Henry P. Roybal Commissioner, District 1

Miguel M. Chavez Commissioner, District 2

Robert A. Anaya Commissioner, District 3



Kathy Holian Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller County Manager

DATE:

March 31, 2015

T0:

Board of County Commissioners

FROM:

John Lovato, Development Review Specialist Sr.

VIA:

Katherine Miller, County Manager

Penny Ellis-Green, Growth Management Director Vol

Vicki Lucero, Building and Development Services Manager V X Wayne Dalton, Building and Development Services Supervisor W

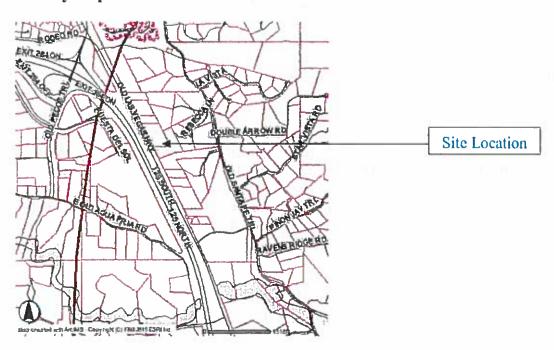
FILE REF.: CDRC CASE # Z/DP 14-5440 Mariposa Hillside Master Plan Amendment, Preliminary, and Final Development Plan.

ISSUE:

Mariposa Incorporated, Applicant, Tisha Sjostrand, Agent, request a Master Plan Amendment to an existing Zoning approval, and Preliminary and Final Development Plan for the expansion of allowable uses on a commercial property of 5.99 acres.

The property is located at 86B Old Las Vegas Highway, within Section 7, Township 16 North, Range 10 East, (Commission District 4).

Vicinity Map:



SUMMARY:

On February 19, 2015, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request for a Master Plan Amendment and Preliminary and Final Development Plan approval for the expansion of allowable uses subject to staff conditions by a 6-0 vote.

On November 30, 1999, the Extraterritorial Zoning Authority granted Master Plan Approval for retail sales, plant and garden accessories, green house, and a caretaker's residence, with a variance of the required separation between commercial districts. On April 13, 2000, the Extraterritorial Zoning Commission recommended Development Plan approval for a 5,500 square foot retail plant store for indoor/outdoor plants, including a greenhouse, a 4,700 square foot retail garden accessory store (Sculptures, fountains, statues, and benches), and a 1,500 square foot caretaker residence.

Approved uses on the property included a garden and retail center operated by Woodridge, LLC conducting business as Tropic of Capricorn. Operations included home décor, retail plants, horticulture supplies, season decorations, art shows, an educational facility, and consignment items. A total of 7,200 square feet was constructed out of the total approved 11,700 square feet.

The Applicant now requests a Master Plan Amendment, Preliminary and Final Development Plan approval for the expansion of the allowable uses to include retail sales, a greenhouse, restaurant serving alcohol, in/outdoor art and farmers market, lecture, and an educational and neighborhood community use on 5.99-acres.

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."

Article V, § 7.1.3.a (Preliminary Development Plans) states: "a Preliminary Development Plan may be only a phase or portion of the area covered by an approved Master Plan, so long as the Preliminary Development Plan substantially conforms to the approved Master Plan."

Article V, § 7.2.2 (Final Development Plan) states: "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."

The owner of the Property Mariposa, acquired the Property by warranty deed recorded as Instrument # 1667350 in the Santa Fe County Clerk's records dated April 25, 2012. (Exhibit 3)

Notice requirements were meet as per Article II § 2.4.2, of the Land Development Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty one days on the property, beginning on January 26, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on January 26, 2015, as evidence by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners (Exhibit 5).

This Application was submitted on October 10, 2014.

On February 19, 2015, the CDRC met on this case. The decision of the CDRC was to recommend approval of the Applicant's request with staff's conditions.

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

The review comments from State Agencies and County staff have established that this Application, for a Master Plan Amendment, Preliminary and Final Development Plan to allow an expansion of uses at an existing facility, is in compliance with: State requirements; Article V, § 5 (Master Plan Procedures) of the Code; Article V, § 7 (Development Plan Requirements) of the Code.

