

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 87

The next paragraph, the applicants were unable to implement the reclaimed water plant, etc. That's addressed again in the third amendment and the first page here it also says that there's a concern that the applicants may continue to violate the covenants in terms of minimum square footage of floor space. We have an affidavit signed by the late Jane Petchesky that quantifies that the 1500 square feet includes heated and unheated square footage and that this is a private covenant that is being conformed to and again, this is an inference that we don't carry out our plans.

There's also a lot of out of context documents in this 25-page letter that has to do with water availability assessment and statements from the State Engineer, the Office of the State Engineer, issuing a negative opinion. Well, the State Engineer issues a negative opinion on every subdivision in the city or the county because his position is the City and the County do not have a demonstrable 100-year water plan. So this is taken out of context and out of meaning to say or imply that La Pradera has not followed the correct County procedures in terms of this water budget. As a matter of fact La Pradera has more than adequate water service agreements. The original water service agreement came out of the Duran Consent Decree to do this subdivision twice over. But again, the inference is that we do not.

There's another page here, it's an extract out of a recorded document, 2004, that has to do with water user restrictions and Mr. Cooke states that in effect we're not in compliance when in fact we're doing much better. We have a .13 recorded and we're actually doing somewhere around .11 acre-feet per year based on existing three-year historical data. So we also had a letter from Marcella Wiard, one of our homeowners. She was concerned about changes to lot sizes or changes from commercial to residential. So what wasn't stressed in our Phase I approval discussion is that we were obligated to build 32,667 square feet of commercial of which – and this is our recorded Phase I plat – of which half, 50 percent, could be residential. We were also approved at the same time for 11 condo units and there's an inference or a mistaken take that live/work equals affordable housing, and one of our homeowners is concerned about that. I believe that is Marcella.

That's not the case. The condos were not live/work. We already met our affordable requirement in Phase I or have identified other lots that have to be built still, but not the condos. So all through this also many of our homeowners are fearful that we're doing this – making this master plan amendment request irresponsibly and because we are blatantly greedy developers. Now, I jokingly refer to myself as a greedy developer because those words are hyphenated anyway; you can't be a developer without being greedy. But I'm certainly not blatant and the fact that we're providing lots that are essentially the same size as our standard lots should be applauded. We are actually building homes right now. We're going vertical. We're adding jobs, and we're taking care, as Alexis stated, being the stewards of this project.

Now, one of our other homeowners, Crow Rising, is concerned about 50 percent open space. We not only have maintained the 50 percent we're actually a little bit in excess of that. She was concerned that her yard would be equipped with landscaping. We only contributed or sold the lot. We weren't the builder and we made no promises. So I want Crow Rising, if she's here to know that if representations were made she needs to go back to the builder to meet those. And here Crow Rising states that the common thread is that the developers of La Pradera say one thing and do another. That's not the case and this is why I wanted to make these corrections because it really isn't fair to the homeowners nor to us to base a lot of these

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 88

secondary letters on a flawed first letter from Mr. Cooke.

When we developed the first phases we did have Advantage Asphalt contracting with us. They got permission to have a yard for the equipment. We have recently had them clean it up and what's left behind is clean dirt. We're going to be using some of it. Some of it is standing by to be recycled, broken pieces of asphalt and concrete. It certainly is a mountain but it's not trash hidden in the corner. So I respect these comments but again, you can appreciate why I want our homeowners and you, Commissioners, to hear our position as well.

CHAIR VIGIL: I have a question for you, Mr. McCarthy. Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair. It could be Mr. McCarthy or maybe even staff. I'm looking at the summary right now and it says Gardner Associates, La Pradera, Applicants, request master plat for 22 residential units live/work lots on 2.27 acres. I've heard the applicant and I've heard staff refer to 8,000 square feet. I've heard you refer to 7,000 square feet but I guess – help me understand. It doesn't equate as far as lot size. I'm not at this point even making any determination. It's more about 4,500 square feet per lot to equate to 22 lots for 2.27 acres. So clarify that for me.

MR. MCCARTHY: Madam Chair, Commissioner Anaya, there's two separate sets of information and you're going to the heart of the matter. What we're asking the Commission to approve tonight is to modify the existing zoning in this area here, Phase I which is already approve for 32,667 square feet of commercial with half of it being residential and 11 condos on three lots. All we're asking for is permission to use the master plat process to complete that development. This is already approved. Those lots would be roughly 4,000 square feet on average, plus or minus. The balance of the request, which will be heard later, is for the modification of lot lines in Phases II through VI, which are here, by reducing these estate lots which I mentioned are on the southern tier and creating 27 other lots here that have an average close to the 7,600 square foot average that we already have when you take all of the lots we have and remove the estate lots. So you find out what the standard size is. And the reason for the explanation of that is to allay the fears of our homeowners that we're coming in with some very, very tiny lots or substantially different than what we already have and are building upon.

COMMISSIONER ANAYA: Madam Chair, just to staff. To put 22 lots on 2.27, acres, it's going to be about 4500 square foot lots. Is that specifically what's requested? Because we heard 7,000, we heard 8,000, and I'm not even saying I'm against or for that, I'm just saying I want to be clear. Commissioner Stefanics asked at the beginning, equate an example of what it looks like, but to put 22 lots on 2.27 acres is 4,500 square foot lots. Am I missing something associated with that?

MS. COBAU: Madam Chair, Commissioner Anaya, it's almost 4,600 square feet. It's 4,594.6 square foot average lot size when you do that math. So you're correct. And the example I was giving was just in Rancho Viejo. I wasn't referring to a specific development.

COMMISSIONER ANAYA: I just want to make sure we're all on the same page. Then I guess my next question is, so we're talking about 4,500 and change square foot lots on this request and we're talking about what's the price point on these lots, suggested?

MR. MCCARTHY: Our price point on these lots really, it's just difficult to

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 89

answer because what we're doing –

COMMISSIONER ANAYA: A range.

MR. MCCARTHY: Well, may I, Madam Chair, Commissioner Anaya, what we're looking at is a completed package, but a range of these lots would probably be somewhere in the \$85,000 range. So all of these lots, as Vahid has laid them out as they could be detached. They'll be two story. But because they'll be oddly shaped you can't impose a grid upon them at this time.

COMMISSIONER ANAYA: But you, Madam Chair, Mr. McCarthy, you're going to sell lots and houses together, correct?

MR. MCCARTHY: Yes.

COMMISSIONER ANAYA: What's the range on a built-out lot? Low side, high side?

MR. MCCARTHY: Well, Madam Chair, Commissioner Anaya, right now our experience is from \$239,900 to \$425,000. We're hoping that these lots will be in the mid-range of the \$239,000 to \$425,000. They'll be good quality homes.

COMMISSIONER ANAYA: Madam Chair, Mr. McCarthy, thank you.

CHAIR VIGIL: Okay. Mr. McCarthy, who will be giving the next part of your presentation?

MR. MCCARTHY: I would like to pass the mike to Oralynn to touch a few issues on wastewater and water in general.

CHAIR VIGIL: Okay. Are you done?

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: I'm Oralynn Guerrerortiz with Design Ingenuity, and my address is P.O. Box 2758 here in Santa Fe, New Mexico. I'm just going to talk a little bit about the wastewater system. La Pradera's all six phases are going to be served or are served by the La Pradera reclamation facility, which is an advanced tertiary treatment plant. It treats nitrogen, reduces that and recirculates that and it is in 100 percent compliance and always has been with the State. We're actually going through our five-year renewal period at this point. There was a suggestion that the ED is unaware of who our operator is. Our operator is Leonard Quintana. He's a level 4 wastewater operator. He's excellent. Actually, he used to be an employee here at the County years ago; we were lucky enough to have him.

The project is not just a simple septic tank. There was – there is a filtration and disinfection system as part of the plant but the filtration and disinfection system served water that flowed to commodes, for toilet flushing, and it was decided to turn off the commode and toilet flushing facilities. They were never really in demand. Every house had to be plumbed so it had the possibility of having potable water or reclaimed water in a toilet and very few people actually wanted to use the reclaimed water in the toilet, so that system was actually shut down completely. The filtration and disinfection is not used. Reclaimed water is used at La Pradera for the irrigation of common areas, like it's down at Rancho Viejo. As a result La Pradera actually I think has the lowest water use of any project in the county and I'd love the County to verify this. The most recent year there were 51 lots that were served by the County and we're at .117 acre-feet per year. So I think this has always been a model of a low water using project. I'm very proud of that aspect of it.

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 90

There was issues raised about odors associated with the treatment plant. Fortunately, the treatment plant through different maintenance operations odors are escaping, when you're washing down things, when you're cleaning things, you do get odor issues. And other times I'm not even sure where the odor is coming from. Often when I'm there I can't smell it. I guess I'm hitting it at the wrong time. But nevertheless, I'm sure there are odors at times. We're also working regularly to find out what problems existing and trying to rectify them. We have actually two parallel plants out at La Pradera. That's because the second phase will build another plant that has a lot of capacity and we're going to bring that second plant on line just so we can take the first plant down which has been in service for a number of years now, about five years, and do a thorough checkup on it and look at it a little more carefully on the inside to see where some of our sources of odors are.

Other than that, if you have any other questions, if anybody raises any other questions with regard to wastewater, I'd love to be able to answer them. Thank you.

CHAIR VIGIL: Thank you. Next person. Who will be presenting, if there are? Are there any other further presenters?

MR. MCCARTHY: Madam Chair, there's quite a few other issues. I'd just like to mention a couple. This is in direct response to our Vista Ocaso neighbor Lisa Burns, who has written two letters. But I wanted to address her concern about her groundwater and cisterns. We are on the County water line which is wheeling water from the City, so we do not have a direct impact on her groundwater. In addition she was concerned about our drain field. Our drain field, if I may, Lisa's home is located right here. The wastewater treatment plant is located right here, and the drain field is located up here. So we are – this is a 200-foot scale, so we are substantially quite a ways away from her property and our drain field should not have any impact at all on her property.

In addition, in her second letter there's some misstatements, actually incorrect, and if I may again I believe that many of the obvious reasons to oppose the master plan amendment have already been presented by Matthew Cooke in his opposition filed April 2011. So here we go again working off of bad informational base. And there were three items – violation of the water restrictive covenants of .16. Orallynn has testified to .117; violation of the 1500 square foot minimum per household. Please remember that was Jane Petchesky affidavit that cleared that up; and violation of the availability of reclaimed water for irrigation purposes. That was addressed in the third amendment to the restrictive covenants.

In addition, in this letter from Ms. Burns states that we're not providing solar homes. We never said we would. The inference is we didn't do what we said we were going to do and a further paragraph says evidence when compiled will show that this has not been in compliance since Mr. Summers, the previous building of the system and operator was replaced in 2008. A quick check of the NMED metrics will show that we have always been in compliance and still are.

COMMISSIONER STEFANICS: At this point, we have all these letters and I think what we were offering to do, and as the vice chair I'm taking over right now, but what we were offering you to do is to offer any information you wanted to before we moved to any other comments, since we are in a public hearing. And is there anything else you want to summarize, not rebuttal to the statements, but anything you want to summarize about the project or the development before we go to other comments?

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 91

MR. MCCARTHY: Madam Vice Chair, Commissioners, yes. In closing, we're not asking for any variances. We're zoned for this use. We're not adding any roads. There's no significant impact from traffic, according to our engineer's report, and we're already zoned for the Phase I use. We're just asking for a procedural approval and direction.

COMMISSIONER STEFANICS: Thank you very much. We're going to move to other comments from the audience, then we'll go to questions and comments from the Board of County Commissioners. If you have any comments to make would you please move over and just line up and we'll take one right after the other, and if we don't move pretty quickly we'll be here till midnight. So if you have anything to say, pro or con, we'd love to hear from you, but please move over to my right, your left and up to the podium. We need you, anybody who is going to speak stand forward and you will all be sworn in at once. So anybody who is going to speak at all please come over so that you can be administered the oath one time. And thank you. We're happy to hear from all of you but please, as she indicated state your name and your address for the record and we'd love to hear from you.

[Duly sworn, Ernie Zapata testified as follows:]

ERNIE ZAPATA: Yes. My name is Ernie Zapata. I reside at 721 Don Felix.

COMMISSIONER STEFANICS: And I should explain. It's been a long evening so people are coming and going to the restroom and making phone calls to their families, but everybody is listening; everybody is paying attention. So please hear with us. So go right ahead.

MR. ZAPATA: Just comments. I'm in the real estate business and I know the developers personally. I've seen what they can do and have done for the public interest as far as providing residences to people that are looking at buying. There's been a few inferences as far as – a few comments as far as stewards of the state. You yourselves as far as the Commission is concerned should be stewards of the state but the land, on behalf of the public of course.

There's been some presentations tonight as far as variances are concerned, some of them being extensions on developments and obviously for the simple points of the economy doesn't allow for any kind of throw the money at it, start quoting it so we can provide housing for people. This county basically lives on tax revenue that is built off of homes that are built. What these types of development do, these people are basically making changes to the development that are going to create a higher density and an affordable price point that can basically for people that are interested for that type of price point. The fact of the matter is it's not only going to be doing that it's also going to be providing jobs. As you all know, people are looking for jobs – construction workers, landscapers, electricians.

So the fact of the matter is that this is in the interest of the whole community as a whole for tax revenue, for jobs as far as the community is concerned. They're not asking for any changes to the development itself. They're basically making a change as far as the complexion of the development itself that is going to make more affordable homes for the community. So other than that I hope you vote in favor of the changes and I appreciate your listening to me.

COMMISSIONER STEFANICS: Next speaker please. There were several people that were sworn in so let's keep going.

[Previously sworn, Rosalie Calhoun testified as follows:]

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 92

ROSALIE CALHOUN: Hi. My name is Rosalie Calhoun and I live at 5 Camino Sabanero. I am also in favor of the changes. I think it's much better for us to not have condos. I've been in communities where you have two accountants, two everything and it does bring up the cost of your monthly assessment. Also I like the change of it being all residential with some work space, as opposed to being commercial and the economy now, with the larger lots in place II through VI, those homes or those lots could have sat for a long time. Right across the street, Oshara has declared bankruptcy as of today or yesterday. I have been in situations where bankruptcy has been declared in other states and I've seen the residences plummet to a low from either the bank taking over or other owners taking over of going down to one third of the value from the original sales. So I think that these changes are needed for this community to continue being successful and I want the developer to stay there and not be put out of business and I don't want this to become another bankrupt community. I think that it is one of the most beautiful developments in the county. Thank you.

COMMISSIONER STEFANICS: Thank you very much. Next person please.  
[Previously sworn, Lisa Burns testified as follows:]

LISA BURNS: I'm Lisa Burns. I live at #11 Las Caballeras in Santa Fe, New Mexico. I'm sort of taken aback because John McCarthy has already torn apart my letter and you guys have already read it as well. But I do want to say that I did speak with Robert George at the Environmental Department yesterday on the telephone. He was not able to tell me who the operator is of the system. He said that he would look into it; he wasn't sure. I ride my horse past that system, a lot. It smells, a lot. It's not just the, whatever, the effluent is that they're watering their – as Orallynn said and she also acknowledged that there are issues with the system, and I smell it all the time. There's the land that Jane Petchesky has donated to the conservation easement is where I ride my horse which is right along the arroyo. It is on a 100-year flood plain on the Arroyo Hondo. There's an aquifer. You can't tell me that that's not an issue with a wastewater treatment plant the size they want to do here. It's a scary situation.

And yes, I am concerned about my water and my groundwater. I think everybody should be concerned because of the smell. Now, Robert George told me, I asked him specifically if the smell is an indication that there could be something wrong with the system. He said, well, an intermittent smell may not but if it's consistent then it is. And it is consistent. I've been snooping in your little wastewater treatment plant, a lot. There are some serious issues. There's a bid stink going on over there and I don't know why they want to cover it up and I don't know why they want to bring on more homes on line when there's some very serious problems with the system and a lot of the other residents here who live in La Pradera can attest to that. And if I'm right will you raise your hand? [A number of people in the audience raised their hands.] That's all I have to say.

COMMISSIONER STEFANICS: Thank you very much. Next person please.  
[Previously sworn, Kimberly Gonzales testified as follows:]

KIMBERLYGONZALES: Madam Chair, Commissioners, I'm Kimberly Gonzales and I reside at 50 La Pradera, and if I may I'd like to present you guys with pictures of some of the problems that we've experienced in our residence. [Exhibit 3] What I'm showing you here is what Advantage Asphalt had created in our open space which is now full of debris, not dirt or clean dirt as Mr. McCarthy referenced, and for months there would be chain link fence around that as well as porta-potties and there were actually dump trucks in

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 93

and out of our subdivision between the hours of 9:30 and 10:00 pm at night, of which I did call the County Sheriff Department because I thought that something was fishy about dump trucks going to that area in the middle of the night.

We have several problems, actually, in La Pradera. One of our biggest problems was break-ins, which occurred frequently and affected many of my neighbors and at the last HOA meeting I recall there was [inaudible] event letting the homeowners know that we were going to have a gated community. And there was a problem because our Vista Ocaso neighbors if we closed down Dinosaur Trail, or Old Dinosaur Trail, rather, to put these gates up to try and reduce the crime rate inside of our subdivision. So we were presented with a different map showing us different entry levels within the subdivision that wouldn't affect our neighbors from Vista Ocaso from crossing through the subdivision. That didn't happen. We never got our gates. We pay homeowner association dues every month for a gated community that was promised at the last HOA meeting that never happened.

My home was also built with a recycled water plumbing in my home and I cannot use that because the effluent water treatment does not work. That was one of the main reasons that I bought in La Pradera was for the open space, the balance with nature and the effluent water treatment system. Sunday night my sons and I were driving home about 9:00 in the evening and they asked what that smell was. The smell was the effluent water treatment system and the wastewater treatment system from the Dinosaur Trail and the Rudy Rodriguez area, which is Phase II, actually Phase VI through IV which they're wanting to add more units to.

If you go by Phases I and II, I actually feel very sorry for our neighbor how lives there because that area where Lisa rides her horse does smell. And he put a play set together for his children and they are never out there because they cannot tolerate the smell.

I'm here asking you guys as our Commissioners to please do something about this because I do not want other people coming and investing into a subdivision that is not working for the current residents. Thank you.

CHAIR VIGIL: Thank you, Kimberly. Next speaker.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield. Do you have a question for –

COMMISSIONER MAYFIELD: Ms. Gonzales. Ms. Gonzales, when were these pictures taken?

MS. GONZALES: Two days ago.

COMMISSIONER MAYFIELD: Thank you.

[Previously sworn, Adriene Simpson testified as follows:]

ADRIENE SIMPSON: Madam Chair, my name is Adriene Simpson. I've already –

CHAIR VIGIL: You've been sworn. Thank you, Adriene.

MS. SIMPSON: Wow. This started out really concise and now it's grown. I'll try and summarize it best I can. Density is one of our issues and I don't think there's ever been a County code that allowed unlimited density like the Community College District Plan does. And there are some good aspects and attributes of the plan and I don't believe the current development is going by that plan. It wasn't their problem of solar homes, it was the Community College District Plan that promised sustainable development with solar homes,

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 94

water reclamation facilities. It's all in every page of the plan, practically.

So just because you have an oversupply of water it doesn't mean that you're supposed to use it, according to this plan. And I would really like to see the math that comes up with the .11 acre-feet a year. That's almost less than 40,000 gallons and I monitor my own water use and I go over it and I'm as frugal as can be. My trees have been there for over 20 years and they're still only ten feet tall. So I really would like to see the math and the data supporting those figures.

As far as the marketability, I don't see the reason to increase the inventory of these small lots. There's already a glut of inventory in La Pradera. By his own admission he says there's two years' worth there. Not to mention Rancho Viejo has also got extensive inventory. These lots are sitting vacant and it's just a huge, gigantic dirt patch out there. We're surrounded by that on the south side and La Pradera's dirt patch is on the north side. So we're just subjected to constant dust storms and tumbleweeds rolling by, not to mention I think there's some concern about the neighboring area. The neighboring areas are not part of this higher density. We're aptly named Dinosaur Trail because we're rural residential, I guess, which is becoming a dinosaur. So again, the density is a question.

As far as the marketability, Mr. McCarthy stated at the Genoveva Chavez meeting that we had that the price points aren't going to drop on these lots. So I don't see how the smaller lot size is going to help with the marketability. And we delivered fliers yesterday in the wind and I hadn't personally seen a lot of the houses in Phase I close up until that time and I have to say there is a marked difference between the market rate homes that are existing out there in Phase I and the affordable homes that are being built now which have no -- they're nowhere near the ones that have already been built. There's no comparison at all.

Anyway, as far as the wastewater plant goes I spoke with Mr. Summers and he was dismayed that he was still listed as the operator on the State documents and was going to correct that immediately, since it's been two years since he's been involved with it, since he was locked out of the system when he raised concerns when they wanted to put Phases II through VI on the existing plant. I don't know what those concerns were based on but I'm sure they can be investigated as there's already an acknowledged problem with the plant, and he stated that it was questionable about the second plant that's coming on line, whether it's being operated properly. Anyway, there's a lot of environmental questions here that need to be addressed before any sort of density increase is agreed to.

I must mention we spent countless hours and time and effort to come to agreement in 2006 in this master plan and the number of lots that were already on it. And that's apparently going out the window. It leaves me concerned -- what are the decisions of this Board worth if they can be just thrown out the window in another few years? How can we make the decisions binding? Finally, I understand that there has to be some room for change because in the residential -- changing the commercial to residential, I don't think that's a bad change. The density, of course, is outlandish and the price of the lots. I don't think it's realistic given the failure of Oshara and the questionable success of the one out in Rancho Viejo.

So I just don't think that the applicant applying for a rubber stamp from Mr. Kolkmeier on any of these issues is prudent. So I'd like to oppose that and any changes should come before the Board. And the lot lines that are already zoned in the commercial development area, those that already have lot lines zoned in there. They may in total be zoned

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 95

commercial but it's not zoned for 22 units. That hasn't been approved by anybody, but they're suggesting that Mr. Kolkmeier can rubberstamp it and approve it without you seeing. So those are my concerns.

CHAIR VIGIL: Thank you very much, Adrian. Let me just do some time management here. Is there any – who else would like to address the Commission? Let me see a show of hands. Sir, would you please come up as you are coming up, and could I see the remainder of the show of hands? Six of you. Okay. Please state your name.

[Previously sworn, Ken Gand testified as follows:]

KEN GAND: My name is Ken Gand. We live at 97 Bosquecillo.

CHAIR VIGIL: Please proceed.

MR. GAND: Our lot size is 10,400 square feet. On that, according to the 4,000, you would be putting 2.5 houses on that lot. They said 1500 square feet, heated and unheated. The average size garage is about 500 square feet, which means the house, the heated area, is going to be about 1,000, possibly less or maybe a little more. That density is going to bring more traffic, smaller lots and squeeze us all in. That is not why we moved to La Pradera. As the signs all said, 50 percent open space. This is a small community. They're not making it a small community anymore. Thank you. I'm very much against the density.

CHAIR VIGIL: Thank you, Mr. Gand. Appreciate your testimony. Whoever would like to come up. There are six people interested in speaking. The only thing I would ask without giving you a time limitation is just not to repeat the testimony that we've already heard.

[Previously sworn, Marcella Wiard testified as follows:]

MARCELLA WIARD: I'm Marcella Wiard and I live at 703 Bosquecillos in Santa Fe, La Pradera. And I'd just like to clarify that when we purchased our home, we were in the first phase and there is a market rate house and there's a very big difference in what our house looks like and the second and third phases look like. They are entirely smaller. And I'm concerned also about the density but what I would like to address is when we purchased our lot we were told that there were 11 condos that were going to be built and seven commercial buildings only. Period. No live/work. I never heard that term before. I work for BT Homes. We presented La Pradera to a lot of the buyers who were out here and homeowners who are here today. We never were using that terminology. And I'm very concerned about the live/work proposal.

CHAIR VIGIL: Thank you, Marcella. Appreciate your testimony. Next.

[Previously sworn, Ron Gallegos testified as follows:]

RON GALLEGOS: Ron Gallegos, Old Dinosaur Trail. I know you don't want to hear the same thing but I just want to quickly reiterate because I think it is important there is a clear delineation between the homes they are building now and what another home is. He stated that Advantage Asphalt had taken down their yard. There is in fact still a portion of their yard in place, so that is not entirely true. I'm sure he's trying to move away from commercial out of the goodness of his heart but just because he feels he can't sell the commercial and that's within his right.

I am concerned that my property, actually bordering La Pradera, I actually never received notice of this until I saw a notice on the mailboxes and that's of big concern to me. Another thing is with his surrounding neighbors and keeping in mind the neighbors that are

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 96

around him they're all 2.5 up to 10-acre lots. My home is on 2.5 acres; there's one residence, it's 2.5 acres. Just a few feet away he wants to put 22 on a smaller lot than I have. He's saying the traffic engineer said there was no impact but that is a considerable amount of more people and a considerable amount of more traffic.

The Commission's approval, when this originally was done, it was under a harsh light from Vista Ocaso and the surrounding neighborhoods that these were conditions of approval. And to go away from that is to go away from original acceptance of this, that being the water as well. I just wanted – it was a hard-fought agreement and I just would like them to stick to the agreement. That's all I have to say.

CHAIR VIGIL: Thank you, Mr. Gallegos. Next.

[Previously sworn, Michael Bartlett testified as follows:]

MICHAEL BARTLETT: My name is Michael Bartlett. I'm at 23 Churchill Road. I live next door to La Pradera Subdivision. From my back window I see homes that remain unfinished and lots that remain empty, the casualties of the downturn in the housing market. Rather than waiting out the downturn La Pradera is asking to make changes to what has already been approved. I'd like to present the following facts. La Pradera has already received approval to build twice the density. When I look at La Pradera and I look at Oshara I see a lot of emptiness. This whole idea of a work/study, work/live situation doesn't seem to have any bearing on the market. As Oshara now just went bankrupt that's another indication of it.

I have 2.5 acres. I'm an adjoining property. A few years ago I asked for a variance for having my existing guesthouse approved. It was denied. I was told it was too much – too many people, too high density for my property. And yet here we're going to try and fit 22 properties on 2.2 acres, less acreage than I have. And in addition to the people who live there, since it is live/work there are going to be people that are coming in and out as business, so there is going to be a lot of traffic that's going to be influencing it.

These are our neighbors. Most of us have lived there five, ten or even more years who love the rural feel of the area. These developers come in every time making this promise and that promise and when they don't get what they seek they come to you asking for changes which harm our neighborhoods. We lose. Our roads are crowded and no one pays to improve them. The beautiful vistas are now being crowded with homes, many of which are empty. When is the insanity going to stop? We'd like you to help protect us all. La Pradera made the plan they did and they have to deal with the consequences, just like I have to deal with my variance getting denied. The reality is that La Pradera is an approved master plan and it is a plan that should remain in effect. Making smaller, lower quality units make some quick sales but the La Pradera developers have shown that their interest is not in making the property better for its owners and neighbors but simply make sales. The electronic gates are still not in place among many other improvements. I ask the Commissioners to keep the master plan intact and to vote no on this ordinance.

CHAIR VIGIL: I'm going to take just a few minutes.

[The Commission recessed from 9:40 to 9:50.]

CHAIR VIGIL: We can proceed at this point in time. Please state your name and continue with your testimony.

[Previously sworn, Tom Gillentine testified as follows:]

SFC CLERK RECORDED 06/03/21

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 97

TOM GILLENTINE: My name is Tom Gillentine. I live at 2256 Calle Cacique and my family and I own five residential lots immediately to the east of La Pradera. I am very definitely opposed to this density. We've talked a lot about square feet tonight but ten units per acre is apartment house density, out here in our nice rural subdivision which Jane Petchesky would in no way approve of. [Applause]

CHAIR VIGIL: Please hold your order. Everyone's testimony needs to be heard. Are you done, Mr. Gillentine?

MR. GILLENTINE: Yes.

CHAIR VIGIL: Thank you very much. Next.

[Previously sworn, Craig Tyler testified as follows:]

CRAIG TYLER: My name is Craig Tyler. I live at 83 La Pradera. The comment I want to make here is that in a market downturn it's harder to sell properties. We all understand that. We're all impacted by it. I suggest as painful when it happens the price will rebound. If we allow them to do what they're proposing it will never come back. What I mean by that is their changes are permanent. So if I may show, using their graphs, this is the original plan, this is what they're changing it to. I think devaluing the neighborhood is pretty obvious. I guess I'll just conclude by saying I'm encourage by the words "protection of property" on the wall behind you and ask for your protection.

CHAIR VIGIL: Thank you, Mr. Tyler. Next.

[Previously sworn, Matthew Cooke testified as follows:]

MATTHEW COOKE: Thank you, Madam Chair. Matthew Cooke, 85 La Pradera. I just have three brief points of consideration. I do have 15 signatures opposing this request as was well as some of the other homeowners. [Exhibit 4] I will submit those for the record please. Also, I'd like to point out that the lot 35 that the applicant has offered to not absorb for the development of the 22 units has not been factored into this 4,500 square foot number. And lastly, based on the recommendation this evening for the developers to work with the village authority in Case #MIS 05-5502, I would like to point out that the La Pradera homeowners are presently unable to vote on issues which affect our communities via the La Pradera Homeowners Association. The La Pradera Homeowners Association is run by the board of directors, Alexis, Girard, John McCarthy and Bob Trujillo and they are the only members with voting rights.

Our only recourse to oppose the propositions of our developers is via these hearings in front of the BCC. Approval of this authoritative request will strip that recourse from La Pradera homeowners. Please consider these facts in your decision. Thank you.

CHAIR VIGIL: Thank you very much, Mr. Cooke. Is that it? Is there anyone else that would like to address the Commission? Okay, Mr. McCarthy or Ms. Guerrerortiz?

MS. GUERRERORTIZ: Thank you, Madam Chair. I just want to make some statements on some things that were brought up. Robert George is the director of the Groundwater Bureau. I don't know how many groundwater discharge permits there are but the fact that he doesn't know who our operator is is not surprising to me. I think that our permit writer is actually on maternity leave currently. It's Melanie Sanchez so she would be best to ask.

The wastewater treatment plant is not in the 100-year floodplain. That's not allowed under any rules in the County or in the State and ours is not in the 100-year floodplain. There

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 98

was a 50-foot setback originally but actually the floodplain has shrunk in that area with some more detailed study recently so it's probably a much larger setback but I haven't measured it.

And with regards to water use in La Pradera, they are really low. Karen Torres has got that information available. She sent it to me in Excel and anybody can get it; it's part of the public record. Thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Guerrerortiz, has anybody or has the Environment Department looked at your wastewater treatment plant and heard some comments from the public that there are some concerns with smell, maybe leaching? Do you have those results you could present to us?

MS. GUERRERORTIZ: The treatment plant has had site visits a few times by the Environment Department since it was constructed and put into use. I have no knowledge of any problems the department's ever raised with me or raised to the owners of the plant. I agree that there are some concerns out there, things that we need to address, some improvements we need to make and we're moving forward with those. But the Environment Department considers the plant in 100 percent compliance.

COMMISSIONER MAYFIELD: Madam Chair, on your comments there, if you are proposing to increase density and you're already indicating there are some improvements or some adjustments you need to make, are you going to have those adjustments brought to us before you increase this density? Are you going to address those concerns you all currently have right now?

MS. GUERRERORTIZ: The changes that we propose to make at the plant are actually in front of the Environment Department currently. And then I'm still trying to figure out causes of things. So why we're moving, we've got two parallel plants there. We're taking the first plant that was a smaller plant out of service and going to bring the larger second plant into service and then look at the first plant a little more carefully to see if we can make some design changes to make some improvements with it. So we have any idea we'll make design changes on that first plant.

The other changes that we're doing are related more to the pumping facilities associated with getting the effluent to the different open space areas for irrigation.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. On that note, so what are the permits or what are you asking the Environment Department to do? To change from one plant to a second plant?

MS. GUERRERORTIZ: No, the second plant has already been approved. What's in front of the department is a renewal, it's the five-year renewal that's the standard practice with the Groundwater Bureau. But as part of that we have been looking at some modifications with regards to the pumping facilities. And also just to integrate the plants better, because we've always tried to set up the plants so that if one had to get shut down the other one could come into play so we have backup systems, and we're basically increasing those backup systems now. That's our intention.

COMMISSIONER MAYFIELD: And if these density changes go through your current existing plants will be able to accommodate?

MS. GUERRERORTIZ: Yes. Our current plant has the capacity of 40,000 gallons per day. We actually could serve a lot more homes than what we have in La Pradera.

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 99

And including if we could add another 50 and we'd still have more than enough capacity in that plant. It was over-designed.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Mr. McCarthy, did you want to address the Commission?

MR. MCCARTHY: Yes, I had several closing comments. One is addressed to Ron Gallegos. Ron, the fence that's still up; you're correct. That's Joe Boyden's yard. He's doing construction now, but Advantage has taken all of their fences out. So we'll probably remove that fence as well, but you're correct, but it wasn't Advantage's fence. I don't know why you weren't noticed. We'll follow up on that with our addressing. We apologize for that.

And then in terms of the traffic impact, I'd like to invite the audience and Commissioners' attention to the fact that in Phase I, our existing approvals were for 11 condos, so by definition, if you multiply 11 times 1500 square feet you'd get, if my math is correct, 16,500 square feet, and we also were approved for 32,667 square feet of commercial, of which half could be residential. So that's about 49,000 square feet that's currently approved. And if you take 21 lots – and Matthew brought the correct point up that by eliminating Lot 35 we'd have 21 units in the layout, times 1500, we're looking at 31,500 square feet.

So when you look at the change from the existing approval to what we're proposing, it's just going from 49,000 down to 31,500, it's easier to understand the statement that we don't have negative traffic impact. So I stand for questions from the Commission, and thank you to the audience and the Commission.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. McCarthy, were you able to look at these photos? Was a copy provided to you?

MR. MCCARTHY: No, sir, but I'm out there every day and I know that there is a pile of debris, that it's construction debris. There's some asphalt and there's some broken concrete as well as two piles, pretty high piles of dirt.

COMMISSIONER MAYFIELD: Mr. McCarthy, is this on development property? Is this on a construction company's property?

MR. MCCARTHY: No, sir. Where that's located is – this phase here was never built. It's approved but it wasn't built. The yard in question is right down here in the southwest corner and one of our neighbors asked us to remove it which we then did, but this is an unrecorded phase, so it's not in open space or anything, it's just undeveloped land at this point.

COMMISSIONER MAYFIELD: Mr. McCarthy, and I asked our recorder, but wasn't it your testimony a little earlier that this is just fill dirt and it's all clean?

MR. MCCARTHY: What I had testified – when we had originally started this development there was a mound of dirt here that was about 35 feet high. We moved that over here and so there's now – and that's been reduced somewhat. So there's a large mound of dirt at this location. There's another mound of dirt here that's clean fill, and then in front of that there's the two stacks of concrete, broken concrete and asphalt right here in this location. And Advantage is in the process of removing that as well. So it takes a while to ship that out but they're moving it.

Excuse me, Madam Chair, Commissioner, if I may say so, this was an allowed use

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 100

that while these phases were being built it was used as a marshalling yard and since we're not doing any construction right now it does need to be moved.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. McCarthy, how long has this debris been sitting there if you have not been doing any construction out there?

MR. MCCARTHY: Well, the large pile has been sitting there since we moved the large pile from here over to here. It's been sitting there for a number of years, probably since 06, 07.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Any further questions? And I do believe there's no one else in the public that wants to address us so unless someone would – please step forward.

[Duly sworn, Trish Trujillo testified as follows:]

TRISH TRUJILLO: The only thing I wanted to address is that I don't have a personal interest in this development other than a business relationship. From the very beginning I've been the escrow officer closing a lot of these transactions. And a lot of the changes that are taking place that I wanted to bring up have to do with our economy. A lot of the changes in the structure of homes that are being built are being changed to accommodate what can be sold in this economy. And I'm actually getting ready to close 14 home transactions, maybe not \$400,000, \$600,000 or \$800,000 homes but a \$250,000 home that could house your child, my child and your employees.

And that's something that I want you to consider is that changes are taking place and my number one – we're living in an economy where my number one client right now are banks. I'm closing short sales, bank-owned property. But they're working to try to accommodate homes for the average working person like you and me and our children. I've got four children here and one of my biggest things is keeping them here, and this development is working to accommodate that with what we're living with today. That's all I wanted to say.

CHAIR VIGIL: Thank you, Ms. Trujillo.

