

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: April 29, 2014

TO: Board of County Commissioners

FROM: Miguel "Mike" Romero *MP*

VIA: Katherine Miller, County Manager *KM*
Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building & Development Services Manager *VL*
Wayne Dalton, Building & Development Services Supervisor *WD*

FILE REF: BCC CASE # PCEV 14-5060 John Young Vacation of Easement

ISSUE:

John Young, Applicant, Ed Trujillo (Dawson Surveys), Agent, request approval to vacate a platted thirty eight foot (38') wide private access and public utility easement on three lots totaling 22.95 acres.

The property is located in the Traditional Community of Galisteo at 3 Tobias Lane, within Section 35, Township 14 North, Range 9 East, (Commission District 3).

Vicinity Map:



SUMMARY:

The subject lots originally were made up of five (5) legal non-conforming lots that were consolidated into three legal lots of record, which were created through a Lot Consolidation in December of 2013; one lot (Tract A-1A) consists of 13.328 acres, one lot (Tract B1) consists of 8.718 acres and one lot (Tract A1) consists of 0.903 acres.

There is currently a residence on Tract A-1A, where the Applicant resides. The thirty eight foot (38') wide private access and public utility easement (Camino Loma Tejana) runs through Tract A1, West onto Tract A-1A and South down Tract B1 where the easement ends. There are existing easements that provide access to the subject properties as well as to the adjacent lots. Therefore, the Applicant has stated that he does not need this portion of the private access and public utility easement and claims no other party will be adversely affected by vacation of the easement.

Article V, § 5.7.1 (Cause) states, any Final Plat filed in the office of the County Clerk may be vacated or a portion of the Final Plat if:

- a) The owners of the land proposed to be vacated sign an acknowledgment statement, declaring the Final Plat or a portion of the Final Plat to be vacated, and the statement is approved by the Board; or
- b) The Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.

The Applicants state that they are the only ones affected by this easement vacation. Therefore, per Article V, § 5.7.7 a. the Applicants are requesting approval to vacate the thirty eight foot (38') wide private access and public utility easement.

Article V, § 5.7.2 (Action) states, "Action shall be taken at a public meeting. In approving the vacation of all or a part of a Final Plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a Final Plat, the Board may require that roads dedicated to the County in the Final Plat continue to be dedicated to the County."

Article V, § 5.7.3 (Filing) states, "The approved statement declaring the vacation of a portion or all of a Final Plat shall be filed in the office of the County Clerk."

Article V, § 5.7.4 (Utilities) states, "The rights of any utility existing before the total or partial vacation of any Final Plat are not affected by the vacation of a Final Plat."

This Application was submitted on February 12, 2014.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.

APPROVAL SOUGHT: Approval to vacate a platted thirty eight foot (38') wide private access and public utility easement on three lots totaling 22.95 acres.

GROWTH MANAGEMENT AREA: SDA 1

HYDROLOGIC ZONE: Traditional Community Galisteo, minimum lot size per Code is .75 acres per dwelling unit.

FIRE PROTECTION: Galisteo Fire District.

WATER SUPPLY: Galisteo Mutual Domestic Water Users Assoc.

LIQUID WASTE: Conventional Septic System

VARIANCES: None

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
None	

STAFF RECOMMENDATION: Approval to vacate a platted thirty eight foot (38') private access and public utility easement on three lots totaling 22.95 acres, subject to the following condition:

1. The Applicant shall file the portion of the Final Plat (Tract A-1A), (Tract B1) and (Tract A1) affected by the vacated easement with the County Clerk's Office (As per Article V § 5.7.3).

EXHIBITS:

1. Letter of request
2. Article V, § 5.7 (Vacations of Plats)
3. Site Photographs
4. Site Plan/Survey Plat
5. Aerial of Site and Surrounding Area



**DAWSON SURVEYS
INC.**

2502 B CAMINO ENTRADA
SANTA FE, NM 87507
P.O. BOX 15817
SANTA FE, NM 87592

Phone: 505-471-6660

Fax: 505-471-6661

E-mail: dawsonsurveys@gmail.com

February 12, 2014

Dawson Surveys Inc.
File #7087/VACATE

**Re: Vacation of 38' Ingress/Egress Easement Recorded in Book 692, Page 19. Section 35,
T14N, R9E, Town of Galisteo, Santa Fe County for John Young**

Dear Miguel,

My client, Mr. John Young, is requesting a Vacation of an 38' Ingress/Egress Easement Recorded in Book 692, Page 19. Due to the Consolidation and Lot Line Adjustments of assorted Tracts owned by Mr. Young there is currently no need for the easement shown on the attached preliminary plat. The vacation of this easement will not cause any lots to not have access.

The properties involved are Tracts A-1A, A1 and B1, all belonging to John Young. Tracts A1 and B1 are vacant, and Mr. Young resides at 3 Tobias Lane, which is Tract A-1A.

Enclosed find:

- The Application Form
- Rural Addressing Request Letter to Mark Garland and his response
- Site Plan – please refer to Easement Vacation Replat
- A Copy of existing Deeds
- A Copy of supporting/existing Survey Plats
- Septic Permit for 3 Tobias Lane, which is Tract A-1A.
- Letter from the Galisteo Domestic Water Users Association
(Please note that Water Conservation Covenants for is Tract A-1A were recorded on Dec. 12, 2013)
- Copies of the Tax Bills for both properties for 2013
- Location Map
- A copy of the Easement Vacation Replat
- A 11 X 17 copy of the Easement Vacation Replat
- The Application Fees to the amount of \$450.00

Mr. Young will be leaving on an extended trip this weekend. Please call with any questions or comments.

E. M. Phillips

Sincerely,
Edward M. Trujillo
Dawson Surveys Ins.
(505) 471-6660



5.7 Vacation of Plats

- 5.7.1 Cause. Any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if:
- the owners of the land proposed to be vacated sign an acknowledged statement, declaring the final plat or a portion of the final plat to be vacated, and the statement is approved by the Board; or
 - the Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.
- 5.7.2 Action. Action shall be taken at a public meeting. In approving the vacation of all or a part of a final plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a final plat, the Board may require that roads dedicated to the County in the final plat continue to be dedicated to the County.
- 5.7.3 Filing. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk
- 5.7.4 Utilities. The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

5.8 Requirements Prior to Sale, Lease or Other Conveyance

It is unlawful to sell, lease, or otherwise convey land within a subdivision before the following conditions have been met:

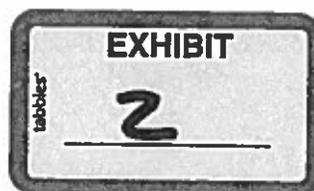
- Final plat approval. The final plat shall be approved by the Board and shall be filed with the County Clerk. If a subdivision lies within more than one county, the final plat shall be approved by the Board of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located.
- Relevant documents. The subdivider shall furnish the Board a sample copy of sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land.
- Permanent markers. All corners of all parcels and blocks within a subdivision shall be permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

5.9 Succeeding Subdivisions

Any proposed subdivision may be combined and upgraded for classification purposes by the Board with a previous subdivision if the proposed subdivision includes:

- Part of a previous subdivision that has been created in the preceding seven (7) year period; or
- Any land retained by a subdivider after creating a previous subdivision when the previous subdivision was created in the preceding seven (7) year period.

History. Section 5 was updated and revised by Ordinance 1996-8 for the purpose of clarification and to bring this Section into compliance with the NMSA.

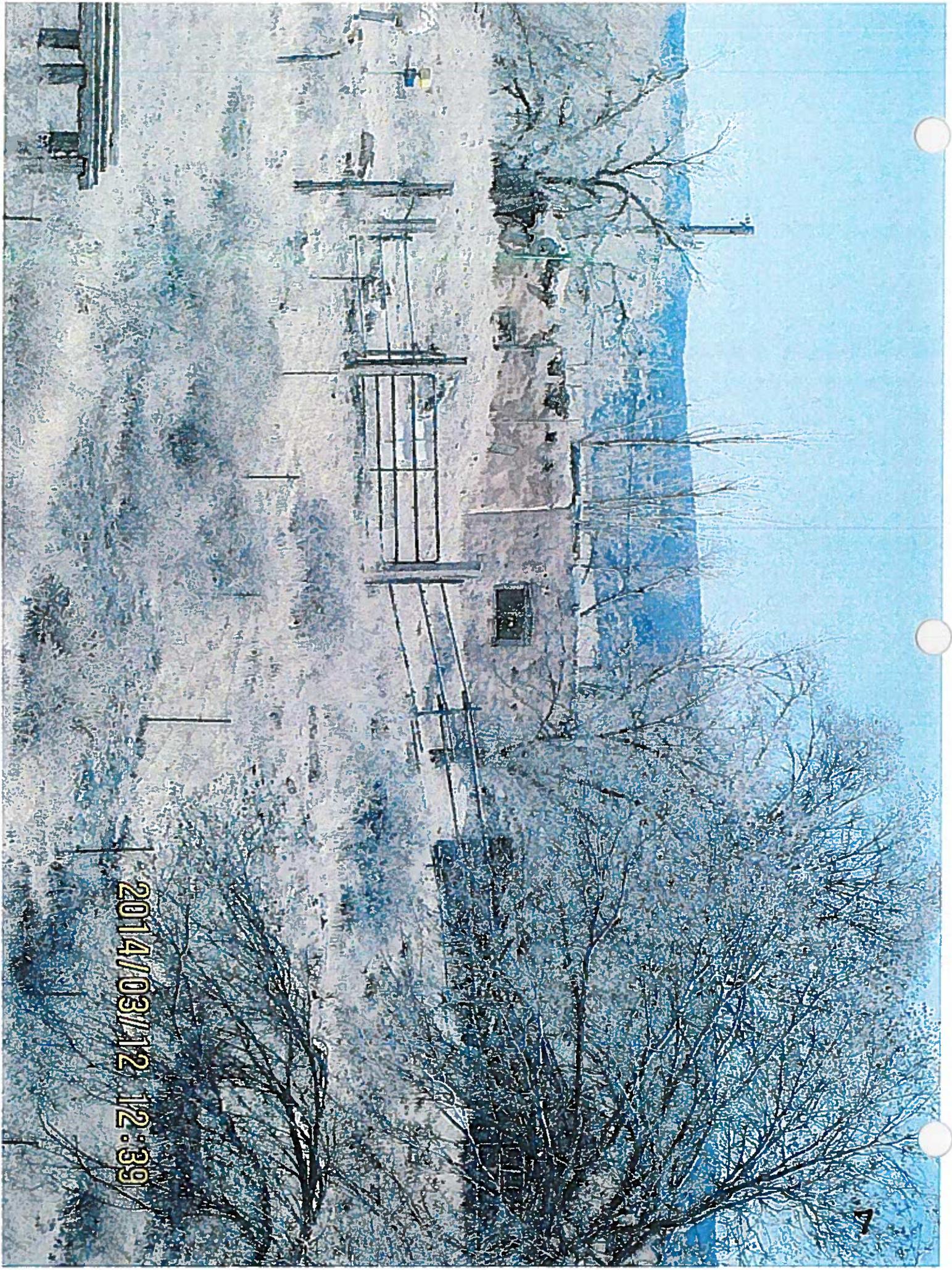


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EXHIBIT
3

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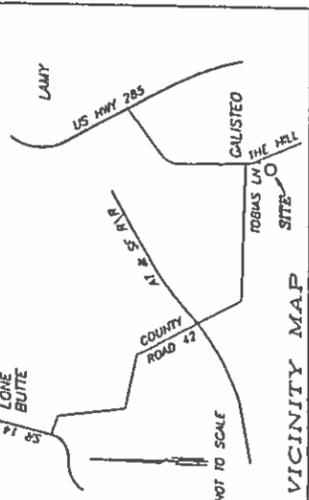
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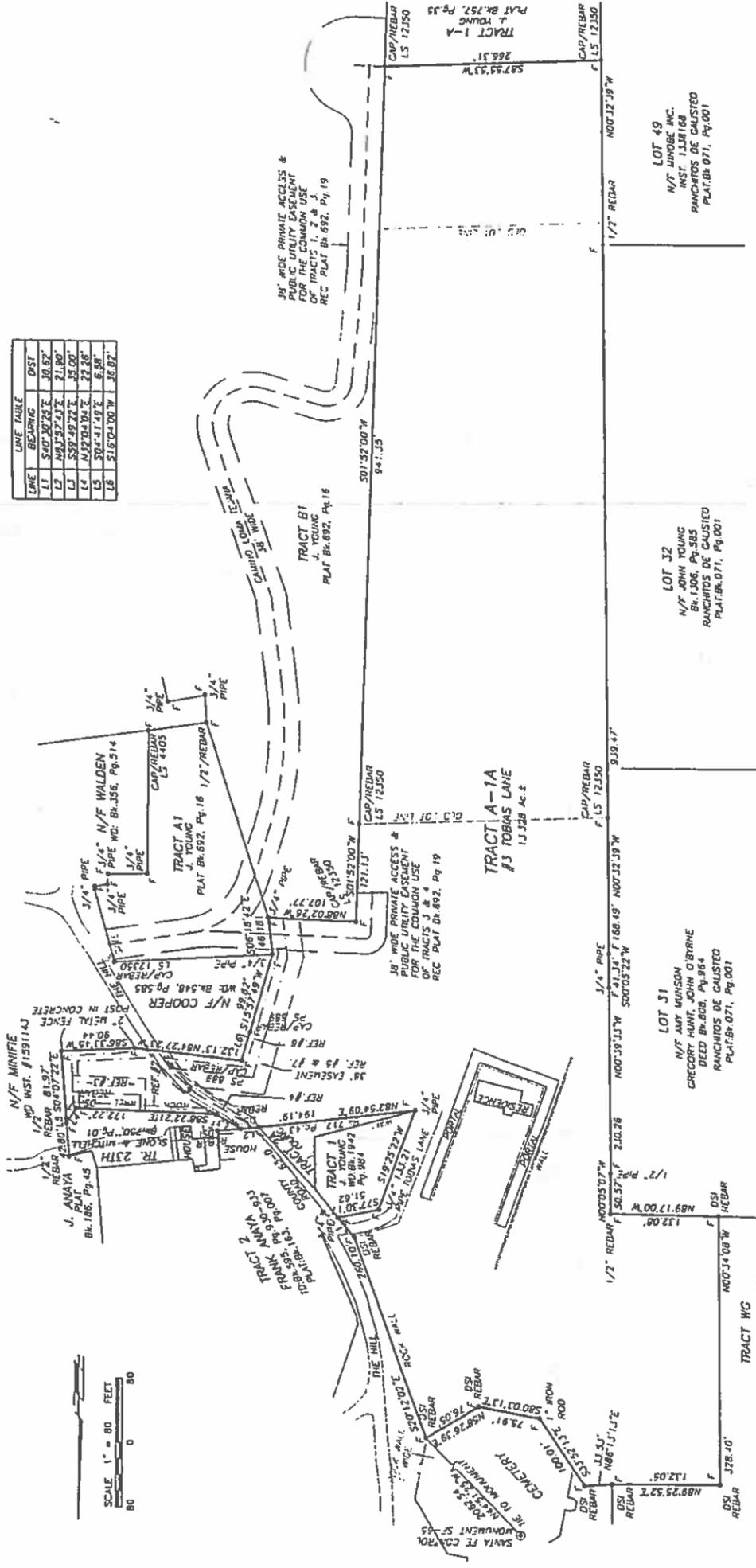


2014/03/12 12:48

2014/03/12 12:39



- NOTES:**
1. THIS PLAT SUBJECT TO ANY RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.
 2. 7.5' WIDE WATERLINE EASEMENT, RECORDED IN PLAT Bk.754, Pg.05.
 3. LEACHFIELD EASEMENT FOR TRACT 21TH, RECORDED IN PLAT Bk.754, Pg.05.
 4. 20' WIDE PUBLIC ACCESS EASEMENT PLAT Bk.742, Pg.43.
 5. 38' WIDE PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT, PLAT Bk.742, Pg.41.
 6. 7' WIDE PNM EASEMENT, RECORDED IN PLAT Bk.754, Pg.05.
 7. 38' WIDE PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT, PLAT Bk.754, Pg.05.



LEGEND

BEARINGS ARE DERIVED FROM LOT CONSOLIDATION PLAT PREPARED FOR JOHN YOUNG, BY DAWSON SURVEYS INC., RECORDED NOVEMBER 10, 2010 IN PLAT Bk.724, Pg.18.

78 DENOTES REBAR OR AS SHOWN FOUND

8 DENOTES DAWSON SURVEY INSTRUMENT TO BE SET UPON RECORDING

9 DENOTES FENCE

10 DENOTES CALCULATED POINT NOT SET

11 DENOTES PROPERTY OF LANDS DEALT WITH BY THIS PLAT

INFORMATION OUTSIDE THIS BOUNDARY IS BACKGROUND INFORMATION ONLY, NOT VERIFIED FOR ACCURACY AND IS NOT PART OF THIS PLAT.

767024

AFFIDAVIT

I, JOHN YOUNG, COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE UNDERSIGNED OWNERS HAVE CAUSED TO BE CONSOLIDATED THE PROPERTIES OF THOSE LANDS SHOWN HEREON. THE SAID CONSOLIDATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS. EASEMENTS ARE GRANTED AS SHOWN. THIS CONSOLIDATION CONTAINS 1.138 ACRES, MORE OR LESS. THERE IS NO ROAD DEDICATION AND MAINTENANCE OF PRIVATE ROADS IS THE RESPONSIBILITY OF THE LOT OWNER.

THIS LOT CONSOLIDATION LIES WITHIN THE PLANNING AND PLATING JURISDICTION OF THE COUNTY OF SANTA FE, N.M.

OWNER: _____

STATE OF NEW MEXICO
COUNTY OF SANTA FE
NOTARY PUBLIC
I, _____, NOTARY PUBLIC, DO HEREBY CERTIFY THAT THE FOREGOING WAS SIGNED, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY JOHN YOUNG, COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO, ON THIS 12th DAY OF OCTOBER, 2013.

9/16/14
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS

APPROVALS

_____ 12/10/13
COUNTY LAND-USE ADMINISTRATOR - DATE

_____ 12-2-13
COUNTY TREASURER - DATE

_____ 9/16/14
NOTARY PUBLIC

13-1085

COUNTY DEVELOPMENT PERMIT NO.

THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLANNING JURISDICTION OF SANTA FE COUNTY.

MAINTENANCE OF PRIVATE ACCESS EASEMENTS, UTILITY EASEMENTS AND/OR PRIVATE ROADWAYS IS NOT THE RESPONSIBILITY OF SANTA FE COUNTY, UNLESS DEDICATED AND ACCEPTED FOR MAINTENANCE BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT AND THE BOARD OF COUNTY COMMISSIONERS.

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS, ALL STANDARD COUNTY PERMITS AND FEES MUST BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY OF ANY KIND. DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROADS, FIRE PROTECTION, TERRAIN MANAGEMENT, AND DRAINAGE ARE COMPLETED AND APPROVED.

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 15049C023D, DATED JUNE 17, 2008, THIS PROPERTY LIES OUTSIDE THE LIMITS OF THE 100-YEAR (1% FLOODPLAIN, IN "ZONE X". THIS DESIGNATION DOES NOT GUARANTEE THAT THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES.

THE AREAS DEPICTED HEREON HAVE SLOPES OF LESS THAN 15%.

THE TRACTS, PARCELS AND/OR LOTS SHOWN HEREON LIE OUTSIDE THE URBAN WILDLAND INTERFERENCE ZONE AS DEFINED BY THE SANTA FE COUNTY FIRE DEPARTMENT.

THESE TRACTS, PARCELS AND/OR LOTS ARE SUBJECT TO UTILIZING THE CALISTO WATER SYSTEM WATER WELLS ARE PROHIBITED WITHOUT PRIOR CONSENT OF THE COUNTY LAND USE ADMINISTRATOR.

THESE TRACTS, PARCELS AND/OR LOTS SHOWN HEREON ARE SUBJECT TO SANTA FE COUNTY WATER CONSERVATION COVENANTS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS INSTRUMENT NO. 11/25/13.

SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY COMPLETED UNDER MY PERSONAL SUPERVISION ON THE 21st DAY OF OCTOBER 2013, TO THE BEST OF MY KNOWLEDGE, THE SURVEY AND PLAT ARE CORRECT, TRUE AND MEET THE MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

EDWARD H. TRULLIO
11/25/13
SANTA FE, N.M. P.L.S. 112352



LOT CONSOLIDATION

PREPARED FOR
JOHN YOUNG

OF
TRACT 2, TRACT 3
REC. Bk.692, Pg.19, OFFICE OF
AND TRACT A-1A
REC. Bk.754, Pg.05, OFFICE OF
THE SANTA FE COUNTY CLERK,
ALL WITHIN SECTION 35
T.14N., R.9E., N.M.P.M.
WITHIN THE TRADITIONAL COMMUNITY LIMITS
OF CALISTO, SANTA FE COUNTY NM

PURPOSE: TO CONSOLIDATE THREE TRACTS INTO ONE TRACT

DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
2502 B CUAMMO ENTRADA
SANTA FE, N.M. 87507
FILE#70071R 2-2 DATE:11/26/13

SPECIAL BUILDING PERMIT CONDITIONS

THE INSTALLATION OF AN AUTOMATIC FIRE SUPPRESSION SYSTEM IS HIGHLY RECOMMENDED FOR ALL HOMES ON ALL LOTS.

THESE LOTS ARE SUBJECT TO UTILIZING THE CALISTO WATER SYSTEM. INDIVIDUAL WELLS ARE NOT PERMITTED.

THE PARCELS, LOTS, OR TRACTS PLATTED HEREON ARE SUBJECT TO ARTICLE VI, SECTION 3, AND ORDINANCE 2008-10, AS WELL AS ALL PERTINENT COUNTY CODES AND ORDINANCES AT THE TIME OF DEVELOPMENT.

THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR DEVELOPMENT PERMIT.

NEW DRIVEWAY/ROADWAY ACCESS FROM COUNTY ROAD 610 ARE SUBJECT TO APPROVAL BY THE COUNTY PUBLIC WORKS DIRECTOR.

DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROAD AND EMERGENCY TURN-AROUND ARE COMPLETED AND APPROVED BY STAFF.

REFERENCE DOCUMENTS

- 1) LOTLINE ADJUSTMENT AND EASEMENT REPLAT PREPARED FOR JOHN YOUNG, UNMOBE, INC. RECORDED IN PLAT Bk.692, Pg.19 SANTA FE COUNTY NEW MEXICO.
- 2) LOT CONSOLIDATION PREPARED FOR JOHN YOUNG RECORDED DECEMBER 21st, 2012 IN PLAT Bk.754, Pg.05, SANTA FE COUNTY, NEW MEXICO.
- 3) WARRANTY DEED TO TRACT 3 FROM: SERAFIN & JULIA AMAYA, TO: JOHN YOUNG, RECORDED APRIL 26th 1995, IN Bk.1158, Pg.118, SANTA FE COUNTY NEW MEXICO.
- 4) WARRANTY DEED TO TRACT 2 FROM: MARY BROWN, TO: JOHN YOUNG, RECORDED JANUARY 24th 2008, AS INSTRUMENT #1513264, SANTA FE COUNTY NEW MEXICO.
- 5) WARRANTY DEED TO TRACT A-1A FROM: UNMOBE, INC. TO: JOHN YOUNG, RECORDED JULY 2nd 2013, AS INSTRUMENT #1170960, SANTA FE COUNTY NEW MEXICO.

Tract 1725347

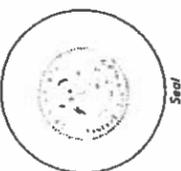
COUNTY OF SANTA FE
STATE OF NEW MEXICO

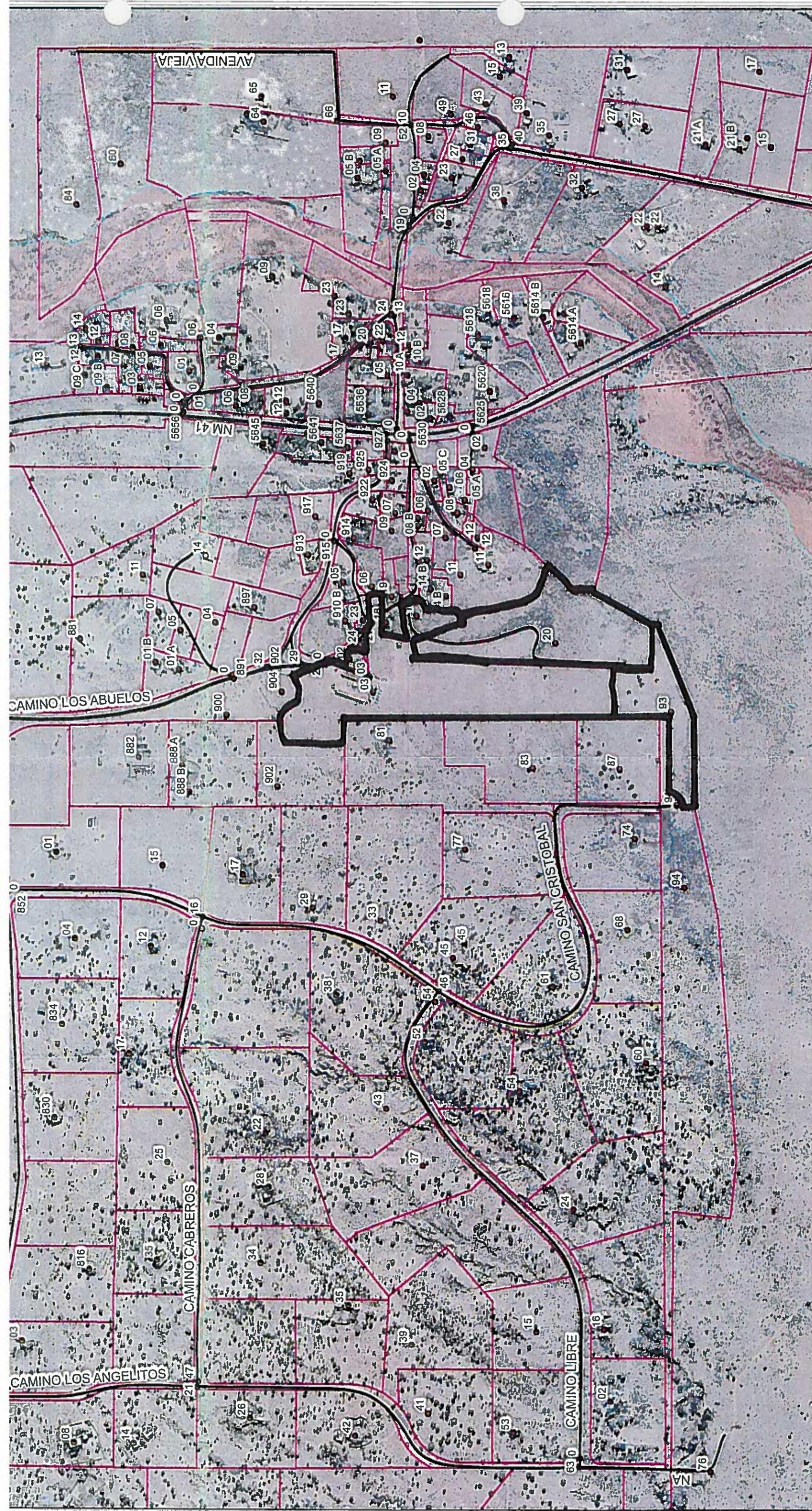
I hereby certify that this instrument was filed for record on the 13th day of October, 2013, at 1:52 P.M., and was duly recorded in a book 1725, page(s) 347 of the records of Santa Fe County.

Witness my hand and Seal of office this 13th day of October, 2013.

County Clerk, Santa Fe County, N.M.

Edw. H. Trullio, Deputy





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.



Legend

-  ROADS
-  Parcels



March 5, 2014



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: April 29, 2014

TO: Board of County Commissioners

FROM: Miguel "Mike" Romero *MR*

VIA: Katherine Miller, County Manager *KM*
Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building & Development Services Manager *VL*
Wayne Dalton, Building & Development Services Supervisor *WD*

FILE REF: BCC CASE # PCEV 14-5110 Heather McCrea Vacation of Easement

ISSUE:

Heather McCrea, Applicant, requests approval to vacate a platted twenty foot (20') wide pipeline right of way easement and tank site easement on two lots totaling 8.80 acres. The easement will be relocated on-site.

The property is located in the Traditional Community of Chupadero at 448AB N.M. 592, within Section 5, Township 18 North, Range 10 East, (Commission District 1).

Vicinity Map:



SUMMARY:

The subject property consists of two legal lots of record, which were created in February of 2008; Lot 1, which consists of 3.80 acres and Lot 3, which consists of 5.00 acres.

There is currently an existing County Fire Station and a twenty foot (20') wide pipeline right of way easement and tank site easement for the Chupadero Mutual Domestic Water Consumers Association, with a water tank located on lot 1 and lot 3. The twenty foot (20') wide pipeline right of way easement and tank site easement runs parallel east to west onto lot 1 and lot 3 as indicated by the recorded plat. The Applicant wishes to relocate the easements east to west parallel to the Fire Station on lot 1 and lot 3, where the pipeline and water tank are currently situated (Refer to Exhibit 4).

Santa Fe County Resolution No. 2012-131 a Resolution incorporating the Chupadero Mutual Domestic Water Consumers Association was approved by the Board of County Commissioners on September 25, 2012. Santa Fe County shall take over ownership and maintenance of the Chupadero Water Association's assets. All easement locations need to be in place and accurate, prior to Santa Fe County taking over the existing water line.

Article V, § 5.7.1 (Cause) states any Final Plat filed in the office of the County Clerk may be vacated or a portion of the Final Plat if:

- a) The owners of the land proposed to be vacated sign an acknowledgment statement, declaring the Final Plat or a portion of the Final Plat to be vacated, and the statement is approved by the Board; or
- b) The Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.

The Applicant states that they are the only ones affected by this easement vacation. Therefore, per Article V, § 5.7.7 a. the Applicants are requesting approval to vacate the twenty foot (20') wide pipeline right of way easement and tank site easement and relocate them in accordance with where the facilities are actually sited.

Article V, § 5.7.2 (Action) states, "Action shall be taken at a public meeting. In approving the vacation of all or a part of a Final Plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a Final Plat, the Board may require that roads dedicated to the County in the Final Plat continue to be dedicated to the County."

Article V, § 5.7.3 (Filing) states, "The approved statement declaring the vacation of a portion or all of a Final Plat shall be filed in the office of the County Clerk."

Article V, § 5.7.4 (Utilities) states, "The rights of any utility existing before the total or partial vacation of any Final Plat are not affected by the vacation of a Final Plat."

This Application was submitted on March 26, 2014.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.

APPROVAL SOUGHT: Approval to vacate and relocate a platted twenty foot (20') wide pipeline and right of way easement and tank site easement on two lots totaling 8.80 acres.

GROWTH MANAGEMENT AREA: SDA 2

HYDROLOGIC ZONE: Traditional Community Chupadero, minimum lot size per Code is .75 acres per dwelling unit.

FIRE PROTECTION: Tesuque Fire District.

WATER SUPPLY: Chupadero Water Association.

LIQUID WASTE: Conventional Septic System

VARIANCES: None

AGENCY REVIEW: Agency Recommendation
None

STAFF RECOMMENDATION: Approval to vacate and relocate a platted twenty foot (20') wide pipeline right of way easement and tank site easement on two lots totaling 8.80 acres, subject to the following conditions:

1. The Applicant shall file the portion of the Final Plat (Lot 1) and (Lot 3) affected by the vacated easement with the County Clerk's Office (As per Article V § 5.7.3).

EXHIBITS:

1. Letter of request
2. Article V, § 5.7 (Vacations of Plats)
3. Site Photographs
4. Site Plan/Survey Plat
5. Aerial of Site and Surrounding Area
6. Santa Fe County Resolution 2012-131

**This document gives the County of Santa Fe
complete authorization to submit
For a Variance request for Chupadero Water Tank &
Easement for Santa Fe County Fire dept Bldg.**

WATER TANK:

It is our understanding that the County of Santa Fe intends to purchase the Chupadero water system. Currently there are some easement issues concerning the location and access to the existing tank.

The purpose of this request is to remediate these issues. We respectfully request that the old easement, which was done prior to the availability of satellite-assisted surveying be vacated and a new easement be created utilizing the current tank location and the access to it. This easement is for the existing tank only.

FYI. We hired an engineer who agrees with our concerns that another tank being installed next to the existing tank may undermine the integrity of the hillside, considering it already shows sign of erosion.

We, along with one of our neighbors, Tom Kelly, are committed to giving further easements for a future tank and multiple well sites, while we are still in possession of the only viable sites to do so.

We are currently in the process of writing up said offer to the County of Santa Fe.

The new easement survey was done by Salvador Vigil (a licensed surveyor).

Fire House:

The current location of the County Fire Dept. encroaches on our property, which is in the traditional community of Chupadero, located on NM Highway 592 (in the vicinity of Camino Chupadero).

We are granting a new easement to remediate this issue.

Thank you for your considerations of these matters.