APPROVAL SOUGHT:

Master Plan Amendment, Preliminary and Final Development Plan approval for the expansion of allowable uses to include retail sales, a greenhouse, restaurant serving alcohol, in/outdoor art and farmers market, lecture, and an educational and neighborhood community use on 5.99-acres. No additional square footage will be added to the existing facility for the usage proposed.

GROWTH MGMT AREA:

SDA₂

HYDROLOGIC ZONE:

Basin Hydrologic Zone

ACCESS AND TRAFFIC:

Hillside is accessed via an existing driveway off of Old Pecos Trail. Although the proposed development will not have an impact on county roads, Santa Fe County Public Works reviewed the Application and recommends denial of the request and required a Traffic Impact Analysis for the access. After a review from the New Mexico Department of Transportation, it was determined that the Analysis was not needed and jurisdiction of the access belonged to the New Mexico Department of Transportation. The New Mexico Department of Transportation reviewed the Application and state that they are in agreement with the proposed development and the development will have no impact on the

state transportation system. (Exhibit 6)

FIRE PROTECTION:

Hondo Fire District. Santa Fe County Fire Prevention has reviewed the Application for Hillside and recommended approval of the Applicant's request. The driveway and parking area incorporates an area for emergency vehicle purposes. A 10,000-gallon cistern and draft hydrant are in place, tested, approved, and operable. This business occupancy has had annual fire inspections completed by the Santa Fe County Fire Prevention Division.

WATER SUPPLY:

Water for indoor use was originally approved to be provided from a domestic well located on the property with a supply of 0.46 acre foot per year. However, after tapping into the well it was found to be petroleum contaminated. Remediation is currently being implemented. In accordance with 20.5.12.11D NMAX, if water supply has been contaminated by petroleum, owners shall provide a replacement. This fund is managed by the State of New Mexico. Water use is currently supplied by the contractor for the State of New Mexico's Petroleum Storage Tank Bureau. Water is trucked in and stored in a 5,000 gallon tank for water consumption and public use. The use of water is .78 acre feet/253,580 gallons per year. The proposed project has been reviewed by the Office of the State Engineer and County Utilities. The Office of neither the State Engineer nor the Santa Fe County Utilities has comments on the Application (Exhibit 6).

LIQUID WASTE:

Hillside is served by two existing 1,000 gallon onsite liquid waste septic systems. A review of Hillsides bulk water consumption during the spring of 2013, revealed a high of 742 gpd, a low of 452 gpd and average of 631 gpd. The Applicant has modified their Application with NMED to enlarge the system to accommodate the expansion of the facility and has received a permit. (Exhibit 6)

SOLID WASTE:

Solid waste will be placed into an existing dumpster at the north corner of the existing facility and will be removed by Environment Controls Inc. all existing dumpsters are screened with a wall and comply with requirements set forth in Article VII, Section 7.1.

TERRAIN MGMT:

The development indicates that all impervious areas will drain to existing ponding. A plan for ponding has been provided with no additional surfaces to be disturbed and no additional square footage is proposed. The previous approval required 3,101 cubic foot of ponding was provided. The amount of ponding required is 1,738 cubic feet.

The property contains slopes of 0-20 %, and the project is not located within a designated FEMA Special Flood Hazard Area. After review, the request for a Master Plan Amendment, Preliminary and Final Development Plan for Hillside is in

conformance with Article VII, § 3 (Terrain Management), of the Land Development Code.

SIGNAGE AND LIGHTING:

No new signage is proposed within this Application. The Applicant has provided details of existing signage. Hillside has a permanently mounted steel structure sign approximately 48 square feet in size and is located on the southwestern portion of the property that identifies the business name. The height of the sign is 9'-3" and is located within 10 feet of the property line. This is not in conformance with code requirements for signage. (Article VIII, Section 7.3) The sign shall be reduced to 5' in height or must be setback a minimum of 25' from the property line. A second free standing sign exists near the parking area, and a third sign is located on the building. The Code allows only two identification signs. Therefore, one of the signs will need to be removed. Staff has determined that the signage element of the Application does not comply with Article VIII, (Sign Regulations) of the Land Development Code and must be brought into compliance prior to Master Plan recordation.

