Del Monte Subdivision (Block A)						
Jane Lane		CR 8 Dinkle Road	Dead End	0.24	20.3	basecourse
Christine Ct.		CR 8 Dinkle Road	Dead End	0.12	19.5	basecourse
			total miles	**0.36**		
Del Monte Subdivision (Block B)						
West Quail Run		0.04 Mile West of Quail Tr.	Dead End	0.12	14	dirt
			total miles	**0.12**		
Futures Subdivision						
Futures Loop		CR 8 Dinkle Road	Futures Road	0.32	19.8	basecourse
Futures Road		Futures Loop	Dead End	0.31	19.8	basecourse
			total miles	**0.63**		
Meadows Subdivision						
Patricia Place		Quail Trail	Dead End	0.08	20.3	basecourse
Roberts Drive		0.05 mi. From Quail Trail	Dead End	0.57	16	basecourse
Olson Avenue		Roberts Drive	Dead End	0.08	16.5	basecourse
Maria Lane		Roberts Drive	Dead End	0.08	15.8	basecourse
Night Street		Roberts Drive	Dead End	0.07	14.3	basecourse
Scott Court		Roberts Drive	Dead End	0.11	14.8	dirt
Day Drive		Roberts Drive	Dead End	0.10	13.2	basecourse
Bonnie Lane		Roberts Drive	Dead End	0.13	16.8	basecourse
			total miles	**1.22**		
Other Subdivision Roads						
Aspen Road		CR 6	0.06 mi. Before Quail Trl	1.05	18.2	basecourse
Birch Road		Quail Trail	Douglas Loop	0.81	16	gravel
Dunkin Road		Aspen Road	Williams Ranch Rd	0.50	15	gravel
Maple Road		Quail Trail	Aspen Road	0.50	16.5	dirt
Willow Road		Quail Trail	Aspen Road	0.37	12	basecourse
			total miles	**3.23**		
			total miles	**5.56**		
			TOTAL SUBDIVISION ROADS	**5.56**		
			total asphalt	0.00		
			total base course	3.52		
			total gravel	1.31		
			total chipseal	0.00		
			total dirt	0.73		

MAINTENANCE DISTRICT V ROUTE NAME	ROUTE NUMBER	FROM: BEGINNING TERMINI	TO: ENDING TERMINI	MILEAGE LENGTH OF MAINTAINED SECTION miles	TOTAL ROADWAY WIDTH feet	SURFACE type

Albuquerque Office
500 Marquette Ave., NW Suite 700
Albuquerque, NM 87102
(505) 242-2228 Telephone
(505) 242-1106 Facsimile
www.roblesrael.com

Santa Fe Office
130 Grant Ave., Suite 203
Santa Fe, NM 87501
(505) 242-2228 Telephone
(505) 242-1106 Facsimile
www.roblesrael.com

Attachment 2

ROBLES | RAEL | ANAYA

Luis Robles
Marcus J. Rael Jr.
Christina E. Anaya
*Daniel J. Macke
Vanessa R. Chavez
Douglas E. Gardner
Adam H. Greenwood
*Frank E. Apodaca
*Charles Rernick
**David A. Roman
Lindsay R. Drennan
Colón, *Of Counsel*
Robert M. White, *Of Counsel*

**Also admitted in Texas*
***Also admitted in Washington, D.C.*

RECEIVED
NOV 21 2013
SANTA FE COUNTY
ATTORNEY'S OFFICE

November 20, 2013

Stephen C. Ross, County Attorney
Santa Fe County Attorney's Office
102 Grant Ave.
Santa Fe, NM 87504-0276

VIA U.S. MAIL ONLY

Re: Annexation of Property

Dear Mr. Ross:

The purpose of this correspondence is to inform you that this firm serves as general counsel for the Town of Edgewood and to request Santa Fe County's consent to annexation of certain property by the Town.

The Town of Edgewood is currently preparing to annex certain property located wholly within its municipal boundaries. The purpose of the annexation is to consolidate the Town's core area in order to alleviate the checkerboard pattern of incorporated and unincorporated property that has developed within the Town boundaries. This annexation will include a small portion of County Road 6C, sections of which have already been incorporated into and accepted for maintenance by the Town. The relevant portion of County Road 6C is located between Horton Rd and NM 344. A map showing the roadway in question has been included for your convenience. No other roadways or properties owned by the County have been identified within the territory proposed to be annexed.

The Town of Edgewood respectfully requests the County's consent to the proposed annexation. The annexation will alleviate a problematic condition that threatens the health, safety, and welfare of Town and County residents, and will reduce government waste by clearly defining the jurisdictional bounds of both entities. In fact, the Town anticipates that the annexation will benefit both governments by consolidating areas of road maintenance, and helping emergency dispatchers quickly identify the proper unit to respond to a call.

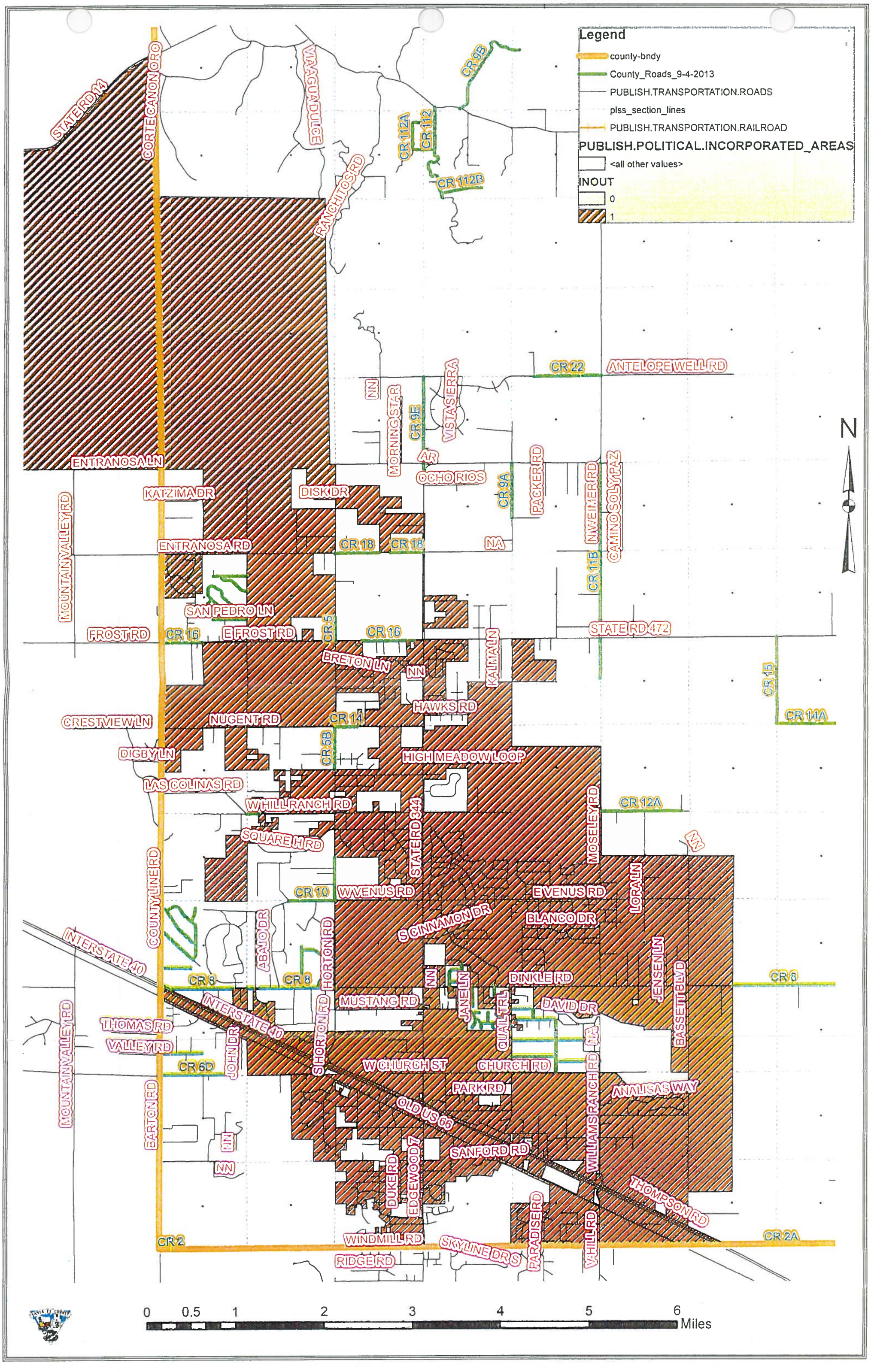
Accordingly, please let us know at your earliest convenience whether the County consents to the annexation. If you require any additional information in acting on our request, please let us know.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Marcus J. Rael, Jr.

MJR/vrc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PUBLISH.TRANSPORTATION.RAILROAD
PUBLISH.POLITICAL.INCORPORATED_AREAS
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VIA AGUA DULCE
RANCHITOS RD
CR 9B
CR 112A
CR 112
CR 112B
CR 22
ANTELOPE WELL RD
NN
MORNING STAR
CR 9E
VISTA SIERRA
AR
OCHO RIOS
CR 9A
PACKER RD
NWEIMER RD
CAMINO SOLYPAZ
ENTRANOSA LN
KATZIMA DR
DISK DR
MOUNTAIN VALLEY RD
ENTRANOSA RD
CR 18
NA
CR 11B
SAN PEDRO LN
FROST RD
CR 16
E FROST RD
CR 5
STATE RD 472
BRETON LN
KALMA LN
CR 15
HAWKS RD
CR 14A
CRESTVIEW LN
NUGENT RD
CR 14
CR 5B
DIGBY LN
HIGH MEADOW LOOP
LAS COLINAS RD
W HILL RANCH RD
CR 12A
SQUARE H RD
STATE RD 344
MOSELEY RD
COUNTY LINE RD
CR 10
W VENUS RD
E VENUS RD
LORA LN
S CINNAMON DR
BLANCO DR
INTERSTATE 40
ABAJO DR
HORTON RD
CR 8
JENSEN LN
DINKLE RD
JANE LN
MUSTANG RD
DAVID DR
BASSETT BLVD
THOMAS RD
QUAIL TRL
VALLEY RD
JOHN DR
S HORTON RD
W CHURCH ST
CHURCH RD
CR 6D
PARK RD
ANALISAS WAY
OLD US 66
BARTON RD
SANFORD RD
WILLIAMS RANCH RD
DUKE RD
EDGEWOOD 7
THOMPSON RD
PARADISE RD
V HILL RD
CR 2
WINDMILL RD
SKYLINE DR S
CR 2A
RIDGE RD

NO PACKET MATERIAL FOR THIS ITEM

NO PACKET MATERIAL FOR THIS ITEM

4. a. <u>Matters of Public Concern</u>

NO PACKET MATERIAL FOR THIS ITEM

NO PACKET MATERIAL FOR THIS ITEM

NO PACKET MATERIAL FOR THIS ITEM

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Memorandum

To: Santa Fe County Board of County Commissioners

From: Lupe Sanchez
Santa Fe County DWI Program

Through: Katherine Miller, County Manager, Santa Fe County KM 12.2.13
Rachel O'Connor, Director, Community Services Department

Date: November 25, 2013

Subject: Discussion of Proposed Changes to the Chauffer and Designated Driver Program (CADDy).

Issue:

In FY13 the Santa Fe County DWI program contracted with Shelly Moeller to conduct an evaluation of the current Chauffer and Designated Driver Program (CADDy). CADDy is an alternative transportation program designed to reduce drunk driving by providing a low cost ride home from a bar, restaurant or drinking location. In specific, the evaluation asked for answers to two questions:

1. Does CADDy contribute to a decrease in alcohol involved crashes in Santa Fe County?
2. What is the most efficient program design and cost to achieve program fidelity?

This presentation is to discuss the findings of Ms. Moeller and the recommendations of the DWI Planning Council regarding implementation.

Background:

The New Mexico Legislature enacted NMSA 1978, Sections 11-6A-1 through 11-6A-6 to address the serious problems caused by Driving While Intoxicated (DWI) in the State. Funds are generated from excise tax on the sale of alcohol (LDWI), collected by the New Mexico Department of Taxation and Revenue, and administered by the Department of Finance and Administration (DFA). Santa Fe County DWI program utilizes LDWI funding to operate the CADDy program.

The program has been in operation in Santa Fe County since FY08 and has undergone significant growth. The program initially offered two ways rides for $5 for one to two people or ten dollars for three or more. The budget for CADDy has also increased dramatically; from about $90,000 a year in FY10 to $167,227 in FY12. Ridership has also increased and has peaked at about 15,000 rides in FY12. Thus far in FY14 the program has cost $66,757 to operate and has provided 5190 rides at an average cost of $12.86 per ride.

In FY13 the DWI program made significant changes, including restricting rides to one way from a bar, restaurant or drinking location. The cost was also reduced to $1 per ride, with a $25 dollar cap. The DWI Program subsidizes the cost of the cab ride up to the $25 cap. Riders are responsible for the difference in fares over $25. In addition, the program hired a contractor to conduct an evaluation and make recommendation for long term program efficiency. The evaluator has concluded that the program fidelity increased significantly as a result of the changes made in FY13.

Staff Recommendation:

Evaluator Shelly Moeller has recommended that while CADDy has little direct impact on DWI crashes, the DWI Program should continue to operate CADDy in conjunction with other more evidence based efforts such as public awareness and enforcement. She has also advised that program fidelity would be maximized by charging $5 per ride for 1 to 2 individuals and $10 for 3 or more riders. In addition she has recommended that reduced prices ($1 rides) be offered during high profile drinking and driving times of the year such as Christmas, New Year's, 4th of July, Super bowl Sunday, St. Patrick's Day and Fiesta/summer holiday times. A more detailed fact sheet on her findings is attached.

Both the DWI Planning Council and the Community Services Department are recommending this change effective in January, 2014.

CHAUFFER AND DESIGNATED DRIVER PROGRAM (CADDY)
AN ALTERNATIVE TRANSPORTATION PROGRAM TO REDUCE IMPAIRED DRIVING IN SANTA FE COUNTY
FACT SHEET OF EVALUATION FINDINGS
JUNE, 2013

Program Description

- The program has been operating since FY08.
- One-way cab rides are available to the public Friday and Saturday between 5:30 p.m. and 2:30 a.m.
- Riders must be picked up from a licensed liquor establishment or house party and dropped off at a home residence.
- Cost is $1/rider up to $25 dollars in value, after which rider must pay the remaining cost of the ride. SF County DWI Program subsidizes the cost of the ride.

Evaluation Questions

1. Does CADDy contribute to a decrease in alcohol-involved crashes in Santa Fe County?
2. What is the most efficient program design to achieve program fidelity?

Evaluation Methods

- A retrospective comparison study was conducted of alcohol-involved (AI) crash rates and AI crash death rates in years 1995-2011 in Santa Fe County and five comparison counties that implemented similar strategies to impact impaired driving. None of the comparison counties implemented an alternative transportation program like CADDy. In an attempt to isolate the impact of the CADDy program, AI crashes and AI crash deaths were analyzed that occurred on Friday and Saturday between the hours of 5:30 p.m. and 2:30 a.m. in years 2004-2011.
- A cost/benefit analysis of program inputs, outputs and outcomes was conducted for FY12 and FY13 to determine the most efficient program design.

Evaluation Findings

<u>CADDy impact on AI crashes:</u>

- AI crash rates were decreasing prior to CADDy program implementation and started leveling off in 2009.
- During years of CADDy implementation, AI crash rates were not consistently lower in Santa Fe County compared to AI crash rates in comparison counties (2008-2011).
- Santa Fe County had a higher percent decrease than comparison counties in the average number of AI crashes in years before CADDy compared to years during CADDy. This percent difference was not statistically significant.
- The percent decrease in the average number of crashes in Santa Fe County was higher for the days and times in which CADDy service was available. This percent difference was not statistically significant.

<u>Design for Fidelity:</u>

Analysis of program inputs and outputs over years of implementation:

- As the program cost (budget) increased, ridership increased.
- Increased ridership and increased cost was not associated with a decrease of AI crash rates.

Comparison of program inputs and outputs for FY12 and FY13:

- Cost to the County increased by 19% in FY13 (from $10.99 to $13.02);
- In FY13, cost to rider decreased by 53%; and ridership decreased by 11%;
- Legitimate rides increased by 8% in FY13.
- Program fidelity improved in FY13.

CHAUFFER AND DESIGNATED DRIVER PROGRAM (CADDY)
AN ALTERNATIVE TRANSPORTATION PROGRAM TO REDUCE IMPAIRED DRIVING IN SANTA FE COUNTY
FACT SHEET OF EVALUATION FINDINGS
JUNE, 2013

Conclusion
Evaluation data show that CADDy may contribute to a higher percent decrease in the number crashes during time of program operation compared to times of non-operation. CADDy is more effective as a component in a multi-component community effort to decrease drunk driving that also includes a strong media campaign and increased law enforcement. An increase in program budget corresponds to an increase in ridership, but not a decrease in AI crashes. A slightly higher cost per ride for the riders does not negatively affect ridership.

Program Recommendations
1. **Fund one-way rides** from a restaurant, bar, hotel bar, or house party to home residence.
2. **Increase cost to rider** to $5/ride; $10 for the 3 or more riders up to $25/ride or 7 miles from pickup location. Once ride cost hits $25, the rider is required to pay the remaining to the final destination. Consider offering **$1 rides** during peak times of service such as Christmas Eve to New Year's Eve, St. Patrick's Day, and during Santa Fe Fiestas.
3. **Continue expanded service** into County.
4. **Provide CADDy services during the original CADDy hours**: Friday and Saturday, 5:30 p.m. to 2:30 a.m. This is when most of AI crashes occur.
5. **Create a fixed budget** for CADDy.
6. **Promote CADDy** as an alternative transportation program with a parallel media campaign about the dangers and risks of over consumption and over service.
7. **Track Department of Public Safety Special Investigations Department (SID) operations** and administrative citations for over service (sales to intox) in order to understand the potential effects of this program on over service.
8. **Continue to monitor annual AI crash rates and AI crash deaths rates** in Santa Fe County while documenting other efforts to decrease alcohol impaired driving.
9. **Support** increased DWI enforcement, and/or a media campaign about the legal, heath and social risks of drunk driving (modeling the YDYDYL campaign).
10. **Use staff skills to promote CADDy and the risks of over consumption and over service.** Use in-house resources to increase efficiency.

NO PACKET MATERIAL FOR THIS ITEM

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NO PACKET MATERIAL FOR THIS ITEM

NO PACKET MATERIAL FOR THIS ITEM

EXECUTIVE SESSION

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: November 25, 2013

TO: Board of County Commissioners

FROM: Miguel "Mike" Romero, Development Review Specialist Sr MR

VIA: Katherine Miller, County Manager KM
Penny Ellis-Green, Land Use Administrator PEG
Vicki Lucero, Building and Development Services Manager VL
Wayne Dalton, Building and Development Services Supervisor WD

FILE REF.: CDRC CASE # V13-5270 Rebecca Ornelas & Maria Zubia Variance

ISSUE:

Rebecca Ornelas & Maria Zubia, Applicants, request a variance of Ordinance No. 2007-2, (Village of Agua Fria Traditional Community Zoning District), § 10.6 (Density Standards) to allow a second dwelling unit on 0.638 acres.

The property is located at 2144 Camino Polvoso, within the Traditional Community of Agua Fria, within Section 5, Township 16 North, Range 9 East (Commission District 2).

Vicinity Map:

SUMMARY:

The Applicants request a variance of Ordinance No. 2007-2, (Village of Agua Fria Traditional Community Zoning District), § 10.6 (Density Standards) to allow a second dwelling unit on 0.638 acres. The property is located within the Traditional Community of Agua Fria where the minimum lot size is 0.75 acres per dwelling unit. Lot size can be further reduced to 0.33 acres per dwelling unit with Community Water and Sewer. The subject property is served by Community Water and Sewer. In order to have two dwelling units on the property, the lot would have to be at least 0.66 acres (28,749 sq. ft.) in size. The Applicants are lacking approximately 958 sq. ft. of property to meet Code requirements for two dwelling units.

There is currently one dwelling unit and one accessory structure on the property. The Applicants purchased the property in July, 2013, and shortly after moved a manufactured home onto the property without a Development Permit from Santa Fe County. Applicant Maria Zubia along with her three daughters and grandchildren reside in the current residence. If the variance is granted, the Applicants intend to move an additional manufactured home onto the subject property. The proposed manufactured home that would be placed on the property belongs to another daughter who does not live in the current residence or reside on the subject property. The Applicants intentions are to move this daughter onto the subject property in-order to help provide needed care for the daughter's two young children.

Article II, § 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified." **The variance criteria does not consider financial or medical reasons as extraordinary hardships**

This Application was submitted on September 13, 2013.

On October 17, 2013, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicants request by a 6-0 unanimous vote. (Minutes Attached as Exhibit 1).

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

APPROVAL SOUGHT: Approval of a variance of Ordinance No. 2007-2 § 10.6 (Density Standards) of the Village of Agua Fria Traditional Community Zoning District.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

HYDROLOGIC ZONE: Traditional Community Zoning District in the Village of Agua Fria, minimum lot size per Code is 0.75 acres per dwelling unit. Lot size can further reduced to 0.33 acres per dwelling unit with Community Water and Community Sewer.

FIRE PROTECTION: Agua Fria Fire District.

WATER SUPPLY: Agua Fria Community Water Assoc.

LIQUID WASTE: City Public Sewer System

VARIANCES: Yes

AGENCY REVIEW:

Agency	Recommendation
County Fire	No comment related to this variance request, will review at time of building permit submittal.

STAFF RECOMMENDATION: **Denial of a variance of Ordinance No. 2007-2 § 10.6 (Density Standards) of the Village of Agua Fria Traditional Community Zoning District).**

The decision of the CDRC was to recommend approval of the Applicants request, subject to the following conditions:

1. The Applicants must obtain an After the Fact permit for the mobile home and accessory structure **(As per Article II, § 4.5.2b Article II, § 2).**
2. The placement of additional dwelling units or Division of land is prohibited on the property **(As Per Ordinance No. 2007-2 Section 10.6).**
3. The Applicants shall comply with all Fire Prevention Division requirements at time of Development Permit Application **(As per 1997 Fire Code and 1997 Life Safety Code).**

EXHIBITS:

1. October 17, CDRC Meeting Minutes
2. Letter of request
3. Ordinance No. 2007-2 §10.6 (Density Standards)
4. Article II, § 3 (Variances)
5. Site Photographs
6. Site Plan
7. Aerial of Site and Surrounding Area

V. APPROVAL OF MINUTES: September 19, 2013

Member Anaya moved to approve the September minutes as submitted. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

Ms. Lucero noted that the case caption for item VII. A was correct; however, the staff report contained a typographical error.

VII. NEW BUSINESS

A. **CDRC Case #V 13-5270: Rebecca Ornelas & Maria Zubia, Applicant, request a variance of Ordinance No. 2007-2, (Village of Agua Fria Traditional Community Zoning District), § 10.6 (Density Standards) to allow a second dwelling unit on 0.638 acres. The property is located at 2144 Camino Polvoso, within the Traditional Community of Agua Fria, within Section 5, Township 16 North, Range 9 East (Commission District 2)**

Wayne Dalton, read the case caption and the staff report as follows:

"The property is located within the Traditional Community of Agua Fria where the minimum lot size is 0.75 acres per dwelling unit. Lot size can be further reduced to 0.33 acres per dwelling unit with community water and sewer. The subject property is served by community water and sewer. In order to have two dwelling units on the property, the lot would have to be at least 0.66 acres, 28,749 square feet in size. The Applicant is lacking approximately 958 square feet of property to meet Code requirements for two dwelling units.

"There is currently one dwelling unit and one accessory structure on the property. The Applicant purchased the property in July, 2013, and shortly after moved a mobile home onto the property without a Development Permit from Santa Fe County. The Applicant along with her three daughters and grandchildren reside in the current residence. If the variance is granted, the Applicant intends to move an additional mobile home onto the subject property. The proposed mobile home that would be placed on the property belongs to another daughter who does not live in the current residence or resides on the subject property. The Applicant's intention is to move this daughter onto the subject property in order to help provide special needed care for her daughter's two young children."

Mr. Dalton reviewed the pertinent section of the code, Article II, § 3, Variances, and the Village of Agua Fria Traditional Community Zoning District Ordinance. In accordance with the Code, staff recommends denial. However, if the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

EXHIBIT
tabbies
1

4

1. The Applicant must obtain an After-the-Fact permit for the mobile home and accessory structure (As per Article II, § 4.5.2b Article II, § 2).
2. The placement of additional dwelling units or Division of land is prohibited on the property (As Per Ordinance No. 2007-2 Section 10.6).
3. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

In response to the Chair's question, Mr. Dalton said it was not by ordinance that variances be reviewed by the Agua Fria Village Association and this applicant did not go before the Association. He indicated that the applicant met notification requirements and staff received neither support nor opposition letters. The variance is for the placement of a second dwelling not a lot split, clarified Mr. Dalton.