Sincerely,



Heather L. McCrea



5.7 Vacation of Plats

- 5.7.1 **Cause.** Any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if:
- the owners of the land proposed to be vacated sign an acknowledged statement, declaring the final plat or a portion of the final plat to be vacated, and the statement is approved by the Board; or
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- 5.7.3 **Filing.** The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk
- 5.7.4 **Utilities.** The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

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- Final plat approval.** The final plat shall be approved by the Board and shall be filed with the County Clerk. If a subdivision lies within more than one county, the final plat shall be approved by the Board of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located.
- Relevant documents.** The subdivider shall furnish the Board a sample copy of sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land.
- Permanent markers.** All corners of all parcels and blocks within a subdivision shall be permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

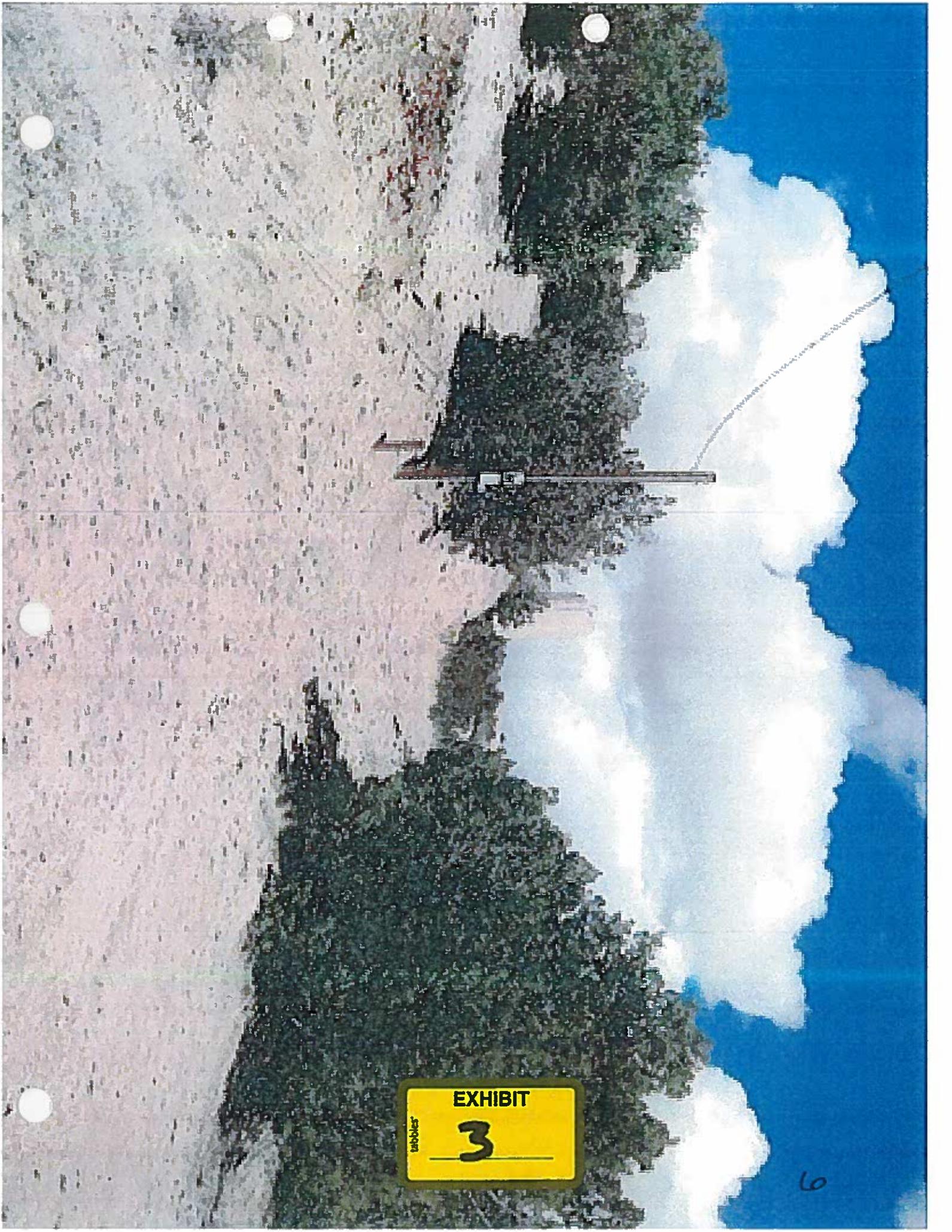
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Any proposed subdivision may be combined and upgraded for classification purposes by the Board with a previous subdivision if the proposed subdivision includes:

- Part of a previous subdivision that has been created in the preceding seven (7) year period; or
- Any land retained by a subdivider after creating a previous subdivision when the previous subdivision was created in the preceding seven (7) year period.

History. Section 5 was updated and revised by Ordinance 1996-8 for the purpose of clarification and to bring this Section into compliance with the NMSA.





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EXHIBIT
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Legend

-  ROADS
-  Parcels

1:900

1 inch represents 75 feet



2012 Orthophotography
2 FOOT CONTOURS

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Santa Fe County assume
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User are solely resp
confirming data a



April 28, 2014



Legend

-  ROADS
-  Parcels

2012 Orthophotography
 2 FOOT CONTOURS

This information is for reference only.
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 User are solely responsible for
 confirming data accuracy.



April 28, 2014

SANTA FE COUNTY
RESOLUTION NO. 2012-131

A RESOLUTION INCORPORATING THE CHUPADERO MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION SERVICE AREA INTO THE SANTA FE COUNTY WATER AND WASTEWATER UTILITY SERVICE AREA AND COMMITTING TO EXECUTE THE PROPER LEGAL INSTRUMENT DETAILING TRANSFER OF WATER ASSETS AND INFRASTRUCTURE TO SANTA FE COUNTY

WHEREAS, the service area of the Chupadero Mutual Domestic Water Consumers Association ("Chupadero Water Association") in northern Santa Fe County is currently outside the boundaries of the Santa Fe County Water and Wastewater Utility's ("County Utility") Water Service Area;

WHEREAS, the Board of County Commissioners ("BCC") takes responsibility for the management of the County's water resources as one of its highest priorities;

WHEREAS, the Chupadero Water Association infrastructure is in dire need of significant improvement for the provision of safe water to its customers;

WHEREAS, the County owns, operates, and is actively acquiring infrastructure capable of supplying safe and reliable water for human consumption, agriculture, industrial uses, construction, and other uses of its Utility customers;

WHEREAS, the Board of the Chupadero Water Association approved incorporating the Association's Water Service Area into the County Utility's Water Service Area at their July 23, 2012 meeting;

WHEREAS, the County Utility has begun an orderly expansion with the ultimate goal of achieving financial autonomy and of serving as many residents of Santa Fe County as possible and economically feasible;

WHEREAS, the orderly expansion of the County Utility's Water Service Area boundaries will ultimately allow for water system improvement projects and millions of dollars in public and private capital investments; and

WHEREAS, because of their geographic dispersion and unique characteristics, acquired rural water systems such as Chupadero's will incur an above-average labor load, estimated at 0.67 of a full-time equivalent (FTE) for every system.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County, as follows:



SFC CLERK RECORDED 09/27/2012
SFC CLERK RECORDED 10/05/2012

CLERK RECORDED 09/27/2012
CLERK RECORDED 10/05/2012

1. The County Utility Water Service Area boundaries are hereby expanded to fully include the Chupadero Water and Sewage Corporation Customer Parcels and all properties upon which the Chupadero Water and Sewage Corporation's water infrastructure is located as reflected on Exhibit A attached hereto and made a part hereof by reference;
2. The BCC and Board of the Chupadero Water Association shall ultimately execute the proper legal instrument detailing the conditions of this boundary inclusion, which instrument shall conform to all requirements of any relevant policies adopted by Santa Fe County;
3. Upon execution of said legal instrument, Santa Fe County shall take over ownership and maintenance of the Chupadero Water Association's water assets and infrastructure in exchange for providing funding for and execution of the design and construction of any water distribution and storage improvements necessary for ongoing water service to the customers currently served by the Chupadero Water Association;
4. The BCC shall create a new FTE position in the County Utility, the filling of which will be subject to the future availability of funding.

PASSED, APPROVED AND ADOPTED this 25 day of Sept, 2012

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Liz Stefanics
Liz Stefanics, Chair

Attest:
Valerie Espinoza
Valerie Espinoza, Santa Fe County Clerk



Approved as to Form:

Stephen C. Ross
Stephen C. Ross, County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 2

I Hereby Certify That This Instrument Was Filed for Record On The 27TH Day Of September, 2012 at 12:30:09 PM And Was Duly Recorded as Instrument # 1682782 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Marcelle Calhoun
Deputy Valerie Espinoza
County Clerk, Santa Fe, NM



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: April 29, 2014

TO: Board of County Commissioners

FROM: Miguel "Mike" Romero *MP*

VIA: Katherine Miller, County Manager *KM*
Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building & Development Services Manager *VL*
Wayne Dalton, Building & Development Services Supervisor *WD*

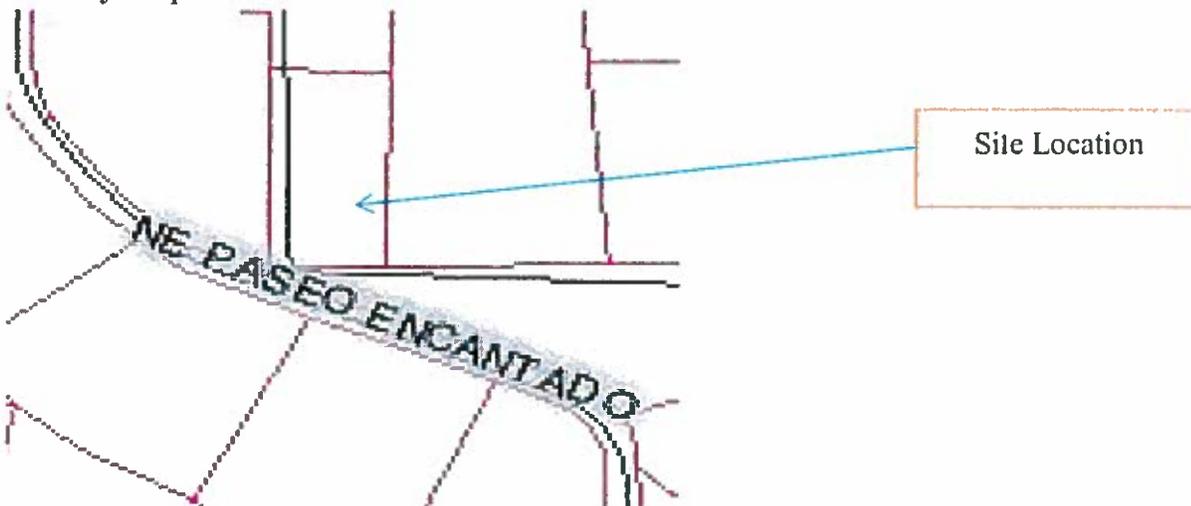
FILE REF: BCC CASE # PCEV 14-5120 Heather McCrea Vacation of Easement

ISSUE:

Heather McCrea, Applicant, requests approval to vacate a platted twenty foot (20') wide private ingress/egress and utility easement on one lot totaling 2.5 acres. The easement will be relocated on-site.

The property is located in the Traditional Community of Chupadero at 64A Paseo Encantado NE, within Section 6, Township 18 North, Range 10 East, (Commission District 1).

Vicinity Map:



SUMMARY:

The subject property is a legal lot of record, which was created through a Family Transfer/Land Division in July of 1998.

There is currently a residence on the subject property which was constructed in 2000 (Permit 00-235) by a previous property owner. The residence was constructed on the private ingress/egress and utility easement, which gives access to 64B Paseo Encantado NE (Lot 2) causing the easement to run through a portion of the residence. The Applicant wishes to vacate the twenty foot (20') wide private ingress/egress and utility easement that runs north to south on the property and relocate the easement 50-115 feet to the east of its current location.

The neighbors have expressed concern, and object to the relocation of the easement. Staff recommends that the portion of the easement that runs through the residence be vacated and relocated around the residence and tie back into the existing easement, causing minimal change to the private ingress/egress and utility easement. This does not remove access, it relocates the easement and would ensure that the easement continued onto the objecting neighbor's property in exactly the same location as currently platted.

Article V, § 5.7.1 (Cause) states any Final Plat filed in the office of the County Clerk may be vacated or a portion of the Final Plat if:

- a) The owners of the land proposed to be vacated sign an acknowledgment statement, declaring the Final Plat or a portion of the Final Plat to be vacated, and the statement is approved by the Board; or
- b) The Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.

The Applicant claims that they are the only ones affected by this easement vacation and relocation. Therefore, per Article V, § 5.7.7 a. the Applicants are requesting approval to vacate the twenty foot (20') wide private ingress/egress and utility easement and relocate it elsewhere on their property. However, as proposed, the easement vacation and relocation would result in the easement continuing onto the neighboring property in a different location than is currently platted.

Article V, § 5.7.2 (Action) states, "Action shall be taken at a public meeting. In approving the vacation of all or a part of a Final Plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a Final Plat, the Board may require that roads dedicated to the County in the Final Plat continue to be dedicated to the County."

Article V, § 5.7.3 (Filing) states, "The approved statement declaring the vacation of a portion or all of a Final Plat shall be filed in the office of the County Clerk."

Article V, § 5.7.4 (Utilities) states, "The rights of any utility existing before the total or partial vacation of any Final Plat are not affected by the vacation of a Final Plat."

This Application was submitted on March 24, 2014.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request if the request is modified so that the easement continues onto the adjoining property as it is currently platted.

APPROVAL SOUGHT: Approval to vacate a platted twenty foot (20') wide private ingress/egress and utility easement on one lot totaling 2.50 acres.

GROWTH MANAGEMENT AREA: SDA 2

HYDROLOGIC ZONE: Traditional Community Chupadero, minimum lot size per Code is .75 acres per dwelling unit.

FIRE PROTECTION: Tesuque Fire District.

WATER SUPPLY: Private Well

LIQUID WASTE: Conventional Septic System

VARIANCES: None

AGENCY REVIEW: Agency Recommendation
None

STAFF RECOMMENDATION: Denial to vacate and relocate the entire platted twenty foot (20') wide private ingress/egress and utility easement on one lot totaling 2.50 acres;

Staff supports the relocation of the easement around the existing structure without any alteration of the remainder of the easement, subject to the following conditions:

1. The Applicant shall file the portion of the Final Plat (Lot 1) affected by the vacated easement with the County Clerk's Office (As per Article V § 5.7.3).
2. Staff recommends Approval to vacate and relocate the portion of the ingress/egress and utility easement that runs through the portion of the residence.

EXHIBITS:

1. Letter of request
2. Article V, § 5.7 (Vacations of Plats)
3. Site Photographs
4. Site Plan/Survey Plat
5. Aerial of Site and Surrounding Area
6. Letter of Opposition

64 "A" Paseo Encantado Santa Fe County

As the owner of this property we are faced with a somewhat unusual situation.

When we purchased this land, due to an existing easement going through our property we realized we were going to be the owners of what is legally termed as a Servient estate owner, and that we were going to allow our neighbor to the north the privilege to drive through our property over a preexisting easement to their property which is considered by law; the dominant estate.

We have no issue with their easement right per say, and in no way is it our intention to inhibit them from their right.

Prior to our purchase we were made aware that there was another easement that predated the supposedly legal easement that we thought was now in place.

Upon further investigation we came to realize that the attempt to create a new easement was not performed according to law, and that the old easement that inadvertently goes right through our house was still active.

It is our intention to legally vacate the old easement going through our home and have the BCC declare the newer one null and void, because it was not created legally.

Considering the fact that it was recorded, has the potential to Cloud our Title.

In addition to the lack of county procedure, which is recorded on document page 1306062 under Vacation of plats section 5.7.2 ACTION: Action must be taken at a public hearing, this was not requested by the original owner or was it performed in accordance with the law.

In addition it is required by New Mexico State Law (Section 61-23-22 and 61-23-27.10 NMSA 1978, that if you use a surveyor they must be licensed. Considering that the coordinates could not be applied to the physical ground our surveyor realized no real surveyor did the work. The document was also missing the Seal of the Surveyor

When tried to inquire as to who had performed the work, it was to no avail.

The creation of the new easement was done haphazardly it goes through an area of old Pinion trees. If placed there it will be an eye sore to all of the resident to the west when driving by the site.

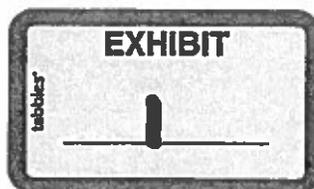
⁵⁰⁻¹¹⁵
If we place it ~~50-20~~ feet to the east it will be completely out of sight for those driving by. It will also diminish an unnecessary traffic eyesore to the neighbor to the west.

It also goes right in front of the area where anyone would logically build in the future.

We respectfully request to move a section of the easement to the east. In moving the easement to the east, it actually assist the owner of the dominant estate, by providing a better grade for their ingress and egress, it also assist them in providing the proper turn around for the Fire Dept. that is required by law.

Thank you for this consideration.


Heather McCrea



5.7 Vacation of Plats

- 5.7.1 Cause. Any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if:
- the owners of the land proposed to be vacated sign an acknowledged statement, declaring the final plat or a portion of the final plat to be vacated, and the statement is approved by the Board; or
 - the Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.
- 5.7.2 Action. Action shall be taken at a public meeting. In approving the vacation of all or a part of a final plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a final plat, the Board may require that roads dedicated to the County in the final plat continue to be dedicated to the County.
- 5.7.3 Filing. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk
- 5.7.4 Utilities. The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

5.8 Requirements Prior to Sale, Lease or Other Conveyance

It is unlawful to sell, lease, or otherwise convey land within a subdivision before the following conditions have been met:

- Final plat approval. The final plat shall be approved by the Board and shall be filed with the County Clerk. If a subdivision lies within more than one county, the final plat shall be approved by the Board of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located.
- Relevant documents. The subdivider shall furnish the Board a sample copy of sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land.
- Permanent markers. All corners of all parcels and blocks within a subdivision shall be permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

5.9 Succeeding Subdivisions

Any proposed subdivision may be combined and upgraded for classification purposes by the Board with a previous subdivision if the proposed subdivision includes:

- Part of a previous subdivision that has been created in the preceding seven (7) year period; or
- Any land retained by a subdivider after creating a previous subdivision when the previous subdivision was created in the preceding seven (7) year period.

History. Section 5 was updated and revised by Ordinance 1996-8 for the purpose of clarification and to bring this Section into compliance with the NMSA.



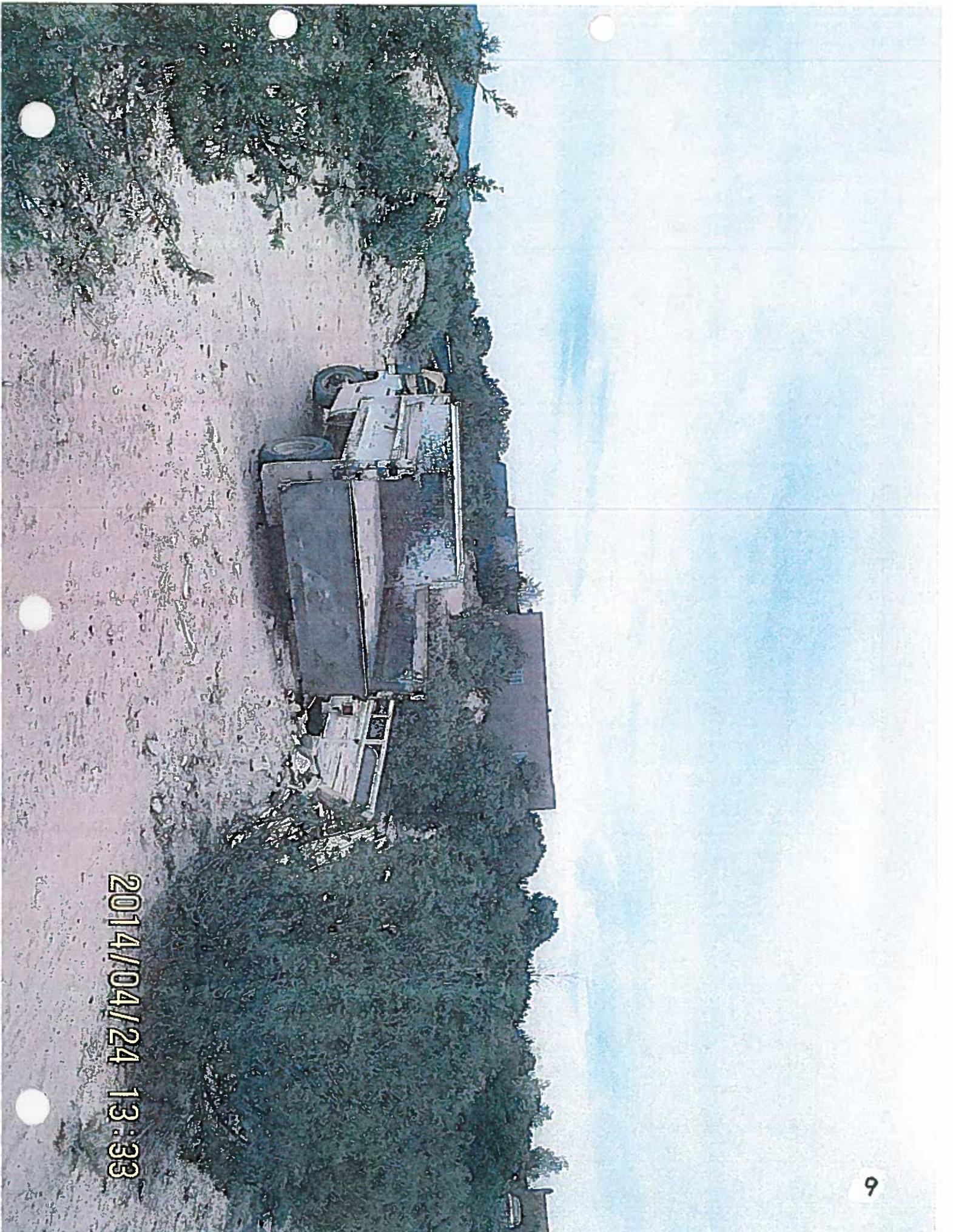
2014/04/24 13:32

EXHIBIT
3

7



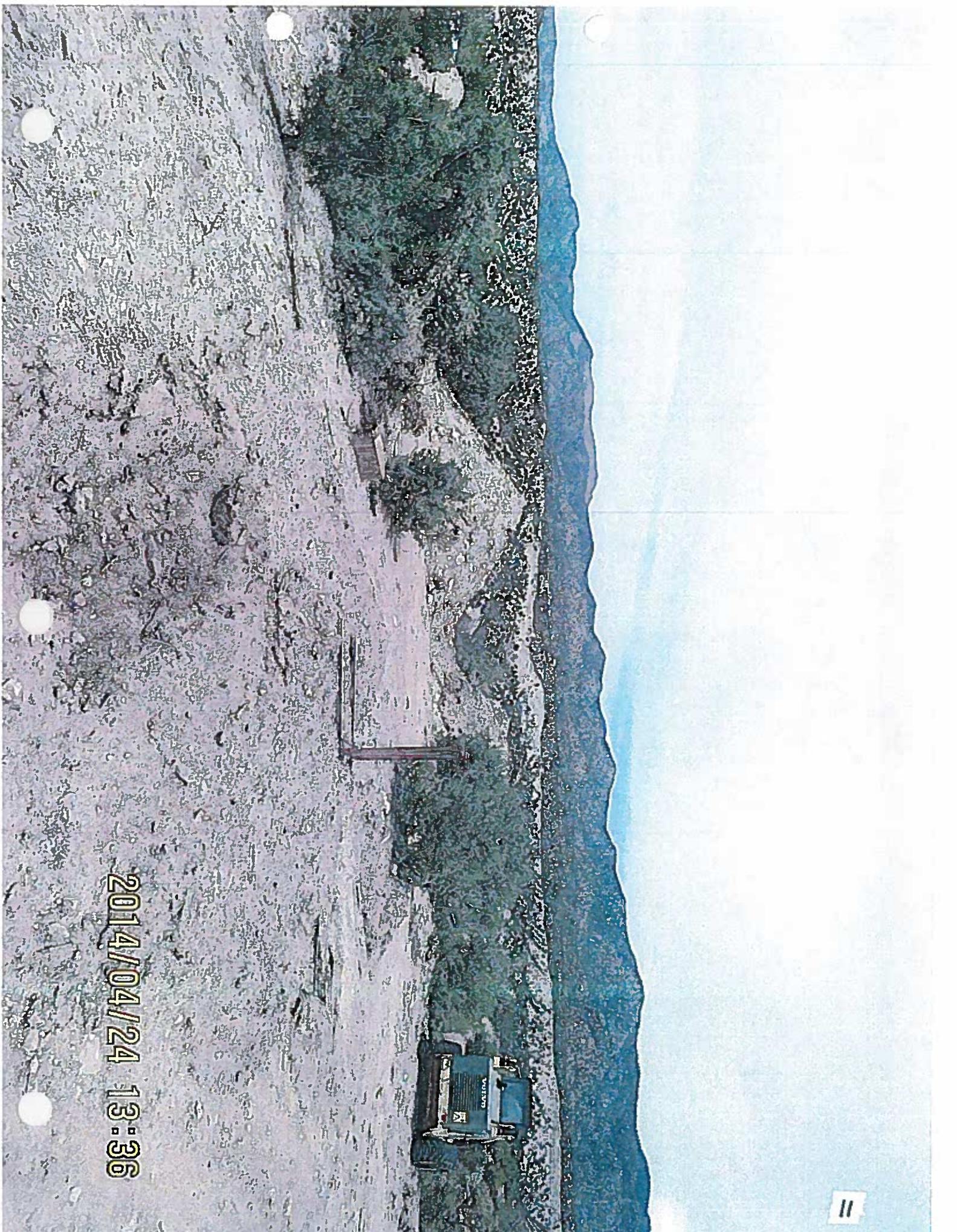
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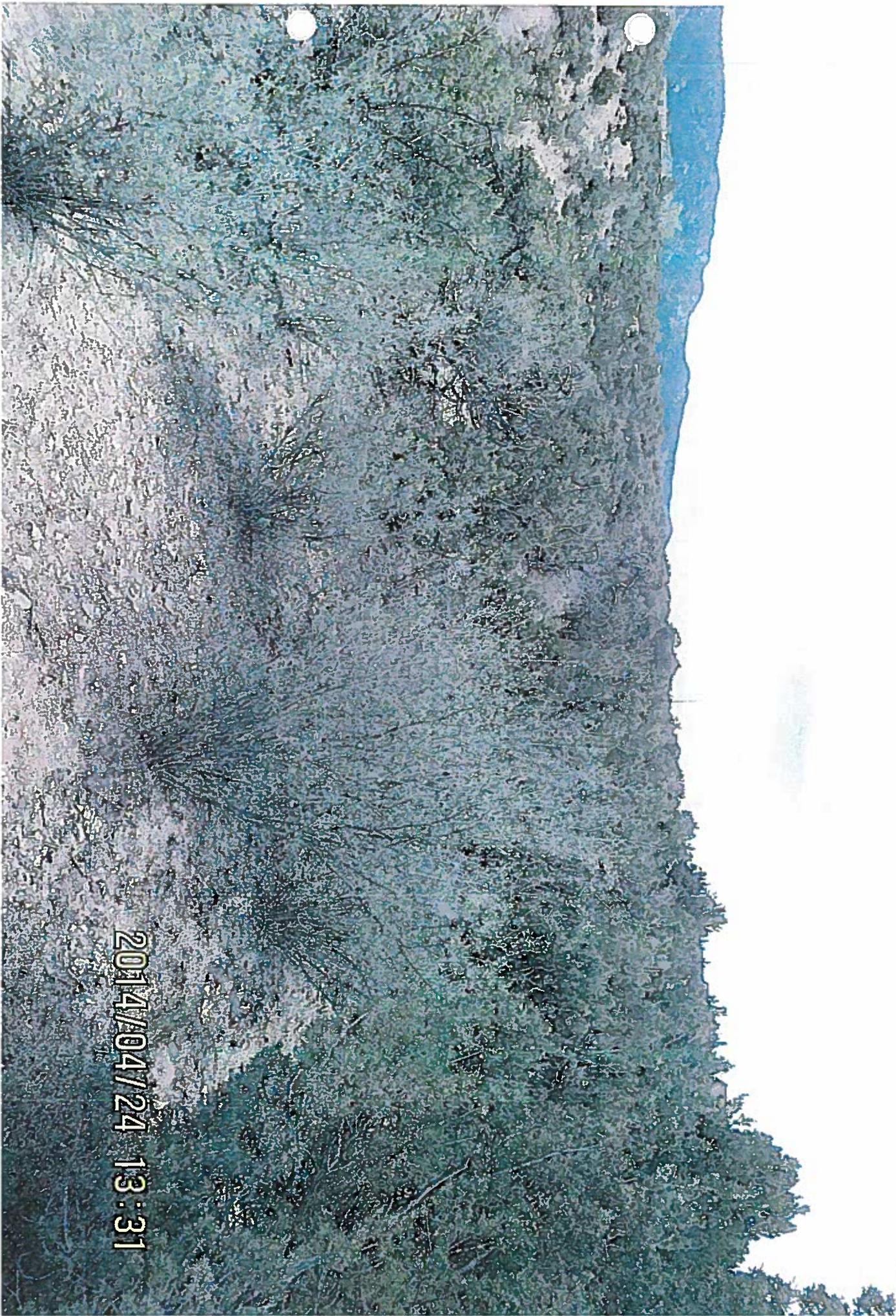
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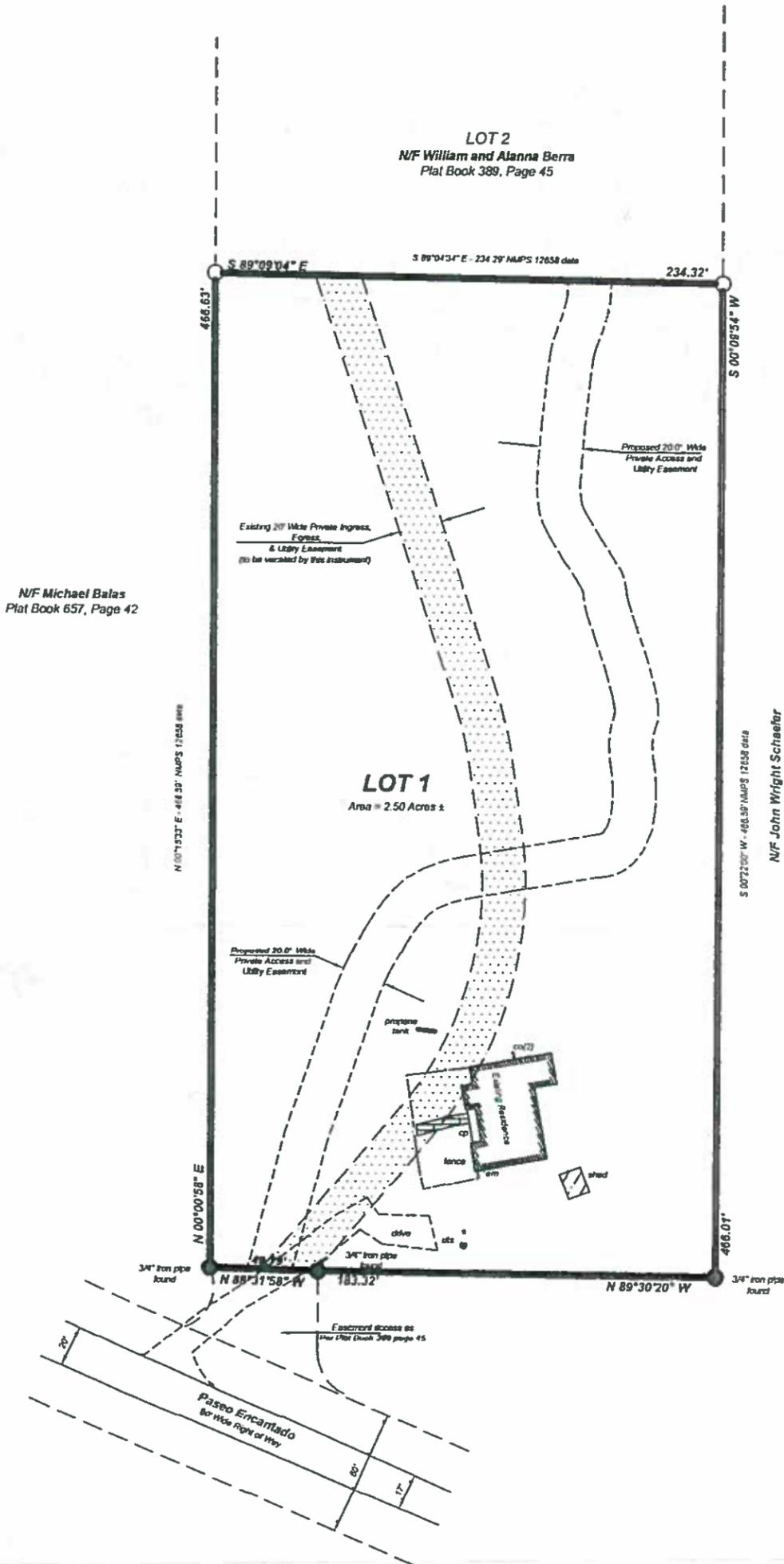
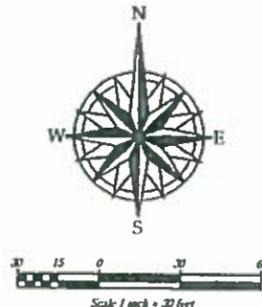
Easement Vacation and Relocation/Boundary Survey Plat

Prepared for

James McCrea

Lying and being Situate at 64A NE Paseo Encantado, Lot 1, Within a Portion of Homestead Entry 4032, Section 6, T18N, R10E, N.M.P.M., County of Santa Fe, State of New Mexico.