COMMISSIONER STEFANICS: Madam Chair, is the public hearing over?

CHAIR VIGIL: That's what I'm trying to determine. Please step forward and state your name.

[Duly sworn, Kay Gillentine Britt testified as follows:]

KAY GILLENTINE BRITT: My name is Kay Gillentine Britt and I will be very brief. Ms. Trujillo wants to speak to the emotional side of this with the economy and everything and I would just like to say that I do not live in La Pradera. I grew up on the land east of La Pradera. I rode my horse through that country before Rancho Viejo was there, when it was still the Jarrett Ranch. And I've seen a lot of changes to that countryside over the years and I grew up knowing Gene and Jane Petchesky my whole life. And yes, it's changing and I know that we need some new homes for people. My children do not live here anymore. They've gone back – they live in the Midwest right now.

However, there's got to be some space left for those of us who appreciate the beauty of this land and the open space is diminishing day by day here. I know that the Petchesky's left their ranch as open space. I know that my father has tried to, for whatever reason, we don't own our ranch any more but it's been developed. There's 2.5-acre lots there. I don't want it to be any smaller than that. I like to be able to see the mountains. I like to be able to

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 101

go and see the countryside and for the people who are able to ride their horses through there, that was what that land, that we wanted it to be and that's what I would like for it to stay as much as possible, and that's all I would like to say. Thank you very much.

CHAIR VIGIL: Thank you, Ms. Britt. Anyone else? Seeing no others, this public hearing is closed and I'll turn it over to the Commissioners. Commissioner Mayfield and then Commissioner Stefanics and then Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair. Just for the record, Steve, I don't know how many emails I received regarding this. I believe that some of them have been forwarded to us but I just printed up two or three as I went through my email now. So we can have all those placed in the record please. Thank you.

MR. ROSS: Madam Chair, Commissioner Mayfield, we'll do that.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, just as a quip, for all the emails we received we might all have to recuse ourselves from making a decision about this. I want to make a series of comments. First, Jack, could you talk about the Community College District. This, La Pradera is in the Community College District. Correct?

JACK KOLKMEYER (Land Use Administrator): Madam Chair, Commissioner Stefanics, yes. You want me to expand on that a little bit?

COMMISSIONER STEFANICS: Yes. Madam Chair, Jack, could you please describe some of the purposes of purchases of land or development within the Community College District.

MR. KOLKMEYER: Sure, I'd be happy to, because it seems like this is sort of a crux of the issue here and what I will say probably won't make some of you happy but it might make others of you happy. But the idea of the Community College District was a mixture of everything – small houses, large houses, people with a lot of money, people with no money. The idea was that you could have apartments next to large lots, and it was configured in such a way that these developments would be built around community centers. La Pradera was designated as one on the Community College District maps. And that meant that those areas would be mixed use, mixing commercial, residential. Fifty percent open space was mandatory for everybody. That's a lot of open space compared to what's happening in other parts of Santa Fe County.

So the all the things on the plus side, plus trails. You have the best trail system in the Community College District in the county. It connects to the rail line. Excuse me, sir. Please excuse me for a moment.

CHAIR VIGIL: Sir, you will have to step back we have a deputy waiting in the back. You will need to step back and allow for staff to make their statements. You've been given your opportunity. Please allow us.

MR. KOLKMEYER: So with the 13 village centers spread all throughout the 18,000 acres of the Community College District it was expected that the developments would occur around those village centers. Two years after we did the Community College District, however, we did a fiscal impact study. I don't believe any of you – Commissioner Vigil, I believe you may have known about some of that. And the consultant at that point told us we had too many village centers, that we should reduce it from 13 to 7. And one of the ones that was not appropriate was in the La Pradera area, because there was concern that because of the

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 102

existing neighborhoods there, Vista Ocaso, the other one that's over there, and the other areas around Dinosaur Trail, that the mix wasn't going to work that way.

Now, what we've seen in a period of about two or three-year segments after that period of time, every one of the developers came in and asked for large amounts of commercial. I think Oshara asked for something like three million square feet of commercial. And then slowly but surely all the developers said, no, we can't do the commercial. We want residential. So ironically, we were turning back to the very things that our consultants told us in 2001, that you're going to have to go through some kind of a period of readjustment in the Community College District, because you weren't going to be able to get the commercial to satisfy the residential because the residential wasn't there. So it's one of these conundrums that we constantly find ourselves in.

So it seems to me now, ten years later, we probably didn't go back and do the adjustments the way that we should have, readjusted the village centers on the map from 13 to 7, which maybe would have solved some of this problem that we're facing here today. But it seems to me right now, as the Land Use Administrator, because what's being asked for is a technique that gets my approval and even if you do that, you have to grant me the ability to be able to do that. Even if you do it's still got to go back to the CDRC and the Board again.

So the issue is, if there's to be a readjustment it makes sense right now. What is it? And it seems like one of the adjustments is there has to be some kind of rearrangement of the types of residential that should be included in La Pradera. So whether this is right or if it's wrong, I'm not sure. We're all able to grasp what the all components of that decision are right now, but one thing bothers me as the Land Use Administrator and that is the problem with the wastewater.

COMMISSIONER STEFANICS: Okay. Well, this has gone past my question and I really appreciate your putting out the concept for people to get to. The reason I'm asking the general question, Madam Chair, and I was using this analogy earlier with my colleagues, when people move to the country lots of times they don't know what they're getting into. When people move and buy some place, lots of times they don't know what they have bought into in terms of what has been approved for the plans of the community. And I think that some people who move into a high density area that's already established know. Other people who move into things that are considered urban sprawl don't know that some day it might be very dense around them. And I think that some people aren't intimately involved in every detail of the Community College District. So I think that's the problem for some of the people involved in this.

I think that there's an issue with when a developer or purchaser of land makes that investment under our code, under the plans they have the right to do things. But I'm also hearing a variety of concerns that have not been addressed by people who live in the existing community. So when the County Commission approves things they are approving things to be done according to certain standards, and I am hearing tonight that maybe not all of those standards are addressed or are in place. Whether or not there was development and then problems occurred. It might have happened. Or whether there were problems from the beginning; I don't know. But I think we have some disconnect about moving ahead with future plans when people in the community are very concerned about what they have now.

So I wanted to just put out there's a variety of issues that have come up tonight and I

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 103

just wanted to verbalize some of mine while I listen to the rest of my colleagues. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. I believe Commissioner Anaya you were next.

COMMISSIONER ANAYA: Madam Chair, Commissioners, staff, I'm going to go back to some basic questions just so I can make sure I'm in the right place. Madam Chair, staff, tell me exactly how many total lots prior to this request to modify the plan, how many total lots have already been approved?

CHAIR VIGIL: Ms. Lucero can give us that answer.

MS. LUCERO: Madam Chair, Commissioner Anaya, I'm just trying to do the math here and add these up. I believe it was 238 lots.

COMMISSIONER ANAYA: So Madam Chair, Ms. Lucero, this request, the existing approval is 238 lots, plus a commercial lot?

MS. LUCERO: Madam Chair, Commissioner Anaya, the commercial lot was included in that total number of lots.

COMMISSIONER ANAYA: Okay. Of that 238 how many are commercial lots?

MS. LUCERO: I believe there was – well, they were approved for I believe there were four commercial lots with a total of 32,000 square feet of commercial space.

COMMISSIONER ANAYA: Does this request that logistically would have to go through CDRC and back here before it would go forward, does this request take away all four of those commercial lots?

MS. LUCERO: Madam Chair, Commissioner Anaya, what it basically does is it converts those four lots into a village concept where there's going to be live/work units. So that would be the form of commercial that would exist within those lots.

COMMISSIONER ANAYA: Okay. So aside from the live/work terminology, total lots, 238, of which four of those are commercial. In this new proposal, the total lots would go up 11? 238 to 249 total?

MS. LUCERO: Madam Chair, Commissioner Anaya, as part of the math of this request tonight, which is for the – to allow, well 21 now, 21 lots, so out of those 21, I believe that there would be ten new lots? Ten new lots. So ten additional lots.

COMMISSIONER ANAYA: Okay. So I'm just going to put some perspective on this. We're talking about a total master plan that's been approved, combined commercial and residential of a total of 238 lots. The entire discussion we've had tonight and the concerns raised, the advocates and the people raising concerns, we're talking about a net deviation of ten lots out of 238 to 248. Is that right?

MS. LUCERO: Madam Chair, Commissioner Anaya, the ten lots that are being proposed, those ten lots are part of the master plat authorization that's requested tonight. In addition to those, as you'll see in a few months when they come forward with the master plan amendment application, there's also an additional 27 lots that will be proposed.

COMMISSIONER ANAYA: Okay, so that's what I'm getting at. So when I'm looking at this 22 number in my book here what I understand that to be is that they already had 11 of those approved, and that there's an additional 11 that they're asking for in this request. Is that accurate?

MS. LUCERO: That's correct.

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 104

COMMISSIONER ANAYA: Okay. So we had 238, and tonight's action, if it's allowed to go forward would raise it ten lots?

MS. LUCERO: Madam Chair, Commissioner Anaya, it would just allow them – all tonight's action is going to do – but it won't actually approve the additional lots. I just want to make sure we're clear.

COMMISSIONER ANAYA: So tell me, what did you say about 27 lots? I'm looking at all the lots, trying to make sure I'm completely clear. What I understand that to be is we're going from 238 to 248 with this proposed action to take it through the process. That's it.

MS. LUCERO: Madam Chair, Commissioner Anaya, for tonight's request, that's correct.

COMMISSIONER ANAYA: But what you're telling me is in addition to those ten lots they're going to come in with 27 additional lots, on top of what that is, to take it up another 27 lots?

MS. LUCERO: Madam Chair, Commissioner Anaya, that's what they're proposing as part of their master plan. So in total it will be the 238 original lots, plus 37 more. For a total of 273 lots.

COMMISSIONER ANAYA: Okay. So of the – just a logistical question. Then why in your summary when you tell me – and I'm not picking on you. I'm just trying to understand the logic in the framework of the recommendations and the information I have. Then why on the issue do you give me the issue as 22 lots at the top and then in the back you restate that again and you say, recommendation, and you refer back to the 22 but there's no reference to the additional. So I guess what I'm getting at is if you bring it up in the issue and then you – what's the recommendation of staff and then you bring the 22 up? I think I'm understanding that of those 22, 11 were existing and 10 are new based on the deviation of one that I heard over here about a Lot 35 or whatever that was.

You're also saying that you're going to bring back another item to hear that's going to go through the CDRC and the Commission again? Or is that additional number of lots you said that's going to be part of the proposal that's going to go to CDRC and back to us? Are you following me?

MS. LUCERO: Madam Chair, Commissioner Anaya, I think so. Let me if I can just kind of clarify. The reason that we're only bringing up the 22 lots right now is because that's the only part of the subdivision that they want to have a master plat for. Those 22 lots are the ones that they want to be able to create administratively ultimately. The remainder of the lots, the additional 27 lots, those will actually be platted through the master plan amendment process.

COMMISSIONER ANAYA: So that's not tonight at all.

MS. LUCERO: That's not tonight at all. So all we're considering tonight is a master plat to allow them to proceed under the master plat guidelines for these 22 lots.

COMMISSIONER ANAYA: Okay. So Madam Chair, Ms. Lucero, along those lines and now that we're focused in on only tonight, only talking about 22 lots, we're really only talking about 10 more lots in addition to what they've already received approvals for.

MS. LUCERO: That's correct.

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 105

COMMISSIONER ANAYA: Ten lots in the scheme of 238 plus ten.

MS. LUCERO: Correct.

COMMISSIONER ANAYA: Okay. That being said, this is a question for the applicant, and I don't care who wants to answer it. The thing I heard, and I agree with Commissioner Stefanics' separation of issues. I can tell you that I completely agree with her comments relative to things that maybe aren't what they should be relative to sewer or relative to cleanup. I think that's a separate issue. I think that's a responsibility of all of you to work with the community that you already have residents in to mitigate those issues and to make it right. Just to put it blunt. I think that's not the issue that we're hearing tonight, but that is very much an issue that we've been discussing as a Commission in recent meetings that it's not only our obligation and responsibility as elected officials to make approvals or vote and take action in accordance to recommendations from staff and feedback from the public and even those applicants. It is our obligation to make sure that those people that are fulfilling those build-outs are doing so in a way that's in accordance with the conditions and specs and regs and all that stuff. So I think I agree with Commissioner Stefanics. I think those concerns need to be addressed and those are separate issues.

Speaking specifically to the density issue, which I heard over and over and over again, which is going to come up as part of the process at CDRC and then back probably as discussion items at the Board of County Commissioners, I would presume. You're probably going to have the same groups of people who are going to raise those concerns relative to density. Does the applicant have additional space to augment the size of that 2.27-acre piece of land higher? Is that possible?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, not if we maintain the 50 percent open space.

COMMISSIONER ANAYA: Madam Chair, and I kind of was thinking ahead to that that might be something that would come up. I thought that. And I guess I would go back to our Land Use Administrator as a question. Because I heard what you said and I heard your follow-up. Part of my thought process when some of the communication was going on was we go through a process and prior Commissions – I can't speak to every single detail and aspect, nor would I pretend I could, to what those Commissioners were faced with when they were making those determinations. What I know is that they were bombarded with a lot of information and a lot of different aspects and the Commission at the time I think took an aggressive step to do something that was fairly progressive in nature and took the County to a different place. And I think some might say, well, maybe it was a bad place or maybe they don't agree with the place they took it to, and I respect that, but I think overall when you look at affordability and other, trails and things that you mentioned, that it does bring forth options that weren't prevalent in other developments and a process that wasn't prevalent in other developments.

So I guess my question back to you is you said, and I think I agree with it, that there's adjustments that we have to make. Do you feel the same way about those adjustments associated with commercial? Would you apply that same logic to utilize potentially part of open space to raise the density up a little bit to be more consistent with – maybe not more consistent but more prevalent with surrounding areas? I mean is that even something that you think is rational along the same thought process that you brought up?

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 106

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, the point to what I was trying to make about the adjustment was in fact the adjustment, what they're trying to do to adjust from commercial, which no longer really works the way that it was originally intended to be something else. So I think we have to take that into consideration, because if it's then going to be something else then it's probably going to be some other kind of residential. Because the commercial is really difficult there. We have lots of commercial on Turquoise Trail. Some is happening in Rancho Viejo. But it doesn't appear at this point after ten years that we're going to – that adjustment about having about appropriate commercial is going to work.

Where we're going to hold the line as staff is we're not going to go below 50 percent open space. We're not going to do it. That was the agreement that we made with everybody that lived out there and we're going to stick to that as your staff. So, however a developer wants to come in and accommodate that is probably going to have to be through them, if they want to rearrange commercial to some other kind of residential, our thinking would probably be then they're going to have to figure out how to rearrange the residential and the density to make it work within the 50 percent open space.

Because if we give away the 50 percent open space – and we did that 12 years ago. That was a key element to the Community College District. Several people have gotten up here and said we're losing open space. That was the whole point of this to try to get dense areas where we could have a wide variety of housing for people who were rich, poor, young or old could live in a more community-type situation but certain things were really important. In fact that's where the whole affordable housing ordinance started was with the 15 percent open space where we got affordable housing at that particular rate.

But we don't think we can jeopardize the 50 percent open space.

COMMISSIONER ANAYA: Madam Chair, I just want to be clear. I don't think I said I wanted to walk away from 50 percent but I think what I heard from a lot of people in the audience and otherwise was if it wasn't exactly 50 percent I don't think it would undermine the whole integrity of the Community College District. I'm just going to leave my comment at that and I'd like to hear what some of the other Commissioners have to say. I think that there's a process in place. I think that may be something that as you made the comment about adjustments, maybe that's an adjustment we need to look at, but that the process, if we're talking not about the 27, Ms. Lucero, that potentially would be coming in. We're not talking about that. We're just talking about 22 and a deviation of not 11 but actually 10, based on the one coming off the table. I think the process at the CDRC as well as BCC and maybe some more thought and more interaction with not only these developers but the other developers and the other community members in the Community College District might be warranted if it's in the interest of the entire community as a whole. So those are my thoughts, Madam Chair.

CHAIR VIGIL: Thank you. I will turn it over to you. May I just make a couple of comments? I'd like to remind our colleagues that we're also dealing with an issue in the Community College District that places the burden on the County with regard to a wastewater treatment plant and that's Oshara. Now, Oshara, we did hear testimony and we knew coming down the line that it was in financial trouble. It was going bankrupt and part of the reason why I think it did is nobody anticipated the economic downturn. We actually don't have any

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 107

policies in place to deal with economic downturns, and we know that this community does not want to be put in the same place that we're having to deal with Oshara right now because those people who own property there are between a rock and a hard place. They don't know what's going to happen to their wastewater treatment plant. Their homeowners association has gone defunct. There's nobody there taking on any kind of a leadership role to make that community happen. So all of a sudden the issues that they're having difficulty with have been brought to the County and we're asked to rescue them from a lot of the issues that were created because of the economic downturn, because there was nothing to assist this development in creating a [inaudible]

I wanted to make that statement. And then I had to ask you, Jack. One of the issues that I didn't hear you address when Commissioner Stefanics asked the question about highlighting the Community College District is that live/work spaces were imposed in that district, and if I'm to understand correctly that actually exists in commercial developments themselves, like the Turquoise Trail Industrial Park. It's one of those concepts that has been a part of integrated community mixed-use plans. Correct?

MR. KOLKMEYER: Madam Chair, that's correct. It's been used from the beginning. Now, maybe it hasn't been used in the context of La Pradera and the subdivision in the development that's going on there, but that was a term that was used early on in the development of the Community College District, yes.

CHAIR VIGIL: I just want to also state, my understanding because through all the development review processes that we've gone through, the live/work space is actually less of a traffic impact because the folks that live and work there stay there and there is the traffic coming and going. At least that's what I recall from the Galisteo property.

MR. KOLKMEYER: Madam Chair, that's correct. In the traffic studies that we've done in Rancho Viejo and with Oshara show less trips per day for live/work. That's correct.

CHAIR VIGIL: Okay. And one other thing that I also want to just put out there with regard to the concerns of the community is you also don't want this development to go under, because if they do you really don't know what's going to come up if this development goes under because what they're requesting, I think, is an attempt to assist them in moving forward with this development in a way that would assist you in keeping that development somewhat vibrant at least. There were, I'm sure you heard and I heard testimony, that there were commitments and promises made. The Commission can't address those. The only thing that we can address is what's in compliance and what can be in compliance with the code.

Another question I have for Vicki is why the master plat – can this be done through preliminary?

MS. LUCERO: Madam Chair, these lots could be created through a preliminary and final normal plat procedure, however, because as the applicant stated that they weren't certain who the buyer – how the homes were going to be designed they wanted the flexibility to be able to create the lot layout and lot configurations as the homes were built. So that's the reason for the master plat process.

CHAIR VIGIL: Okay. Does the developer agree with that or did you have another reason for going through the master plat process?

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 108

MR. MCCARTHY: Madam Chair, Commissioners, we have a specific vision for a village with trails and interaction possibilities throughout the village. So we're going to have some very, very odd-shaped structures, number one, if we were to build the whole thing at one time. Number two, we want individual buyers to have the flexibility to tailor their home occupation spaces to fit their needs. So that's going to change the footprint. So we would like to be able to come in and superimpose that jigsaw type of lot line configuration pretty close to the final stages of development and if I may add one thing, please recall in this Phase I that we're dropping the commercial. So when we talk about ten lots or eleven lots in addition to the eleven condos, that's in lieu of the commercial, which already had a 50 percent residential allowance in there.

CHAIR VIGIL: Okay. Thank you, Mr. McCarthy. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and whoever can answer this. Is there any covenants or restrictions that currently prevent live/work space in the homes that are out there?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, almost by definition for Phase I approval it states that we have this 32,667 of which 50 percent may be residential. It in an indirect way defines a live/work kind of structure even though that may not have been the original intent, that's effectively what it is. But to directly answer your question, we do not have any kind of home occupation zoning unless it's in the matrix that the Community College District allows, and I don't think that's the case, nor do we have the equivalent of the City's RAC zoning, I think recreational arts and crafts zoning. But no, we don't.

And as a matter of fact, when we talk about live/work units, we're really talking about single-family residential, and I think Vahid addressed this – single-family residential where a music teacher or a tutor or someone else could invite their students into their home, effectively, and legally conduct business, and I think I heard staff mention as long as there weren't more than six visits a day kind of thing that it would fit within some other zoning category. But no, we do not have a specific zoning category for this.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. McCarthy, perhaps you can help me again. Your last comment about 50 percent of the commercial was for 50 percent residential – say that again and tell me what that equates to in units.

MR. MCCARTHY: Well, 50 percent would be 16,335, so if you divide that by 1500 you're going to have at least 11 units anyway. That's on the 50 percent of what's already approved. In other words, 50 percent of the 32,667 commercial, divided by two gives you 16,000, divide that by the minimum of 1500 square foot units and we're effectively not asking for an increment in terms of approved space. It's the conversion of using the already existing commercial of that commercial to flexible residential use.

COMMISSIONER ANAYA: Madam Chair, Mr. McCarthy, in Phase I, how much of the commercial are you converting? How many of those four lots in just Phase I are you converting to residential?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, we're suggesting

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 109

that we do away with all of the commercial and for the sake of the technical description of the commercial includes the condos. But we're doing away with all of the commercial, not just the 50 percent share that's allowed. So we would be going again with my prior comment, from 49,000 approved square feet down to 31,500 or so square feet.

CHAIR VIGIL: Any further questions? Seeing none, what's the pleasure of the Commission?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I will move to deny the applicant's request for the master plat.

CHAIR VIGIL: Okay. I have a motion to deny. Is there a second? Motion dies for lack of a second. Is there another alternative motion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, given my last couple sequencing of questioning, keeping in mind the two issues are separate between the existing property owners that I think have issues that I think need to be addressed and I think we all need to learn more what those are, and then taking into consideration the question associated with the total – basically with what you said and I guess I wish that would have been said at the beginning and maybe you said it and I missed it. But the whole discussion here and concern revolves around density as I hear it from the residents.

I'm going to make a motion to approve the process going forward which encumbers going back to CDRC and coming back to the Commission. But I'm also going to ask as part of the motion to do that that staff in coordination with the applicant as well as the feedback you already heard from community members relative to the density aspect of the units themselves, that that discussion take place and that staff consider that as what potential alternatives do you have as you go through the process because otherwise, you're going to have these same folks that are going to go to CDRC again and they're going to come back here again and I think the interest is to try and figure out is there any balance or compromise associated with some of those concerns. So I'm going to move for approval that it continue forward, given that the conversion is from commercial and it's a net increase on this one of ten lots total, but that there be some internal County efforts, applicant efforts to incorporate or have discussion on options that potentially raise the density I guess is what I'm hearing. But I would move that.

CHAIR VIGIL: I have a motion. Is there a second?

COMMISSIONER HOLIAN: Madam Chair, I'll second it and I would like to add an amendment that there be meetings between the developers and the residents. I just see a lot of problems with regard to the dumping we saw, with regard to the wastewater treatment plant, with regard to many things that were promised and were not followed through on. So if I were to – this will come back to both the CDRC and the BCC and I would not go, I would not approve it I would not go forward with it any more unless I really see a good faith effort on the part of the developers to work with the community to address those problems, and there are problems.

I would also like to say something to the community. I think that what we're seeing

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 110

here is something that's happening across the United States. I think that the way that we are developing, the way that we envision ourselves as developing in America is changing. It's changing because of a lot of things that are out of our control. One if it is the cost of energy. One of it is the cost of land. The kind of development that we've done, that we've worshiped, the 2.5-acre lot, when you think about it it's the way of destroying the most amount of land that we can. And a lot of people talk about 2.5-acre lots and that's open space, but it's not. That 2.5-acre lot is served by all kinds of infrastructure. It's served by roads. It's served by electric lines, and it's a way of actually destroying the most amount of environment that we can.

So I think that we have to relook at the way we develop in this country. We have to do what I think is envision more in the Community College District, which is that we defer with dense development and then we set aside a certain amount of open space that will preserve the environment. So I think that this is a hard lesson for Americans to learn because we have always had, we have always seen ourselves as having an unlimited amount of land and so we should be able to develop however we want. But in the long run we have now eaten up a lot of the land in Santa Fe County and if we really want to preserve the open space that we love, the character that we love about this county, then we're going to have to rethink how we develop. Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would accept the friendly amendment for discussion. I think in the Community College District it was put together, centered around that methodology of more dense, cluster-type development throughout that district, but I guess where I might differ a little with some of the comments would be that there are segments within Santa Fe County that that's not the way of life associated with the residents in some parts of the county. So I accept the amendment but I think there are areas of the county that don't see that same need for cluster development. So I do accept the amendment though.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, we had earlier discussion about I guess a neighboring property, Oshara Village, and I know this body has also discussed maybe a performance bond being put up by our developers, so if in case or if in fact this development does go belly up, how do we make sure that the residents aren't holding the bag with the infrastructure that's there. Is there any type of guarantees from the development community that there are some assurances provided to this community? One, we spoke about the wastewater system, that if something goes awry, they're not going to be left holding the bag with that wastewater system, or somebody's going to be coming to this County saying, take it over. We cannot manage it anymore and we need the County to bail us out. And I don't know if that's been discussed. I know we've -- or at least I believe I've discussed that there might be some performance requirements on some of our developers in the future. Steve, is there anything in place right now?

MR. ROSS: Madam Chair, Commissioner Mayfield, we're just trying to review what's in place right. In the ordinance there is performance bonding required. It

Santa Fe County  
Board of County Commissioners  
Regular Meeting of May 10, 2011  
Page 111

wasn't in place in Oshara because it had already been developed, but there are requirements in the code and they certainly can be beefed up in the rewrite. We'll pay close attention to that.

COMMISSIONER MAYFIELD: Would they apply to this development?

MR. ROSS: I believe the bonds have already been released because the improvements have been completed.

COMMISSIONER MAYFIELD: Could we put that as a condition if they're asking to increase the density in this area?

MR. ROSS: Commissioner, when they come in for the subsequent development platting and plans, if there are improvements, say, upgrades or increases in the capacity, those would have to be bonded.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and the other Commissioners brought this up. My thoughts to the development community, going back and working with the residents that you currently have is one, I believe you should have environmental certification on your wastewater treatment center, especially if you're proposing to increase density. Two, testimony that was provided to us and pictures that were provided to us, there is an eyesore out there of some serious debris. I would say at least 100 yards, maybe, from what I saw in the picture. I would think that just as a good gesture you all would have that stuff immediately removed and hopefully not place any more in those lots. That's all I have to say. Thank you.

CHAIR VIGIL: Okay. We're going to take a vote on this. I just want to clarify. This really just is a motion to approve a process. It isn't a motion to approve a final product. This process should be able, and I like the amendment that Commissioner Holian provided, this process should be able to provide a design and the opportunity for the residents in the area, and I did hear the testimony today that there is a desire and there is a statement of confidence that there has been good stewardship on this and if it's the case that stewardship should consider so that communication with the residents and the neighbors will continue. I think once we approve this process we still have a lot of hoops to go through, just because this process has been approved doesn't mean this density is going to be approved. So it gets really confusing to those of us who are here making decisions saying why are there so many people here that don't really like it?

But the fact of the matter is we don't know what we like right now, because we're not taking action on any particular product. So with that I'm going to go ahead unless there's any more comments. All those in favor of the amended motion please say so by saying aye.

**The motion passed by majority [3-2] voice vote with Commissioners Anaya, Holian and Vigil voting in favor and Commissioners Mayfield and Stefanics voting against.**

CHAIR VIGIL: I hope that by the time this comes to us that we'll have a better idea of what this is going to look like, and we'll have a better understanding from the neighbors in the area that they clearly understand your intent to be good stewards. Thank you.

SFC CLERK RECORDED 05/03/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 80

- XIV. A. 5. CDRC Case # Z/S 02-4325 La Pradera Master Plan Amendment, Plat and Development Plan. Gardner Associates, LLC and La Pradera Associates LLC (Alexis Girard) Request a Master Plan Amendment to Allow for the Creation of 27 New Residential Lots within the Previously Approved La Pradera Subdivision and to Allow for the Previously Approved 32,667 Sq. Ft. of Commercial/Residential Area, Parking Lot and 11 Condominiums to Be Replaced with 17 Single-Family Residential, Live/Work Lots. The Application Includes Modification of the Original Approval That Proposed the Use of Reclaimed Water for Irrigation and Toilet Water Flushing on All Private Lots. The Use of Potable Water is Now Proposed. Reclaimed Water Will Be Used to Irrigate Common Areas Only. The Request Also Includes Preliminary and Final Plat and Development Plan Approval for 27 New Lots and Several Lot Line Adjustments in Phases 2-6 and Four Master Plat Lots Which Could Be Developed Into a Total of 17 Single-Family, Live/Work Lots (11 Condos and 16,334 Square Feet of Residential Space as Previously Approved to Be Converted to Single Family Lots) in Phase I. The Property is Located within the Community College District, West of Richards Avenue Between I-25 and the Arroyo Hondo, within Sections 17 & 18, Township 16 North, Range 9 East (Commission District 5). Vicki Lucero, Case Manager [Exhibit 7: Letters in Support; Exhibit 8: Letters in Opposition]

MS. COBAU: Madam Chair, I'm taking the case for Vicki. This is a little unusual. I'm going to give you a chronology of events. It's included in your staff report on the top of page 2. On June 16, 2011 this case was scheduled to be heard by the CDRC. However, the case was tabled by the CDRC because at the time the applicant was not present. The case was then scheduled to be heard by the CDRC on July 21, 2011 due to lack of a quorum. On August 18, 2011 and with only four members present the motion ended in a tie vote resulting in tabling of the case. Those minutes are included in your packet as Exhibit H.

Due to non-action by the CDRC the applicant has requested that this case be taken directly to you, the BCC for action. Note that the Land Development Code doesn't preclude this action and the BCC can act on this case or direct staff to wait for recommendation by the CDRC. So, Madam Chair, I can go on and read the staff report and you can take action on this or you can have me take it back to the CDRC for a recommendation.

CHAIR VIGIL: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Shelley, so the first meeting you said the applicant didn't show up to the CDRC meeting?

SFC CLERK RECORDED 10/26/2011



Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 81

MS. COBAU: That's correct. The cases went through the CDRC agenda I think more quickly than the applicant had anticipated and they arrived about five minutes after the CDRC decided they didn't want to wait any longer.

COMMISSIONER ANAYA: Then the second meeting there was not a quorum of CDRC so no action was taken at all at that meeting?

MS. COBAU: There was no meeting because there was no quorum of the CDRC. We have been having issues with members showing up on the CDRC.

COMMISSIONER ANAYA: I want to ask about that in a second. But in the third meeting there was a quorum but it was a 2-2 tie.

MS. COBAU: That's correct. Because we only had four members. So there were two for and two against.

COMMISSIONER ANAYA: Madam Chair, just given the timelines on the project and the fact that it went to the CDRC three times I don't have a problem hearing the case.

CHAIR VIGIL: Anyone else? Okay. This is a public hearing. The applicant is here.

MS. COBAU: Madam Chair, would you like to take a vote on hearing it and then I'll read the staff report on it?

CHAIR VIGIL: Well, is there anyone that wants to move forward with this or is there anyone that wants to take a motion to send it back to CDRC? It's your pleasure. Do you want to move forward? Okay, I'm seeing a consensus to move forward. Shelley, you can present the case.

MS. COBAU: Okay. Thank you. In the summary of the staff report there's a chronology of events regarding La Pradera with approvals from 2003 to the present. It's kind of a laundry list of things that have gone on with La Pradera and I won't go through that. You can read that chronology. The applicants are now requesting a master plan amendment for the La Pradera Subdivision in order to create an additional 27 residential lots. The twenty-seven proposed lots will be created by adjusting lot lines of existing lots to reduce the size of some of the oversized lots in Phases 2 through 6. The applicant states that these smaller lot sizes are dictated by the significant changes to our economy and the market demand for entry-level housing. Six residential lots from the previously approved 16,334 square feet of residential space will be combined with 11 previously approved condo units from Phase 1, for a total of 17 lots, in order to create a village concept which will have the potential of being live-work units.

The previous master plan approval was granted with the proposal of utilizing treated effluent for irrigation of common areas as well as for toilet flushing and irrigation of private lots. The proposal was for each home to install a dual plumbing system. The applicants are requesting an amendment to modify their original approval to allow for irrigation of common areas only with reclaimed water. County staff has met with the New Mexico Environment Department who stated that they are supportive of this change because it is very difficult to control what individual property owners do with the treated effluent which leads to a concern for health and safety.

The applicants are also requesting preliminary and final development plan approval for the 27 new lots and several lot line adjustments in Phases 2-6 and master

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 82

plat approval for 4 lots which could be developed into a total of 17 single-family, live-work lots in Phase 1.

The project has been reviewed for compliance with zoning allowances for the requirements of live-work units in the Community College District Ordinance, for water and wastewater, for fire protection, for solid waste, roads and access, terrain management, open space, landscaping and archeology, affordable housing and the homeowners documentation will be revised should this be approved.

Therefore the staff recommendation is that the proposed master plan amendment and master, preliminary and final plat and development plan are all in conformance with the Community College District Plan and Ordinance and County Land Development Code. Therefore staff recommends approval of the request subject to the following conditions.

1. Provide a minimum of 8 residential units (30%) for affordable housing. A mix of housing types is required for the entire development. The affordable housing lots must be identified on the Final Development Plan. The affordable housing agreement must be modified to reflect the additional lots and must be approved by the Affordable Housing Administrator prior to this case being heard by the BCC.
2. Development of the Master Plat lots, which are located within the Neighborhood Center, shall comply with the minimum Floor Area Ratio (FAR) of .25 and the maximum of 2.0 as required in the CCDO. This shall be noted on the Final Plat and Development Plan.
3. Coordination with the Utilities Department on final modification of the water lines and meter locations.
4. Modification and re-filing of Water Restrictive Covenants to reflect new dwellings and maximum water use per dwelling prior to Final Plat Recordation.
5. The live/work units must be sold as a single unit/lot and can't be condominiumized or sold separately. This shall be noted on the subdivision plat as well as on the individual plats and included in the disclosure statement.
6. The property must be brought into full compliance including removal of stockpiles, trash and detritus prior to final plat recordation and shall be revegetated prior to final plat recordation.

And I would like to enter the first five conditions to the record, Madam Chair, and note that I believe the applicant has complied with condition 6 regarding the property being brought into compliance with code and they've removed the stockpiled trash and detritus from the site. And I would just like that condition to be restated to say that the property must be revegetated in these areas prior to final plat recordation.

Thank you, Madam Chair, and I'll attempt to address any questions you may have.

CHAIR VIGIL: Are there any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Shelley, on condition number 3. Did staff consider the use of an independent water engineer?

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 83

MS. COBAU: The conflict issue was resolved. I don't believe Mr. Guerrerortiz was involved with this at all. Rich Silva did the review and the letter for the County Utility, and these conditions come from Rich Silva, utilities engineer.

COMMISSIONER STEFANICS: So should we in fact – it says coordination, future, going forward, not past. Should we in fact say something about it would not be Mr. Guerrerortiz?

MS. COBAU: I believe that you could do that, Commissioner Stefanics. We do have the letter in Exhibit D from Mr. Silva. Let's see if I can find which page that is. If you look on NBD-37, you can see that the letter came to Vicki from Karen Torres through Rick Silva, the utility infrastructure manager, and those conditions were directly from him.

COMMISSIONER STEFANICS: Okay. That settles it. Thank you.

CHAIR VIGIL: Further questions for staff. Seeing none, is the applicant here? Please step forward. Is there anything you'd like to address the Commission.

KARL SOMMER: Madam Chair, my name is Karl Sommer. My mailing address is Post Office Box 2476, Santa Fe, New Mexico. I represent Gardner Associates and La Pradera Associates and those are just two entities that are owned by John McCarthy, Alexis Girard for Greer Enterprises and Bobbie Lee Trujillo who's here tonight. Also with us tonight is Oralynn Guerrerortiz. She's the project engineer. She's been on this project from beginning to end. She can answer just about every technical question and code question you might have. We'll be as brief as possible. Staff has on a few occasions now drafted a very, very thorough report and they have accurately laid out the request and the conditions of recommendation. The recommended conditions are acceptable to my client.

What I'd like to do is just briefly tell you why we're here and then go through what it is exactly what we're asking for, how we've addressed the application, and then conclude by what we've done since May when this was in front of you with the master plat request. At any time if you have any questions we can answer them even out of order if you think it's appropriate.