Member Drobnis asked about the applicant's written statement that contained blacked out information. Deputy County Attorney Brown explained that applicants can disclose any information they choose, however, the County is prohibited from forwarding medical information in documents to the public.

[A portion of the testimony provided by the applicant and her family was in Spanish. Member DeAnda translated and what appears in the record is based on the translation.]

Duly sworn, Veronica Ornelas, daughter of the applicant, stated that she wants to live on her mother's property because she has two babies that require special care that her mother and family could provide. Also, she would be able to help her mother to care for her sisters.

Ms. V. Ornelas confirmed that she currently resides in a mobile home at the Country Club Gardens within a few miles of her mother's home. She said her family provides help at this point.

Staff confirmed that a variance would not be necessary if the applicant had the required acreage and while there are no required setbacks the applicant meets recommended setbacks.

Duly sworn, Maria Zubia, the applicant, provided data on the size of the mobile homes. Member Anaya observed that the combined square footage of the dwellings was minimal.

Chair Gonzales commented that this application appears to be a minimal easing of the Code and noted that the CDRC has granted variances for the placement of second dwellings in this area.

Member Anaya moved to approve CDRC Case V 13-5270 with staff recommendations. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

5

August 5th, 2013

Santa Fe County Building
And Developing Services

102 Grant Ave
Santa Fe, NM 87501-2061
Telephone: (505) 986-6200

To Whom It May Concern,

Hello, my name is Rebecca Ornelas, my mother Maria G. Zubia and I bought a property located at 2144 Camino Polvoso Santa Fe, NM 87507. We moved a singlewide mobile home to the property owned by my mother and stepfather Rafael Corral Aguirre. My parents along with my two younger sisters and I live there. The purchase of this property has given our family a sense of comfort and security.

While negotiating the purchase of the property my sister and her family had been experiencing hard times. Veronica is married to Sergio A. Corral and together they have two sons. The oldest is three years old and the youngest is almost two months. Both children were born with serious medical problems and most recently my sister has being staying in Albuquerque to be with her youngest son who has been at UNM hospital since he was born.

Sebastian was born with[

]He had a surgery recently and is recovering. We don't know how long he will be in ICU (intensive care unit).

On the other hand, Sergio my oldest nephew was born with the same syndrome. Unlike Sebastian, Sergio got a[Having a[

It was strongly recommended for him be enrolled in pre-school and he has being going since he was two. He will be starting school this month and having my sister live next door would allow us to take care of his needs.

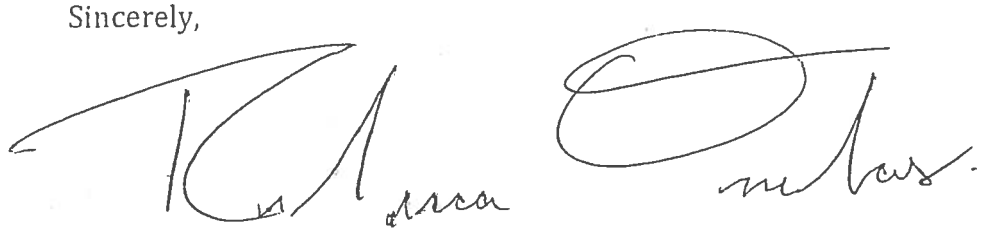
My sister and his family need a lot of support including child care and transportation. Having them live nearby would enable my mother and I help them. We would like to petition for the county to allow my sister to move her mobile home next to ours. Veronica and Sergio own a single wide mobile home and rent a space at Country Club Gardens Mobile.

I strongly believe that having my sister living next to us will change our life in a positive manner. We would have the opportunity to better assist her with my nephews and also to be closer to them. Veronica is a house wife and would baby sit my younger sisters when my parents are working. Finally, having my sister move into the property with us would help both families financially.

EXHIBIT
2

Please consider my petition and help me strengthen my family during this hard time. Thank you.

Sincerely,



Rebecca Ornelas.

10.6 Density and Dimensional Standards

The following table illustrates the dimensional standards that apply in the Village of Agua Fria Zoning District. Measurements and exceptions to the standards of this schedule are listed in the table notes.

> Commentary: The density and dimensional standards set forth in this section are not a guarantee that stated development density and intensities can be attained. Other factors—water and other public facility availability, infrastructure capacity, building layout, physical limitations, and parking configuration to name a few—may have the effect of limiting development intensity more than the stated standards.

Village of Agua Fria Zoning District

	Minimum Lot Area/Principal Use (acres) (1)							Max. Coverage (%)		Max. Height (ft)			Min. Setbacks (ft) (2)		
	Base Density/ Intensity				Community Services										
Sub districts	Res Uses	Non Res Uses	Water Cons.	Long Term Water	Water	Sewer	Both W&S	Residential Uses	Non-residential Uses	Residential Uses SF	Residential Uses MF	Non Res Uses	Front & Street Side	Interior Side	Rear
AFTCZD	.75	.75			.75	.75	0.33		40	24	24	24	0	5	5
AFLDUZ	2.5	2.5			1	1	0.5		20	24	24	24	0	20	20

Notes:

(1) Where adequate water is available, minimum lot area may be reduced by employing water conservation measures and reducing water use. Further reductions may be achieved by submitting proof of adequate long term water availability, connecting to community water, community sewer or both (W&S), all in accordance with Article III, Section 10, Lot Size Requirements of the Code or, such additional density bonus and lot size provisions of County Ordinance 2006-02, Affordable Housing.

(2) Setbacks shall be measured from the property line or from the edge of the road easement where the property line is inside the road easement.

EXHIBIT

3

2.5 Zoning

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

2.6 Subdivisions

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

2.7 Other Requirements

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

SECTION 3 - VARIANCES

3.1 Proposed Development

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

3.2 Variation or Modification

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

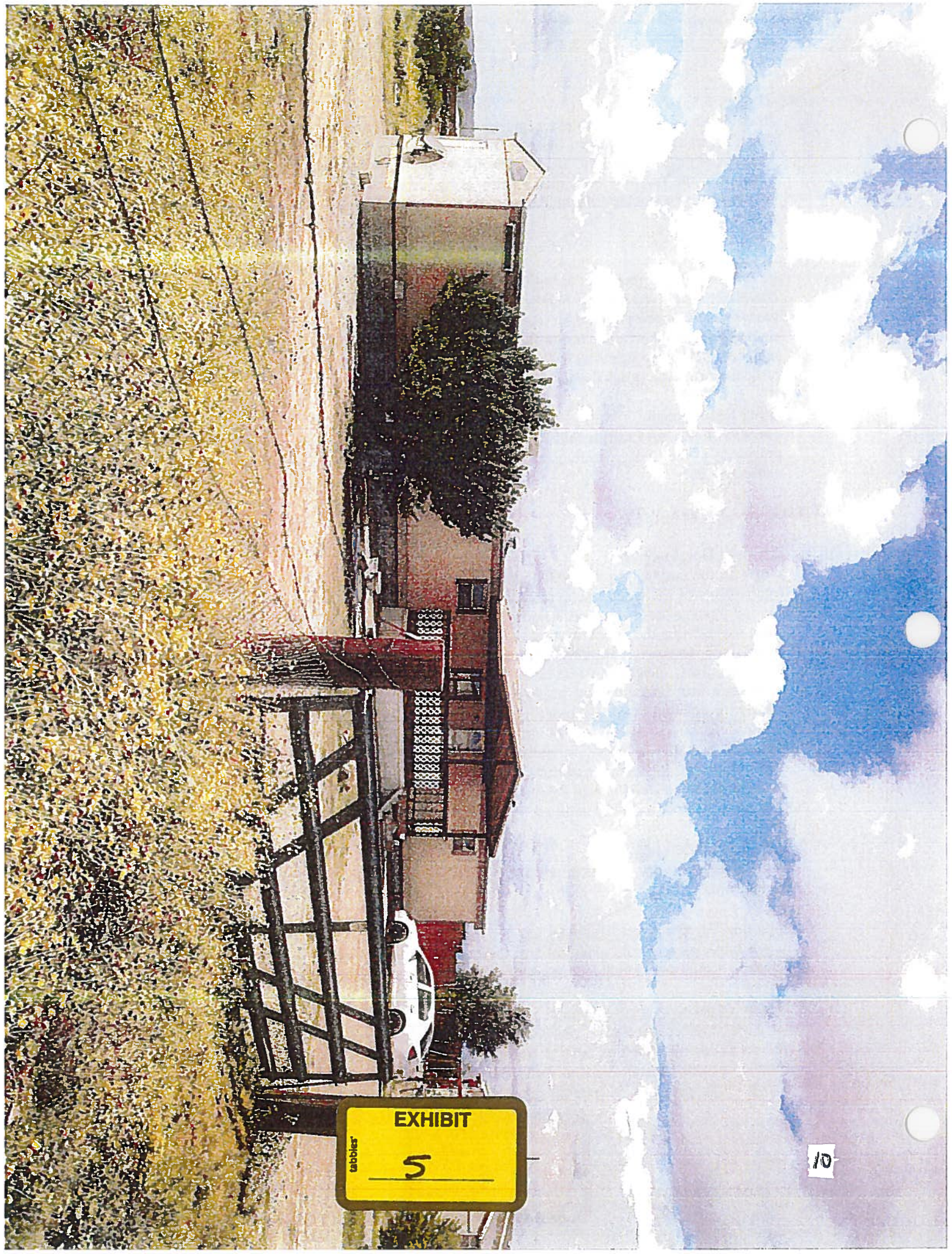
3.3 Granting Variances and Modifications

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

3.4 Height Variance in Airport Zones

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

EXHIBIT 4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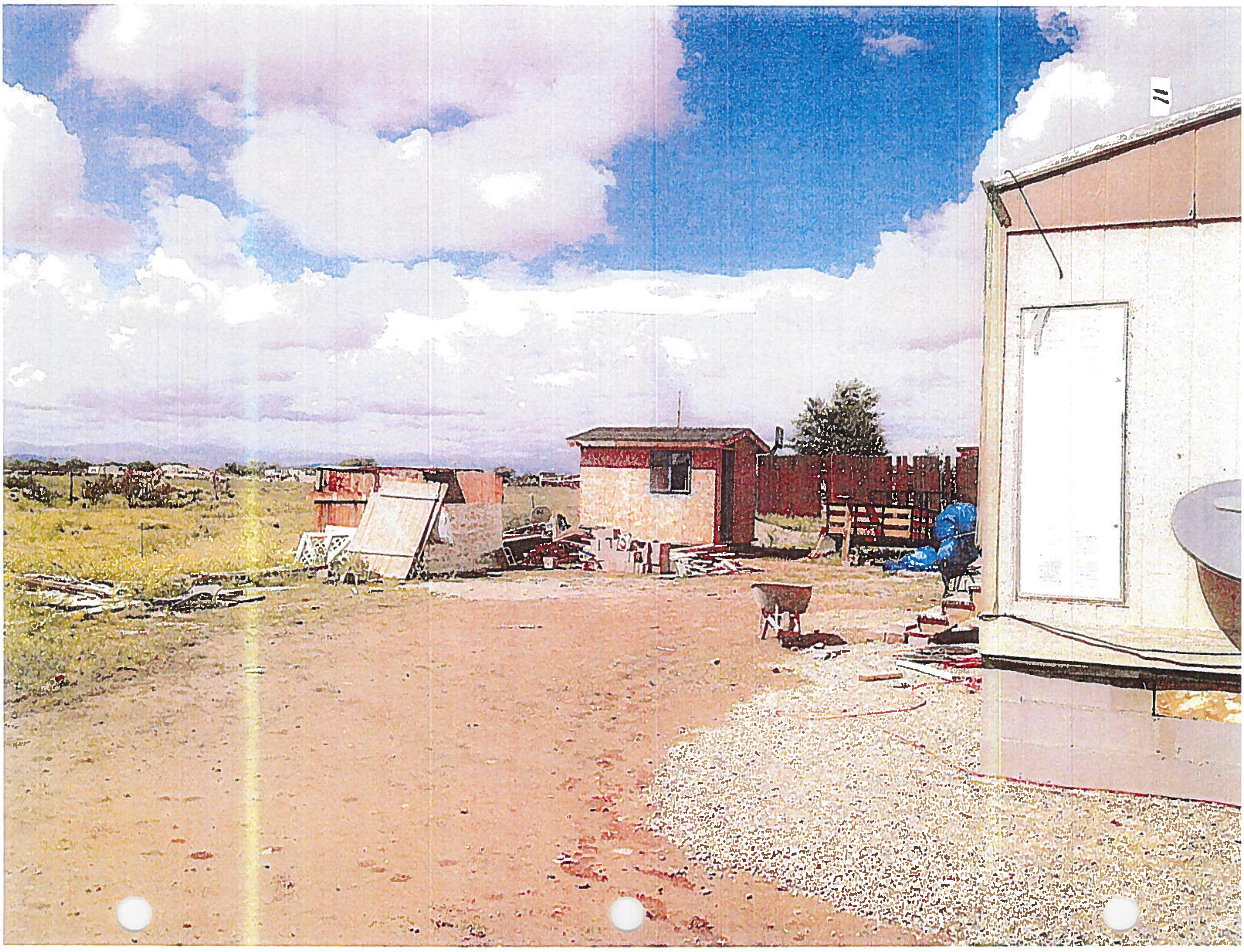

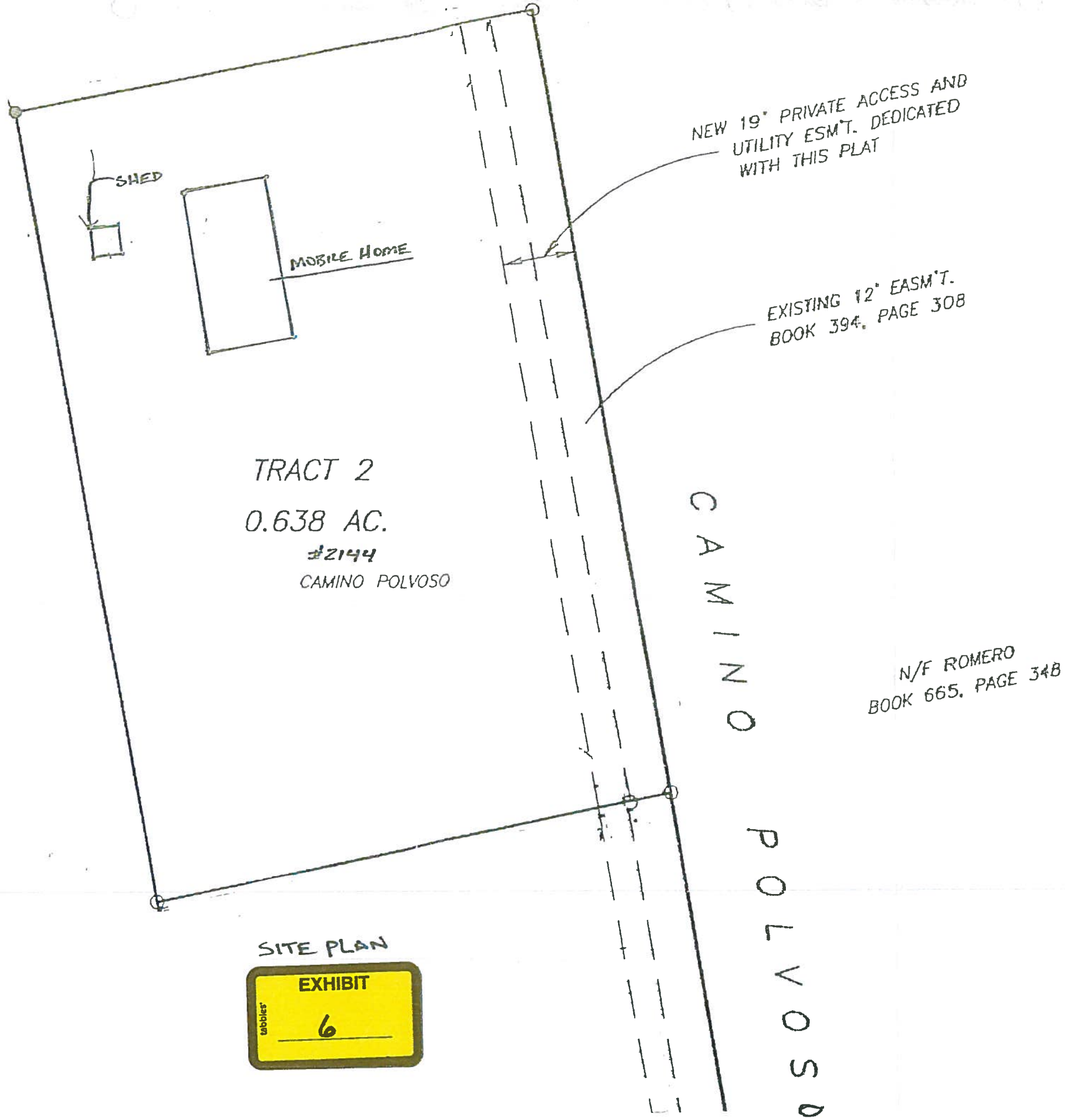

SITE PLAN

EXHIBIT 6

Legend

- ROADS
- DRIVEWAYS
- Parcels

1:400

1 inch represents 33.3333

0 12.5 25 50 75 100 Feet

EXHIBIT 7

N W E S

2008 Orthophotography
2 FOOT CONTOURS

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

SANTA FE COUNTY

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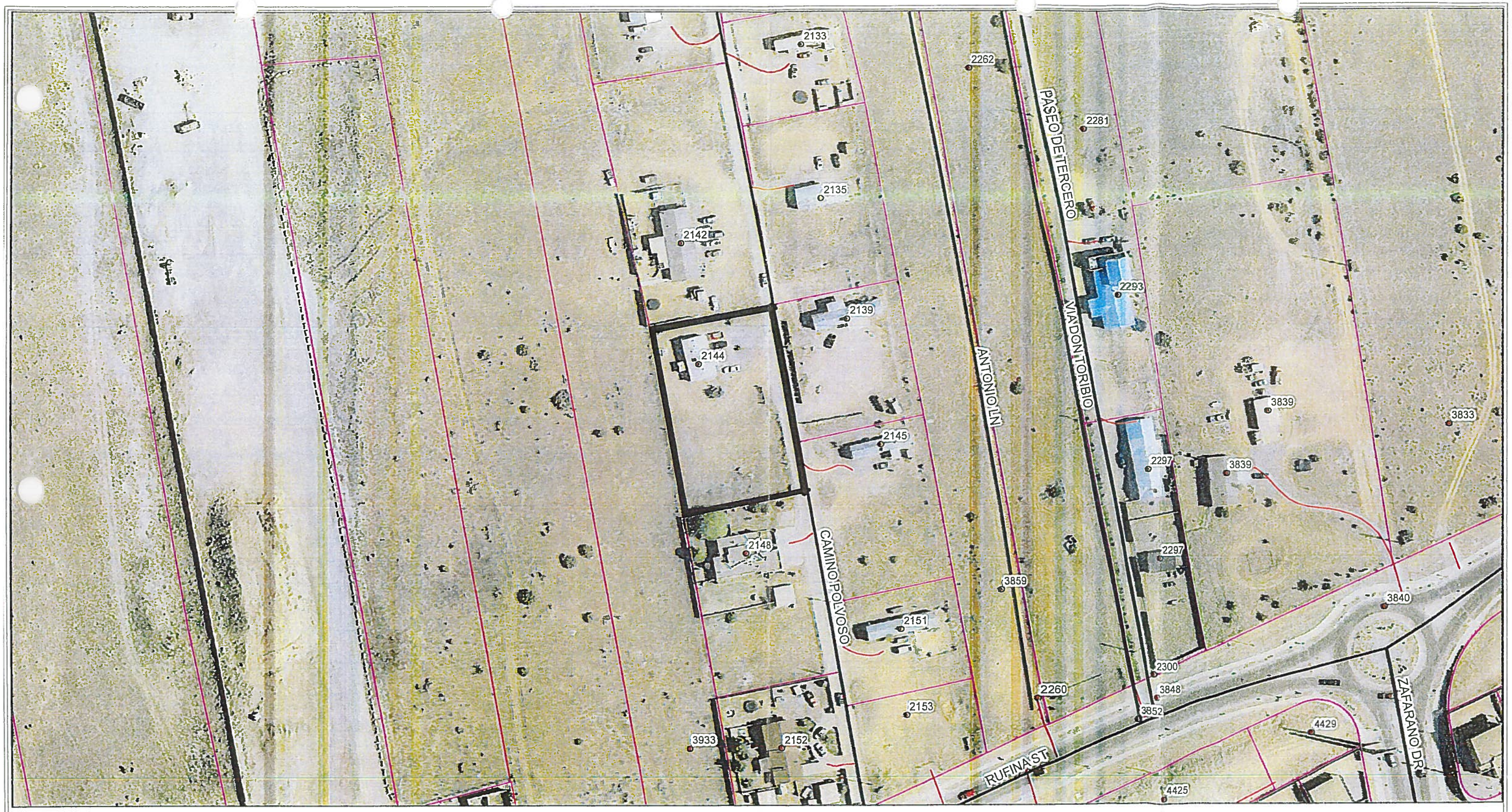
September 11, 2013



Legend

- ROADS
- DRIVEWAYS
- Parcels

1:1,200

1 inch represents 100 feet

0 37.5 75 150 225 300 Feet

N W E S

2008 Orthophotography
2 FOOT CONTOURS

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confirming data accuracy.

SANTA FE COUNTY

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September 11, 2013

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: November 25, 2013

TO: Board of County Commissioners

FROM: Jose E. Larrañaga, Commercial Development Case Manager

VIA: Katherine Miller, County Manager
Penny Ellis-Green, Land Use Administrator
Vicki Lucero, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

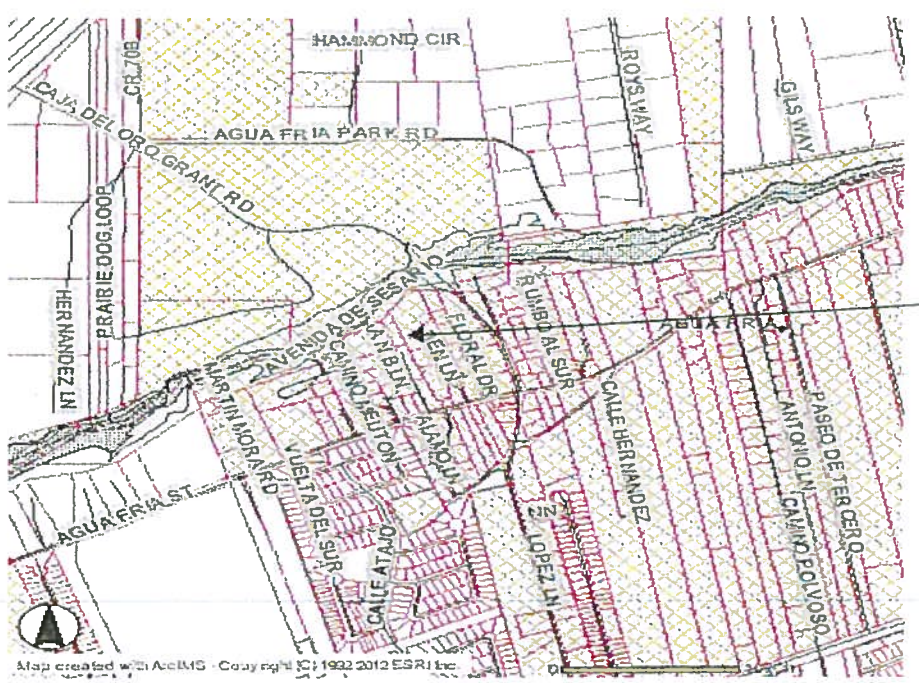
FILE REF.: BCC CASE # MIS 13-5061 Robert and Bernadette Anaya

ISSUE:

Robert and Bernadette Anaya, Applicants, Talia Kosh (The Bennett Firm), Agent, request reconsideration of conditions imposed by the BCC for Master Plan Zoning approval.

The property is located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East, (Commission District 2).

Vicinity Map:



Site Location

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX: 505-995-2740 www.santafecounty.org

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SUMMARY:

On November 12, 2013, the Board of County Commissioners (BCC) tabled this request.