Total Area = 2.50 Acres ±



ACKNOWLEDGEMENT AFFIDAVIT

Know All Persons by These Presents

The undersigned land owner(s) and proprietor(s) do hereby acknowledge vacation of a 20.0' wide Private Ingress, Egress and Utility easement as depicted on the plat hereon, with the intent of relocation of the 20.0' Wide Access and Utility Easement as depicted on the plat hereon and as per the wishes and desires of the undersigned land owner. Described easement is lying and being situate at 64A Paseo Encantado, Lot 1, within a portion of Homestead Entry 4032, Section 6, T. 18N., R. 10E., N.M.P.M., County of Santa Fe, State of New Mexico.

James McCrea
 State of New Mexico } ss
 County of Santa Fe }
 The foregoing instrument was acknowledged and sworn to before me this _____ day of _____ 2014, by James McCrea.

Notary Public
 My Commission Expires _____

SANTA FE COUNTY APPROVAL, NOTES, AND CONDITIONS

Santa Fe County Development Permit No. _____
 County Land Use Administrator _____
 Rural Addressing _____

DOCUMENTS REFERENCED

- PLAT: Survey Showing Family Transfer Land Division requested by Ramon M. Romero, as filed in the Office of the Santa Fe County Clerk in Book 389, Page 045, as certified by Clyde R. Vigil, NMPS 12658. Dated May 1, 1998.
- PLAT: Vista Redonda, Unit D as filed in the Office of the Santa Fe County Clerk in Book 25, Page 001, as certified by George Rivera, NMPS 3149. Dated February 12, 1971.
- DOCUMENT: Grant of easement as filed for record in the Office of the Santa Fe County Clerk in Book 2044, Page 871. Dated November 30, 2001.
- PLAT: Boundary Survey Plat for DeAnne Ottaway and John Nye as filed for record in the Office of the Santa Fe County Clerk in Book 657, Page 042. Certified by David E. Cooper, NMPS 9052. Dated June 13, 2007.
- PLAT: Lot Line Adjustment between Tract 3 and Tract 4, Survey for Donald J. and Billie L. Jenkins, as filed in the Office of the Santa Fe County Clerk in Book 263, Page 047, as Certified by Scott Yagor, NMPS 8123. Dated December 5, 1993.

LEGEND

- Bearing base is derived from static observation applying opus post processed data, using Nad 83, New Mexico State Plane Central Zone coordinate data; bearings are all grid with ground distances. (N 89°30'20" W).
- Monument found and used as noted.
- Set number 4 rebar with NMPS 10988 cap.
- em Electric meter
- co Cleanout plug

SURVEYORS NOTES

Every document of record reviewed and considered as part of this survey is noted on the plat hereon. There may exist other documents recorded or un-recorded that may not reflect within the Department of the Assessors office. Only the documents as noted were supplied to the surveyor based on research conducted at Santa Fe County Clerks Office.

Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or other facts that an accurate and current title search may disclose.

This boundary survey plat falls within the platting jurisdiction of the County of Santa Fe, and is subject to all easements, restrictions, and reservations as recorded or not recorded.

This parcel lies within Zone "X" an area determined to be outside the 0.2% annual chance floodplain, per firm panel 35049C 0285D, effective date December 4, 2012.

SURVEYORS CERTIFICATE

I, Salvador I. Vigil, a New Mexico registered professional surveyor, hereby certify that this boundary survey plat and the notes hereon were prepared from an actual field survey performed by me or under my direct supervision on April 29, 2014. And that I am responsible for this survey as depicted on the plat hereon, boundaries as shown were established using found monuments, and documents of record. This survey is not a land division as stipulated in the New Mexico Subdivision act, and meets and or exceeds the minimum standards set forth by the New Mexico Professional Board of Licensure for Surveyors and Engineers.

Salvador I. Vigil 4.29.14
 SALVADOR I. VIGIL N.M.P.S. No. 10988



1-555-108-420-155

LAND SURVEYING COMPANY, L.L.C.

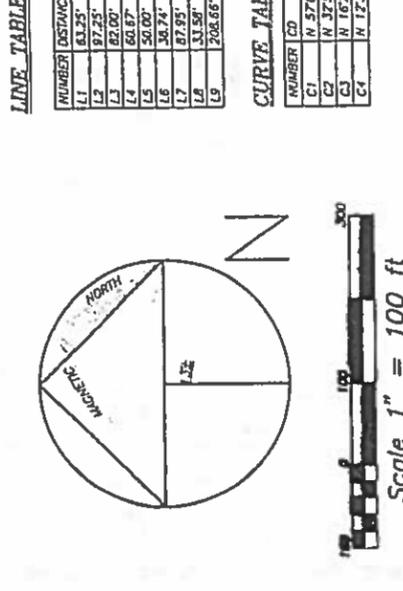
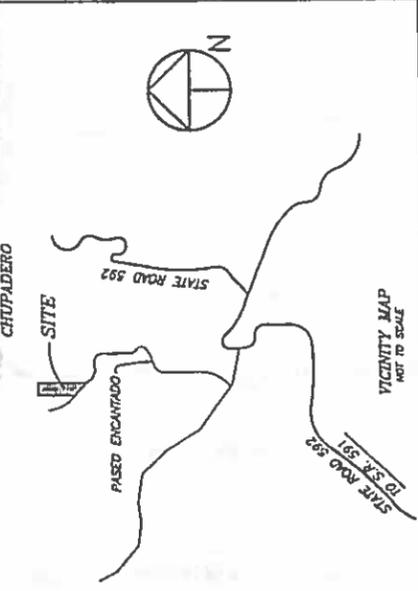
SALVADOR I. VIGIL, N.M.P.S. 10988
 P.O. BOX 4384
 SANTA FE, NEW MEXICO 87505
 505-473-0813
 FAX 505-471-0620

PREPARED BY	S.I. Vigil, NMPS	SANTA FE COUNTY CLERK'S INDEX INFORMATION
DATE	April 29, 2014	JAMES MCCREA
PROJECT No.	L-2000 / PLAT	64A NE Paseo Encantado, Lot 1, HE 4032
CHECKED	S.L. Vigil, PM	Section 6, T. 18N., R. 10E., N.M.P.M.
SHEET No.	001	COUNTY OF SANTA FE, STATE OF NEW MEXICO



20-155
 ss
 THIS INSTRUMENT WAS FILED FOR
 _____ DAY OF _____ A.D. 2012
 _____ M., RECORDED IN
 _____ PAGE _____ AS DOCUMENT
 _____ THE OFFICE OF THE COUNTY CLERK
 STATE OF NEW MEXICO

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



LINE TABLE

NUMBER	DISTANCE	DIRECTION
L1	83.25'	S 30°21'30" E
L2	97.25'	S 62°34'31" E
L3	82.00'	S 41°44'01" E
L4	64.67'	S 76°40'10" E
L5	56.00'	N 69°04'26" W
L6	36.74'	S 07°15'34" W
L7	87.95'	N 40°24'31" E
L8	31.50'	N 07°27'34" W
L9	208.66'	N 17°49'06" W

CURVE TABLE

NUMBER	CD	T	R	L	L	F
C1	N 57°01'27" E	30.56	20.00	39.65		
C2	N 173°37'17" W	13.09	20.00	23.19		
C3	N 167°01'29" E	78.11	175.99	147.03		
C4	N 123°01'21" W	15.65	172.67	31.22		

SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS

- APPROVED BY: *Rebecca Bustamante*, LAND USE ADMINISTRATOR, DATE: 5/14/98
- COUNTY DEVELOPMENT PERMIT NUMBER: 99-3140
- PURSUANT TO SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOIL RATING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE TO SEVERE. REGARDING LIMITATIONS TO SEPTIC TANKS, HOURS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR CONVENTIONAL SEPTIC SYSTEMS OR IF AN ALTERNATE SYSTEM IS REQUIRED.
 - MAINTENANCE OF PRIVATE ROADS AND EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNER/USERS, UNLESS CURRENTLY MAINTAINED BY SANTA FE COUNTY PUBLIC WORKS DEPARTMENT.
 - SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE ROADS OR THE ROADS SHOWN HEREON PRIOR TO CONSTRUCTION OF SAID ROADS OR EASEMENTS. IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR THEN APPROVED BY THE SANTA FE COUNTY LAND USE.
 - THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS.
 - THE PARCELS AS PLATTED HEREON ARE SUBJECT TO ARTICLE VI, SECTION 3 OF THE SANTA FE COUNTY TERRAIN MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT.
 - THIS PROPERTY LIES WITHIN ZONE "X", NO BASE FLOOD ELEVATION DETERMINED, AND ZONE "X" AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN, AS PER F.I.R.M. PANEL 350069 0100 B, DATED 11/4/88.
 - NOTICE: THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR A BUILDING PERMIT.
 - WATER LOTS WERE CREATED BY FAMILY TRANSFER.
 - WATER WELL WITHDRAWAL ON THESE TRACTS ARE RESTRICTED BY COVENANTS FILED IN THE OFFICE OF THE COUNTY CLERK, PAGE 311-314, DOCUMENT NO. 10281-010, RECORDED IN BOOK 1511.
 - LANDS SHOWN HEREON ARE PARTIALLY INSIDE THE 100 YEAR FLOOD PLAN IN ZONE "X" ACCORDING TO THE FEDERAL INSURANCE RATE MAP PANEL No. 350069-0100 B.
 - EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPAIRED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST.
 - THE LANDS SHOWN HEREON LIE WITHIN THE PLATTING JURISDICTION OF THE COUNTY OF SANTA FE.
 - MINIMUM FLOOR ELEVATION FOR ALL STRUCTURES SHALL BE ONE FOOT ABOVE THE ONE HUNDRED YEAR FLOOD ELEVATION. FLOOD ELEVATIONS SHOWN ARE APPROXIMATE AND SHALL BE VERIFIED BY A PROFESSIONAL ENGINEER.
 - PRIOR TO CONSTRUCTION WITHIN OR ALTERATION OF THE EXISTING DESIGNATED 100 YEAR FLOOD PLAIN, AN ENVIRONMENTAL IMPACT STATEMENT MUST BE FILED WITH THE COUNTY HYDROLOGIST. THIS STATEMENT MUST BE APPLIED FOR AND APPROVED BY THE COUNTY HYDROLOGIST.
 - ALL DEVELOPMENT SHALL OCCUR WITHIN THE INDICATED BUILDABLE AREAS AS PER THE SANTA FE COUNTY DEVELOPMENT CODE.
 - LOTS 1, 2 AND 3 BUILDABLE AREAS OR ROADWAYS HAVE NATURAL SLOPES OF 15% OR GREATER. ALL DEVELOPMENT ON THESE LOTS MUST BE IN CONFORMANCE WITH THE APPROVED TERRAIN MANAGEMENT REGULATIONS. DEPENDING ON THE PROPOSED DEVELOPMENT PLANS, LANDSCAPING PLANS AND FURTHER SITE PLANS MAY BE NECESSARY TO MEET TERRAIN MANAGEMENT AND LANDSCAPING REQUIREMENTS OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE.

PLAT OF SURVEY
SHOWING
FAMILY TRANSFER LAND DIVISION
REQUESTED BY
RAMON M. ROMERO

BEING SITUATE WITHIN A PORTION OF HOMESTEAD ENTRY 6032 SECTION 6, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, IN THE VICINITY OF THE VILLAGE OF CHUPADERO, COUNTY OF SANTA FE STATE OF NEW MEXICO.
 TOTAL AREA = 8.87 ACRES MORE OR LESS.
 PURPOSE: THIS PLAT CREATES 3 RESIDENTIAL LOTS.

DEDICATION \ AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER HAS CAUSED TO BE LAYED OUT AND SHOWN HEREON FOR THE PURPOSE OF FAMILY TRANSFER TO BE MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNER. UTILITY COMPANIES ARE GRANTED EASEMENTS TO EXISTING OVERHEAD AND SUBGRADE UTILITIES ON THIS PARCEL ONLY. THIS DIVISION CONTAINS 8.87 ACRES MORE OR LESS. THERE IS NO ROAD BOUNDARY AND MAINTENANCE OF PRIVATE ROADS IS THE RESPONSIBILITY OF THE LOT OWNER.

THIS DIVISION LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, N.M.

OWNER: *Ramon M. Romero*
 RAMON M. ROMERO
 DATE: 5/14/98

STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 THE FOREGOING INSTRUMENT WAS DULY ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RAMON M. ROMERO THIS 14th DAY OF May, 1998.
Notary Public
 NOTARY PUBLIC BY COMMISSION EXPIRES 11/17/2000

NOTES \ LEGEND \ DOCUMENTS REFERENCED

- BEARINGS ARE BASED ON THE WEST BOUNDARY DEPICTED ON THE PLAT OF SURVEY FOR DONALD J. AND BELLE L. JENKINS, CERTIFIED BY GEORGE RIVERA, PLS # 3149, RECORDED IN BOOK 85, PAGE 29. (S 0022200)
- DENOTES REBAR OR AS SHOWN FOUND
 - DENOTES REBAR OR AS SHOWN SET
 - DENOTES CALCULATED POINT NOT SET
 - ① DENOTES DATA AS PER PLAT OF SURVEY FOR DONALD J. & BELLE L. JENKINS, CERTIFIED BY GEORGE RIVERA, PLS #3149, RECORDED IN BOOK 85, PAGE 29, DEED FROM RAMON BOTBAL PLACE, AKA
 - ② DENOTES DATA AS PER PLAT OF SURVEY OF A LOT LINE ADJUSTMENT BETWEEN TRACT 3 AND TRACT 4 OF PLAT OF SURVEY FOR DONALD J. AND BELLE L. JENKINS, CERTIFIED BY SCOTT YAGER, PLS #8123, RECORDED IN BOOK 281, PAGE 047.
 - ③ DENOTES DATA AS PER PLAT OF SURVEY OF VISTA REDONDA UNIT "C" CERTIFIED BY GEORGE RIVERA, PLS #3149, RECORDED IN BOOK 23, PAGE 22.
 - ④ DENOTES DATA AS PER PLAT OF SURVEY OF VISTA REDONDA UNIT "D" CERTIFIED BY GEORGE RIVERA, PLS #3149, RECORDED IN BOOK 23, PAGE 1.
 - ⑤ DENOTES DATA AS PER PLAT OF SURVEY FOR DANIEL DURAN ESTATE CERTIFIED BY GEORGE RIVERA, PLS #3149, RECORDED IN BOOK 15, PAGE 22.
 - ⑥ DENOTES DATA AS PER WARRANTY DEED FROM MANUEL A. ROMERO AND LUCY ROMERO TO MANUEL A. ROMERO JUNIOR AND PRECILLA C. ROMERO CERTIFIED BY GEORGE RIVERA, PLS #3149, RECORDED IN BOOK 381, PAGE 407.
- THIS PLAT IS SUBJECT TO ANY RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.

SURVEYORS NOTES

EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS PART OF THIS SURVEY IS NOTED HEREON. ALL DOCUMENTS NOTED HEREON WERE CONSIDERED AS PART OF THIS SURVEY. NO ABSTRACT OF TITLE NOR TITLE COMMITMENT NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT AND NOTES HEREON ARE A TRUE AND CORRECT REPRESENTATION OF AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECT SUPERVISION COMPLETED ON THE 14th DAY OF MAY, 1998, AND THAT THIS IS TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEET THE MINIMUM STANDARDS FOR SURVEYS IN NEW MEXICO.

George Rivera
 GEORGE R. RIVERA, N.M.P.L.S. 12656



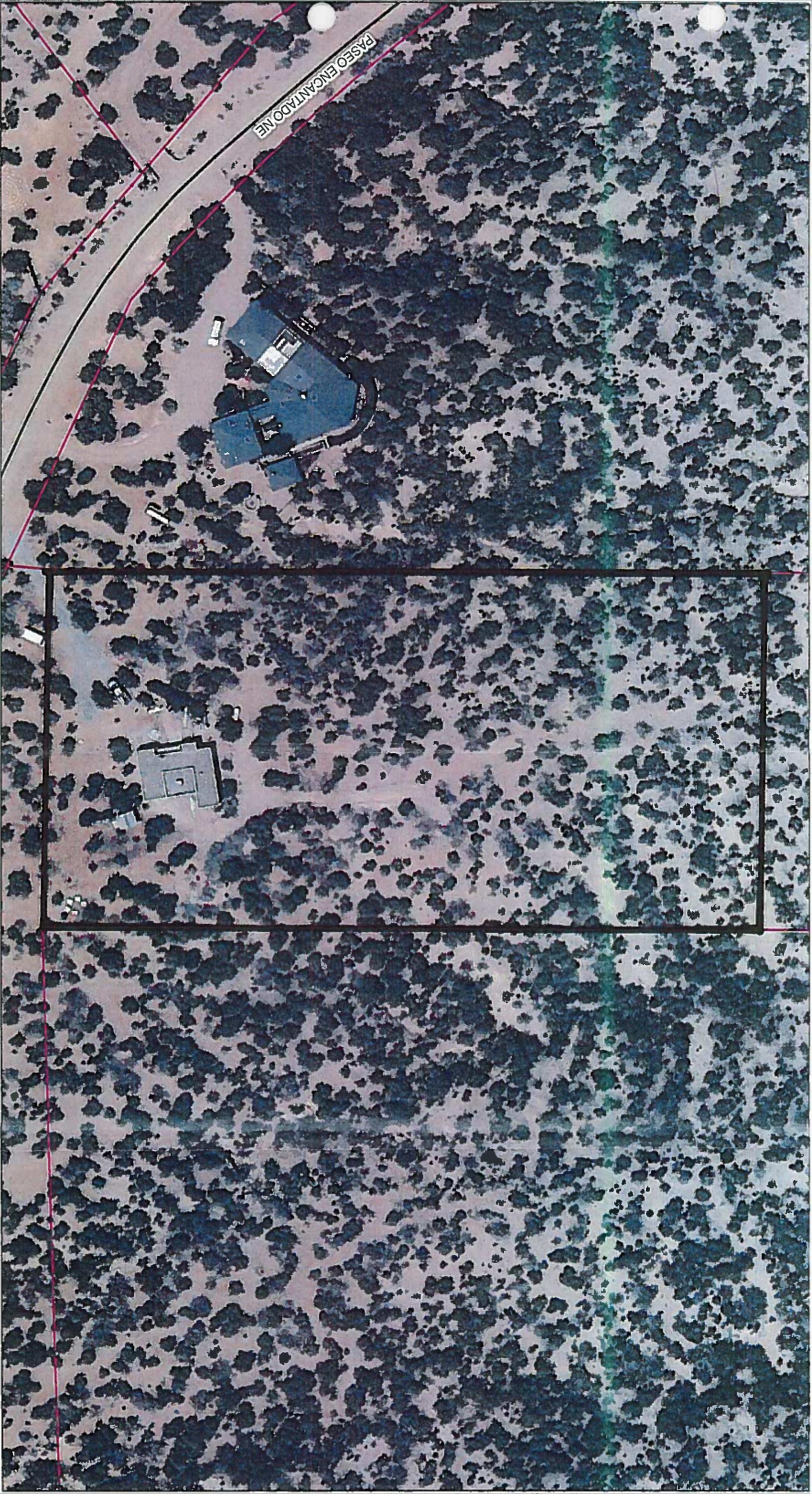
RECORDING INFORMATION FOR THE COUNTY CLERK

FAMILY TRANSFER FOR RAMON M. ROMERO
 SECTION 6
 TOWNSHIP 18 NORTH
 RANGE 10 EAST
 COUNTY OF SANTA FE, N.M.
 DATE: 5/21/98
 FILE NO.: 11531 PLAT
 APPROVED BY: CRY
 CRY LAND SURVEYING
 CLYDE R. VITTEL
 1115 - N. K. KATZMAN DR. #148
 ESPANOLA, NM 87532
 (505) 351-2111



COUNTY OF SANTA FE
 STATE OF NEW MEXICO
 I hereby certify that this instrument was filed for record on the 19th day of May, 1998, at 1:09 o'clock P.M., and was duly recorded in book 311, page(s) 015 of the records of Santa Fe County.

Witness my Hand and Seal of office
 REBECCA BUSTAMANTE
 County Clerk, Santa Fe County, N.M.
Rebecca Bustamante Deputy



Legend

-  ROADS
-  Parcels

1:720
1 inch represents 60 feet



2012 Orthophotography
2 FOOT CONTOURS

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April 28, 2014



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confirming data accuracy.



Legend

-  ROADS
-  Parcels



April 28, 2014



Legend

-  ROADS
-  Parcels



2012 Orthophotography
2 FOOT CONTOURS

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confirming data accuracy.



April 28, 2014

86A Paseo Encantado NE
Santa Fe, NM 87506
April 25, 2014

County Land Use Administrator
P.O. Box 276
Santa Fe, NM 87504-0276

Dear County Land Use Administrator,

We are writing in response to a certified letter from Heather McCrea that we received on April 19, 2014, that included notice BCC CASE #PCEV 14-5120. The notice informs us that a public hearing will be held on May 13, 2014 to consider a request to the Santa Fe County Commissioners from Heather McCrea, owner of 64A Paseo Encantado NE, Santa Fe, NM 87506, to vacate our legal ingress/egress and utility easement across 64A to our property at 64B Paseo Encantado NE, Santa Fe, NM 87506.

We object to this request in the strongest possible terms.

Why did the County not inform us of this hearing to deprive us of access to our property? We object to the County's failure to notify us.

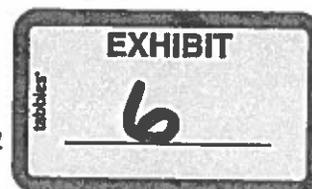
Why did the County not provide us with adequate notice prior of the public hearing? Ms. McCrea's letter was delivered 17 business days before the hearing. Is that enough time for us to investigate this threat to our property? No, it is not. We protest the County's failure to provide adequate prior notice.

What are the grounds for the County entertaining what seems to us an arbitrary and capricious request? We request copies of the application and documents supporting Ms. McCrea's request.

What are the legal conditions under which the County has vacated easements in the past? We require information about precedence in such cases.

Ours is a legal easement that we have had for over a decade without interference from the owners of 64A Paseo Encantado. We purchased the 64B property in February 2002 from Ramon Romero. At the time, Mr. Romero's daughter Rose Martinez and Frank Lucero were living in the house on 64A. Before purchasing the property, all parties agreed that the existing easement to 64B was very close to the house on 64A, and so the portion of the easement passing the house was moved to the west. A Grant of Easement was recorded at Santa Fe County on November 30, 2001 in Book 2044, page 870. When we purchased the property on February 28, 2002, the easement was insured by the Old Republic National Title Insurance Company via Southwestern Title and Escrow, Inc.

With notice BCC CASE #PCEV 14-5120, Ms. McCrea enclosed a note to the neighbors – I have attached a copy. In it she indicates that she will move the easement 50-70 feet to the east of its original location. If the entire easement is moved as suggested, it may run through the addition that Ms. McCrea is building on to the east side of her house. In order to access the street, the easement may cross the Axelrod property at 54 Paseo Encantado NE. Where would this new easement enter our property? Where is this new easement going to be? The County is considering vacating our legal easement: where is the plan for an alternative easement? We request a copy of the plan for an alternative easement.



The current easement recorded at Santa Fe County on November 30, 2001 is appropriate. It is as far from the 64A house as is possible. Mr. MacCreight, the other owner of 64A, has repeatedly told us and other neighbors that he wants to move, not the portion of the easement that is beside his house, but only the portion of the easement that is beyond and north of his house to access better views for the 2 houses he intends to develop on 64A.

We have a legal easement that was recorded by Santa Fe County. We have had the easement for more than a decade. It appears that the County is considering denying us access to our property in order to provide Ms. McCreia and Mr. MacCreight with more favorable building sites when they already have excellent building sites. This is completely intolerable. Again, we protest this request, utterly and completely.

Sincerely,
Alanna C. Burke


William Berra

Cc:

Daniel Mayfield, Santa Fe County Commissioner
Juan Rios, Constituent Services Liason
Miguel M. Chavez, Santa Fe County Commissioner
Robert A. Anaya, Santa Fe County Commissioner
Kathy Holian, Santa Fe County Commissioner
Liz Stefanics, Santa Fe County Commissioner
Cullen Hallmark, Attorney at Law
Old Republic National Title Insurance Company
Maria Salazar, Southwestern Title and Escrow, Inc.
Harvey and Judy Simon
Berin and Wendy Axelrod

GARBER AND HALLMARK, P.C.

ATTORNEYS AT LAW
200 W. MARCY, SUITE 203
POST OFFICE BOX 850
SANTA FE, NM 87504-0850

BRUCE S. GARBER
B. CULLEN HALLMARK

TELEPHONE (505) 983-3233
FACSIMILE (505) 983-6344
E-MAIL ch@garbhall.com

May 1, 2014

Stephen C. Ross
P.O. Box 276
Santa Fe, NM 87504

Fax delivery (505) 986-6362
Email delivery sross@co.santa-fe.nm.us

Re: Easement issue
PCEV 14-5120

Dear Mr. Ross:

I represent William Berra and Alanna C Burke, who reside at 86A Paseo Encantado near Chupadero. I am informed that the owners of an adjacent lot are attempting to get the County's assistance in "vacating" an easement that is held by my clients. This action is being done without my clients' consent, and without adequate protection of their property rights. In my view, the requested action is clearly illegal. If the County acts in the manner requested, I would recommend suit against both the neighbors and the County. I suspect, however, that you may not know about this. I am asking for a conference so that we can find an appropriate solution to this problem.

Here are the facts, as I understand them:

In addition to the residence specified above, my clients own an adjacent lot at 64B Paseo Encantado. The 86A property is within a subdivision, while the 64B lot is outside of the subdivision. Applicable restrictions prohibit the use of subdivision roads to access non-subdivision property – such as the 64B property. Therefore, access to 64B must come from somewhere else.

The 64B property is part of a larger plat of land that was once owned by Ramon M. Romero. With County approval, Mr. Romero completed a family transfer lot division in 1998. The recorded plat of that division (389/045) includes a road/driveway across the more southerly 64A to 64B. In my view, 64B would have had an easement by necessity in any event, but the plat created an express easement in favor of 64B.

Mr. Romero conveyed 64A to Rose Martinez and Frank Lucero. They apparently decided that the 1998 easement was too close to the best building site for 64A. In 2001, Martinez and Lucero gave Mr. Romero a Grant of Easement for ingress, egress, and utilities for 64B. The document (recorded at 2044/870) included what appears to be a professionally done plat. The grant

creates a new route for a portion of the easement. The grant did not specifically vacate the old route. Since then, the new route has been used for ingress and egress. I interpret these facts as an express grant of a re-routed easement for part, though not all, of its length. Although there is no express termination of the bypassed section of the easement, I expect that a court would conclude that it has been abandoned. The rest of the easement would track the 1998 plat.

My clients bought 64B in 2001, in reliance upon the 1998 and 2001 plats. They have used the easement for access to 64B since that time, and the use has been open, notorious, continuous, etc for a period of more than ten years. I would interpret those facts as having created a prescriptive easement over the new route. Therefore, I think that my clients have an easement by necessity, an express easement, and a prescriptive easement.

In 2012, James MacCreight and Heather McCrea bought 64A. They asked about the possibility of relocating the easement, and there were discussions about how this might be done by mutual consent. The discussions, however, were ultimately unsuccessful. My clients were then informed that Ms. McCrea had filed PCEV 14-5120. She has asked the County to "vacate" and re-route the easement held by my clients. This would apparently be done by County order, and without the consent of my clients. Ms. McCrea claims that this is necessary because the easement puts a "cloud" on their title, and because it creates an "eyesore." Of course, both the easement and the road were present when Ms. McCrea bought the land, and she is now estopped from complaint.

I assume that we can agree that the easement is a property right that belongs to my clients. We can also agree that the County cannot deprive property rights without compensation or due process. If there was some reason to challenge this easement, it could and should be done in the district court, rather than in a county commissioner's meeting. I am advised, however, that Mike Romero is recommending that the easement be vacated and moved. I do not have an "official" explanation for that recommendation, but understand that it is because the 2001 grant of easement did not get approval from the County. Of course, no County approval was necessary.

Rather than debating this at the meeting on May 13, or filing a lawsuit after access has been denied, I think that the better move would be to discuss this in person with you. I would appreciate a call at your earliest convenience. I will be happy to share the documents in my possession, and to work toward a mutually acceptable solution. Thank you for your attention and anticipated cooperation.

Sincerely,



Cullen Hallmark



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: April 29, 2014

TO: Board of County Commissioners

FROM: John Lovato, Development Review Specialist Sr.

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

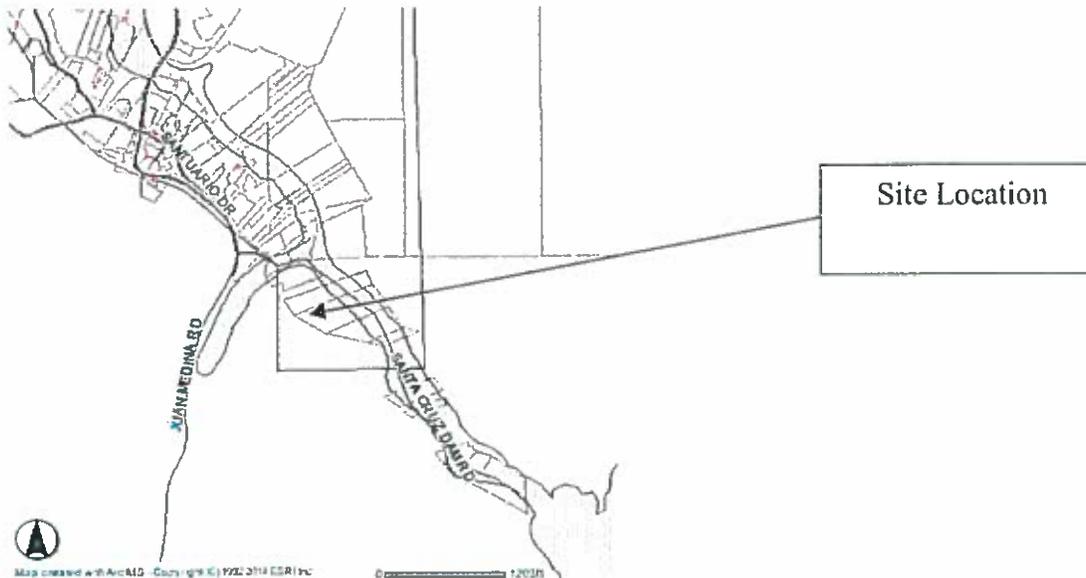
FILE REF: CDRC CASE # V 14-5070 Judith Moore Variance

ISSUE:

Judith Moore, Applicant, requests a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow a Family Transfer Land Division of 3.44 acres into two (2) lots that do not meet the all-weather access requirements.

The property is located at 22 Santa Cruz Dam Road in the vicinity of Chimayo, within Section 7, Township 20 North, Range 10 East, (Commission District 1).

Vicinity Map:



REQUEST SUMMARY:

On April 17, 2014 the CDRC met and acted on this case. The Decision of the CDRC was to recommend approval of the variance request.

The Applicant requests a variance to allow a Family Transfer Land Division of 3.44 acres into two lots. Access to the subject property would be off County Road 92 (Santa Cruz Dam Road) which is a dirt road located within a FEMA designated Special Flood Hazard Area, which may be frequently impassible during inclement weather and thereby is not all weather accessible. The existing driveway also lies within the FEMA designated special flood hazard and is the only access to the property. The driveway has been in existence for over 20 years. The floodplain runs along the entire frontage of the property, and there would be no place to relocate the driveway outside of the floodplain.

There are currently two manufactured homes on the property. The main residence on the property is recognized as a legal non-conforming residence. There is a permit dating back to 1990 associated with the Applicants daughters' current modular home on the property for a foundation permit only.

The Applicant states she requests the variance so she can provide her daughters family with an affordable place to reside. She further states, the only way her daughter can place a new manufactured home on the property is if the property is in her daughter's name to obtain a Mortgage.

Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) states: "At no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access".

Article 4, § 4.6 of Ordinance No. 2008-10 states specific criterion that recommending and approval bodies must consider, as follows:

- A. The Board of County Commissioners (Board) after recommendation by the County Development Review Committee (CDRC) shall hear and render judgment on a request for variance from the requirements of this Ordinance.
- B. The CDRC may recommend and the Board take action on an appeal of the Floodplain Administrator's decision only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
- C. Any person or persons aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction within thirty days of the Board's decision.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory

of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.

- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this Ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Article 1, Section C).
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Article 4, § 4.6.J. of Ordinance No. 2008-10 states that that the prerequisites for granting a variance are as follows:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- b. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- d. Variances may be issued by the BCC for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - i. the criteria outlined in Article 4, Section D (1)-(9) are met, and
 - ii. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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. However, this property is accessed via a County road and there is no feasible way to relocate the County road or driveway outside the floodplain.

This Application was submitted on February 26, 2014.

APPROVAL SOUGHT: Approval of a Family Transfer of 3.44 acres into two lots, which due to site conditions would require a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management).