Why are we here? We are here for one principal reason, and that is that the downturn in the real estate market in this country and in this community has had a devastating effect on many, many property owners, developers, homeowners and landowners, banks, everybody has felt the pinch. This development is no exception. We've seen in this community several failed developments, at least one in the Community College District. We saw how Suncorps which was doing Rancho Viejo packed up and left. So the downturn in the economy has had a devastating effect.

Well, what effects are those? It has principally tightened credit on all sides, and by that I mean banks are less willing to lend to borrowers who buy, and banks are constrained from lending to landowners who develop. So the consequence has been a drop in the market. Well, that drop in the market has a consequence on the banks' portfolios, and what you have is banks have a loan/value collateral that they must maintain or they start to call the notes, even though they might be performing. When prices of real estate fall, their collateral drops, and what we are trying to do is maintain our collateral, put this development in a secure financial position so that it can move forward and continue to be a successful venture that will provide housing to working

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 84

families in this community. That's why we're here. We wouldn't be here but for that reason.

We're here also asking you for a master plan amendment that was fully within your authority. We're not asking for a variance, we're not asking you to change any policy. We're not asking you to do anything other than add to our density by less than ten percent or about ten percent, which is well within the Community College District constraints. But we're not here just with our hands out asking you. We have done everything we can possibly do to make this a successful venture. They have partnered up with a local non-profit. They are producing housing or working families in chunks of 14 that has cost them money by donations of lots and the like. They have done everything they possibly can to shore up their position and this is part of that effort.

What are we asking for specifically? Mr. McCarthy will go through it. But if you look at the staff report we've met every condition of approval in our last approvals and we are in agreement with every condition that they have here. I will not belabor the point about the economy but in short we're asking for an increase in density, a recognition that the water use that we have established is sufficient, even though we have to transform the effluent use from private to the common areas for the reasons that are in the staff report. We are asking for the conversion of the master plan of the commercial units to live-work units because the market does not support small commercial in this kind of environment and in this development.

We have also addressed the complaints that have been voiced by some of the neighbors. What are those complaints? They deal with basically the untidiness of the development and for a while there the property was being used as a stockpile for debris. There were areas that were being used for the storage of soils and other materials inappropriate and unsightly. Those have been cleaned up. And as Ms. Cobau has indicated the only condition left is revegetation of the areas that have been scarified by virtue of that storage area. All the other stuff has been taken care of.

They're in compliance with all the permits from the State Environment Department. The issues related to the wastewater treatment plant have been complied with and Ms. Guerrerortiz can tell you all about that if you have any questions.

The one remaining issue that I think remains with some of the neighbors and most of the in the Vista Ocaso neighborhood which is a legal non-conforming development made up of 2.5-acre and 5-acre lots directly south and adjacent to this development center around density. This Board knows and has had much experience in the Community College District. The Community College District is where this Commission has put its money in infrastructure. It has said this is where we're going to grow. And the policies of the Community College District are to densify and avoid sprawl and 2.5-acre and 5-acre development and bring people around transportation, the utilities, and still at the same time maintain 50 percent open space. Well, that's called density.

And essentially, this plan is well within the limits of the Community College District Plan. The Vista Ocaso people to the south are worried. They're worried about the values to their 2.5 and 5-acre properties. They're worried about what the neighborhood will become if more people move in. Well, they live in the middle of the Community College District where density is called for. There are floor area minimums, not maximums. Now, I understand their concerns and we've met with them over the course

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 85

of the months since we were last here in May, and we are not going to be able to resolve among us the density issue. They would like us to come down in the density requests. We are simply unable to do so. This development is on the order of being able to make it. We are in the process of doing everything we possibly can. The density is a key component. We're asking about ten percent of the original density increase, which is again not outside the realm of the policies of this Board and we are maintaining the 50 percent open space.

The buffer, in terms of the distance to the houses to the south in Vista Ocaso is being maintained. We're not moving houses into that open space area. Essentially what we're doing is taking larger lots and reducing their size and increasing them by 27. We're not going to be able to negotiate that because there is no room for us to be able to do it. I wish there were because we'd avoid a controversy. We can't. We simply can't.

On all the other issues related to cleanliness or the appearance or compliance with those we are and have addressed them. With that I'm going to turn it over to Mr. McCarthy or to any questions you all might have of us related to this application. And I'll just simply conclude and turn it over to the experts.

CHAIR VIGIL: Karl, let me just find out if anyone has any questions of you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Mr. Sommer, have you had meetings since our May meeting with the residents of La Pradera?

MR. SOMMER: Yes, there have been many meetings since then with members in the association and there were people outside the subdivision that also attended.

COMMISSIONER HOLIAN: Right. But I'm mostly concerned with whether you've had meetings with the people who actually live in La Pradera.

MR. SOMMER: Absolutely, and I believe that where we started out in May, we've come a long way in terms of coming to agreement with people inside the development.

COMMISSIONER HOLIAN: Thank you.

CHAIR VIGIL: Okay. Any other questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. You have association rules or regulations?

MR. SOMMER: Yes, there are covenants and there are bylaws in the subdivision.

COMMISSIONER STEFANICS: So do the covenants – let's talk about solid waste. Do the covenants allow individuals living there to use the County or to engage the services of a company?

MR. SOMMER: I'll leave that to Mr. McCarthy but I believe the homeowners association – do they do it individually, John? It's done on an individual basis and they're not required to use Environmental, Inc. or anybody. There is no requirement either way.

COMMISSIONER STEFANICS: Okay. I guess I should ask staff this next question. Is there any way – this development is not tied to County water.

MR. SOMMER: It is.

COMMISSIONER STEFANICS: It is?

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 86

MR. SOMMER: It is.

COMMISSIONER STEFANICS: So the new units would be tied to County water as well.

MR. SOMMER: As well.

COMMISSIONER STEFANICS: Okay. That's all my questions for right now.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Sommer, you made a comment earlier about the surrounding neighbors and you said that they were in the illegal lots and then you said non-conforming. Is it –

MR. SOMMER: Legal non-conforming.

COMMISSIONER ANAYA: Okay.

MR. SOMMER: Their subdivisions were legally approved.

COMMISSIONER ANAYA: It's non-conforming use. I've got it. That's the only clarification I wanted to ask, Madam Chair.

CHAIR VIGIL: Okay. Any other questions? Proceed with your presentation.

MR. SOMMER: I'll turn it over to Mr. McCarthy for his comments and again I encourage you, Ms. Guerrerortiz has the technical information if you have questions about that.

CHAIR VIGIL: Thank you. Welcome, Mr. McCarthy.

[Duly sworn, John McCarthy testified as follows.]

JOHN MCCARTHY: My name is John McCarthy. I reside at 825 Allendale Street in Santa Fe, and I'm the managing member for La Pradera and Gardner Associates for La Pradera Associates. We've had to adapt to the changing economic times as Mr. Sommer has mentioned. What that means specifically is that we're building homes from the \$229,000, three-bedroom, two-bath, two-car garage range to up around \$325,000. This is where our demand exists in Santa Fe such as it is right now.

Since the primary concerns relate to our relationship to our La Pradera homeowners I'd like to mention right now that after our May 10<sup>th</sup> meeting we asked several members of the La Pradera Homeowners Association, about six of the homeowners to form an advisory committee to assist us in communicating and making the correct decisions for everyone in La Pradera moving forward. Some of those suggestions included our housekeeping and we have cleaned up the site as mentioned. We've also put the second wastewater treatment plant on line. We shut down the first plant and have extensively rebuilt it. So currently we have resolved those problems and what we've also done as a result of meeting with the Vista Ocase neighbors as well as our La Pradera neighbors is addressed the density issues and we have made changes based on meetings with the advisory committee and with our homeowners. Specifically, the changes that we made were to reduce the density in the Phase 1 area from 20 originally requested own to 17 units. Now those 17 units we ended up with in Phase 1 are comprised of the originally approved 11 condos and only six additional units that were put in place in substitution for the commercial so the commercial is eliminated.

To put the phase 2-6 request in context, all but about 27 of our lots out of the originally approved 152 lots in phases 2-6, all but about 27 of those lots are about 80-foot frontages. So our request is to make it so those 27 supersized lots, and what I mean by that is

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 87

they had frontages up to about 135 feet, so our request is not to decrease the size of the norm but to decrease the size of these extra large lots into conformity with the mean size of the lots. And the reason for that is that we can build any of these homes on a 78 to 80-foot lot size.

Secondly, we've conformed with all of the conditions we've represented at the time to our Vista Ocaso neighbors and that includes setbacks from Dinosaur Trail, we provided a 195-foot buffer minimum. We added an additional road section because of concerns about traffic next to Vista Ocaso. So we don't need those extra lots. I could point out where the majority of those lots are located for the benefit of the Commission, but essentially they're on the southern tier, adjacent to the 190-foot to 300-foot buffers that exist between our neighbors to the south. So I'd stand for questions.

CHAIR VIGIL: Questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Will future residents purchase just the lots or will they purchase a lot plus a residence?

MR. MCCARTHY: Madam Chair, Commissioner Holian, our preference would be to sell lots because that was our original business plan. Part of our adapting to the current market conditions is we find that we have to work with builders in conjunction to put these homes up. The short answer is both are available but the likelihood of an individual buying a lot without a home is very remote because the lending community will not extend credit for a lot and in many cases won't extend credit for a builder to build a spec house. So what's being defined by external issues is that you have to have a buyer in place before you can build a home and consequently absorb the lot.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. McCarthy. And then I have some questions that have to do with water, so is there going to be a presentation on that? Should I save those questions for later?

MR. MCCARTHY: Madam Chair, Commissioner Holian, I can attempt to answer those and ask Oralynn for supplemental information.

COMMISSIONER HOLIAN: So my first question is is all the treated effluent now going to water landscaping it or is some of it still going to homes that exist?

MR. MCCARTHY: Madam Chair, Commissioner Holian, all of the treated effluent is now going to common area landscaping.

COMMISSIONER HOLIAN: Okay. And also has the water treatment – are there one or two water treatment plants on the property?

MR. MCCARTHY: Madam Chair, Commissioner Holian, there are two discrete plants.

COMMISSIONER HOLIAN: And have they been inspected recently?

MR. MCCARTHY: Madam Chair, Commissioner Holian, we're obligated to provide monthly reports to New Mexico Environmental Department and that goes into metrics to make sure that we're in compliance.

COMMISSIONER HOLIAN: And I remember reading something in the packet that you were going for a five-year renewal of the permit and I just wondered if that had been approved yet.

MR. MCCARTHY: Madam Chair, Commissioner Holian, we do not have that final approval. It's quite a lengthy process.

COMMISSIONER HOLIAN: Thank you. And I guess one other question I have is with regard to the live-work units. Has the developer done, or whoever, done any

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 88

surveying to determine what the demand might be for those kinds of units out there in our community?

MR. MCCARTHY: Madam Chair, Commissioner Holian, we constantly do update ourselves, but if I could describe the unit that we're building in this way. It's basically a detached single-family home that has an exterior entrance that would allow, for example, a music teacher or tutor or someone other of that type to be able to maintain privacy while having a home occupation business. So our product differentiation is not such that it takes us outside a standard single-family home. It enhances it in those cases where someone would like to have a home occupation.

COMMISSIONER HOLIAN: Thank you, Mr. McCarthy. That's all for me.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, and I apologize if somebody's already asked this question. Are you willing to accept all the conditions?

MR. MCCARTHY: Madam Chair, Commissioner Stefanics, yes we are.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. A question for staff. Shelley, did you guys go out and do a site inspection of this property?

MS. COBAU: Madam Chair, Commissioner Mayfield, subsequent to the initial application and some of the complaints that were received regarding the wastewater treatment plant, myself, Ms. Lucero, members of Mr. McCarthy's team and the New Mexico Environment Department went out and inspected the wastewater treatment plant. We have also sent code enforcement out there to make sure that the debris piles and stockpiles were removed as required. So I've been personally to the project and members of my staff have been out there on several occasions subsequent to this application being submitted.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, Mr. McCarthy, you indicated that there's a homeowners association out in the area that kind of looked at some of your suggestions and they are participants in this also?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, the advisory committee is comprised of the six or seven homeowners in La Pradera, and they're the ones that have been working with us closely.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Did those folks go out and do the site inspection along with you? Were they invited to?

MS. COBAU: I don't recall any members of the homeowners association were there the day that I was out there for site inspection. I believe it was just Mr. McCarthy's team and County staff at that time.

COMMISSIONER MAYFIELD: Thank you, and Mr. McCarthy, I may have some questions for Ms. Guerrerortiz. But one thing, is the wastewater system plant 1 online or offline?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, Plant #1 is offline. Plant #2 which is a new, state of the art plant is operating. Both plants can be cross-connected at this point.

COMMISSIONER MAYFIELD: Madam Chair, Mr. McCarthy, why is Station 1 offline?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, because it has been in operation over five and a half years and in addition to the lightning strike there was

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 89

wear and tear that we had to come in and totally replace all the pumps, essentially all the pumps, install lightning arresters and do a general rehab of the plant.

COMMISSIONER MAYFIELD: Madam Chair, Mr. McCarthy, on that point, are you guys going to rehabilitate Plant 1, are you in the process of doing it, are you going to do it in the future? How are you going to interconnect the two if this is offline?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, we have completed the rehab at this time. We have also completed the cross-connect plumbing and the only issue remaining is cross-connecting the electronics. We have two discrete electronic control systems and we're trying to combine those but still maintain the ability to operate these plants independently.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and a question again for staff. Shelley, so on your scenario that you gave to us in your memorandum, under the wastewater and water, is this for Plant 1 or Plant 2, what the capacity is?

MS. COBAU: Commissioner Mayfield, this is going to apply to the entire site. We do have, if you look at the NBG-41 in Exhibit D, there is correspondence from the New Mexico Environment Department that indicates that their discharge permit remains fully effective and enforceable by the New Mexico Environment Department who oversees the wastewater treatment plans at La Pradera. The County doesn't oversee those, and I would just say that Oralynn can answer specific questions I'm sure regarding the functionality of those plants.

COMMISSIONER MAYFIELD: Thank you, but Ms. Cobau, going back to your memorandum, the current capacity of the plant exceed 40,000 gallons per day. So is that the capacity of both plants together, or just one or just two?

MS. COBAU: I can't answer that question, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Ms. Guerrerortiz?

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: I'm Oralynn Guerrerortiz with Design Enginuity. We're at 1421 Luisa Street. The two plants together have a capacity of 48,000 gallons per day.

COMMISSIONER MAYFIELD: What does each individual plant have?

MS. GUERRERORTIZ: The first plant has capacity of 12,000, and the second plant has a capacity of actually 30,000, so together it's actually 42,000.

COMMISSIONER MAYFIELD: Ms. Guerrerortiz, what is the current homeowners out there using?

MS. GUERRERORTIZ: I believe -- John would know this better -- 70 homes are connected. We've got flows of about 8,000 to 9,000 gallons a day.

COMMISSIONER MAYFIELD: And just from testimony back in May there were concern with Plant 1. What were the big issues if you guys had capacity on Plant 1? You weren't being able to sustain the 8,000 at the time, you had 12,000 capacity? What were the issues?

MS. GUERRERORTIZ: No, actually, we were having problems communicating with the plant and we found that the plant had probably either dealt with a lightning strike or a surge. Several of the pumps had been blown, and so the plant wasn't really operating. So that's why we brought the other plant on line immediately. Luckily, we have two parallel plants and they're very well interconnected.

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 90

COMMISSIONER MAYFIELD: And with future growth of this proposed subdivision, what do you anticipate capacity coming in?

MS. GUERRERORTIZ: We anticipate a flow close to 32,000 gallons, so we have excess capacity in our plant.

COMMISSIONER MAYFIELD: And going back to the permitting, you still need to wait on some permitting from the state?

MS. GUERRERORTIZ: We made our submittal, I think it was in February. The Environment Department is a little understaffed currently and our staff planner went on maternity leave for several months. She said because we've never had an issue with our plant we're a fairly low priority, so we're kind of low on her pile. But she's told me that the submittal is complete and we're just waiting to get to the top of the pile for it to move through.

COMMISSIONER MAYFIELD: Could you give me a statement of this somewhere, how do you get back to online? You don't have to have it permitted to get it online? You don't need final approval to get it online?

MS. GUERRERORTIZ: When we got phases 2-6 approved, we actually constructed the second plant fully, built the entire thing out, and we had it just sitting on the ground not operating. We filled it with clean water and left it there. And so it was always ready to go.

COMMISSIONER MAYFIELD: Madam Chair, do you have it online now?

MS. GUERRERORTIZ: Yes, it's currently working. It's actually an Arenco plant that's set up as a number of pods, and so we've brought several pods online, and as we find we need more capacity we can add additional pods. Not add them, just turn them on. They're already out there.

COMMISSIONER MAYFIELD: Do you need state approval to have that operating plant online right now?

MS. GUERRERORTIZ: No, we have our state approval.

COMMISSIONER MAYFIELD: For Plant 1?

MS. GUERRERORTIZ: For both plants, sir.

COMMISSIONER MAYFIELD: For both plants.

MS. GUERRERORTIZ: Yes.

COMMISSIONER MAYFIELD: So then what are you waiting state approval for then?

MS. GUERRERORTIZ: Oh, it's your renewal that happens every five years when you have a groundwater permit. Every five years you're required to resubmit and just tell them we know where you are and kind of document the capacity and where the current flows are and that kind of information in a nice clean package. So we did that as is required.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair. Thank you.

CHAIR VIGIL: Okay. Any other questions? Seeing none, is there anyone else from the applicant that would like to address the Commission? This is a public hearing. Is there anyone out there in favor of this project that would like to address the Commission? Would you please stand and come forward. Is there anyone else? Please come forward. And you do need to get sworn in. And you can, sir, wait and get sworn in.

[Duly sworn, Ellen Heath testified as follows:]

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 91

ELLEN HEATH: My name is Ellen Heath, and I live at 65 Bosquecillo in La Pradera. And I'm coming here, I own a home in Phase 1 and I'm coming here in support of the revised master plan. I also served on the advisory committee that Mr. McCarthy in the effort to develop a consensus on the revision of the plan. And I know that there's concern among some of the original owners in La Pradera about dropping property values and the increased density that's being asked for. And I'm coming from the position that the world has changed around us and that we're being asked to change with it in order to get things moving again, and that this is a good way for us to start here.

With regard to the details of the master plan, none of us on the advisory committee like the idea of the commercial area, and we didn't think it was viable anyway, and so the live-work homes seemed a really good alternative. When we were concerned about the number of them the developers agreed to reduce the number to everyone's satisfaction.

I can see people who are accountants, teachers, consultants, therapists, moving into those homes and being quite an asset to the community, so I'm very much in favor of it. And with regard to the increased density in phases 2-6, a ten percent increase does not seem excessive to me. And also there's a concern that even if the master plan is approved the buyers may not necessarily come. And my perspective is affected by the fact that I drive through Oshara every day and it's a very sad reminder that a wonderful idea can fail in this economy, and I hope that doesn't happen to us. And I know that we need a certain number of homeowners paying dues to maintain our landscape and our roads and our community areas, and I know that we need a certain number of homeowners to bring the dream of La Pradera to the reality. And we all bought into that vision and hope that it will succeed.

And there's no magic bullet under these difficult circumstances but I think this master plan gives the developers the flexibility they need in order to adapt to these very difficult times and to ensure that all of us in the long run have made a very good investment in this wonderful idea. And thank you very much and I hope you will approve.

CHAIR VIGIL: Thank you, Ms. Heath. Next. Please state your name and address for the record and be sworn in.

MICHAEL HENDRICK: My name is Michael Hendrick. I live at 103 Bosquecillo in La Pradera, in Phase 1.

[Duly sworn, Michael Hendrick testified as follows:]

MR. HENDRICK: Like Ellen Heath did I'd like to speak in support of the revisions. Ellen was very thorough. There's not a lot I can add to what she said. I really reiterate the notion that situation at Oshara, we'd hate to see that repeated in La Pradera. I personally feel, living in Phase 1 as I do, I think Phase 1 and 2-6 will all benefit if we have an increased number of homeowners living out there. I think one issue that will improve will be safety. The more people we have living out there the better we're going to be as far as being safe and free from robbery and that kind of thing.

Families that are moving into phase 2-6 now are young families, most of whom have children. They are people who are where I was 40 years ago, probably where a lot of you were then too. This is a big step up for them, to own their own houses, detached houses. These are nice houses, and I think that the plan, in addition to the things that it does for La Pradera that Ellen has mentioned, basically supports some of the goals that Santa Fe and Santa Fe County have in terms of providing housing for people that otherwise could not afford to live in the Santa Fe area. This project addresses those needs.

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 92

I understand, I've talked to people who live up in Vista Ocasá. I understand those concerns. Those are nice houses. They're big lots. They're horse properties. If I lived up there I might feel differently. But I don't. I live down in La Pradera and I think that the plans the developers have will benefit everybody that currently lives in La Pradera and the people who will come in later. Some times some people have concerns about the work-live arrangement. My understanding, and you're better informed than I am, obviously, but I think pretty much anybody in the county can have a live-work situation in their house as long as they limit the number of people who come on a daily basis to see them, whether an accountant, an attorney, a tutor, a piano teacher or not because there's not going to be people flooding in here. We were at a meeting and someone was concerned that the person was going to buy a house, they were going to operate a church and there'd be 300 people coming in there on Sunday morning. This is ridiculous.

The work-live notion is very modest. It will not increase density, to my understanding anyway, much at all. Again, as Ellen said, the idea of the commercial property was a nice idea. It was part of the Community College District idea. It was a good idea; it didn't work. It didn't work at Oshara, and there are a couple of businesses at Rancho Viejo that are hanging and there in fact you approved a liquor license for one of them tonight. It's a new restaurant that took the place of Lucky Bean and we hope the Capitol Grill does well. There's a lovely market there, the Rancho Viejo Village Market that seems to be thriving, but there's just two small businesses. So that concept didn't work.

Well, now let's try something different. Let's build some affordable homes. We've got the Community College which is a resource. We've got the church. We've got the area where growth is beginning to happen in Santa Fe. Some people don't like that; I can understand it. But this is something that's going to be positive in the long run and I really, sincerely don't think that it will negatively affect the folks up in Vista Ocasá. They've had to live with Rancho Viejo to the south. We're a much smaller operation. There won't be much traffic and I think basically this will work.

I'm sorry to be so long-winded. Thank you for your time.

CHAIR VIGIL: There's a question for you. Hold on, Mr. Hendrick.

COMMISSIONER ANAYA: Mr. Hendrick, would you support this applicant at this time if the density would have increased in the Phase 1?

MR. HENDRICK: It did. We've increased - we've added 17 units to Phase 1. They're right around the corner from my house.

COMMISSIONER ANAYA: As I'm reading your letter and the staff recommendations it went from 21 to 17. So clarify that for me. I guess I don't understand what you mean.

MR. HENDRICK: I think there were some situations - when they took the commercial property, the square footage and divided it down, there were lots very close to commercial property. Now, one in particular would have been impacted by houses very close to it and the buyer had no idea it would ever be there. Several properties. So these - I think there were two, possibly three - these owners were concerned about this. They bought lots, built houses with the assumption that they were going to be looking at what might be commercial property down the road much later. And now they were going to be looking at houses close to them that they hadn't anticipated. So the needs of those individuals, the advisory committee met with the developers on behalf of the homeowners and argued for a

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 93

reduction of density because of that fact. Because these were existing houses that were there and in good faith had not expected to have [inaudible] So that's why it dropped from 22 to 17.

COMMISSIONER ANAYA: Okay, Madam Chair. I wasn't picking on you, Mr. Hendrick. I was just reading your letter and you're supportive in your letter. You say, I favor the developers' plans to increase density in all phases. I understand their concerns. However, the developers have modified their original La Pradera plans and are building four fewer homes in Phase 1.

MR. HENDRICK: This is because they were affecting homes that were already there.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you.

CHAIR VIGIL: Any other questions. Thank you, Mr. Hendrick. Is there anyone else who's in favor of this development that would like to address the Commission? Hold your hand up or forever hold your peace, because there will be a closure of the public hearing after we hear from the opponents. Seeing none, Mr. Graeser, did you want to speak in favor? Okay. We're going to now here from those who are opposed to it. Mr. Graeser.

CHRISTOPHER GRAESER: Good afternoon, Christopher Graeser, 227-M East Palace. I'm an attorney acting under oath. I think the primary concern – I do represent several neighbors in both Vista Ocaso and La Pradera. And there's three primary reasons they object here. The first is simply a procedural one. As you heard, CDRC met on this, they heard it, they took a vote. It was a tie; they had to wait for their next meeting. The developers are under a time crunch and they don't want to have to wait for that. But you know what? The code requires them to go to CDRC. Article V, Section 5.2.6.b of the code says any substantial change in land use or an increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board. It has to go to CDRC and CDRC has to recommend approval. That hasn't been done and with all due respect I think that needs to happen before this Commission can act on it.

It's not just a hoop, it's an important part of the process because the CDRC is charged with evaluating the application on a number of bases, among those, impact on adjacent lands, viability of proposed phases. That's what we're here talking about is the viability of this development. The CDRC needs to look at that and make a recommendation to you so that you can act on the basis of that recommendation and with the benefit of that recommendation. This isn't a situation in which the CDRC sat on this and didn't act for six months. There was no quorum one month. That's not fair to the developer but it happens. They met on it. They tried to act. They didn't get a motion passed so we simply have to wait for the next meeting.

The second one is a fundamental fairness issue. [Exhibit 9] In 2005, when this was approved, it was an initial approval and an amendment, the developers met with the neighbors and they made an agreement. There was a lot of back and forth. There was a lot of negotiation and they reached an agreement on density and on lot layout. In fact they agreed on everything. There was one remaining issue which was they didn't agree on the width of the buffer and in fact the CDRC, or the EZC at the time simply accepted the buffer the applicants were proposing and nobody appealed that. But at the time what got them approval is the developer agreed to reduce the density of lots in phases 2-6 from 201 to 158, and to put the large lots along the southern side of the development which faces Vista Ocaso. And those were two very important points of the agreement. And now they're asking for a do-over on that. They made

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 94

their agreement, their business plan didn't work out, and now they're coming to you for a bailout. And simply that bailout is on the backs of the Vista Ocaña residents.

The concern – what's the point of making an agreement if it's not going to be an agreement, it's going to change as market conditions change. It's not like no one understands that market conditions change and as Mr. Sommer said this development is on the brink or on the border of being able to make it, but it would be worse is for the development to be approved and then it still to fail, and then to have all these small lots out there with no developer working on it.

The second issue just has to do with the submittals. You can look at this as a ten percent increase. You can also look at this as a new 27-lot subdivision, 27 plus 6-lot subdivision. We don't have particular heartburn with the change from the commercial to the residential so we're not making an issue of that. But adding 27 new lots, that's a good sized subdivision that would come before you and there have been issues with this subdivision. There have been utility issues; the reclaimed water thing didn't work out. The septic treatment plants weren't working, they were stinking up the neighborhood, and for that matter there was junk all over. None of that was cleaned up until they needed approval to come back and it's already been a couple months and I don't think anybody, at least that I represent has confidence that in fact those utilities are going to continue working, the septic is going to continue working, that water lines are adequate to serve all this development and just being split. And we don't feel that the developer has made full new submittals for what is just going to be an increase in intensity. It simply is not well enough thought out at this point. It's not a minimal change; it's a significant change.

I don't want to give the impression that my clients aren't willing to work with them. As Mr. Sommer said, quite honestly we have no common ground; there's nowhere to go. It's simply a decision that this Commission needs to make. As far as what we're asking for, we're asking for you to deny the amendment, to uphold the original agreement that the developers made with the neighbors and that the neighbors relied on. The gentleman that just spoke, Mr. Hendrick said, well, we reduced the density from the initial proposal because people were living there and they hadn't anticipated new houses and in good faith they didn't expect new houses. Well, you know that applies to my clients too. And they did in good faith because they in good faith negotiated.

We're asking, if you do approve it, which we request that you do not, that you do not allow administrative approval of the lot layout, which is what they're asking for, since the lot layout is such a big issue. The negotiated agreement was that the large lots would be along the southern boundary. If we allow administrative approval of lot layout then that's not a public process and we don't really have input on that very significant issue so we're asking you not to allow that to be done by the Land Use Director but to require it to come to committee.

And we ask you not to allow subdivision of any of those lots on the southern boundary.

The third issue is the covenants. *[Exhibit 10]* The covenants of the subdivision and Commissioner Stefanics, you asked about covenants. Well, in fact the covenants prohibit subdivision. Section 3.2, no subdivision of any lot shall be permitted. I understand the Commission doesn't have authority to enforce the covenants but I think the covenants give you an idea of what everybody in La Pradera bought in expecting, and what the neighbors expected to see and what the developers initially intended. Now, they don't want to comply

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 95

with that. So while you can't enforce that covenant, that would have to be another one of my clients to enforce that in a separate action, you can -- you have full discretion to deny this because it doesn't comply with the agreement originally made in the concept that everyone originally had.

Calling a 135-foot lot supersized I think ignores the real issue which is they were big because the agreement was made, and the issue is density but the issue is significantly lot layout also. That's all I have if you have any questions.

CHAIR VIGIL: Thank you. Are there any questions for Mr. Graeser?  
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and Mr. Graeser, I don't know if you're the appropriate person to answer this, but does the homeowners association meet regularly? Are there regular meetings?

MR. GRAESER: I'm sorry, Commissioner Mayfield. I'm not the person who can answer that. I'm sure that one of the applicants could.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Would someone like to answer that from the applicant's end?  
Do the homeowners association meet regularly?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, there is mandated annual meeting with the homeowners and with this current situation since I believe February we've had repeated meetings with our own homeowners to which the public at large was also invited to those meetings. The public was notified within 200 feet of La Pradera boundaries.

COMMISSIONER MAYFIELD: Thank you, Mr. McCarthy.

CHAIR VIGIL: Thank you, Mr. McCarty. We are on the section of the hearing to hear from the public with regard to those who oppose this project before us. Can I see a show of hands of those who oppose it? Okay. And how many of you would like to address the Commission? All of you who would like to address the Commission would you please stand and be sworn in simultaneously?

[Duly sworn, Ron Gallegos testified as follows:]

RON GALLEGOS: The name is Ron Gallegos, 120 Old Dinosaur Trail.

CHAIR VIGIL: Welcome, Mr. Gallegos.

MR. GALLEGOS: As I said, myself and my neighbors are here to oppose this action. The first thing, we are a little insulted that they didn't feel it was necessary to abide by the CDRC's decision and come forward and basically say we don't care what they say or what they're going to do, we're coming before the BCC. I think that says a lot to the constituents that the developer can not abide by the rules and everybody else will have to.

Another thing, they're talking about all the meeting that were had with residents of La Pradera and you did ask a question about where were the meetings held with the owners of La Pradera. Residents of the surrounding areas don't attend those meetings. We did have one meeting with them at the Community College, very contentious between the residents of Vista Ocaso and residents of La Pradera. It was essentially, the tone of the meeting was that no concessions would be made. Shortly after that meeting Mr. McCarthy contacted residents of -- most of them were from Phase 1 that were concerned about the commercial plan that was scheduled for that area and they arranged a

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 96

deal with the residents of Phase 1 to eliminate the original plan and go with a lower density. That's why you have the individuals here saying we support this because that is the area directly surrounding their property lines and they could get the reduced density that they were asking for.

They are so – first of all, commercial property in that area which as we all know they never had any intention of them building. They're also being threatened with failure as the Commission was. If this doesn't happen, we're going to fail. It's going to be like Oshara. You're going to have to pick up the pieces, scared the residents of Phase 1. If this doesn't pass, if you don't support this we're going to fail just like Oshara and that's not what you want. They were speaking about the buffer that we have with Rancho Viejo. That's a very different story. The buffer is at least 600 feet so it's quite a bit of a difference, and there is no thoroughfare through that area. It's all open space. So it's not like the one we had originally negotiated with La Pradera which is much smaller than 600 feet. And like the lawyer said, the reason these supersize lots are so big along that area is because that's what was negotiated. And these lots in Phase 2 actually happen to share property lines with myself. That's one of my big concerns. That's directly going to impact myself, just like it was directly impacting the residents of Phase 1.

I feel for their financial position. I own property around Santa Fe and we all come into situations such as this, but it's not the County's responsibility to provide collateral to a builder. The CDRC tabled it last and the reasoning behind that was that they allowed La Pradera to meet with the residents of Vista Ocaso to try to work it out as CDRC and BCC have recommended several times in the past [inaudible] We did meet with their lawyer this past Friday and pretty much the outcome was we're not willing to do anything. We did try to suggest several options, options that would even allow them to have the collateral if they would, but if conditions improved that they would go back to the lower density, but it was made pretty clear that they weren't willing to – they were supposed to get back to us but it was made pretty clear that they weren't willing to do any negotiating with us. The negotiating was already done; they took what they had to the Phase 1 people because it looked bad to have residents of La Pradera here objecting.

Commissioner Mayfield, if you recall, you had seen the pictures of the waste that was there before and they said that they made a good effort to clean it up. They make it sound like it's all taken care of but essentially what they did is they took the large debris out and then they just spread the rest of it out into the depressions that were there. So if you walk out there it's debris, aggregate, tree stumps, other such construction materials that were just spread out over that property, probably raised it up a good foot or more in some areas.

Their lawyer talks about abiding by the Community College District. Well, they asked to be in the Community College District. They can't use that as a ploy. Our 2.5-acre lots, we had an expectation. We came to an agreement in 2005 that that's the way it was going to be. He also used words like anti-sprawl to kind of go with Ms. Holian who is anti-sprawl.

That pretty much covers everything. I'm willing to answer any questions.

CHAIR VIGIL: Any questions? Commissioner Mayfield.

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 97

COMMISSIONER MAYFIELD: I have a question for staff. Madam Chair, Mr. Ross, Mr. Gallegos and also Mr. Graeser brought up maybe that we should not hear this based on our rules. Can you give me your thoughts on that please?

MR. ROSS: Madam Chair, Commissioner Mayfield, I was just talking to Jack about that and I understand it has been on the CDRC agenda without a decision and the decision was made to bring it up because normally three times is the limit of the notice. The code limits the viability of the notice to three meetings. Otherwise you have to readvertise the whole thing and start over again. So the decision was made to bump it up.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, does the code allow it to be remanded directly to us or does it say it has to be noticed again?

MR. ROSS: Madam Chair, Commissioner Mayfield, it doesn't address this specific situation but it does address the three-notice issue.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, what is your recommendation to us as legal counsel?

MR. ROSS: Well, I don't think it offends the code to hear it. The CDRC is just a recommending body on a master plan; you're the final decision makers.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair.

CHAIR VIGIL: Any questions for the testifier? None. Thank you very much. Next.

[Previously sworn, Adriene Simpson testified as follows:]

ADRIENE SIMPSON: My name is Adriene Simpson. My address is 15 Los Caballeros.

CHAIR VIGIL: Please proceed and welcome.

MS. SIMPSON: Madam Chairperson, Commissioners, I think none of us are really – I wish this was a two-part argument. None of us are against the changes that were made in the commercial part of this development. All we're opposing is the 27 lots. So we're not being unreasonable. They can do whatever they want except for those 27 lots as far as we're concerned. Because we had this argument in 2005. And part of the reason that Rancho Viejo is probably successful is that it is surrounded by larger lots. That was part of their recipe for success there. Now we're talking about taking the larger lots, of which large is kind of a euphemism. I don't think any of them are even as large as lots in Phase 1.

So they're proposing to divide those down into tiny lots and I think the only reason we're here really is because of finances. Their note is coming due and they need collateral and it's all been devalued and somehow I supposed the bank is valuing it by the lot. So by approving these we're letting banks dictate the development of Santa Fe County, basically. I'm sure the economy is a variable to dictate development I suppose, but in this case we've already made some concessions. It's not like they can't move forward. I think they're about 40 percent bought out of the lots that are available with at least 60 percent of the lots still to be developed.

So now they are proposing to degradate the neighborhood more by dividing these into the tiniest lots they can, and then partnering with Joe Boyden, the builder, to complete them. I don't know how many of you saw the Channel 4 news story on Joe Boyden and the quality of the homes he built in Edgewood that are in question. I've seen

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 98

the quality of the homes that are going up in Phase 2 and they're nothing like the quality of the homes that were in Phase 1. We had no problem. When I moved out there 25 years ago I was in a conforming Extraterritorial Zone area that was 2.5-acre minimum. There was nothing illegal or non-conforming about them. That's how it was. I thought the area would be developed – this property had about 80 homes on it.