On August 14, 2012, the BCC approved a request, by the Applicants, for a variance to allow a towing business as a Special Use under Ordinance No. 2007-2, § 10.5, Village of Agua Fria Zoning District Use Table. A Special Use is an allowed use which is subject to Master Plan approval by the BCC. The use as a towing company falls under the category of "Vehicle service not listed" which is not allowed as a use as outlined in the commercial use category within the Traditional Community Zoning District.

On June 11, 2013, the BCC approved a request, by the Applicants, for Master Plan Zoning to allow a towing business on .33 acres ±. The approval included staff conditions and conditions imposed by the BCC (Exhibit 9).

On August 13, 2013, the BCC approved a Final Order with findings that the Application for Master Plan Zoning for a commercial towing business as a Special Use under the Village of Agua Fria Zoning District Ordinance Use Table (Ordinance No. 2007-2) on 0.33 acres should be approved conditioned on the Applicant complying with the following conditions: Master Plan with appropriate signatures, shall be recorded with the County Clerk, per **Article V, § 5.2.5.;** Preliminary and Final Development Plan shall be submitted in a timely manner, meeting all criteria set forth in **Article V, § 7,** to be reviewed and presented to the CDRC for consideration; the Applicant shall comply with Ordinance No. 2007-2, § 10.6 (Density & Dimensional Standards); storage of towed vehicles shall not be permitted on this site as per the 1989 decision of the Extraterritorial Zoning Authority; a note stating that the storage of towed vehicles on the site shall not be allowed shall be placed on the Master Plan; no more than three small tow trucks and two large tow trucks may be stored on the site at any given time; the Applicant shall submit Preliminary and Final Development Plan to the County Development Review Committee for consideration within 90 days of approval the Final Order. The approved Final Order was recorded with the County Clerk's Office on August 20, 2013 (Exhibit 10).

The Applicants request reconsideration of conditions imposed by the BCC for Master Plan Zoning approval. The conditions that the Applicants request the BCC to reconsider are: the Applicants shall submit Preliminary and Final Development Plan to the County Development Review Committee for consideration within 90 days of approval of the Final Order; no more than three small tow trucks and two large tow trucks may be stored on the site at any given time; the implementation of a landscape buffer on the east side of the site alongside the platted easement; and the listing of personal vehicles that will be stored on the site.

The Applicants request that a condition discussed by the BCC concerning the listing of all personal vehicles to be stored on the site be disregarded.

Staff response: the BCC did not impose a condition to list the personal vehicles to be stored on the site; the Applicants Master Plan Submittal listed the placement of two (2) recreational vehicles, one (1) boat, two (2) low-boy trailers and other personal vehicles on the site; the site plan, submitted by the Applicants, illustrated seven (7) parking spaces for personal vehicles; the

site plan illustrates a very constricted parking area for the amount of vehicles already allowed by the approved Master Plan; to allow additional personal vehicles may impede the circulation of the Tow Trucks on the 0.33 acre site.

The Applicants state that the condition for a landscape buffer on the east side of the site alongside the platted easement will create a burden on the Applicants to safely park the tow trucks on the site.

Staff response: the site plan submitted by the Applicants illustrates an adequate circulation of vehicles on the site with the landscape buffer in place; the Applicants Master Plan submittal proposed six foot (6') walls on the north, south and west side of the site as buffers to the existing residences; a land scape buffer was proposed on the east side of the site; the proposed buffers meet the Land Development Code requirement (Article III Section 4.4.4) for landscape buffers of a non-residential use; a request to deviate from this requirement would need to go through a variance process.

The Applicants state that the condition to limit the Applicants to three small tow trucks and two large tow trucks at any given time to be stored on the site will affect the business for the following reasons: will force the Applicants to seek other property to store the remainder of their tow trucks; affect the response time to emergency calls; jeopardize the business as it currently exists.

During discussion of this case some of the comments made, by the BCC, (June 11, 2013, BCC minutes) were that limiting the Applicants to three small tow trucks and two large tow trucks at any given time to be stored on the site "balances the business interest and the neighborhood's needs" (Commissioner Chavez) and that "there was a need for compromise" (Commissioner Anaya).

The Applicants are requesting an extension of the condition, imposed by the BCC, of the 90 day requirement to submit Preliminary and Final Development Plan to the County Development Review Committee for the following reasons: to ask for relief of the above mentioned conditions imposed by the BCC; to address the requirement of the 28' radii required by the County Fire Department on the entry to Ben Lane from Agua Fria. The Applicants go on to state that if negotiations to acquire the easement needed for the 28' radii are not successful, a request for a variance of this requirement will be submitted for consideration by the BCC.

Staff's response: neither the Applicants nor the Agent for the Applicants opposed the conditions of approval of the Master Plan on June 11, 2013; the Agent for the Applicants accepted the need to make the investment for the 28' radius and accepted the implementation of the 28' radius as a condition of approval; the Final order was approved by the BCC on August 13, 2013 and recorded on August 20, 2013; the 90 days in which the Applicants were to submit a Preliminary and Final Development Plan started on August 20, 2013; the BCC approved the Master Plan on June 11, 2013 which allowed the Applicants 49 additional days from the date of approval by the BCC and the recordation of the Final Order to prepare and submit a Preliminary and Final Development Plan; the Applicants did not appeal the final decision of the BCC; the 28' radius is

required by the Santa Fe County Fire Marshal based on the 2003 International Fire Code, therefore a variance cannot be granted by the BCC.
The Applicants continue to operate illegally without a County Business License. The time constraint of submitting a Development Plan and the imposition of the above mentioned conditions were required by the BCC to mitigate the affect that this type of business may have on the neighboring residences.

Article V, § 5.2.4.b.2 & 3 (Master Plan Approval) states: "the County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans: Conformance to County and Extraterritorial Plan; Suitability of the site to accommodate the proposed development; Suitability of the proposed uses and intensity of development at the location; Impact to schools, adjacent lands or the County in general; Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed; Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards".

This Application was submitted on September 26, 2013.

APPROVAL SOUGHT:	Reconsideration of conditions imposed by the BCC for Master Plan Zoning approval.
GROWTH MANAGEMENT AREA:	El Centro, Agua Fria Traditional Community SDA-2.
HYDROLOGIC ZONE:	Agua Fria Traditional Community, minimum lot size in this area is .75 acres and can be reduced to .33 acres with community water and sewer.
ACCESS AND TRAFFIC:	The property takes access from Ben Lane via Agua Fria, a County Road. The Applicants have not demonstrated ownership of the easement required to create the radius required by the County Fire Marshall at the entrance of Ben Lane. The Applicants shall provide the design and easement for the access radius at Development Plan submittal.
FIRE PROTECTION:	Agua Fria Fire District. Access shall comply with Article 9, Section 902 – Fire Department access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.
ADJACENT PROPERTY:	The site is within a residential area and is bordered on all sides by residential property.

PARKING:

The current site plan illustrates a total of 8 parking spaces for 8 tow-vehicles. As a condition of the Master Plan approval the Applicants were limited to a maximum of five (5) tow trucks. In addition the Applicants propose to park 2 recreational vehicles, 1 boat, 2 low-boy trailers, a dumpster and other personal vehicles, on a 0.33 acre site. The proposed principle use of the site is to allow the storage of tow-trucks to be accessible for emergency calls. The site shall maintain a hammerhead 60' in length and 20' in width.

LANDSCAPING:

The approved Master Plan meets the landscape requirements set forth in Article III Section 4.4.4 of the Land Development Code.

STAFF RECOMMENDATION:

Two of the conditions that the Applicants request the BCC to reconsider (the Applicants shall submit Preliminary and Final Development Plan to the County Development Review Committee for consideration within 90 days of approval of the Final Order and no more than three small tow trucks and two large tow trucks may be stored on the site at any given time) were imposed, by the BCC, as conditions of the Master Plan Zoning approval for a Towing Business within a Traditional residential area in order to balance the business interest and the neighborhood's needs. It is at the discretion of the BCC to consider a change to the approved conditions.

The Applicants site plan illustrated seven (7) parking spaces for personal vehicles and the Applicants Master Plan request listed the type of personal vehicles to be placed on the site, therefore the Applicants placed this restriction on themselves. The Master Plan was approved by the BCC with these parameters as proposed by the Applicants. Approval to allow more than seven (7) personal vehicles may impede circulation within the site.

A landscape buffer between the residential and non-residential use is required by the Land Development Code (Article III Section 4.4.4). Staff's recommendation for approval of the Master Plan was based on compliance with the Land Development Code. Changes to the landscape buffer would require a variance.

EXHIBITS:

1. Applicants Request
2. Master Plan Report
3. Drawings
4. Photos of Site
5. Aerial Photo of Property
6. Fire Review Comments
7. Article III, § 4.4.4 (Development & Design Standards)
8. Article V, § 5.2 (Master Plan Procedure)
9. June 11, 2013 BCC Minutes
10. Final Order Recorded August 20, 2013

September 24, 2013

Re: LETTER OF REQUEST for Extension of Time for Preliminary and Final Development Plan, for Amendment to the Master Plan and for Reconsideration of the Board's August 13, 2013 Order.

To the Board of County Commissioners:

Robert and Bernadette Anaya, owners and residents of 2253 Ben Lane, Santa Fe, New Mexico 87507, hereby request an extension of time to submit their preliminary and final development plan. On August 13, 2013, an Order was entered by this Board in Case No. CDRC MP 12-5060, Robert and Bernadette Anaya Master Plan Zoning to allow a towing business.

Initially, the variance for this property was granted to allow for the storage of eight (8) tow trucks on the site on 2253 Ben Lane. However, with the August 2013 Order, the Mast Plan Zoning was granted with certain conditions that Applicants have several concerns with, as discussed herein.

Further, another concerning condition discussed at the BCC hearing on June 11, 2013, but which was not included as discussion in the August 2013 Order, which is that this Board requested that Applicants list every personal vehicle that will be stored on the site. This will create numerous problems, as discussed below. Further, Applicants cannot properly park their permitted commercial vehicles at the back of their property without reducing the number of trees that were requested by Staff.

Wherefore, Applicants request an extension of time to submit the preliminary and final development plan for the property at issue in this case and for a reconsideration of the conditions proposed in the August 2013 Order for the following reasons:

1. The August 2013 Order stated that: "No more than three small tow trucks and two large tow trucks may be stored on the site at any given time." **Applicants respectfully request that this Board reconsider this portion of its Order on this for the following reasons:**

    a. This limitation was approved without substantial rationale and is arbitrary. The Applicants will be forced to find land to house these trucks which will require substantial time and money. There is no immediate solution to storing the trucks that have been prohibited by this condition, and therefore it will effectively put the Applicants out of business for most tow calls. Finding a place to store these tow trucks cannot be effectuated within the short amount of time given by the Board. The Board has given Applicants a substantially shorter amount of time than other applicants and imposed increased limitations. This constitutes a denial of due process, as the Applicants were given very little opportunity to respond to the arbitrary decision to reduce the number of tow trucks on the property, effectively shutting down a substantial part of their tow truck business and frustrating all of their state and city contracts with law enforcement.
    b. The Applicants have other property that is now being Annexed to the City and is not able to be utilized for the purpose of parking their tow trucks. The Applicants have engaged in an ongoing and active search for such alternative property and there are two major obstacles to utilizing another property: (1) the Applicants would have to return to the

EXHIBIT

tabbies

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Board and go through the entire process again for a request of a variance for this alternative property, even if it was successfully located; and (2) all such properties that could be potentially capable of storing these tow trucks prohibited from being stored on the property would frustrate Applicants' state and city contracts with law enforcement which require the Applicants, as emergency responders, to arrive at the scene within thirty minutes of a critical accident. This requirement of "fastest response time possible under thirty minutes" would be frustrated by the conditions imposed by the Board. Applicants are relied upon for their heavy towing capacity more than any other tow truck company in Northern New Mexico, and this will jeopardize their business to not only have their trucks so far away that they can no longer take the majority of their calls. Essentially, the Board's forcing the Applicants to sell the trucks that they cannot keep on the property because there has been no extension of time allotted to assist the applicants to enable them to find a solution to this extreme conditional order, effectively putting them out of business.

2. This Board also requested that Applicants list every personal vehicle that will be stored on the site. While this was not in the final Order, Staff states that such a condition must be in the master, preliminary and final development plan. This will create a number of issues. The fact that a requirement exists on keeping the County apprised of every single make and model of all of the **personal vehicles** on their property flies in the face of fundamental land use rights, especially in such a mixed-use village, such as Agua Fria Village. Further, this will create a situation where if the Applicant switches out one personal vehicle for another, they will be in violation of these requirements and vulnerable to outsider attack on these arbitrary requirements. No land owner should have to endure such stringent and arbitrary requirements that have no rational basis attached to them and which create an undue burden on Applicants. **Applicants request that this Board reconsider its condition imposed/discussed on this point and instead allow for a specific number of personal vehicles without mandating that such vehicle types be specified.** Applicant respectfully requests that this Board consider that the Applicants are giving up a significant amount of land for the hammerhead that will benefit the entire neighborhood and allow room for their personal vehicles, as does most every land owner in Agua Fria Village.

3. The condition imposed by Staff/the Board that there must be a buffer of trees lining the East side of the property will frustrate the purpose of the proposed development as it creates a burden on the ability to park the tow trucks safely and will make it difficult, if not impossible, to utilize the land allotted for such parking. **The Applicants request leave for amending the Master Plan so that the amount of landscaping is reduced so that the purpose of the development is not frustrated.**

An extension of time is requested to address these issues and also the issue that the extensive efforts that have been made by applicant to address the radius requirements of the fire code applicable in this case have yielded some results but have not been sufficiently fruitful and Applicants must pursue another course of action to address the fact that this radius requirement cannot be met and no such measures can be taken to alter the radius to conform to code. Currently, Ben Lane roadway does meet the 20' wide requirement of the International Fire Code and Santa Fe County requirements. However, the radius requirements are not currently met. The Applicants were attempting to gather support from neighbors to affect and change these radius requirements in order to conform, but these efforts have failed. The Applicants are weighing

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their few options and will most likely need to begin the process of requesting a variance of the fire code or another solution that will bring a resolution to this issue. Applicants have done everything requested by the CDRC and BCC up until this point, but now Applicants request an extension of time and plea that the Board assist the Applicants with an interim solution to this problem.

Thank you for your consideration of this letter of request.

Sincerely

Bernadette and Robert Anaya

Signed by: _____

Talia Kosh, Esq.
Merit Bennett
Attorneys for Applicants
460 Saint Michaels Drive, Ste 703
Santa Fe, NM 87505
(505) 983-9834

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ROBERT AND BERNADETTE ANAYA MASTER PLAN REPORT

Updated May 2013

EXHIBIT
2

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Figures

Figure 1 - Vicinity Map

Appendices

Appendix A- Conditions of Approval
Appendix B-Letter of Request for Development Plan
Appendix C-Proposed Site Data
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Appendix J-Blank
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Appendix L- Flood Plain Map
Appendix M-Traffic Assessment

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Appendix N-Water Bill for2253 Ben Lane
Appendix O-Letter re: Sewer Service for Proposed Lot Split to Create 2244 Ben Lane
Appendix P-Description of Outdoor Solar Lighting
Appendix Q-Solar Lighting Levels on Subject Propert7

Introduction

The subject property at 2253 and 2244 Ben Lane, Santa Fe, NM 87505, consisting of .702 acres is located in the Agua Fria Village in Santa Fe County. **See Appendix F.** These two parcels were initially listed as 2253 Ben Lane. The Applicants requested an additional address for the back lot of 2253, so now this back portion is listed as 2244 Ben Lane, Santa Fe, NM 87505.

A variance was granted by the Board of County Commissioners to proceed with a master plan and development plan that allows for special use within Agua Fria Village for the parking of commercial towing vehicles at the back of the property for a towing business operated by the Anayas. The master plan is hereby submitted for approval. The conditions of approval are attached as **Appendix A.**

Letter of Request for Master Plan

See **Appendix B**

Project Location

The subject tract consists of .702 acres of land located within Agua Fria Village, located at 2253 Ben Lane, Santa Fe, NM 87505. Recently, and in anticipation of the division of this single lot into two lots, in order to separate the parking area from the Anaya's residence, the back portion of this lot is now listed as 2244 Ben Lane. One can access Ben Lane from Agua Fria Road. At **Figure 1** is a vicinity map showing the location of the property overlaid on a USGS map.

Ownership and Legal Lot Record

The property is owned by Bernadette Anaya, along with her husband, Robert Anaya, who are residents of Agua Fria Village and have owned the property for over 20 years. A reduction of the plat and the warranty deed is found in **Appendix D** to this report.

Master Plan Request

Master Plan approval is being requested. Initially, Master and Preliminary were requested. After conversations with Staff, and the public hearing with CDRC,, CDRC approved the master plan request. As per this approval, applicants request that the Board of County Commissioners approve the Master Plan as submitted. Within this Master Plan application, details not required pursuant to master plan requirements has been submitted by applicant, in order to give the Commission as much information as possible with regard to this request.

There will be only one phase: division of the property into two different properties, landscaping, walls, designation of hammer head, installation of minimal lighting and any other

such necessary actions required by the Code.

The Anaya master plan is conceptual, as per the Code, and focuses on the development of a parking area for up to 8 tow vehicles at the back of their property (2244 Ben Lane) when these emergency vehicles are not in use, in between dispatch calls. *See* Vicinity Map attached as **Appendix N** of the Development Plan and the Proposed Site Data, at **Appendix C** of the Development Plan. The calls received to dispatch these tow trucks will be received and dispatched from their residence on this same property.

As a condition for the approval of this development plan, Applicants request that the subject property be divided into two lots: (1) the lot upon which the Anayas have their current residence
(2253 Ben Lane at **Appendix C**). They will seek a home occupation license for this property so that they may dispatch calls from the residence and conduct administrative work and park a single tow vehicle at their home, in their off-street designated parking space. They will also continue to park their personal use vehicles at this residence, as permitted by applicable laws.; (2) the back lot of their property shall be divided from the residence (and 2244 Ben Lane at **Appendix C**) 2244 Ben Lane will be the subject of this development plan for designated parking, landscaping and hammer head.

The Anayas' property is naturally separated by Ben Lane and appears to be two pieces of property, when in fact, it is one parcel. The division of this parcel into two lots would ease the ability to designate the back of their property for storing and parking the tow vehicles. Ultimately, conditional upon the approval of the Final Development Plan, the properties will be divided and processed administratively and be recorded prior to final development of the project. The division of their property in this way would allow the Anayas to apply for a home occupation license for their residence, in order to continue to dispatch calls from their residence on the property. As a part of this administrative processing, Applicants will apply for a Home Occupation License in order to dispatch calls from their residence, conduct administrative work and to park one commercial truck off-street at their residence.

The Applicants will also apply for a Business License for 2244 Ben Lane, at the back of their property. This Tract is the subject of this Master Plan request.

2244 Ben Lane, Appendix C of the Master Plan: Proposed Site Plan:

2244 is the Location of Parking for Towing Vehicles: The subject of this Master Plan is 2244 Ben Lane only. 2244 Ben lane will be divided from 2253 Ben Lane, as stated above, and 2253 Ben Lane will be operating under a home occupation license for dispatching and receiving calls for the tow trucks. As for the back tract, 2244 Ben Lane, the location of the storing of these towing vehicles when not in use will on this portion of the Anaya's property, will occur at the end of Ben Lane along the N45°31'30'E wall which is adjacent to Henry Romero and Georgia Romero's property line . The2244 Ben Lane will be used for the following purposes: parking towing vehicles in designated spaces when not in use-up to 8 at a time, although there will be 3-5 parked there most regularly, and for parking personal and recreational vehicles.

Parking Area Landscaping Plan:

This master plan consists of building walls and planting drought-resistant trees (honey locusts or similar type) to separate the commercial parking area from surrounding residences. The existing wall that separates the Romero's property from the Anaya's property will be lined with trees as an additional screening. See Existing and Proposed Site Date at **Appendix C and F** of the Master Plan. There will also be a drip system installed to supply these trees with the minimal water requirements. There will also be secured rail road ties that will be utilized as bumpers for the tow trucks. Further, there will be bollards behind each railroad tie, to further secure the area. The largest tow truck has been taken account for with regard to these measurements at 42.5 feet. These bumpers and bollards for parking will be strategically placed for correct spacing of the tow vehicles, keeping in mind the boom length and width of the vehicles. There will be sufficient room for the circulation of traffic of the tow trucks. They will be able to pull into the parking area and back up with sufficient room to do so.

Along the East and South side of the property line, walls will be constructed, as per code requirements, for screening and property protection, taking into consideration the amount of space needed for the tow trucks to park and circulate, so as not to obstruct the purpose of the development. These walls will meet height requirements.

Personal Use Vehicles:

The Anayas will also continue to utilize any unused area between the south border of the property and the hammer head designated on the Proposed Site Plan (Appendix C to the Development Plan) for parking up to seven recreational vehicles, including the possibility of parking their two personal RVs (a Montana and a Toy Hauler), a medium sized boat (Bayliner), 2 low-boy trailers for personal use, a dumpster (2 cubic yards) and several personal vehicles. This is reflected in the site plan for designated parking spaces for personal vehicles, demonstrating sufficient circulation for both wreckers and personal vehicles.

Landscaping Plan

The proposed landscaping plan will improve and enhance the visual quality of the subject area. It will serve to buffer or screen visually unattractive land uses from residential areas surrounding the parking area. It will shade, cool and define the proposed parking area and minimize erosion, dust and any slope instability.

This development plan consists of building walls and planting drought-resistant trees to separate the commercial parking area from surrounding residences. The existing wall that separates the Romero's property from the Anaya's property will be lined with trees as additional screening. See Existing and Proposed Site Date at **Appendix C and F** of the

Development Plan. There will be a drip irrigation system installed to provide these trees with sufficient and minimal water.

There will also be secured rail road ties and bollards that will be utilized as bumpers and additional safety measures for the tow trucks. The largest tow truck has been taken account for with regard to these measurements at 42.5 feet. These bumpers for parking will be strategically placed for correct spacing of the tow vehicles, keeping in mind the boom length and width of the vehicles. There will be sufficient room for the circulation of traffic of the tow trucks. They will be able to pull into the parking area and back up the trucks with sufficient room to do so.

A wall will also be constructed along the East side of the property line, taking into consideration the amount of space needed for the tow trucks to exit and enter the property, so as not to obstruct the purpose of the development.

A dumpster will be located on the property for development, and will be screened as per Code requirements.

Walls:

Two walls will be constructed on the East side and south side borders of 2244 Ben Lane. The west wall will allow for sufficient room for trucks to enter, circulate and exit.

Hammer Head: The hammerhead will be located at the entrance to the property in question.

The contractor will be certain that the landscape treatment and improvements are designed, installed and maintained so they conform to submitted plans for landscaping. This plan promotes conservation of water through the use of drought tolerant plants, such as honey locusts. Along the North and South property lines of the parking area, within twenty five feet of a property line adjoining residential uses, screening of trees will occur. Walls will be built along the West and South side of the property to enclose the parking area from the adjacent residential areas.

Liquid and Solid Waste Plan

No waste will be produced with regard to this request and plan. From their residence, there will be no liquid waste that will require disposal for this project. The subject property is on a community sewer system, however. No septic system will be needed for this development.

Charlie Smith Construction will be responsible for the removal of any waste material from the site, although none is anticipated. A dumpster already located on the property will be available for the collection of any trash that may occur on the property. Waste will be taken to a County transfer station, the regional landfill in Santa Fe or the Los Alamos Landfill. Mr. Smith will attempt to recycle any materials possible through public or private sources.

At **Appendix M** is a letter from the City of Santa Fe regarding Sewer Service for Proposed Lot Split to Create 2244 Ben Lane indicating that connection to the existing public sewer main line would be possible.

Signs and Lighting Plan

Signage: There will be no utilization of signage in this development project.

Lighting: The Applicants wish to put in a minimal amount of lighting that would conform to residential requirements for lighting. This lighting will be outdoors and designed and arranged to enhance the safety of the area during evening hours, to provide security, to protect the night sky and to prevent the spillover, nuisance or hazard effects of light and glare on adjacent locations and uses of land. There will be proper screen of lighting and will reflect code height requirements. **This lighting will be solar** and will not require any additional hook-ups to an electrical power source. However, this is not essential to the development plan, but would be pursued for safety and security purposes only.

The site plan demonstrates the location, mounting height, type, shades/shields so they are not directly visible from any adjacent lot. Spillover of lighting for adjacent properties shall not exceed one half of one(.50) footcandle measured at any point ten feet beyond the property line and shall be installed no higher than the surrounding buildings.

See **Appendix P** for a description of the solar lights used. These solar lights are Sepco, Genesis lighting, an LED lighting system. See **Appenix Q** for lighting levels on the property for the lights used.