VARIANCES: Yes

GROWTH MANAGEMENT AREA: El Norte, SDA-2

HYDROLOGIC ZONE: Traditional Community of Chimayo, minimum lot size per Code is 0.75 acres per dwelling unit.

ACCESS: Santa Cruz Dam Road (CR.92) located within FEMA designated Special Flood Hazard Area, which does not comply with Code criteria.

FIRE PROTECTION: Chimayo Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	County Fire	Conditional Approval
	Floodplain Manager	Denial

STAFF RECOMMENDATION: On April 17, 2014, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicants request to allow a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) subject to the following conditions.

1. Water use shall be restricted to 1.00 acre foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).

2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).
3. A plat of survey meeting County Code requirements shall be submitted to the Building and Development Services Department for review and approval for the Family Transfer. (As per Article III, § 2.4.2
4. 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).
5. The Applicant shall provide an updated liquid waste permit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv).
6. A note must be placed on the Plat regarding the lack of all-weather access to the subject lot. This restriction shall include language as follows: the access to this property does not meet minimum standards set forth by County Ordinances and Code. Site access including access by emergency vehicles, may not be possible at all times (As per Ordinance #2008-10).

EXHIBITS:

1. April 17, 2014 CDRC Minutes
2. Letter of request
3. Review Agency Comments
4. Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management)
5. Article 4, § 4.6 (Variance Procedures) of Ordinance No. 2008-10
6. Site Plan
7. Site Photographs
8. Aerial of Site and Surrounding Area

V. ~~APPROVAL OF MINUTES: March 20, 2014~~

~~Staff noted that page 1 was read twice and that would be corrected at recordation.~~

~~Member Martin moved to approve the March minutes. Member Katz seconded and the motion passed by unanimous [5-0] voice vote.~~

VII. Public Hearings

- B. CDRC CASE # V 14-5070 Judith Moore Variance Judith Moore, Applicant, requests a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow a Family Transfer Land Division of 3.44 acres into two (2) lots that do not meet the all-weather access requirements. The property is located at 22 Santa Cruz Dam Road in the vicinity of Chimayo, within Section 7, Township 20 North, Range 10 East, Commission District 1

Mr. Dalton presented the staff report as follows:

“The Applicant requests a variance to allow a Family Transfer Land Division of 3.44 acres into two lots. Access to the subject property would be off County Road 92, Santa Cruz Dam Road, which is a dirt road located within a FEMA designated Special Flood Hazard Area, which may be frequently impassible during inclement weather and thereby is not all weather accessible. The existing driveway also lies within the FEMA designated special flood hazard and is the only access to the property. The driveway has been in existence for over 20 years. The floodplain runs along the entire frontage of the property, and there would be no place to relocate the driveway outside of the floodplain.

“There are currently two manufactured homes on the property. The main residence on the property is recognized as a legal non-conforming residence. There is a permit associated with the Applicants daughters’ current modular home on the property for a foundation permit only.

“The Applicant states she requests the variance so she can provide her daughters family with an affordable place to reside. She further states, the only way her daughter can place a new manufactured home on the property is if the property is in her daughter’s name to obtain a Mortgage.”

Mr. Dalton reviewed the Flood Damage and Stormwater Management Ordinance which states, “At no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access.”



Staff has reviewed the application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. Therefore, staff recommends denial. If the decision of the CDRC is to recommend approval of the Applicants request, staff recommends imposition of the following conditions.

1. Water use shall be restricted to 1.00 acre-foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit.
3. A plat of survey meeting County Code requirements shall be submitted to the Building and Development Services Department for review and approval for the Family Transfer.
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application
5. The Applicant shall provide an updated liquid waste permit from the New Mexico Environment Department with the Development Permit Application .
6. A restriction must be placed on the Plat regarding the lack of all-weather access to the subject lot. This restriction shall include language as follows: the access to this property does not meet minimum standards set forth by County Ordinances and Code. Site access including access by emergency vehicles, may not be possible at all times.

Mr. Dalton confirmed that the permit for the second modular home was for a foundation only and the modular home is not permitted. He said the applicant will be replacing the existing second home with a new one. The foundation permit may no longer be valid.

Mr. Dalton confirmed that it is County Road 92 and the existing driveway is within a flood plain. CR 92 is the main road to the dam and is maintained by the County.

Duly sworn, the applicant, Judith Moore, said she has been on the land since 1990 at which time there was one residence. In 1996 they placed a singlewide on the property for her daughter. There are three residence and all cross the flood plain to access their homes. There has never been an access problem in the 24 years she has lived there. The County keeps the road well maintained because the community water access is up the canyon. One driveway accesses both homes and she repeated that they have never had a flood issue.

Ms. Moore said they do not have to cross the river to access their property. She said her daughter and husband have three children and their current home is too small. They are trying to secure an FHA loan that requires a survey. One well serves the two homes.

Member Katz said he found it troublesome that the second home was installed without a permit. Ms. Moore said she understood there was a permit because it was

necessary for a mobile home company to place it and it was purchased through a valid company.

There were no other speakers on this case.

Deputy County Attorney Brown noted that the request before the Committee is a variance from the floodplain ordinance.

Fire Marshal Buster Patty said the existing homes and roadways are legal non-conforming. The low water crossing which is a County road does not meet the current code and the application is changing the lot use by adding the new home. Whether it has flowed in the last 25 years or not, the property is within a floodplain.

Ms. Moore confirmed there were four homes that are accessed by crossing the floodplain.

Member Katz asked whether there were any insurance issues and Ms. Moore said there were not and they were fully insured.

Member Katz moved to grant the variance to allow the family transfer land division into two lots that do not meet the all weather access requirements with staff-imposed conditions. Member Martin seconded and the motion passed by unanimous [5-0] voice vote.

CDRC CASE # S 10-5362 Saint Francis South Preliminary Plat and Development Plan: Vegas Verdes, LLC. Applicant, Jenkins Green Design and Development Inc., (Jennifer Jenkins), Agent, request Preliminary Plat and Development Plan approval for Phase 1, of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres. The property is located on the northwest corner of Rabbit Road and St. Francis Drive, within Section 11, Township 16 North, Range 9 East, Commission District 4

Mr. Archuleta presented the staff report as follows.

“On September 16, 2010, the County Development Review Committee recommended approval of a request for Master Plan Zoning for a mixed-use subdivision, commercial, residential and community service, consisting of 22 lots on 68.94 acres, more or less, with approximately 760,000 square feet of structures at full build out.

On December 14, 2010, the Board of County Commissioners approved the Master Plan Zoning for the mixed-use subdivision consisting of 22 lots on 68.94 acres more or less to be developed in four phases.

“On January 14, 2014, the BCC approved a request for Master Plat Authorization to proceed with the creation of up to 22 mixed-use lots on 69 acres more or less.

Pg 1

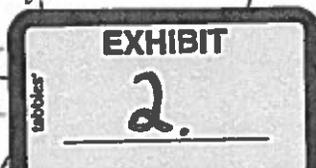
Judith K Moore
POB 546

@Chimayo Wm 87522
505 351 4730
2-26-14

To Whom it May Concern,

Partial Re: Variance Request
hand release for my daughters New home.
We started the process
family transfer land division
July of 2013. The decision that
we need a variance was
just made 2-24-14.

We need the variance so
my Daughter's family can purchase
adequate Housing. She + her husband
+ 3 children are now living in
an older single wide - They plan
to get a manufactured Double
wide. The only way to get ^{FHA} financing
is to have 3/4 acre in their names.
The cost without an FHA loan is
prohibitive. They need a new house
She is a teacher + we need to order the
New home + get them moved next summer
~~the~~ We need to be moved on the land
for 24 yrs. T to our home is on
a County Rd which flood plain is



Pg 2 Re: Judith moore
2-26-14

We have never had a ~~FF~~
problem accessing our
land.

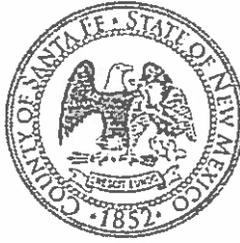
Please approve the
variance + expedite the
process as they need to
move in next summer.

Thank You
Judith moore

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
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: March 31, 2014

TO: John Lovato, Development Review Specialist Senior

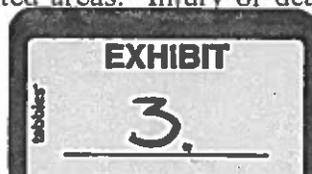
FROM: Vicki Lucero, CFM, Building and Development Services Manager, Floodplain Administrator 

REF.: CDRC Case # V 14-5070 Judith Moore Variance

The Applicant is requesting approval to allow a family transfer land division of 3.44 acres into two lots. The proposed lots will not be benefited by all-weather access as required by Code. This application has been reviewed specifically for compliance to Ordinance 2008-10 (Flood Damage Prevention and Stormwater Management Ordinance).

Article 4, Section 4.2 states: "At no time shall a Floodplain Development Permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, etc, when ... the site is absent all weather access. A Floodplain Development Permit will not be issued based upon the following:

1. Santa Cruz Dam Road (CR 92), which is the primary access used to access the subject parcel, is within a federally mapped Special Flood Hazard Area, Zone A. The Zone A designation indicates these areas will be inundated by floodwater during the 1% recurrence interval storm event, or 100-year storm. This area is unstudied by FEMA and depth, velocity and duration of inundation are not provided.
2. Access to the site, is through a dirt road, which do not provide dry access for emergency vehicles during storm events.
3. Section 5.11 (Basis for Approval or Denial) (E) states: "Approval or Denial of a Stormwater Management Analysis (none provided by applicant)...shall be based on relevant factors", including "The safety of access to the property in times of flood for ordinary and emergency vehicles"
 - a. The applicant has not provided a Stormwater Analysis which identifies the quantity, depth, and velocity of the flows present. This information would be needed to assess the potential danger of the access. Note that flow depths of as little as 12", when velocity is considered, are enough to wash away or create buoyancy of an average vehicle. Additional danger arises when motorists are unable to view the driving surface and enter inundated areas. Injury or death can occur if the driving surface



has been scoured away by high velocity floodwater, and unknowing motorists often attempt to cross these inundated areas without regard for the surface of the road. Notably, death during flash flood events are surpassed only by hurricane fatalities, and more deaths occur nationwide from flood related deaths than any other natural disaster. This is a dangerous and sometimes deadly situation.

- b. As a minimum, the applicant should be required to provide an analysis of the depth and velocity of flooding expected within the area of proposed access using the methodology and techniques presented in Ordinance 2008-10, and place a culvert or other conveyance as needed based on the report to provide dry access for emergency vehicles.
4. Ordinance 2008-10 contains specific criterion that recommending and approval bodies must consider. These are copied below:
- A. *The Board of County Commissioners (Board) after recommendation by the County Development Review Committee (CDRC) shall hear and render judgment on a request for variance from the requirements of this Ordinance.*
 - B. *The CDRC may recommend and the Board take action on an appeal of the Floodplain Administrator's decision only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.*
 - C. *Any person or persons aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction within thirty days of the Board's decision.*
 - D. *The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.*
 - E. *Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.*
 - F. *Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.*
 - G. *Upon consideration of the factors noted above and the intent of this Ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Article I, Section C).*
 - H. *Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.*
 - I. *Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's*

continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

- 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
- 2. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*
- 3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.*
- 4. Variances may be issued by the Board for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.*

Finding:

This application does not meet the standards required for the creation of lots as described in the Code and Ordinance 2008-10, and in considering the criteria for variance issuance as noted above does not meet these criteria, therefore as Santa Fe County Floodplain Administrator, it is recommended that this variance is denied based on the lack of all-weather access to the proposed lots.

Be advised that should the BCC grant approval of this variance, as noted in the federally mandated conditions for variance, FEMA must be notified of this decision as required by Federal Code of Regulations.

Should the BCC approve this case the following note should be placed on the Plat:

The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site access, including access by Emergency vehicles, may not be possible at all times.

Daniel "Danny Mayfield
Commissioner, District 1

Virginia Vigil
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 Submittal Review

Date	3/5/14		
Project Name	Moore, Judith		
Project Location	22 Santa Cruz Dam Road		
Description	Variance	Case Manager	J. Lovato
Applicant Name	Judith Moore	County Case #	14-5070
Applicant Address	22 Santa Cruz Dam Road Chimayo, NM 87522	Fire District	Chimayo
Applicant Phone	505-351-4730		
Review Type	Commercial <input type="checkbox"/>	Residential <input type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input checked="" type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
		Inspection <input type="checkbox"/>	Lot Split <input type="checkbox"/>
Project Status	Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>

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

Fire Department Access

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

The/Any walking trail system proposed for this development shall have a trail identification number or name and be marked with a number every 1/10th of a mile (528 feet) for the purpose of expediting emergency response.

- 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.*

Curbs or signage adjacent to the building, fire hydrant, entrances and landscape medians in traffic flow areas shall be appropriately marked in red with 6" white lettering reading "FIRE LANE – NO PARKING" as determined by the Fire Marshal prior to occupancy. Assistance in details and information are available through the Fire Prevention Division.

No off-site parking shall be allowed and shall be marked accordingly as approved by the Fire Marshal.

(Subdivision version)

Curbs adjacent to the, fire hydrants, landscape medians in traffic flow areas and in designated no parking areas shall be appropriately marked in red with 6" white lettering reading "FIRE LANE - NO PARKING" as determined by the Fire Marshal prior to final approval. Assistance in details and information are available through the Fire Prevention Division. The Home Owner's and/or the Home Owner's Association will maintain said markings following the final approval and for the duration of the subdivision.

▪ **Roadways/Driveways**

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

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 20' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development.

The primary access to this property does not meet the Santa Fe County Fire Department access code requirements of an all weather driving surface as there is a drainage, low water crossing that could block access during inclement weather. Because this is a County road, and it would be impossible for the applicant to bring the primary access to code, per 1997 Uniform Fire Code, Article 9, Section 902.2.1, Exception 2, an automatic fire suppression system meeting NFPA-13D requirements shall be provided in any future development.

The alternative hammer head turn around submitted to this office in August of 2013 has been reviewed and approved.

▪ **Street Signs/Rural Address**

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

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

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

- **Slope/Road Grade**

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

Driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

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

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

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

Automatic Fire Protection/Suppression

Due to the remote location of this proposed residence and the possibility of this residence being made inaccessible in inclement weather, for life safety and property protection this office requires the installation of an Automatic Fire Suppression system meeting NFPA 13D requirements. Assistance in details and information are available through the Fire Prevention Division.

All Automatic Fire Protection systems shall be developed by a firm certified to perform and design such systems. Copies of sprinkler system design shall be submitted to the Fire Prevention Division for review and acceptance prior to construction. Systems will not be approved unless tested by the Santa Fe County Fire Department. Fire sprinklers systems shall meet all requirements of NFPA 13-D Standard for the Installation of Sprinkler Systems.

The required system riser shall meet the requirements of the NFPA 13 1996, but not less than 1 1/2" inches.

All sprinkler and alarm systems as required shall be tested and approved by the Santa Fe County Fire Department, prior to allowing any occupancy to take place. It shall be the responsibility of the installer and/or developer to notify the Fire Prevention Division when the system is ready for testing.

The requirement for residential fire protection sprinkler systems shall be recorded on the plat and in the covenants at the time of filing or as otherwise directed by the County Fire or Land Use Department.

Life Safety

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

Urban-Wildland Interface

SFC Ordinance 2001-11, Urban Wildland Interface Code

This development location is rated within a "Moderate Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas.

▪ Building Materials

Buildings and structures located within urban wildland interface areas, not including accessory structures, shall be constructed in accordance with the Fire Code, the Building Code and the Urban Wildland Interface Code.

▪ Location/Addressing/Access

Per SFC 2001-11/EZA 2001-04, addressing shall comply with Santa Fe County Rural addressing requirements.

Per SFC 2001-11 / EZA 2001-04 Chapter 4, Section 3.2 Roads and Driveways; *Access roads, driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions of the Fire Code and the Land Development Code.* Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development.

▪ Vegetation Management

It is recommended that the development also have a vegetation management plan to establish fire-safe areas and to minimize the threat and occurrence of fire in the urban wildland interface areas. Assistance in details and information are available through the Fire Prevention Division

General Requirements/Comments

▪ Inspections/Acceptance Tests

Shall comply with Article 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.

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

▪ Permits

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Victoria DeVargas, Inspector

Victoria DeVargas
Code Enforcement Official

3/5/14
Date

Through: David Sperling, Chief
Buster Patty, Fire Marshal *BP*

File: NorthReg/DevRev/Chimayo/MooreJudithVAR.doc

Cy: J. Lovato Land Use
Applicant
District Chief
File

ARTICLE 4

FLOODPLAIN DEVELOPMENT PERMIT PROCEDURAL REQUIREMENTS

SECTION 4.1 AREAS REQUIRING A FLOODPLAIN DEVELOPMENT PERMIT

A. For development within a designated SFHA, including lands which are traversed by, bisected by, or directly adjacent to the SFHA designated on the effective FIRM as described in Article 2, §2.2C, Article 3, §3.2 and Article 3, §3.10, a Floodplain Development Permit issued by the Floodplain Administrator in conformity with the provisions of the Ordinance shall be secured pursuant to Article 3, §3.3(B) prior to commencement of construction.

SECTION 4.2 NON-ELIGIBLE NEW DEVELOPMENT OR CONSTRUCTION

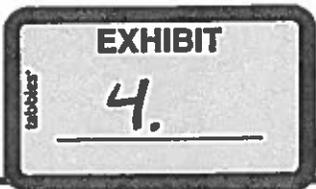
At no time shall a Floodplain Development Permit be issued for a new dwelling unit site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, modular home sites and modular home subdivisions where the site is:

- i. An alternative buildable area located outside the limits of the SFHA is available;
- ii. Unable to be removed from the SFHA through the formal FEMA map revision process described in Article 4, § 4.4;
- iii. Absent all weather access.

SECTION 4.3 PROCEDURES FOR SUBDIVISION PROPOSALS

All subdivision proposals which include area traversed by, bisected by, or directly adjacent to SFHA, including manufactured home parks and manufactured home subdivisions shall be required to secure a Floodplain Development Permit per Article 4, §4.4, and:

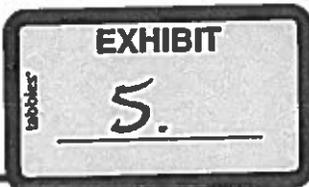
- A. SFHA may be used in computation of density;
- B. SFHA may be utilized to meet open space criteria;
- C. Primary and secondary subdivision access as required by County Code must be all weather access;
- D. For phased subdivisions, an overall Master Drainage Analysis shall be provided which demonstrates that floodplain management policies and stormwater management criteria will be compliant with this Ordinance and function independently in each phase, or construction of the entire conveyance system will be required in the first phase of construction.



- iii. The location of the structure or structures located on the property in question.
 - iv. The elevation of the lowest adjacent grade to a structure or structures.
 - v. An indication of the curvilinear line which represents the area subject to inundation by a base flood. The curvilinear line should be based upon information provided by an appropriate authoritative source, such as a Federal Agency, a County or City Engineer, a Federal Emergency Management Agency Flood Insurance Study, or a determination by a Registered Professional Engineer.
- c. A copy of the FIRM indicating the location of the property in question.
 - d. A certification by a Registered Professional Engineer or Licensed Land Surveyor that the lowest grade adjacent to the structure is equal to or greater than the base flood elevation.
 - e. The completion of the appropriate forms in the Federal Emergency Management Agency's Packets, Amendments and Revisions To National Flood Insurance Program Maps (MT-1 FEMA FORM 81-87 Series and MT-2 FEMA FORM 81-89 Series or latest revision).
- D. The NFIP does not allow for the removal of land from the floodplain based on the placement of fill (LOMR-F) in alluvial fan flood hazard areas. The NFIP will credit a major structural flood control project, through the LOMR process, that will effectively eliminate alluvial fan flood hazards from the protected area. Details about map revisions for alluvial fan areas can be found in the 44 CFR, § 65.13.

SECTION 4.6 VARIANCE PROCEDURES

- A. The BCC after recommendation by the County Development Review Committee (CDRC), shall hear and render judgment on a request for variance from the requirements of this Ordinance.
- B. The CDRC may recommend and the BCC take action on an appeal of the Floodplain Administrator's decision only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
- C. Any person or persons aggrieved by the decision of the BCC may appeal such decision to a court of competent jurisdiction within thirty days of the BCC decision.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.



- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this Ordinance, the BCC may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Article 1, Section C).
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- J. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - d. Variances may be issued by the BCC for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - i. the criteria outlined in Article 4, Section D (1)-(9) are met, and



- ii. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

Stormwater Management Analysis and Design Criteria

SECTION 5.1 DETERMINATION OF SUBMITTAL REQUIREMENTS

- A. The land disturbance process and complexity of the site and surrounding area will determine submittal requirements for a Stormwater Management Analysis for land disturbance activity or activities. The minimum information required is tabulated in Article 6, Table 1.
- B. The submittal and review process does not relieve the design engineer of the responsibility to provide a correct and safe drainage design nor relieve the developer from properly constructing the designed drainage facilities.
- C. By reviewing and approving drainage designs for given developments neither Santa Fe County nor its employees will assume liability for improper drainage design nor guarantee that the final drainage design review will absolve the developer or designer of future liability for improper design.

SECTION 5.2 GENERAL FORMAT OF NARRATIVE

- A. A Stormwater Management Analysis will be required for all land disturbance activity, regardless of the nature of the activity. This analysis is required to assess potential hazard to the development from the effects of onsite and offsite stormwater runoff, and to assess the potential impact of the development on adjacent properties and on the regulatory floodplain, and must be prepared pursuant to Article 5, §5.2 and must be sealed by a professional engineer licensed in the State of New Mexico.
- B. The Stormwater Management Analysis shall be submitted with the following information included therein:
 - a. Comprehensive narrative describing:
 - i. the nature of the disturbance,
 - ii. impacts on adjacent parcels,
 - iii. Impacts on the SFHA,
 - iv. offsite contributing hydrologic basin areas,



Judith Moore

22A&B Santa Cruz Dam Road





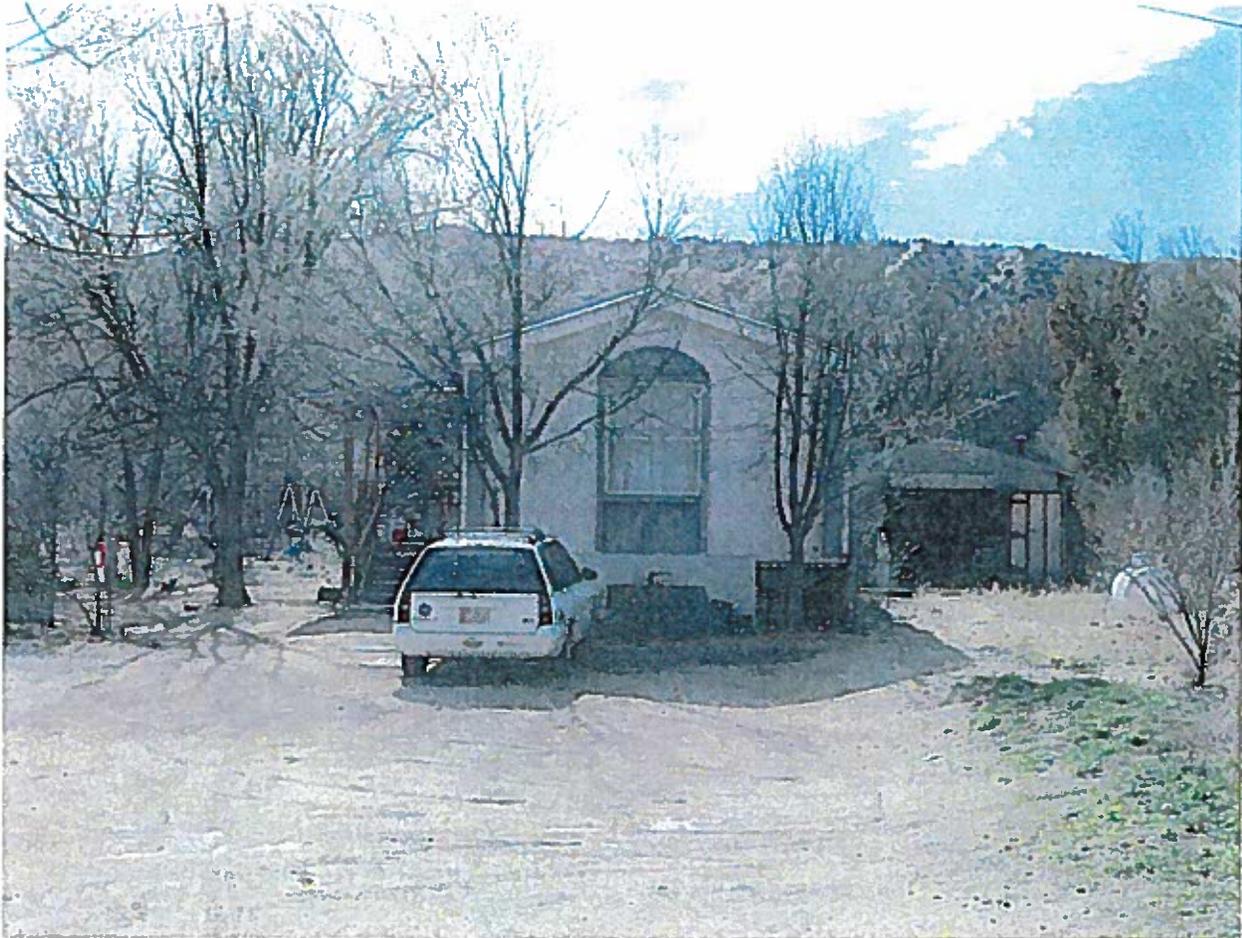
Judith Moore

22A&B Santa Cruz Dam Road



Judith Moore

22A&B Santa Cruz Dam Road



Judith Moore

22A&B Santa Cruz Dam Road



Judith Moore

22A&B Santa Cruz Dam Road



ACCESS
ISSUE

SANTA CRUZ DAM RD

tabbles
EXHIBIT
8.

26

Penny Review.

DATE: April 29, 2014
TO: Board of County Commissioners
FROM: John Lovato, Development Review Specialist Sr.
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: CDRC CASE # V 14-5070 Judith Moore Variance

ISSUE:

Judith Moore, Applicant, requests a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow a Family Transfer Land Division of 3.44 acres into two (2) lots that do not meet the all-weather access requirements.

The property is located at 22 Santa Cruz Dam Road in the vicinity of Chimayo, within Section 7, Township 20 North, Range 10 East, (Commission District 1).

Vicinity Map:



REQUEST SUMMARY:

On April 17, 2014 the CDRC met and acted on this case. The Decision of the CDRC was to recommend approval of the variance request.

The Applicant requests a variance to allow a Family Transfer Land Division of 3.44 acres into two lots. Access to the subject property would be off County Road 92 (Santa Cruz Dam Road) which is a dirt road located within a FEMA designated Special Flood Hazard Area, which may be frequently impassible during inclement weather and thereby is not all weather accessible. The existing driveway also lies within the FEMA designated special flood hazard and is the only access to the property. The driveway has been in existence for over 20 years. The floodplain runs along the entire frontage of the property, and there would be no place to relocate the driveway outside of the floodplain.

There are currently two manufactured homes on the property. The main residence on the property is recognized as a legal non-conforming residence. There is a permit sating back to 1999 associated with the Applicants daughters' current modular home on the property for a foundation permit only.

The Applicant states she requests the variance so she can provide her daughters family with an affordable place to reside. She further states, the only way her daughter can place a new manufactured home on the property is if the property is in her daughter's name to obtain a Mortgage.

Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) states: "At no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access".

Article 4, § 4.6 of Ordinance No. 2008-10 states specific criterion that recommending and approval bodies must consider, as follows:

- A. The Board of County Commissioners (Board) after recommendation by the County Development Review Committee (CDRC) shall hear and render judgment on a request for variance from the requirements of this Ordinance.
- B. The CDRC may recommend and the Board take action on an appeal of the Floodplain Administrator's decision only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
- C. Any person or persons aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction within thirty days of the Board's decision.

use same spacing as above

Change spacing

- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this Ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Article I, Section C).
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Article 4, § 4.6.J. states that that the prerequisites for granting a variance are as follows:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- b. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional

threats to public safety, extraordinary public expense, the creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- d. Variances may be issued by the BCC for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - i. the criteria outlined in Article 4, Section D (1)-(9) are met, and
 - ii. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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.

However this property is accessed via a county road and there is no feasible way to relocate the county road or driveway outside of the floodpl

This Application was submitted on February 26, 2014.

APPROVAL SOUGHT: Approval of a Family Transfer of 3.44 acres into two lots, which due to site conditions would require a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management).

VARIANCES: Yes

GROWTH MANAGEMENT AREA: El Norte, SDA-2

HYDROLOGIC ZONE: Traditional Community of Chimayo, minimum lot size per Code is 0.75 acres per dwelling unit.

ACCESS: Santa Cruz Dam Road (CR.92) located within FEMA designated Special Flood Hazard Area, which does not comply with Code criteria.

FIRE PROTECTION: Chimayo Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	County Fire	Conditional Approval
	Floodplain Manager	Denial

STAFF RECOMMENDATION: On April 17, 2014, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicants request to allow a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) subject to the following conditions.

1. Water use shall be restricted to 1.00 acre foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).
3. A plat of survey meeting County Code requirements shall be submitted to the Building and Development Services Department for review and approval for the Family Transfer. (As per Article III, § 2.4.2
4. 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).
5. The Applicant shall provide an updated liquid waste permit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv).
6. A note must be placed on the Plat regarding the lack of all-weather access to the subject lot. This restriction shall include language as follows: the access to this property does not meet minimum standards set forth by County Ordinances and Code. Site access including

access by emergency vehicles, may not be possible at all times (As per Ordinance #2008-10).

EXHIBITS:

1. April 17, 2014 CDRC Minutes
2. Letter of request
3. Review Agency Comments
4. Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management)
5. Article 4, § 4.6 (Variance Procedures) of Ordinance No. 2008-10
6. Site Plan
7. Site Photographs
8. Aerial of Site and Surrounding Area



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: April 21, 2014

TO: Board of County Commissioners

FROM: John M. Salazar, Development Review Specialist *JMS*

VIA: Katherine Miller, County Manager *KM*
Penny Ellis-Green, Growth Management Director
Wayne Dalton, Building and Development Services Supervisor *WD*

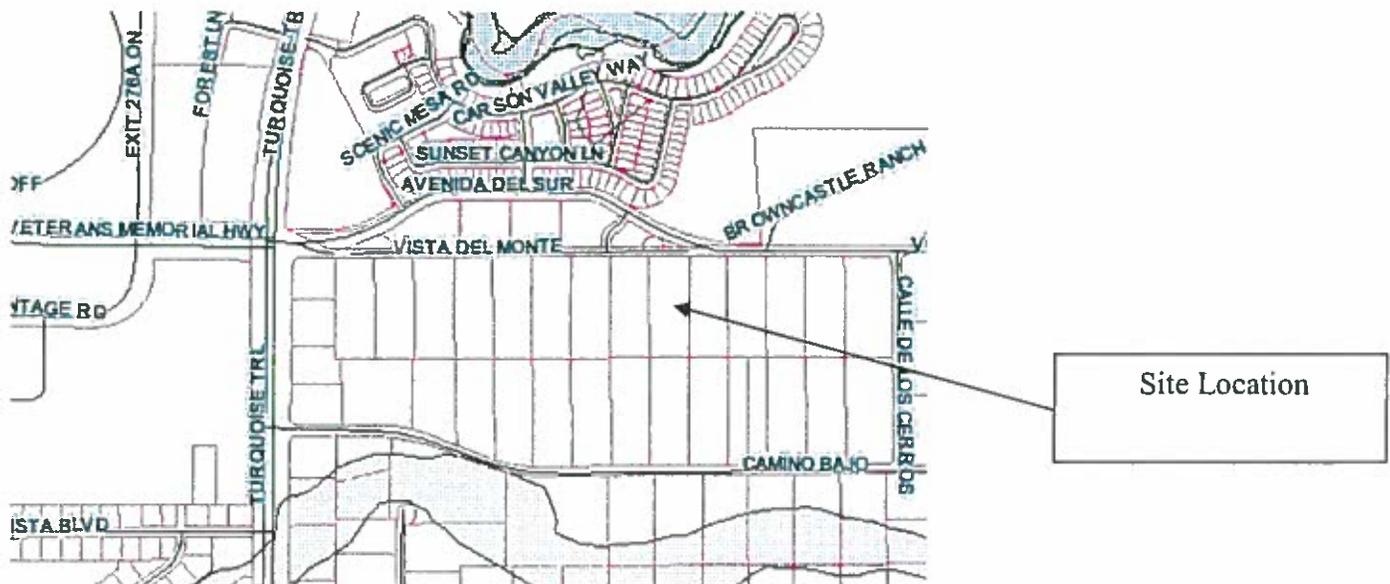
FILE REF.: CDRC CASE #A 14-504I Michael Velarde Appeal

ISSUE:

Michael Velarde, Applicant, is appealing the County Development Review Committee's decision to approve a home occupation business registration for a pet crematorium on 2.5-acres.

The property is located at 40 Vista Del Monte, within the Valle Lindo Subdivision, within Section 25, Township 16 North, Range 8 East, (Commission District 5).