So now I've accepted the fact that the Community College District development program is a fact of life so I'm accepting that there's four times already the amount of homes that would have been on there. And it's supposed to be dictated by water requirements. I think the original 2.5-acre parcels were based on the availability of water and now that they have County water out there there is no limit. There's literally no maximum of homes per acre. So maybe the water's not limited but their wastewater facilities are questionable at best. I'm not sure how everything is operating now. I know obviously we've gone over the problems in the past.

I was under the impression that the first wastewater plant, or the second one that is now supposed to be operating, all this time it's been a big holding tank that they were just pumping over to the other one. There was no treatment going on there at all. Now, I don't know what the status of that is. It just goes to show that this is a scramble to save themselves. So they're not going to invest anymore in infrastructure to dig up the street and put in the proper water lines to these lots. The County is probably going to approve it because they have no regulations and codes like the City of Santa Fe. So these are going to be homes that once again, are not going to be up to code. Well, they'll be up to County code but there is no County code. So they're going to be up to whatever the Utility Director thinks is okay.

A 3/4-inch service line is not going to serve two houses efficiently. They'll have water but they won't have the proper pressure. And they're not going to dig up the street and do it the way it should be done. And we did meet with Mr. Sommer this week to try and come up with an alternative with the collateral situation. We agreed that maybe they could add some more lots on the interior, still leaving the exterior lots bigger in line with the way Rancho Viejo was developed and hopefully any future development. And we also suggested that maybe Phase 6 take on more lots because the likelihood of them – Phase 6 is the big debris pile, basically, The likelihood of them investing more money to put the infrastructure in there to complete Phase 6 might be questionable. So if they added more lots there we may never see them in reality.

So I just want to say that I don't think that the bank should be dictating the development of Santa Fe County and that they should stick with the original agreement or meet with us and agree on a limited number of lots on the interior and in Phase 6. That was the original intention, I believe, of the CDRC to delay this was so that we could meet and come to some sort of agreement. But they don't want to negotiate, so that was a waste of time.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Did you provide any number of lots that you suggested? A specific number of lots?

MS. SIMPSON: Ten.

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 99

COMMISSIONER ANAYA: You said you submitted, as a group you submitted a recommendation.

MS. SIMPSON: It was an oral suggestion at the meeting. We were there as a group. Nobody objected to that.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Any other questions? Ms. Simpson, where is Los Caballeros in relation –

MS. SIMPSON: In Vista Ocaso.

CHAIR VIGIL: Where is it in relation to La Pradera?

MS. SIMPSON: It's on the ridge right above La Pradera. I look down.

CHAIR VIGIL: You're on the north side?

MS. SIMPSON: On the south side. The freeway's on one side and I'm on the other.

CHAIR VIGIL: Okay. I understand. Thank you very much, Ms. Simpson.

MS. SIMPSON: And as far as the 2.5-acre lots being horse properties, I have one of the horse properties out of the 38 or so homes out there, there are six of us with horses. It's not some sort of elite community. And most of the people are the same types of people that are buying into this. They've been there for years, it seems like to the people that are buying into this new phase of La Pradera. The Phase I La Pradera homes cost probably three to four times more than any of our original homes did. So we're just trying to keep a median home price out there, somewhere between \$250,000 and \$350,000, I suppose, just to maintain our property values. And also to discourage the gang signs that have been turning up on all of our junction boxes and things around our neighborhood ever since these new lower-cost Homewise homes have gone in there. I don't know. I'm not saying that they're all gangsters over there but it's a different kind of neighborhood than what we've had in the past.

CHAIR VIGIL: Thank you very much, Ms. Simpson. Is there anything else you'd like to add?

MS. SIMPSON: No, thanks.

CHAIR VIGIL: Next. Please state your name for the record and your address.

[Previously sworn, Maureen Cashmon testified as follows:]

MAUREEN CASHMON: My name is Maureen Cashmon. I live at 20 Arroyo Viejo Road, and thank you for letting us address you. I was proud of the group when this first plan came before the EZC and the EZA and we negotiated in good faith. The homes that were proposed, the density was way too high. We negotiated down, the Commission, the EZA approved a lower density. They thought that La Pradera had negotiated in good faith with us and they thought that the reduction in density was appropriate. And even though we requested a 300-foot buffer like our neighbors, Rancho Viejo have given on the other side of the development, the Commission at that time, or the EZA felt that 195-foot buffer was adequate, even though the Community College District plan allows for special provisions for existing neighborhoods.

Now to go ahead and change the density and if you approve this you are bringing it very close to what was originally proposed. We're asking this Commission to keep that good faith effort that you gave to us as voters. We know economic conditions have

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 100

changed. I can sell my house if I choose to right now, but it's at a very different economic condition than it was in 2005. La Pradera can sell those lots right now. At market value, just like I would have to sell my home at market value, not what I hoped to get in 2005; what is existing right now. This is America. That's what happens. They took an investment risk. They were hoping to realize a profit just like my home. When I sell I hope to realize a profit. Right now we wouldn't sell our home. We first love where we're living, but we wouldn't sell it. It would be very different than what we could get in 2005.

The Community College District, I have pored over that since 2005 when we met and we discussed La Pradera. One of the things, one of the centerpieces of the Community College District Plan allows for we don't want the sprawl. We want mixed use commercial and residential development. So we can have a rich network of highways and roads that everyone doesn't have to go into town. We can reduce the traffic on our infrastructure by eliminating that commercial development, which was envisioned, maybe a little coffee shop, maybe a little bit of ice cream store that my children would bike to. Now that has been eliminated.

I understand why Phase 1 might not want commercial development, and we can live with that. But I think also if you approve this what you have done and what the last night is you pitted neighbor against neighbor. You heard people from Phase 1 talk about, well, we negotiated with the developer to reduce the density in Phase 1. Our people in our development have tried to talk to the developers and saying, okay, we understand you want more density. We don't believe it should happen. But if you do, please don't put it on the side right next to the existing neighborhood.

Now, to say that the CDRC met three times, well, we've been here for all those meetings. It was not our fault that the developer didn't show up at the first meeting and we waited, and the CDRC waited, and they said we will give the developer a certain amount of time to show up. The developer didn't show up. So to say now, okay, three times, but now you have to go ahead and look at this, it should go back to the CDRC. However, I sit on boards for Santa Fe Public Schools, so I know also too that CDRC is only a recommending body. You are the approval officials.

I know that La Pradera has said that they've tried to be a good neighbor. However, I can tell you many in the existing neighborhood of Vista Ocaso do not believe that and one example, and I think there is some disappointment, some outrage to be back here in front of this Commission. La Pradera decided they were going to gate our road that belongs to the County. That we have used for many, many years. Only, only until we hired a lawyer at our own expense did they decide they would not gate those roads. That was a suggestion from Phase 1. They wanted a gated community. We don't want to live in a gated community. This is Santa Fe. This community should be for all of us; not for a select few. But it was only until we'd hired a lawyer to stop those gates going up - we tried to talk to the developer and say, don't put up those gates. How are our school buses going to get to our community? Well, we'll make sure that we open it up. But we said, what happens when the school bus comes early? Well, the school bus has to reroute around it. That's not being a neighbor.

So we're asking, we're asking that you keep the faith that we had when we came back here and we negotiated in 2005 with the EZC and the EZA. They approved a development. We know market conditions have changed. Market conditions will change

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 101

again. We all believe that. Whether it's in five years or ten years, this will have changed. We are a dynamic community. We're a dynamic country. We will get back to where we were. We're asking don't make a short-term decision that has long-term consequences for our area. If you do decide to approve this, we ask, and I think you've heard everyone from [inaudible] say please do not put that density on those lots on the south side. Put them up next to the highway. Will that take the developer some effort to do that? Yes. But we shouldn't have to have the density next to us.

And so that's – we would like you to first of all honor the – I know everyone has said they're okay to let the commercial development go. I'm not necessarily in agreement with that but that's a decision of this Commission because later on, Rancho Viejo, when they started out could not support a coffee shop, could not support a grocery store. They're supporting those now. Later on the commercial development might support a little book store, a little coffee shop, a little ice cream place. That's part of the Community College District Plan. So everyone doesn't have to come back into town to get basic things. To have a community. A community is more than just houses.

So we would ask you not to support this plan as it is being brought forward to you. If you do approve it we are asking that you do not approve the way that they want to put those 27 homes. I find it interesting that Phase 1 is supporting the development because the contractor/developer was willing to negotiate down a level of development. We from Phase 2 through 6, and this has been a history of that property, 2 through 6, we're going to put in the high density there.

We've lived there many, many years. We understand, as Ms. Simpson said that times have changed. We have changed. We support the Community College District. But don't just gut and pick and choose from that plan. The whole point of that was to develop mixed use, residential, commercial. That was the plan. I've seen that plan work in other communities. It isn't easy to get to that point but it does work. It may take longer than what you hoped and that was part of the thing with Oshara. By the time they finally got their approval market conditions had changed. Does that mean that Oshara's concept is dead? No. It may come back. But will there be somebody different developing that? Probably. And will it take many years? Sure.

Santa Fe has been here for over 400 years. We've got a rich history. La Pradera will be here for many, many years. Vista Ocaso has already been here for many years. So we're asking you please do not support 27 more lots in phases 2 through 6. Honor the commitments of previous Commissioners, commitments to this community.

CHAIR VIGIL: Thank you, Ms. Cashmon. Anyone else? Do you have any questions of Ms. Cashmon? Okay. Questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I have three questions and whoever can answer them I'd appreciate it. On the Phase 1 build-out, is that 100 percent? What's the percentage on Phase 1?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, Phase 1 had originally approval for 80 dwelling units, of which 11 were the condos. Out of the remaining units we have sold approximately 61 of the standard lots, and that includes duplexes. So we're up around 68 units sold.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. McCarthy. Phase 2, has anything been built on any piece, any lot in Phase 2?

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 102

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, in Phase 2 there have been 15 lots already built upon and homes.

COMMISSIONER MAYFIELD: Is that 1-5 or 5-0?

MR. MCCARTHY: 1-5.

COMMISSIONER MAYFIELD: Thank you. On any other phase has anything been built?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, in Phase 3 the similar number has been built.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, a question for Mr. Ross or Mr. Kolkmeier. Would there be anything right now to prevent a homeowner in Phase 1 or the current homeowners in Phase 2 that have built, or Phase 3 to come here and ask us for a lot split to put more density on the current lot they own?

MS. COBAU: Madam Chair, Commissioner Mayfield, as part of a previously approved subdivision with a pretty strict water budget I don't think you could anticipate any further land divisions will be occurring in La Pradera Subdivision. Certainly someone could come in and ask for a variance and there's nothing that would preclude them from doing that but it wouldn't be supported because it wouldn't have the water. I'm sure that the covenants in the subdivision themselves prevent further subdivision.

COMMISSIONER MAYFIELD: But Madam Chair, Shelley, that's kind of like what we're asked to do right now on this Phase 2. There was already agreement a while back that was approved by this Commission and now the applicants are coming in and asking us to change those lot lines. So why would that prevent somebody who's already purchased a home and owns a home on one of the existing lots to come and ask for a variance to split that?

MS. COBAU: Madam Chair, Commissioner Mayfield, just let me go through the numbers and maybe it will make it easier to understand. Phase 1 was originally approved for 69 residential lots, 11 condominiums, 16,334 square feet of commercial space, which is much more than a small bookstore, and 16,334 square feet of residential space, which were I guess the live-work units. Phases 2 through 6 were approved for 158 residential lots for a total of 238 residential lots, 16,000 square feet of commercial and 16,000 square feet of additional residential.

Now they're coming in with a current proposal of 271 residential lots as opposed to 238, 11 of which can be live-work. I don't think that it's unusual for a developer to come in prior to development of subsequent phases and ask to modify that phasing and the ideas that they had. A master plan is just an idea.

COMMISSIONER MAYFIELD: Madam Chair and Shelley, could the developer come in and ask for a modification of Phase 1 on the vacant lots they have?

MS. COBAU: They could. They'd have to get approval of this body before they could do that and there would be a public hearing process.

COMMISSIONER MAYFIELD: Thank you. But Madam Chair and Shelley, the homeowner who's already purchased on Phase 1 could not come and ask for a variance to split that.

MS. COBAU: Yes, they could. They could come in and ask for a variance unless they were subject to covenants and restrictions by the subdivision that would

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 103

preclude them doing that. We don't – the County doesn't enforce those covenants so there would nothing from that person coming forward and asking for a variance. Whether or not it was supported would depend upon the conditions and certainly things like water availability and everything else. But there's nothing to preclude them from coming forward.

COMMISSIONER MAYFIELD: Madam Chair, in staff's opinion should the developer be subject to the same covenants?

MS. COBAU: Well, they are. I think they participate in the homeowners association and are subject to the same covenants.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. That's all the questions I add.

CHAIR VIGIL: Did you want to add something to that, Mr. McCarthy?

MR. MCCARTHY: Yes, Madam Chair, Commissioner Mayfield. There's two distinct issues here. One is that when we purchased the land it was already deed restricted for the purpose by the sellers for the purpose of avoiding guesthomes. So no matter what size of the lot the deed restrictions preclude coming in and asking for additional dwelling or lot splits on a lot, no matter what size.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER ANAYA: On that point.

CHAIR VIGIL: On that point, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, was it those same deed restrictions that referred to a 1,500 square foot minimum house size or is that different set of restrictions that are referenced in some of the documentation I have in front of me? Was that in the same document or was that different? There's a document in our packet that says there's a minimum size of a house of 1,500 square feet. Where did that come in?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, I believe there's two separate documents. The one that restricted 1,500 square feet per dwelling unit, and it was interpreted through an affidavit of the people that placed that restriction that the 1,500 square foot was total not deeded. But I believe it was a separate document that did deed-restrict the land from further subdivision for the purpose of guesthouses.

COMMISSIONER ANAYA: Separate from the 1,500 square foot document.

MR. MCCARTHY: Madam Chair, Commissioner Anaya, I believe that is correct. We bought the land in 1999 so I'd have to refresh my memory, but I believe that's correct. But the condition does exist, whether it's in one document or two.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Okay. Any further questions? Okay, is there anyone else opposed to this project that would like to address the Commission. You need to be sworn in. You weren't sworn in with the original group. I need to ask one more time, anyone else opposed that wants to speak to this, because after this the public hearing will be closed. Please state your name for the record and your address and we'll have you sworn in.

JANE GILLENLINE: My name is Jane Gillentine and I live at 2256 Calle Cacique.

[Duly sworn, Jane Gillentine testified as follows:]

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 104

MS. GILLENTINE: Madam Chair, Commissioners, I represent the forgotten neighbor to the east. My family owns five lots directly east of this. We have not been involved. We have received mail letting us know of your meetings and the CDRC. We have not been involved in any of the meetings nor have we been invited. This development was presented to us when it first started. The large lots adjoin ours as does some of the open space. It was presented to us as a phased in large lots, not so large, smaller, smaller. This present plan destroys that. It is our land. We've owned it over 35 years and we would like to see some integrity remaining out there.

Our other major concern, and we don't live out there any more so this is a concern for the people that do live out there. A 24-foot wide roadway is not going to accommodate the kind of traffic this development is going to bring. I think you should give it really serious consideration. Thank you.

CHAIR VIGIL: Thank you very much Mrs. Gillentine. This will close the public hearing and I'll just defer to my Commissioners up here in terms of what direction they would like to go. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have a question going back to a comment that was made by one of the individuals that came forward of staff. It had to do with the timeliness or lack thereof of a commercial development within a subdivision or an area. Does staff want to comment on the comment that was made that today might not be the right time to deal with commercial here but the future could be the right time? Does staff want to comment on that in the context of everything that's happening? What comes to mind, it may be a lot different but a scenario that comes to my mind is Eldorado.

Eldorado was subdivided and it was absolutely no commercial. Do not do it. No way. We don't want it. We'll go to Santa Fe for our commercial. And now you see that it's an essential part of that community in that segment of Eldorado that makes a lot of sense for commercial. So it maybe wasn't the right time in 1976 or 74 or whenever it was originally developed by AMREP but it certainly is now. Jack, do you want to comment on that? Having been part of the Community College District Ordinance and the development therein. Shelley, you as well.

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, there's actually do things that have gotten complicated here. One is the types of centers that were designated in the Community College District. Employment centers, village centers, and neighborhood centers. Again, this is 12 years ago when this was all created, so the idea was there would be a difference in scale of what would happen in these particular types of centers. Employment centers would be predominantly commercial with other mixed use. Village centers would be in the larger residential centers, and the neighborhood centers would be in the smaller subdivision areas.

Secondly, the idea of mixed use was originally to be a mixture of not only just commercial and residential but other things as well - institutional uses, open space, open community areas. And what we found, in 2005 we did a fiscal impact study for the whole Community College District and what was suggested to us at that time was that there were too many village centers in the whole Community College District and there may be too many neighborhood centers. We didn't redo that at that time under the assumption that the developers who came in would make those kinds of decisions themselves and

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 105

come up with the appropriate kinds of development. But what we've found now, as has been mentioned by all sides of the argument here is that the times have changed.

So the request here, part of what is adding to the density discussion is that to eliminate some of the commercial for what? And that has been for live-work which we still consider a form of mixed use, and to continue to have the open space but to continue to make up the difference with residential. So the problem, and again your example of Eldorado – of course none of that commercial was even built in the subdivision of Eldorado. It was built in the outside subdivision.

But the point is we've had to adjust somehow in our thinking about what was originally intended from the Community College District to what we're seeing happen right now, which is a shift of some kind. The problem for all of us is shift to what? How are we supposed to make the decision about what's right for the amount of commercial? What's right for the mixed use concept that has now asked to be changed and to move forward. And I think the only way we really get there is through this public kind of negotiation.

This is a really good thing for us to be discussing because this is going to set the precedent for a lot of the other smaller neighborhood type centers that are going to occur throughout the Community College District. So how we arrive at those numbers we're not really sure because we can't say a definitive number, like Shelley said before, 16,334, that's a lot of commercial space for a neighborhood center. It's not going to support it. So what do we pick? What number do we pick and how do we do that? And I think it really is a combination of having the neighbors and the developers really work this out.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I went back and I apologize to anybody that thinks I wasn't paying attention because I was looking down, but I went back and read two to three times the comments and discussion that took place at the last meeting, and during that discussion I was asking a whole lot of questions as were my fellow Commissioners about what was going on with the last phase. And if you remember there was a lot discussion about, are we talking about 22 units or 21? I remember Shelley and staff was probably frustrated with me but I was trying to really get to the core of what are we really doing here at the last meeting. And we had a long discussion about what's reasonable and what makes sense? We talked a little about the commercial aspect at that meeting as well.

And when we left that discussion, the discussion was to go forward with allowing the 11 actual 10 additional units if you go back and look at the minutes. And then what was – and it was our other staff member was presenting. Her name escapes me right at the moment – Vicki – Vicki was presenting. And I said you keep bringing up this other factor, 27 units. Well, we're back here to have the discussion on the 27 units again. You have the same community members that have voiced concerns with the project, and you have the developers here that it doesn't seem like having a whole lot of discussion at this point. And what I asked earlier, was there any proposal between the 27 units and any increase, and I only asked one person. It was the lady back there, Ms. Simpson, I believe, who said 10. And other than that, other than those comments there's a separation between the 10 and the 27. But I think, and I want to hear from my colleagues, but I think to just

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 106

walk away completely from the commercial, I don't know. I would have to agree with some of the comments made by the earlier lady about walking away from that all together. I don't know that that's necessarily the right thing to do either.

I do have one specific question for the applicant, is to help me understand and I understand the frustration of the development community and the market and the fact that you're trying to make a living and you're trying to be able to sell homes and sustain the development so it doesn't fall apart. Help me understand the need to go from the discussion we had at master plan last time for the ten additional units to the full-blown 27 units additional for all phases. Is there some middle point that you could get to that I'm looking to you, Bobbie Lee and John, whichever one of you wants to respond. Is there some midpoint associated with some of the subsequent phases that helps you with your financial predicament, if you will, but tonight, doesn't pull us all the way to 27?

The other question that I have, is there some compromise associated with additional residential units and holding some of that commercial back? Not 16,000 square feet, but, I don't know, maybe 5,000 in each phase. Was that possibility discussed on your end and could you give me any feedback associated with those questions or thoughts?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, to answer your first question, we are not giving up commercial. What we're doing is micro-business, allowing for micro-businesses through these live-work or home occupation programs. So there could be a small coffee shop or an exercise tutor or music teacher or whatever within the commercial. So we're retaining that – for want of a different word, that commercial aspect in Phase 1.

As far as the distribution – let me back up a little bit. The ten units, through negotiation with our advisory committee and our immediate neighbors we've reduced that as previously testified from ten down to six. In terms of the 27 units, they're distributed through all phases, 2,3,4,5 and 6. So Phase 6, for example, has I believe four additional units. Phase 6 hasn't recorded. Phase 3 has 5 additional units.

COMMISSIONER ANAYA: Give me those one more time again. Each one.

MR. MCCARTHY: Of the 27, Phase 6 has four additional lots. Phase 5 has 3. Phase 4 has 7, which is not yet platted. Phase 3 has 5 and Phase 2 has 8. So phases 2 and 3 have already been platted and recorded and we've sold a combined total of 30 units, 30 homes in those two phases. The way we originally laid out La Pradera utilizes 50 percent open space not only as the buffer. This has the 195-foot buffer from the centerline of the road to the back of this house, and this is about 300 linear feet here. We did put some larger supersized lots along this corridor here but remember that my comments were also limited by the number of units we're putting in each phase.

So again, Phase 2 we're proposing to add 8 lots in here that will be distributed, and in Phase 3 we're adding 5 which were distributed through here. But you also have this big backyard. So you've got an 80-foot front lot with 195-foot backyard. Then you have the other side of the 50-foot right-of-way, 25 feet more on the opposite side. And if I may correct the record, Phase 4 is where the pile of debris was which has been cleaned up now, not the other phase, Phase 6. So Madam Chair, Commissioner Anaya, I hope that answers your questions.

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 107

COMMISSIONER ANAYA: Madam Chair, Mr. McCarthy, the answer to my question associated with is there any other way from your perspective economically to not have all 27 approved today, the answer is no? That's the only way? The only way, to put it more straight, from your standpoint to be able to succeed is to be able to have the 27 lots?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, that is the absolute minimum.

COMMISSIONER ANAYA: I don't have any questions right now, Madam Chair.

CHAIR VIGIL: Further questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. McCarthy, with the map you have up, where is the wastewater treatment plant?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, the wastewater treatment plants are located in this area right here.

COMMISSIONER MAYFIELD: Okay. Maybe it's not you I'm asking this question. Would there be a need for a third wastewater treatment plant, which all the phases at complete build-out?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, based on our engineer's calculation which was accepted, planning-wise but the NMED, no.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Okay. Any other questions? Okay. Seeing none, what is the pleasure of the Commission?

COMMISSIONER ANAYA: Mr. Martinez, Madam Chair. Mr. Martinez, do you want to address the Commission?

CHAIR VIGIL: I actually closed the public hearing.

COMMISSIONER ANAYA: Relative to the economics. I mean as a partner --

CHAIR VIGIL: Oh, on the question you were posing.

COMMISSIONER ANAYA: A question as a partner on the economics. Madam Chair, the reason we went through the dialogue and the last time, and the need for us as a Commission to try and provide some economic development, an opportunity to get some houses built and sold, I think it's important. But on that point, you'd concur that there's no other alternative that you have at this time, other than what's being brought before us today.

[Duly sworn, Bobbie Lee Trujillo testified as follows:]

BOBBIE LEE TRUJILLO: My name is Bobbie Lee Trujillo and I reside at 3 Hacienda. Madam Chair, Commissioner Anaya, we've studied this. We met with people. We've worked out the details. We knew that the total of the 32,000 square foot commercial would never work. It just hasn't worked in other subdivisions and I won't start pinpointing the other subdivisions, but we've worked on how do we make this happen so that we can produce a product that can be purchased, that somebody might want to actually purchase the lot and build something. We've switched that thought to going in and getting with a builder and with the Santa Fe Trust and building houses.

So we're attacking it from every point of view we could possibly do. And I think this is sort of where we're at. I really do. I think that if you see that the 27 lots that we're

SEC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 108

trying to get in addition on phased 2 through 6, 27 lots on about – I'll just guess, probably in about 90 acres. Because I believe the entire subdivision is somewhere around 160, 170 acres so we're talking about 27 additional lots on about 90 acres. I might be wrong on the exact calculations. But if you look at it like that it's not a lot. It's not a lot and if you look at the drawings it's not an impact at all.

COMMISSIONER ANAYA: Madam Chair, if I could. I'm sorry I called you Mr. Martinez. Mr. Trujillo, if you could comment on your base minimum price for a house and a lot, what's the minimum that you could see on any of the phases?

MR. TRUJILLO: Well, the minimum right now is \$129,900. I mean \$229,900, excuse me. And we brought a model in at \$325,000. So our plan was to be somewhere between \$229,900 or \$229,500 and \$350,000. Of course it can go up from there as well.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Mr. Trujillo.

CHAIR VIGIL: I did have a couple of clarification questions for staff before we move forward. There's a couple of – just two pieces of information that I heard in the testimony that I think needs to be clarified for the record. I did hear testimony from the opponents that there is no County code. Would you clarify that, please? There does exist a County code and I don't know why – I just wanted to clarify that for the record. When was it adopted?

MS. COBAU: Madam Chair, this project was reviewed for compliance to both the Santa Fe County Land Development Code that was adopted in 1981 and also the Community College District Ordinance which I believe was adopted in 2001. It was checked for compliance to both those ordinances, Madam Chair.

CHAIR VIGIL: Okay. And one of the other statements that was made that I'd like staff to comment on is that there's a 24-inch wide road that is insufficient for this development? Would you comment on that?

MS. COBAU: Madam Chair, the subdivision regulations of the Land Development Code have pretty clear requirements on roadway widths and 24 feet is one of the wider roadways. It's two 12-foot lanes. We're going currently with the Community College District standards, I think even allow a narrower lane than 12 feet. And road design is based on traffic volume and we have a traffic report that has been generated by a licensed professional engineer who has assured as that the design of the surrounding roads is adequate.

CHAIR VIGIL: Okay. Those are the only two outstanding questions I had. So are there any other questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, question for staff or maybe you or one of the other Commissioners could answer this. Is there ever any plans or have there been plans for DOT to cut off ramps right there by the Richards Avenue exit? Is that something that could happen in the foreseeable or near future?

COMMISSIONER STEFANICS: On that point, the MPO has placed a Richards Avenue exit on its priority list. It's a very large amount and would probably not be funded as one of the regular federal or state projects, but would require some major appropriation from one of our congressional representatives. But it is on the priority list for the MPO.

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 109

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Commissioner Stefanics.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, we're in a tough climate right now. There's a lot of people here in Santa Fe County that are still not able to even find houses to purchase, and at \$229,000 on the low side, that's still a lot of money in this community but it's an opportunity. I guess one last question and then I'm going to make a motion. How fast, how much time would it take in your plans to push through your phases, to actually get to build-out? What's your target planning on build-out of the subdivision?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, based on today's absorption we're looking at probably seven years to fully build out La Pradera.

COMMISSIONER ANAYA: And Madam Chair, Mr. McCarthy, within those price points, especially on the \$220,000 side, how much of the development in the early going in the next two years is going to be within that scale or price point?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, based on what we're already experiencing, today it's about 95 percent in the \$220,000 to \$265,000 range. If we don't see much movement that number will probably come down over 2 1/2 years to an 80/20 mix. And then we're hoping that the ratios would start to flip after that period, after the presidential election and economic recovery and job creation, which is what we're trying to do locally.

COMMISSIONER ANAYA: So Madam Chair, Mr. McCarthy, if this is approved these units would increase the number that would be in that price point of \$220,000 to \$265,000?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, that's correct?

COMMISSIONER ANAYA: How many of those 27 would you say?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, 27.

COMMISSIONER ANAYA: All 27.

COMMISSIONER ANAYA: Madam Chair, it's on that point and for that reason that I would move for approval.

COMMISSIONER HOLIAN: Madam Chair, I would like to second it and during discussion I would like to make a few comments.

CHAIR VIGIL: I have a motion and a second. You can proceed with your comments.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I do have sympathy for the neighbors of this development. I know that they had a vision of what they wanted that area to look like, but times are changing and there's just no way around it. I really feel that this type of development that has been proposed is much more in line with what our existing market looks like, that is the live-work units and I believe that the 27 new lots are really more targeted to first-time homebuyers. I have a friend who's a real estate agent and she says those are the kind of units that are moving in Santa Fe at this point.

It is also consistent with the Community College District Ordinance and I don't believe that the La Pradera commercial center as it was originally envisioned would be

SFC CLERK RECORDED 10/26/2011

Santa Fe County  
Board of County Commissioners  
Regular Meeting of September 13, 2011  
Page 110

successful at all. Those kinds of commercial centers have not worked in many, many other developments in the last ten years and I think that the live-work units really make sense. I believe that approving these changes actually increases the chances that this development will be successful and I believe in turn that increases the chances that property values in that area, not only in La Pradera but also in the neighboring communities will start stabilizing as well.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Does the motion include all the conditions listed on page 6?

CHAIR VIGIL: Would the motioner include that please?

COMMISSIONER ANAYA: Yes.

CHAIR VIGIL: The seconder?

COMMISSIONER HOLIAN: I agree.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: Okay. Is there any other question, comments?

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

[The Commission took a five-minute recess.]

~~XIV. A. 6. CDRC Case # V 11-5200 Jesus Garcia-Solis Variance. Jesus Garcia-Solis, Applicant, Requests a Variance of Ordinance No. 2002-9, (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.2 to Allow a Second Dwelling Unit on 2.53 Acres. The Property is Located in the Vallecita de Gracia Subdivision, off Los Pinos Rd. (County Road 54) at 1 Corte Gracia, within Sections 22, 27, & 28, Township 16 North, Range 8 East (Commission District 3) Wayne Dalton, Case Manager~~

~~MR. DALTON: Thank you, Madam Chair. The applicant requests to allow a second dwelling unit on 2.53 acres. There is currently a residence and conventional septic system on the property. The property is served by a shared well system which serves five additional lots. The property is located in the Traditional Historic Community, within the Basin Zone. Ordinance #2002-9 requires the minimum lot size in this area as 10 acres per dwelling unit. With proof of 100-year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants the maximum density may be increased to one dwelling unit per 2.5 acres.~~

~~The Vallecita de Gracia Subdivision was granted preliminary and final plat and development plan approval by the Board of County Commissioners on March 10, 2005. The approval consisted of an 11-lot subdivision. On July 13, 2010, the Board of County Commissioners approved a request for preliminary and final plat and a development plan~~

SFC CLERK RECORDED 10/26/2011

being met; and 3) it finds that the final plat is in substantial compliance with the previously approved preliminary plat.

5.4.4c Denial. If the final plat is denied by the Board, the reasons for the denial shall be referenced and attached to two (2) copies of the final plat and such action shall be dated and verified by the signatures of the Chairman of the Board and the Code Administrator affixed to said copies. One signed copy shall be returned to the subdivider and the other shall become a part of the files of the Code Administrator's Office. The original drawing shall be returned to the subdivider.

5.4.4d Failure to Act. If the Board does not act upon a final plat within the required period of time, the subdivider shall give the Board written notice of its failure to act. If the Board fails to approve or reject the final plat within thirty (30) working days after that notice, the Board shall, upon demand by the subdivider, issue a certificate that the final plat has been approved.

#### 5.4.5 Filing

The final plat, subdivision covenants and final disclosure statement shall be recorded by the County Clerk. The Code Administrator or his authorized representative shall notify the subdivider of the date of such recordation. Final plats, approved by the Board, shall be recorded within ten (10) working days after all conditions of approval have been met.

#### 5.4.6 Expiration of Final Plat

Any approved or conditionally approved final plat, approved after July 1, 1996 shall be recorded within twenty-four (24) months after its approval or conditional approval or the plat shall expire. Upon request by the subdivider, an additional period of no more than thirty-six (36) months may be added to the expiration date by the Board.

#### 5.4.7 Acceptance of Dedications and Improvement Agreement

Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the office of the county clerk or a resolution of acceptance by the Board is filed in such office. Acceptance of a public dedication by the County does not imply the maintenance by the County of such dedication. Maintenance of public dedications require a separate action of the Board pursuant to Section 8.1.9 of this Article.

5.4.8 The final plat will not be signed by the Code Administrator until the subdivider has either installed all required improvements or filed a surety bond or other acceptable security as required in Section 9.9 of this Article.

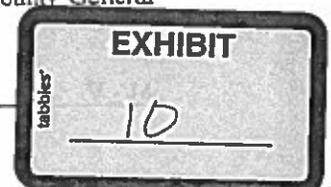
5.4.9 A copy of the final plat shall be provided to every purchaser, lessee or other person acquiring an interest in the subdivided land prior to sale, lease or other conveyance.

5.4.10 Copies of all brochures, publications and advertising relating to subdivided land, as required by the New Mexico Subdivision Act, shall be filed with the Board and the Attorney General within fifteen (15) days of initial use by the subdivider.

### 5.5 Summary Review Procedure

5.5.1 Qualifications. The following types of subdivisions shall be submitted to the County for approval under summary review procedures:

- a. Type III subdivisions containing five (5) or fewer parcels of land, unless the land within the proposed subdivision has been previously identified in the County General



THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

RESOLUTION NO. 2011-193

A RESOLUTION

FINDING THE EXISTENCE OF SEVERE ECONOMIC CONDITIONS AND  
SUSPENDING ENFORCEMENT OF SPECIFIED PROVISIONS OF ARTICLE V  
OF THE LAND DEVELOPMENT CODE THAT CONCERN EXPIRATION OF  
MASTER PLANS, PRELIMINARY PLATS AND FINAL PLATS PURSUANT TO  
ORDINANCE NO. 2011-11.

WHEREAS, Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Santa Fe County Land Development Code ("the Code") and the former Extraterritorial Zoning Ordinance contain expiration dates for certain development approvals such as master plans, preliminary plats and final plats;

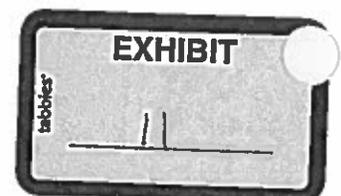
WHEREAS, Article V, Sections 5.2.7, 5.3.6 and 5.4.6 require an applicant to apply for an extension of these approvals and precludes an extension should the approval expire;

WHEREAS, the national, state and local economies have experienced a severe downturn in recent years which has heavily affected the housing sector, and signs of an economic recovery are ambiguous at best; and

WHEREAS, pursuant to Ordinance No. 2011-11, the Board of County Commissioners ("the Board") may suspend provisions of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index® for the United States for any quarter, and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of master plans, preliminary plats and final plats for two years pending an economic recovery.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Ordinance No. 2011-11, The enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 and related policies and procedures of the Land Use Department whereby master plans, preliminary plats and final plats expire are hereby suspended until approval of a subsequent resolution of this Board for those developments located within the unincorporated lands of Santa Fe County and those areas within the extraterritorial planning and platting jurisdiction as described in NMSA 1978, Sections 3-20-5 (1965) and 3-21-2 (1965), so long as an order approving the specific suspension for the development in question is approved by the Board.



2. Any suspension of enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 granted by the Board pursuant to paragraph 1 herein shall be valid for a period of two (2) years from the date suspension is authorized.

ADOPTED THIS 13th DAY OF DECEMBER, 2011.