Existing Conditions, Topography and Drainage

Adjoining Land Uses: The property to the North of the Applicant's property is residential and walled with no access to Ben Lane. The property to the West of the back of the Anaya's property, which is the focus of the development plan, is an empty field, owned

privately and zoned for residential. The property to the South of the Applicant's property consists of residential trailers. The property to the East of the subject property consists of Ben Lane and residential properties.

Description of Terrain: There is no natural terrain on the subject property for the parking area. The entire area is dirt which will not be affected by development. There are no natural grades or slopes-all is man-made.

Slope and Grading: The Slope of the subject property for the parking area goes from NE to SW at a 1%-2% slope. The proposed development will be set at the existing grade and will not be changed or affected.

The subject property is outside of the flood plain. See **Appendix L** to the Development Plan.

Drainage and Detention Pond: Terrain Management Plan

This plan will protect and promote the health, safety and welfare of residents of SF County through proper landscaping, including screening, detention pond and drainage considerations. Natural drainage patterns will be preserved, and the development will adapt to the existing topography, soils and other conditions existing on the lot prior to development. The parking area will not be paved.

Detention Pond: The detention pond will be located at the SW corner of the property at the end of the proposed location of the hammer head. See **Appendix C** to the Development Plan. The proposed development will not change the grade of the property.

Drainage: Draining requirements will be met by proposed landscaping.

Topography and Drainage:

No descriptive topography. No natural slope. It's all man made Graphic representation of existing topography, slopes and flood plains are depicted at **Appendix M**. There is very little slope on the lot. There is natural drainage that occurs from North to South through the property. A detention pond will be at the Southwest corner of Tract 4B. Drainage will be addressed through the proposed landscaping plan.

Existing and Planned Utilities

There will be no utility use other than that discussed under Landscaping-Drip Irrigation in this master plan. Applicants have applied with PNM to have the telephone pole moved at the corner of Agua Fria Road and Ben Lane in Agua Fria Village. This pole is obstructing the requirements of the Fire Code regarding the turning radius requirements. **Appendix G.**

At **Appendix N** is a water bill for 2253 Ben Lane, demonstrating that a water connection exists on this property currently.

Water Budget Plan

The only water will be such use an needed for minimal drip irrigation for drought resistance trees planted along the north side of the property. Such drip irrigation is not taken into account with regard to water budget plan requirements, as the use is de minimus. There will be no other water utilized and needed for this development. The Water Budget is 0.00

2244 Ben Lane is available for hookup to community water.

Water Harvesting:

Due to the fact that no development of structures is proposed, a water harvesting plan is unnecessary.

Fire Protection and ACCESS

Access: Access to the property is from Agua Fria. The closest County fire substation to the site is within a mile from the property and would be accessed from Agua Fria Road. Water is available through Agua Fria Community Water Systems, See **Appendix H.**

Front access. The driveway entrance meets the 20 foot minimum width; however, access does not meet the required 28 foot radius. A hammer head is proposed in the development plan, as required by the Fire Code. A fire hydrant is within 1,000 feet as required for residential structures. Applicants have requested that PNM move the telephone pole at the corner of Agua Fria and Ben Lane to accommodate the access required for a 28 foot radius. See **Appendix G.**

A survey shall be conducted on the entrance at Ben Lane and Agua Fria Road to determine exact measurements.

Hammerhead: A hammerhead will be designated on the back lot of the Applicant's property to conform to fire code requirements

The proposed development shall utilize standard techniques available in order to minimize noise, vibration, smoke and other particulate matter.

This property is outside of the flood plain. See **Appendix L.** Water Budget: There will be no water used for development. Water Harvesting: Due to the fact that no development of structures is proposed, a water harvesting plan is unnecessary.

Respectfully Submitted,

Talia Kosh/Merit Bennett

The Bennett Firm

460 Saint Michael's Drive

Ste 703

Santa Fe, NM 87505

Attorneys for Applicant

APPENDIX B
Letter or Request for Development Plan
Master and Preliminary

Re: AMENDED LETTER OF REQUEST for Master Plan For Anaya Development.

To Whom It May Concern:

Robert and Bernadette Anaya, owners and residents of 2253 Ben Lane, Santa Fe, New Mexico 87507, hereby submit this letter of request as part of their application for Master Plan and Preliminary Development Plan pursuant to the variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), § 10.5 (Village of Agua Fria Zoning District Use Table), that was granted by the Board of County Commissioners, to allow a towing business to park their vehicles on this property, as a Special Use under the Zoning Use Table on 0.70 acres. See Ordinance attached as **Appendix A** to the "Anaya Master Plan and Preliminary Development Plan," (hereinafter referred to as the "Development Plan").

Statement of Facts and Purpose of Letter of Request:

Background:

The Anayas' family towing business has created many relationships with emergency responders over the years and stand ready to respond at any hour of the day or night to such community emergencies, including calls from New Mexico State Police Department, the Santa Fe Police Department, the Bureau of Indian Affairs, the NM Department of Transportation, Tesuque Tribal and other governmental organizations. It is necessary that the Anayas be permitted to continue to park up to 8 tow vehicles on their property, as they have done since 1989, in order to be able to respond to any emergency call in a timely fashion. Should the Anayas store their tow trucks off site, the time it takes to travel to retrieve these towing vehicles could mean the difference between whether or not a life is saved or important government property is preserved. Often, emergency responders, such as the fire department and various law enforcement agencies, cannot get to victims or those in exigent and dire circumstance without the assistance of a tow truck company with the versatile capability offered by the Anayas. For a complete description of the history of this project, please see Anayas' "Letter of Request for Variance" dated May 11, 2012.

In fact, the Anayas have a very unique towing capacity that only a few other tow truck companies in the entire State of New Mexico possess. In all of Northern New Mexico, only the Anayas have the unique capacity to tow and/or recover very heavy loads, which means they are the first towing company called by several government agencies, to respond to unique emergency situations. The quick access to their vehicles at the back of the Anaya's home makes their vehicles available for emergency calls at any time of day or night. Should the Anayas' store their vehicles away from their home, this would effectively destroy their ability to respond to such emergency situations and make it impossible for them to carry out their contracts and agreements with these governmental agencies. This would injure and effectively destroy the Anayas' towing business.

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SCOPE OF REQUESTED DEVELOPMENT:

The Anayas' master plan is focused around their development of a parking area for up to 8 tow vehicles at the back of their property, no labeled as 2244 Ben Lane, Santa Fe, New Mexico, when these vehicles are not in use, in between dispatch calls. *See* Vicinity Map attached at **Figure 1** of the Master Plan and the Proposed Site Data, at **Appendix C** of the Master Plan. The calls received to dispatch these tow trucks will be received and dispatched from their residence on this same property. See 2244 Ben Lane, **Appendix F** of the Development Plan.

Division of Property, Conditional Upon Approval of Development Plan:
In order to better effectuate and simplify the commercial zoning of their property and to park these tow trucks, conditional upon the approval of the Development Plan, the property at issue, 2244 Ben Lane (**Appendix F**) will be divided into two lots, 2253 Ben Lane and 2244 Ben Lane 4B at **Appendix C** to the Development Plan. The total amount of acreage for both of these tracts together is .702 acres. 2253 Ben Lane would be a total of .332 acres and 2244 Ben Lane would be a total of .370 acres. Both properties have water and sewer hook-ups, and because of this, the tract size can be as low as 1/3 of an acre.

Dividing the property into two lots will more easily and naturally separate the land into commercial and residential lots. The Anayas' property is naturally separated by Ben Lane and appears to be two pieces of property, when in fact, it is one parcel. The division of this parcel into two lots has been preliminarily affected and these two pieces of property are now labeled 2244 and 2253 Ben Lane. This division conditional upon the acceptance of the final development plan, would ease the ability to designate the back of their property for storing and parking the tow vehicles. Conditional upon the approval of the Master Plan, the properties will be divided and processed administratively and be recorded prior to final development of the project. The division of their property in this way would allow the Anayas to apply for a home occupation license in order to continue to dispatch calls from their residence on the property. As a part of this administrative processing, Applicants will apply for a Home Occupation License for 2253 Ben Lane, in order to dispatch calls from their residence, conduct administrative work and park one commercial truck off-street at their residence.
The Applicants will also apply for a Business License for 2244, at the back of their property. 2244 Ben Lane is the subject of this Master Plan.

2244 Ben Lane, Appendix C of the Development Plan: Proposed Site Plan:

2244 Ben lane is the Location of Parking for Towing Vehicles: The subject of this Development Plan is for 2244 Ben Lane only. What is now currently 2253 Ben Lane will be divided, as stated above, and the residence will remain as 2253 Ben Lane and will operate under a home occupation license that will be applied for as a condition to the approval of this development. As for 2244 Ben Lane, the location of the storing of these towing vehicles when not in use will be at the back of the Anayas' property, and is located end of Ben Lane along N45°31'30"E wall which is adjacent to Henry Romero and Georgia Romero's

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property line. The tow trucks will be parked along this wall in designated parking spaces. See **Appendix C** to the Development Plan.

2244 Ben Lane will be used for the following purposes: parking towing vehicles in designated spaces when not in use-up to 8 at a time, although there will be 3-5 parked there most regularly, and parking personal and recreational vehicles. See **Appendix C** to the Master Plan.

Parking Area Landscaping Development Plan:

This master plan consists of building walls and planting drought-resistant trees to separate the commercial parking area from surrounding residences. The existing wall that separates the Romeros' property from the Anayas' property will be lined with trees as an additional screening. See Existing and Proposed Site Date at **Appendix C and F** of the Development Plan. Along the wall where the tow trucks will be parked, there will also be secured rail road ties that will be utilized as bumpers for the tow trucks. Bollards will also be utilized. **Appendix C.** The largest tow truck will establish the length of this measurement at 42.5 feet. These bumpers for parking will be strategically placed for correct spacing of the tow vehicles, keeping in mind the boom length and width of the vehicles. There will be sufficient room for the circulation of traffic of the tow trucks. They will be able to pull into the parking area and back up, with sufficient room to do so.

A wall that conforms to the Code will be built along the East side of the property line, taking into consideration the amount of space needed for the tow trucks to exist and enter the property, so as not to obstruct the purpose of the development. **Appendix C.**

Walls:

Two walls will be constructed on the south side of 2244 Ben lane, behind the hammer head and on the east side of the property. **Appendix C.**

Personal Use Vehicles:

The Anayas will also continue to utilize any unused area near the hammer head designated on the Proposed Site Plan (**Appendix C** to the Development Plan) for parking their recreational vehicles, including the possibility of parking their two personal RVs (a Montana and a Toy Hauler), a medium sized boat (Bayliner), 2 low-boy trailers for personal use, a dumpster (2 cubic yards) and several personal vehicles.

Hammerhead: A hammerhead will be designated on the back lot of the Applicant's property to conform to fire code requirements. **Appendix C.**

Description of Terrain: There is no natural terrain on the subject property for the parking area. The entire area is dirt which will not be affected by development. There are no natural grades or slopes-all is man-made.

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Slope and Grading: The Slope of the subject property for the parking area goes from NE to SW at a 1%-2% slope. The proposed development will be set at the existing grade and will not be changed or affected. **Appendix C.**

Drainage and Detention Pond:

Detention Pond: The detention pond will be located at the SW corner of the property at the end of the proposed location of the hammer head. The proposed development will not change the grade of the property.

Drainage: Draining requirements will be met by the proposed landscaping.

Lighting: The Applicants wish to put in a small amount of lighting that would conform to residential requirements for lighting. This lighting will be outdoors, solar and designed and arranged to enhance the safety of the area during evening hours, to provide security, to protect the night sky and to prevent the spillover, nuisance or hazard effects of light and glare on adjacent locations and uses of land. As these lights will be solar, there is no need to connect said lights to an electrical source. See **Appendix P** for a description of the solar lights used. These solar lights are Sepco, Genesis lighting, an LED lighting system. See **Appenix Q** for lighting levels on the property for the lights used.

The subject property is outside of the flood plain. See **Appendix L** to the Development Plan.

Signage: There will be no utilization of signage in this development project.

Water Budget: There will be no water used for development.

Water Harvesting: Because no development of structures is proposed, a water harvesting plan is unnecessary.

Liquid Waste Disposal Plan: There will be no liquid waste that will require disposal for this project. The subject property is on a community sewer exists on the property, however.

Agua Fria Village Review: The Anayas were on the Agua Fria Village Association Agenda for February 4, 2013. The Anayas presented at this Association Meeting through their attorney, Talia Kosh, Esq., and presented in detail the proposed development plan herein. See **Appendix E.**

Noise and Air Quality Issues:

Noise and Air Quality concerns shall be addressed by the landscaping plan.

Access and Fire Code:

The access to the development is from Agua Fria road onto Ben Lane in the Agua Fria Village. The closes County fire substation to the site is within a mile from the property and would be accessed from Agua Fria Road. Water is available through Agua Fria Community Water Systems. See **Appendix H.** The driveway entrance meets the 20 foot minimum width; however, access does not meet the required 28 foot radius. A hammer head is proposed in the development plan, as required by the Fire Code. A fire hydrant is within 1,000 feet as required

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for residential structures. Applicants have requested that PNM move the telephone pole at the corner of Agua Fria and Ben lane to accommodate the access required for a 28 foot radius. See **Appendix G** of the Development Plan.

On the other corner of Ben Lane and Agua Fria, a wall has recently been built that is in violation of Fire Code requirements and is a fire hazard as it completely obstructs all visibility from Ben Lane when turning onto Agua Fria at 2261 Ben Lane. The wall also encroaches upon an easement. A complaint for this violation is to be filed with the County and measures to re-build this wall to Fire Code is conditional on this development plan. Applicants will request that this wall be re-built to conform to the fire code. Rounding off the corner of the wall and taking off several feet from the corner of the wall would be sufficient to meet code requirements. A survey will be conducted of this access road to determine exact measurements.

Traffic Assessment: The acceptance of a traffic assessment, in lieu of a traffic study, has been approved. See **Appendix M** to the Development Plan.

Thank you for your consideration of this letter of request.

Sincerely

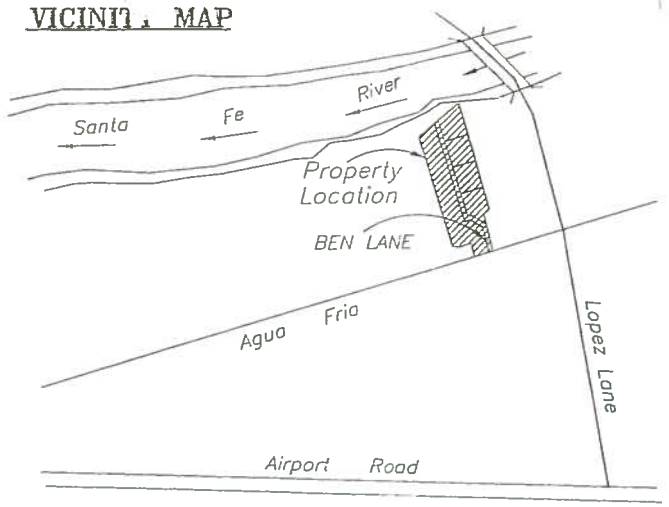
Bernadette and Robert Anaya

Signed by: _____

Talia Kosh, Esq.
Attorneys for Applicants
460 Saint Michaels Drive, Ste 703
Santa Fe, NM 87505
(505) 983-9834

NB-24

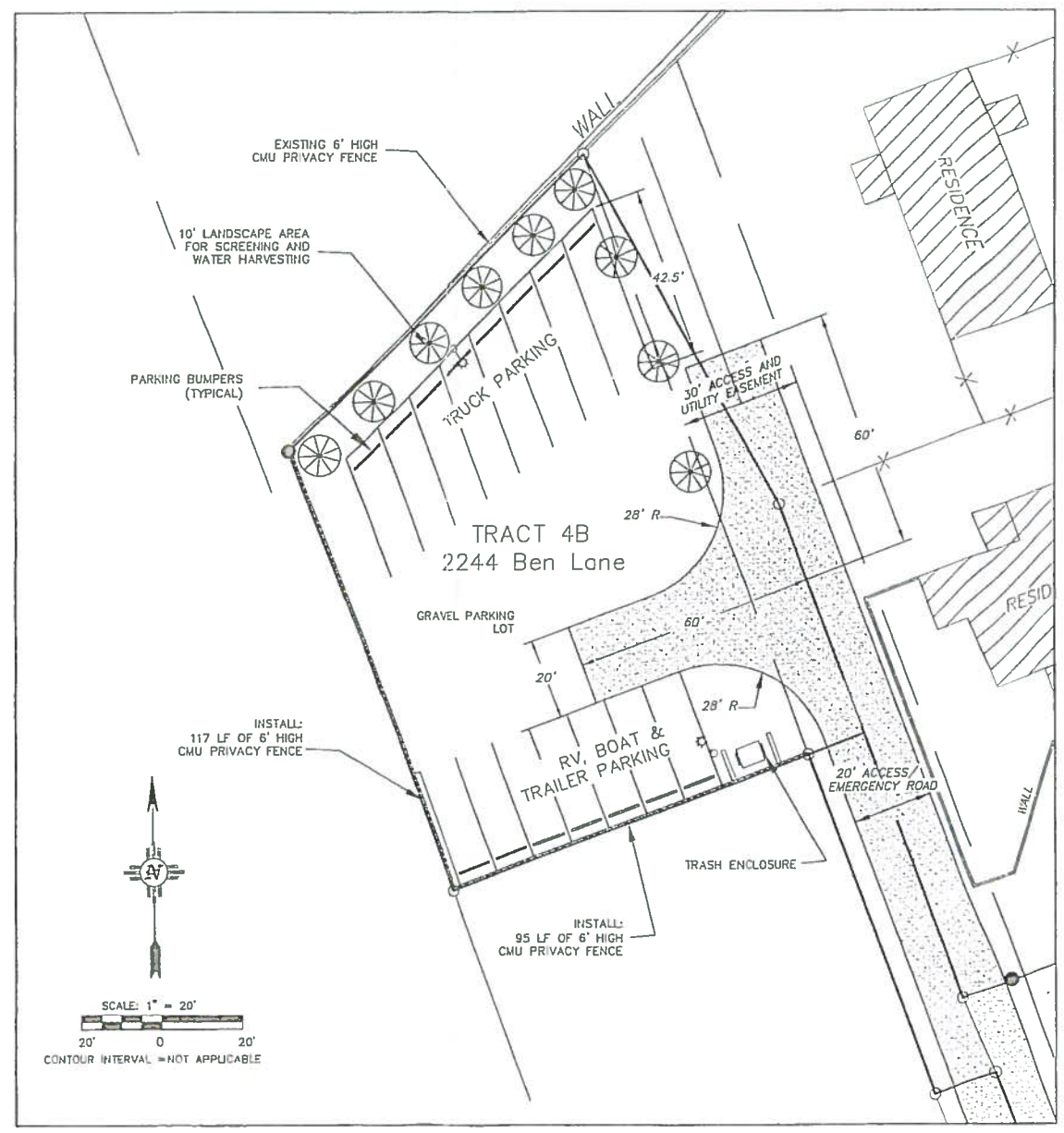
VICINITY MAP



VICINITY MAP N.T.S.

On Site Lighting Calculation Summary					
Location	CalcType	Units	Avg	Max	Min
10 FT OFF PROP LINE	Illuminance	ft-candle	0.23	0.50	0.02
PARKING LOT_Top_1	Illuminance	ft-candle	0.84	4.14	0.04

Luminaire Schedule		
Symbol	Qty	Description
	2	BEACON GEN-F-60-E-700-VOLTAGE-T4-MT Lamp: 145 System Watt LED Type IV Area Light at 20 feet above finished grade.



MASTER PLAN

SITE DATA

LOT SIZE ..... 1747 SQ FT.
0.339 Acres±
LOT COVERAGE ..... 0.00 %
REQUIRED OPEN SPACE ..... N/A
PROVIDED PARKING SPACES ..... 9 SPACES

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS DOCUMENT WAS SUBMITTED FOR RECORD ON THE _____ A.D. AT _____ O'CLOCK ___M. AND WAS RECORDED IN BOOK _____ AT PAGE _____ OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE
VALERIE ESPINOSA
COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO
SANTA FE COUNTY APPROVALS

BY: _____ (DEPUTY)

GENERAL NOTES

1. UPON CONSTRUCTION OF ANY BUILDING, CONNECTION TO THE COUNTY WATER AND WASTEWATER COLLECTION SYSTEM IS REQUIRED.

2. NO PORTION OF THIS PROPERTY IS WITHIN THE 100 YEAR FEMA FLOOD PLAIN AS SHOWN ON MAP 35049-C0394D DATED JUNE 12, 2008

Civil Engineering • Water Resources • Traffic Engineering
W·E Walker Engineering
905 Camino Sierra Vista, • Santa Fe, NM 87501
505-820-7000
FAX 505-820-3539
E-MAIL civil@walkerengineering.net

No.	REVISION	BY	APP.	DATE

PROJECT:	11-163	DESIGNED BY:	M.E.W.
FILE:	DEV	DRAWN BY:	C.D.A.
DATE:	5/1/12	CHECKED BY:	M.E.W.
SCALE:			AS NOTED

PROJECT: ANAYA PROPERTY AGUA FRIA, NM

SHEET TITLE: MASTER PLAN

REVIEW

DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MGMT. DIV.		
WATER SERVICES		
SUBDIVISION ENG.		
STREETS		
TRAFFIC		
FIRE DEPARTMENT		

SHEET NO.

D-1

NB-25

EXHIBIT 3

PLANT LEGEND

Qty.	Symbol Trees	Scientific Name / Common Name	Installed Size Ht.	Mat. Ht. Spread	Water Use	Drip Emitters
9		Gleditsia triacanthos / Honey Locust	2" Cal / 8'-10'	30'/30'	Medium +	6-2 gph

Walker Engineering
995 Camino Sierra Vista
Santa Fe, NM 87501

Stormwater Drainage Calculations

Project: Araya Property — Project No: 13-105 — Date: 2/7/2013

Developable Area: 0.34 Acres — 14747.00 Sq Ft

Present Land Use

Description	Area (SF.)	Area (Ac.)	C	C*A
Gravel	14747.00	0.34	0.85	0.29
Composite	14747.00	0.34	0.85	0.29

Proposed Land Use

Description	Area (SF.)	Area (Ac.)	C	C*A
Nine Tracks	2072.00	0.05	0.98	0.05
Gravel	12675.00	0.29	0.85	0.25
Composite	14747.00	0.34	0.87	0.29

Discharge Calculations

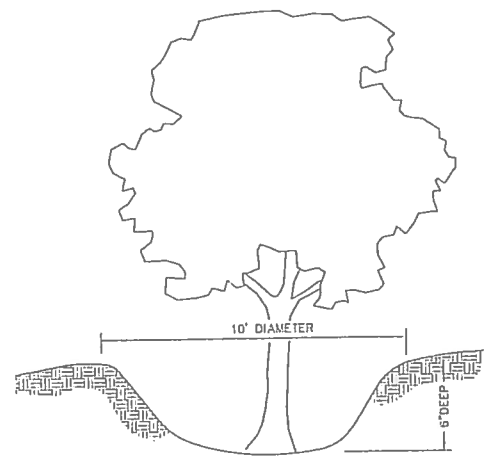
Description		C*A	Rainfall (in/hr)	Discharge (cfs)
Present Land Use		0.29	7.3	2.10
Proposed Land Use		0.29	7.3	2.15
Difference		0.01	0.00	0.05

Pond Volume Required — 51 ft³

Tree Well Design

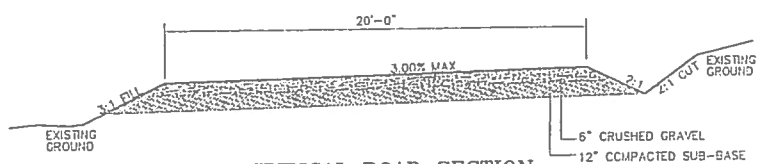
Diameter of Tree Well =	10	feet
Depth of Tree Well =	0.50	feet
Storage Volume of Tree Well =	9.80	cu.ft.
Number of Trees	6	
Pond Volume Provided =	58.8	ft³

There is adequate capacity in the tree wells to control the increase in runoff from this site.