Vicinity Map:



REQUEST SUMMARY:

On February 20, 2014, the County Development Review Committee heard and acted on case #A 14-5040 in which Rachael Tapia appealed the Land Use Administrator's decision to deny a home occupation business license which would allow an onsite pet crematorium. The decision of the CDRC was to overturn the Land Use Administrator's decision and allow the pet crematorium as a home occupation by a 6-0 vote. (Refer to CDRC Minutes and Final Order in Exhibits 8 & 9)

Article II, Section 2.3.4.c (Appeals) of the Code states: "Any person aggrieved by a decision of a Development Review Committee may file an appeal in writing to the Code Administrator within thirty (30) calendar days of the date of the decision of the Development Review Committee. The Board shall hear the appeal within sixty (60) calendar days after the date the appeal is filed. The Board shall timely make and file its decision approving or disapproving the application or approving the application with conditions or modifications."

The Appellant, along with two other neighbors, is aggrieved by the CDRC's decision and has filed an appeal to the BCC. The Appellant has stated that such a use is inappropriate for a residential area.

CASE HISTORY:

In August of 2007, the Applicant submitted an Application for an amendment to an existing home occupation. The Applicant requested permission to install an incinerator on the property in order to expand into a pet cremation business. Currently the business is to provide cremation services for pets where she picks up deceased animals and takes them directly to the crematorium. The cremation process takes place at the Santa Fe Animal Shelter. The Applicant proposed this use in order to provide clients a more personal experience with their deceased pets since it is currently possible that the client could receive not only the remains of their pet but also the remains of other animals as the Santa Fe Animal Shelter uses a community kiln in order to cremate animals.

In 2007, the Land Use Administrator denied the Applicant's request. The Applicant appealed the decision to the County Development Review Committee (CDRC). The CDRC upheld the Land Use Administrator's decision. (CDRC Minutes Exhibit 6) The Applicant appealed the CDRC's decision to the BCC, and the BCC upheld the decision of the CDRC to deny the request. (BCC Minutes Exhibit 7) The Applicant appealed to the First Judicial District Court of New Mexico in which the BCC decision was affirmed by Judge Daniel A. Sanchez (Exhibit 8). The standards upon which Judge Sanchez made his decision were based upon criteria from the Extraterritorial Zoning Ordinance which was repealed in 2009. Since these standards no longer apply, the Applicant is afforded the right to reapply under the Santa Fe County Land Development Code.

A similar request for an amendment to the existing Home Occupation Business Registration was submitted by the Applicant in January 2012 (Exhibit 3). The 2007 request proposed a separate, detached structure for the crematorium while the 2012 request had the structure attached to the dwelling. The Application was denied by the Land Use Administrator citing the decision rendered for the Applicant's 2007 submittal. Land Use staff never received notice from the Applicant or her agent regarding a desire to appeal the Land Use Administrator's decision at that time.

On December 17, 2013, the Applicant's agent submitted a new Application requesting an amendment to the existing home occupation similar to the 2012 submittal. Staff reviewed the material submitted which included: letter of intent; acknowledgement of the home occupation criteria; Development Permit Application; Business Registration Application; vicinity map; letter from NMED Air Quality Bureau dated 1/17/08; site plan; floor plan of the proposed structure; and a

report by the manufacturer on emissions testing on the proposed crematory incinerator. Staff also reviewed the findings of the BCC from the 2007 request (Exhibit 6) and has determined that the subject Application is for the same use and that the Application is not substantially different from neither the 2007 nor the 2012 Applications. Therefore this request was denied, as it did not comply with the Home Occupation Performance Standards set forth by Article III, Section 3.2 of the Land Development Code (Exhibit 4) as follows:

Article III, Section 3.2.5 states: "No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area."

The Land Use Administrator has determined that a decision rendered by the First Judicial District Court is not something that can be overturned administratively and the proposed use could negatively impact neighboring properties with the smoke emitted from the incinerator. Under the Sustainable Land Development Code, the use of a crematorium as a home occupation would be prohibited.

This Application was submitted on March 21, 2014.

Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds no evidence that would allowing a crematorium as a home occupation.

APPROVAL SOUGHT: To overturn the CDRC's decision to approve Application #AHBL 14-5040.

GROWTH MANAGEMENT AREA: El Centro, SDA-1

STAFF RECOMMENDATION: Staff recommends that the BCC approve the appeal and uphold the Land Use Administrator's decision to deny the home occupation. Under the SLDC, the use of a crematorium as a home occupation would be prohibited.

EXHIBITS:

1. Letter of Appeal
2. Growth Management File #AHBL 13-4087
3. Growth Management File #AHBL 12-4009
4. Article III, Section 3 (Home Occupations)
5. Article II, Section 2.3.4 (Appeals)
6. January 17, 2008 CDRC Minutes
7. March 11, 2008 BCC Minutes
8. BCC Findings from Case #A 07-5490
9. Decision by Judge Sanchez on 2007 Appeal
10. February 20, 2014 CDRC Minutes
11. Case #APP 14-5040 Final Order
12. Letters of Opposition

Letter of Appeal
CDRC Case# APP 14-5040

March 21, 2014

Mr. John Salazar
Development Review Specialist
Santa Fe County Land Use
102 Grant Avenue
Santa Fe, NM 87501-2061

Mr. Salazar,

We, the residential neighbors of Rachel Tapia, CDRD Case #App14-5040, hereby appeal the CRDC's decision to approve the pet crematorium. We wish to appeal the approval decision to the Board of County Commissioners at the May 13, 2014 meeting.

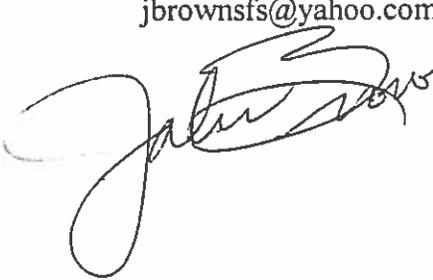
Please accept this letter as the "Letter of Appeal" to start the appeal process.

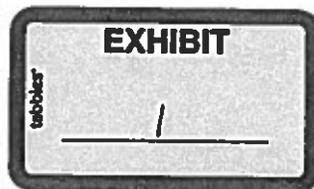
You, Mr. Salazar, have in your trust my check for \$275.00 for the cost of the appeal. I understand that we are obligated to pay for additional signs and newspaper advertisements. Can you give me a dollar amount so I can remit the proper funds.

John & Karen Brown
37 Browncastle Ranch
Santa Fe, NM 87508
505-577-7930
jbrownsfs@yahoo.com

Patty Montes-Burks
artalacart@gmail.com
505-471-0526

Michael Velarde
velardecoach@gmail.com
505-660-4553



SANTA FE COUNTY BUSINESS REGISTRATION APPLICATION

NAME OF BUSINESS: LOVING ANIMAL SERVICES PHONE NO: _____

BUSINESS ADDRESS: 40 VISTA DEL MONTE

MAILING ADDRESS: P.O. BOX 9029 SFNM 87504

NAME OF PRINCIPAL BUSINESS OWNER: RACKALE TAPIA

HOME OCCUPATION: HOME COMMERCIAL: _____

NEW MEXICO GROSS RECEIPTS TAX NUMBER: _____

DESCRIPTION OR NATURE OF BUSINESS: TRANSPORT / CREATION OF
DECEASED PETS

A business registration fee of \$35.00 will be assessed at time of approval, and thereafter, before March 15 of each calendar year. A late fee of \$10.00 will be assessed on ANY untimely payment. Business Registrations are effective from date of issuance through the end of the calendar year. Thereafter, registrations are effective from January 1 through December 31 of each year.

Karl R.
SIGNATURE OF APPLICANT

12/10/13
DATE OF APPLICATION

FOR OFFICIAL USE ONLY

Location ID: 1-048-092-215-230 UPC: 64260096

DEVELOPMENT PERMIT NO: ~~13-4087~~ 13-4087 BUSINESS REGISTRATION NO: _____

TOWNSHIP 16N RANGE 8E SECTION 25 COMMISSION DISTRICT 5

FEE PAID \$35.00 _____ RECEIPT NO. _____ PROCESSED BY JOHN M. SALAZAR

FIRE HAZARD POTENTIAL: HIGH _____ MEDIUM _____ LOW _____

LAND USE DIRECTOR _____ DATE _____

COUNTY FIRE MARSHAL _____ DATE _____

TREASURER _____ DATE _____

FINANCE _____ DATE _____

COMMENTS: _____



NBB-5

**HOME OCCUPATION
APPLICATION PACKET**

AS PER THE COUNTY LAND DEVELOPMENT CODE, ARTICLE III, SECTION 3, AND THE EXTRATERRITORIAL ZONING ORDINANCE, SECTION 5-B-4-d, HOME OCCUPATIONS ARE PERMITTED ANYWHERE IN THE COUNTY, PROVIDED THE FOLLOWING STANDARDS HAVE BEEN MET:

- Not more than six (6) persons other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) nonilluminated name plat sign not more than nine square feet in area;
- The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes of its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation.
- The home occupation shall not involve operations or structures not in keeping with the residential character of the neighborhood.
- No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area (e.g. Noise vibration, glare, fumes, odors, electrical interference).
- No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the residential neighborhood area.
- Parking for employees and for customers or clients of the home occupation shall be provided off the street (one (1) parking space per employee plus one (1) per 400 sq. ft. to be used for the home occupation).
- The home occupation shall be located on the same lot as the permitted principal use of structures or on a contiguous lot in the same ownership.
- Primary sale of goods in connection with the home occupation shall be that which is prepared or produced upon the premises.

ACKNOWLEDGMENT

I hereby acknowledge that I have read the above standards and fully understand what is required of me to operate a home occupation business.



Signature

1/17/14

Date



BUILDING AND DEVELOPMENT SERVICES AND
SANTA FE COUNTY FIRE PREVENTION DIVISION
DEVELOPMENT PERMIT APPLICATION



Applicant Name: (Present &/or Former Names) _____ Development Permit Number _____ Project Manager/Type/Date Received _____

Development Fees Paid Y N Amount: _____ Fire Impact Fee Paid Y N Amount: _____ Total Fees Paid: _____
Additional Fire Inspections will be charged a minimum \$35.00 fee.
For official use only

Type of Development Permit:
(Indicate all that apply)

Master Plan Prelim. Plan Final Plan Family Transfer Driveway Lot Line Adj. Land Div. Accessory Structure

Residential Bldg. Plan Commercial Bldg. Plan Res. Sub. Com. Sub. Sprinkler/Alarm Mobile Home Other _____

Wildland Hazard Rating: Moderate High Very High Extreme N/A Fire District _____

Fire Protection Water Source: Fire Hydrant Draft Hydrant Pond Other _____ Driveway length: _____ Width: _____

PROPERTY OWNER INFORMATION: First Name: RACHAEL TAPIA Last Name: TAPIA

Mailing Address: PO BOX A SANDHORN P.O. BOX 2476 SFM Zip: 87504

Rural address of Project: 40 VISTA DEL MONTE Zip: 87008

Written Directions to Project Site: 2.5 ACRES PARCEL NTA A SINGLE FAMILY RESIDENTIAL STRUCTURE. THE PROJECT WILL INVOLVE A SMALL 3600 (±) ACCESSORY - ATTACH STRUCTURE

Cell Phone: _____ Home Phone: 909-3800 Email address: KNS@SANDHORN-1951DC.COM

Contractor / Company Name: N/A Address: _____

Cell Phone: () _____ Work Phone () _____ Contractor's License # _____

PROJECT DESCRIPTION: SEE ATTACHED PERMIT

Section: 16N Township: 84 Range: 25 Commission District _____ Parcel ID: 990007897

IPC Number: _____ Plat Book: _____ Page: _____ Date Recorded: _____

Warranty Deed Instrument #: _____ Date Recorded: _____ Subdivision Name: _____

Acreage: 2.5 Estimated Completion Date: _____ Valuation: _____

Proposed Number of Dwellings Onsite: 1 Existing: 1 Total: 1

Proposed Number of Lots Onsite: 1 Existing: 1 Total: 1

Proposed Roofed Area Sq. Ft.: 4000 Existing Roofed Area Sq. Ft.: 3600 Total Roofed Area Sq. Ft.: 4000

Lot Number: _____ Phase: _____ Affordable Unit: Yes No All Weather Access: Yes No (*Access improvements required)

County Road: Yes* No (*Access Permit DPW required) Legal Access: Yes No

FEMA 100-year floodplain: Yes* No Zone _____ Panel Number: _____ D (*Floodplain Dev. Permit required)

NMED Septic Permit: Yes No Community Sewer System: Yes No Water Restrictions: Yes No Pool: _____ Page _____

Shared Well: Yes* No *Share Agreement Inst. # _____ Well Meter Reading: _____

Well Permit # _____ Well Meter Serial Number: _____ Meter Type: _____ Unit of Measure: _____

Community Water System: Yes* No (*Water Service Lener Required) Cistern Required: Yes No Rainwater Required: Yes No

Proof of Taxes: Yes No Hydrologic Zone: Basin E. Fringe Homestead Mountain Traditional Metro Geohydro Req'd TIA Req'd

Owner Acknowledgment or Authorized Representative: Signature: KM Date: 12/10/10

By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.

Type of Permit Issued: _____ Date: _____

Approved By: _____ Date: _____

Redlines Yes No Inspections Conducted: Initial Pre-Final Final Certificate of Completion Yes No

NBB-7

SOMMER KARNES & ASSOCIATES LLP

Mailing Address
Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address
200 West Marcy Street, Suite 133
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800
Facsimile: (505) 982.1745

Karl H. Sommer, Attorney at Law
khs@sommer-assoc.com
Joseph M. Karnes, Attorney at Law
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal
mld@sommer-assoc.com

James R. Hawley, Attorney at Law
Of Counsel
Licensed in New Mexico and California
jrh@sommer-assoc.com

December 10, 2013

John Michael Salazar
Land Use & Planning
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: Rachel Tapia
Amendment to Home Occupation

Dear Mr. Salazar:

This letter constitutes Ms. Tapia's letter of intent with respect to the application to amend her existing Home Occupation Permit. This letter summarizes the history of Ms. Tapia's use of her property, the previous application, and the current application. You will note that this application differs substantially from the earlier application. If you find the application complete, please provide us with the notice and posting materials in order that we may start the process.

Ms. Tapia owns the located at 40 Vista del (See Warranty Deed enclosed). She has lived there from the time she purchased the property. Ms. Tapia owns and operates her business Loving Animal Services, for which she has business license. Ms. Tapia to conduct a business that transports deceased pets for cremation at the Santa Fe Animal Shelter.

As the County is aware, Ms. Tapia has purchased equipment that would allow her to perform the cremation of deceased pets on the property. The equipment can be housed in a small addition to the her residence in the form of an attached shed. Ms. Tapia had previously proposed the construction of a building in the location shown on the drawing attached hereto as Exhibit A, which was part of her previous application. Ms. Tapia appealed the denial of her previous application to the Board of County Commissioners, which denied the application. The only evidence presented to the Board indicated that (1) the use would *not* produce any fumes, odors, emissions, noises or vibrations of any type, (2) would *not* involve the employment of any additional employees, (3) would *not* create traffic beyond that which created now by Ms. Tapia's current home occupation permit, but (4) would be housed in the proposed building detached from the current residential structure located the property. Because the location of the proposed structure was not

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Sommer, Karnes & Associates, LLP

adjacent to or attached to the current residence, it appears that the BCC rejected the application. That perceived deficiency has been remedied.

The enclosed application details the new location and dimensions of the proposed shed-like structure. As you can see, the new location makes the appearance of the proposed addition more harmonious with the existing residence. In addition, all other aspects of the current code are complied with under this amendment to Ms. Tapia's existing permit.

I have reviewed the current proposal for changes to the Code related to Home Occupations. The structure of the new requirements is a four-tiered approach; the scrutiny and administrative approval process is more complicated as the proposed impact of the use increases – from a No Impact Home Business to and Exception. The most important aspects of both of these categories is found in the following standards:

Proposed No Impact Regulations:

5. **Building Space:** The home based business shall be conducted entirely within the dwelling unit, but is limited to incidental use thereof.
6. **Noise, Vibration, Glare, Fumes and Odors:** The No Impact Home Business shall not create noise, vibration, glare, fumes or odors detectable to normal sensory perception off the subject property.

Propose Low Impact Regulations:

6. **Exterior Storage/Use of Accessory Structures:** A maximum of 600 square feet of accessory space may be used for the Low Impact Home Business. If a portion of an accessory building is authorized for use in the LIHB, a partition wall of six feet shall separate the LIHB from the accessory building. A partition wall may include a door for ingress and egress.
7. **Noise:** Noise shall be regulated according to Ordinance 2009-11. A noise study may be required by the Code Administrator to demonstrate compliance.
8. **Vibration, Glare, Fumes and Odors:** The Low Impact Home Business shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property.

Ms. Tapia's proposed amendment falls entirely within either the proposed No Impact or Low Impact Home Occupation. We realize that these standards have not been adopted, but they mirror the current requirements under the Code, except that the current requirements allow for the shed that is proposed by this application. In other words, the

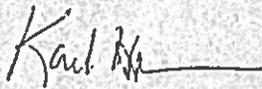
Sommer, Karnes & Associates, LLP

current requirement is more lenient. The new location of her proposed addition brings the addition into complete harmony with the character of her property and adjacent properties.

We request that that County issue the permit for a home occupation. Ms. Tapia will thereafter apply for the necessary construction permits for the addition. Please contact me if the application is deficient in any respect.

Thank you for your time and attention to this matter.

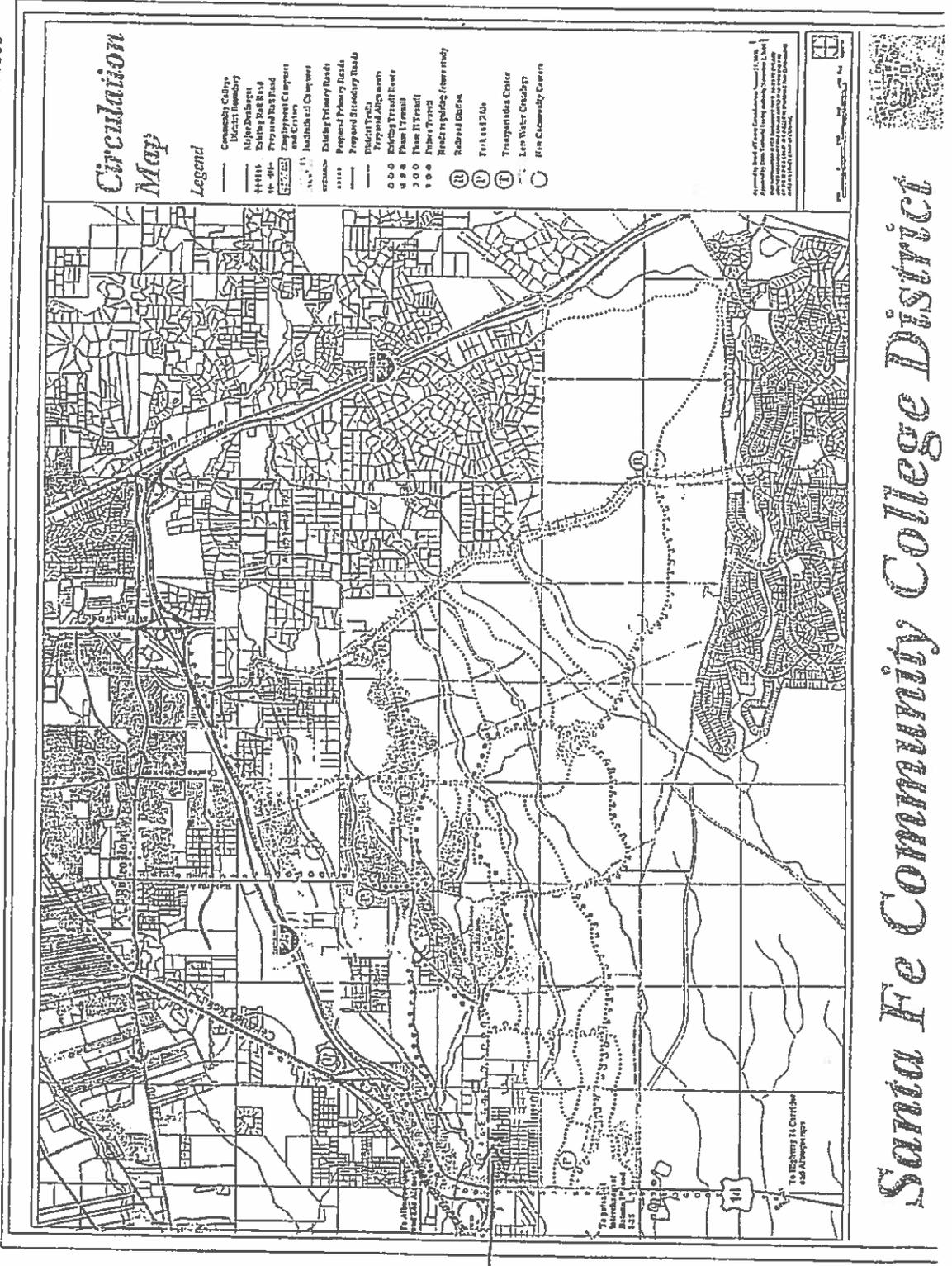
Sincerely,



Karl H. Sommer

cc: Rachel Tapia

filed at 1846063



Santa Fe Community College District



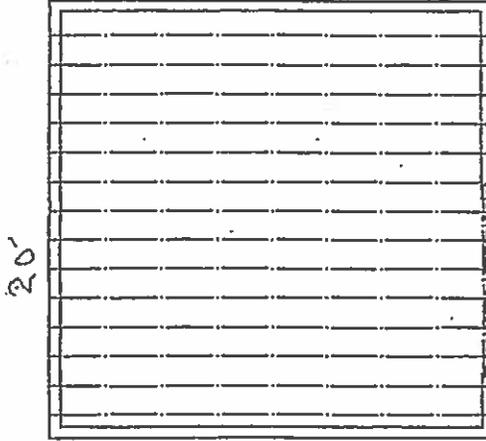
Site

NBB-11

ROOF FRAMING PLAN KEYNOTES

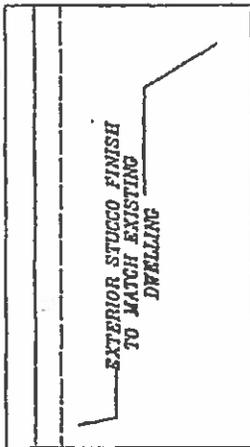
ALL ROOF MEMBERS ARE TO BE
 14" T.J.L. @ 16" O/C W/ 8/4" O.S.D.
 DECKING ABOVE SLOPE MIN. 1/4" / FT
 USE 9-PLY HOT MOP SURFACE

HEADER @ GARAGE DOOR IS TO BE MIN
 (2) 2X2 NAILED SOLID
 SOLID BLOCK T.J.L. @ 4' O/C/

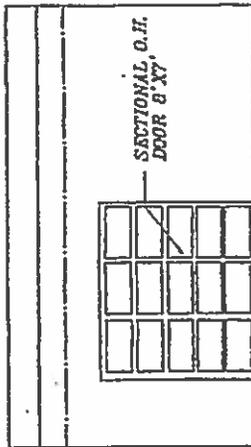


ROOF FRAMING PLAN

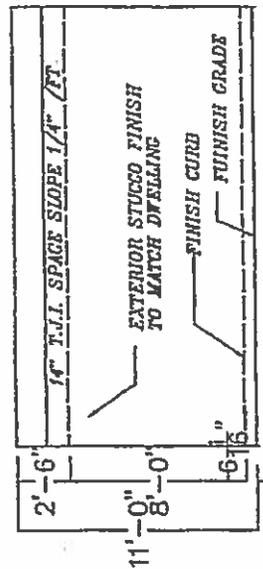
SCALE 1/8" = 1'-0"



REAR ELEVATION



FRONT ELEVATION



LEFT ELEVATION

(RIGHT IS SIGNALAR)

EXTERIOR BUILDING ELEVATIONS



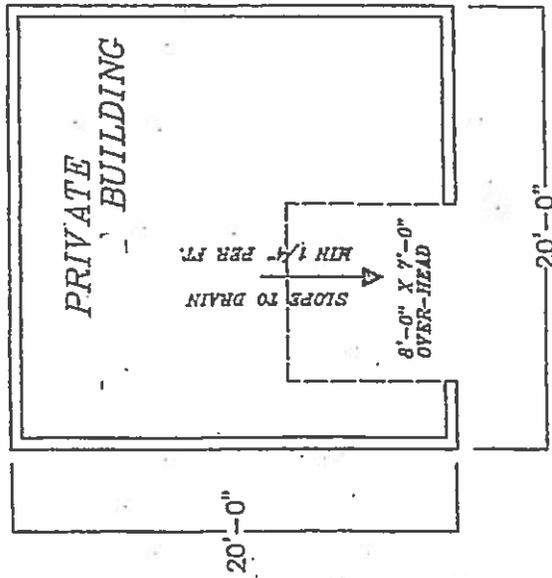
NBB-12

FOUNDATION PLAN KEYNOTES

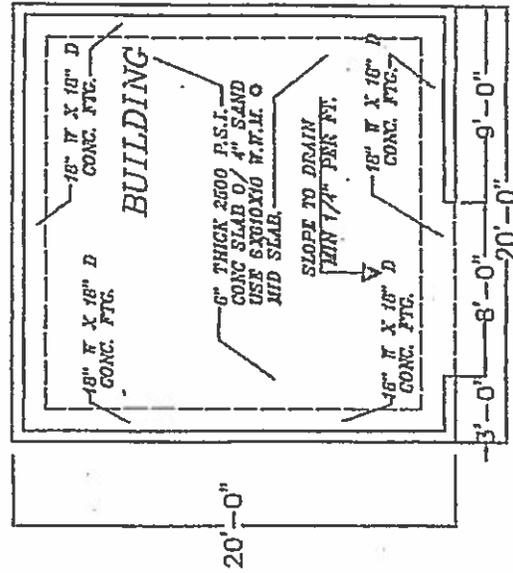
- PROVIDE 6" 3500 P.S.I. CONC SLAB W/ 6X6X10X10 W.M.M. AT MID-SLAB 0/ 4" CLEAN SAND BASES
- CONCRETE FOOTINGS TO BE MIN 18" BELOW GRADE AND MIN 16" WIDE W/ 2# 4 REBAR AT MID-SLAB ELEVATED 4 MIN 9" ABOVE BOTTOM OF FOOTING
- PROVIDE MIN 18" WIDE X18" DEEP GRADE DRAINS AT ALL STORAGE DOOR OPENINGS.
- SLOPE STORAGE SPACE SLAB MIN. 1/4" PER FOOT TO DRAIN.
- PROVIDE MIN 1/4" ROUND X 16" LONG ANCHOR BOLTS AT MAX 6" O/C AND WITH-IN 2' OF ALL CORNERS.

FLOOR PLAN NOTES

- ALL WALL FRAMING IS TO BE 2X4 STUDS @16" O/C/W/ PLATE @ 8'-0"
- SPACE DOOR TO BE 6' X 7' OWNER TO SELECT

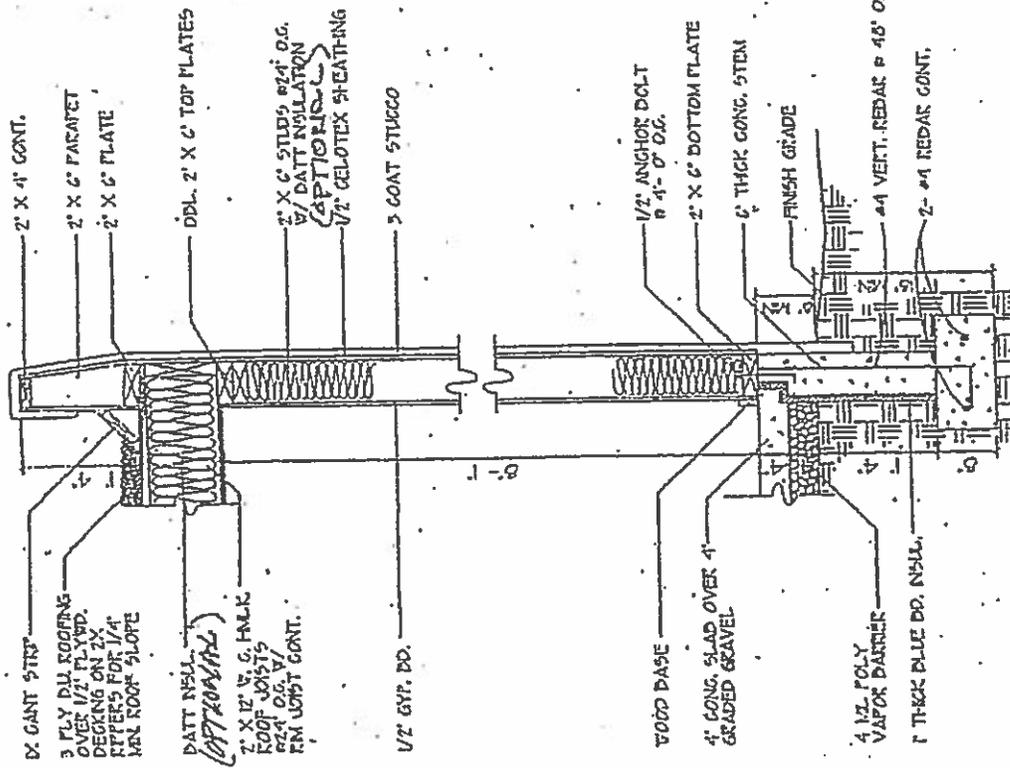


FLOOR PLAN



FOUNDATION PLAN

SCALE 1/8" = 1'-0"



2' X 4' CONT.
 2' X 6' FACIET
 2' X 6' PLATE

DBL. 2' X 6' TOP PLATES
 2" X 6" STUDS @ 24" O.C.
 1/2" DATT INSULATION
 1/2" CELOTEX SHEATHING

3 COAT STUCCO

2' X 4' CONT.
 3 PLY DL. ROOFING
 OVER 1/2" PLYWD.
 DECKING ON 2" X
 RIFTERS FOR 1/4"
 MIN. ROOF SLOPE

DATT NEUL
 (PTXOMAL)
 2" X 12" V. G. FHLK.
 ROOF JOISTS
 @ 24" O.C. V/
 EM. UNST. CONT.

1/2" GYP. DD.

1/2" ANCHOR BOLT
 @ 4'-0" O.C.

2" X 6" BOTTOM PLATE

6" THICK CONG. STEM

FINISH GRADE

#4 VERT. REBAR @ 48" O.C.

2-#4 REBAR CONT.

WOOD BASE

4" CONG. SLAB OVER 4"
 GRADED GRAVEL

4 MIL. POLY
 VAPOK BARRIER

1" THICK BLUE DD. NEUL.

A
 D-I
 WALL SECTION
 SCALE: 1/2" = 1'-0"

1 X-CANT STI

3 PLY D. U. E
 ON 1/2" PLYWD
 ON 2" X RIFTS
 PER FOOT S
 DRAINAGE -

2 X

VISTA DEL MONTE

DEAD END

6 FT. BRICK WALL

Driveway
IS
Asphalt

Residence
60 x 60
36 x 36

PROPOSED WALL

PROPOSED SHED - NON VISIBLE
FROM STREET

4 FT. Brick Wall

← 516 FT →

← 208 FT →

PROPOSED

NBB-15



NEW MEXICO
ENVIRONMENT DEPARTMENT



Air Quality Bureau

SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

1301 Siler Road, Building B
Santa Fe, New Mexico, 87507
Phone (505) 476-4300 Fax (505) 476-4375
www.nmcnv.state.nm.us

F. DAVE MARTIN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

May 23, 2012

Rachel Tapia
40 Vista del Monte
Santa Fe, NM 87508

SCANNED

MAY 24 2012

Karl Sommer & Assoc.

RECEIVED

MAY 24 2012

Karl Sommer & Assoc.

Dear Ms. Tapia:

This letter is in response to your request for confirmation that that an air permit for Loving Animal Services is not required.

Currently, the Department is not requiring a permit for a crematory, however this may change in the future if the Department determines that permitting such facilities is necessary or if a Federal regulation from the Environmental Protection Agency is issued that requires such a permit.

Sincerely,

Elizabeth Bisbey-Kuehn
Major Source Section
Air Quality Bureau

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 61 SMOKE AND VISIBLE EMISSIONS

20.2.61.1 ISSUING AGENCY: Environmental Improvement Board.
 [11/30/95; 20.2.61.1 NMAC - Rn, 20 NMAC 2.61.100 10/31/02]

20.2.61.2 SCOPE: All geographic areas within the jurisdiction of the Environmental Improvement Board.
 [11/30/95; 20.2.61.2 NMAC - Rn, 20 NMAC 2.61.101 10/31/02]

20.2.61.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, section 74-1-8(A)(4) and (7), and Air Quality Control Act, NMSA 1978, sections 74-2-1 et seq., including specifically, section 74-2-5(A), (B), and (C).
 [11/30/95; 20.2.61.3 NMAC - Rn, 20 NMAC 2.61.102 10/31/02]

20.2.61.4 DURATION: Permanent.
 [11/30/95; 20.2.61.4 NMAC - Rn, 20 NMAC 2.61.103 10/31/02]

20.2.61.5 EFFECTIVE DATE: November 30, 1995.
 [11/30/95; 20.2.61.5 NMAC - Rn, 20 NMAC 2.61.104 10/31/02]
 [The latest effective date of any section in this Part is 10/31/02.]