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

By: Virginia Vigil  
Virginia Vigil, Chair

ATTEST  
Valeria Espinoza  
Valeria Espinoza, County Clerk



APPROVED AS TO FORM:  
Stephen C. Ross  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
I Hereby Certify That This Instrument Was Filed for  
Record On The 16TH Day Of December, 2011 at 10:32 22 AM  
And Was Duly Recorded as Instrument # 1654503  
Of The Records Of Santa Fe County  
Witness My Hand And Seal Of Office  
Valeria Espinoza Valerie Espinoza  
Deputy County Clerk, Santa Fe, NM

BCC RESOLUTIONS  
PAGES - 2

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

ORDINANCE NO. 2011-11

AN ORDINANCE SUSPENDING ON A CASE-BY-CASE BASIS PROVISIONS OF  
ARTICLE V OF THE LAND DEVELOPMENT CODE CONCERNING EXPIRATION OF  
MASTER PLANS, PRELIMINARY PLATS AND FINAL PLATS UPON A FINDING OF  
ECONOMIC NECESSITY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF SANTA FE:

Section 1. Suspension of Expiration. A new paragraph of Article V of the Santa Fe  
County Land Development Code is enacted, as follows:

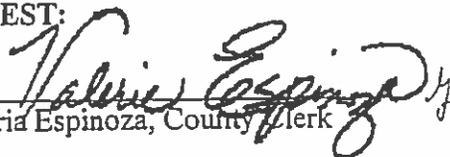
The Board of County Commissioners may approve, by resolution, temporary retroactive  
suspension of enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of this Code  
concerning expiration of master plans, preliminary plans and final plats for any development  
located within the unincorporated lands of Santa Fe County and within the extraterritorial  
planning and platting jurisdiction as described in NMSA 1978, Sections 3-20-5 (1965) and  
3-21-2 (1965), upon a finding that severe economic conditions justify such a suspension  
either for a particular project or for a described class of projects. Any such resolution shall  
not suspend enforcement of Article V, Sections 5.2.7, 5.3.6 or 5.4.6 more than three (3)  
years, nor apply to a master plan, preliminary plan and final plat expiring more than three  
(3) years prior to the effective date of this ordinance, and such resolution may contain  
conditions that the Board deems appropriate to such approval. For purposes of this section  
"severe economic conditions" are present when the Conference Board Leading Economic  
Index® for the United States is less than 100 for any quarter, and for three years following  
any such event.

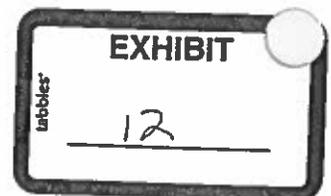
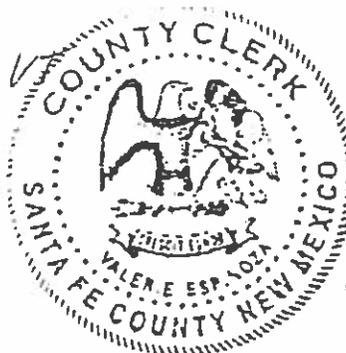
PASSED, APPROVED and ADOPTED THIS 13th DAY OF DECEMBER, 2011.

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

By:   
Virginia Yigil, Chair

ATTEST:

  
Valeria Espinoza, County Clerk



156

SEC. CLERK RECORDED 12/16/2011

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

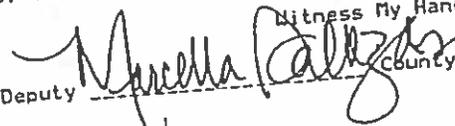
SFC CLERK RECORDED 12/16/2011

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC ORDINANCE  
PAGES: 2

I Hereby Certify That This Instrument Was Filed for  
Record On The 16TH Day Of December, 2011 at 10:32:21 AM  
And Was Duly Recorded as Instrument # 1654502  
Of The Records Of Santa Fe County



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

157

LAS SOLERAS DR

BECKNER RD

RAIL RUNNER RD

DINOSAUR TRL

INTERSTATE 25

INTERSTATE 25

CAMINO SABANERO

BOSQUECILLO

CABALLO VIEJO

LA PRADERA

CANTO DEL PAJARO

PINON DOBLADO

RUDY RODRIGUEZ DR

VISTA VALLECITO

OLD DINOSAUR TRL

ARROYO VIEJO RD

OCASO DR

PRAIRIE VISTAR

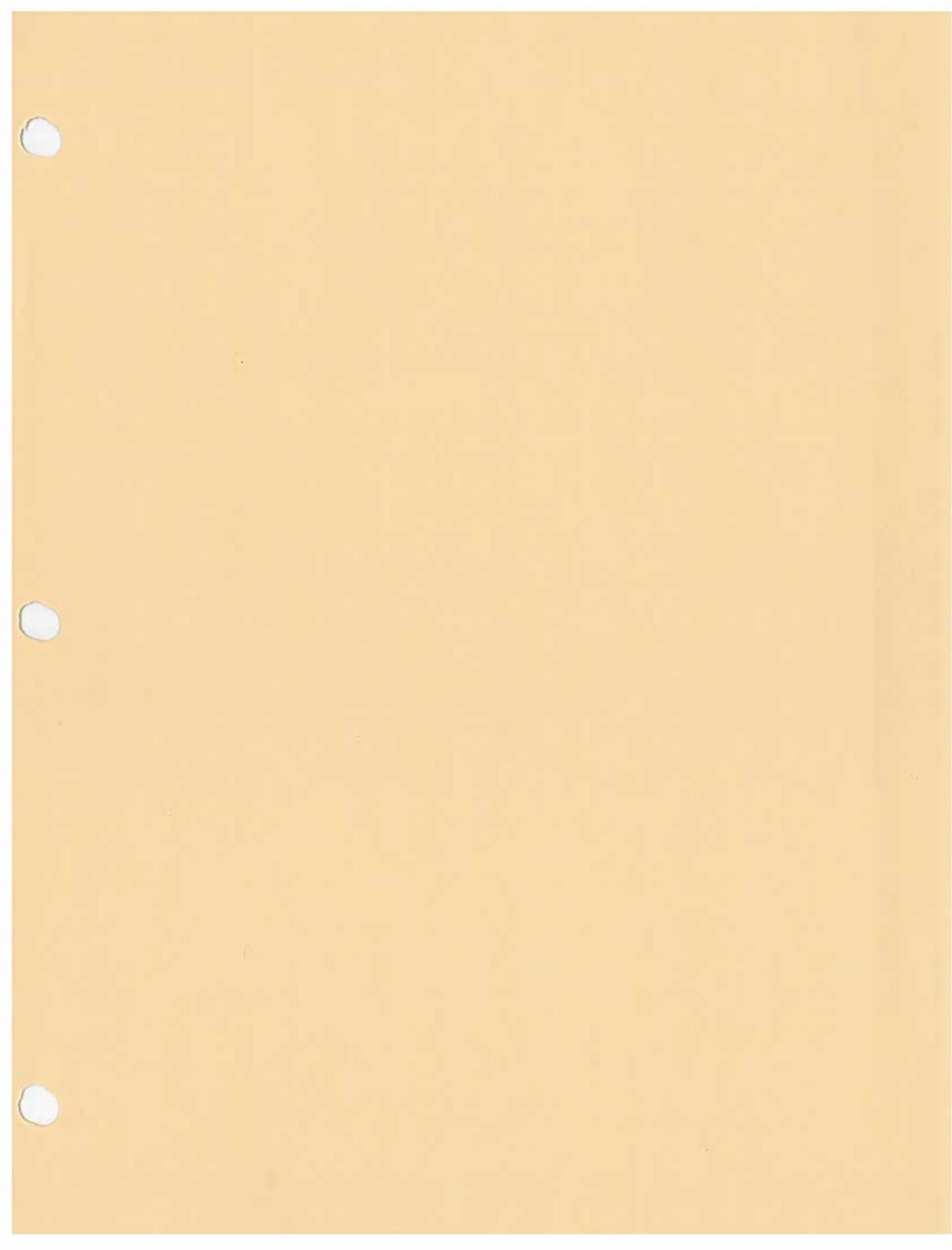
EL PASEO DEL CABALLO

W RABBIT RUN

EXHIBIT

13  
158

LABOR





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:** Jose E. Larrañaga, Development Review Team Leader *JEL*

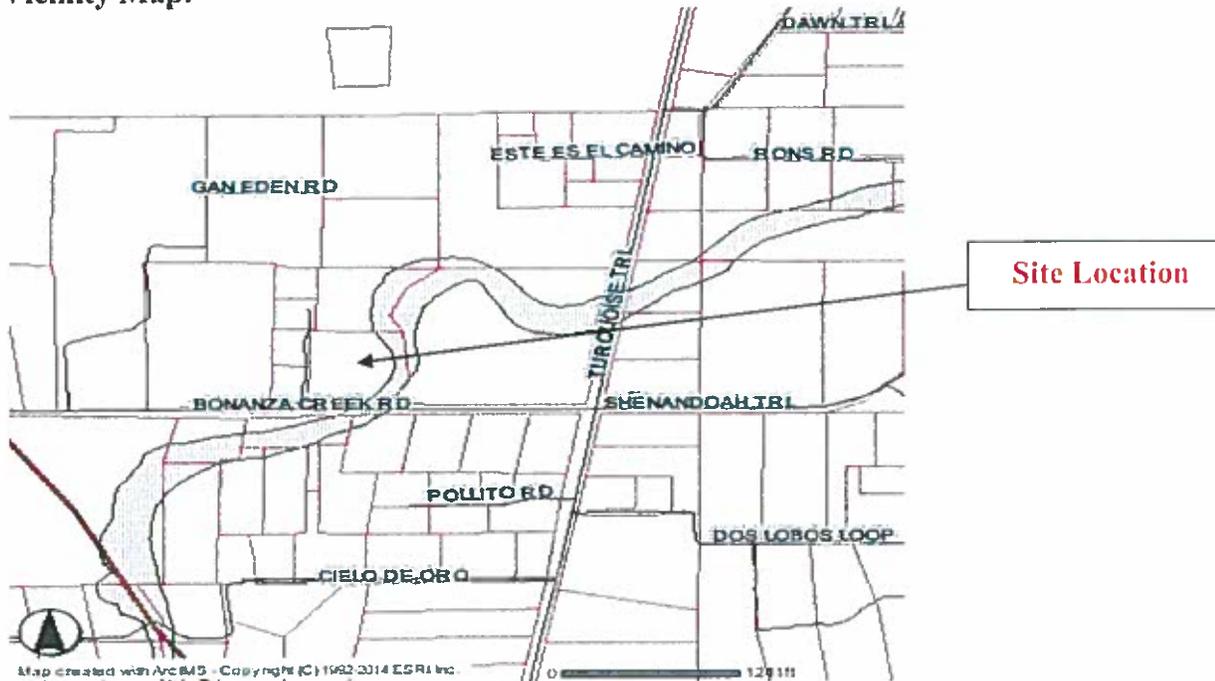
**VIA:** Katherine Miller, County Manager *KM*  
Penny Ellis-Green, Land Use Administrator  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor *WD*

**FILE REF.:** CDRC CASE # Z 14-5010 31 Bonanza Creek Road

**ISSUE:**

Leslie Moody and Mitchell Ackerman, Applicants, JenkinsGavin, Agents, request Master Plan Zoning approval to allow a Bed and Breakfast within an existing residence on 9.94 acres. The property is located on the west side of Highway 14 off Bonanza Creek Road (County Road 45), within Section 26, Township 15 North, Range 8 East (Commission District 5).

**Vicinity Map:**





## SUMMARY:

On March 20, 2014, the County Development Review Committee (CDRC) met and acted on this case, the decision of the CDRC was to recommend approval of the Applicant's request, for Master Plan Zoning with staff conditions. The CDRC also recommended that the Applicants provide water rights if the water use for the Bed & Breakfast exceeds 3 acre feet of water per year.

The Applicants request Master Plan Zoning approval to allow an existing 5,580 square foot five bedroom residence to operate as a Bed and Breakfast. There are two dwellings on the 9.94 acre site. A 4,561 square foot residence will be utilized by the Applicants as their primary residence and the second residence will be utilized as a five bedroom Bed and Breakfast. The Applicants are not proposing any expansion of the existing structures as part of this Application.

The Bed & Breakfast is currently in operation without the proper zoning approval or Business License from Santa Fe County. This statement is based on an observation made by staff on a site visit and advertisement on the internet as Rancho Gallina in Santa Fe.

The two existing dwellings on the 9.94 acre parcel are non-conforming as per the density requirements of the Land Development Code (Code). The Applicants propose two kitchens in the five bedroom residence which will operate as the Bed and Breakfast and a kitchen in the Applicants residence. Ordinance No. 1998-9 states: "any such structure, mobile home or unit that contains both a kitchen or cooking facility and a bathtub or shower shall be presumed to be a dwelling". At the most basic level, a bed and breakfast is a place, often found in a renovated home, mansion or small hotel, to spend the night and enjoy a full breakfast in the morning. In observance of the non-conforming status of the site only two kitchens shall be utilized on site.

Article III, § 8, Other Development (8.1 Uses Permitted) states: "All uses not otherwise regulated by the Code are permitted anywhere in the County".

Article III, § 4.4.1.a (Design Standards and Review Criteria) states: "to zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures for master plans are set forth in Article V, § 5.2".

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

This Application was submitted on January 10, 2014.

Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning: the Application is comprehensive in establishing the scope of the project; the County Hydrologist has determined that the application is sufficient for Master Plan; the Application satisfies the submittal requirements set forth in the Land Development Code.

The review comments from State Agencies and County staff have established findings that this Application is in compliance with state requirements and Article V, § 5, Master Plan Procedures of the Land Development Code.

**APPROVAL SOUGHT:** Master Plan Zoning approval for a Bed and Breakfast within an existing residence on 9.94 acres

**GROWTH MANAGEMENT AREA:** SDA-2 within the Residential Fringe category of the SGMP Future Land Use Map

**HYDROLOGIC ZONE:** Basin Fringe Hydrologic Zone, minimum lot size in this area is 12.5 acres. The 9.94 acre lot size is non-conforming.

**ARCHAEOLOGIC:** Moderate potential area, less than 10 acres, no further disturbance of the site is proposed. The Applicants requested a waiver from conducting an Archaeological Study on this site from the Historic Preservation Division (HPD). HPD reviewed the submittal and determined that the Bed and Breakfast would have no effect on historic properties and an archaeological survey is not required.

**ACCESS AND TRAFFIC:** The property takes access from Bonanza Creek Road (County Road 45), Via Highway 14. County Public Works determined that a Traffic Impact Study is not required for this type of use.

**FIRE PROTECTION:** Turquoise Trail Fire District. The Santa Fe County Fire Department Fire Prevention Division has reviewed the application and recommends conditional approval.

**WATER SUPPLY:** Existing on-site well; proposed water use not to exceed .25 acre feet of water per year. The County Hydrologist review states: "based on a review of the water budget a water supply plan is not required for master plan approval, since the proposed water use is less than 1.0 acre-foot per year. Based on the analysis of water use for residential and bed and breakfasts it appears the water use may exceed 0.25 acre-feet per year for the project. As part of the original application, the Applicant

requested Master Plan, Preliminary and Final Development Plan approval. A Preliminary Development Plan requires a water supply plan which addresses water availability, water quality, water conservation and fire protection. After review of the documents submitted, by the Applicants, code requirements for water availability for Master Plan have been met". The Applicant is proposing to collect 3 months of actual water use data in order to submit an accurate water budget with the Development Plan application.

**LIQUID WASTE:**

The 5,580 square foot residence utilizes two conventional septic tanks (1,000 & 1,200 gallons). The 4,561 square foot residence utilizes a 1,000 gallon conventional septic tank. NMED has determined that the on sight liquid waste systems are not sufficient to meet the needs of the proposed B&B. Compliance with NMED requirements shall be in place prior to submittal of Final Development Plan.

**SOLID WASTE:**

Weekly disposal of trash to the County Transfer Station.

**FLOODPLAIN & TERRAIN  
MGMT:**

The Applicant's proposal has 2 retention ponds located on the southwestern portion of the property and there is no new expansion to existing or proposed use. Pond (1) one is a 2,400 cubic foot pond and Pond (2) two is 2,200 cubic feet. The required retention for this project is 3,226 cubic feet. Therefore, the submittal is in conformance of Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

The Project contains slopes of 0-15% and slopes from the west to the east into the Arroyo Gallina. The site is located within a 100 Year Flood Zone and is located in designated Flood Hazard A. The project must be setback 75' from the Hazard Area. The structures are setback at 88' feet therefore, the submittal is in conformance with Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

**SIGNAGE AND LIGHTING:**

No Signage is proposed within this Application.

The Applicants propose to utilize existing outdoor lighting on the property. The Applicants have provided a lighting

plan. Staff has determined that the lighting element of this Application complies with Article III, Section 4.4.4 h.

**EXISTING DEVELOPMENT:** The existing residential structures are recognized as non-conforming constructed prior to the implementation of the Land Development Code (1981).

**ADJACENT PROPERTY:** The site is within a residential area and is bordered on all sides by rural residential property.

**PARKING:** The Applicant has provided 7 parking spaces for the Development. The Applicant has designated 1 space for handicap use. All parking spaces shall be defined with striping, wheel stops, parking bumpers, or railroad ties. Staff has determined that the parking element of the Application complies with Article III, section 9 Parking Requirements.

**LANDSCAPING:** The site is heavily vegetated with native grasses, native shrubs, evergreens, drought tolerant deciduous and fruit trees. The south side of the site shall require additional landscape (trees) to screen the site.

**RAINWATER HARVESTING:** A 5,300 gallon cistern is proposed to capture rain water which will be used to irrigate the existing landscape. Water conservation measures shall be implemented with the development.

<b>AGENCY REVIEW:</b>	<u>Agency</u>	<u>Recommendation</u>
	NMOSE	No Opinion
	NMDOT	Approval
	NMED	Approval with Conditions
	NMDHP	Approval
	County Fire	Approval with Conditions
	County PW	Approval
	County Utility Planning	Approval for Master Plan Approval

**STAFF RECOMMENDATION:** Conditional approval of Master Plan Zoning, to allow a Bed and Breakfast within an existing residence on 9.94 acres, subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c.
2. Master Plan with appropriate signatures, shall be recorded with the County Clerk, as per Article V, § 5.2.5.
3. Only two (2) kitchens shall be allowed on the site in keeping with the non-conforming status of the site, as per Article II, § 4.5.
4. The Preliminary and Final Development Plan shall be submitted promptly after 90 days of data collection on actual water use is obtained. The Final Development Plan shall be submitted to the County Development Review Committee accompanied by a staff report, as per Article V, § 7.
5. The Applicant shall provide water rights if the proposed water use for the Bed and Breakfast exceeds 3 acre feet of water per year.

**EXHIBITS:**

1. Applicants Report
2. Drawings
3. Letters of Support
4. Aerial Photo of Property
5. Agency Reviews and Comments
6. Article III, § 8, Other Development (8.1 Uses Permitted)
7. Article III, § 4.4.1.a (Design Standards and Review Criteria)
8. Article V, § 5.2.1.b (Master Plan Procedure)
9. Review Letter from County Hydrologist
10. Article VII, Table 7.4
11. March 20<sup>th</sup> CDRC Minutes
12. Article V, § 7



**jenkinsgavin**  
DESIGN & DEVELOPMENT INC

April 8, 2014

José Larrañaga, Senior Development Review Specialist  
Planning and Development Division  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87501

**RE: 31 Bonanza Creek Road  
Master Plan Application**

Dear José:

This revised letter is submitted on behalf of Leslie Moody and Mitchell Ackerman in application for Master Plan approval for a Bed and Breakfast Inn for consideration by the Board of County Commissioners at their meeting of May 13, 2014. On March 20, 2014, the County Development Review Committee recommended approval of the Master Plan application.

### **Project Summary**

The subject property is a ±9.94-acre parcel located at 31 Bonanza Creek Road. The property comprises two existing structures, a 5,580 square foot, five bedroom house, which will serve as the bed & breakfast, and a 4,561 square foot private residence, which the owners occupy. No new development is proposed as part of this application. Master Plan approval is requested to designate the subject property as "Other Development" per Article III, §8 of the Santa Fe County Land Development Code to permit a five unit Bed and Breakfast Inn. Per the Preliminary Zoning Map of the Sustainable Land Development Code (the "SLDC"), the property will be zoned RUR-R 10AC (Residential, one dwelling unit per 10 acres). A Bed and Breakfast Inn is permitted as a Conditional Use in a Rural Residential zone. This request for "Other Development" aligns with the Conditional Use approval process, and is therefore consistent with the provisions and intent of the SLDC.

The subject property lies 0.25 miles west of State Highway 14 on Bonanza Creek Road. The Bonanza Creek neighborhood is a diverse, primarily residential community, which includes small 2.0-acre parcels, as well as significant ranches of hundreds of acres. The mix of neighborhood uses includes a 50-acre horse training facility next door to the subject property, a horse hospital, a retreat center, and the Bonanza Creek Movie Ranch. Furthermore, several of the area ranches offer horseback riding, boarding, and training.



### San Marcos District Community Plan

The subject property lies within the boundaries of the San Marcos District Community Plan (the "Plan"). The Zoning Map in the Plan designates the property as "Rural", which permits bed and breakfasts of less than seven units as a Special Use. This application and approval process for "Other Development" is consistent with the requirements of a Special Use Permit and, therefore, consistent with the provisions of the Plan.

### Access & Traffic

The property is accessed from Bonanza Creek Road via a 20' wide base course driveway. Due to the minimal traffic impact of a 5-bedroom bed & breakfast, no Traffic Impact Analysis is submitted with this report. Please refer to the attached ITE Trip Generation Summary, which reflects four AM and PM peak hour trips respectively.

### Terrain Management

The site's terrain slopes gently from the northwest to the southeast and drains into the Arroyo Gallina on the east side of the property. In order to provide the requisite storm water retention for the existing impervious areas, two new drainage ponds are proposed. Pond 1 will be located east of the residence and Pond 2 will be southeast of the bed and breakfast on the south side of the driveway. All disturbed areas will be revegetated. For further details, please refer to the Terrain Management Plan, Drainage Calculations, and Soils Report attached for your review.

### Landscaping & Water Harvesting

The property has a variety of mature landscaping comprised of drought tolerant deciduous and fruit trees, evergreens, native grasses, and native shrubs per the attached Landscape and Water Harvesting Plan. A 5,300 gallon cistern will be installed to accommodate one month's irrigation demand in accordance with the Landscape Water Budget outlined below:

#### Landscape Water Budget

	<i>Plant Type</i>	<i>Quantity</i>	<i>GPW/Plant</i>	<i>GPM</i>	<i>GPY</i>
Non-Growing Season (5 mos.)	Trees	52	2.0	447.2	5,366.4
	Shrubs	32	1.0	147.2	1,766.4
Growing Season (7 mos.)	Trees	52	8.0	1,788.8	21,465.6
	Shrubs	32	4.0	588.8	7,065.6
<b>ANNUAL BUDGET</b>					<b>35,664.0</b>
<b>MONTHLY REQUIREMENT</b>				<b>2,972.0</b>	

NB-8

### **Water Supply Plan**

The property is served by an existing private well (Permit #RG-08039). The water budget for the property is 0.25 acre feet/year as detailed in the attached Water Budget. Draft Water Restrictive Covenants are included herein and will be recorded with the Master Plan.

### **Liquid Waste**

The bed and breakfast is served by two existing 1,200 and 1,000 gallon septic tanks. The residence is served by an existing 1,000 gallon septic tank.

### **Solid Waste**

The property owners haul refuse to the County landfill.

### **Lighting & Signage**

Existing site lighting consists of 10-watt path lights, 60-watt pendant lights under the portals, and 60-watt building mounted sconces, as reflected on the attached Lighting Plan. All lights are down-lit and shielded in accordance with Santa Fe County requirements. No new lighting is proposed with this application. There is no existing signage and none is proposed.

### **Archaeology**

The property is located in a Medium Potential Archaeological Area. In accordance with Article VI, Section 3.4.3 a.v. of the Santa Fe County Land Development Code, we are requesting a waiver of the archaeological survey requirements since the property is already disturbed and no new construction is proposed. Please see the attached waiver request letter.

In support of this application, the following documentation is submitted herewith for your review and consideration:

- |   |  |
|---|--|
| <input type="checkbox"/> Development Permit Application | <input type="checkbox"/> Legal Lot of Record               |
| <input type="checkbox"/> Trip Generation Summary        | <input type="checkbox"/> Letter of Owner Authorization     |
| <input type="checkbox"/> Drainage Calculations Summary  | <input type="checkbox"/> Assigned Address Form             |
| <input type="checkbox"/> Soils Report                   | <input type="checkbox"/> Proof of Property Taxes Paid      |
| <input type="checkbox"/> Water Budget                   | <input type="checkbox"/> Master Plan Submittal Drawings: 9 |
| <input type="checkbox"/> Archaeological Waiver Letter   | full size & 1 reduced set                                  |
| <input type="checkbox"/> Warranty Deed                  |  |

Please do not hesitate to contact us should you have any questions or require additional information.

Thank you for your consideration.

Sincerely,



Jennifer Jenkins  
JenkinsGavin Design & Development, Inc.



Colleen C. Gavin, AIA





# BOUNDARY SURVEY

FOR  
**MICHAEL F. MCCAULEY**

LYING AND BEING SITUATE IN A PORTION  
OF THE SW 1/4 OF SECTION 26, AND IN THE SE 1/4 SE 1/4  
OF SECTION 27, T15N, R8E N.M.P.M.  
COUNTY OF SANTA FE, STATE OF NEW MEXICO.

TOTAL AREA = 9.945 ACRES ±

0413040

### REFERENCE DOCUMENTS

1. PLAT ENTITLED "PLAT OF SURVEY FOR DIDI ENTERPRISES LTD. LYING AND BEING SITUATE IN THE SW 1/4 OF SECTION 26 AND IN THE SE 1/4 SE 1/4 OF SECTION 27, T15N, R8E N.M.P.M., COUNTY OF SANTA FE, STATE OF NEW MEXICO, PREPARED BY SALVADOR E. VIGIL N.M.P.S. NO. 4405 DATED 6/28/93 AS PROJECT C1-646 AND RECORDED IN BOOK 252 PAGE 003 OF THE RECORDS OF THE SANTA FE COUNTY CLERK.
2. PLAT ENTITLED "AMENDED COMPOSITE PLAT OF SURVEY REQUESTED BY MICHAEL MCCAULEY LYING AND BEING SITUATE IN THE SW 1/4 OF SECTION 26 AND THE SE 1/4 SE 1/4 OF SECTION 27, T15N, R8E, N.M.P.M., COUNTY OF SANTA FE, STATE OF NEW MEXICO, CERTIFIED BY SALVADOR E. VIGIL REGISTERED P.S. NO. 4405 ON 12-2-88 AND RECORDED IN BOOK 193, PAGE 044 IN THE OFFICE OF THE SANTA FE COUNTY CLERK.

### LEGEND

1. ⊙ DESIGNATES FOUND SECTION CORNER AS INDICATED
2. ○ DESIGNATES FOUND MONUMENT AS INDICATED
3. ——— DESIGNATES FENCE LINE
4. - - - - - DESIGNATES OVERHEAD UTILITY LINE

### NOTES

1. BASIS OF BEARING DERIVED FROM RECORDED DOCUMENTS SHOWN HEREON.

### SURVEYORS CERTIFICATE

I, CARL E. SERNA, NEW MEXICO PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT WAS PREPARED FROM AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS BOUNDARY SURVEY PLAT AND THE FIELD SURVEY UPON WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AND THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT. THIS IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.



*Carl E. Serna*  
CARL E. SERNA, N.M.P.S. NO. 4256  
MAY 10, 1999

Indating Information for County Clerk		Scale	1" = 100'
Owner	MICHAEL F. MCCAULEY	Date	5/10/99
Section	26, 27	Drawn by	JLL
Township	15N	Checked by	JLL
Range	8E	Sheet	1 of 1
Subdivision or Type	BOUNDARY SURVEY	Project No.	C1-697

**L.A.S.**  
Land & Aerial Survey  
BOUNDARY SURVEY, SUBDIVISIONS  
PHOTOGRAMMETRY  
1314 APACHE AVENUE, P.O. BOX 5132  
SANTA FE, NEW MEXICO 87502  
(505) 471-8783  
FAX / 171-8784

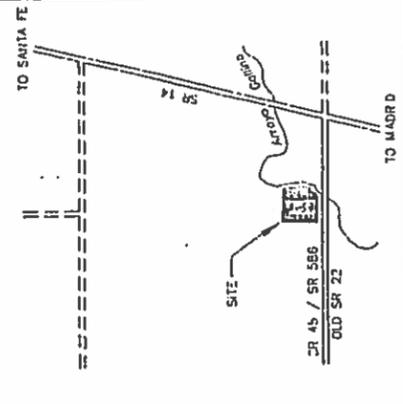
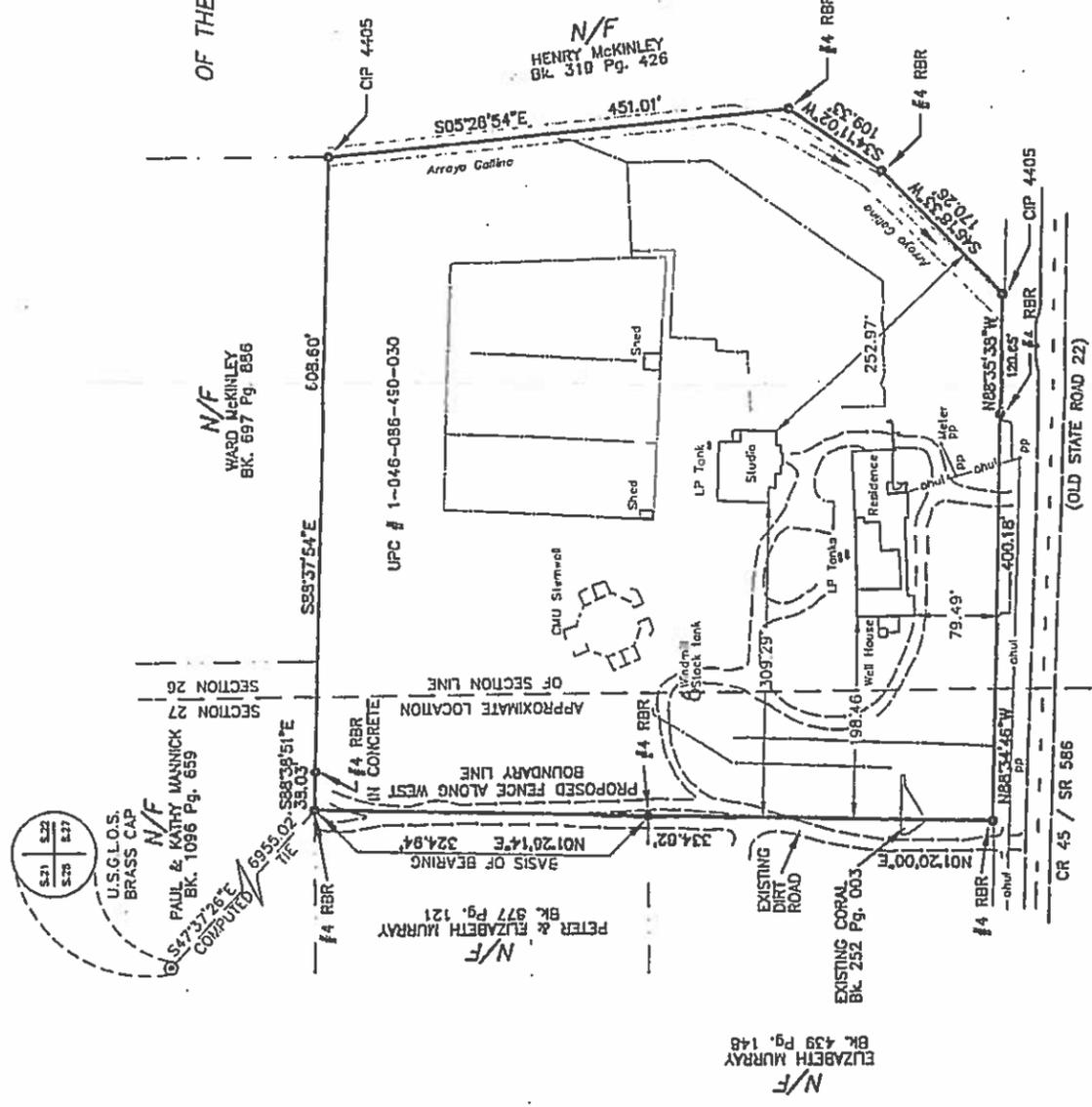
**PUBLIC NOTICE**  
THE SANTA FE COUNTY LAND USE ADMINISTRATOR HAS NOT REVIEWED THIS PLAT OF SURVEY BEFORE ITS FILING IN THE OFFICE OF THE COUNTY CLERK. THIS IS NOT BEING FILED FOR THE PURPOSE OF CREATING A SUBDIVISION OR NEW LOTS, ALTERING THE BOUNDARIES OF ANY EXISTING LOTS OR FOR THE PURPOSE OF "DEVELOPMENT" AS DEFINED IN THE SANTA FE COUNTY LAND DEVELOPMENT CODE, EXTRATERRITORIAL ZONING ORDINANCE OR EXTRATERRITORIAL SUBDIVISION REGULATIONS. THIS STATEMENT DOES NOT IN ANYWAY REPRESENT OFFICIAL COUNTY APPROVAL OF THIS PLAT.



COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was  
for pages on the \_\_\_\_\_ day of \_\_\_\_\_ A.D.  
19\_\_ at \_\_\_\_\_ o'clock  
and was duly recorded in book \_\_\_\_\_  
page \_\_\_\_\_ of the records of Santa Fe County.  
Witness my Hand and Seal of Office  
COUNTY CLERK SANTA FE COUNTY, N.M.

*Debra Stroh*  
DEPUTY

SEAL Document No. 1074081



NB-12

**PURPOSE STATEMENT**

THE PURPOSE OF THIS MASTER PLAN IS TO PERMIT A BED & BREAKFAST INN AS OTHER DEVELOPMENT.

**NOTES**

1. WELL WITHDRAWAL IS LIMITED 0.25 ACRE PER FEET PER YEAR PER THE WATER RESTRICTIVE COVENANTS RECORDED IN THE RECORDS OF SANTA FE COUNTY IN BOOK \_\_\_\_\_ PGS. \_\_\_\_\_

**SITE DATA**

LAND AREA: 9.94 ACRES  
 BUILDING SQUARE FOOTAGE/LOT COVERAGE  
 RESIDENCE: 4,551 S.F.  
 BED & BREAKFAST: 5,580 S.F.  
 LOT COVERAGE: 2.3%

PARKING: 2 SPACES PROVIDED  
 BED & BREAKFAST: ONE SPACE PER ROOM, 5 SPACE TOTAL

**PERMITTED USES**

- 1. RESIDENTIAL & APPURTENANT ACCESSORY STRUCTURES
- 2. BED & BREAKFAST INN

**APPROVALS**

Approved by the County Development Review Committee  
 at their meeting of \_\_\_\_\_

Distracon \_\_\_\_\_ Date \_\_\_\_\_

Approved by the Board of County Commissioners at their meeting of \_\_\_\_\_

Distracon \_\_\_\_\_ Date \_\_\_\_\_

Attended by \_\_\_\_\_ Date \_\_\_\_\_

County Clerk \_\_\_\_\_ Date \_\_\_\_\_

County Development Permit No. 15-\_\_\_\_\_ Date \_\_\_\_\_

Approved by \_\_\_\_\_ Date \_\_\_\_\_

County Land Use Administrator \_\_\_\_\_ Date \_\_\_\_\_

Approved by \_\_\_\_\_ Date \_\_\_\_\_

County Fire Warden \_\_\_\_\_ Date \_\_\_\_\_

Approved by \_\_\_\_\_ Date \_\_\_\_\_

County Public Works Director \_\_\_\_\_ Date \_\_\_\_\_

**Santa Fe County, New Mexico  
 Dedication Affidavit**

I, \_\_\_\_\_, Mayor of Santa Fe County, New Mexico, do hereby certify that the undersigned owner of this parcel, \_\_\_\_\_, has agreed to dedicate to the County of Santa Fe, New Mexico, the parcel described in this Master Plan to be used as a \_\_\_\_\_ in accordance with the terms of the underlying permit. The development will be in the public interest of the County of Santa Fe, New Mexico.