TREE WELL DESIGN

NOT TO SCALE



TYPICAL ROAD SECTION

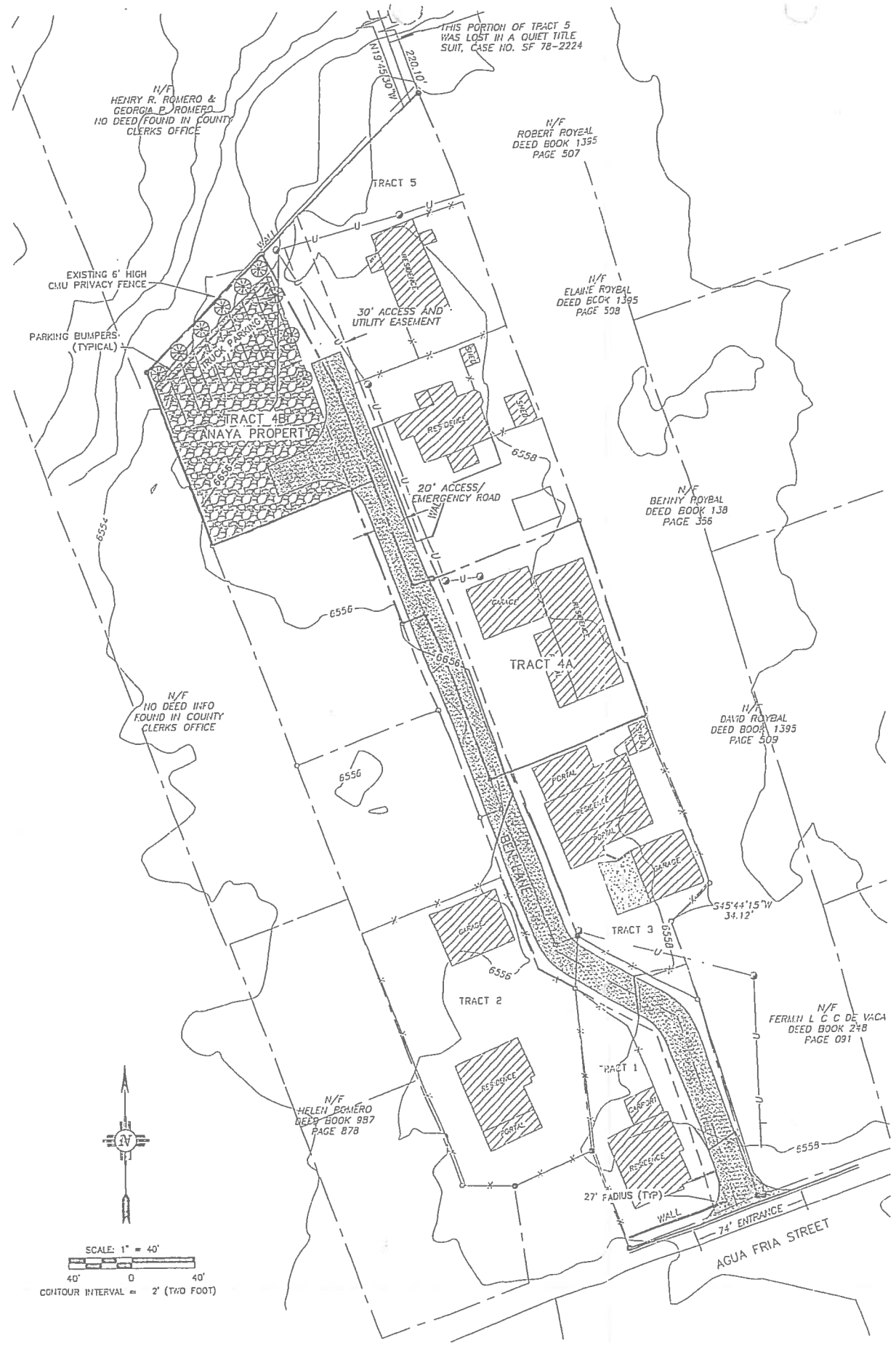
NOT TO SCALE

TOPOGRAPHY NOTE

1. PRESENTED TOPOGRAPHY FROM SANTA FE COUNTY GIS SECTION.
2. WALKER ENGINEERING HAS UNDERTAKEN NO FIELD VERIFICATION OF THE PRESENTED TOPOGRAPHY INFORMATION, AND MAKES NO REPRESENTATION PERTAINING THERETO, AND ASSUMES NO RESPONSIBILITY OR LIABILITY OF PRESENTED TOPOGRAPHY ONLY.

LEGEND

- EXISTING CONTOURS
- DESIGN CONTOURS
- SITE BOUNDARY
- SPOT ELEVATION
- NEW BASE COURSE
- EXISTING CURB AND GUTTER
- LOT BOUNDARY
- NEW PRIVACY WALL



Civil Engineering • Water Resources • Traffic Engineering
W·E Walker Engineer
995 Camino Sierra Vista, • Santa Fe, N
505-820-7000
FAX 505-820-3530

No.	REVISION	BY	APP.	DATE

PROJECT: 13-105 SITE — DESIGNED BY: M.E.W.
TILESTE IMPROVEMENTS — DRAWN BY: M.E.W.
DATE: 1/31/13 — CHECKED BY: M.E.W.

PROJECT: ANAYA PROPERTY SANTA FE

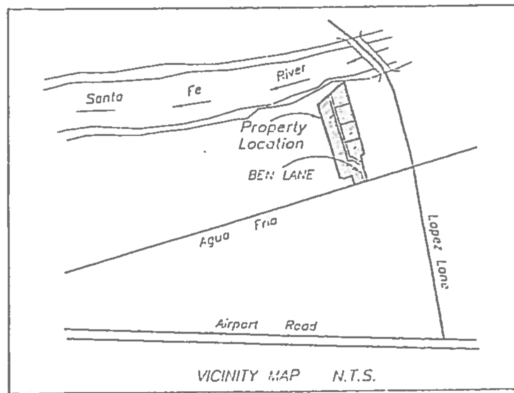
SHEET TITLE: GRADING, DRAINAGE, AND LANDSCAPE PLAN

COUNTY REVIEW

DEPARTMENT	SIGN-OFF	DATE
LAND USE PLANNER		
PUBLIC WORKS DIRECTOR		
S.F. WATER COMPANY		

SHEET NO. C-1

NB-26



10°30'00"
Magnetic North

GRAPHIC SCALE
40 0 20 40 80 160
1 INCH = 40 FEET

SANTA FE CONTROL NO. 71

LEGEND

- ○ MARKERS SET THIS SURVEY 1/2" REBAR WITH CAP 5300
- ● MARKERS FOUND USED AND NOTED THIS SURVEY
- ⊙ U.S.G.L.O. BRASS CAP
- POWER POLE
- —x— FENCE
- CONCRETE AREA
- —U— OVERHEAD UTILITY LINE

AMENDED CERTIFICATE

THIS PLAT HAS BEEN AMENDED TO SHOW TIE TO SANTA FE CONTROL NO. 71.

MORRIS A. APODACA PS 5300 — AUGUST 19, 08 — DATE

OWNERS CONSENT AND AFFIDAVIT

THE UNDERSIGNED OWNERS DO HEREBY ATTEST THAT THE LOT LINE ADJUSTMENT SHOWN HEREON IS WITH THIER FREE CONSENT AND IN ACCORDANCE WITH THEIR WISHES AND DESIRES AND DO FURTHER DEDICATE ANY EASEMENTS PRIVATE/PUBLIC TO THE APPROPRIATE UTILITY COMPANY OR USER. THIS PROPERTY LIES WITHIN THE PLATTING AND PLANNING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE, NEW MEXICO.

ESTATE OF STELLA SANDOVAL: LEONARD C DE BACA AND ESTHER ORTIZ, ADMINISTRATORS

LEONARD C DE BACA — ESTHER ORTIZ — 6-2-08 DATE

TRACT 1 ESTHER ORTIZ — 6/2/08 DATE

TRACT 4 BERNADETTE C DE VACA — 6/2/08 DATE

TRACT 2 LEONARD C DE VACA — 6,2,08 DATE

TRACT 3 ANTHONY C DE VACA — 6,2,08 DATE

TRACT 5 PATRICK C DE VACA SR. — 6,2,08 DATE

TRACT 3 CARLA C DE VACA — 6/2/08 DATE

STATE OF NEW MEXICO } SS
COUNTY OF SANTA FE }

ON THIS 2ND DAY OF JUNE 2008, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY THE PERSON(S) WHOSE NAME APPEARS THE THE ABOVE.

NOTARY PUBLIC — 6/2/08 DATE

OFFICIAL SEAL MORRIS A. APODACA Notary Public State of New Mexico My Commission Expires 2/27/09

GENERAL NOTES

1. SURVEY REFERENCE OF PLAT OF SURVEY ENTITLED "BEN SUBDIVISION" PREPARED BY GEORGE RIVERA N.M.P.L.S. No. 3149 ON OCTOBER 1981 RECORDED IN PLAT BOOK 124 PAGE 003 IN THE RECORDS OF SANTA FE COUNTY CLERK
2. SURVEY REFERENCE OF PLAT OF SURVEY ENTITLED "LOT LINE ADJUSTMENT LEONARD C DE VACA AND STELLA SANDOVAL" PREPARED BY CIPRIANO MARTINEZ N.M.P.L.S. No 3995 JULY 14, 1993 RECORDED IN PLAT BOOK 250 PAGE 042 IN THE RECORDS OF SANTA FE COUNTY CLERK.
3. BEARINGS ARE BASED ON GRID NORTH (WGS84) FROM FIELD OBSERVATIONS BY MEANS OF R.T.K GLOBAL POSITIONING SYSTEM (G.P.S.) DISTANCES ARE GROUND
4. WARRANTY DEED FROM ESTHER ORTIZ, LEONARD C DE VACA, ANTHONY C DE VACA, BERNADETTE C DE VACA, PATRICK C DE VACA, HEIRS OF BERNARDINO AND IDALIA SANDOVAL TO STELLA SANDOVAL RECORDED IN DEED BOOK 421 PAGE 083 IN THE RECORDS OF SANTA FE COUNTY. OTHER WARRANTY DEEDS THAT ARE FILED TO LEONARD C DE BACA BOOK 458 PAGE 260, TO PATRICK C DE BACA BOOK 458 PAGE 242, TO BERNADETTE C DE BACA BOOK 458 PAGE 242 AND TO ANTHONY AND CARLA C DE BACA INST NO. 1339959
5. THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN IN SANTA FE COUNTY F.I.R.M. PANEL NO. 350069 0227B DATED NOVEMBER 4, 1938
6. SURVEY REFERENCE OF THE DISTRICT COURT, OF THE COUNTY OF SANTA FE QUIET TITLE SUIT CASE No SF78-2224 SIGNED BY DISTRICT JUDGE LORENZO GARCIA

REGISTERED PROFESSIONAL SURVEYOR STATE OF NEW MEXICO 5300 MORRIS A. APODACA

CERTIFICATE

I, MORRIS APODACA, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR CERTIFY THAT ON DECEMBER 17, 2007, I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF NEW MEXICO.

MORRIS A. APODACA P.L.S. 5300 — 6/2/08 DATE

BUILDING PERMIT CONDITION

BUILDING PERMITS FOR NEW RESIDENTIAL CONSTRUCTION SHALL NOT BE ISSUED UNTIL PROPOSED SANITARY SEWER SERVICE MAIN LINE HAS BEEN COMPLETED ALONG BEN LANE.

SANTA FE COUNTY UTILITY DIVISION — 7-8-08 DATE

1535-669

COUNTY OF SANTA FE } SS STATE OF NEW MEXICO } I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 9 DAY OF July A.D. 20 08 AT 11:02 O'CLOCK A M AND WAS DULY RECORDED IN BOOK 686 PAGE 002 OF THE RECORDS OF SANTA FE COUNTY. WITNESS MY HAND AND SEAL OF OFFICE VALERIE ESPINOZA COUNTY CLERK SANTA FE COUNTY, N.M. DEPUTY

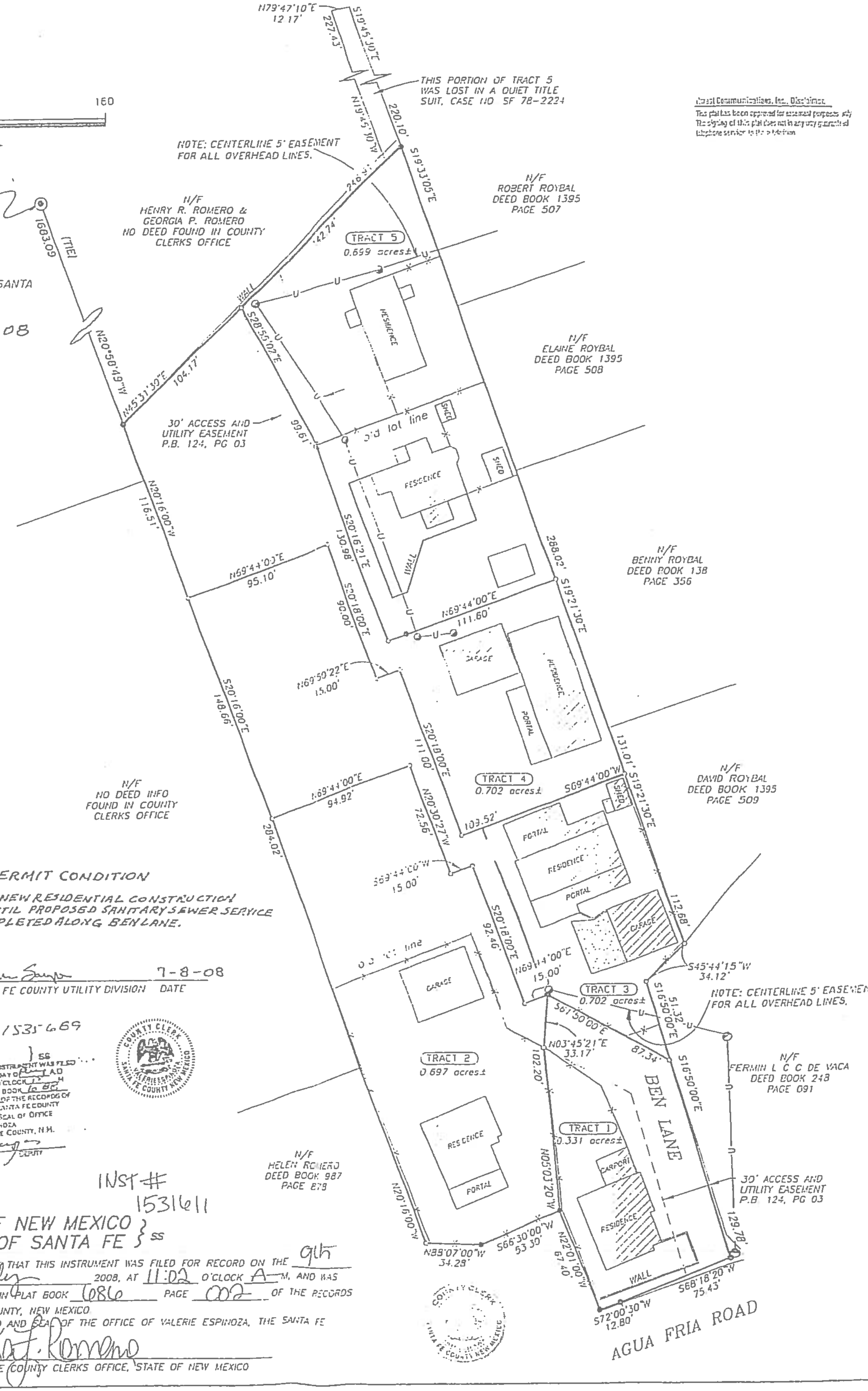
COUNTY CLERK SANTA FE COUNTY NEW MEXICO

INST # 1531611

STATE OF NEW MEXICO } SS
COUNTY OF SANTA FE }

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 9th DAY OF July 2008, AT 11:02 O'CLOCK A M, AND WAS DULY RECORDED IN PLAT BOOK 686 PAGE 002 OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO WITNESS MY HAND AND SEAL OF THE OFFICE OF VALERIE ESPINOZA, THE SANTA FE COUNTY CLERK

DEPUTY SANTA FE COUNTY CLERKS OFFICE, STATE OF NEW MEXICO



Qwest Communications, Inc. Disclaimer. This plat has been approved for easement purposes only. The signing of this plat does not in any way guarantee telephone service to the subdivision.

UTILITIES

AGUA FRIA WATER ASSOCIATION — 6-5-08 DATE

PNM ELECTRIC & GAS — 6-18-2008 DATE

QWEST TELEPHONE CO. — 6-4-08 DATE

6560035

6860002

SANTA FE COUNTY APPROVALS

NOTES AND CONDITIONS

LAND USE ADMINISTRATOR — 7/8/08 DATE

RURAL ADDRESSING APPROVAL — 6/23/08 DATE

COUNTY DEVELOPMENT PERMIT NO. 08-3075

1. MAINTENANCE OF ACCESS ROADS AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNER/USER UNLESS CURRENTLY MAINTAINED BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT.
2. THE LAND SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE
3. SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF PRIVATE EASEMENT(S) OR ROAD(S) AS SHOWN PRIOR TO THE CONSTRUCTION OF SAID PRIVATE EASEMENT(S) OR ROAD(S), IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR
4. THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.
5. SOILS RATING; PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOILS RATING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE TO SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL BUYERS/SELLERS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENTAL DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED
6. THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS
7. EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPEDED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST. DEVELOPMENT SHALL NOT IMPEDE HISTORIC FLOW RATES OR PATTERNS TO OR FROM THESE LOTS.
8. ALL SLOPES SHOWN HEREON ARE LESS THAN 15% AND THERE ARE NO NATURAL DRAINAGEWAY(S) OTHER THAN THOSE SHOWN AS DRAINAGE EASEMENTS.
9. LANDS SHOWN HEREON LIE OUTSIDE THE 100 YEAR FLOOD PLAIN IN ZONE X, ACCORDING TO F.I.R.M. PANEL NO. 35049C-0392D AND 0394D
10. THE PARCELS AS PLATTED HEREON ARE SUBJECT TO ARTICLE III, SECTION 3 OF THE SANTA FE COUNTY TERRAIN MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT
11. NEW DRIVEWAY/ROAD ACCESS FROM COUNTY ROAD 66 IS SUBJECT TO APPROVAL BY THE PUBLIC WORKS DIRECTOR. THE DIRECTOR SHALL APPROVE THE LOCATION AND INSTALLATION OF A CULVERT AS PERMITTED BY SANTA FE COUNTY PRIOR TO ISSUING A PERMIT FOR CONSTRUCTION.
12. THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.
13. THESE TRACTS ARE SUBJECT TO THE REQUIREMENTS OF THE FIRE MARSHAL AFFIDAVIT FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS INSTRUMENT NO 1531612

SPECIAL BUILDING PERMIT CONDITIONS

DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROADS, FIRE PROTECTION AND DRAINAGE ARE COMPLETED AS APPROVED BY STAFF.

LOT	ADDRESS	U.P.C. CODE
TRACT 1	2262 BEN LN.	1-049-097-345-085
TRACT 2	2260 BEN LN.	NO INFO FOUND
TRACT 3	2259 BEN LN.	1-049-097-360-075
TRACT 4	2253 BEN LN.	1-049-097-355-088
TRACT 5	2249 BEN LN.	1-049-097-345-111

LOT	SQUARE FEET	ACREAGE
TRACT 1	14,406.918	0.331±
TRACT 2	30,356.395	0.697±
TRACT 3	30,567.767	0.702±
TRACT 4	30,580.822	0.702±
TRACT 5	30,433.729	0.699±

PURPOSE: THIS PLAT IS TO AMEND EXISTING TRACT BOUNDARIES

A – Z SURVEYING INC.

5538 AGUA FRIA
SANTA FE – NM 87507
TELEPHONE (505) 471-3366

INDEXING INFORMATION FOR COUNTY CLERK

LOT LINE ADJUSTMENT FOR

ESTATE OF STELLA SANDOVAL, ET AL

LEONARD C DE VACA, BERNADETTE C DE VACA, PATRICK C DE VACA, ANTHONY C DE VACA, CARLA M. C DE VACA

IN BEN SUBDIVISION WITHIN S.H.C. 1182, P2 SECTION 31 TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M SANTA FE COUNTY, NEW MEXICO

CHECKED BY:	DATE: 2008	SURVEY NO
SCALE 1"=50'	MAY 20,	L07-035

NB-27.

EXHIBIT
4
NB-28

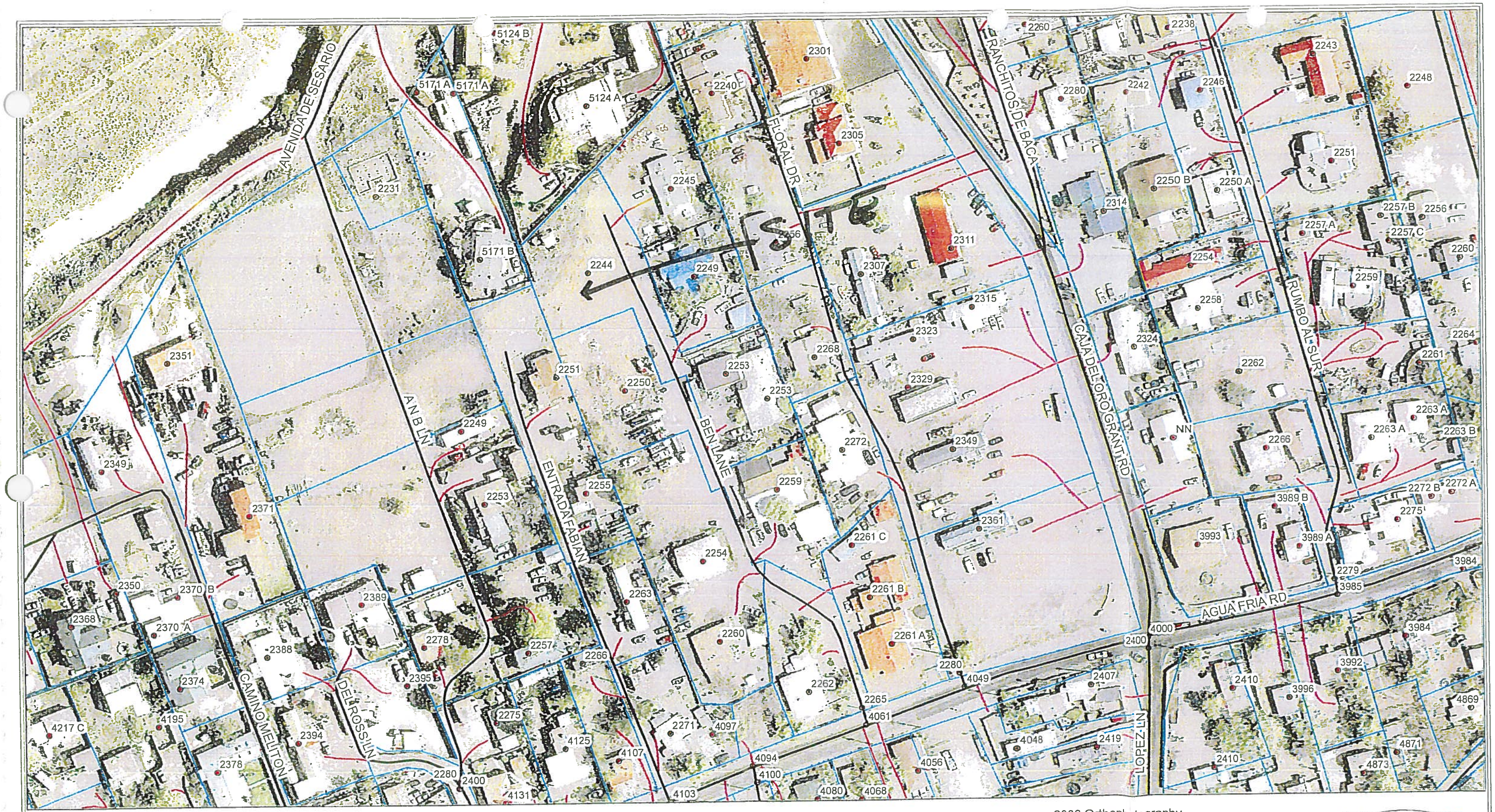
NB-29

9/10/16

2/9/2012
NB-30

2/9/2012

2/9/2012



2008 Orthophotography
2 FOOT CONTOURS

Legend

ROADS

DRIVEWAYS

EXHIBIT 5

1:1,200

1 inch represents 100 feet

90 45 0 90 Feet

N W E S

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

SANTA FE COUNTY

FEBRUARY 7, 2013

NB-33

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department

Fire Prevention Division

Official Development Review

Date	03/27/2013		
Project Name	Robert & Bernadette Anaya		
Project Location	2253 Ben Lane, Santa Fe, New Mexico 87507		
Description	Master Plan & Preliminary Development Plan	Case Manager	Jose Larranaga
Applicant Name	Robert & Bernadette Anaya	County Case #	13-5060
Applicant Address	2253 Ben Lane Santa Fe, New Mexico 87507	Fire District	Agua Fria
Applicant Phone	505-470-6621		

Review Type: Commercial ☒ Residential ☐ Sprinklers ☐ Hydrant Acceptance ☐
Master Plan ☒ Preliminary ☒ Final ☐ Inspection ☒ Lot Split ☐
Wildland ☐ Variance ☐

Project Status: Approved ☒ Approved with Conditions ☐ Denial ☐

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

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

- **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

EXHIBIT 6

NB-34

Ben Lane roadway does meet the 20' wide International Fire Code and Santa Fe County requirements. The proposed hammerhead turnaround meets the 1997 Uniform Fire Code requirements as shown in master plan & preliminary plan page D1.
The proposed entry from Agua Fria Street into Ben Lane meets the 1997 Uniform Fire Code requirement as shown in master plan & preliminary plan page C1

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

There are no slopes the exceed 11%.