20.2.61.6 OBJECTIVE: The objective of this Part is to establish controls on smoke and visible emissions from certain sources. This Part is not intended to preempt any more stringent controls on smoke and visible emissions provided in any other air quality control regulation or in any local ordinance or regulation.
 [11/30/95; 20.2.61.6 NMAC - Rn, 20 NMAC 2.61.105 10/31/02]

20.2.61.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this Part:

A. "Air curtain destructor" means a combustion device or system designed to achieve controlled combustion of woodwaste and slash materials in an earthen trench or refractory-lined pit or bin through means of a fan-generated air curtain.

B. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

C. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the Board.

D. "Stationary combustion equipment" means any stationary device or system used to oxidize solid, liquid, or gaseous materials, including fuels or wastes, and includes but is not limited to incinerators, wood-fired boilers, air curtain destructors, and stationary oil burning equipment.

E. "Visible emissions" means particulate or gaseous matter which can be detected by the human eye.
 [11/30/95; 20.2.61.7 NMAC - Rn, 20 NMAC 2.61.107 10/31/02]

20.2.61.8 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 401 -- Regulation to Control Smoke and Visible Emissions last filed July 15, 1986.

A. All references to AQCR 401 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 401 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 401.

[11/30/95; 20.2.61.8 NMAC - Rn, 20 NMAC 2.61.106 10/31/02]

20.2.61.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87505 [2048 Galisteo St., Santa Fe, NM 87505].

[11/30/95; 20.2.61.9 NMAC - Rn, 20 NMAC 2.61.108 10/31/02]

20.2.61.10 to 20.2.61.108 [RESERVED]

20.2.61.109 STATIONARY COMBUSTION EQUIPMENT: The owner or operator of stationary combustion equipment shall not permit, cause, suffer or allow visible emissions from the stationary combustion equipment to equal or exceed an opacity of 20 percent; provided, however, stationary combustion equipment which is regulated by Parts 20.2.10

NMAC through 20.2.18 NMAC, 20.2.37 NMAC, and 20.2.42 NMAC, and any other Part of Chapter 2 which specifically limits particulate emissions is exempted from this Part.
[11/30/95; 20.2.61.109 NMAC - Rn, 20 NMAC 2.61.109 10/31/02]

20.2.61.110 DIESEL-POWERED VEHICLE:

A. No person shall permit, cause, suffer or allow the emission into the open air of any smoke having an opacity greater than thirty percent for any period greater than ten seconds from any diesel-powered vehicle operating below 8,000 feet (mean sea level).

B. No person shall permit, cause, suffer or allow the emission into the open air of any smoke having an opacity greater than forty percent for any period greater than ten seconds from any diesel-powered vehicle operating above 8,000 feet (mean sea level).

[11/30/95; 20.2.61.110 NMAC - Rn, 20 NMAC 2.61.110 10/31/02]

20.2.61.111 EXCLUSIONS: This Part does not apply to:

A. emissions from diesel-powered vehicles if the emissions are a direct result of a cold engine start-up;

B. off-highway, diesel-powered vehicles operating in non-urban areas; and

C. oil well drilling rigs and oil well servicing rigs.

D. for sources subject to the provisions of 20.2.70 NMAC (Operating Permits), emissions which result from insignificant activities as defined in 20.2.70 NMAC.

[11/30/95; 01/10/96; 20.2.61.111 NMAC - Rn, 20 NMAC 2.61.111 10/31/02]

20.2.61.112 DIESEL-POWERED LOCOMOTIVES:

A. No person shall permit, cause, suffer or allow the emissions into the open air of any smoke having an opacity greater than twenty percent for any period greater than ten seconds from any diesel-powered locomotive operating below 8,000 feet (mean sea level).

B. No person shall permit, cause, suffer or allow the emission into the open air of any smoke having an opacity greater than forty percent for any period greater than ten seconds from any diesel-powered locomotive:

(1) operating above 8,000 feet (mean sea level); or

(2) involved in switching and railroad yard use.

C. This Part does not apply to emissions for diesel-powered locomotives if the emissions are a direct result of a cold engine start-up.

[11/30/95; 20.2.61.112 NMAC - Rn, 20 NMAC 2.61.112 10/31/02]

20.2.61.113 AIR CURTAIN DESTRUCTORS: An exemption to this Part may be granted by the Department for start-up and burn-down periods of operation of air curtain destructors, if the owner or operator has demonstrated to the satisfaction of the Department that such an exemption is necessary and takes all actions necessary to minimize emissions during such periods.

[11/30/95; 20.2.61.113 NMAC - Rn, 20 NMAC 2.61.113 10/31/02]

20.2.61.114 OPACITY DETERMINATIONS: Opacity of emissions from equipment subject to 20.2.61.109 NMAC shall be determined consistent with the method set forth by the US EPA in 40 CFR, Part 60 Appendix A, Method 9, or any other method receiving prior approval from the Department. The minimum time period for taking opacity readings shall be ten minutes.

[11/30/95; 20.2.61.114 NMAC - Rn, 20 NMAC 2.61.114 10/31/02]

HISTORY OF 20.2.61 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives:

HSSD 70-1, Ambient Air Quality Standards And Air Quality Control Regulations, 01/27/70;

EIB/AQCR 401, Air Quality Control Regulation 401 - Regulation To Control Smoke And Visible Emissions, 07/15/86.

History of Repealed Material: [RESERVED]

Other History:

EIB/AQCR 401, Air Quality Control Regulation 401 - Regulation To Control Smoke And Visible Emissions, filed 07/15/86 was renumbered into first version of the New Mexico Administrative Code as 20 NMAC 2.61, Smoke And Visible Emissions, filed 10/30/95.

20 NMAC 2.61, Smoke And Visible Emissions, filed 10/30/95 was renumbered, reformatted and replaced by 20.2.61 NMAC, Smoke And Visible Emissions, effective 10/31/02.

Project nbr/desc . . : 13 00004087 LOVING ANIMAL SERVICES / HOME
Project type . . . : HOME OCCUPATION BUSINESS LICENSE

Select fees due, press Enter.
1=Select entire amount

Opt	Amount to apply	Bal Due	Fee Description	Trans amt
-	50.00	50.00	FIRE REVIEW BUSINESS LICENSE	50.00
-	75.00	75.00	INSPECTION - INITIAL	75.00
-	100.00	100.00	APPLICATION FEE	100.00
-	175.00	175.00	HOME OCCUPATION/BUSINESS REVIE	175.00

Total 400.00

F3=Exit F5=Select all fees F12=Cancel

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

January 17, 2014

Loving Animal Service
Rachael Tapia
40 Vista Del Monte
Santa Fe, New Mexico, 87508

Re: Amendment of an existing Home Occupation Business Registration

This letter is in response to your request to amend the Home Occupation Business Registration for Loving Animal Service to include on-site cremation of deceased pets. Staff has reviewed the material submitted on December 17, 2013, which included: letter of intent; acknowledgement of the home occupation criteria; Development Permit Application; Business Registration Application; vicinity map; letter from NMED Air Quality Bureau dated 1/17/08; site plan; floor plan of the proposed structure; and a report by the manufacturer on emissions testing on the proposed crematory incinerator.

A similar request for an amendment to the existing Home Occupation Business Registration was submitted by the Applicant in 2008. Staff has evaluated the current application and has determined that the current application differs from the original 2008 application for the reason that the location of the crematorium has changed. The 2008 request had a separate structure for the crematorium and the new request has the structure attached to the dwelling.

On March 11, 2008, the Board of County Commissioners (BCC) denied your appeal of the Land Use Administrator and County Development Review Committee's denial of the use of a crematorium as an expansion to an existing Home Occupation Business (Exhibit "A"). The denial by the BCC was supported by Judge Daniel A. Sanchez of the First Judicial District Court (Exhibit "B").

Staff has reviewed the findings of the BCC on the 2008 request and has determined that this application is for the same use and that the application is not substantially different from the 2008 application. Therefore this request is denied, as it does not comply with the Home Occupation Performance Standards set forth by Article III, Section 3.2 of the Land Development Code.

Article II, Section 2.3.4b of the Code states: "Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) calendar days of the date the appeal is filed. The County Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications". (Exhibit "C")

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Staff will be happy to meet with you to discuss any concerns or questions you may have, please do not hesitate to contact this office at 986-6225.

Sincerely,



for Penny Ellis-Green
Land Use Administrator

CC: John M. Salazar, Development Review Specialist

SANTA FE COUNTY BUSINESS REGISTRATION APPLICATION

NAME OF BUSINESS: LOVING ANIMAL SERVICE PHONE NO: _____

BUSINESS ADDRESS: 40 VIOLA DEL MONTE

MAILING ADDRESS: P.O. BOX 9029 SFNM 87504

NAME OF PRINCIPAL BUSINESS OWNER: RACHAEL TAPIA

HOME OCCUPATION: COMMERCIAL:

NEW MEXICO GROSS RECEIPTS TAX NUMBER: _____

DESCRIPTION OR NATURE OF BUSINESS: TRANSPORT PROMOTION OF DECEASED PETS

A business registration fee of \$35.00 will be assessed at time of approval, and thereafter, before March 15 of each calendar year. A late fee of \$10.00 will be assessed on ANY untimely payment. Business Registrations are effective from date of issuance through the end of the calendar year. Thereafter, registrations are effective from January 1 through December 31 of each year.

Karl M
SIGNATURE OF APPLICANT

1/28/12
DATE OF APPLICATION

FOR OFFICIAL USE ONLY

Location ID: 1-048-092-215-230 UPC: 64260096

DEVELOPMENT PERMIT NO: 12-4009 BUSINESS REGISTRATION NO: 13145

TOWNSHIP 16N RANGE 8E SECTION 25 COMMISSION DISTRICT _____

FEE PAID \$35.00 _____ RECEIPT NO. _____ PROCESSED BY John M. Salazar

FIRE HAZARD POTENTIAL: HIGH _____ MEDIUM _____ LOW _____

LAND USE DIRECTOR _____ DATE _____

COUNTY FIRE MARSHAL _____ DATE _____

TREASURER _____ DATE _____

FINANCE _____ DATE _____

COMMENTS: _____





BUILDING AND DEVELOPMENT SERVICES AND
SANTA FE COUNTY FIRE PREVENTION DIVISION
DEVELOPMENT PERMIT APPLICATION



Applicant Name: (Present &/or Former Names) Tapia Development Permit Number 12-4009 Project Manager/Type/Date Received _____
 Development Fees Paid Y N Amount: _____ Fire Impact Fee Paid Y N Amount: _____ Total Fees Paid: _____
 Additional Fire Inspections will be charged a minimum \$25.00 fee.
 For official use only

Type of Development Permit:
 (Indicate all that apply)
 Master Plan Prelim. Plan Final Plan Family Transfer Driveway Lot Line Adj. Land Div. Accessory Structure
 Residential Bldg. Plan Commercial Bldg. Plan Res. Sub. Com. Sub. Sprinkler/Alarm Mobile Home Other HOMB/ACC
 Wildland Hazard Rating: Moderate High Very High Extreme N/A Fire District _____
 Fire Protection Water Source: Fire Hydrant Draft Hydrant Pond Other _____ Driveway length: _____ Width: _____

PROPERTY OWNER INFORMATION: First Name: RACHAEL Last Name: TAPIA
 Mailing Address: 910 KARL H. SOMMER P.O.B. 2476 SFNM Zip: 87504
 Rural address of Project: 40 VISTA DEL MONTE Zip: 87508
 Written Directions to Project Site: TWO SITE IS A 2.5 ACRE PARCEL WITH A SINGLE FAMILY RESIDENTIAL STRUCTURE. THE PROJECT WILL INVOLVE A SMALL SHED (10x10) ACCESSORY - ATTACHED STRUCTURE.
 Cell Phone: _____ Home Phone: 989-3800 Email address: 910 KHSP SOMMER-ASSOC.COM
 Contractor/Company Name: N/A Address: _____
 Cell Phone: () _____ Work Phone () _____ Contractor's License # _____

PROJECT DESCRIPTION: SEE ATTACHE EXHIBIT A
 Section: 16N Township: 84 Range: 25 Commission District _____ Parcel ID: 910007827
 UPC Number: _____ Plat Book: _____ Page: _____ Date Recorded: _____
 Warranty Deed Instrument #: _____ Date Recorded: _____ Subdivision Name: _____
 Acreage: 2.5 Estimated Completion Date: _____ Valuation: _____
 Proposed Number of Dwellings Onsite: _____ Existing: _____ Total: _____
 Proposed Number of Lots Onsite: _____ Existing: _____ Total: _____
 Proposed Roofed Area Sq. Ft.: 3600 Existing Roofed Area Sq. Ft.: 3600 Total Roofed Area Sq. Ft.: 3600
 Lot Number: _____ Phase: _____ Affordable Unit: Yes No N/A All Weather Access: Yes No (*Access improvements required)
 County Road: Yes * No (Access Permit DPW required) N/A Legal Access: Yes No
 FEMA 100-year Floodplain: Yes * No Zone _____ Panel Number: _____ D (*Floodplain Dev. Permit required)
 NMED Septic Permit: Yes No Community Sewer System Yes No Water Restrictions: Yes * No Book _____ Page _____
 Shared Well: Yes * No *Share Agreement Inst. # _____ Well Meter Reading: _____
 Well Permit # _____ Well Meter Serial Number: _____ Meter Type _____ Unit of Measure: _____
 Community Water System: Yes * No (*Water Service Lener Required) Cistern Required: Yes No Rainbarrels Required: Yes No
 Proof of Taxes: Yes No Hydrologic Zone: Basin B. Fringe Homestead Mountain Traditional Metro Geohydro Req'd TIA Req'd

Owner Acknowledgment or Authorized Representative: Signature: Karl H. Sommer Date: 1/28/17
 By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.

Type of Permit Issued: _____ Date: _____
 Approved By: _____ Date: _____
 Redlines Yes No Inspections Conducted: Initial Pre-Final Final Certificate of Completion Yes No

SOMMER, KARNES & ASSOCIATES, LLP

Mailing Address
Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address
200 West Marcy Street, Suite 142
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800
Facsimile: (505) 982.1745

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Mychal L. Delgado, Paralegal
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Magdalena Babuljak, Legal Assistant
mpb@sommer-assoc.com

January 26, 2011

John Michael Salazar
Land Use & Planning
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: Rachel Tapia
Amendment to Home Occupation

Dear Mr. Larranaga:

This letter constitutes Ms. Tapia's letter of intent with respect to the application to amend her existing Home Occupation Permit. This letter summarizes the history of Ms. Tapia's use of her property, the previous application, and the current application. You will note that this application differs substantially from the earlier application. If you find the application complete, please provide us with the notice and posting materials in order that we may start the process.

Ms. Tapia owns the located at 40 Vista del (See Warranty Deed enclosed). She has lived there from the time she purchased the property. Ms. Tapia owns and operates her business Loving Animal Services, for which she has business license. Ms. Tapia to conduct a business that transports deceased pets for cremation at the Santa Fe Animal Shelter.

As the County is aware, Ms. Tapia has purchased equipment that would allow her to perform the cremation of deceased pets on the property. The equipment can be housed in a small addition to the her residence in the form of an attached shed. Ms. Tapia had previously proposed the construction of a building in the location shown on the drawing attached hereto as Exhibit A, which was part of her previous application. Ms. Tapia appealed the denial of her previous application to the Board of County Commissioners, which denied the application. The only evidence presented to the Board indicated that (1) the use would *not* produce any fumes, odors, emissions, noises or vibrations of any type, (2) would *not* involve the employment of any additional employees, (3) would *not* create traffic beyond that which created now by Ms. Tapia's current home occupation permit, but (4) would be housed in the proposed building detached from the current residential structure located the property. Because the location of the proposed structure was not

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Sommer, Karnes & Associates, LLP

adjacent to or attached to the current residence, it appears that the BCC rejected the application. That perceived deficiency has been remedied.

The enclosed application details the new location and dimensions of the proposed shed-like structure. As you can see, the new location makes the appearance of the proposed addition more harmonious with the existing residence. In addition, all other aspects of the current code are complied with under this amendment to Ms. Tapia's existing permit.

I have reviewed the current proposal for changes to the Code related to Home Occupations. The structure of the new requirements is a four-tiered approach; the scrutiny and administrative approval process is more complicated as the proposed impact of the use increases - from a No Impact Home Business to and Exception. The most important aspects of both of these categories is found in the following standards:

Proposed No Impact Regulations:

5. **Building Space:** The home based business shall be conducted entirely within the dwelling unit, but is limited to incidental use thereof.
6. **Noise, Vibration, Glare, Fumes and Odors:** The No Impact Home Business shall not create noise, vibration, glare, fumes or odors detectable to normal sensory perception off the subject property.

Propose Low Impact Regulations:

6. **Exterior Storage/Use of Accessory Structures:** A maximum of 600 square feet of accessory space may be used for the Low Impact Home Business. If a portion of an accessory building is authorized for use in the LIHB, a partition wall of six feet shall separate the LIHB from the accessory building. A partition wall may include a door for ingress and egress.
7. **Noise:** Noise shall be regulated according to Ordinance 2009-11. A noise study may be required by the Code Administrator to demonstrate compliance.
8. **Vibration, Glare, Fumes and Odors:** The Low Impact Home Business shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property.

Ms. Tapia's proposed amendment falls entirely within either the proposed No Impact or Low Impact Home Occupation. We realize that these standards have not been adopted, but they mirror the current requirements under the Code, except that the current requirements allow for the shed that is proposed by this application. In other words, the

Sommer, Karnes & Associates, LLP

current requirement is more lenient. The new location of her proposed addition brings the addition into complete harmony with the character of her property and adjacent properties.

We request that that County issue the permit for a home occupation. Ms. Tapia will thereafter apply for the necessary construction permits for the addition. Please contact me if the application is deficient in any respect.

Thank you for your time and attention to this matter.

Sincerely,



Karl H. Sommer

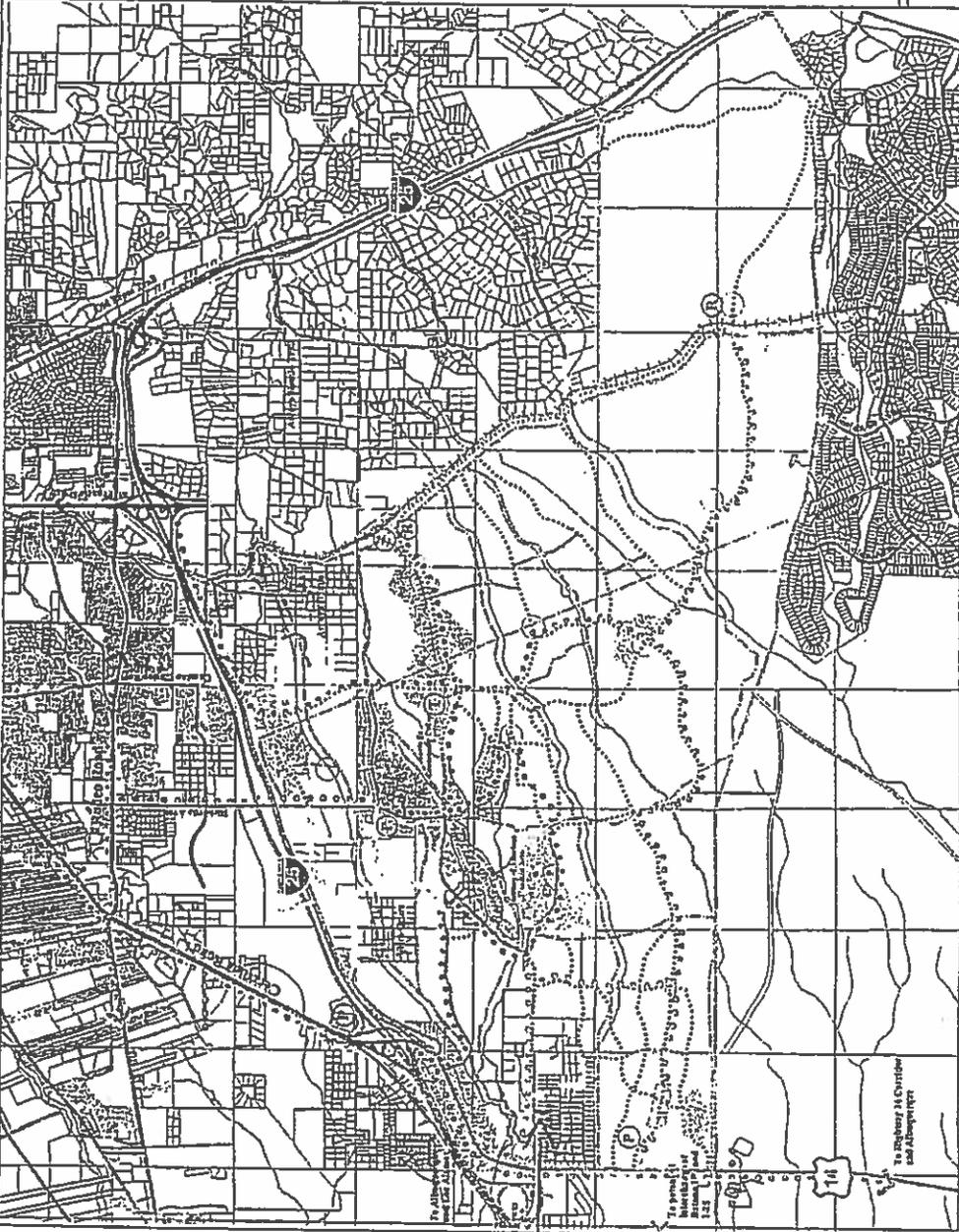
cc: Rachel Tapia

filed at 1846063

Circulation Map

Legend

- Community College
- Market Boundary
- Major Drainage
- Existing Rail Road
- Proposed Rail Road
- Employment Centers and Offices
- Industrial Campuses
- Existing Primary Roads
- Proposed Primary Roads
- Proposed Secondary Roads
- Proposed Trunk
- Proposed Alignment
- Existing Transit Route
- Phase I Transit
- Phase II Transit
- Phase III Transit
- Stops requiring future study
- Subsided Station
- Tracked Area
- Transportation Center
- Low Water Canals
- New Community Center

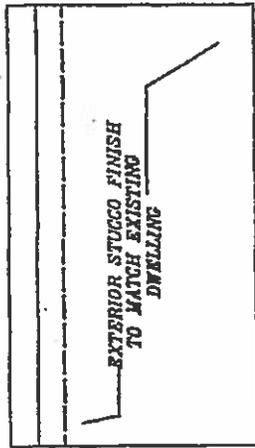


Santa Fe Community College District

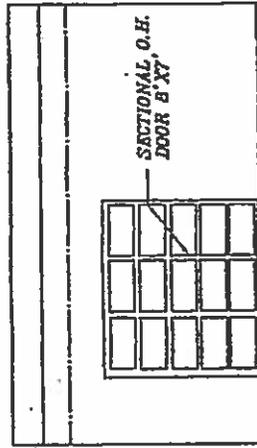


Site

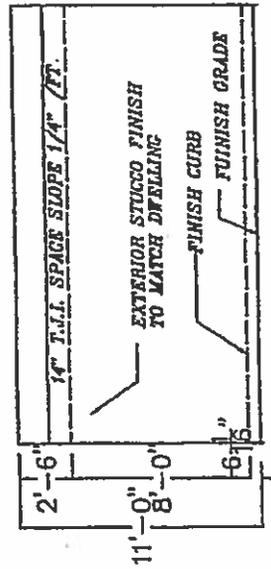
NBB-30



REAR ELEVATION



FRONT ELEVATION



LEFT ELEVATION

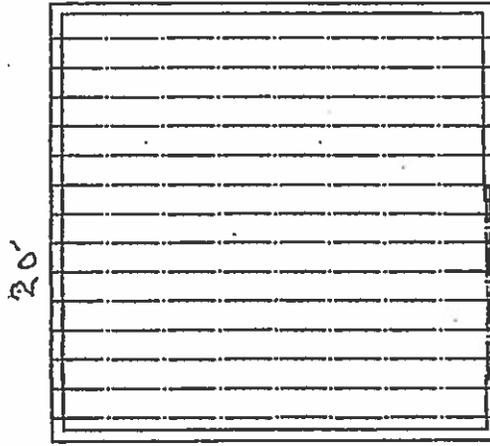
(RIGHT IS SIGNALAR)

EXTERIOR BUILDING ELEVATIONS

ROOF FRAMING PLAN KEYNOTES

ALL ROOF MEMBERS ARE TO BE
1 1/2" T.J.L. @ 16" O/C W/ 3/4" O.S.B.
DARKENING ABOVE SLOPE MIN. 1/4" / FT
USE 3-PLY HOT MOP SURFACE

HEADER @ GARAGE DOOR IS TO BE MIN
(2) 2X12 NAILED SOLID
SOLID BLOCK T.J.L. @ 4' O/C/



ROOF FRAMING PLAN

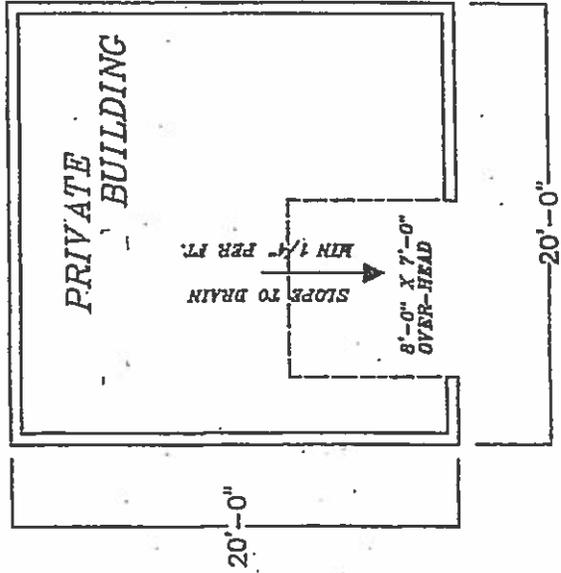
SCALE 1/8" = 1'-0"



2BB-32

FLOOR PLAN NOTES

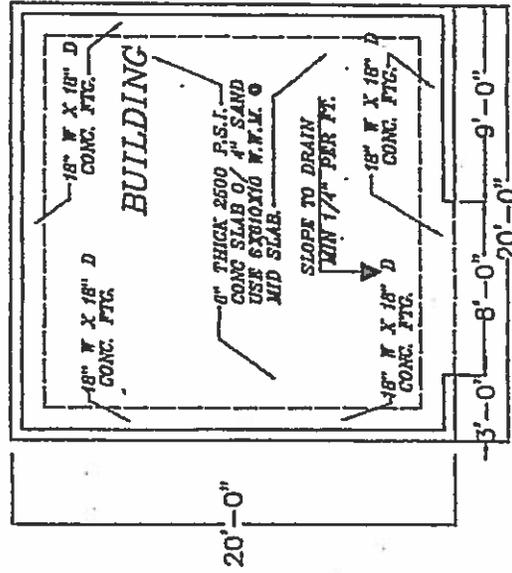
ALL WALL FRAMING IS TO BE 2X4 STUDS @ 16" O/C/W/ PLATE @ 8'-0" OWNER TO SBLST



FLOOR PLAN

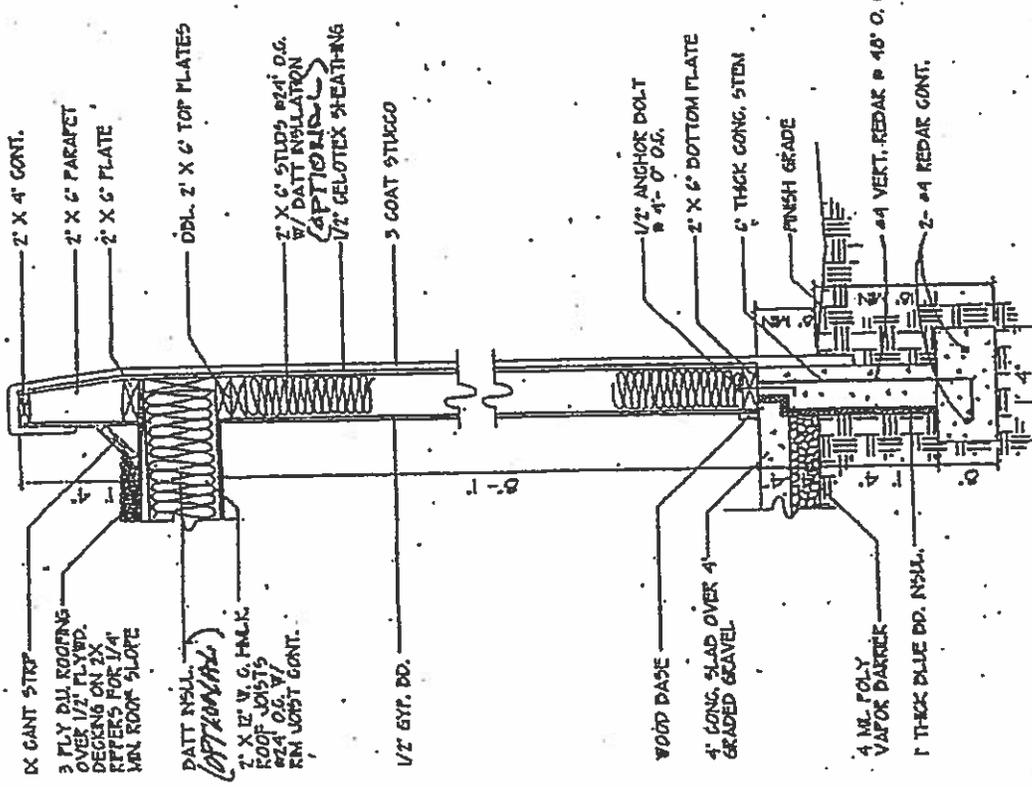
FOUNDATION PLAN KEYNOTES

PROVIDE 6" 2500 P.S.I. CONC SLAB W/ 6X6O/XO W.W.M. AT MID-SLAB O/ 4" CLEAN SAND BASES CONCRETE FOOTINGS TO BE MIN 18" BELOW GRADE AND MIN 18" WIDE W/ 2# 4 REBAR AT MID-SLAB ELEVATED 4 MIN 5" ABOVE BOTTOM OF FOOTING PROVIDE MIN 18" WIDE X18" DEEP GRADE BEAMS AT ALL STORAGE DOOR OPENINGS. SLOPE STORAGE SPACE SLAB MIN. 1/4" PER FOOT TO DRAIN. PROVIDE MIN 1/2" ROUND X 10" LONG ANCHOR BOLTS AT MAX 6' O/C AND WITH-IN 2' OF ALL CORNERS.



FOUNDATION PLAN

SCALE 1/8" = 1'-0"



IX CANT STRIP

3 PLY DLI ROOFING
OVER 1/2" PLYWD.
DECKING ON 2X
RAFTERS FOR 1/4"
MIN ROOF SLOPE

2' X 6" TOP PLATES

2' X 6" STUDS @ 24" O.C.
W/ D.I. INSULATION
OPTIOLIS
1/2" GELOTEX SHEATHING

5 COAT STUCCO

1/2" EXT. DD.

1/2" ANCHOR BOLT
@ 4'-0" O.C.

2' X 6" BOTTOM PLATE

1" THICK CONC. STEM

FINISH GRADE

#4 VERT. REBAR @ 48" O.C.

2-#4 REBAR CONT.

DAIT NSU.
(OFFICIAL)
2' X 6" W. G. FALK
ROOF JOISTS
@ 24" O.C. W/
RM JOIST CONT.

WOOD BASE

4" CONC. SLAB OVER 4"
GRADED GRAVEL

4 MIL POLY
VAPOR BARRIER

1" THICK BLK DD. NSU.