Owner: \_\_\_\_\_  
 Date: \_\_\_\_\_

Witness: \_\_\_\_\_  
 Date: \_\_\_\_\_

Notary Public: \_\_\_\_\_  
 My Commission Expires on \_\_\_\_\_

Witness: \_\_\_\_\_  
 Date: \_\_\_\_\_

Notary Public: \_\_\_\_\_  
 My Commission Expires on \_\_\_\_\_

Witness: \_\_\_\_\_  
 Date: \_\_\_\_\_

Notary Public: \_\_\_\_\_  
 My Commission Expires on \_\_\_\_\_

Witness: \_\_\_\_\_  
 Date: \_\_\_\_\_

Deputy \_\_\_\_\_

1700 A Paseo De Perilla  
 Santa Fe, NM 87501  
 (505) 555-8233  
 (505) 555-8233  
 www.santafeindependent.com

© copyright 2014

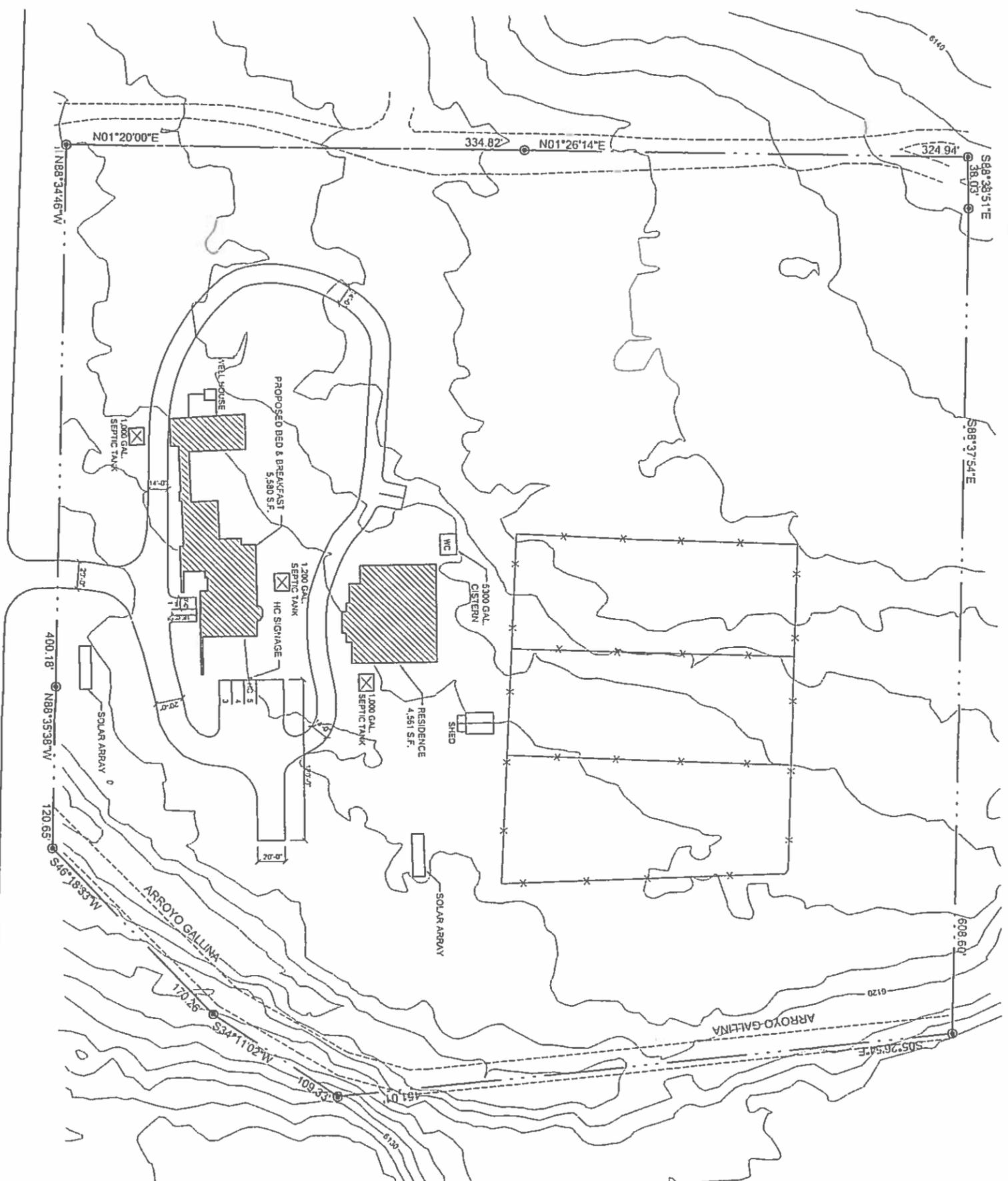
31 Bonanza Creek  
 Santa Fe, New Mexico

NO.	REVISIONS:	DATE
1		2-24-2014

DATE: 1-10-2014  
 DRAWN BY: \_\_\_\_\_  
 PR: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 P.M.

SHEET 3

NRB-13



MASTER PLAN  
 SCALE: 1" = 40'-0"

BONANZA CREEK ROAD

ARROYO GALLINA

ARROYO GALLINA

**51 Bonanza Creek Road  
DRAINAGE CALCULATIONS SUMMARY**

Present Conditions of Project  
The project site is located at 51 Bonanza Creek Road in the Santa Fe County, New Mexico. The large building (C14) at 51 Bonanza Creek Road is a 10 acre site and is located on an average grade of 2.5%. There are no drainage or defined drainage problems on the site. The site is located in the Arroyo Gallina Flood Zone A and Zone B. The site is located in the Arroyo Gallina Flood Zone A and Zone B. The site is located in the Arroyo Gallina Flood Zone A and Zone B.

Soils  
On-site soils have been mapped by the US Natural Resource Conservation Service and the soil mapping can be found on their web page: <http://websoilsurvey.sc.egov.usda.gov>. The soils present, percentage and hydrologic soil group are listed below:  
 41.2% 2x11e sandy loam (10) Hydrologic Soil Group B  
 4.0% 4x10e silty clay loam (10) Hydrologic Soil Group B  
 5.0% 4x10e silty clay loam (10) Hydrologic Soil Group B

Vegetation  
The site's vegetation consists of sage brush, creosote, juniper, elm, cottonwood, olive trees with an understory of grasses. Good coverage is variable across the site, with fair coverage on the eastern and southern portions of the site (40-60%), and poor coverage along the western and northern portions of the site (10-20%).

For the purpose of this analysis a natural curve number of 55 was used for the site.

Off-site Flow  
The property is subject to sheet flow from the north-northwest. There are no defined drainage patterns of concentrated flow.

Using the TR-55 method the pre-development (no structures or roadway) runoff volume for the 24-hour, 100 year storm event is 170 CFS and the total volume of flow is expected to be 4,644 cubic feet.

Developed Conditions  
No new structures have been proposed to be constructed. The access driveway will have a five percent downward defined in an existing parking area. Some structures that existed previously on the property have been removed.

The following conditions currently exist:

	% of Total	CN
9 structures totaling	10,714 SF	45
Access Road	19,485 SF	40
Paved Vegetated Area	5,327 Acres	45
Poor Vegetated Area	4.0 Acres	61

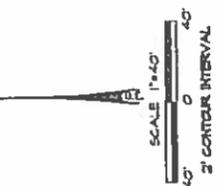
The weighted curve number for current conditions is 50.9.

Using the TR-55 method, the current peak runoff for the 24-hour, 100 year storm event is 237 CFS and the total volume of flow is expected to be 12,879 cubic feet.

Detention Pond Requirements  
To return the project site to drainage conditions prior to the development of the property, detention storage is necessary. The increase in runoff volume is (12,879-4,644) or 8,235 cubic feet.

This is recommended that a minimum of 9,250 Cu Ft of ponding volume be created on the site in one or more ponds located down gradient of the existing improvements.

**TERRAIN MANAGEMENT AND REVEGETATION WORK**  
 1. ALL AREAS DISTURBED BY THE CONSTRUCTION ACTIVITIES OF THIS PROJECT SHALL BE RESTORED IN ACCORDANCE WITH THE FOLLOWING PLAN AFTER COMPLETION OF THE CONSTRUCTION OPERATIONS.  
 2. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SUCCESSFUL RECOVERY OF DISTURBED AREAS FOLLOWING RE-VEGETATION THROUGH THE FIRST GROWING SEASON AFTER COMPLETION OF THIS PROJECT. IN THE EVENT THAT THE REVEGETATION PLAN CANNOT BE ACCOMPLISHED BY THE CONTRACTOR, THE CONTRACTOR SHALL BE RESPONSIBLE FOR REVEGETATION AS A COVER AFTER THIS DATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REVEGETATION AS A COVER SHALL OR MAINTAINED AROUND THE DISTURBED AREA UNTIL THE NEW VEGETATION IS ESTABLISHED.  
 3. SEED MIX AND SEEDING RATE ARE AS FOLLOWS: PLANTS OF THE SOUTHWEST DRYLAND BELT AT A RATE OF 20 POUNDS PER ACRE.  
 4. POND SIZES AND LOCATION MAY BE ALTERED AS LONG AS THEY ARE LOCATED DOWN GRADIENT FROM IMPROVEMENTS AND A MINIMUM OF 5% OF DISTURBED AREA.  
 5. PONDING VOLUME SHALL BE MAINTAINED BY THE PROPERTY OWNER.



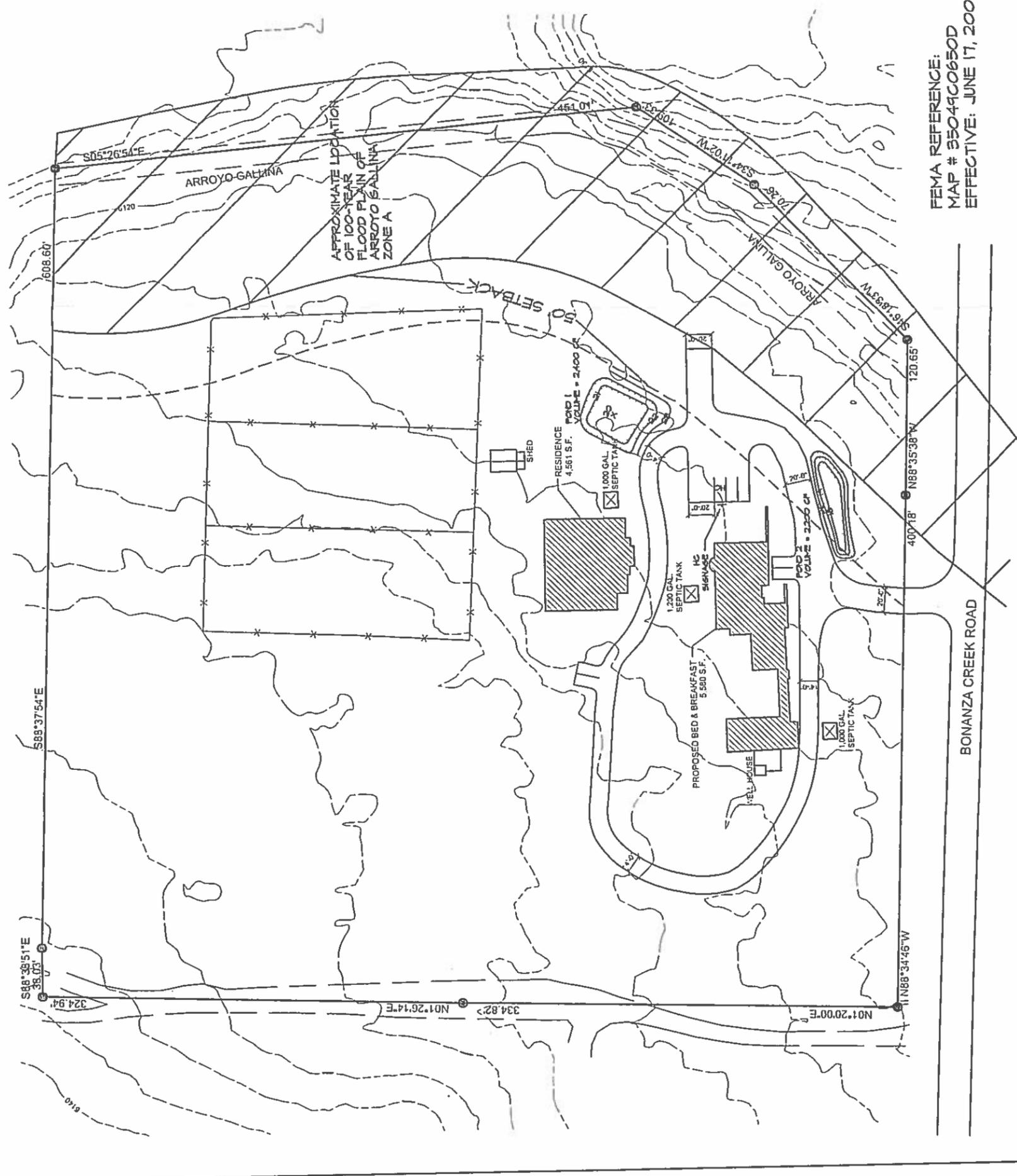
REVISIONS	DATE	BY

DESIGN ENGINEER

1481 LUNA STREET, SUITE 100  
 SANTA FE, NEW MEXICO 87505  
 (505) 831-1991

**51 BONANZA CREEK**  
 TERRAIN MANAGEMENT PLAN

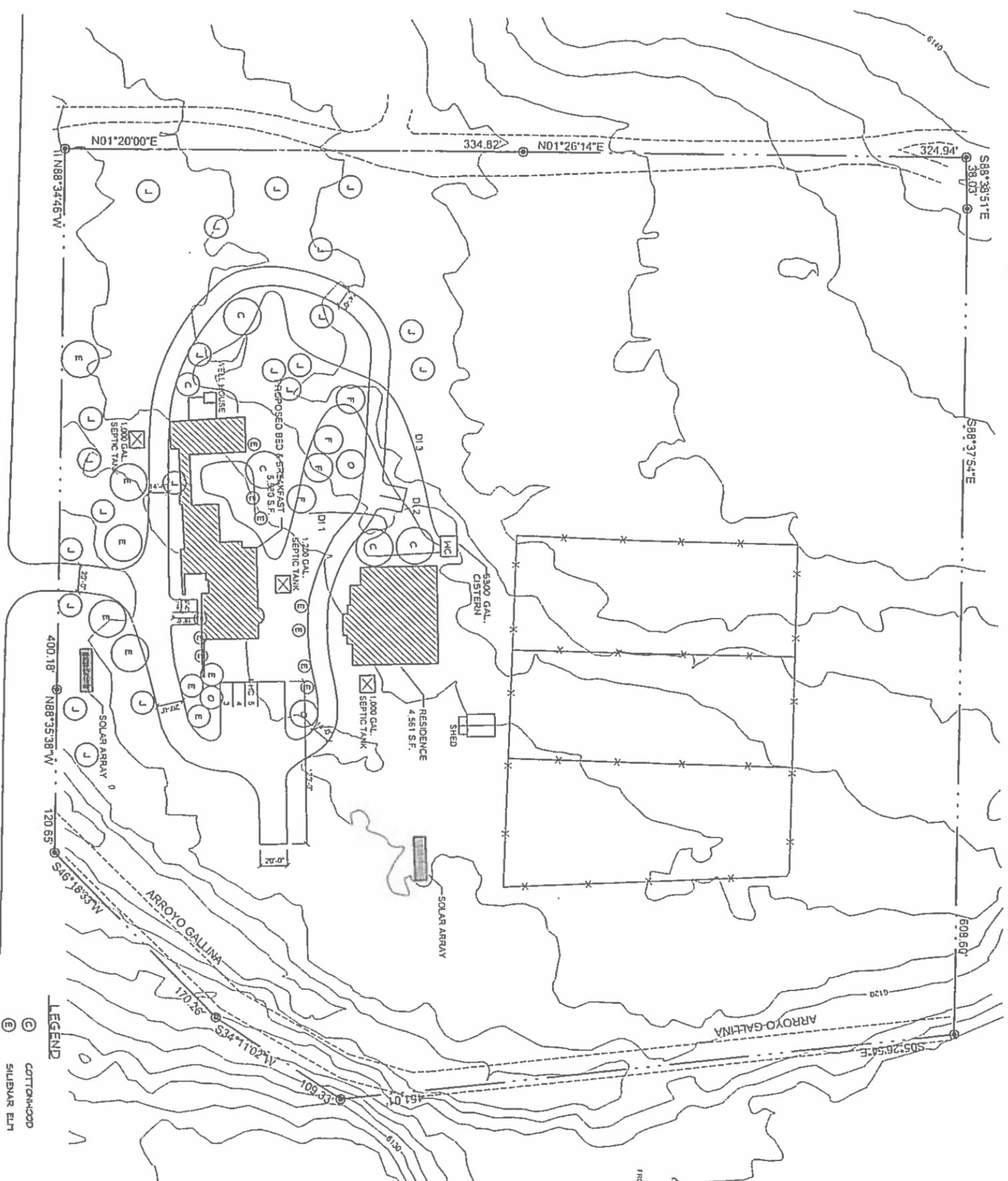
SCALE	DATE
1"=40'	01/09/2014
SHEET NO.	TERRAIN
OF 4	4



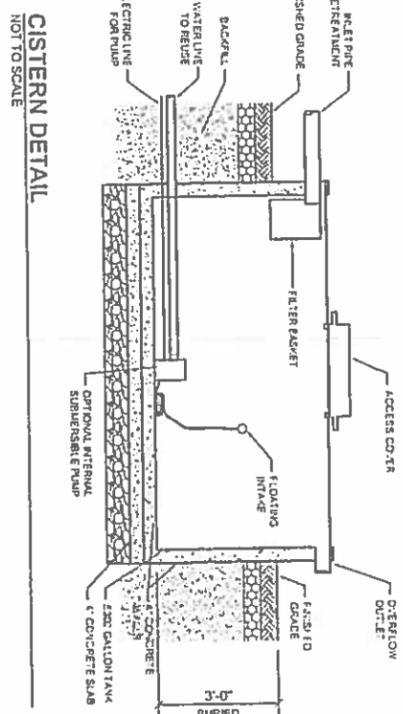
FEMA REFERENCE:  
 MAP # 35049C0650D  
 EFFECTIVE: JUNE 17, 2008

N18-14

GENERAL NOTES:  
 1. ALL LANDSCAPING SHOWN HEREON IS EXISTING. NO NEW PLANTINGS ARE TO BE INSTALLED UNLESS SPECIFICALLY NOTED. TO THE EXISTING TREES SHOWN, THE SITE IS NATURALLY VEGETATED WITH NATIVE SHRUBS AND GRASSES THROUGHOUT.

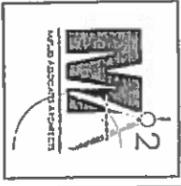


- LEGEND
- (C) COTTONWOOD
  - (E) SILIBAR ELM
  - (O) OLIVE
  - (F) FRUIT TREE
  - (J) JUNIPER
  - (MC) CISTERN



CISTERN DETAIL  
 NOT TO SCALE

31 Bonanza Creek  
 Santa Fe, New Mexico



1700 A Paseo De Piedad  
 Santa Fe, NM 87501  
 (505) 822-2153  
 (505) 822-2153  
 slandscape@comcast.net  
 www.santafelandscape.com

© copyright 2014

REVISIONS:

NO.	DATE
1	2-24-2014

DATE: 1-10-2014  
 DRAWN BY:  
 CHECKED BY:

Jenkinsgavin  
 DESIGN & DEVELOPMENT  
 130 Grand Avenue, Suite 101  
 Santa Fe, New Mexico 87501

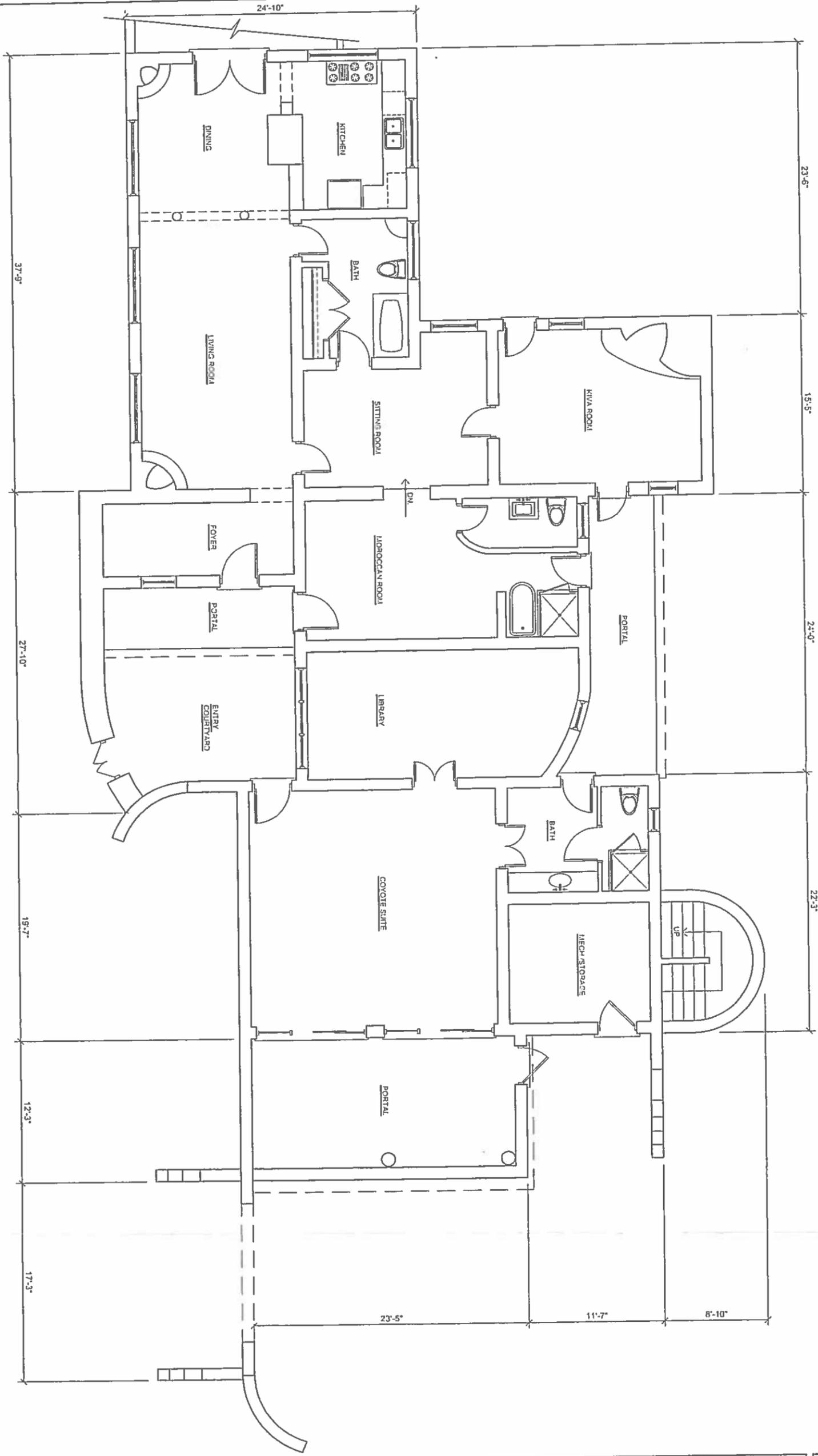
SHEET  
**5**

NB-15



LANDSCAPE & WATER HARVESTING PLAN  
 SCALE: 1"=40'-0"





**EXISTING FLOOR PLAN - BED & BREAKFAST**  
SCALE: 1/4" = 1'-0"



1700 A Pasco De Peralta  
Santa Fe, NM 87501  
(tel.) 505.382.8363  
(fax) 505.389.3311  
sfa@architect.com  
www.santafearchitect.com

© copyright 2014

**31 Bonanza Creek**  
Santa Fe, New Mexico

NO.	REVISIONS:
DATE	DATE

DATE: 1-10-2014  
DESIGNER: PR  
CHECKED BY: PJM

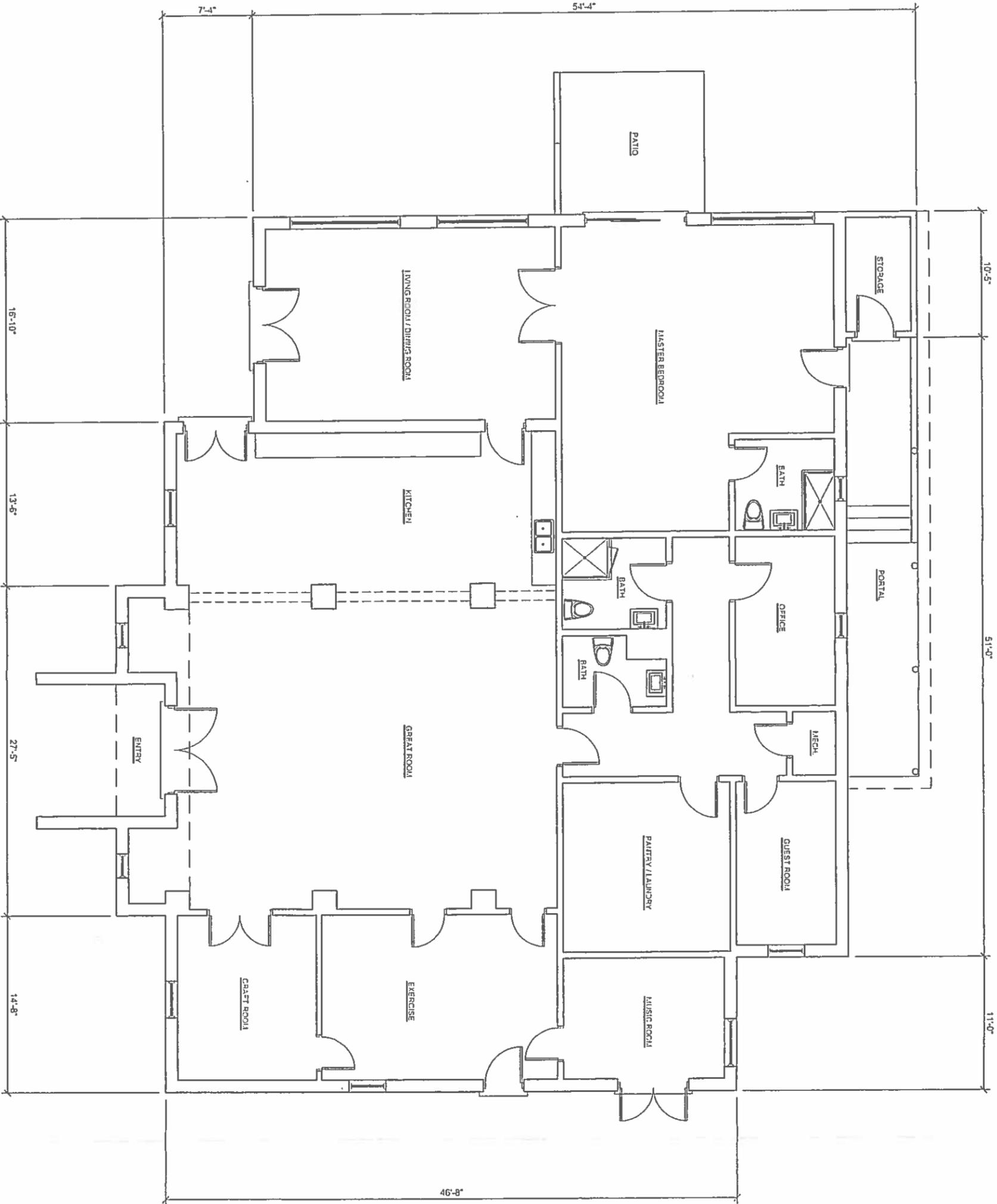
**Jenks & Gavigan**  
ARCHITECTS & DEVELOPMENT, INC.  
300 Grant Avenue, Suite 105  
Santa Fe, New Mexico 87501

SHEET

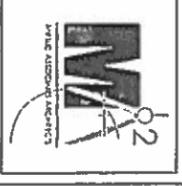
**7**

NO-17





**EXISTING FLOOR PLAN - OWNER'S RESIDENCE**  
SCALE: 1/4" = 1'-0"



1700 A Paseo De Perilla  
Santa Fe, NM 87501  
(tel) 505.892.2563  
(fax) 505.899.2311  
sfrschitect@comcast.net  
www.santefsrchitects.com

© copyright 2014

**31 Bonanza Creek**  
Santa Fe, New Mexico

REVISIONS:  
NO. DATE

NO.	DATE

DATE: 1-10-2014  
DRAWN BY: PR  
CHECKED BY: PM



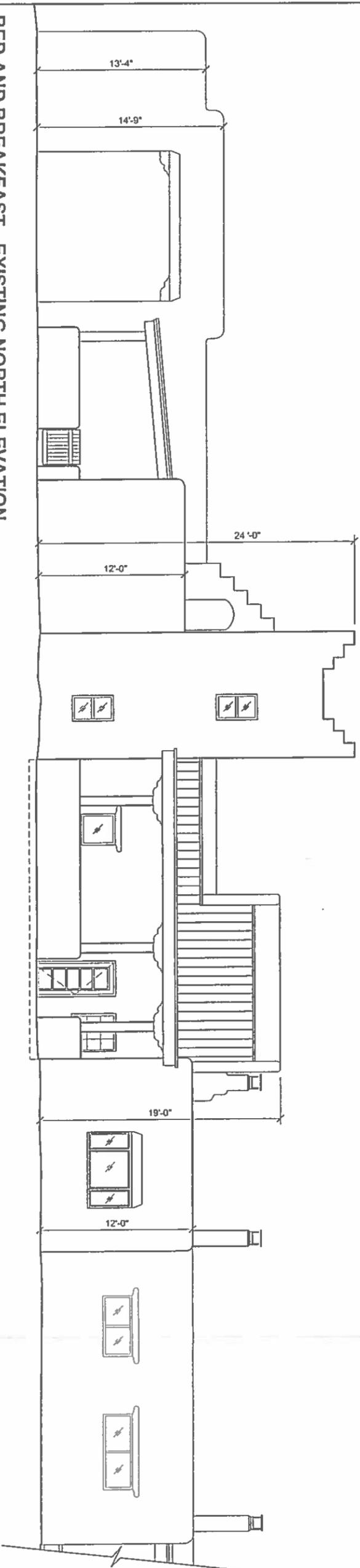
Jenkins & Associates  
ARCHITECTS & INTERIORS  
130 Grant Avenue, Suite 101  
Santa Fe, New Mexico 87501

SHEET

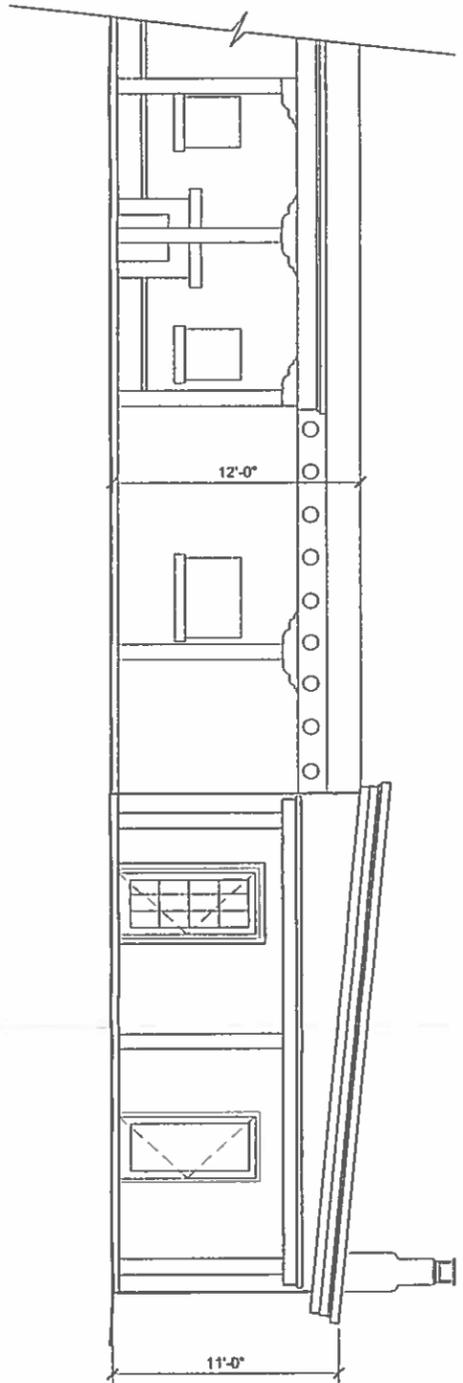
9

NB-19





**BED AND BREAKFAST - EXISTING NORTH ELEVATION**  
SCALE: 1/4"=1'-0"



**BED AND BREAKFAST - EXISTING NORTH ELEVATION (CONT'D)**  
SCALE: 1/4"=1'-0"



1700 A Paseo De Peralta  
Santa Fe, NM 87501  
(505) 982-2383  
(505) 989-2311  
starchitect@comcast.net  
www.santafearchitects.com

© copyright 2014

31 Bonanza Creek  
Santa Fe, New Mexico

REVISIONS:  
NO. DATE

NO.	DATE	DATE
	1-10-2014	
	DRWNS: PR	
	CHECKED BY: PM	

JenkinsGavin  
ARCHITECTURE & DEVELOPMENT, INC.  
30 Canal Avenue, Suite 101  
Santa Fe, New Mexico 87501

SHEET

11

N/D-21



Dear Santa Fe County Commissioners,

As the President of the Turquoise Trail Association (TTA), I am writing to support the Master Plan for development of a bed and breakfast at 31 Bonanza Creek Road. In June of 2000 the TTA completed a Federal Grant Proposal that established N.M. Hwy. 14 as a National Scenic Byway resulting in a multi million dollar grant going directly into the region. Part of the grant requirement was the Turquoise Trail Scenic Byway Corridor Management Plan (CMP). The CMP was completed in 2006 with this vision statement:

"To achieve an environmentally clean, scenic corridor with managed growth and have the ability to provide travelers with an interesting, educational, recreational, cultural, historic and natural experience."

Section 16 of the CMP is the Tourism Development Plan, an economic study that outlines how to increase high margin tourism, destinations and jobs in our region. To increase multi-day visits and maximize conversion rates we must provide visitors with desirable products. A critical component to achieving this is an increase in the appropriate development of rural lodging. Bed and breakfasts are precisely the type of lodging/business encouraged by the CMP because it creates high quality jobs in the area while retaining the rural character important to the Turquoise Trail.

The proposal for 31 Bonanza Creek Rd. is ideal in realizing the CMP vision. With a classic French-trained chef serving locally-sourced food, infrastructure upgrades such as solar, geothermal, rain-catchment and water wise facilities provide a lodging option that fits perfectly into the rural character and responsible development of the area. This is the kind of economic development that attracts high margin tourists to our area and retains them, it improves our area in a sustainable way while adding to the high quality job opportunities our corridor needs.

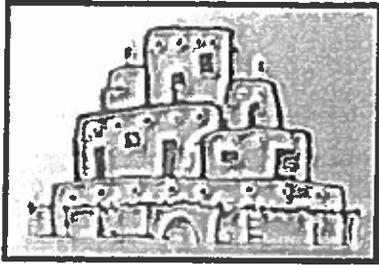
Sincerely and respectfully,

Kevin Box, President  
Turquoise Trail Association

cc: Penny Ellis-Green, Land Use Director  
Jose Larrañaga, Commercial Development Case Manager



NB-23



## THE SAN MARCOS ASSOCIATION

March 20, 2014

To: Santa Fe County CDRC

From: Walter Wait  
President  
San Marcos Association  
P.O. Box 722  
Cerrillos, New Mexico 87010

RE: Development Permit #14-5010 Bed and Breakfast Application

The San Marcos Association met with Leslie Moody and Mitchell Ackarman at the Associations March 13th Board Meeting. At that meeting we discussed their plans to initiate a Bed and Breakfast at 31 Bonanza Creek Road in the San Marcos District. Santa Fe County.