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

- **Hydrants**

Shall comply with Article 9, Section 903 – Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.
Section 903.4.2 Required Installations. (1997 UFC) *The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*
Hydrant location meeting residential flow requirements of 500 GPM is within 1000ft.

General Requirements/Comments

Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

As required

Final Status

Recommendation for Master Plan and Preliminary Development Plan approval with the above conditions applied.

Renee Nix, Inspector
Code Enforcement Official

3-27-13
Date

Through: Chief David Sperling

File: DEV/Robert& Bernadette Anaya/032713/AF

Cy: Buster Patty, Fire Marshal
Jose Larranaga, Land Use
Applicant
District Chief Agua Fria
File

NB-36

3) create a buffer or screen for storage or parking areas; and
4) take advantage of solar gain in winter months. See also the setback requirements set forth in Section 4, Design Standards.

c. Parking Lot Location.
Parking lots shall be placed or oriented on a site:
1) to the rear or side of buildings (or both); and
2) to encourage pedestrian safety and convenience.

d. Terrain Management
All development of a lot, tract or parcel shall be done in accordance with Article VII, Section 3 of this Code.

History. 1980 Comp. 1980-6. Section 4.4.3 was amended by County Ordinance 1990-11 adding all new material for site planning standards.

4.4.4 Development and Design Standards

a. Screening
Outdoor storage, parking and loading areas which are visible from public roads or from abutting public lands or residential areas shall be screened. Such screening may be landscaping, walls, fencing, building placement, berms, or any combination thereof. For landscaping plans and standards relating to screening see Sub-section f.

b. Buffer Zones and Setbacks
1) Proposed non-residential districts or uses that adjoin parcels on which dwellings are located within 100 feet of the property line adjacent to the parcel on which the use is to be located shall be set back 100 feet from the property line in major or community center districts and 25 feet in local or small scale districts. The 100' setback area may be used to meet the off-street parking requirement of Section 9 of Article III except that no parking may be provided within twenty five (25) feet of the property line in Major and Community Center Districts and five (5) feet from property lines in Local and Small Scale Districts. In the setback area, existing vegetation shall be preserved and natural topographic features, planting, building placement, walls, fencing, earth berms or landscaping or any combination thereof, shall be used to keep buildings, parking or outdoor storage unobtrusive.
2) Alternatives to the 100 foot setback are specified in Article V, Section 8.1.4 e. 1-5.
3) Side and rear yard setbacks shall apply only to lots at the edge of a non-residential district. Zero lot lines (no setback) for building placement may be allowed, if fire resistive construction between buildings is provided directly adjacent or adjoining on interior property lines.

c. Maximum Height
Structures shall be limited to a maximum height of thirty six (36) feet from the highest point of the surface of the ground at the perimeter of the structure in Major or Community Center Districts and to twenty four (24) feet in height in Neighborhood or Local Center Districts.

d. Parking
Compliance with the parking standards set forth in Article III, Section 9, is required.

EXHIBIT 7

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e. Maximum Lot Coverage
Maximum lot coverage for all structures for any development shall not exceed thirty percent (30%) in major or community center districts or twenty percent (20%) in neighborhood or small scale center districts.

f. Landscaping

4.4.4 f. 1) Purpose and Intent
Landscape treatments are applicable to all development for the following purposes:
(a) To assure that new development creates an amenity and improves and enhances the visual quality of an area;
(b) To buffer or screen visually unattractive land uses from roadways and residential areas;
(c) To shade, cool and define large parking areas;
(d) To define the separate function of thoroughfares and other land uses;
(e) To minimize erosion, dust and slope instability;
(f) To assure that landscape treatment and improvements are designed, installed and maintained so that they conform to submitted plans or master plans for landscaping;
(g) To preserve both native vegetation and landscapes and to protect the visual and structural integrity of hillsides or steep or mountainous areas from the effects of development by revegetation of disturbed areas; and
(h) To promote conservation of water through the use of drought tolerant plant materials and xeriscape techniques.

4.4.4 f. 2) The landscaping requirements of this Code are cumulative; applicants shall meet:
- the standards for minimum area on a development site (Sections 4.4.4 f 4, 9, and 10); plus
- any required road frontage area (Article III, Sections 4.4.4 f 10 and 13 and Article V, Sections 8.1.4); plus
- landscaping for parking lots (Sections 4.4.4 f 11), plus
- landscaping for drainage ponding areas (Article VII, Section 3.4.6 f); and
- revegetation (Article VII, Section 3.4.5),

except where specific substitutions or adjustments are provided for in these regulations.

4.4.4 f. 3) Native Vegetation: Preservation

(a) Intent
It is the intent of the Code to protect and retain native vegetation and landscapes for all development. Native trees, shrubs and other natural vegetation stabilize steep slopes, retain moisture, prevent erosion, provide habitat for wildlife, play a role in the prevention of air and noise pollution and enhance natural scenic qualities.
(b) Limitations on grading and clearing.
(1) Grading shall be limited to the development site within the Buildable Area on a lot or tract
(2) Clearing of existing native vegetation shall be limited to approved development sites. No significant tree may be removed from slopes greater than thirty percent (30%).

fulfill the proposals contained in the subdivider's disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.

4.8 Common Promotional Plans
The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in this Article V.

SECTION 5 - PROCEDURES AND SUBMITTALS

5.1 Pre-application Procedures
Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the Code Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:

1. Submittals required by the Code.
2. Type and/or class of the proposed subdivision.
3. Individuals and/or agencies that will be asked to review the required submittals.
4. Required improvements.
5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

5.2 Master Plan Procedure

5.2.1 Introduction and Description

a. Master plans are required in the following cases:
   i. All Type I, Type II, and Type IV subdivisions with more than one development phase or tract;
   ii. As required in Article III for developments other than subdivisions; and
   iii. Such other projects which may elect to apply for master plan approval.
b. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
c. The master plan submittal will consist of both plans and written reports which include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

5.2.2 Master Plan Submittals

a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel.

EXHIBIT 8

NB-39

The locations of all Federal, State, or County Roads within one thousand (1000) feet of the parcel shall be shown. In addition, location of future highways and arterials as designated on the appropriate master plan for roads in the County (see 3-19-9 N.M.S.A. 1978) shall be shown.

b. Existing Site Data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or other appropriate scale as determined by the Code Administrator and shall include the following:
   1) Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts;
   2) Easements: Location, width and purpose;
   3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way width;
   4) Utilities on and immediately adjacent to the tract;
   5) Owners of record of unplatted land and existing subdivision plats by name and recordation, together with owners of record for affected lots shall be shown for property within one-hundred (100) feet of that tract not including public rights-of-ways.
   6) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
   7) Proof of legal access from a county or state road as required by the Code.

c. Conceptual environmental plan shall include, when appropriate:
   1) Graphic representation of existing topography, natural features, slopes, and floodplains.
   2) Soils maps and reports (SCS)
   3) Recreational and/or open space plan, or landscape concepts,
   4) Liquid waste disposal plan, and
   5) Water Supply plan.

d. Master plan map(s) showing the proposed development in sketch form, including:
   1) Proposed major vehicular and pedestrian circulation system,
   2) Designation and description of proposed land uses, including information about residential uses by type, area and density, and information about office, general commercial and industrial uses by area and intensity of development. Mixed uses shall not be prohibited,
   3) Logical and natural boundaries defining development limitations, and
   4) Any proposed sites for schools or other community facilities.

e. A phasing schedule shall be included in the master plan giving a general description of each phase of the development.

f. A schematic utilities plan showing location, locational cross sections, and approximate line sizes. It is recognized that there may be changes in the final utilities plan due to the requirements of utility companies or final engineering plans and specifications.

NB-40

g. Master plan report which includes the following:
   1) A general description of the project, existing development on the parcel, location, adjacent properties, acreage, lot coverage, access, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, water, liquid waste, solid waste, archaeological sites and fire protection measures;
   2) If appropriate, market analysis and economic impact report which address: demand, projected sales and build-out; identifies a trade area; estimates retail sales and potential, and identifies the scale and extent of local competition.
   3) Preliminary fiscal impact estimates of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project.
   4) Preliminary environmental assessment, which identifies the possible effects of proposed development on natural resources or natural features. This may be combined with Section 5.2.2.c of this Article.
   5) A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Code Administrator.
   6) Description of concepts for restrictive covenants proposed for the development if applicable, outlining the areas and extent of restriction or regulation. Detailed covenants are not required at this time.
   7) Schools impact report. A written report which projects the effects the proposed project will have on public schools, and which includes:
      - the proposed number, size, and price of residential units within the project;
      - a description of the project's target market; and
      - where applicable, any special educational needs of the project's school-aged residents.

      The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.

5.2.3 Master Plan Review

The master plan shall be submitted to the Code Administrator or his authorized representative with a written application for approval. The Code Administrator will review the plan and submit analysis, written comments and a recommendation to the County Development Review Committee and the Board. Master plans shall be reviewed by the County Development Review Committee which shall make determinations regarding compliance with the County General Plan or the Extraterritorial Plan and the Code and shall forward the plan to the Board with the Committee's recommendation. The Board may adopt, amend, supplement, or reject the County Development Review Committee recommendation.

5.2.4 Master Plan Approval

a. The approved master plan shall show the area of residential use and general density measured in dwelling units per acre of land, less dedicated or conveyed rights of-way, and the area and intensity of commercial and industrial use measured in gross square feet of building area or maximum gross floor area ratio. These shall constitute the maximum permitted number of dwelling units and maximum permitted area and intensity of commercial or industrial use.

b. The County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans:
   1. Conformance to County and Extraterritorial Plan;

2. Suitability of the site to accommodate the proposed development;
3. Suitability of the proposed uses and intensity of development at the location;
4. Impact to schools, adjacent lands or the County in general;
5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed;
6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

5.2.5 Filing of Approved Master Plan

The approved master plan with maps which has been approved by and received signatures of the County Development Review Committee Chairman and Board Chairman shall be filed of record at the County Clerk's Office.

5.2.6 Amendments and Future Phase Approvals

a. Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits.
b. The Code Administrator may approve minor changes to the master plan. Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.
c. Any changes approved by the Code Administrator pursuant to Section 5.2.6b of this Article shall be subject to the review and approval of County Development Review Committee and the Board at the time of development plan or plat approval.
d. The phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan. (See Article V, Section 4.5)

5.2.7 Expiration of Master Plan

a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board.
b. Master plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.
c. Progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project.

History. 1980 Comp. 1980-6. Sections 4.4, 4.5, 5.1 and 5.2 were amended by County Ordinance 1987-1 to provide for the submittal of a master plan.

5.3 Preliminary Plat Procedure

5.3.1 Introduction and Description

5.3.1a Preliminary plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions.

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COMMISSIONER ANAYA: Are you okay? It's in your district, Madam Chair.

CHAIR HOLIAN: Okay. Then I will make a motion then to approve with staff conditions.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for approval with staff conditions for BCC Case #13-5150.

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

CHAIR HOLIAN: Thank you, Mike and thank you, Mr. Shrader. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have a lot of questions that come in and I rely on Vicki and Wayne and Penny to answer a lot of those questions on a daily basis. And just coupling on what Commissioner Stefanics says, I think we need to make sure we're all on the same page as to what's in the recommended code and that staff is all on the same page with that because I too agree that there are some structures that are for ag purposes or small accessory structures in nature that we shouldn't be overburdening our public and shouldn't even have permits in several of those cases. So as long as we're clear across the board and everybody's singing on the same sheet of music I think that's going to be important because right now, it is required for everything. Right, Mr. Dalton?

WAYNE DALTON (Land Use): Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: Thank you.

XVIII. A. 2. **CDRC CASE # Z 13-5060 Robert & Bernadette Anaya Master Plan/Preliminary Development Plan. Robert & Bernadette Anaya, Applicants, Talia Kosh, Agent, Request Master Plan Zoning Approval for a Commercial Towing Business as a Special Use Under the Village of Agua Fria Zoning District Ordinance Use Table (Ordinance No. 2007-2). The Property is Located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East (Commission District 2)** *[Exhibit 2: Letter of Opposition]*

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. On August 14, 2012, the Board of County Commissioners approved a request, by the Applicants, for a variance to allow a towing business as a Special Use under Ordinance No. 2007-2, § 10.5, Village of Agua Fria Zoning District Use Table. A special use is an allowed use which is subject to Master Plan approval by the BCC. The use as a towing company falls under the

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category of vehicle service not listed which is not allowed as a use as outlined in the commercial use category within the Traditional Community Zoning District.

On April 18, 2013, the County Development Review Committee met and acted on this case. The request before the CDRC was for Master Plan Zoning and Preliminary Development Plan approval. Staff recommended Master Plan approval as the request for Preliminary Development Plan was incomplete due to non-compliance with Article V, § 7.1.2.e & § 7.1.2.j, and Article III, § 4.4. The decision of the CDRC was to recommend approval of the Applicants' request for Master Plan and denial of the Applicants request for Preliminary Development Plan. The Applicants have since altered the submittal to reflect the request for Master Plan Zoning only.

The Applicants request master plan zoning approval to allow a towing business on .33 acres. The request is to allow the storage of eight tow trucks on the site. The Applicants propose to divide the existing .70-acre parcel and create a .33-acre lot to be utilized for the towing business. The remaining lot, which is where the Applicants currently reside, will remain as residential.

The Applicants state that there is a need for the tow trucks to be in close proximity to their residence to be able to respond to any emergency calls in a timely fashion. The Applicants also state that they wish to utilize the .33-acre site to store personal recreational vehicles.

Staff's response: the .33 acre site shall maintain a hammerhead 60' in length and 20' in width, parking spaces for eight large tow trucks, and the circulation of these vehicles, landscape, retention ponds and a dumpster. To combine the placement of two recreational vehicles, one boat, two low-boy trailers and other personal vehicles with the proposed towing business may significantly hinder the business activity on the site.

Ordinance No. 2007-2, § 10 states, a Special Use is allowed only if a Development Plan and Master Plan are reviewed and approved by the Board of County Commissioners.

Article V, § 5.2.1.b states: a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.

Article V, § 5.2.4.b.2 & 3state, the County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans. Suitability of the site to accommodate the proposed development; suitability of the proposed uses and intensity of development at the location.

Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan: the Application is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in the Land Development Code. The review comments from State Agencies and County staff have established findings that this

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Application is in compliance with state requirements, Ordinance No. 2007-2 and Article V, § 5, Master Plan Procedures of the Land Development Code.

Staff recommendation is approval for Master Plan Zoning to allow the storage of eight tow trucks, to be utilized as a towing business, on .33 acres, subject to the following conditions. Madam Chair, may I enter these conditions into the record?

CHAIR HOLIAN: Yes, you may.

[The conditions are as follows:]

1. Master Plan with appropriate signatures shall be recorded with the County Clerk, per Article V, § 5.2.5.
2. Preliminary and Final Development Plan shall be submitted within a timely manner, meeting all criteria set forth in Article V, § 7, to be reviewed and presented to the CDRC for consideration.
3. The Applicant shall comply with Ordinance No. 2007-2, § 10.6 (Density & Dimensional Standards).
4. Storage of towed vehicles shall not be permitted on this site as per the 1989 decision of the Extraterritorial Zoning Authority. A note stating that the storage of towed vehicles on the site shall not be allowed shall be placed on the Master Plan.

MR. LARRAÑAGA: Thank you, Madam Chair and I stand for any questions.

CHAIR HOLIAN: Are there any questions for staff? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, Mr. Larrañaga, in your – the information that you provided in the packet, on page 4 of your amended letter/request for master plan, you stated under the category or the paragraph of access and fire code, you stated that the driveway entrance meets the 20-foot minimum width, however, access does not meet the required 28-foot radius. So in this case it seems as though we're accepting the minimum requirements, so I wanted to just raise that as a question. This is also – this language is also in Appendix H, I believe.

CHAIR HOLIAN: What page are you on, Commissioner Chavez? Is it called NB-20?

COMMISSIONER CHAVEZ: NBA-20, actually 21. And I didn't see that, Mr. Larrañaga, in your conditions of approval. Well, maybe because we're accepting the minimum requirements.

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, this is part of the submittal from the applicant. Again, the master plan is conceptual. In the drawings they are showing conceptually that they do have, that they're going to need the 28-foot radius as you see in NBA-35. They show that, and then the access road is –

COMMISSIONER CHAVEZ: So is there a better – if you look at Exhibit 2, also, is that what you're referencing?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: Okay, so that – the master plan in Exhibit 2, that shows the 28-foot easement then? The 28-foot radius?

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MR. LARRANAGA: Madam Chair, Commissioner Chavez, correct. That's on NBA-35. Conceptually they are showing the radius on that.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. That's one question I had, and then the other question I have in reading your summary, Mr. Larrañaga, there's discussion about the number of trucks in one paragraph that says eight large tow trucks and in another section it says the application shows a nine-space gravel parking lot. Can you explain that?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes. Originally they came in for eight tow trucks and when they brought in the drawings the drawings illustrated nine spaces where the tow trucks were supposed to park. That would be to the north side, if you look at that same exhibit on the master plan drawings on Exhibit 2. On the north side, that's where the tow trucks are to be parked, but they came in with nine spaces.

COMMISSIONER CHAVEZ: So we're really approving – the correct number of spaces would be eight then.

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, the amount of tow trucks that they're requesting is eight They're showing nine spaces but for eight tow trucks.

COMMISSIONER CHAVEZ: Okay, well, that confused me a little bit. And then in here there's language that says eight tow trucks, just simple, and then eight large tow trucks. Are they all the same size tow truck?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, they are different sizes. There are some semi-tow trucks to tow semi vehicles or semi-trucks, or larger vehicles I should say. But there are the platform trucks where they can load a car onto it.

COMMISSIONER CHAVEZ: And so the 60-foot hammerhead and the 28-foot radius accommodates the larger vehicles?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, actually the radius for the access on Ben Lane off of Agua Fria, that was actually brought up by Fire because of the width of the road, and Buster Patty is here so he could probably explain that a little better, but because of the width of the road at 20 feet they need that 28-foot radius. The hammerhead is actually for a Fire Marshal requirement also because it is a dead-end road and that way they have room to turn around their equipment in case of an emergency.

CHAIR HOLIAN: Marshal Patty, would you like to address the 28-foot radius?

BUSTER PATTY (Fire Marshal): Madam Chair, Commissioner Chavez, the 28-foot inside radius is what is actually in the code book for a 20-foot wide road entrance. As you can well see, in the city sometimes the radius on the curves is much less than that. That's because the road gets wider. As the road is wider the radius can be much less. But on a 20-foot wide road it requires a minimum of a 28-foot inside radius on the curves to accommodate fire equipment, which would in turn accommodate any size truck that he has.

CHAIR HOLIAN: Any further questions?

COMMISSIONER CHAVEZ: That's it. Thank you, Madam Chair.

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CHAIR HOLIAN: Commissioner Mayfield and then Commissioner Stefanics.

COMMISSIONER MAYFIELD: Thank you. Question for staff, please. Mr. Larrañaga, as far as the agency review, why did you contact NMDOT and what approval did they give?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, any master plan or development plan usually goes to DOT, even though it's not off a DOT right-of-way, but automatically we send them to DOT, to Environmental, to State Historic Preservation, for their review and comments.

COMMISSIONER MAYFIELD: And just because of the business and I guess my background, would you think of contacting the PRC to see if they would have any thoughts on the business and the site location?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, we probably won't ever send it to them. What we're looking for, again, is how it fits into the Agua Fria ordinance, how it complies with that ordinance and the Land Development Code.

COMMISSIONER MAYFIELD: Okay. That's all I had for now, Madam Chair. Thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair and thank you, Jose. A couple questions. I believe that this has carried over for a while, correct?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, that's correct.

COMMISSIONER STEFANICS: And we had requested that a mediation occur? I'm reading in here that Commissioner Virginia Vigil requested that.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, that's correct. During the variance process there was mediation recommended by this Board, by the Board of County Commissioners. We did get a mediator and in the minutes it explains that the mediator was here at the hearing. The mediator said that they couldn't do any kind of mediation and that's when the Board went forward with the approval of the variance.

COMMISSIONER STEFANICS: So are you indicating, Madam Chair, Jose, that in the mediation there was absolutely no negotiation that occurred?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, there was no mediation at all.

COMMISSIONER STEFANICS: Okay. So Madam Chair, Jose, based upon some of the questions that Commissioner Chavez was asking, would it be possible as we proceed to think about conditions that would limit the number of vehicles on that property? Because I remember there was other property for storage of vehicles, but I wondering if the number of vehicles that are permitted there would appease some of the community. Has that come to any discussion?

MR. LARRANAGA: Madam Chair, Commissioner Stefanics, there hasn't been any formal discussion with the applicant as far as limiting them. I believe staff has kind of reviewed it for eight tow trucks. The applicant threw in the personal vehicles and flat bed trailers and so on. They did come up – one of the reasons we recommended denial of the

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preliminary development plan at CDRC, at that point in time they didn't have a circulation plan. They have since submitted a circulation plan and proved to us that the do have room and be able to circulate those vehicles, personal vehicles and eight tow trucks on that piece of property.

COMMISSIONER STEFANICS: Thank you, Madam Chair. That's all for now.

CHAIR HOLIAN: Any further questions for staff? Is the applicant here? Please come forward, and if you are not an attorney please be sworn in and state your name and address for the record.

TALIA KOSH: Madam Chair, Talia Kosh, attorney for the applicant.

[Robert Anaya and Bernadette Anaya were sworn in.]

BERNADETTE ANAYA: Yes.

ROBERT ANAYA: Yes.

MS. KOSH: Madam Chair, Thank you. I'd just like to stress that this master plan is a conceptual plan and again Jose, Mr. Larrañaga, has spoken to the fact that currently, because we did provide a circulation plan that we do have a bit more than what's needed for a master plan and of course we have many more details to establish and provide ahead of us. But we would just like to remind the Commissioners that this is a request for master plan at this time.

CHAIR HOLIAN: Thank you, Ms. Kosh. Any further comments at this point? Any questions for the applicants?

COMMISSIONER CHAVEZ: I have –

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Could you tell us, of the eight trucks that you're going to have there how many are the larger trucks that you use for your larger calls or your larger vehicles?

MS. KOSH: Commissioner Chavez, that was a question that I did want to address and I want Mr. Anaya to speak to in total an explanation of all the wreckers that will be parked back there.

MR. ANAYA: Could you repeat the question, please?

COMMISSIONER CHAVEZ: Well, I just was asking, of the eight tow trucks that you're going to be parking there – I guess I'll have maybe two or three questions under that. You're requesting to park eight tow trucks there. Are those eight going to be parked there all the time? And of those eight, how many are the larger trucks and how many are the smaller trucks.

MR. ANAYA: Of the eight we have four.

COMMISSIONER CHAVEZ: Four larger trucks.

MR. ANAYA: They vary in size. They vary in size from a 20-ton wrecker to a 50-ton wrecker.

COMMISSIONER CHAVEZ: 20 to 50-ton. But are they all the same length?

MR. ANAYA: No, they're not.

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COMMISSIONER CHAVEZ: Okay, 20 to 50-ton. And then the other four are the smaller tow trucks.

MR. ANAYA: They're what you call your smaller to medium size tow trucks.

COMMISSIONER CHAVEZ: Okay. And then are all eight parked there all the time?

MR. ANAYA: It's hard to say all the time, but most of the time.

COMMISSIONER CHAVEZ: Okay. Well, here's my dilemma. I know that this is conceptual, but conceptually I have a hard time, with all due respect to the Anayas, with a towing company in the middle of a residential neighborhood. Because essentially, the Agua Fria Village is a neighborhood. That's how I look at it. And so my struggle is to try to balance the need for you to have your business on a property that you've owned and you've been operating that business there for I guess 20 years now – granted, without a permit. That's beside the point right now. And so I want to balance your needs with the needs of the neighborhood.