A WALL SECTION

SCALE: 1/2" = 1'-0"

A-D-1

1 X CANT STRIP

3 PLY D. U. S.
ON 1/2" PLYWD.
ON 2' X 6" RAFTERS
PER FOOT OF
DRAINAGE

2 X

VISTA DEL MONTE

DEAD END

Driveway
IS
Asphalt

6 FT BRICK WALL

Residence
60 x 60
36 sq ft

PROPOSED WALL

PROPOSED SHED - NON VISIBLE
FROM STREET

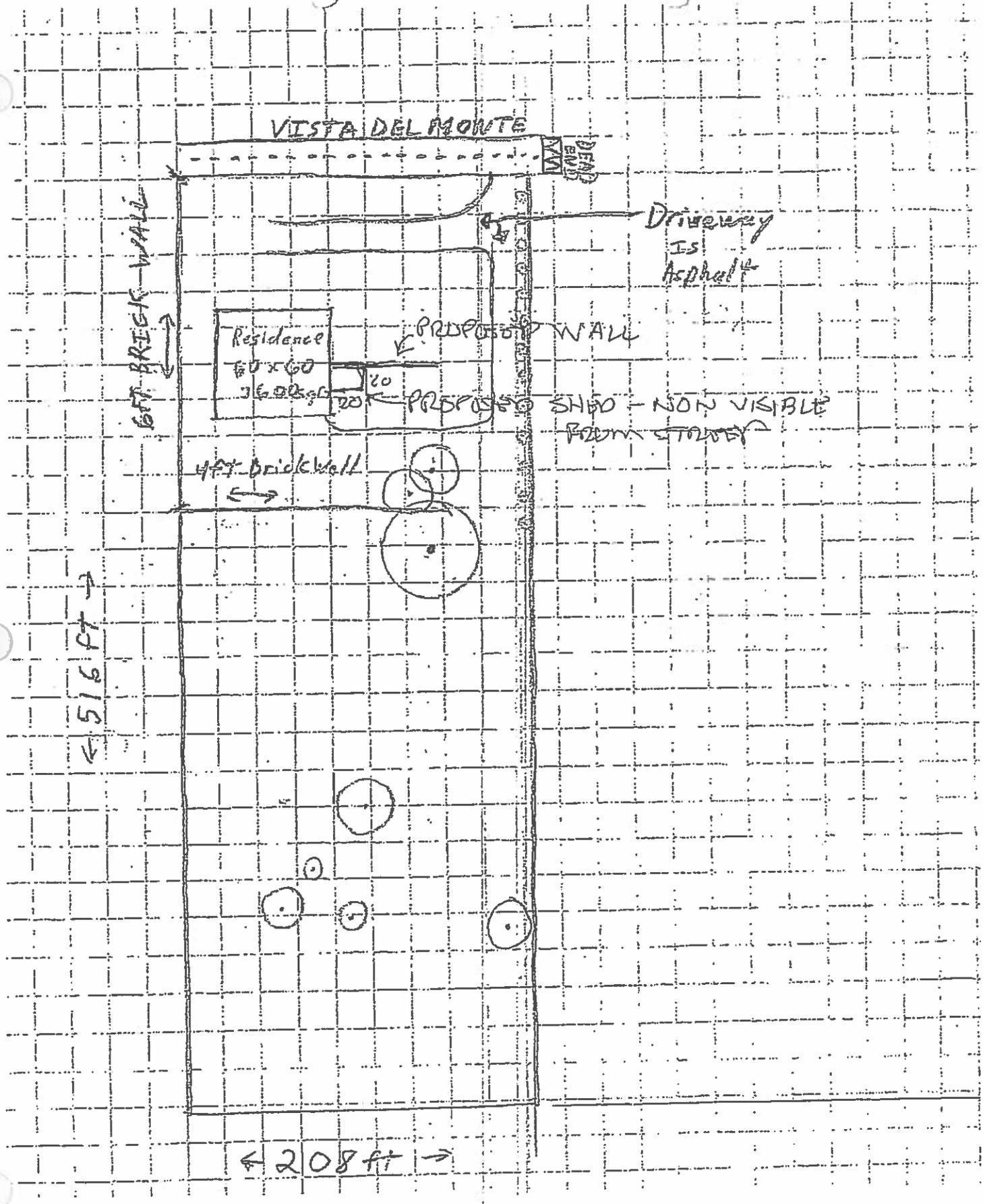
4 FT Brick Wall

516 ft

208 ft

PROPOSED

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HOME OCCUPATION APPLICATION PACKET

AS PER THE COUNTY LAND DEVELOPMENT CODE, ARTICLE III, SECTION 3, AND THE EXTRATERRITORIAL ZONING ORDINANCE, SECTION 5-B-4-d, HOME OCCUPATIONS ARE PERMITTED ANYWHERE IN THE COUNTY, PROVIDED THE FOLLOWING STANDARDS HAVE BEEN MET:

- Not more than six (6) persons other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) nonilluminated name plat sign not more than nine square feet in area;
- The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes of its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation.
- The home occupation shall not involve operations or structures not in keeping with the residential character of the neighborhood.
- No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area (e.g. Noise vibration, glare, fumes, odors, electrical interference).
- No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the residential neighborhood area.
- Parking for employees and for customers or clients of the home occupation shall be provided off the street [one (1) parking space per employee plus one (1) per 400 sq. ft. to be used for the home occupation].
- The home occupation shall be located on the same lot as the permitted principal use of structures or on a contiguous lot in the same ownership.
- Primary sale of goods in connection with the home occupation shall be that which is prepared or produced upon the premises.

ACKNOWLEDGMENT

I hereby acknowledge that I have read the above standards and fully understand what is required of me to operate a home occupation business.

Kath. A.
Signature *for Rachel Taylor*

1/28/12
Date

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PLEASE DESCRIBE THE FOLLOWING

1. WHAT ARE THE ACTIVITIES INVOLVED?

Loving Animal Services provides a service to people in their time of need with their departed pets and trapping of wildlife. The business is Mobile and all work is done at the clients house.

2. WHAT TYPES OF MATERIALS AND EQUIPMENT ARE TO BE USED?

On the property traps will be stored and a small room for a computer and fax is all that is necessary.

3. WHAT METHODS OF OPERATION DO YOU PLAN TO FOLLOW?

When a persons pet passes away Loving Animal Services goes out to the home picks up the pet and transports to the Santa Fe Animal Selter. If the client had a wildlife problem Loving Animal Services goes out to the home and places traps and then relocates all animals to the Santa Fe National Forest.

4. OTHER THAN MEMBERS OF YOUR FAMILY, HOW MANY EMPLOYEES WILL BE ENGAGED IN THE HOME OCCUPATION?

None other than myself.

5. WHAT IS THE TYPE OF PRODUCT TO BE PRODUCED, SERVICED OR REPAIRED?

Sales in departed pets and trapping of wildlife.

6. WILL THERE BE ANY MECHANICAL AND/OR ELECTRICAL EQUIPMENT NECESSARY TO THE CONDUCT OF THE HOME OCCUPATION? IF SO, PLEASE DESCRIBE.

No mechanical equipment and electrical other than a computer and fax.

7. DESCRIBE THE AMOUNT, LOCATION AND METHOD OF STORAGE OF SUPPLIES AND /OR EQUIPMENT.

A 5x5 area in my garage is all that is necessary.

8. DESCRIBE THE LOCATION OF PARKING FOR THE HOME OCCUPATION?

Loving Animal Services will be the only car needing parking. Their will be no cliental at the home.

9. WHAT TYPE AND AMOUNT OF TRAFFIC DO YOU ANTICIPATE TO BE GENERATED PER DAY? WILL THE BUSINESS BE CONDUCTED ON AN APPOINTMENT BASIS?

Loving Animal Services will have no traffic to the area all work is done at the clients house. All appointments will be taken by phone and then Loving Animal Services will go to the clients house.

10. WILL THERE BE A SIGN POSTED ON THE PREMISES? IF SO, PLEASE STATE SIZE & LOCATION. (ATTACH A SKETCH OF THE SIGN SHOWING DIMENSIONS AND WHAT LOGO IT WILL HAVE ON IT.)

The vehicle has signs with logos on both sides of the car this is the only ad on the property.

Project nbr/desc . . : 12 00004009 LOVING ANIMAL SERVICES / HOME
Project type . . . : HOME OCCUPATION BUSINESS LICENSE

Select fees due, press Enter.
1=Select entire amount

Opt	Amount to apply	Bal Due	Fee Description	Trans amt
-	50.00	50.00	FIRE REVIEW BUSINESS LICENSE	50.00
-	75.00	75.00	INSPECTION - INITIAL	75.00
-	100.00	100.00	APPLICATION FEE	100.00
-	175.00	175.00	HOME OCCUPATION/BUSINESS REVIE	175.00

Total 400.00

F3=Exit F5=Select all fees F12=Cancel

Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

June 11, 2012

Loving Animal Service
Rachael Tapia
40 Vista Del Monte
Santa Fe, New Mexico, 87508

Re: Amendment of an existing Home Occupation Business Registration

This letter is in response to your request to amend the Home Occupation Business Registration for Loving Animal Service. Staff has reviewed the material submitted on January 28, 2012, which included: letter of intent; acknowledgement of the home occupation criteria; Development Permit Application; Business Registration Application; vicinity map; letter from NMED Air Quality Bureau dated 1/17/08; site plan; floor plan of the proposed structure; and a report by the manufacturer on emissions testing on the proposed crematory incinerator.

The site was posted for this request in February 2012. The site was reposted on March 21st, 2012, stating that an administrative decision would be made on April 5th, 2012, as the initial posting was not visible to surrounding properties.

On February 21st, 2012 an e-mail was sent to your agent Karl Sommer requesting the following information: amount of animals your client will be processing per week; the type of vehicle she will be using to pick up carcasses; any other type of equipment she may be using other than her vehicle (i.e. forklifts, wheel barrows, etc...); how many trips per day will she be making; hours of operation; storage of carcasses, especially if she should have a surplus; updated emission test on the cremation system; the type of animal carcasses she will be servicing; disposal of unwanted ashes (Exhibit "C"). The email stated that no further action would be taken by the County until the requested information was submitted. No response was provided to the request for additional information apart from an updated emission test on the cremation system. A letter from the NMED Air Quality Bureau, dated May 23rd, 2012, was received via e mail on May 30th, 2012.

The request for an amendment to the existing Home Occupation Business Registration states the application differs from the original 2008 application for the reason that the location of the crematorium has changed. The 2008 request had a separate structure for the crematorium and the new request has the

structure attached to the dwelling. However, the proposed use is identical to the use proposed in 2008.

On March 11, 2008, the Board of County Commissioners (BCC) denied your appeal from the Land Use Administrator and County Development Review Committee's denial of the use of a crematorium as an expansion to an existing Home Occupation Business (Exhibit "A"). The denial by the BCC was supported by Judge Daniel A. Sanchez of the First Judicial District Court (Exhibit "B").

Staff has reviewed the findings of the BCC on the 2008 request and has determined that this application is for the same use and that the application is not substantially different from the 2008 application. Therefore your request is denied.

Article II, Section 2.3.4b of the Code states: "Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) calendar days of the date the appeal is filed. The County Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications". (Exhibit "D")

Staff will be happy to meet with you to discuss any concerns or questions you may have, please do not hesitate to contact this office at 986-6225.

Sincerely,



Penny Ellis-Green
Interim Land Use Administrator

CC; Jose E. Larrañaga, Commercial Development Case Manager

**EMISSIONS TESTING
of the
FOSTER'S PET CREMATION SERVICE
B & L SYSTEMS, INC. BLP 500/150
ANIMAL CREMATORY INCINERATOR
Spring Hill, Florida**

March 9, 2004

FDEP Permit No.: 1010377-002-AO
EU No. 003
SES Reference No. 04S61

Conducted by:

SOUTHERN ENVIRONMENTAL SCIENCES, INC.
1204 North Wheeler Street
Plant City, Florida 33563
Phone (813) 752-5014, Fax (813) 752-2475

Project Participants

Mark S. Gierke
Dale A. Wingler
Travis B. Nelson

NBB-43

EMISSIONS TESTING
of the
FOSTER'S PET CREMATION SERVICE
B & L SYSTEMS, INC. BLP 500/150
ANIMAL CREMATORY INCINERATOR
Spring Hill, Florida

March 9, 2004

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1.0 INTRODUCTION

Southern Environmental Sciences, Inc. conducted emissions testing of the Foster's Pet Cremation Service animal crematory on March 9, 2004. This facility is located at 15204 County Line Road, Spring Hill, Florida. Testing was conducted for particulates, carbon monoxide and visible emissions. Oxygen (O_2) concentrations were measured to correct emission rates to 7% O_2 . Testing was performed to determine if the plant was operating in compliance with requirements of the Florida Department of Environmental Protection (FDEP).

2.0 SUMMARY OF RESULTS

The facility was found to be in compliance with all applicable emission limiting standards. Results of the particulate and carbon monoxide testing are summarized in Table 1. Particulate emissions from this source are limited to a maximum allowable concentration of 0.080 grains per dry standard cubic foot (corrected to 7% O_2), and 0.30 pounds per hour. The average measured particulate concentration was 0.009 grains per dry standard cubic foot (corrected to 7% O_2), and 0.031 pounds per hour, well within the limit. The maximum allowable carbon monoxide emissions concentration from this source is 100 parts per million, dry basis (corrected to 7% O_2), and 0.17 pounds per hour. The average measured carbon monoxide emission concentration was 4.3 parts per million, dry basis (corrected to 7% O_2), and 0.01 pounds per hour, well within the allowable limit.

A visible emissions evaluation was performed over a one hour period. The average

TABLE 1. EMISSIONS TEST SUMMARY

Company: FOSTER'S PET CREMATION SERVICE

Source: Animal Crematory Incinerator

	Run 1	Run 2	Run 3
Date of Run	3/9/04	3/9/04	3/9/04
Process Rate (lbs/hr)	124	124	124
Start Time (24-hr. clock)	1135	1302	1425
End Time (24-hr. clock)	1238	1403	1526
Vol. Dry Gas Sampled Meter Cond. (DCF)	35.293	36.308	37.298
Gas Meter Calibration Factor	0.986	0.986	0.986
Barometric Pressure at Barom. (in. Hg.)	30.14	30.14	30.14
Elev. Diff. Manom. to Barom. (ft.)	0	0	0
Vol. Gas Sampled Std. Cond. (DSCF)	34.324	34.476	35.476
Vol. Liquid Collected Std. Cond. (SCF)	8.020	6.794	5.913
Moisture in Stack Gas (% Vol.)	18.9	16.5	14.3
Molecular Weight Dry Stack Gas	29.04	29.12	29.30
Molecular Weight Wet Stack Gas	26.95	27.29	27.69
Stack Gas Static Press. (in. H ₂ O gauge)	-0.01	-0.01	-0.01
Stack Gas Static Press. (in. Hg. abs.)	30.14	30.14	30.14
Average Square Root Velocity Head	0.164	0.175	0.178
Average Orifice Differential (in. H ₂ O)	1.049	1.041	1.118
Average Gas Meter Temperature (°F)	80.6	93.7	92.9
Average Stack Gas Temperature (°F)	1240.3	1367.1	1359.6
Pitot Tube Coefficient	0.84	0.84	0.84
Stack Gas Vel. Stack Cond. (ft./sec.)	17.01	18.68	18.85
Effective Stack Area (sq. ft.)	1.77	1.77	1.77
Stack Gas Flow Rate Std. Cond. (DSCFM)	457	482	501
Stack Gas Flow Rate Stack Cond. (ACFM)	1,803	1,981	1,999
Net Time of Run (min.)	60	60	60
Nozzle Diameter (in.)	0.611	0.611	0.611
Percent Isokinetic	108.7	103.6	102.5

TABLE 1. EMISSIONS TEST SUMMARY (con't)

Company: FOSTER'S PET CREMATION SERVICE
 Source: Animal Crematory Incinerator

	Run 1	Run 2	Run 3	
Date of Run	3/9/04	3/9/04	3/9/04	
Process Rate (lbs/hr)	124	124	124	
Start Time (24-hr. clock)	1135	1302	1425	
End Time (24-hr. clock)	1238	1403	1526	
Oxygen (%)	8.0	10.0	10.5	
				<u>Average</u>
Particulate Collected (mg.)	34.0	11.1	7.4	
Particulate Emissions (gr./DSCF)	0.015	0.005	0.003	0.008
Particulate Emissions (gr./DSCF @ 7% O2)	0.016	0.006	0.004	0.009
Allowable Part. Emissions (gr./DSCF @ 7% O2)				0.080
Particulate Emissions (lb./hr.)	0.060	0.021	0.014	0.031
Allowable Part. Emissions (lb./hr.)				0.30
CO Emissions (PPM)	3.08	2.25	5.00	4.3
CO Emissions (PPM @ 7% O2)	3.3	2.9	6.7	4.3
Allowable CO Emissions (PPM @ 7% O2)				100
CO Emissions (lb./hr.)	0.006	0.005	0.011	0.007
Allowable CO Emissions (lb./hr.)				0.12

Note: Standard conditions 68°F, 29.92 in. Hg

maximum six minute opacity was zero percent, well within the allowable limit of 5 percent.

3.0 PROCESS DESCRIPTION

The B & L Systems, Inc. Model BLP 500/150 Series crematory incinerator cremates animal remains in an environmentally acceptable manner. Emissions are controlled by an afterburner. The afterburner is preheated and maintained at a minimum operating temperature of 1600°F prior to ignition of the primary chamber. The unit is designed to be charged with a maximum of 500 pounds of animal remains and incinerate at a maximum rate of 150 pounds per hour with a maximum heat input of 1.35 MMBTU per hour (primary chamber 0.35 MMBTU per hour, secondary chamber 1.0 MMBTU/hr), each chamber fired exclusively on propane gas only. The time required for complete incineration depends upon the total weight of the waste. Process operational data was provided by facility personnel and is included in the appendix.

4.0 SAMPLING PROCEDURES

4.1 Methods

All sampling was performed using methods currently acceptable to the FDEP. Particulate sampling and analyses were conducted in accordance with EPA Method 5 - Determination of Particulate Emissions from Stationary Sources, 40 CFR 60, Appendix A-3. Carbon monoxide emissions were conducted in accordance with EPA Method 10 - Determination of Carbon Monoxide Emissions from Stationary Sources, 40 CFR 60, Appendix A-4. The oxygen content of the stack gas was determined in accordance with EPA Method 3B - Gas

Analysis for the Determination of Emission Rate Correction Factor or Excess Air, 40 CFR 60, Appendix A-2. The visible emissions evaluation was performed using procedures described in EPA Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources, 40 CFR 60, Appendix A-4.

4.2 Sampling Locations

Locations of the sample ports and stack dimensions are shown in Figure 1. Particulate sampling was accomplished by conducting horizontal traverses through each of two ports located on the stack at a ninety degree angle from one another. Twenty four sample points were chosen in accordance with EPA Method 1 - Sample and Velocity Traverses for Stationary Sources, 40 CFR 60, Appendix A-1. Carbon monoxide and oxygen sampling were performed from the same sampling ports as the particulate sampling.

4.3 Sampling Trains

The particulate sampling train consisted of a Nutech Corporation 3 foot quartz lined probe and nozzle, a heated glass fiber filter and four impingers arranged as shown in Figure 2. Flexible tubing was used between the heated filter and the impingers. The first two impingers were each charged with 100 milliliters of water, the third served as a dry trap and the fourth impinger was charged with indicating silica gel desiccant. The impingers were cooled in an ice and water bath during sampling. A Nutech Corporation control console was used to monitor the gas flow rates and stack conditions during sampling.

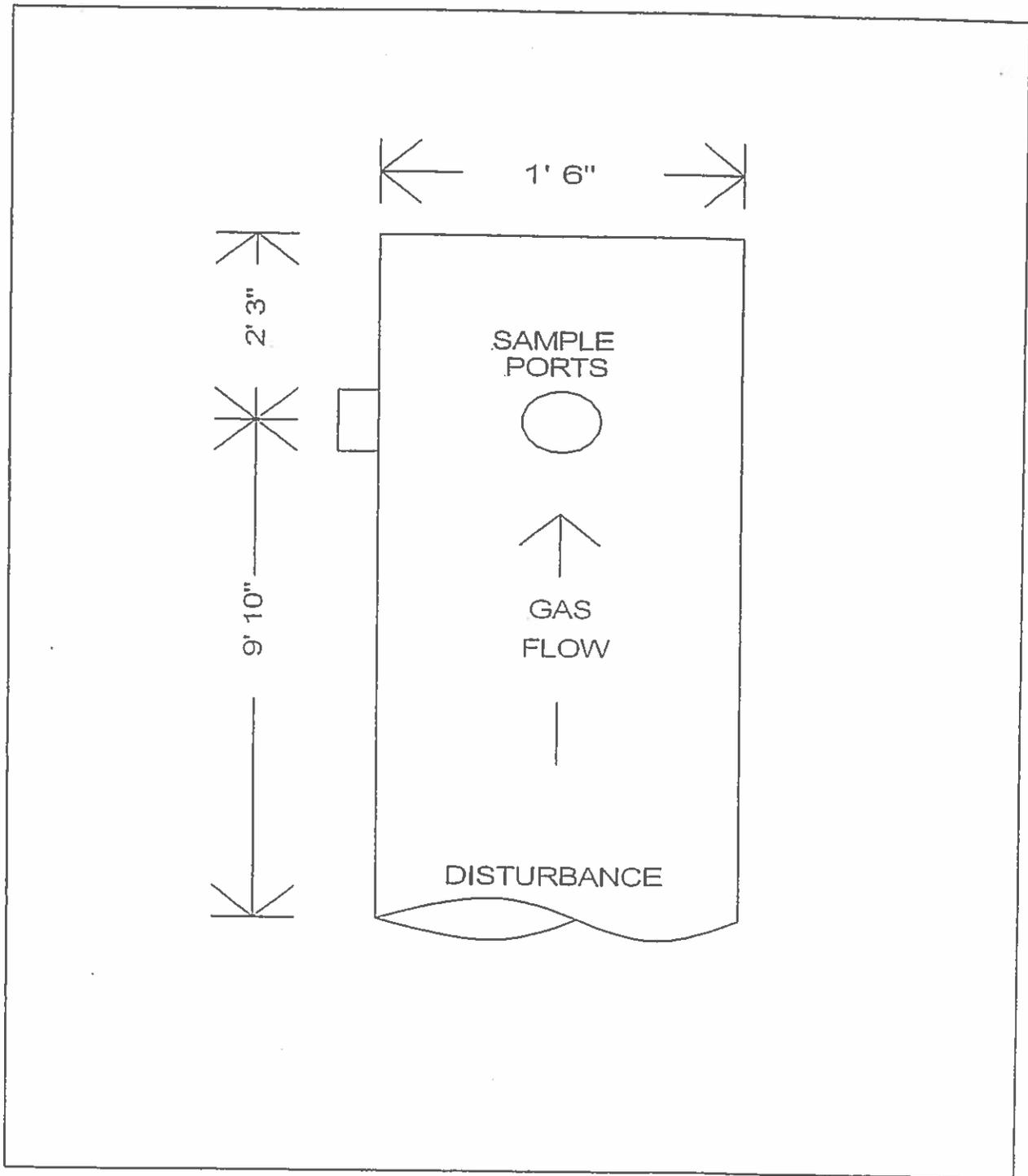


Figure 1. Stack Dimensions and Sample Port Locations, Foster's Pet Cremation Service, Animal Crematory Incinerator, Spring Hill, Florida.

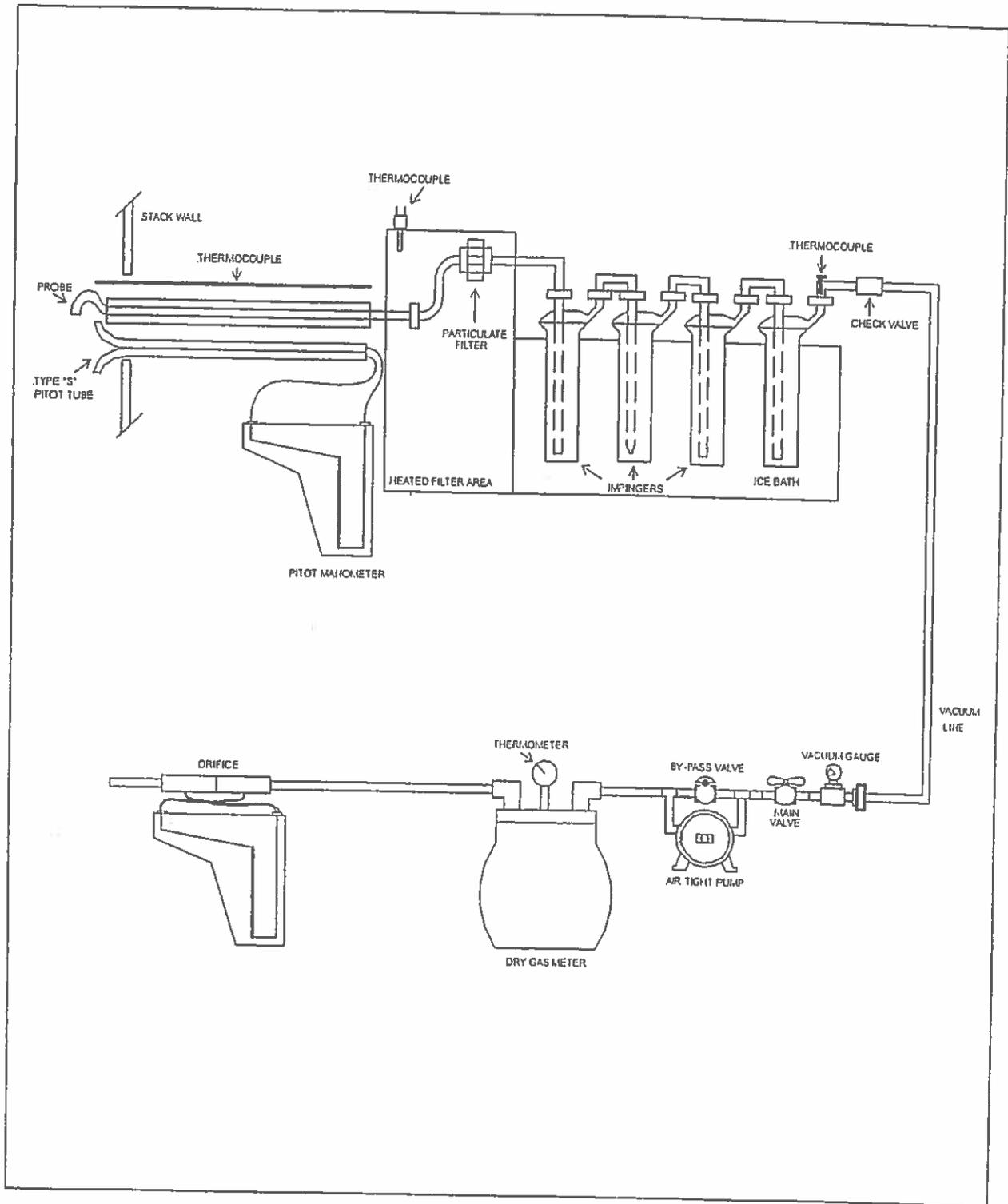


Figure 2. EPA Method 5 Sampling Train.

The carbon monoxide sampling train consisted of a stainless steel probe, teflon sample line, condenser, silica gel and carbon dioxide adsorbent tubes and a Thermo Environmental Instruments, Inc. Model 48 Gas Filter Correlation CO analyzer arranged as shown in Figure 3. The oxygen sampling train consisted of a probe, sample line, tedlar bag in a rigid container, valve, vacuum pump, and flow meter.

4.4 Sample Collection

Prior to particulate sampling, the pitot tubes were checked for leaks and the manometers were zeroed. A pretest leak check of the particulate sampling train was conducted by sealing the nozzle and applying a 15" Hg vacuum. A leak rate of less than 0.02 cubic feet per minute was considered acceptable. Particulate sample was collected isokinetically for two and one half minutes at each of the points sampled.

The carbon monoxide analyzer was calibrated immediately prior to the beginning of the test and checked after each run by introducing known gases into the instrument through the sampling train.

The tedlar bag used for obtaining an integrated oxygen sample was leak checked prior to the test by pressurizing it to 2 to 4 in. H₂O and allowing it to stand overnight. The bag was considered leak free if it remained inflated. A one hour integrated sample was obtained at a rate 0.5 liters per minute for each run.

Carbon monoxide and oxygen sampling were conducted simultaneously with particulate

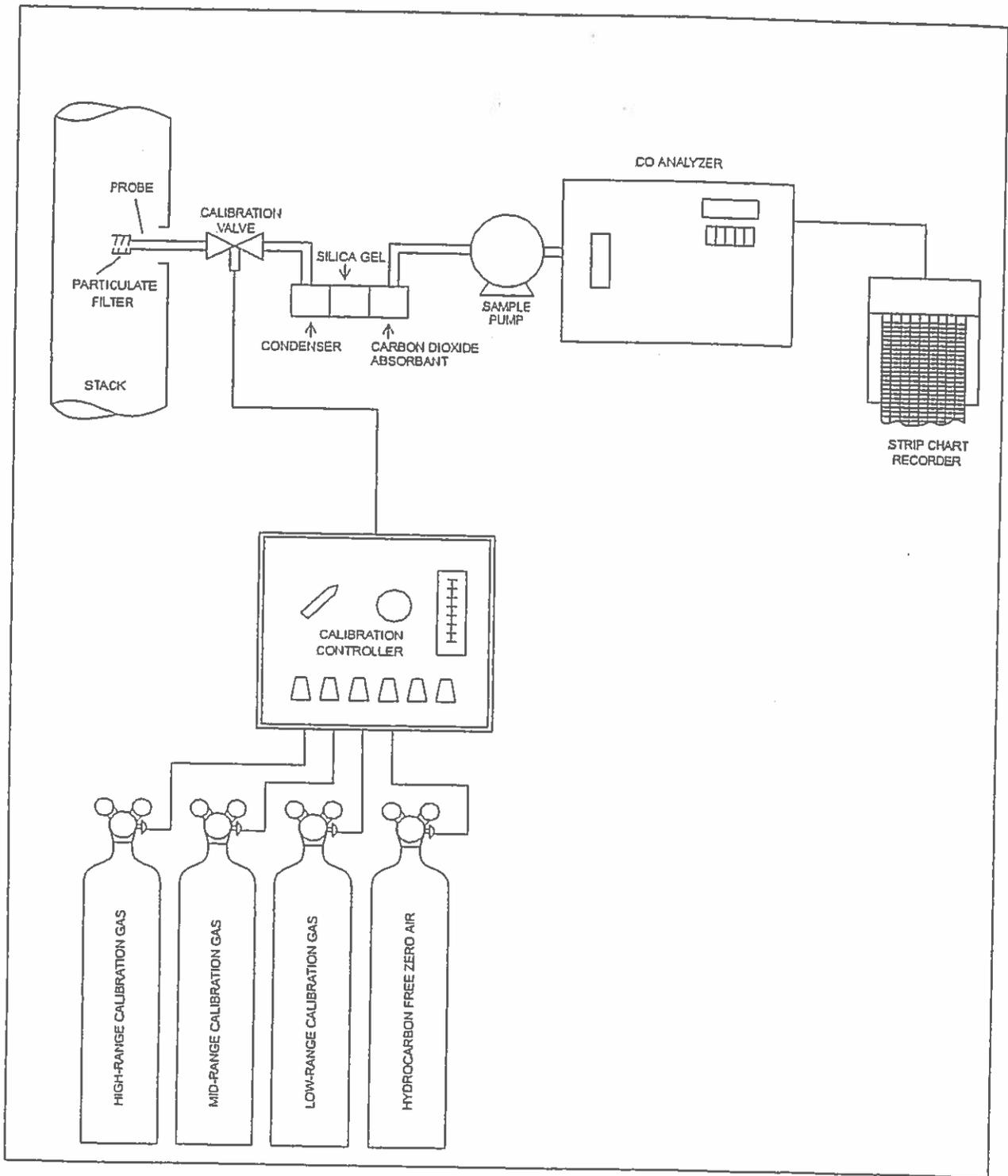


Figure 3. EPA Method 10 Sampling Train.

sampling.

4.5 Sample Recovery

A post test leak check of the particulate sampling train was performed at the completion of each run by sealing the nozzle and applying a vacuum equal to or greater than the maximum value reached during the sample period. A leak rate of less than 0.02 CFM or 4 percent of the average sampling rate (whichever was less) was considered acceptable. The nozzle and probe were then brushed and rinsed with reagent grade acetone and the washings were placed in clean polyethylene containers and sealed. The glass fiber filter was removed from the holder with forceps and placed in a covered petri dish for return to the laboratory. The front half of the filter holder was rinsed with acetone and the washings were added to the nozzle and probe wash. The contents of the first three impingers were measured volumetrically and the silica gel in the fourth impinger was weighed to the nearest 0.1 gram for determination of moisture content.

Two calculations of the moisture content of the stack gas were made for each run, one from the impinger analysis and one from the assumption of saturated conditions based upon the average stack gas temperature and a psychrometric chart as described in EPA Method 4, Determination of Moisture Content in Stack Gases, 40 CFR 60, Appendix A. The lower of the two values of moisture content was considered to be correct and was used in the emissions computations.

5.0 ANALYTICAL PROCEDURE

5.1 Pretest Preparation

The glass fiber filters for the particulate train were numbered, oven dried at 105°C for two to three hours, desiccated and weighed to a constant weight in preparation for the test. Results were recorded to the nearest 0.1 milligram. Filters were loaded into holders and a filter was set aside as a control blank. The impingers were charged as described in section 4.3 and the contents of the fourth impinger were weighed to the nearest 0.1 gram.

5.2 Analysis

Upon return to the laboratory, the particulate filters were removed from the containers with forceps, dried at 105°C for two to three hours, desiccated and weighed to a constant weight. Results were recorded to the nearest 0.1 milligram. The probe and nozzle washes and an acetone blank were measured volumetrically and transferred to clean, tared evaporating dishes and evaporated to dryness over low heat. The evaporating dishes were then oven dried at 105°C for two to three hours, desiccated and weighed to a constant weight. Results were recorded to the nearest 0.1 milligram. The total particulate reported is the sum of the filter weight gain and the weight gain of the evaporating dishes, corrected for the acetone blank.