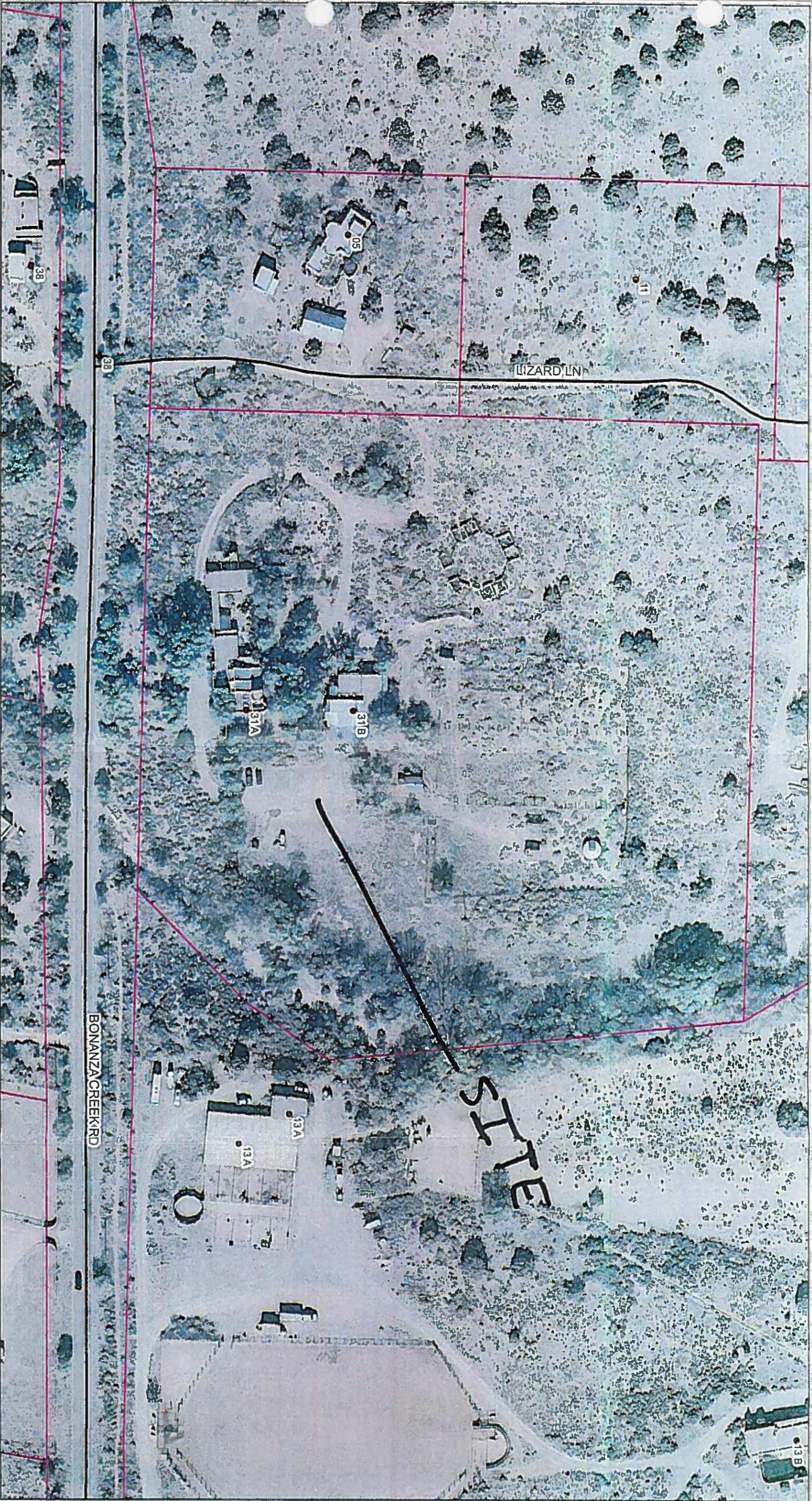
After discussing the plans, and reviewing the history of the property, our Board felt that the plans are in keeping with the rural residential nature of our district and that the B & B would make a good contribution to our community.

We do believe, however, that limiting the Bed and Breakfast to 1/4 acre foot of water per year might create an un-due hardship on the proposed facility. We would recommend that the water budget be be changed to 1/2 acre foot. We have reviewed the proposed water catchment systems that are proposed or are in place and one of our Board Members has visited the property. We feel that conservation efforts more than justify the added domestic water, especially since the property's current allotment is three acre feet.

We strongly recommend that you recommend approval of Development Permit #14-5010 to the Board of County Commissioners.

Walter Wait

NB-24



**Legend**

-  ROADS
-  Parcels

**EXHIBIT**  
**4**



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.



March 6, 2014

NB-25





STATE OF NEW MEXICO  
DEPARTMENT OF CULTURAL AFFAIRS  
HISTORIC PRESERVATION DIVISION

Susana Martinez  
Governor

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 FAX (505) 827-6338

February 12, 2014

Jose E. Larrañaga  
Development Review Team Leader  
County of Santa Fe  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, NM 87504-0276

Re: CDRC CASE # MP/PDP/DP 31 Bonanza Creek

Dear Mr. Larrañaga:

I am writing in response to your request for review and comment on the above referenced master plan and preliminary / final development plan for a Bed and Breakfast Inn. It is my understanding that there is no new construction proposed and the approvals are requested in order to designate the property as "Other Development" under the Santa Fe County Land Use Code.

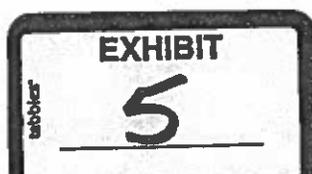
Taking the above information into consideration, I reviewed our archaeological records management database and our State Register of Cultural Properties. There are no known archaeological sites or properties listed on the State Register located on the subject property. Although there are no historic properties within the subject property, the Cerrillos Mining District (SR 273) is located south of the property and archaeological sites have been identified nearby. Despite the presence of historic properties nearby, it is the Historic Preservation Division's (HPD) opinion that the designation of the property as "Other Development" and the creation of the Bed and Breakfast will have **No Effect on Historic Properties** because there will be no new development and an archaeological survey is not necessary.

If you have any questions, please do not hesitate to contact me. I can be reached by telephone at (505) 827-4064 or by email at [michelle.ensey@state.nm.us](mailto:michelle.ensey@state.nm.us).

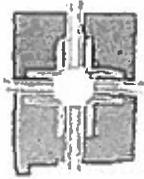
Sincerely,

  
Michelle M. Ensey  
Archaeologist

Log: 98519



NB-24



NEW MEXICO DEPARTMENT OF  
TRANSPORTATION

April 7, 2014

Mr. Jose E. Larrañaga  
Commercial Development Case Manager  
P.O. Box 276  
Santa Fe, NM 87504-0276

Re: CRDC Case #MP/PDP/DP 31 Bonanza Creek

Dear Mr. Larrañaga:

Traffic staff reviewed the Development Report for the above referenced project in Santa Fe County, NM. It is apparent from the Traffic Data submitted that impacts from the development will be minimal to the state roadway system. No further action is required.

If you have any questions, please feel free to call me at 505-995-7800.

Sincerely,

Javier A. Martinez, P.E.  
District Traffic Engineer, District 5

Susana Martinez  
Governor

Tom Church  
Cabinet Secretary

Commissioners

Pete K. Rahn  
Chairman  
District 3

Ronald Schmeits  
Vice Chairman  
District 4

Dr. Kenneth White  
Secretary  
District 1

Robert R. Wallach  
Commissioner  
District 2

Butch Mathews  
Commissioner  
District 5

Jackson Gibson  
Commissioner  
District 6



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
SANTA FE

Scott A. Verhines, P.E.  
State Engineer

February 24, 2014

CONCHA ORTIZ Y PINO BLDG.  
POST OFFICE BOX 25102  
130 SOUTH CAPITOL  
SANTA FE, NEW MEXICO 87504-5102  
(505) 827-6091  
FAX: (505) 827-3806

Jose E. Larrañaga  
Development Review Team Leader  
Santa Fe County  
P.O. Box 276  
Santa Fe, NM 87504-0276

**Reference: Bonanza Creek Master Plan/ Preliminary Final Development Plan**

Dear Mr. Larrañaga:

This letter supersedes the letter sent on February 6, 2014 and only amends comments made regarding meter readings. The requirement for meter readings has been omitted, as it is not a permit condition for the well RG-08039.

On January 14, 2014 the Office of the State Engineer (OSE) received a request to provide comments for the Bonanza Creek Master Plan, Preliminary and Final Development Plan submittal for a bed and breakfast inn at 31 Bonanza Creek Road.

The proposal provides an outline for the development of a bed and breakfast inn on 9.94 acres. There are two existing structures on the property; a 5,580 square foot, five bedroom house which will serve as the bed and breakfast inn and a 4,561 square foot private residence, which the owners occupy. No new development is proposed as part of this application. The property is located at 31 Bonanza Creek Road, 0.25 miles west of State Highway 14 on Bonanza Creek Road, in Sections 26 and 27, T15N, R8E, in Santa Fe County. Water supply is provided by existing private well RG-08039.

This proposal was reviewed pursuant to the Santa Fe County Land Development Code (Code) and the New Mexico Subdivision Act.

The developer has quantified the subdivision's annual water requirements as 0.25 acre-feet per year. The Water Budget assumes 2 persons for the private residence (at 38 gpcd) and 7.5 persons for the bed and breakfast inn (at 35 gpcd) with an occupancy rate of 55 percent or 200 days per year. This estimate is consistent with the findings presented in the City of Santa Fe's November 2009, *Resolution No. 2009-116* that adopted standard formulas by water use category for

NR-2A

calculating development water budgets. However, an error was found in the residential estimate, as the developer did not include the cleaning estimate (365 GPY) in the total sum. Also it is unclear how the developer obtained the shower use at 18,820.3 GPY since no citation was provided. The OSE estimates shower use to be 11,250 GPY based on indoor water uses and quantities presented in OSE Technical Report 48, (Wilson, 1996). In spite of the variations in the estimates, the water budget is still within the annual water requirement of 0.25 acre-feet per year.

It is recommended that the developer amend the Water Budget to reflect the proper assumptions made in quantifying the water demand. These assumptions should be consistent throughout the proposal.

When a development/subdivision proposal is received by the OSE, the developer's water demand analysis is reviewed (pursuant to the Code) to determine if it is technically correct and reasonable. The OSE also verifies that the appropriate conservation measures are reflected in the analysis. Further, data in the water demand analysis is compared with the data and statements included in the application for Master Plan and Preliminary / Final Development plan to make sure that they are consistent with each other.

Section 47-6-11.F (1) of the New Mexico Subdivision Act requires that the developer provide documents demonstrating that water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision is available. Therefore, the OSE reviews the water rights and the physical water availability.

Existing well RG-08039 is located on the property. The OSE records indicate that permit RG-08039 was approved in accordance with Section 72-12-1 NMSA 1978 for one household. It is recommended that the applicant contact the Water Rights Division of the OSE to have permit RG-08039 amended to indicate the correct use of water.

Article VII, Section 6.1 of the Code allows the Santa Fe County Land Use staff to refer development plans to state agencies for review *"if, in the opinion of the County Hydrologist and the Code Administrator, such referrals will provide information necessary to the determination of whether or not a proposed development is in conformance with provisions of this Code"*. The OSE recognizes the proactive actions on behalf of the County to solicit the technical opinion of the OSE on this development plan. However, because the proposed development is not formally covered under the New Mexico Subdivision Act, the OSE declines to provide an opinion at this time. We appreciate the opportunity to review the Bonanza Creek Bed and Breakfast Development Plan.

*Bonanza Creek Bed & Breakfast Inn*  
*February 24, 2014*  
*Page 3 of 3*

---

If you have any questions, please call Emily Geery at (505) 827-6664.

Sincerely,



Molly Magnuson, P.E.  
Senior Water Resource Specialist

cc: OSE Water Rights Division, Santa Fe Office



Susana Martinez  
Governor

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Environmental Health Bureau  
Santa Fe Field Office  
2540 Camino Edward Ortiz  
Santa Fe, NM 87507  
505-827-1840  
www.nmenv.state.nm.us



Ryan Flynn  
Secretary - Designate

Butch Tongate  
Deputy Secretary

Tom Blaine  
Director

March 5, 2014

Mr. Jose Larranga, Development Review Team Leader  
Santa Fe County - Planning & Zoning Department  
P.O. Box 276  
Santa Fe, New Mexico 87504-0276

**RE: CDRC Case #MP/PDP/DP 31 Bonanza Creek Preliminary/Final Development Plan**

Dear Mr. Larrañaga,

I have received the additional information I requested relative to my review of the **CDRC Case #MP/PDP/DP 31 Bonanza Creek Preliminary/Final Development Plan** submittal. I have reviewed the plan submittal for compliance with the New Mexico Liquid Waste Disposal and Treatment Regulations (20.7.3 NMAC). These regulations are administered by the New Mexico Environment Department (NMED), Environmental Health Bureau.

In Summary, this subject property is 9.94 +/- acres and has 3 separate existing liquid waste systems. They have permit #'s SF120179, SF120180 & SF120181. The on-site liquid waste systems are **not sufficient** to meet the needs of the proposed B&B. Please see my review below.

Permit SF120179 has a design flow for a Studio (1 bedroom) of 75 Gallons Per Day (GPD). The correct sizing for a one bedroom is actually 150 GPD of design flow. The Studio apparently has been altered and is now a two bedroom structure. This will be the residence of the property owner and will also contain the kitchen where guests will be served breakfast.

As a 2 bedroom residence, this building requires a total design flow of 300 GPD. As reported the tank size is 1000 gallons and is sufficient for a two bedroom. However, the leach field was sized for a studio and has only 150 square feet of absorption area which is **not insufficient** for a two bedroom residence. The installation of additional leach field will be required.

SF 120180 is sized for a 3 bedroom and has a design flow of 375 GPD. This system was sized correctly for a residence. However, the required design flow for a B&B is actually less at 350 GPD for 3 bedrooms. Therefore, this system is sized correctly.

SF120181 is sized for a 2 bedroom home or a design flow of 300 GPD. The required design flow for a B&B is actually less at 250 GPD for 2 bedrooms. This system is also sized correctly.

NIR - 31

Mr. Jose Larranga  
Santa Fe County P & Z  
March 5, 2014

It was also reported that the kitchen in the homeowner's residence is currently being remodeled. **The plans for the kitchen should be submitted to this office for a review before construction begins.**

If you have any questions regarding this review of **CDRC Case #MP/PDP/DP 31 Bonanza Creek Preliminary/Final Development Plan** or other matters related to this permit, please contact me at the number above.

Best Regards,



Robert Italiano, Manager  
Environmental Health Bureau - District II  
New Mexico Environment Department  
Santa Fe Field Office

## *Memorandum*

**DATE:** February 18, 2014  
**TO:** Jose Larrañaga, Commercial Development Case Manager  
**FROM:** Robert Griego, Planning Manager

**FILE REF.:** CDRC CASE # MP/PD/DP 31 Bonanza Creek

---

**REVIEW SUMMARY:** CDRC CASE # MP/PD/DP 31 Bonanza Creek Application dated January 14, 2014 for Master Plan, Preliminary and Final Development Plan approval to allow a Bed and Breakfast Inn and prepared by Jenkins Gavin Design & Development Inc. has been reviewed for compliance with the Santa Fe County Sustainable Growth Management Plan (SGMP).

### **Master Plan**

The application is requesting Master Plan, Preliminary and Final Development Plan approval to designate the subject property as "Other Development" per Article III, Section 8 of the Santa Fe Land Development Code (1996-10 as amended) for the following uses and intensities on the property:

### **Uses**

- Bed & Breakfast Inn
- Single Family Residential

### **Density:**

1 single family residential & 5 unit Bed & Breakfast Inn on 9.94 acres

### **Intensities**

The applicant is proposing that the development will use two residential structures which are existing on site.

- 5,580 sq. ft. Bed & Breakfast Inn with associated parking, outdoor landscaping and drainage ponds
- 4,561 sq. ft. single family residence
  - total = 10,141 sq. ft.

### **STAFF COMMENT:**

#### **Santa Fe County Sustainable Growth Management Plan 2010**

Approval of Master Plan, Preliminary and Final Development Plan is consistent with the SGMP including principles related to Economic Development:

- Pursue a diverse and sustainable local economy.
- Support mixed-use development that balances employment-generating land uses with residential land uses to attain a balance of jobs and housing
- Small business development, enterprises, and compatible home based businesses should be supported.

Approval of the Master Plan, Preliminary and Final Development Plan will be consistent with SGMP principles related to Future Land Use Categories and Map:

- Ensures compatibility among various land uses providing predictability by protecting property values and public and private investments in property improvements.
  - Appropriate site design and F.A.R. for the Residential Fringe Land Use Category.
- The use as a bed and breakfast inn is authorized as a conditional use in the San Marcos Community Plan which is an amendment to the SGMP.

Approval of the Master Plan, Preliminary and Final Development Plan is consistent with SGMP principles related to Future Land Use Categories and Map as well as the recently adopted SLDC and draft zoning map:

- The site for the proposed development is located in SDA-2 within the Residential Fringe category of the SGMP Future Land Use Map. The SGMP Residential Fringe Future Land Use Category anticipates residential zoning for rural homes on large lots, sometimes as part of rural subdivisions. The SGMP Future Land Use Map and Land Use Category descriptions do not provide direction for conditional uses in predominately residential areas. The SLDC has established a Rural Residential Base Zoning District which permits bed & breakfast inns as a conditional use. The latest draft of the SLDC Zoning Map has assigned a Rural Residential Base Zoning District to this area. If the Rural Residential Base Zoning District is established; the conditional use would be deemed compatible with adjoining area land uses.

Approval of the Master Plan, Preliminary and Final Development Plan may/may not be consistent with SGMP Chapter 11; policies related to providing adequate water supply. The water budget was not included in the application for this review.

Approval of the Master Plan, Preliminary and Final Development Plan is consistent with SGMP Official Map Series which does not show current or future public need or location of potential public improvements or acquisitions.

**STAFF RECOMMENDATION:**

Planning staff recommend approval of the Master Plan and Preliminary and Final Development Plan. Additionally, there is no recommendation at this time for “zoning” the property commercial since this use is located in a residential land use category and a Bed and Breakfast is allowed as a Conditional Use in a Rural Residential Base Zoning District.

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Liz Stefanics  
Commissioner, District 4

Kathy Holian  
Commissioner, District 5

Katherine Miller  
County Manager

**PUBLIC WORKS DIVISION  
MEMORANDUM**

**Date:** January 22, 2014

**To:** Jose Larranaga, Land Use Department

**From:** Paul Kavanaugh, Engineering Associate Public Works *R*  
Johnny P. Baca, Traffic Manager Public Works *J*

**Re:** CDRC CASE # MP/PDP/DP 31 Bonanza Creek Master Plan, Preliminary  
Development Plan & Final Development Plan.

---

The referenced project has been reviewed for compliance of the Land Development Code, and shall conform to roads and driveway requirements of Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads). The referenced project is located within the Santa Fe County Zoning Jurisdiction and is situated .25 miles of Bonanza Creek Road (C.R. 45) and State Road 14 Intersection. The applicant is requesting Master Plan, Preliminary Development Plan & Final Development Plan to allow for Bed and Breakfast Inn on 9.94 acres.

**Access:**

The applicant is proposing to utilize an existing twenty (20') foot wide base course driveway to access the development. The *Institute of Transportation Engineers Trip Generation 8<sup>th</sup> Edition*; does not have a specific designation for Bed and Breakfast Inn, however, ITE 320 Motel (5 Occupied Rooms) is used and will generate approximately 46 Total Driveway Trips for a 24 hour Two Way Volume. Therefore, no Traffic Impact Study was Required.

**Conclusion:**

Public Works has reviewed the plans and feels that they can support the above mentioned project for Master Plan, Preliminary and Final Development Plan Approval.

NB - 35

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## Santa Fe County Fire Department Fire Prevention Division

### Official Development Review

Date	02/12/2014		
Project Name	Bed & Breakfast Inn		
Project Location	31 Bonanza Creek Road, Santa Fe, New Mexico 87508		
Description	Bed & Breakfast Inn	Case Manager	Jose Larranaga
Applicant Name	Mitchell Ackerman & Leslie Moody	County Case #	14-3010
Applicant Address	31 Bonanza Creek Road Santa Fe, New Mexico 87508	Fire District	Turquoise Trail
Applicant Phone	Jenkins Gavin 505-699-0563		

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

Project Status: Approved  Approved with Conditions  Denial

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

#### • 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.*

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

## Roadways/Driveways

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

The driveway that circles the property shall meet the 14' wide minimum County standards for fire apparatus access road within this type of proposed development. The 14' wide driveway shall be a one-way only direction. The entry and hammerhead turnaround shall be 20' wide. Driveway and turnaround shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 20' and an unobstructed vertical clearance of 13'6".

## 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.*

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

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.

## 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.*

Commercial buildings may be required to install a Knox Cabinet or applicable Knox device as determined by this office for Fire Department access.

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

## Fire Protection Systems

Automatic fire protection system is not required as long as each sleeping room of the Bed and Breakfast has direct access door to the outside and an egress away from the building.

- **Automatic Fire Protection/Suppression**

This office highly recommends the installation of an automatic fire suppression system as per 1997 Uniform Fire Code, Article 10 Section 1003.2.1 and the Building Code as adopted by the State of New Mexico and/or County of Santa Fe. Required automatic fire suppression systems shall be in accordance with NFPA 13 and 13D Standard for automatic fire suppression systems. It is recommended that the homeowner contact their insurance carrier to find their minimum requirements.

- **Fire Alarm/Notification Systems**

Automatic Fire Protection Alarm systems are highly recommended per 1997 Uniform Fire and Building Codes as adopted by the State of New Mexico and/or the County of Santa Fe. Required Fire Alarm systems shall be in accordance with NFPA 72, National Fire Alarm Code for given type of structure and/or occupancy use. Said requirements will be applied as necessary as more project information becomes available to this office during the following approval process.

## Fire Extinguishers

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Portable fire extinguishers shall be installed in occupancies and locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

## 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 commercial 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.

### Access/Egress

Every room designated as a sleeping room shall have an exit door directly to the outside. If this is not possible than automatic fire protection system shall be required.

## Urban-Wildland Interface

*SFC Ordinance 2001-11, Urban Wildland Interface Code*

This development's 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.

## 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.

### Permits

As required

## Final Status

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

*Renee Nix, Inspector*

*Renee Nix*  
Code Enforcement Official

2-25-14  
Date

Through: Chief Dave Sperling

File: DEV/B&B 31BonanzaCreek/021214/TT

Cy: Buster Patty, Fire Marshal *P*  
Jose Larranaga, Land Use  
Applicant  
District Chief Turquoise Trail  
File

## MEMORANDUM

**DATE:** January 23, 2014

**TO:** Jose Larranaga, Commercial Development Case Manager

**FROM:** John Lovato, Terrain Management

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

**FILE REF:** CDRC CASE# MP/PDP/FDP 14-5010 31 Bonanza Creek Bed and Breakfast/Master Plan /Preliminary/Final Development Plan.

---

### REVIEW SUMMARY

The referenced project has been reviewed for compliance with the Santa Fe County Land Development Code. The request is for Master Plan Zoning, Preliminary Development Plan, and Final Development Plan approval to allow for an existing home to be utilized as a Bed and Breakfast on 9.94 Acres. Currently there is a 5,580 square foot five bedroom house which will serve as the Bed and Breakfast and an existing home which is approximately 4,561 square feet. The approval would allow for a maximum of five (5) Bedrooms. No additional square footage will be constructed.

### Storm Drainage and Erosion Control:

The Applicant's proposal has 2 retention ponds located on the southwestern portion of the property and there is no new expansion to existing or proposed use. Pond (1) one is a 2,400 cubic foot pond and Pond (2) two is 2,200 cubic feet. The required retention for this project is 3,226 cubic feet. Therefore, the submittal is in conformance of Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

### Terrain Management:

The Project contains slopes of 0-15% and slopes from the west to the east into the Arroyo Gallina. The site is located within a 100 Year Flood Zone and is located in designated Flood Hazard A. The project must be setback 75' from the Hazard Area, and the structures are setback

at 88' feet. Therefore, the submittal is in conformance with Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance

Daniel "Danny" Mayfield  
Commissioner, District 1  
Miguel M. Chavez  
Commissioner, District 2



Kathy Holian  
Commissioner, District 4  
Liz Stefanics  
Commissioner, District 5

## MEMORANDUM

DATE: February 27, 2014  
TO: Jose Larranaga, Development Review Team Leader  
FROM: Mathew Martinez, Development Review Specialist  
VIA: Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor  
FILE REF.: CDRC CASE # MP/ PDP/DP 14-5010 31 Bonanza Creek

---

### REVIEW SUMMARY ARCHITECTURAL, PARKING, LIGHTING, AND SIGNAGE:

The Referenced Project has been reviewed for compliance with the Santa Fe County Land Development Code. The request for Master Plan, Preliminary and Final Development Plan approval for a Bed and Breakfast Inn. The subject property is a 9.94 acre parcel located at 31 Bonanza Creek Road.

#### PARKING:

The Applicant has provided 7 parking spaces for the Development. The Applicant has designated 1 space for handicap use. All parking spaces shall be defined with striping, wheel stops, parking bumpers, or railroad ties. Staff has determined that the parking element of the Application complies with Article III, section 9 Parking Requirements.

#### ARCHITECTURAL:

The Applicant has submitted Building Elevations. No new structures are proposed within this Application. The Application meets height requirements for both existing structures. The Architectural element of the Application complies with Article III, Section 2.3.6b. of the Land Development Code.

#### SIGNAGE:

No Signage is proposed within this Application.

**LIGHTING:**

The Applicants propose to utilize existing outdoor lighting on the property. The Applicants have provided a lighting plan. Staff has determined that the lighting element of this Application complies with Article III, Section 4.4.4 h.

**Due to the nature of the comments contained herein, additional comments may be forthcoming upon receipt of the required information.**

7.1 Standards

Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:

- 7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County, and
- 7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code.

7.2 Submittals and Review

The submittals and reviews for community service facilities shall be those provided for in Article III, Section 4.5.

Compiler's Note. Section 4.5 was amended by County Ordinance 1988-9, and consists of review procedures and submittals for any non-residential use requesting a zoning approval.

SECTION 8 - OTHER DEVELOPMENT

8.1 Uses Permitted

All uses not otherwise regulated by the Code are permitted anywhere in the County. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries.

8.2 Submittals, Reviews and Standards

Uses regulated by this Section 8 shall be considered large scale if they involve the grading and clearing of 10 or more acres, contiguously or cumulatively; and small scale if less disturbance of the land is involved. Development standards and criteria and submittal requirements are set forth in Sub-sections 4.4 and 4.5.

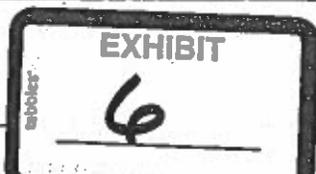
8.3 A development permit shall not be required for, and provisions of the Code shall not apply to, utility easements, utility rights-of-way, and construction of utility line extensions.

In addition to the above requirements, any development involving a water or sewer utility must be in conformance to an adopted Community Land Use and Utility Plan, unless system capacity is limited to that needed to serve existing development.

SECTION 9 - PARKING REQUIREMENTS

9.1 The following parking requirements are established for the types of development listed:

TYPE OF USE	NUMBER OF PARKING SPACES
Wholesale	1 per 1 employee plus 1 per 500 sq. ft.
Office & Community Facilities	1 per 1 employee plus 1 per 300 sq. ft.
Medical Offices	1 per employee plus 1 per 250 sq. ft.



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

c. Parking Lot Location.

Parking lots shall be placed or oriented on a site:

- 1) to the rear or side of buildings (or both); and
- 2) to encourage pedestrian safety and convenience.

d. Terrain Management

All development of a lot, tract or parcel shall be done in accordance with Article VII, Section 7 of this Code.

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

4.4.4 Development and Design Standards

a. Screening

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

b. Buffer Zones and Setbacks

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

c. Maximum Height

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

d. Parking

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

e. Maximum Lot Coverage

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

f. Landscaping

4.4.4 f. 1) Purpose and Intent

Landscape treatments are applicable to all development for the following purposes:

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

4.4.4 f. 2) The landscaping requirements of this Code are cumulative; applicants shall meet:

- the standards for minimum area on a development site (Sections 4.4.4 f 4, 9, and 10); plus
  - any required road frontage area (Article III, Sections 4.4.4 f 10 and 13 and Article V, Sections 8.1.4); plus
  - landscaping for parking lots (Sections 4.4.4 f 11), plus
  - landscaping for drainage ponding areas (Article VII, Section 3.4.6 f); and
  - revegetation (Article VII, Section 3.4.5),
- except where specific substitutions or adjustments are provided for in these regulations.

4.4.4 f. 3) Native Vegetation: Preservation

(a) Intent

It is the intent of the Code to protect and retain native vegetation and landscapes for all development. Native trees, shrubs and other natural vegetation stabilize steep slopes, retain moisture, prevent erosion, provide habitat for wildlife, play a role in the prevention of air and noise pollution and enhance natural scenic qualities.

(b) Limitations on grading and clearing.

- (1) Grading shall be limited to the development site within the Buildable Area on a lot or tract
- (2) Clearing of existing native vegetation shall be limited to approved development sites. No significant tree may be removed from slopes greater than thirty percent (30%).

- (3) Cleared or graded areas which are not built on and cut and fill areas shall be revegetated to the approximate original density and type of vegetation existing prior to disturbance. Areas to be used for recreation or park landscaping or rural agricultural uses shall be excluded from this requirement.
- (4) Any transplantable tree that will be displaced by construction shall be the primary source of new vegetation required for screening, buffering or other landscaping purposes. (See Appendix 3.C, incorporated by reference herein for tree preservation and transplanting guidelines.)
- (5) Native trees, shrubs and landscape shall be retained within any designated landscape areas set aside for buffers; retention of the natural vegetation will reduce the requirement for new planting. Native trees which are to be preserved on a development site shall be protected during construction from such hazards as damage by vehicles and equipment compaction of soils, and spills of contaminants by temporary fences or barricades erected at the perimeter of the critical root zone. Permanent installation of such techniques as retaining walls, terracing and tree wells with drainage shall be used to protect trees in areas where significant grade changes are approved.

4.4.4 f. 4) Landscaping Plan

A landscaping plan is required for all new development and shall be presented for review with either the master plan or the preliminary development plan and shall contain the following information:

- (a) a landscaping map drafted to scale describing the lot(s) or parcel(s), the development site, proposed structures and other development, the designated landscape areas, including revegetation areas; private gardens are not included;
- (b) within the designated landscape areas, including revegetation areas, the plan shall locate and label:
  - (1) existing vegetation which will be retained by type and size;
  - (2) existing vegetation which will be transplanted, or removed by type and size; and
  - (3) location, type, and size of plants to be installed;
- (c) all plant material to be retained or installed shall be located and labeled, footprinted according to the spread of the plants at maturity;
- (d) a list of the type and number of plants to be retained and installed, with common and botanical names, showing the existing size of specific trees and plants by approximate width of canopy, spread and caliper or gallon size at time of planting and the size of the plant material at maturity in height and width;
- (e) methods and details for protecting existing vegetation during construction;
- (f) the location and quantity of all other materials to be used as part of the landscape treatment; planting and installation details as necessary to show conformance with all standards;
- (g) a description of the proposed system of irrigation including the use of on-site storm water collection, drip irrigation, recycled water or other systems;
- (h) methods for protecting required landscaping from damage by automobiles and run off containing salts from paved areas;
- (i) the purpose of each plant material to be used, e.g., for screening, ornament, shade or other purpose;

- (j) a description of proposed structures or other buffering devices, such as walls, fences or earth berms, including location, height, building materials and/or exterior finish treatment which are part of the landscape treatment;
- (k) a water use budget which includes the type of vegetation, the type of irrigation system (drip, flood, or sprinkler), the area in square feet that will be planted in each type of vegetation and the irrigation application requirement in gallons per square foot per year, for each type of vegetation. See Landscape Irrigation Requirements in New Mexico, New Mexico State Engineer's Office.
- (l) an estimate of the cost of installation of the landscape materials; and
- (m) the landscaping plan submitted with the preliminary development plan for an individual use shall be in conformance with the approved master plan for landscaping.
- (n) Landscape areas shall be designated only on the development site within the Buildable Area of the lot and shown on the development plan and where applicable, the plat.

4.4.4 f. 5) Landscaping Design Standards

All landscaping shall meet the following requirements:

- (a) Proposed landscaping plans shall promote water conservation, provide planting materials that are appropriate to the growing conditions of the site, and provide buffers and landscaped areas which are proportionate to the area and height of the proposed development.
- (b) Native vegetation shall be protected pursuant to the standards of Section 4.4.4 f. 3.
- (c) Landscaped areas shall be a minimum of ten percent (10%) of the approved development site. Limitations may be placed on the maximum landscaped area in order to meet water conservation requirements.
- (d) Pedestrian, bike or equestrian pathways or trails are allowed within landscape areas on street frontages provided that no plant material is eliminated and the total width of the buffer is maintained;
- (e) Parking, loading and outdoor storage are prohibited within a landscaped area:

4.4.4 f. 6) Xeriscape Principles: Water requirements shall be reduced by:

- (a) Native vegetation or introduced vegetation that is freeze or drought resistant shall be used for new landscaping in an effort to conserve water use once the plants are established. Botanical materials shall be chosen so they fit within the water budget or water use plans for the development. Plant materials, their size at maturity, how they can be used, their water use and other information is listed in Appendix 3.C, and incorporated by reference herein.
- (b) Limiting the amount of lawn grass areas:
  - (1) Lawn or turf areas shall be limited to no more than twenty-five percent (25%) of landscaped areas. Areas dedicated to recreational playfields or to the production of food crops such as vegetable gardens or orchards are not included;
  - (2) Lawn areas shall not be planted in strips eight feet (8') wide or less.
- (c) Xeriscape principles shall be followed in the design, installation and maintenance of landscaping, pursuant to Appendix 3.C, and incorporated by reference herein.

4.4.4 f. 7) Planting Standards:

- (a) A minimum of seventy five percent (75%) of an area designated for landscaping shall be developed with living plant materials including areas seeded with grasses and flowers. See references in Appendix 3.C for information and recommendations on use of water efficient planting.
- (b) Designated landscape areas or buffer zones shall be planted according to a ratio of one tree at a minimum height at maturity of twenty-four feet (24') for each five hundred (500) square feet, and one shrub of a minimum height and spread at maturity of four feet (4') for each sixteen (16) square feet.
  - (1) Where the required buffer is five hundred (500) square feet or less (for small parcels only) a minimum of two (2) trees shall be planted.
  - (2) Larger trees are required for large parking lots and buildings: see Subsections 4.4.4 f 11 and 12.
- (c) Non-vegetative landscape materials may include gravel, rock and bark mulch. Walls, fences and berms are types of non-vegetative landscape structures which may be incorporated into landscape areas pursuant to these standards.

4.4.4 f. 8) Adjustments

Minor adjustments to the landscape standards may be permitted in accordance with this subsection, subject to the approval of the Code Administrator pursuant to a site visit and provided that the modifications shall not be inconsistent with the purposes of this Section.

- (a) Adjustments will be considered for existing heavily vegetated areas or for plant materials with varying characteristics provided that:
  - (1) The ratio of living plant material to inorganic material is maintained at seventy-five percent (75%) living materials to twenty-five percent (25%) inorganic materials; and
  - (2) The living plant material is installed so as to provide a continuous visual screen or may be planted in drifts or clumps with pockets of open areas providing the sense of continuity with the street edge is maintained; and
  - (3) screening of cuts or retaining walls in steep slopes from public rights of way is maintained.
- (b) Additional trees meeting minimum planting standards may be substituted for shrubs in rural locations or where water restrictions are severe, provided that the buffering or screening function is maintained; each additional tree may substitute for fifteen (15) shrubs.
- (c) Adjustments of up to fifty percent (50%) to the width of the Road Frontage landscape area (See Section 4.4.4 f 10) will be considered where a four foot (4') high masonry wall or a six foot (6') high opaque fence or earth berm is constructed.
- (d) Plant materials required for screening of cuts, fills or retaining walls in areas of steep terrain may not be adjusted.
- (e) In other areas, the ratio of living plant materials may be reduced by fifty percent (50%) where the landscape treatment includes walls, fences or berms. Walls or fences should be located in the landscape area to accommodate the installation of the living plant materials.
- (f) Minor design adjustments may be made to the designated landscape areas on the development site to accommodate solar access for solar design as long as the substance of landscape standards for screening and buffering are met.