So the first question I want to ask is – and I think Commissioner Stefanics was going in that direction – I would be more comfortable allowing you to continue your business there but only permitting or allowing the small, the four small trucks to be there. Okay? That would be my preference. Then I also want to ask the applicant, because the condition of approval of the 28-foot radius was not in the conditions of approval. Are you going to be able to invest in that property to make those improvements?

MS. KOSH: Commissioner Chavez, just one comment on your first suggestion on parking the four smaller vehicles there.

COMMISSIONER CHAVEZ: Larger.

MS. KOSH: Well, not parking the larger ones is what you suggested, correct? We'd just like to remind the Commission that this variance as requested – and I understand your concerns but it was approved conditional upon our meeting all of the different code requirement which, yes, is still in front of us and we still are making attempts to secure that radius including the movement of – and an application to move the PNM pole among other issues that are still in front of us for the preliminary and final. There's a lot more detail that will have to go into this. We do understand that.

COMMISSIONER CHAVEZ: So you're accepting the need to make the investment for that 28-foot radius?

MS. KOSH: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: And you would accept that as a condition of approval?

MS. KOSH: I believe that that is – that that was a condition of approval moving forward with the variance by this Commission. And one other comment, just on the area in general, is there's many mixed-use, small businesses in the area and other tow trucks companies in the area so taking into account the mixed-use nature of the neighborhood that they live in, we'd just like to remind the Commissioners of that fact.

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COMMISSIONER CHAVEZ: Okay. I want to ask staff a question. Mr. Larrañaga, this 28-foot easement, is it something that the applicant has to – I know that they've acknowledged that it has to be done. If we approve this and they're not able to do that 28-foot radius, then what happens?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, if the master plan gets approved – again, it's conceptual and we record that – they would have to come back with the preliminary and final development plan to go forward to the CDRC, the County Development Review Committee. With that final development plan they would have to show easement. They would have to replat the property also to split the property into two .32-acre lots, and they would have to show the radius on that with the easement. So if they acquire the easement or if they just get the easement from the property owners that would have to be shown on that plat and on the final development plan. On the plat, to separate the property to show the easement, that signature of the property owner, if they're just allowing that easement would have to be on that plat also. So basically they couldn't go forward with any kind of preliminary or final development plan without those radiuses.

COMMISSIONER CHAVEZ: Okay. I want to go back to the variance that was approved, and this is something that I kind of inherited, so bear with me. The variance granted conceptual approval to park eight tow trucks on the lot that will be designated as commercial.

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, no. The variance was to allow to be considered as a special use under the table of the Agua Fria ordinance. Now they are considered – a tow truck company is now considered a special use. Under the special use they have to come forward to the CDRC and to this Board with a master plan and also with the preliminary and final development plan, meeting all the other requirements of the Agua Fria Ordinance, and the Land Development Code.

COMMISSIONER CHAVEZ: Okay, so the number eight is only the number of trucks they're working with. That's what they run their business with, and the circulation pattern or plan that you've identified accommodates those eight vehicles.

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes.

COMMISSIONER CHAVEZ: If they're all there at the same time?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes. If they're all there. I did scale it off when they submitted so they have enough – I believe each parking area is like 30 feet – I was just glancing at it now. It's about 30 feet deep and they have approximately from 40 to 50, almost 60 feet to back out or drive forward and back into those parking spaces, plus also they proved that they can accommodate some other vehicles, whether it's a mobile home or a camper trailer or whatever on the other side if they're all parked correctly and of course in designated parking spaces. At final development plan they will have to designate those parking spaces through parking bumpers, which could be railroad ties and that would designate the parking.

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COMMISSIONER CHAVEZ: Okay, and then there was also a concern about safety vehicles not being able to access some of the residential properties along Ben Lane or in that general area. Will that be addressed with this master plan if it's approved?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, I believe you're talking about tow vehicles parked on Ben Lane and possibly Mr. Patty can address this as far as access. Naturally, if there's a large tow truck parked on Ben Lane it would be harder for the Fire Department to get in there with an ambulance or a fire truck or whatever the case may be, and get out, to circulate. So, yes, we would – they haven't submitted anything that they are going to park on Ben Lane. Part of that would maybe be part of the business license. If approved through the master plan and development plan the applicant would have to get a business license to stow the tow trucks there and get a home occupation for the residence so they could do their calls and receipts and everything else. Part of those conditions would be that they wouldn't be parking on Ben Lane.

COMMISSIONER CHAVEZ: Are you okay with that? Good. Okay.

CHAIR HOLIAN: Any further questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I, like Commissioner Stefanics, remember the discussion – we had several discussions related with this case and I, as reflected in the minutes, advocated that they be able to sustain their business and continue operating their business. But if you also look in the minutes at my comments I also reflected that there was also going to have to be some give and take associated with going forward and it would meet exactly the letter of what exists today. So I just wanted to offer that comment to couple with Commissioner Stefanics' comments. And the reason I make that comment is because I believe in the dialogue that we were having as Commissioners, and Commissioner Chavez wasn't here at the time, some of the compromise that was struck on the Commission was based around that premise that there would be some compromise associated with operations.

So I just want to say that on the record and articulate that if there's any tow trucks that exist in the full business, right now, today, and had existed for that period of 20 years. Or you've built up your business over time, correct?

MR. ANAYA: That's correct.

COMMISSIONER ANAYA: Okay. I just wanted to make that comment because I think it was reflected clearly by Commissioner Stefanics.

MS. KOSH: And Commissioner Anaya, if I may speak to that, the give and take and the sacrifices that need to be made to sort of accommodate the interests of the community at large. They are giving up a significant amount of space for the hammerhead for the entire community of Ben Lane, and that's space that they will not be able to build on or get back, and that benefits the entire community. So I just would like to speak to that.

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CHAIR HOLIAN: Thank you, Ms. Kosh. Okay. This is a public hearing. Is there anybody here that would like to speak on this case, either in favor or in opposition? Please raise your hand. And perhaps you could all stand up and be sworn in at the same time.

[Those wishing to speak were administered the oath.]

CHAIR HOLIAN: and please begin to come forward and when you come to the podium please state your name and address for the record. And please speak into the microphone.

[Previously sworn, Rosemary Medrano testified as follows:]

ROSEMARY MEDRANO: Madam Commissioner, members of the Board, my name is Rosemary Medrano and I live at 2094 Botulph Road in the City of Santa Fe. However, I do own property down in the Village of Agua Fria within 100 feet as designated for notification and anyone who has concerns. A couple of things I think that in the hearing tonight have kind of bothered me is that initially, we're talking that eight tow trucks are going to be parked on that property. Now we're hearing that they have nine space for trucks and we're also talking about spaces for recreational vehicles. So that is a concern because if this variance is granted, how are things going to change along the way. If the master plan is approved, the variance is granted. It's my understanding again that everything is in a conceptual environment right now so we really don't know what the end result is going to be. But those are concerns.

When the initial application was made my husband and I submitted a letter to the Commission addressing our concerns in total regarding the allowance of the variance for this business. I would like to take this time now to read the letter as it was issued back in June of 2012, and you should have a copy of this letter in your files. In this letter we're stating that this letter is in response to the owners of the property owners regarding a public hearing for a variance of Ordinance No. 2007-2, Village of Agua Fria Zoning District, etc. to allow a towing business as a special use under the Zoning Use Table.

We are writing to formally record out opposition to the request for a variance. Our concerns are many but for now I can think of at least nine important one. Please seriously consider the following: increased traffic congestion. Granting a variance will result in more in and out traffic flow to the business from the narrow Agua Fria Street by both business operation vehicles and personal vehicle inquiries. Safety and lifesaving events. Increased traffic flow to the business will cause increased interruption and delay of the already congested Agua Fria traffic causing safety issues for law enforcement and lifesaving emergency vehicle response teams.

Current and future property values. Granting a variance will no doubt negatively impact property values now and in the future. Area is designated as residential, and I think that's something that we need to keep in mind here and I appreciate Commissioner Chavez' recognition of that and Commissioner Vigil's recognition of that at the last hearing. Homes for families, children and the elderly. Allowing this variance will result in degrading its intended purpose. Increased noise and light pollution. Granting this variance will create

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noise, light pollution undesirable disruption to living standards and unrest to the immediate neighborhood.

Generally a towing business is a 24-hour operation. As such the allowing this variance will increase activity and create undesirable loud noises, wandering vehicle night lights and tow truck flashing lights at all times during the night and the daytime, not to mention the disruption it creates to neighborhood animals and dogs at night.

Granting variance is contrary to traditional community of Agua Fria neighborhood goals. The purpose of the traditional community of Agua Fria is to maintain and nurture a comfortable and peaceful family neighborhood environment.

Dangerous and unhealthy environment. Granting this variance will create an unhealthy and dangerous environment for curious neighborhood children and adults. Junk metal, storage of vehicles brings safety and metal junk concerns. Storage of vehicles and junk metal is an ideal place to breed rodents, snakes, diseases and hazards normally not controlled by easy means. Storage of junk vehicles. Vehicles that are not claimed and/or abandoned become an eyesore and/or become ignored. These vehicles become orphans and are likely never removed from the area for years because of various reasons.

This is all documented, like I said, I the letter that was issued and brought to the County on June 7, 2012. I would like to submit a copy of that for the record. *[Exhibit 3]*

CHAIR HOLIAN: Yes, please give it to our staff.

MS. MEDRANO: And in closing, I would just like to say that we are in opposition of approval of the master plan and we are in opposition of granting the variance for special use. Thank you for your time.

CHAIR HOLIAN: Thank you, Ms. Medrano. Next.

[Previously sworn, Henry Romero testified as follows:]

HENRY ROMERO: Good evening. My name is Henry Romero and I am opposing this variance for many reasons, mostly for what Rosemary just mentioned. The pollution of lights, traffic, the movement of vehicles, not to mention that those tow trucks are parked within ten inches of our wall. I also understand that they indicated ten feet. They're definitely not ten feet from our wall. They're within eight to ten inches from our wall. Sometimes back when our wall was knocked down some of those booms were sticking into our own property; that's how close they were backed up. We have pictures indicating those trucks are too close to our wall, and if they approve this variance that's going to continue to go on and on and on. It's been going on for many years.

Also, not to forget, they have not been in that area, that business for 24 years like they mentioned. Actually, they were denied 24 years ago from parking junk cars and using the property as keeping old vehicles for whatever reason. I don't know. There's even a burned truck right now on that property. That's not a recreational vehicle. And then they also mentioned there's only eight tow trucks. At one time they mentioned ten tow trucks. Why they have so many trucks backed up to the wall, I don't understand that and I'm really getting upset with that tonight.

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I'm sorry to say this but at this time I'm very upset with the whole situation because the County is not doing their job. You all have not done your job. The PRC has not done their job. Mr. Mayfield at one time worked for PRC. He's aware of all this that's been going on. There's just been a slap on the wrist and it continues and continues. And now I'm getting fed up with it. I'm sorry to say this, but it's true, they're not working, not to our satisfaction or the other neighbors next to the Anayas, which are my other cousins. Those people have to deal with that traffic every day on a daily basis. They have kids, they have grandkids that are back and forth. They have their pets. And that's going to continue to go on and on if this is approved.

Right now they're actually abusing us by parking those trucks that close to our wall. I'm not comfortable with that at all. That's all I have to say.

CHAIR HOLIAN: Thank you, Mr. Romero. Next.

[Previously sworn, Georgia Romero testified as follows:]

GEORGIA ROMERO: First I want to thank Rosemary for her letter because it kind of puts everything into a nutshell. We're talking about ten families. That's what the Anayas say, it affects ten families. They have over a dozen children running in that neighborhood where these tow trucks go to the very end of the property. Yes, there are other businesses in Agua Fria but they all have direct access to the road. They don't go through ten residences to get back onto Agua Fria Street. And then the mixed-use of other companies, every one of those other companies has a County license to work in Santa Fe, in the Santa Fe County area. Two companies did not and it was brought to the attention of the committee. Those two were in the city limits. Everybody else has a license.

In 1989 he was denied parking back there. That's 24 years ago, and he doesn't know he needs a license? If you look at the paperwork it just suddenly came to their attention. It did after they hit our wall. He said it was $200 to $500 of damage; it was $7,000. To this day he has not settled with our insurance company. We're still out our deposit to get the wall going, to get it down. We've had all kinds of problems. They still back up, right up to the wall. I have pictures to show you where they're like inches.

CHAIR HOLIAN: Perhaps you can give the pictures to staff and they will pass them out.

MS. ROMERO: We are dealing with noise, we are dealing with toxic smoke. There's a picture of a truck there that when they turn them on they throw this big thing of diesel smoke up into the air. You can't hang clothes on your clothesline. You hear those trucks coming, I run for my life. I almost died at the last incident. By minutes, I wasn't there when he hit the wall. I had been out getting clothes off my clothesline. You can't barbeque, and the ten residences, people want to have birthday parties, they want to have graduations, they're going to have showers – it just goes on and on. You can't have anything with tow trucks coming right down in front of your house. Because all these pieces of land that are right there where they're going to be trucking are on .75 of an acre, so they're all right there on that easement.

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And right now they're not only just parking – they not only park in the back over by our property, because our property runs the whole wall – I mean a wall runs the whole length of their property, of all their properties. And they park on an easement. They park in front of our gas meters. In an emergency, they're this far away from our gas meters. The gas company can't even get in there to do anything. And it's gone on and on. He testified that he parks ten feet away from the gas meters and from the wall. Well, if he lies down – what is he? Less than six feet? If he lies down the back tires of his truck are going to run over him when he backs up to park his trucks.

He said that every one of those railroad ties has been stamped into the ground. It has not been stamped into the ground. We submitted Exhibit 14 and if he is going to be approved we want truck parking blocks and bumpers, we want bollards, a six-inch minimum diameter with 48 inches above ground and two feet underground. We want evergreen trees to block. We've done our research. We know that the tree has to be planted five feet from the wall with still another five feet on the other side. We want trees every five feet scattered so that we don't have to see his trucks. And we don't want little six-foot, eight-foot trees; we want nice tall ones, ten, twelve feet trees.

That would be like 20, 21 trees because they went out there and measured off this land to cover that area. And then he wants personal recreation vehicles. We have burnt trucks. He's got wrecked trucks. He's got tires. Is all that going to go or do we have to put up with that? Because that brings rodents. And on top of rodents, last year, well the summer – not last summer but the summer before we worked with the feral cat program at the animal shelter. We had 27 cats fixed. Every one of them was poisoned. There's a picture of a dead kitten there where they just ran over it. They would get off their trucks and walk right over it and they would not pick it up.

And all this started when they knocked down our wall, because then we wanted a way to keep him off the wall, keep him out of our yard because the back end of the trucks are being parked into our yard when the wall was down. We had to get a restraining order to be able to fix out wall. Matter of fact, he said his friend was going to do it, well, that friend, when our insurance company got everything together and we got a contractor to build the wall and we got a plasterer, his construction friend hired our plasterer to go plaster for him on another job because his construction work doesn't do plastering.

So in case you decide to accept it I know there's more than eight tow trucks because he reported eight to the County originally. He reported ten to PRC, because we've been working with that. He has numerous violations with PRC because he did not report hitting our wall with damage over $1,000. They were working without CTLs they were questioning their medical certificates for forgery. I have a report for each of you if you want it. It's been a can of worms and we're still dealing with it. It's been a year and a half. And right now, those radiuses off of Agua Fria, the people up there, the C de Bacas don't want to give them that space. They know they're not going to get it. They have to lie. They have to resurvey. All those things before anything can get done.

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And then they park on that easement. They park in front of their trailer and cars have to go around them. They block driveways for the C de Bacas, for the other people on that drive. And if you're going to do this they have to have a time limit for the development plan, and a short one. They've been at it; they're not building any buildings. All they're doing is making a parking. And we're asking you please not to approve again, because it affects ten families and there's like a dozen little children running around. There are pets, elderly people.

And yes, you may know what you're doing as a driver but you don't know if you're going to hit gravel, if you're going to – if a child is going to run in front of you. What happens when someone gets hurt? And right now, they need that radius because when they drive out to Agua Fria and they're coming back into Ben's Lane, they drive forward and have to back up into the other lane, onto oncoming traffic. What happens if there's an emergency or a school bus doesn't expect for them to do that? It's putting the whole village in a lot of danger. Who tells these families it's okay for your loved one or your child or your pet to die because no one took the time to really study this and look at the conflicts and know that gradually they moved back. In 1989 they were denied. In 2002, there's a paper in your packets that says her aunt said it was okay to park trucks on her property. All of it was her property, and gradually they moved back and they moved back and they moved back.

Then they were parking on Anthony C de Baca's property. When he planned to bring a trailer in there first he reported him because he didn't have the right permits and didn't want it there. And the day they brought the trailer he parked his tow trucks in there and they had to get the police department to come in make him move his tow trucks so that he could – Anthony C de Baca, Jr. – could park his trailer.

The extra harassment that goes with this, it's uncalled for. But again, I thank you for your time and I really am asking you to put a very strict time limit on it. They've had more than enough time. They've had ten months, that was extra time that was given to the by your committee over what anybody else would have gotten.

CHAIR HOLIAN: Thank you, Ms. Romero.

MS. ROMERO: Could I just say one more thing? On the internet, because Rosemary brought this up, they advertise that they are a salvage junk yard. They not only have this property, they have one on Industrial Road, and they are licensed, they have a place to work out of. It's approved by PRC. They do have a place to work. And then they have one on Prairie Dog Loop which is over by Nancy Rodriguez Center that you can see from [inaudible] all those semis and everything else that's parked there belongs to the Anayas. They have an acre and a half there.

So it's not like this is the only place they can park, and being that it does affect ten residents, I think that the committee should really, really look at this. Thank you.

CHAIR HOLIAN: Thank you, Ms. Romero. Is there anyone else here from the public who would like to speak? Seeing none, the public hearing is closed. Would the applicant like to make any follow-up comments?

MS. KOSH: Thank you, Madam Chair. Yes. I'm not going to go through every single fact that the Romeros have brought up especially. I will refer back to the initial

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application that we had for variance that discussed the incredible disputed facts that have been raised, including major slander in the community, major extortion and even the allegations of forgery. These are very serious allegations that will be addressed in separate proceedings. But I would like to remind the Commission that the variance has been approved. A lot of these discussions have already occurred in front of this Commission but I do need to respond to a few of them. And then, number one, recreational vehicles have always been a part of this requires. There's five. They're very specifically laid out in the application and those were approved to be parked on that back lot. And there is sufficient room.

And that's who basically maintain that open space that they can utilize for those recreational vehicles. There's only five. Again, yes, there are nine spaces. There will only be eight vehicles are parked there whether or not the Anayas acquire more or less vehicles. We've had many conversations about this. How many can fit back there? There will be eight parked back there regardless. There are nine spaces in the plan, that's to fill out the spaces but each space can accommodate the largest wrecker, we made sure, can accommodate the largest boom. Then we're talking about making this area safer, so yes, we are going to have bollards. Yes, we are going to have railroad ties. A lot of the other requests like having 21 trees – a lot of these are, that's a lot of trees and that's a lot of water. So a lot of these details have to be considered which I think is more appropriate in preliminary and final plan.

Again, there's no increased traffic. Nothing is going to increase. It's going to maintain the level that it is currently if not less. And they have been in business there for 24 years. When they keep referring to the other neighbors from the community, in 1989 they were denied having an area in the back where they could store wrecked vehicles. So that was taken off the table in 1989. They do not tow vehicles back there. They do have a lot. And again, in response to why they need the lot on Ben Lane to park their vehicles is because their other lot is completely full of cars. They could not fit their wreckers there, and also Prairie Dog Loop is unfenced and is subject to vandalism.

They do have a city license and they were under a misconception that that is all that they needed. That is why we are here today in part. And again, the damage amounts that have been discussed are in dispute and I think that that is all I need to respond to. Thank you.

CHAIR HOLIAN: Thank you. Are there any more questions for staff or the applicant? Commissioner Chavez.

COMMISSIONER CHAVEZ: I have a question for staff. Mr. Larrañaga, the applicants and the adjoining property owners brought up an interesting concept and that is within this development or this proposal there needs to be some type of a buffer between this business activity and the residential component. I know that's going to be very hard to do because everything is so close; the lots are so small. But can you address that? I think that's addressed to some degree but just for the record, touch on that.

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes. In the conceptual plans that are in your packet there they are showing – well, there's an existing six-foot wall between the Romeros and this lot where the proposed storage of the tow trucks is, and the applicants have shown another block wall that would be to the west and then another

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one on the south side and some landscape buffering alongside the easement. Also, the landscape, the trees, at preliminary and final we would figure out exactly how many trees they would need and so on, and that's going to have like a ten-foot buffer, and the plans they have do show bollards, so that way that protects the wall when they do back up. I would assume that the way they would use this property is they would back up the tow truck so that in the case of an emergency call they'd be able to just drive straight out. So this way they wouldn't back up into the wall; they'd hit the bollards first. And bumpers of course, railroad ties placed ten feet away from the wall so that any extension of that truck would not hit the wall.

COMMISSIONER CHAVEZ: I don't know if that's going to be enough, but I'm looking again, as I said earlier. I do respect the residential component. I appreciate that, but I also want to support small businesses as much as possible. So having said that I want to make a motion. Wait a minute. Before I make the motion, Mr. Larrañaga, a couple of other questions. Okay. So you dealt with the buffer and sort of separating that from the existing homes and that. There's no way that we can limit the hours of operation?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, the Board can put any kind of conditions on this proposal that they want but the type of business that it is, they get called at two in the morning or four in the morning.

COMMISSIONER CHAVEZ: See, and there's the rub right there, because most home occupation, if you're under the home occupation ordinance, and you're running a business like this in a residential neighborhood, you usually have hours of business, hours that you run your business. And so I had to ask, because I think that's only fair. In this case, sure, the nature of the business is going to say, well, we can't make money that way, but that's not being sensitive to the residential component completely.

So anyway, I'll move on to something else. What about the light pollution, especially at night? Can we limit that? Can there be screening on those lights or some kind of buffer to reduce that light pollution at night?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, they have proposed again, it's going to lead up to the preliminary and final development plan which they proposed. They did bring in cut sheets and lighting, solar lighting, which is lower to the ground and just kind of so you can see around the yard. Now, the lighting of the trucks, there won't be a six-foot wall around this property until they get out onto the roadway, Ben Lane, that's when you'll see the lights. And just to clarify on the business license, the zoning or the master plan that you're looking at gives them the zoning for a commercial business, so that would be a commercial business on the .33 acres, and to run the books and phone calls and stuff that they would get to go out into vehicles would be run from the home and that would be the home occupation. So in fact they would have two business licenses.

COMMISSIONER CHAVEZ: Okay. Last question. Your staff recommendation says that preliminary and final development plan shall be submitted within a timely manner. Can we impose a deadline or be specific in that area, instead of just leaving it open-ended so that nobody knows if anything is going to happen or when?

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MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes. They still are running a business without a business license so it's still a violation until they get this approved and resolved. So the master plan has to be in front of this Board within a certain time limit of approval of the variance, staff was going to pretty much in a timely manner – it could be, once the master plan's recorded it could be – because it is just a tow yard. Of course submit the preliminary and final development plan to go to the CDRC, maybe within three months to go to CDRC after the recordation of the master plan seems feasible.

COMMISSIONER CHAVEZ: Within 90 days of accepting the master plan.

MR. LARRAÑAGA: Of recording the master plan. We'd have to have staff to do the final order and get all the details done for the master plan and recorded so we could probably do that by the end of July.

COMMISSIONER CHAVEZ: Okay. And then I guess – so that would take care of that. So, Madam Chair, I'm going to take a stab at a motion. I'm going to make a motion to approve the master plan with staff's recommendations but I want to modify them and add a couple. That the preliminary and final development plan would be submitted 90 days after the master plan is recorded. And then –

MS. LUCERO: Madam Chair.

CHAIR HOLIAN: Yes, Vicki.

MS. LUCERO: Commissioner Chavez, the master plan would actually be valid for five years so that's technically how long they would have to record it, so it might be better to impose a timeline based on the approval of the master plan, which if that's what occurs tonight.

COMMISSIONER CHAVEZ: So suggest some language then that would be better.

MS. LUCERO: Something based on a timeline from the date of approval, not the date of recordation of the master plan.

COMMISSIONER CHAVEZ: Are you okay with that? Are we tracking?

CHAIR HOLIAN: Commissioner Chavez, just so I can understand, you're saying that they have to submit the preliminary plat application 90 days from master plan approval?

COMMISSIONER CHAVEZ: Well, it would be preliminary and final

CHAIR HOLIAN: Preliminary and final plat.

MS. LUCERO: Madam Chair, Commissioner Chavez, they would be required to submit both.

COMMISSIONER CHAVEZ: Okay.

CHAIR HOLIAN: Okay. Preliminary and final plat within 90 days of master plan approval. Correct?