APPENDIX

Project Participants

Certification

Visible Emissions Evaluation

Process Operational Data

Laboratory Data

Temperature Recording Chart

Field Data Sheets

CO Analyzer Strip Chart

Calibration Data

Calculations and Symbols

SOUTHERN ENVIRONMENTAL SCIENCES, INC.
1204 North Wheeler Street, Plant City, Florida 33566 (813)752-5014

VISIBLE EMISSIONS EVALUATION

COMPANY Foster's Pet Cremation Service	
UNIT Animal Crematory Incinerator	
ADDRESS 15204 County Line Rd Spring Hill, FL	
PERMIT NO. 1010377-002-A0	COMPLIANCE? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
AIRS NO. 1010377	EU NO. 003
PROCESS RATE 497 lb Batch 124 lbs/hr	PERMITTED RATE 500 lb Batch 150 lbs/hr
PROCESS EQUIPMENT Bth 500/150 Crematory	
CONTROL EQUIPMENT AFTurbower	
OPERATING MODE Nat. Gas Fired	AMBIENT TEMP. (°F) START 70 STOP 75
HEIGHT ABOVE GROUND LEVEL START N20' STOP same	HEIGHT REL. TO OBSERVER START N20' STOP same
DISTANCE FROM OBSERVER START N80' STOP same	DIRECTION FROM OBSERVER START 350° STOP 350°
EMISSION COLOR NONE	PLUME TYPE N/A CONTIN. <input type="checkbox"/> INTERMITTENT <input type="checkbox"/>
WATER DROPLETS PRESENT NO YES <input type="checkbox"/>	IS WATER DROPLET PLUME N/A ATTACHED <input type="checkbox"/> DETACHED <input type="checkbox"/>
POINT IN THE PLUME AT WHICH OPACITY WAS DETERMINED START Stack Exit STOP same	
DESCRIBE BACKGROUND START SKY STOP same	
BACKGROUND COLOR START gbl/wht STOP same	SKY CONDITIONS START Scat. STOP same
WIND SPEED (MPH) START 3-10 STOP same	WIND DIRECTION START S STOP S
AVERAGE OPACITY FOR HIGHEST PERIOD 0%	RANGE OF OPAC. READINGS MIN. 0 MAX. 0
SOURCE LAYOUT SKETCH DRAW NORTH ARROW	
COMMENTS Serial # 203-17-93 #3 Incinerator	

OBSERVATION DATE 3/9/04		START TIME 1135		STOP TIME 1235					
SEC	0	15	30	45	SEC	0	15	30	45
MIN					MIN				
0	0	0	0	0	30	0	0	0	0
1	0	0	0	0	31	0	0	0	0
2	0	0	0	0	32	0	0	0	0
3	0	0	0	0	33	0	0	0	0
4	0	0	0	0	34	0	0	0	0
5	0	0	0	0	35	0	0	0	0
6	0	0	0	0	36	0	0	0	0
7	0	0	0	0	37	0	0	0	0
8	0	0	0	0	38	0	0	0	0
9	0	0	0	0	39	0	0	0	0
10	0	0	0	0	40	0	0	0	0
11	0	0	0	0	41	0	0	0	0
12	0	0	0	0	42	0	0	0	0
13	0	0	0	0	43	0	0	0	0
14	0	0	0	0	44	0	0	0	0
15	0	0	0	0	45	0	0	0	0
16	0	0	0	0	46	0	0	0	0
17	0	0	0	0	47	0	0	0	0
18	0	0	0	0	48	0	0	0	0
19	0	0	0	0	49	0	0	0	0
20	0	0	0	0	50	0	0	0	0
21	0	0	0	0	51	0	0	0	0
22	0	0	0	0	52	0	0	0	0
23	0	0	0	0	53	0	0	0	0
24	0	0	0	0	54	0	0	0	0
25	0	0	0	0	55	0	0	0	0
26	0	0	0	0	56	0	0	0	0
27	0	0	0	0	57	0	0	0	0
28	0	0	0	0	58	0	0	0	0
29	0	0	0	0	59	0	0	0	0
Observer: Mark Gierke									
Certified by: FNP Certified at: Ty MP9									
Date Certified: 2/04 Exp. Date: 8/04									
I certify that all data provided to the person conducting the test was true and correct to the best of my knowledge.									
Signature: See Process with Sr. Trans.									
Title:									

PROJECT PARTICIPANTS AND CERTIFICATION

FOSTER'S PET CREMATION SERVICE
B & L SYSTEMS, INC. BLP 500/150
ANIMAL CREMATORY INCINERATOR
Spring Hill, Florida

March 9, 2004

Project Participants:

Mark S. Gierke
Dale A. Wingler
Travis B. Nelson

Conducted the field testing.

Fred T. Smith II (Foster's Pet Cremation)

Provided process rates.

Mark S. Gierke

Performed visible emissions
evaluation.

Kenneth M. Roberts

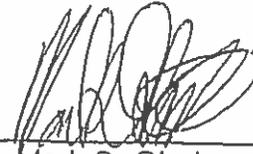
Performed laboratory analyses.

Dale A. Wingler

Prepared the final test report.

Certification:

I certify that to my knowledge all data submitted in this report is true and correct.



Mark S. Gierke

NBB-58

SOUTHERN ENVIRONMENTAL

PROCESS WEIGHT STATEMENT

DATE 3/9/04 SAMPLING TIME : FROM 11:35 A.M. TO 3:25 P.M.

STATEMENT OF PROCESS WEIGHT

COMPANY:	Foster's Pet Cremation Service
MAILING ADDRESS	15204 County Line Rd.
	Spring Hill, FL 34610
SOURCE IDENTIFICATION	Animal Crematory Incinerator
SOURCE LOCATION	Spring Hill, FL

DATA ON OPERATING CYCLE TIME

START OF OPERATION, TIME		
END OF OPERATION, TIME		
ELAPSED TIME		
IDLE TIME DURING CYCLE		
DESIGN PROCESS RATING	PROCESS WEIGHT RATE (INPUT)	
	PRODUCT (OUTPUT)	

* 497 lbs/Batch

DATA ON ACTUAL PROCESS RATE DURING OPERATION CYCLE

MATERIAL	Animal Bodies	RATE	R#1 124 lbs/hr
MATERIAL	" "	RATE	R#2 124 lbs/hr
MATERIAL	" "	RATE	R#3 124 lbs/hr
AVERAGE PROCESS WEIGHT		RATE	
PRODUCT		RATE	
PRODUCT		RATE	
PRODUCT		RATE	

I certify that the above information is true and correct to the best of my knowledge.

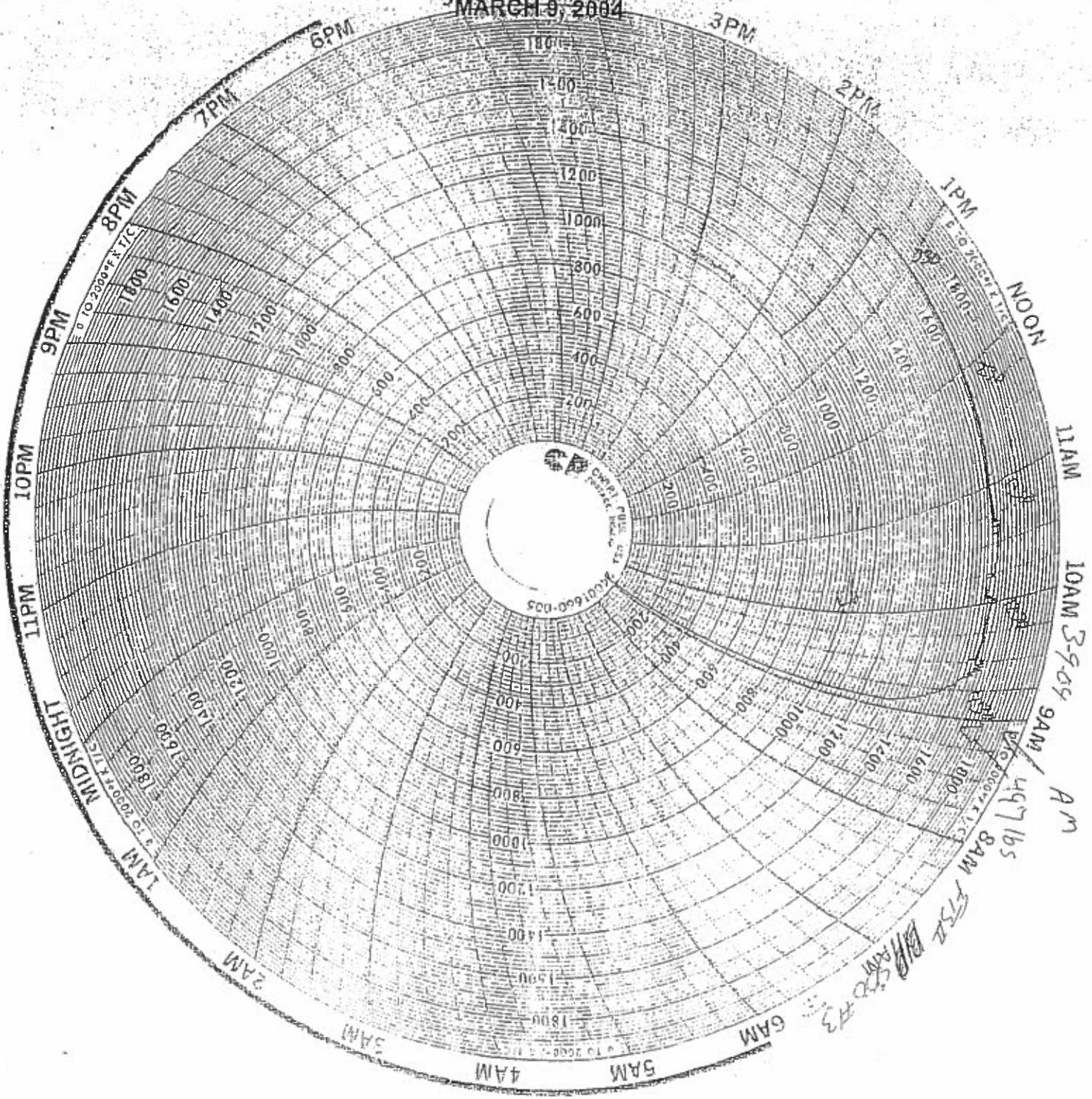
Name (PLEASE PRINT) Fred T. Smith

Signature Fred T. Smith

Title Operator

FOSTER'S PET CREMATION SERVICE
ANIMAL CREMATORY INCINERATOR

MARCH 9, 2004



09-88

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

PARTICULATE MATTER COLLECTED

Plant: FOSTER'S PET CREMATION SERVICE
 Unit No. ANIMAL CREMATORY INCINERATOR
 Test Date: 03/09/2004

Analyzed by: DW

Acetone blank container no.	108	Filter blank no.	7158
Acetone blank volume, ml. (Va)	200	Filter blank tare weight, g.	0.3691
Acetone blank final weight, g.	104.2163	Filter blank final weight, g.	0.3692
Acetone blank tare weight, g.	104.2159	Filter weight diff., g.	0.0001
Acetone blank weight diff., g. (ma)	0.0004		

Run No. 1
 Filter No. 7111
 Liquid lost during transport, ml. 0
 Acetone wash container no. 23
 Acetone wash volume, ml. (Vaw) 100
 Acetone wash residue, g. (Wa) 0.0002

Container Number	WEIGHT OF PARTICULATE COLLECTED		
	Final Weight	Tare Weight	Weight Gain
1 (Filter)	0.3935	0.367	0.0265
2 (Wash)	100.6231	100.6154	0.0077
TOTAL			0.0342
Less acetone blank, g. (Wa)			0.0002
Weight of particulate matter, g.			0.0340

Run No. 2
 Filter No. 7113
 Liquid lost during transport, ml. 0
 Acetone wash container no. 43
 Acetone wash volume, ml. (Vaw) 95
 Acetone wash residue, g. (Wa) 0.0002

Container Number	WEIGHT OF PARTICULATE COLLECTED		
	Final Weight	Tare Weight	Weight Gain
1 (Filter)	0.3686	0.3661	0.0025
2 (Wash)	108.7303	108.7215	0.0088
TOTAL			0.0113
Less acetone blank, g. (Wa)			0.0002
Weight of particulate matter, g.			0.0111

Run No. 3
 Filter No. 7117
 Liquid lost during transport, ml. 0
 Acetone wash container no. 4
 Acetone wash volume, ml. (Vaw) 105
 Acetone wash residue, g. (Wa) 0.0002

Container Number	WEIGHT OF PARTICULATE COLLECTED		
	Final Weight	Tare Weight	Weight Gain
1 (Filter)	0.3695	0.3692	0.0003
2 (Wash)	103.1044	103.0971	0.0073
TOTAL			0.0076
Less acetone blank, g. (Wa)			0.0002
Weight of particulate matter, g.			0.0074

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

MOISTURE COLLECTED

Plant Foster's Crematory

Unit Animal Incinerator
 Date 3/9/04
 Run No. 1

Impinger Number	1	2	3	4	Weighed by:
Final Weight (grams):	<u>260.0</u>	<u>100.0</u>	<u>0</u>	<u>261.0</u>	<u>[Signature]</u>
Initial Weight (grams):	<u>100.0</u>	<u>100.0</u>	<u>0</u>	<u>250.9</u>	<u>[Signature]</u>
Difference (grams):	<u>160.0</u>	<u>0</u>	<u>0</u>	<u>10.1</u>	
Total Condensate (grams):				<u>170.1</u>	

Unit Animal Incinerator
 Date ~~3/9/04~~ 3/9/04
 Run No. ~~1~~ 2

Impinger Number	1	2	3	4	Weighed by:
Final Weight (grams):	<u>230.0</u>	<u>106.0</u>	<u>0</u>	<u>253.9</u>	<u>[Signature]</u>
Initial Weight (grams):	<u>100.0</u>	<u>100.0</u>	<u>0</u>	<u>245.8</u>	<u>[Signature]</u>
Difference (grams):	<u>130.0</u>	<u>6.0</u>	<u>0</u>	<u>8.1</u>	
Total Condensate (grams):				<u>144.1</u>	

Unit Animal Incinerator
 Date 3/9/04
 Run No. 3

Impinger Number	1	2	3	4	Weighed by:
Final Weight (grams):	<u>210.0</u>	<u>106.0</u>	<u>0</u>	<u>255.0</u>	<u>[Signature]</u>
Initial Weight (grams):	<u>100.0</u>	<u>100.0</u>	<u>0</u>	<u>245.6</u>	<u>[Signature]</u>
Difference (grams):	<u>110.0</u>	<u>6.0</u>	<u>0</u>	<u>9.4</u>	
Total Condensate (grams):				<u>115.4</u>	

Airgas Specialty Gases
 12722 South Wentworth Avenue
 Chicago, IL 60628
 773.785.3000 Fax: 773.785.1928
 www.airgas.com

Certificate of Analysis: E.P.A. Protocol Gas Mixture

Certification performed in accordance with "EPA Traceability Protocol (Sept.1997)"
 using assay procedures listed.

Cylinder No:	<u>SX32489</u>	Order No:	<u>157779-00</u>
Certification Date:	<u>01/6/2003</u>	Expiration Date:	<u>01/6/2006</u>
Cylinder Pressure:	<u>2000</u>	Part No:	<u>E02NI99E15A0700</u>

*Do not use cylinder below 150 psig.

Component	Certified Concentration	Unit of Measure	Accuracy	Procedure	Analytical Principle
Carbon Monoxide	120.7	PPM	1%	G-1	NDIR
Nitrogen	Balance				

Nox
 (Reference Value Only)

Reference Standard Information

Type	Component	Concentration	Unit	Cylinder Number
NTRM	Carbon Monoxide	244.7	PPM	SG9159519BAL

Analytical Data

Component 1	<u>Carbon Monoxide</u>			
1st Analysis Date:	<u>12/30/2002</u>			
Zero	<u>0.000</u>	Cand	<u>120.700</u>	Ref <u>244.800</u>
Zero	<u>0.000</u>	Cand	<u>120.700</u>	Ref <u>244.800</u>
Zero	<u>0.000</u>	Cand	<u>120.700</u>	Ref <u>244.800</u>
2nd Analysis Date:	<u>01/06/03</u>			
Zero	<u>0.000</u>	Cand	<u>120.800</u>	Ref <u>244.800</u>
Zero	<u>0.000</u>	Cand	<u>120.800</u>	Ref <u>244.800</u>
Zero	<u>0.000</u>	Cand	<u>120.900</u>	Ref <u>244.700</u>

Analyzed by: [Signature]

Approved by: [Signature]

Airgas Specialty Gases
 12722 South Wentworth Avenue
 Chicago, IL 60628
 773.785.3000 Fax: 773.785.1928
 www.airgas.com

Certificate of Analysis EPA Protocol Gas Mixture

Cylinder No:	SG9162702BAL	Reference Number:	54-ST9736-000
Cylinder Pressure:	2,013 psig	Expiration Date:	09/30/2006
Certification Date:	09/30/2003	Laboratory:	ASG - Chicago - IL

Certified Concentrations

Component	Concentration	Accuracy	Analytical Principle	Procedure
Carbon Monoxide	142.4 PPM	+/- 1%	NDIR	G1
Nitrogen	Balance			

Certification performed in accordance with "EPA Traceability Protocol (Sept. 1997)" using the assay procedures listed. Analytical Methodology does not require correction for analytical interferences.

Notes:

Do not use cylinder below 150 psig.

Approved for Release *[Signature]*

Reference Standard Information

Type	Component	Cyl. Number	Concentration
NTRM	Carbon Monoxide	SG9159474BAL	244.7 PPM

Analytical Results

1st Component	Carbon Monoxide	
1st Analysis Date:	09/22/2003	
R 244.7 S	142.3 Z 0.0000	Conc 142.4 PPM
S 142.4 Z	0.0000 R 244.7	Conc 142.3 PPM
Z 0.0000 R	244.7 S 142.4	Conc 142.4 PPM
		AVG: 142.4 PPM
2nd Analysis Date:	09/30/2003	
R 244.7 S	142.5 Z 0.0000	Conc 142.4 PPM
S 142.4 Z	0.0000 R 244.7	Conc 142.5 PPM
Z 0.0000 R	244.7 S 142.5	Conc 142.5 PPM
		AVG: 142.5 PPM

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

GAS ANALYSIS DATA FORM

Plant	Foster's Pet Cremation Service		
Unit	Animal Crematory Incinerator	Test No.	1
Date	3/9/04	Sampling Location	Stack
Sampling Time (24-hr Clock)	1135-1235		
Sample Type:	Continuous <input type="checkbox"/>	Integrated Bag <input checked="" type="checkbox"/>	Grab <input type="checkbox"/>
Analytical Method	DSAT		
Operator	MCG		
	Ambient Temperature 68°F		

GAS ↓	1		2		3		Average Net Volume	Multiplier	Molecular Weight of Stack Gas (Dry Basis) (M _d)
	Actual Reading	Net	Actual Reading	Net	Actual Reading	Net			
CO ₂	4.5	4.5	4.5	4.5	4.5	4.5	4.5	.44	
O ₂ (NET IS ACTUAL O ₂ READING MINUS ACTUAL CO ₂ READING)	12.5	8.0	12.5	8.0	12.6	8.1	8.0	.32	
CO (NET IS ACTUAL CO READING MINUS ACTUAL O ₂ READING)								.28	
N ₂ (NET IS 100 MINUS ACTUAL CO READING)								.28	
								TOTAL	

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

GAS ANALYSIS DATA FORM

Plant	Foster's Pet Cremation Service		
Unit	Animal Crematory Incinerator		
Date	3/9/04	Test No.	2
Sampling Time (24-hr Clock)	1302-1402	Sampling Location	Stack
Sample Type: Continuous <input type="checkbox"/>	Integrated Bag <input checked="" type="checkbox"/>	Grab <input type="checkbox"/>	
Analytical Method	DISAT		
Operator	MG		
	Ambient Temperature 74°F		

GAS ↓	1		2		3		Average Net Volume	Multiplier	Molecular Weight of Stack Gas (Dry Basis) (M _d)
	Actual Reading	Net	Actual Reading	Net	Actual Reading	Net			
CO ₂	4.5	4.5	4.5	4.5	4.5	4.5	.44		
O ₂ (NET IS ACTUAL O ₂ READING MINUS ACTUAL CO ₂ READING)	14.5	10.0	14.5	10.0	14.5	10.0	.32		
CO (NET IS ACTUAL CO READING MINUS ACTUAL O ₂ READING)							.28		
N ₂ (NET IS 100 MINUS ACTUAL CO READING)							.28		
	TOTAL								

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

GAS ANALYSIS DATA FORM

Plant	FOSTER'S WET CREMATION SERVICE		
Unit	Animal Crematory	Test No.	3
Date	3/9/04	Sampling Location	Stack
Sampling Time (24-hr Clock)	1425.1525		
Sample Type:	Continuous <input type="checkbox"/>	Integrated Bag <input checked="" type="checkbox"/>	Grab <input type="checkbox"/>
Analytical Method	DISPAT		
Operator	MG		
		Ambient Temperature	75°

GAS ↓	1		2		3		Average Net Volume	Multiplier	Molecular Weight of Stack Gas (Dry Basis) (Md)
	Actual Reading	Net	Actual Reading	Net	Actual Reading	Net			
CO ₂	5.5	5.5	5.5	5.5	5.5	5.5	.44		
O ₂ (NET IS ACTUAL O ₂ READING MINUS ACTUAL CO ₂ READING)	16.0	10.5	16.0	10.5	16.0	10.5	.32		
CO (NET IS ACTUAL CO READING MINUS ACTUAL O ₂ READING)							.28		
N ₂ (NET IS 100 MINUS ACTUAL CO READING)							.28		
							TOTAL		

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

POSTTEST DRY GAS METER CALIBRATION FORM

Meter Box Number: 002 Wet Test Meter No.: P-576
 Date: 03/24/2004 Pretest Y: 0.986
 Barometric Pressure: 30.38 Callbrated by: TW

Time (min)	Gas Volume (ft. ³)	Temperature (Deg. F)	Barometric Pressure (in. Hg)	Temperature (Deg. F)	Pressure Differential (in. H ₂ O)	Vacuum Setting (in. Hg)	Ratio (Y _i)
2.00	10.000	10.363	71.5	78.0	12.57	10.00	0.972
2.00	10.000	10.503	71.0	86.0	12.62	10.00	0.974
2.00	10.000	10.632	71.0	93.0	12.67	10.00	0.975
Average							0.974

Acceptable Limits 0.937 to 1.035

$$Y_i = \frac{V_w P_b (T_d + 460)}{V_d (P_b + \Delta H / 13.6) (T_w + 460)}$$

Where:

- V_w = Gas volume passing through the wet test meter, ft.³.
- V_d = Gas volume passing through the dry gas meter, ft.³.
- T_w = Temperature of the gas in the wet test meter, deg F.
- T_{d_i} = Temperature of the inlet gas of the dry gas meter, deg F.
- T_{d_o} = Temperature of the outlet gas of the dry gas meter, deg F.
- Delta H = Pressure differential across orifice. in. H₂O.
- Y_i = Ratio of accuracy of wet test meter to dry gas meter for each run.
- Y = Average ratio of accuracy of wet test meter to dry gas meter for all three runs; tolerance = pretest Y +/- 0.05Y.
- P_b = Barometric pressure, in. Hg
- Theta = Time of calibration run, min.

THERMOMETER CALIBRATIONS

Ref.	Wet Test Meter		Dry Gas Meter	
	Inlet (Deg. F)	Outlet (Deg. F)	Inlet (Deg. F)	Outlet (Deg. F)
75.0	n/a	73.0	n/a	73.0
Difference	n/a	2.0	n/a	2.0

Quality Control Limits = +/- 5 Deg F

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

DRY GAS METER CALIBRATION

Meter Box Number: 002 Barometric Pressure: 29.99
 Date: 07/03/2003 Wet Test Meter No.: P-576

Orifice Diameter (Orifice) In. H ₂ O	Gas Volume		Temperature		Time (Theta) Min.	Yi	Delta H@ In. H ₂ O
	Wet Test Meter (Vw) ft. ³	Dry Gas Meter (Vd) ft. ³	Wet Test Meter (Tw) Deg. F.	Dry Gas Meter (Td) Deg. F.			
0.50	5.000	5.155	76.0	86.5	12.15	0.988	1.641
1.00	5.000	5.196	76.0	91.0	8.88	0.987	1.738
1.50	10.000	10.428	76.0	93.0	14.28	0.986	1.680
2.00	10.000	10.470	75.5	95.0	12.50	0.985	1.707
3.00	10.000	10.489	75.0	97.0	10.43	0.985	1.773
4.00	10.000	10.485	75.0	98.0	9.15	0.985	1.816
						0.986	1.726

Delta H@ Acceptable Range 1.926 to 1.526
 Yi Acceptable Range 1.006 to 0.966

$$Y_i = \frac{V_w P_b (T_d + 460)}{V_d (P_b + \Delta H / 13.6) (T_w + 460)}$$

$$\Delta H@ = \frac{.0317 (\Delta H)}{P_b (T_d + 460)} \left[\frac{(T_w + 460) (\Theta)}{V_w} \right]^2$$

Where:

- Vw = Gas Volume passing through the wet test meter, ft.³.
- Vd = Gas Volume passing through the dry gas meter, ft.³.
- Tw = Temperature of the gas in the wet test meter, deg. F.
- Td = Average temperature of the gas in the dry gas meter, deg. F.
- Delta H = Pressure differential across orifice, in. H₂O.
- Yi = Ratio of accuracy of wet test meter to dry gas meter for each run.
- Y = Average ratio of accuracy of wet test meter to dry gas meter for all three runs; tolerance = pretest Y +/- 0.05Y.
- Pb = Barometric pressure, in. Hg
- Theta = Time-of-calibration-run, min.

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

TYPE S PITOT TUBE INSPECTION FORM

PITOT TUBE ID NUMBER	003INC	
INSPECTION DATE	03/31/03	
INSPECTED BY	T. Wilson	
PITOT TUBE ASSEMBLY LEVEL ?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
PITOT TUBE OPENINGS DAMAGED ?	YES (explain please)	<input checked="" type="radio"/> NO

ANGLE	MEASUREMENT	LIMITS
α_1	2°	< 10°
α_2	3°	< 10°
β_1	3°	< 5°
β_2	2°	< 5°
γ	2°	
θ	3°	
A	.290 inches	
$z = A \sin \gamma$.010 inches	< 1/8 inch
$w = A \sin \theta$.015 inches	< 1/32 inch
P_a	.145 inches	
P_b	.145 inches	
Dt	.190 inches	

COMMENTS:

CALIBRATION REQUIRED	YES	<input checked="" type="radio"/> NO
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SOUTHERN ENVIRONMENTAL SCIENCES, INC.
THERMOMETER CALIBRATIONS

Calibrated By/Date: T. Wilson 3/31/03

ALL TEMPERATURES ARE DEGREES RANKIN

ID No.	Type	Range	ICE BATH			TEMPID WATER			BOILING WATER			HOT OIL		
			STD Therm	Temp	Deg or Diff	STD Therm	Temp	Deg or Diff	STD Therm	Temp	Deg or Diff	STD Therm	Temp	Deg or Diff
T1	PT	2000° F	495	496	0.2%	539	537	0.1%	672	670	0.2%	860	861	0.3%
T2	PT	2000° F	495	497	0.2%	539	537	0.1%	673	672	0.2%	870	872	0.3%
T3	PT	2000° F	495	497	0.2%	539	538	0.1%	673	671	0.3%	870	872	0.3%
T4	PT	2000° F	494	496	0.2%	539	538	0.1%	674	672	0.3%	863	864	0.2%
T5	PT	2000° F	494	496	0.2%	539	538	0.2%	672	670	0.2%	860	862	0.2%
T6	PT	2000° F	494	496	0.2%	539	537	0.3%	672	674	0.3%	852	854	0.2%
T7	PT	2000° F	495	497	0.2%	539	538	0.3%	673	671	0.2%	853	854	0.3%
T8	PT	2000° F	495	498	0.1%	539	537	0.2%	674	672	0.1%	864	865	0.2%
T9	PT	2000° F	495	497	0.1%	539	538	0.3%	673	671	0.1%	854	856	0.3%
Lab 14	BM	212° F	494	495	1°	538	535	1°	672	673	2°	-	-	-
I5	BM	250° F	494	495	1°	536	535	1°	672	672	2°	-	-	-
I6	BM	220° F	494	496	1°	536	536	2°	672	672	3°	-	-	-
SS110	BM	220° F	494	496	1°	540	539	2°	670	672	2°	-	-	-
SS300	PT	2000° F	495	497	0.2%	540	538	0.1%	674	672	0.2%	850	852	0.2%
SS301	PT	2000° F	495	497	0.2%	540	538	0.2%	672	670	0.1%	856	858	0.2%
SS306	PT	2000° F	495	496	0.2%	540	538	0.2%	672	670	0.2%	856	858	0.2%
2.5'PA	PT	2000° F	495	496	0.2%	541	538	0.0%	673	672	0.2%	852	854	0.3%
2.5'PB	PT	2000° F	495	497	0.2%	541	538	0.0%	672	674	0.3%	856	858	0.3%
3'P	PT	2000° F	495	497	0.2%	541	539	0.1%	673	675	0.2%	858	860	0.3%
3'INC	PT	2000° F	494	496	0.1%	540	538	0.1%	676	678	0.2%	852	854	0.3%
5'PA	PT	2000° F	494	496	0.3%	540	539	0.0%	672	674	0.3%	856	858	0.2%
5'PB	PT	2000° F	495	497	0.3%	540	538	0.1%	674	672	0.3%	856	858	0.3%
5'PC	PT	2000° F	495	497	0.3%	540	538	0.2%	674	672	0.1%	856	858	0.3%
5'VP	PT	2000° F	495	497	0.2%	541	540	0.2%	676	678	0.2%	856	858	0.2%
5'INC	PT	2000° F	494	496	0.3%	542	540	0.1%	674	676	0.1%	850	852	0.3%
8'PA	PT	2000° F	494	496	0.3%	541	538	0.0%	676	678	0.2%	856	858	0.2%
8'PB	PT	2000° F	494	495	0.3%	541	539	0.1%	676	678	0.3%	856	858	0.3%
10'P	PT	2000° F	494	495	0.2%	541	539	0.0%	674	676	0.3%	854	856	0.2%

Quality Control Limits: Impinger Thermometers ± 2°F, Bimetallic Thermometers(Bm) ± 5°F, Pyrometers/Thermocouples(PT) ± 1.5%

2RR-126

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

PRESSURE MEASUREMENT DEVICE CALIBRATION FORM

Device Type	Magnehelic	Calibration Date	04/01/2003
Range	0 - .25" H2O	Calibrated by	K. Roberts
Manufacturer	Dwyer	Reference Device	Manometer
Serial No.	R991014CA18	Measurement Units	" H2O

Device Reading	Reference Device Reading	% Difference*
0	0	0.00
0.059	0.06	-1.67
0.119	0.12	-0.83
0.18	0.18	0.00
0.249	0.25	-0.40

* % difference shall not exceed +/- 5%

NBB-77

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

1204 North Wheeler Street St. Plant City, Florida 33563 (813) 752-5014

INSTRUMENT CALIBRATION

TEST DATA	
DATE	03/09/2004
COMPANY	FOSTER'S PET CREMATION SERVICE
SOURCE	BLP 500/150 ANIMAL CREMATORY
PARAMETER	CARBON MONOXIDE
TECHNICIAN	M. GIERKE

INSTRUMENT DATA		
	MONITOR	RECORDER
MANUFACTURER	TECO	Yokogawa
MODEL NO.	48	
SERIAL NO.	48-27158-228	
RANGE (PPM)	200	6CM/HR

CALIBRATION GASES			
SUPPLIER	AIR PRODUCTS	AIR PRODUCTS	AIR PRODUCTS
CYLINDER #	SG9170323	SX32489	SG9162702
CONC. (PPM)	56.9	120.7	142.4
EXPIRATION DATE	04/25/2004	01/06/2006	09/30/2006

POINT	OBSERVED CONC.	ACTUAL CONC.	PERCENT DIFF.
1	0	0	0.00
2	55.6	56.9	-0.65
3	122	120.7	0.65
4	142	142.4	-0.20

Regression Output:

Constant		1.6234
Std Err of Est		1.9109
R Squared		1.0000
No. of Observations		4
Degrees of Freedom		2
X Coefficient (s)	1.0058	
Std Err of Coef	0.0029	

NBB-78

For Technical Information Call
1-800-752-1597

Air Products and Chemicals, Inc. * 12722 S. Wentworth Avenue, Chicago, IL 60628

ISO CERTIFICATION: 9002

CERTIFICATE OF ANALYSIS: EPA PROTOCOL GAS STANDARD

PERFORMED ACCORDING TO EPA TRACEABILITY PROTOCOL FOR ASSAY AND CERTIFICATION OF GASEOUS CALIBRATION STANDARDS (PROCEDURE #G1)

Customer: 851 -1
APCI-LARGO
7900 118TH AVENUE NORTH
LARGO FL 33773-

Order No: CSS704108-01
Batch No: 86181785
PO:
Release:

Cylinder No: SG9170323BAL
Bar Code No: PHK790
Cylinder Pressure*: 2000 psig
Certification Date: 04/25/2001
Expiration Date: 04/25/2004

CERTIFIED CONCENTRATION		REFERENCE STANDARDS			ANALYTICAL INSTRUMENTATION			
Component	Certified Concentration	Cylinder Number	Standard Type	Standard Concentration	Instrument Make/Model	Serial Number	Last Calibration	Measurement Principal
CARBON MONOXIDE	56.92 .60 PPM	SG9161497BAL	NTRM 81679	99.90 PPM	HORIBA VIA-510	405079	04/01/01	NON DISPERSIVE INFRARED

NITROGEN Balance Gas

* STANDARD SHOULD NOT BE USED BELOW 150 PSIG

EPA PROTOCOL GAS MIXTURE : CARBON MONOXIDE IN NITROGEN
To reorder this mixture please use Mix ID: 27578

NBB-79

Suzanne Hauter
SUZANNE HAUTER

Approved By: *James Laas*
James Laas