4.4.4 f. 9) Buffering and Revegetation for Ridgetops and Development Sites with a Natural Slope of fifteen percent (15%) or greater

Any cut slope greater than four feet (4') in height or with a grade of two and one half to one (2.5:1) or steeper, retaining walls and erosion control structures and the facades of any building visible from a public way shall be screened or otherwise landscaped as follows:

- (a) A minimum of fifty percent (50%) of the visible portion of a facade or retaining wall shall be screened; trees shall be planted or retained within fifteen feet (15') of all retaining walls to be screened and in an area no less than twenty-five feet (25') and no more than fifty feet (50') from any facade to be screened;
- (b) Trees shall be planted on the downhill side of road cuts and of fill areas. Cuts and fills may be required to be terraced and planted in order to provide screening and slope stabilization;
- (c) Top soil shall be removed and stockpiled for later use in re-vegetation of the disturbed areas;
- (d) New vegetation (trees and seeded areas) shall approximate existing vegetation in type, density, and natural pattern of occurrence on the lot; density shall be determined by an inventory of existing vegetation within the development site prior to grading;
- (e) Density in landscape and revegetation areas shall approximate the density of vegetation prior to disturbance; in no case shall density in landscape and revegetation areas be less than one (1) tree per one thousand (1000) square feet of designated area;
- (f) New trees shall be spaced at a distance equal to the the average diameter of the spread of the crown of the typical mature specimen of the species planted under similar growing conditions;
- (g) New trees shall be a minimum of six feet (6') in height, which, at maturity, will approximate the height of existing native trees and be as tall as the cut and fill or structure to be screened;
- (h) Seeded areas shall be protected by accepted horticultural practices to assure germination; See Appendix 3.C. incorporated by reference herein.
- (i) Seeding or planting may be delayed for the optimum germination or planting season, provided such delay is conditioned on the development permit and bonding or other financial warranty is secured.
- (j) Designated landscape areas for screening on ridgetops and steep terrain may be included in the minimum 10% development site landscape area required pursuant to Section 4.4.4 f 5.

4.4.4 f. 10) Landscaping for Road Frontage Areas

- (a) The width of landscape areas between the street or road right of way and any developed areas of a parcel shall be as follows:
  - Highways or Arterials - 25 feet
  - Collector or Local - 10 feet
- (b) Upon approval of the governmental agency responsible for the maintenance of the adjoining roadway, any public right-of-way between the front property line and the street may be landscaped and maintained by the property owner retaining native materials or using grass, groundcovers, or low growing shrubs having a maximum mature height exceeding two (2) feet, or be treated with a non-vegetative cover such as bark mulch or gravel. Where appropriate, such areas may be considered as part of the width of landscape areas as set forth in Section 4.4.4 f.10 (a).

- (c) Living plant materials installed in areas designated for landscaping on road frontages shall be planted so as to create the appearance of a continuous edge occasionally punctuated with dissimilar materials.
- (d) In order to avoid a tunneling effect where a development borders on a highway or arterial street or road for more than one thousand (1000) feet, developers or builders shall vary the masonry structures, fences or walls with living plants.

4.4.4 f. 11) Landscaping for Parking Lots

- (a) Except as otherwise provided in this Section f. perimeter landscape screening providing a visual buffer is required in the following circumstances:
  - (1) along the front for parking lots with more than ten (10) parking spaces or four thousand (4,000) square feet, whichever is less; and
  - (2) along the front, side and rear property lines, as applicable, where parking is located within twenty five (25) feet of a property line adjoining residential uses. Standards for landscaping the front of the lot are set forth in Section 4.4.4 f. 10, Standards for side lot landscaping are set forth in Section 4.4.4 f. 13.
- (b) Interior landscaping is required for parking lots with more than forty (40) parking spaces and/or more than twelve thousand (12,000) square feet. Interior landscaping shall cover a minimum area equivalent to one (1) parking space or one hundred sixty (160) square feet for every twenty (20) parking spaces.
  - (1) Interior landscaping shall be designed to shade the parking spaces and provide a visual break to the parking lot surface. Plant material shall consist of a minimum of one (1) deciduous shade tree and three shrubs for every ten (10) parking spaces. The shade trees shall be a minimum of one and one-half inch (1.5") caliper and six (6) feet tall and meet current American Association of Nurserymen standards at the time of planting, and have a thirty foot (30') minimum mature height, with a clear trunk at least five feet (5') above the finished grade. Shrubs shall be five (5) gallon size at the time of planting and shall have a minimum mature height of three (3) feet;
  - (2) Non-vegetative cover including but not limited to gravel or bark is required under trees where other planting is not provided.
  - (3) Interior landscaping planting islands shall have a minimum area of one hundred sixty (160) square feet and a minimum dimension of four (4) feet;
  - (4) Interior landscaping shall be uniformly distributed throughout the parking lot;
  - (5) Pedestrian pathways or sidewalk areas shall be incorporated into the parking area landscape treatment.
- (c) Large parking lots (100 spaces or more and/or 30,000 square feet in area or larger) shall provide interior planting area equal to at least ten percent (10%) of the parking lot area; and
  - (1) Interior landscaping shall be designed to shade the parking spaces and provide a visual break to the parking lot surface. Plant material shall consist of a minimum of one (1) deciduous shade tree and two (2) shrubs for every five (5) parking spaces. Shrubs shall be five (5) gallon size at the time of planting and shall have a minimum mature height of three (3) feet. Shade trees must have a clear trunk at least five feet (5') above

the finished grade to allow vehicular circulation beneath the tree canopy and shall have a minimum height at maturity of forty feet (40'); shade trees shall be a minimum of three inch (3") caliper and six (6) feet tall at the time of planting; all plant and tree sizes must meet current American Association of Nurserymen standards at the time of planting.

- (2) Non-vegetative cover including but not limited to gravel or bark is required under trees where other planting is not provided.
- (3) Larger planting islands connected by pedestrian access ways shall be provided for greater visual relief from paved expanses, to reduce high summer temperatures and to create an environment more conducive for healthy tree growth; tree planting areas must be at least eight feet (8') in any dimension; planting islands parallel to parking spaces must be at least nine feet (9') wide to allow car doors to swing open.
- (4) Tree species chosen should require little maintenance, and be able to tolerate harsh growing conditions such as sun, wind, glare, reflected heat, drought, salt and other chemicals.
- (5) Interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with native grasses, ground cover, shrubs, or other appropriate landscape treatment.
- (6) To calculate parking lot area, all areas within the lot perimeter are counted, including planting islands, curbed areas, sidewalks, parking spaces and all interior driveways and aisles. Landscaped areas outside the parking lot may not be used to meet the interior planting requirement.

4.4.4 f. 12) Landscape Treatments Shall be Scaled

Landscape treatments shall be scaled to screen multi-story commercial, industrial, and large scale residential structures and/or buildings of 30,000 square feet or larger by:

- (a) Use of trees in road frontage areas and residential buffer areas which have a minimum height at maturity of forty feet (40'); shade trees shall be a minimum of three inch (3") caliper and six (6) feet tall at the time of planting; all plant and tree sizes must meet current American Association of Nurserymen standards at the time of planting;
- (b) Use of evergreens and canopy or shade trees should predominate in road frontage areas; ornamental trees and shrubs and smaller native trees may be interspersed in groups which simulate natural tree stands;
- (c) Placement of landscaping materials to screen the bulk of buildings and provide visual relief and protection from high summer temperature for large areas of impervious surface (buildings, paving, courtyards, etc);
- (d) Existing vegetation and native species may be retained on site and counted toward required trees and shrubs in landscape areas, but the plant reduction of Section 4.4.4 f 2. shall not apply to large scale buildings.

4.4.4 f. 13) Buffering Residential Uses from Nonresidential Uses and Roadways

- (a) Commercial, office or industrial developments located at the perimeter of nonresidential districts where there are existing residential uses may be required to provide a landscaped area and structural buffer between any nonresidential use and residential use on the side or rear lot lines. Such buffer shall consist of a six foot (6') masonry wall or fence constructed of opaque materials and a three foot (3') wide planting area. Trees and shrubs

selected for the three foot planting area may be used to create shade or visual amenity. Trailing vines for the wall may also be considered.

- (b) Screening and Buffering for Residential Uses. The requirements for screening residential areas from roadways and nonresidential uses, and for landscaping residential common open space, may include one or more of the following:
- (1) stuccoed poured concrete walls;
  - (2) stuccoed masonry walls of cement block, brick or adobe;
  - (3) earthtone masonry walls;
  - (4) rock or field stone walls;
  - (5) wood fences of materials at least 3/4 inch thick with crossbracing secured with posts on maximum eight (8) foot centers set in concrete or posts treated with preservatives set twenty four (24) inches deep;
  - (6) earth berms with shrubs and vegetative groundcovers;
  - (7) any combination of shrubs and trees which effectively creates a screen:  
or
  - (8) a combination of the above. The developer may choose any of the above screening methods at his discretion.
- (c) Density of vegetation shall meet standards of Section 4.4.4 f 7, Planting Standards and 4.4.4 f 8, Adjustments.

4.4.4 f. 14) Installation, Maintenance, Inspection, Enforcement

- (a) Landscaping shall be installed for inspection prior to the issuance of a Certificate of Occupancy or Business License unless appropriate financial warranty has been approved by the Code Administrator. Also see revegetation requirements of Article VII, Section 3, Terrain Management.
- (b) A bond or letter of credit in an amount reasonably required by the Code Administrator shall be submitted if seeding or planting of required landscaping and revegetation must be delayed for optimum results. The applicant may be required to submit a cost estimate by a licensed landscape architect. Such delay shall be specified on the development permit.
- (c) All vegetation installed pursuant to an approved landscaping or terrain management plan which later dies shall be replaced.
- (d) Trees and large shrubs shall be supported after planting in such a way that the plants will not be injured by strong winds.
- (e) Responsibility for the success of landscaping installations belongs entirely to the property owner and may be subject to periodic inspections by the Code Administrator. The property owner shall be responsible for control of plant growth by pruning or trimming so that it will not interfere with the installation, maintenance or repair of any public utility, pedestrian or vehicular access or constitute a traffic hazard.

4.4.4 h. Outdoor Lighting

1) Purpose

Outdoor lighting standards are applicable to all development in the County. Outdoor lighting shall be designed and arranged to enhance the safety of areas designated for pedestrian use during evening hours, to provide security, to conserve energy, to protect the night sky and in particular, to prevent the spillover, nuisance or hazard effects of light and glare on adjacent locations and uses of land.

2) Definitions

- (a) cut-off - the point at which all light rays from the light source or luminaire is completely eliminated at a specific angle above the ground.
- (b) cut-off luminaire - a luminaire with shield, reflectors, reflector panels or other housing which directs and cuts off light rays from direct view.
- (c) footcandle - a unit of illumination produced on a surface, all points which are one (1) foot from a uniform point source of one (1) candle. A comparative measure is the brightness of a full moon which is equal to .01 footcandle.
- (d) glare- the brightness of a light source which causes eye discomfort.
- (e) luminaire - a complete lighting unit consisting of a light source and all necessary mechanical electrical and decorative parts.

3) Submittals

- (a) For all development involving outdoor lighting fixtures a lighting plan shall be submitted for master plan or preliminary development plan or Development Permit review, as applicable, showing the location, mounting height, types of luminaires, accessory equipment such as shades, deflectors or other housing controlling the direction of light on a surface and the beam direction of any luminaire. Descriptions of all illuminating devices shall include, as applicable, manufacturers' drawings showing sections and photometric data showing the angle of cut off of light emissions.
- (b) The plan shall be drawn to scale and shall also include elevations of building facades showing the location of, and shielding devices for, wall mounted luminaires and detailed drawings of the luminaires and accessory equipment to be used.
- (c) Additional submittals that may be required include, but are not limited to, preparation of a visual impact analysis for alternative types of lighting solutions for the project as those would affect and be seen from adjacent properties and public ways, a comparative analysis of performance standards relating mounting height, footcandles, footcandle levels and location for various types of lighting which could be developed for the proposed use and types of shields, deflectors and adjustments on orientation or other buffers which could be implemented to mitigate glare, nuisance or hazardous effects of any night lights.

4) Off-Street Lighting Design Standards

- (a) The use of cut-off type luminaires is required. All light bulbs and light sources shall be shielded so that they are not directly visible from any adjacent lot or public roadway. All outdoor lighting fixtures shall meet requirements for lamp type and shielding set forth in Table 3.1, Outdoor Lighting Requirements, below.
- (b) Spillover of lighting for adjacent properties shall not exceed one half of one (.50) footcandle measured at any point ten feet (10') beyond a property line.
- (c) For residential uses, no luminaire shall be installed higher than the building(s) on the lot. For all other uses and for parking lots for multi-family residential uses, no luminaire shall be installed higher than one and one half (1.5) the height of any structure proposed for development or twenty four feet (24'), whichever is less.
- (d) All light bulbs and light sources shall be recessed into any canopy structure that is designated for pedestrian use, loading or service, unless a suitable alternative is submitted for approval. Decorative lamps housing an

incandescent light source of 160W or less for hanging under portals are exempted.

- (e) In nonresidential districts building facades may be illuminated with ground floodlamps installed close to the structure; wall mounted floodlamps shall be shielded so that the light source is not visible. Spotlights without a shielding device are prohibited. Ground mounted luminaires for building facade illumination are not permitted in residential districts.
- (f) Control of the distribution of illumination for outdoor recreation areas, outdoor storage areas or outdoor display of merchandise is subject to additional submittals.
- (g) Automatic timing devices may be required to turn off lighting installed for display or outdoor sporting events at specified hours. The use of security lights using motion sensors is encouraged, especially for residential applications.
- (h) A range of lighting design solutions for the various aspects of a development shall be considered over a single lighting solution.

5) Street Lighting Design Standards

- (a) It is the intent of these Regulations to require installation of street lights only where necessary to continue the urban streetscape or to provide for pedestrian and motorist safety. It is not the intent to require or encourage installation of street lights in subdivisions with a rural character.
- (b) Street lights are required in the following circumstances:
  - (1) on paved streets and roads where curb, gutter and sidewalk are required;
  - (2) for safety purposes on arterial roads or at intersections of any road with a highway or arterial.
- (c) Standards for street light installations:
  - (1) Lighting shall be provided in accordance with a plan designed using guidelines and standards set forth by the Illuminating Engineers Society (IES) Lighting Handbook, latest revision, and the standards set forth in this section. Recommended lighting levels and uniformity ratios are found in Appendix 3.B of the Code.
  - (2) Plans designed by utility companies shall meet the standards in this section.
  - (3) Low or high pressure sodium lamps or other energy efficient sources shall be used in all installations.
  - (4) Cut-off luminaires shall be used to direct light downward in order to prevent the spillover, nuisance or hazard effects of light and glare on any adjacent locations. Cobra head fixtures shall be equipped with skirting or other design features to shield the light source. See Table 3.1. Outdoor Lighting Requirements.
  - (5) Street lights shall be located and designed to enhance the safety of motorists and pedestrians during evening hours. Location shall be planned to provide a transition from unlit areas to lit areas and continuity and uniformity of lighting. Street lights shall be installed so as to create a transition from dark to illuminated areas and avoid blind spots or dark shadows which are hazardous to drivers.
  - (6) The maximum height of standards (upright supports) shall not exceed twenty-four feet (24'), except on public roads wider than two (2) lanes and arterials where taller standards up to thirty-six feet (36') may be used. This height limit may be varied by the Code Administrator if a site specific study clearly demonstrates that use of a taller standard will

better achieve the purposes of this subsection 4.4.4 h, Outdoor Lighting, and these Street Light Design Standards.

- (7) Street lights in subdivisions shall be equipped with electric meters to allow billing to the developer or owners' association unless other arrangements are agreed to by the Board.
  - (8) All street light conductors shall be installed underground.
  - (d) Safety. Notwithstanding other requirements of this Section, the County Development Review Committee or Board may require installation of street lights whenever needed to protect the safety of motorists and pedestrians due to the particular characteristics or location of the site.
  - (e) Maintenance. Payments for operations, maintenance and energy charges shall be the responsibility of the developer or owners' association. The disclosure statement and owners' association by-laws shall set forth an acceptable method for charging each lot owner for maintenance and operation.
- 6) Non-Conforming Outdoor Lights
- (a) Mercury vapor lamps in use for outdoor lighting on the effective date of this amendment to the Code (April 30, 1996, Ordinance No. 1996-3) shall be removed or replaced with lamp fixtures meeting the standards of this Article III, Section 4 within five (5) years.
  - (b) All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this Code amendment (April 30, 1996, Ordinance No. 1996-3) are exempt from the requirements of this Section. However, whenever there is a change in use or lamp type or any replacement or structural alteration made to such non-conforming outdoor light fixtures, they shall be made to conform to all applicable requirements of this Code.
  - (c) Non-conforming outdoor lights which are found by the Code Administrator or the County Development Review Committee to create a nuisance or hazard and are in violation of this ordinance shall be required to be replaced with lamp types or fixtures which conform to the requirements of this Code.

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

4.8 Common Promotional Plans

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

**SECTION 5 - PROCEDURES AND SUBMITTALS**

5.1 Pre-application Procedures

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

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

5.2 Master Plan Procedure

5.2.1 Introduction and Description

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

5.2.2 Master Plan Submittals

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



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

March 6, 2014

To: Jose E. Larrañaga, Commercial Development Case Manager

From: Karen Torres, County Hydrologist

Re: CDRC Case # MP/PDP/DP 31 Bonanza Creek- Master, Preliminary and Final Development Plan T15N R8E Sections 26 and 27.

Nature of Project:

The applicant is requesting a Master, Preliminary and Final Development Plan approval to operate an existing 5 room bed and breakfast facility and maintain a private residence on a 9.945 acre parcel. A water budget of 0.25 acre-feet per year for both commercial and residential uses is proposed. The development is located in the basin fringe hydrologic zone and is considered a non-conforming legal lot of record by the Land Use Department.

The development is served by an on-site 72-12-1 well (RG-31117) currently permitted for single household use. A second well on the property (RG-8039) is permitted for both household and livestock use but is currently inactive. Sanitary sewer will be provided by three on-site septic tanks.

History of Review:

According to the Land Use Department a bed and breakfast has operated at this location in the past without zoning approval. No review of this development was found but the current request will allow the bed and breakfast to remain in business.

On February 26, 2014 this development request was reviewed for technical accuracy and compliance with the SFC Land Development Code and concerns regarding the low residential water budget for the entire project were raised with the applicant's agent.

On February 26<sup>th</sup>, 2014 a revised water budget was received via e-mail from the applicant's agent.



**SFC Land Development Code Master Plan Requirements for Water and Wastewater:**

To address requirements of the SFC Land Development Code the pertinent sections of the Code are written out and are addressed individually as to compliance. At master plan level all applicants requesting approval of a non-residential development proposing to use more than 1.0 acre-foot must submit a water supply plan as required by Article VII Section 6.2.2 of the Code and liquid waste disposal plan. To determine if a water supply plan is necessary a review of the revised water budget was performed.

The water budget proposed by the applicant’s agent estimates a total water budget for the project of 0.25 which includes a residential water budget of 0.14 acre-foot, 0.1 acre-foot for the 5 room bed and breakfast and 0.02 acre-foot for landscaping. This is an unusually low water budget for a project of this size but an effort was made to find water use data that would support this budget.

A similar project was reviewed in 2012 which used average annual water usage figure, taken from a 2009 City of Santa Fe water usage report, of 0.08 acre-foot per room for a motel of limited service. This figure was adjusted down by 25% to reflect a lower occupancy rate due to remote location, lack of signage and reservation only guests. To verify this methodology meter readings from an existing 7 room bed and breakfast with residential quarters were reviewed and are as follows:

Year	Gallons / Year	Acre-feet / Year
2009	249,310 gals	0.77
2010	269,270 gals	0.83
2011	295,850 gals	0.91
2012	285,020 gals	0.87
2013	208,340 gals	0.64
<b>Average</b>	<b>261,558 gals</b>	<b>0.80</b>

Since the residence is not metered separately the average residential water use per person for the County Utility for the years 2009 – 2011 were obtained and are as follows:

Year	Residential Gallons per Capita per Day (GPCPD)	Ave. 2000 and 2010 Census Household Size	AFY
2009	55.81 GPCPD	2.64	0.165
2010	56.38 GPCPD	2.64	0.167
2011	58.45 GPCPD	2.52	0.165
<b>Average</b>			<b>0.166</b>

To obtain an estimate of annual use the average household size based on census data was multiplied by the per person water use and the number of days in a year. It should be noted the average household size is used as a general practice to project future water demand as there is no guarantee the occupancy of the property will remain the same. The average annual residential water use is estimated at 0.166 acre-feet per year. Subtracting out the estimated residential water demand the average water use associated with the 7 room bed and breakfast is 0.634 acre-foot or 0.091 acre-foot per room. This is slightly higher than the average City of Santa Fe water use for motels of limited service; which is 0.08 acre-feet per room per year. It should be noted that water use for 2013 is substantially lower than previous years and may reflect water conservation efforts when the well was replaced in 2012. Using an estimated water demand of 0.08 acre-foot per year per room appears reasonable.

Based on a review of county water use a water budget of approximately 0.57 acre-foot for a residence and a 5 room bed and breakfast is supported by the available data.

**Based on a review of the water budget a water supply plan is not required for master plan approval since the proposed water use in less than 1.0 acre-foot per year.**

#### **SFC Land Development Code Preliminary and Final Development Plan Requirements for Water and Wastewater:**

##### Code Requirements:

##### Article VII, Section 6 - Water Supply Plan

*Article VII, Section 6.2 entitled General Requirements and Submittals for a Water Supply Plan sets forth requirements based on the type and scale of the development. Table 7.4, entitled Required Code Sections for Water Supply, states all non-residential development in which the project uses more than 0.25 acre-feet of water annually or in which the applicant obtains water other than through a well which is permitted under Section 71-12-1 NMSA 1978 as it may be amended, is required to submit a water supply plan which consists of submittals compliant with the following code requirements:*

1. *Article VII, Section 6.4 entitled "Water Availability Assessments"*
2. *Article VII, Section 6.5 entitled "Water Quality"*
3. *Article VII, Section 6.6 entitled "Water Conservation"*
4. *Article VII, Section 6.7 entitled "Fire Protection"*

##### *Article VII, Section 6.4 entitled "Water Availability Assessments"*

Based on the analysis of water use for residential and bed and breakfasts performed in the previous section it appears the water use may exceed 0.25 acre-feet per year for the project. In

this instance a water supply plan which addresses water availability, water quality, water conservation and fire protection is required by the code. No such plans were submitted in support of preliminary and final development plan

**After review of the documents submitted by the applicant code requirements for water availability for preliminary and final development plan have not been met.**

### **Recommendation**

Prior to resubmission of preliminary and final development plan the applicant has an opportunity to install totalizing meters on the two wells located on the property to demonstrate a low water use for the project. Since this is an existing business that is seeking proper zoning, tracking water usage and occupancy of the bed and breakfast for a few months will allow the county to verify if the proposed low water usage is attainable.

### **Conclusions**

1. Code requirements for master plan for the project have been met.
2. Installation of a totalizing meter on well RG- 31117 is recommended to allow the applicant to demonstrate the proposed water budget is attainable.
3. Submission of monthly meter readings to the Office of the State Engineer and Santa Fe County Land use department is recommended.
4. Make necessary changes as required by Office of the State Engineer Water Rights Division to have the use of water from well permit RG- 31117 reflect to current commercial use of water for the well.
5. Verification that well RG-8039 is disconnected and not in use.

If you have any questions, please feel free to call me at 992-9871 or email at [ktorres@co.santa-fe.nm.us](mailto:ktorres@co.santa-fe.nm.us)

- Section 6.4 - Water Availability Assessments
- Section 6.5 - Water Quality
- Section 6.6 - Water Conservation
- Section 6.7 - Fire Protection

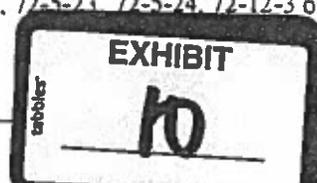
Table 7.4 indicates which Sections of this Article shall be required for different types of development:

<b>TABLE 7.4 - REQUIRED CODE SECTIONS FOR WATER SUPPLY</b>	
<u>Development Type</u>	<u>Required Sections</u>
Any development which includes construction or expansion of a community water system	6.3, 6.4, 6.5, 6.6, 6.7
All subdivisions containing 6 or more lots	6.2.2 as applicable, 6.4, 6.5, 6.6, 6.7
All subdivisions containing 5 or fewer lots	6.2.2 and 6.3 if applicable 6.4.7, 6.5, 6.6
All subdivisions required to have community water systems as listed on Article V, Section 9, Table 5.1	6.2.2, 6.3, 6.4, 6.6, 6.7
All large scale residential development	6.4, 6.5, 6.6, 6.7, 6.3 if applicable
All non-residential development in which the project uses more than 0.25 acre feet of water annually or in which the applicant obtains water other than through a well which is permitted under Section [ 72-12-1 NMSA1978 as it may be amended	6.4, 6.6, 6.7, 6.5 (depending on use)
All development in which the applicant requests a density adjustment based on water availability	6.4, 6.6, 6.7
All development in which the applicant requests a density adjustment based on water conservation.	6.4, 6.6, 6.7
All lots created in accordance with Article II, Sections 2.3.1a.ii (b), (d), (f), (g) and (h)	6.6.2



**6.2.2. Required Water Right Permits**

6.2.2a For all subdivisions containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, the subdivider shall provide proof that the person providing the water has a valid water right permit issued by the State Engineer pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978,



- E. **CDRC CASE # MP/PDP/FDP 14-5010 31 Bonanza Creek Road:**  
**Leslie Moody and Mitchell Ackerman, Applicants, JenkinsGavin,**  
**Agents, request Master Plan Zoning, Preliminary and Final**  
**Development Plan approval to allow a Bed and Breakfast within an**  
**existing residence on 9.94 acres. The property is located on the west**  
**side of Highway 14 off Bonanza Creek Road (County Road 45), within**  
**Section 26, Township 15 North, Range 8 East, Commission District 5**  
*[Exhibit 10: Support letter from San Marcos Association]*

Mr. Larrañaga presented the staff report as follows:

“The Applicants request Master Plan Zoning, Preliminary and Final Development Plan approval to allow an existing 5,580 square foot five bedroom residence to operate as a Bed and Breakfast. There are two dwellings on the 9.94-acre site. A 4,561 square foot residence will be utilized by the Applicants as their primary residence and the second residence will be utilized as a five bedroom Bed and Breakfast. The Applicant is not proposing any expansion of the existing structures as part of this application.

“The Bed & Breakfast is currently in operation without the proper zoning approval or Business License from Santa Fe County. This statement is based on an observation made by staff on a site visit and advertisement on the internet as Rancho Gallina in Santa Fe.

“The two existing dwellings on the 9.94 acre parcel are non-conforming as per the density requirements of the Land Development Code. The Applicants propose two kitchens in the five bedroom residence which will operate as the Bed and Breakfast and a kitchen in the Applicants residence. Ordinance No. 1998-9 states: “any such structure, mobile home or unit that contains both a kitchen or cooking facility and a bathtub or shower shall be presumed to be a dwelling”. At the most basic level, a bed and breakfast is a place, often found in a renovated home, mansion or small hotel, to spend the night and enjoy a full breakfast in the morning. In observance of the non-conforming status of the site only two kitchens shall be utilized on site.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan only: the Application is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in the Land Development Code. The review comments from State Agencies and County staff have established findings that this Application is in compliance with state requirements and Article V, Section 5, Master Plan Procedures of the Land Development Code.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts



presented do not support the request for Preliminary and Final Development Plan: the County Hydrologist has determined that the requested use, as a 5 bedroom Bed & Breakfast, will exceed the water use allowed by the Land Development Code for Preliminary and Final Development Plan; the County Hydrologist states that the application is sufficient for Master Plan; the Applicants have agreed to this recommendation and are requesting Master Plan Zoning approval only New Mexico Environmental Department has determined that the on sight liquid waste systems are not sufficient to meet the needs of the proposed B&B; the Application does not comply with Article V, Section 7.1.2.y and Section 7.1.2.aa.

Staff is recommending conditional approval of Master Plan Zoning, only, to allow a Bed and Breakfast within an existing residence on 9.94 acres. If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c.
2. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
3. Only two kitchens shall be allowed on the site in keeping with the non-conforming status of the site, as per Article II, § 4.5.

Mr. Larrañaga said the property is neither zoned nor licensed to operate as a B&B. The applicant will be required to return with a water budget proving .25 acre-feet per year. The combined two dwellings total 9,000 square feet. In response to Member Gonzales' question, Mr. Larrañaga said there is a listing for the B&B on the internet and at staff's visit it appeared the business was operational.

Mr. Larrañaga explained the different options the applicant has in proving water usage and stated that the applicant will be required to use no more than .25 acre-feet for the development.

Duly sworn, Jennifer Jenkins, agent for the applicants Mitchell Ackerman and Leslie Moody in their request for a master plan approval for a bed and breakfast, presented a slide show to clarify the history and location of the subject property. The applicants purchased the property in July 2012 and have made significant improvement. There are two residences: 4,500 square feet and 5,400 square feet. The property is just less than 10 acres. The applicants have installed geo-thermal, solar panels, and water catchment. They are not advertising as a B&B. Family and friends have visited and they hosted a wedding.

The applicants came to the County to start the process and follow the proper procedures. Ms. Jenkins said the previous owner operated a B&B for over 20 years without permits or licenses. The applicants are here of their own volition and have invested significant financial resources into the process.

Ms. Jenkins said the applicants have written support from the Turquoise Trail Association. She said they have worked closely with County staff, will comply with all conditions and are here seeking the Committee's support.

Duly sworn, Leslie Moody, confirmed Ms. Jenkins' statement that they are not running a B&B. She said she and her husband have invested their life savings in improving the property for energy efficiency. They will meter the well and prove they can operate the business within the .25 acre-foot limit. She noted that she has received support from the local residents and looks forward to opening their business.

Ms. Moody confirmed that they have the needed permits for the solar and geothermal additions. She said there are two septic systems which were upgraded, however, one of the leach fields needs to be expanded.

Ms. Gavin, agent for the applicant, said the two septic tanks are appropriately sized, however, one of the leach fields will need to be expanded. Bids have already been received to expand it 360 square feet. That expansion will occur whether this application is approved or not.

Previously sworn, Walter Wait said he has lived for over 30 years on Bonanza Creek Road and is well acquainted with the subject property which had been a school, a facility for race horses, and an art place and it has always had residents. The San Marcos Association met with the applicants and at the Association's March 2014 meeting the Board supported the B&B as a good contribution to the community.

Mr. Wait said limiting the B&B to .25 acre-feet per year might impose an undue hardship on the proposal and the Board recommends changing the budget to .50 acre-feet.

Duly sworn, Helen Boyce, said she was one of the first six residences between the Village of Cerrillos and I-25 and she was happy to have these "enthusiastic" people wanting to operate the B&B. She agreed with Mr. Wait's comment and fully supported the application.

Member Katz moved to recommend to the BCC approval of the master plan zoning for the B&B in case Z/DP 14-5010 with staff-imposed conditions. Member Anaya seconded.

Member Gonzales suggested that in the event the water budget proves to be higher than .25 acre-feet, the applicants should provide the appropriate water rights. Ms. Jenkins said they have confidence in the applicant's water budget; however, if need be a geo-hydro study can occur to prove the necessary water. She did not think water rights would be relevant to this application.

Member Gonzales asked that the applicant provide water rights if they exceed three acre-feet as an amendment. Member Katz agreed as did Member Anaya.

The motion passed by unanimous [7-0] voice vote.

H. ~~PETITIONS FROM THE FLOOR~~ - None were presented

**SECTION 6 - FEES AND LEVIES****6.1 Standard Fees**

Any person desiring to subdivide land in the County shall pay the current administrative fees set by the County. A fee schedule, which may be periodically amended, is available from the Code Administrator.

**6.2 Additional Fees for Unusual Circumstances**

Where additional review by the County is required above and beyond normal review requirements due to complex, unforeseen, or unique circumstances relating to the proposed plan or plat, such as complex hydrological considerations, then the County may charge an additional review fee to defray the cost of such review. Review fees shall be only for professional services rendered to the County in the case that the County does not have qualified personnel to assist in reviewing such reports, plans and plats. When an additional fee is deemed necessary, the fee shall be arrived at between the County and the subdivider.

**SECTION 7 - DEVELOPMENT PLAN REQUIREMENTS****7.1 Preliminary Development Plans****7.1.1 Pre-application conference**

- a. Prior to the application for approval of a preliminary development plan for any phase or for an entire project, the subdivider may confer with the Code Administrator regarding the plan submittal and requirements of the Code according to Section 5.1 of this Article.
- b. At this time a determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

**7.1.2 Information to be submitted**

- a. Evidence of legal lot of record;
- b. Contour intervals of two feet or such other appropriate scale as determined by the Code Administrator;
- c. Arrangements, location and size of buildings, where applicable;
- d. Off-street parking and loading or dumping facilities, where applicable;
- e. Internal vehicular and pedestrian circulation, and ingress and egress;
- f. A drainage, grading, and erosion control plan including existing and proposed contours for roads and utilities; a preliminary/conceptual grading plan around buildings, when applicable;
- g. A landscaping plan providing a schedule specifying conceptual methods, to include type, size, and location of vegetative and non-vegetative landscape material, and a preliminary description of the irrigation system to be used;
- h. Walls, fences and earth berms; their approximate locations and identifying types of fences and walls, if applicable;
- i. Size, location, orientation, lighting and type of signage, where applicable;
- j. Conceptual plan for outdoor lighting, including type, size, location of fixtures, if applicable;
- k. Easements, rights-of-way and street design:
  - l. Access to telephone, gas, and electric utility service;
  - m. Utility plan for water and sanitary sewer;
  - n. Residential densities/gross acres;

- o. Intensity of non-residential development, including lot coverages, gross floor area ratios or gross square feet of building area;
- p. A vicinity map showing the boundaries of the project, owners of record within one hundred feet of the tract including public rights-of-way and existing conditions and development, including adjacent streets and utilities, for at least two hundred feet from the project boundaries;
- q. If appropriate, the phases and approximate dates of development of the phases;
- r. The plan shall be drawn at a scale of one hundred feet (100') to the inch or such other appropriate scale as determined by the Code Administrator;
- s. Proposed community facilities and/or sites and recreational areas, if any, and proposed ownership of such;
- t. A schedule of on-site and off-site public improvements with the time of construction related to the phasing schedule;
- u. Information as required by state agencies;
- v. The preliminary subdivision plat may be submitted concurrently with the preliminary development plan, but is not required. Submittal of a schematic or sketch subdivision plat showing proposed lot layout, approximate dimensions and lot areas together with topography and natural features; and
- w. A written traffic report prepared by a licensed traffic engineer or other qualified expert as determined by the Code Administrator.
- x. Schools Impact Report. A written report which projects the effects the proposed project will have on public schools, and which includes: the proposed number, size, and price of residential units within the project; a description of the project's target market; and where applicable, any special educational needs of the project's school-aged residents. The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.
- y. Water Supply Plan - Water System. As required by Article VII, Section 6 of the Code and Table 5.1, of Section 9.3 of this Article V.
- z. Solid Waste Disposal Plan. As required by Article VII, Section 7 of the Code.
- aa. Liquid Waste (Disposal) Plan. As required by Article VII, Section 2 of the Code.
- bb. Timing and Phasing of Development. Projections for 5 to 10 years.
- cc. Copies of deed restrictions and protective covenants must be submitted.

### 7.1.3 Review

- a. A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan.
- b. A preliminary development plan shall be submitted prior to or concurrent with submission of a preliminary plat.
- c. The application for preliminary development plan approval shall be presented to the County Development Review Committee for review with a staff report. The staff report shall include a description of the proposed project, an evaluation of pertinent planning issues, and a statement on the compliance of the project with the County General Plan and Code. The report may include recommended conditions of approval. The report shall include all comments from appropriate State or Federal agencies, the County Fire Marshal, the County Hydrologist, and other appropriate County personnel. Particular attention shall be given in the staff report to public

agency comments which relate to potential limitations of lot size, intensity, or character of development.

7.1.4 Criteria for development plan phase approval

- a. Conformance to the approved master plan;
- b. The plan must meet the criteria of Section 5.2.4 of this Article V.

7.2 Final Development Plan

7.2.1 Submittals

A final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets. Documents to be submitted at this time are: proof of ownership including necessary title documents, articles of incorporation and by-laws of owners' association; required disclosure statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required.

7.2.2 Review

The final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.

History. 1980 Comp. 1980-6. Section 7 of Article V was amended by County Ordinance 1987-1 adding language relating to master plans.

~~SECTION 8 - SUBDIVISION DESIGN STANDARDS~~

~~These standards shall be binding upon the subdivider unless modifications are justified by sound engineering principles. Such modifications from these standards may be approved by the Board after a review by the County Development Review Committee upon presentation of documented justification by a licensed professional engineer.~~

~~8.1 General Policy on Roads~~

~~8.1.1 General~~

~~The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed uses of land to be served by such roads. Prior to grading or roadway cuts, all applicable permits shall be granted by the Code Administrator.~~







**NO PACKET MATERIAL FOR THIS ITEM**

**IX. Concluding Business**

**A. Announcements**

**B. Adjournment**