COMMISSIONER CHAVEZ: Yes. And then my motion would only include three small trucks and two large trucks.

CHAIR HOLIAN: Three large trucks and two small –

COMMISSIONER CHAVEZ: Three small trucks and two large.

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CHAIR HOLIAN: Three small and two large.

COMMISSIONER CHAVEZ: That balances the business interest and the neighborhood's needs in my mind anyway.

COMMISSIONER ANAYA: I second that.

CHAIR HOLIAN: Okay. I have a motion and a second. Do we have any further discussion? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Questions, a few questions for staff and for the applicant first. One, Jose, Mr. Larrañaga, as far as the variance that we approved back in August of 2012, and I was looking through my packet, but what conditions or staff recommendations did we put on our variance?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, without looking at the minutes I believe the variance was, again, to allow this use to qualify as a special use and one of the conditions I remember was that it come back with the master plan within eight months of approval of the variance, which this month it met that requirement.

COMMISSIONER MAYFIELD: Well, I don't want to go by memory. I want to know if we put any actual conditions on there as far as working with the Romeros to fix their walls, working with – I just want to know what conditions were put on the variance.

COMMISSIONER STEFANICS: It's November and it's page 46 through 49.

MR. LARRAÑAGA: I'm sorry. What pages did you say, Commissioner?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: We considered it in August. It came back to us in November of 2012 is when we approved and the motion was made by Commissioner Anaya and – it's several pages, the discussion about the motion. Things kept getting added, but if you get to the November.

CHAIR HOLIAN: NBA-135.

COMMISSIONER MAYFIELD: Okay.

COMMISSIONER STEFANICS: Down at the bottom it says NBA-130, 131, that area is when we did the motion and the conditions. It went on for pages.

COMMISSIONER MAYFIELD: I'll just read through it myself.

CHAIR HOLIAN: So, Commissioner Mayfield, the question is what conditions were put on with approval of the variance?

COMMISSIONER MAYFIELD: Madam Chair, is has the applicant complied with all conditions of the variance that we imposed at the time and has staff verified that they've been in compliance?

COMMISSIONER CHAVEZ: That's a good question.

CHAIR HOLIAN: Do we have a copy of the variance, Jose?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, we don't put conditions on a variance. We recommend denial of a variance and therefore we don't put conditions on a variance for approval. Staff recommended denial of the variance and the only

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condition as per these minutes and the final order was that they come in within eight months to present a master plan to the Board of County Commissioners.

COMMISSIONER MAYFIELD: Madam Chair and Jose –

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Typically, when variances come to me on a land use case, as I recall is this Commission will move forward with approval and we do apply conditions. And I know one of the conditions was for this to come back in front of us in eight months with master plan, but I didn't know if any other conditional approvals were given for the variance at that time. That's why I want to make sure. Because again, some photos were put up here and I know there were photos given to us last time, and one of the things, talking to the Anayas also was that they did have these other sites for their yards, and I remember that conversation. I asked that conversation if they had other facilities where they're actually keeping their tow yard because I know it was just alluded to by the Romeros of what the PRC did or didn't do, and they do, the PRC requires a yard where individuals can pick up their vehicles or not pick up their vehicles. In the minutes the Anayas, if I recall, said this is just to store their towing vehicles, not to store any of their – I don't want to even say salvaged vehicles but their recovered vehicles. They take these vehicles to their actual tow yard.

But in the pictures that were just given to us by Ms. Romero, I don't know the date of these pictures or not and I don't know if they're entered into the record of not, but I still see some pretty old vehicles on that property. So I just want to make sure that if that variance at that time said that these vehicles need to be off that property, they need to be off that property. And if they need to be moved to their storage yard then that's where they need to be moved. I want to know if staff has gone out there and assessed that and I don't know if that was a condition of our last, of our variance when we moved forward with it or if not –

CHAIR HOLIAN: Commissioner Mayfield, could I just respond to that? In reading through this it looks like the motion was to approve the variance but then there was toward the end, Commissioner Stefanics made an amendment that if this is a livelihood that has to be adapted, changed, relocated there is a period of time in which to do that. And so it was mostly the imposition of a –

COMMISSIONER STEFANICS: Madam Chair, there's language in there that says you amended Commissioner Anaya's – you put an amendment on Commissioner Anaya's – you put a different condition, and I haven't found that yet.

CHAIR HOLIAN: Okay. Commissioner Chavez, would you like to respond or perhaps Vicki could clarify.

MS. LUCERO: Madam Chair, I was just reading through the minutes and Commissioner Anaya made the motion to approve with conditions represented by Commissioner Holian is what it says, to make sure that they're adequately reflected on the record. But I have to go back and see where there are actually conditions.

COMMISSIONER ANAYA: I could help, provide some clarity.

CHAIR HOLIAN: Yes. We need clarity. Thank you, Commissioner Anaya.

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COMMISSIONER ANAYA: So if you follow through with that recommendation, I asked the question, Madam Chair, made a motion for approval with conditions relative of fire, noted by Commissioner Holian and staff conditions contained on the case if there are any. Are there any? Chair Stefanics: There were no conditions provided. Mr. Larrañaga: Madam Chair, Commissioner Anaya, there were no conditions, just recommendations for denial. Then if you go to the next page it speaks to the questions that I raised that had them been voted down at that time, and I'm paraphrasing now, they would have ceased to have a functional business. Then the question was asked, this continues to afford them the opportunity to go through that process. If they do not get this approval today, then they have to cease and desist operations. Mr. Larrañaga says, Madam Chair, Commissioner Anaya, that's correct.

Mr. Larrañaga: Madam Chair, Commissioner Anaya, yes, the master plan process, preliminary and final development plan meeting all code requirements, which is exactly what we're here with master plan, not preliminary and final. So – and it's reflected in the minutes, based on those discussions the master plan is before us today and there were no conditions established or requirements. That was the purpose of this process in master plan and preliminary and final development plan approval.

So I think the motion on the table is in order.

COMMISSIONER MAYFIELD: And that's fine, but I still have a couple questions.

CHAIR HOLIAN: Yes. You still have the floor, Commissioner Mayfield.

COMMISSIONER MAYFIELD: So again, going back to the site and hearing what the motion is, respecting that the Anayas have all their vehicles that they need to try to accommodate, and that this other site should not be a site for any type of storage vehicles, recovery vehicles. And I think hearing the night sky issues, the start-up vehicle issues of the community – I'm just going to say it – I wouldn't want my son woken up at 3:00 in the morning by a truck starting up or light shining in my bedroom eight. But understanding a long-standing business has been there. That's where the compromise has to take place. But looking at all these pictures that were just afforded to us, I don't know. I'm going to have to ask the applicant Are these – I'm going to call them abandoned – are these vehicles that are not being worked on, are they still on the site? Have they been cleaned up?

MS. KOSH: Commissioner Mayfield, I believe that you are viewing pictures of –

COMMISSIONER MAYFIELD: I'll hand them to you. I don't know if you've had an opportunity to see them. So I think if we can hand them –

MS. KOSH: Yes. I'll take a look at them but I'm assuming that they're pictures of the damaged wall?

COMMISSIONER MAYFIELD: No, no. They're pictures of the whole grounds.

MR. ANAYA: These are vehicles that I personally own.

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COMMISSIONER MAYFIELD: Okay. And Mr. Anaya, I appreciate that because then in the request that you have, and I read it somewhere, I guess in one of the pages, so there was a request to have, say, eight towing vehicles. I think there was a request – and let me – I highlighted it somewhere. There was a request to have – here it is. I'm on the summary page and it's staff's summary page. There was a request for staff's response for eight large tow truck vehicles, the circulation of these vehicles, retention ponds, dumpsters, the combination, the placement of two recreational vehicles, one boat, two low-boy trailers and other personal vehicles. So how may personal vehicles are we talking about on the property?

MR. ANAYA: I presume about maybe ten, twelve vehicles that are personally mine, that are registered in my name. Which I have parked at my residence as well as parked back there.

COMMISSIONER MAYFIELD: I'm just going to ask this question. Are they all running vehicles?

MR. ANAYA: Yes, they are.

COMMISSIONER MAYFIELD: Okay.

MR. ANAYA: Excuse me. The only two that are not running are the two burnt vehicles that I purchased, and I purchased those to pull the motors out.

COMMISSIONER MAYFIELD: Yes, and I think that's one of the photos. I thought I saw a truck.

MR. ANAYA: Yes, there's two burnt vehicles.

COMMISSIONER MAYFIELD: Okay, well I guess Commissioner Chavez is – that may be a different issue we have to look at. And I guess that's where I was looking at some of the community concerns, having to deal with – and there's a lot of tires I saw in those pictures. Those are other issues I think for site cleanup that would have to be addressed as far as yard maintenance for the community that maybe would have concerns with that that we would have to have addressed in the master plan.

As far as from the attorney I believe, and I'm going to bring this up because it was brought up. Santa Fe County does have a water-harvesting plan and regardless of water being used or not I know this Commission has voted on water harvesting. I know that was a recommendation. You were asking that we not consider that? But I think this Commission has put that in as conditional of all of our –

MR. ANAYA: Yes, that was brought to the attention – the person that was working on the actual site plan, but due to the topography of the property, that piece of property sites higher than all the other parts of the property so we thought putting in a holding pond where the water's not going to be sitting didn't make any sense. It can be done, but it didn't make any sense.

COMMISSIONER MAYFIELD: Mr. Anaya, I would maybe agree with you on that but I know that I've kind of have this same thought on this bench but it just kind of seems standard fare for this Commission and I don't see how we can do it on one circumstance and not another one. I guess it's something for us to talk up here.

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Another question I need to ask, Mr. Anaya, do you do any maintenance of your vehicles on your site, where you, say, like repair engines or any type of –

MR. ANAYA: Yes, we do. We also race cars and we do other activities. Our ABTVs, we ride those. There's stuff that everyone else out here does and I mean I just – like everyone else, having an RV or a motorcycle or a boat or whatever, we have one. It's just our concern was when this whole master plan went into effect, how were we going to be able to utilize the property so that we wouldn't be in violation if we did. And that's why a lot of this stuff was put into this guidelines that putting together for you guys.

COMMISSIONER MAYFIELD: Okay. And I just wanted all that to be – in case there were questions asked, saying, look, later on, there's maintenance of these vehicles and everything else. That's why it's all put out on to the table. I didn't see this in this plan? Is it somewhere else in here that it wasn't mentioned? Do you have that in there? Your attorney has that in the recommendation here?

MR. ANAYA: Not that I know, sir.

COMMISSIONER MAYFIELD: Okay. That's all I have, Madam Chair. I just wanted to make sure that that was all disclosed. So I guess there's a motion on the floor.

CHAIR HOLIAN: Any further discussion? Questions. All right. We have a motion.

MS. KOSH: Madam Chair, I'm sorry to address you. Mr. Bennett, who is also counsel for the Anayas would also like to make one comment if you don't mind.

CHAIR HOLIAN: Yes. Mr. Bennett.

MERIT BENNETT: Good evening. I wanted to lend a little more perspective that I think might be helpful for the Commission. I've known the Anayas personally for 26 years. I've known them since two years before they started this business and I now the family quite well and I'm quite close to them. There seems to be something missing from this hearing, a perspective that I think needs to be considered. If you will take note that the only opposition in this room to the Anayas' plan is are two individuals who live on the other side of the wall that they bumped into. And that's why we're here, because the Anayas backed up a truck. It bumped into the Romeros' wall. The Romeros can't see the Anayas' property. They can't see their trucks. They don't have children over there, and you have to look at that perspective. The only other person in opposition here is a person who owns property there but doesn't live there. That's the opposition now before the Commission.

There's been a mention of what is in the interest of the community. Well, let's talk about that. This business has for 24 years been pulling people out of wrecks, ravines, ditches, car crashes and they have contracts with City Police, County officials, State Police, that they're obligated to perform. And in order to be able to perform those contracts for our community and pull somebody out of trouble in the middle of the night, they have to have those vehicles, all sizes, immediately available to respond to a call from law enforcement or some other emergency force.

You have to take that into account. You can't just start to limit vehicles arbitrarily, because each vehicle is specified for a particular job. You can't just begin to put arbitrary

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hours on an operation. And if you will note also, they've never, ever, in 24 years had any accident involving any member of this community. The residents who live on the other side of the wall, with the Anayas, are not before you tonight. They're not complaining about the business that's been conducted here for 24 years. Because they all know the service that the Anayas provide to this community. And I think that's missing here, and it's important to take that into consideration, that service to the community into consideration, when you contemplate actions that will limit an ongoing business upon which this family survives and many other people survive. This is a business of service. And to limit this business – they're not asking to expand it. They're saying we will stay at this level but then to take away from it to me takes something from the community and me having known this family for this long, it just doesn't feel right as a human, and certainly as a friend of the Anayas and a friend of Agua Fria and a friend of my community.

So I would just ask the Commission to take that into consideration.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm going to make one more comment. I applaud Mr. Bennett for fulfilling your obligation as a legal representative of the Anayas and making the comments that you made based on your perspective and your fees associated with your legal representation and your knowledge of this family. Commissioner Mayfield and I, when this particular issue came up, and Commissioner Stefanics, voted on a split vote, three to two to afford this process to take place that we're sitting in today. Commissioner Mayfield and I can be reflected in the minutes and Commissioner Stefanics, and all the Commission at the time asking critical questions, raising concerns, bringing up compromise and other relevant issues associated with the business. No one advocated more than us that voted in the affirmative, myself being one of the ones that had probably the most to say about sustaining a business.

All that being said, had it not been for three Commissioners at the time affording the process to take place, this business wouldn't be functional. I knew from that discussion that there was going to be a need for some compromise and Commissioner Stefanics re-emphasized that and that's reflected in the minutes. Commissioner Mayfield reflected that compromise, who also voted in the affirmative of other issues that may need to be addressed between preliminary and final development plat approval. I think this is an allowable motion, if it passes, that provides reasonable use of functional property and will not put this business out of business.

I think Commissioner Chavez' motion touches on all aspects of the vehicles. It allows for the small and medium size, three of them, and allows for the very large vehicles. So, respecting your perspective and your fashion that you presented it as legal representatives for the Anayas, I can only hope, but that's okay, that you would hear some of the perspective that I brought forth and that Commissioner Chavez, Commissioner Holian, Commissioner Mayfield and Commissioner Stefanics brought forth in the discussion. But this solely exists because my colleagues had enough courage to say we'll let it go to the next step but there's going to be some compromise.

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So that's the corpus of my comments and I applaud Commissioner Chavez and this entire Commission on the discussion that transpired in two very difficult and lengthy meetings where it wasn't just a couple people here. There was people on both sides. Supporting the business, a large group and there was a fair amount of people that were in opposition as well. So I respect you and I hope that whatever decision rendered that we can all respect and progress on to the next phase if that's the wishes of the Commission. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, and I didn't mean to be arbitrary at all. This is not an easy decision for me either way, because we're not going to make anybody happy. And I'm concerned about those that are not here, more than those are here, because we're not hearing from the ones that are not here but they will still be affected in one way or another. They may not know that. But I'm just doing the best I can and hope that the business can adjust and it can continue to operate there and to provide the service that they're providing. So let's call for the vote.

CHAIR HOLIAN: Thank you, Commissioner. We have a motion and a second on the floor for approval of CDRC case #Z -13-5060 with staff conditions and with the extra conditions that the preliminary and final plat application is submitted within 90 days of the master plan approval, and that three small and two large trucks may be parked on the property at any given time.

The motion passed by majority [4-1] voice vote with Commissioner Stefanics casting the nay vote.

XIX. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 9:20 p.m.

Approved by:

Kathy Holian

Board of County Commissioners
Kathy Holian, Chair

ATTEST TO:

NB-66

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. CDRC MP 12-5060 ROBERT AND BERNADETTE ANAYA MASTER PLAN ZONING
ROBERT AND BERNADETTE ANAYA, APPLICANTS

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on June 11, 2013, on the Application of Robert and Bernadette Anaya (hereinafter referred to as "the Applicants") for Master Plan Zoning approval for a commercial towing business as a Special Use under the Village of Agua Fria Zoning District Ordinance Use Table (Ordinance No. 2007-2) on 0.33 acres. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. The Applicants request Master Plan Zoning approval to allow a towing business on 0.33 acres ±. The request is to allow the storage of eight (8) tow trucks on the site. The Applicants propose to divide the existing .70 acre ± parcel and create a .33 acre ± lot to be utilized for the towing business. The remaining lot, which is where the Applicants currently reside, will remain residential.
2. The property is located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East.

102 Grant Avenue · P.O. Box 276 · S 504-0276 · 505-986-6200 · FAX: 505-995-2 ty.org

EXHIBIT 10

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3. On April 18, 2013, the County Development Review Committee (CDRC) met and acted on this case. The request before the CDRC was for Master Plan Zoning and Preliminary Development Plan approval. Staff recommended Master Plan approval as the request for Preliminary Development Plan was incomplete due to non-compliance with Article V, § 7.1.2.e & § 7.1.2.j (Development Plan Requirements) and Article III, § 4.4 (Development and Design Standards). The decision of the CDRC was to recommend **approval of the Applicants' request for Master Plan** and denial of the Applicants request for Preliminary Development Plan. The Applicants have since altered the submittal to reflect the request for Master Plan Zoning only.
4. Ordinance No. 2007-2, § 10.5 (Village of Agua Fria Zoning District Use Table) states: "a Special Use is allowed only if a Development Plan and Master Plan are reviewed and approved by the Board of County Commissioners".
5. Article V, § 5.2.1.b (Master Plan Procedure) states: "a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval".
6. The Applicants state that there is a need for the tow trucks to be in close proximity to their residence to be able to respond to any emergency calls in a

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timely fashion. The Applicants also state that they wish to utilize the .33 acre site to store personal recreational vehicles. The Applicants have operated a growing towing business in the vicinity for many years.

7. The Application is comprehensive in establishing the scope of the project.
8. The Application satisfies the submittal requirements set forth in the Land Development Code.
9. Merit Bennett and Talia Kosh, on behalf of the Applicants, submitted material and testified in support of the Master Plan.
10. The Applicants, Robert and Bernadette Anaya, spoke in favor of the Master Plan.
11. Rosemary Medrano and Henry and Georgia Romero spoke in opposition to the Master Plan. The opponents based their concerns on an increase of traffic on Agua Fria, accessibility of emergency vehicles, parking of tow trucks along Ben Lane, noise, flashing lights, 24 hour activity and the development being contrary to the goals set forth by the Traditional Community of Agua Fria to maintain and nurture a peaceful family neighborhood environment.
12. During the BCC meeting there was a lengthy discussion regarding the proposed access. The Master Plan drawings as submitted showed in concept the proposed hammerhead turn around as well as the turn radius at the intersection of Agua Fria and Ben Lane. It was stated that the Applicants would provide the required 28-foot, inside, turn radius at the intersection of Agua Fria and Ben Lane. This will be adequately addressed with the Preliminary Development Plan Application

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13. Staff recommended the following conditions for approval of the Application:

a) Master Plan with appropriate signatures, shall be recorded with the County Clerk, per **Article V, § 5.2.5.**

b) Preliminary and Final Development Plan shall be submitted in a timely manner, meeting all criteria set forth in **Article V, § 7,** to be reviewed and presented to the CDRC for consideration.

c) The Applicant shall comply with Ordinance No. 2007-2, § 10.6 (Density & Dimensional Standards).

d) Storage of towed vehicles shall not be permitted on this site as per the 1989 decision of the Extraterritorial Zoning Authority. A note stating that the storage of towed vehicles on the site shall not be allowed shall be placed on the Master Plan.

14. The BCC suggested the following conditions for approval of the Application:

a) No more than three small tow trucks and two large tow trucks may be stored on the site at any given time.

b) The Applicant shall submit Preliminary and Final Development Plan to the County Development Review Committee for consideration within 90 days of approval of this Order.

15. The Application for Master Plan Zoning for a commercial towing business as a Special Use under the Village of Agua Fria Zoning District Ordinance Use Table (Ordinance No. 2007-2) on 0.33 acres should be approved conditioned on the Applicant complying with Staff and BCC conditions.

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IT IS THEREFORE ORDERED that the Applicants are granted Master Plan Zoning for a commercial towing business as a Special Use under the Village of Agua Fria Zoning District Ordinance Use Table (Ordinance No. 2007-2) subject to the following conditions:

1. The Master Plan with appropriate signatures, shall be recorded with the County Clerk, per Article V, § 5.2.5;
2. A Preliminary and Final Development Plan shall be submitted within ninety days of issuance of this Order, meeting all criteria set forth in Article V, § 7, to be reviewed and presented to the CDRC for consideration;
3. The Applicants shall comply with Ordinance No. 2007-2, § 10.6 (Density & Dimensional Standards);
4. Storage of towed vehicles shall not be permitted on this site as per the 1989 decision of the Extraterritorial Zoning Authority. A note stating that the storage of towed vehicles on the site shall not be allowed shall be placed on the Master Plan;
5. No more than three small tow trucks and two large tow trucks may be stored on the site at any given time.

IT IS SO ORDERED.

This Order was approved by the Board of County Commissioners of Santa Fe County on this 13 day of August 2013.

NB-71

The Board of County Commissioners of Santa Fe County

By: _____
BCC Chairperson

Attest:

_____
Geraldine Salazar, County Clerk

8/20/2013

Approved as to form:

_____
Stephen C. Ross, County Attorney

SFC CLERK RECORDED 08/22/2013

COUNTY CLERK
GERALDINE SALAZAR
SANTA FE COUNTY NEW MEXICO

BCC ORDER
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss PAGES: 6

I Hereby Certify That This Instrument Was Filed for
Record On The 20TH Day Of August, 2013 at 03:59:28 PM
And Was Duly Recorded as Instrument # 1715555
Of The Records Of Santa Fe County

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

NB-72

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: November 25, 2013

TO: Board of County Commissioners

FROM: Wayne Dalton, Building and Development Services Supervisor WD

VIA: Katherine Miller, County Manager KM
Penny Ellis-Green, Land Use Administrator
Vicki Lucero, Building and Development Services Manager VL

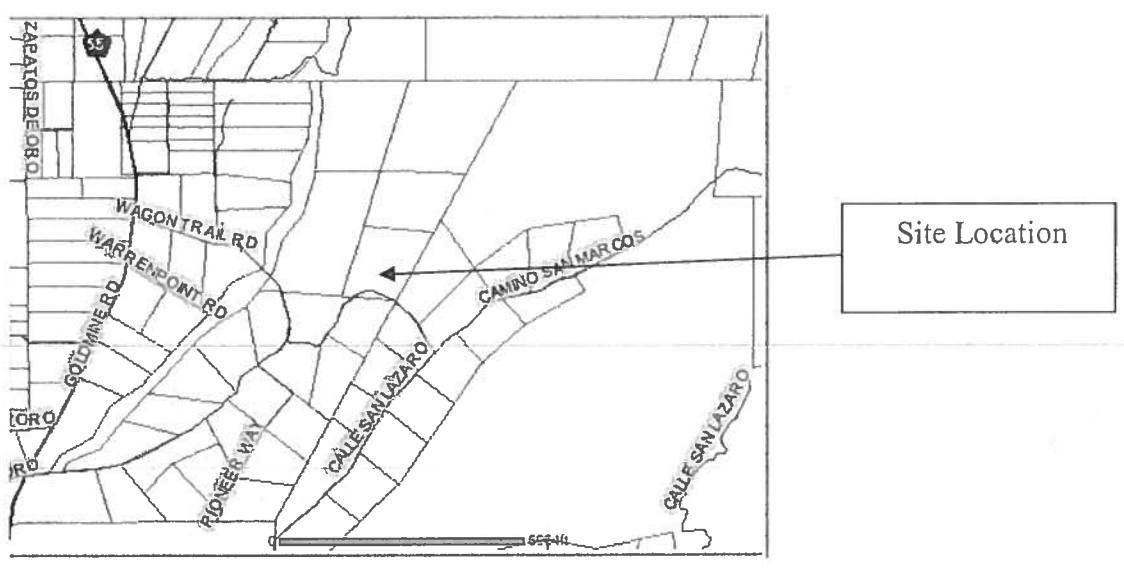
FILE REF.: CDRC CASE # V 13-5250 Thomas Wagner Variance

ISSUE:

Thomas Wagner, Applicant, requests a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the construction of a residence on 40.01 acres.

The property is located at 67 Camino San Marcos, Off Goldmine Road (CR59B), within Sections 3, 4, 9, & 10, Township 13 North, Range 8 East, (Commission District 3).

Vicinity Map:



REQUEST SUMMARY:

This case is tabled in order to receive a recommendation from the CDRC.

NO PACKET MATERIAL FOR THIS ITEM

7. <u>Concluding Business</u>
a. Announcements
b. Adjournment