No new lighting is proposed within this Application. The Applicant has provided a description of existing outdoor lighting, and all lights must be shielded. Staff has determined that the lighting element of the Application complies with Article VIII, Section 4.4.4h of the Land Development Code.

Currently, there are 49 spaces for parking. Article III, Section 9.1 parking requirements under retail centers requires 1 parking space per employee plus 1 space per 200 square feet. This total includes 3 handicap spaces. The required amount needed is 41 spaces. 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) of the Land Development Code. (Exhibit 6)

Existing buildings are clustered and set back 160 feet from Old Pecos Trail. All outdoor storage is screened from view with existing landscape from approved standards through the initial Master Plan Approval. The Applicant is proposing to plant native trees and shrubs throughout the development. The Applicant has stated that all new vegetation will be irrigated by underground drip irrigation. All trees and shrubs shall be watered until established. All existing structures are currently screened by existing trees. All outdoor storage is screened from public view with trees and shrubs. The 49 space parking lot is screened by numerous trees and shrubs which will provide adequate screening. All Pinon trees with a caliper of 4 inches or more will be removed and transplanted on-site around the building site and parking lot. This segment of the

PARKING:

LANDSCAPING:

proposed landscape plan/landscape for parking lots, complies with the Land Development Code. (Exhibit 6)

RAINWATER HARVESTING:

There is an existing 7,200 sq. ft. building on-site. Ordinance 2008-4 (Water Harvesting) requires commercial development to-collect-all-roof-drainage into a cistem. Cisterns shall be sized to hold 1.5 gallons per sq. ft. of roofed area. The building currently has two (2) existing 10,000 gallon cisterns to capture all roof drainage and will also serve as fire protection. Conceptually, the Applicant would have to provide a cistern to capture 10,800 gallons. The Application complies with the Water Harvesting Ordinance 2008-4. (Exhibit 6)

AGENCY REVIEW:

Agency	Recommendation
NMOSE	No Opinion
NMDOT	Approval
NMED	Approval
County Fire	Approval with conditions
County PW	Denial
County Utilities	No Opinion

County Planning

STAFF RECOMMENDATION:

Staff's recommendation and the decision of the CDRC was to recommended approval of the Applicant's request for Master Plan Amendment, Preliminary and Final Development Plan Approval with the following conditions.

Approval

- 1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
- 2. Master Plan and Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
- 3. The Applicant must connect to County/City water when it becomes available.
- 4. This development will be subject to Water Conservation Covenants. Water conservation Covenants shall be recorded with the Master Plan/Development Plan.
- 5. Existing signage must be brought into compliance with code requirements prior to recordation of the Master Plan/Development Plan.

EXHIBITS:

- 1. February 19, 2015 CDRC Minutes
- 2. Applicants Report
- 3. Proposed Plans
- 4. Warranty Deed

- 5. Survey Plat
- 6. Legal Notice
- 7. Agency Reviews and Comments
- 8. Aerial Photo of Property

- 9. Article V, § 5 (Master Plan Procedures)
 10. Article V, § 7 (Development Plan Requirements)
 11. Article V, § 7.1.3.a (Preliminary Development Plans)
 12. Article V, § 7.2.2 (Final Development Plan)

Mr. Baca distributed a photo [Exhibit 6] taken from Paseo de River of a locked gate with the posted yellow notice approximately 100 yards off Paseo de River. On the reverse side of the photo was a maximum zoom photo of the posting to amplify its illegibility. The posted notice on the subject property for this hearing was not sufficient, stated Mr. Baca. He noted for the record that Louis Gonzales was offered the photograph and declined it.

There were no other members of the public wishing to speak.

Regarding the posting, Mr. Siebert said if it were on the property it would not be seen. The gate is closed at night but is open during the day.

Chair Katz closed the public hearing.

Apologizing for his late arrival, Member Anaya asked that his affirmative vote for the minutes be recorded.

Member Martin asked whether there were other cost-sharing agreements in the County similar to the upgrade for the river crossing. Ms. Lucero said there have been instances where the County enters into a cost-sharing agreement with developers for roadways, utilities, etc.

Chair Katz asked whether a cost-sharing of this magnitude of expense has been entered into. Ms. Lucero said she was unable to answer that question.

Member Anaya moved to recommend approval of CDRC Case #V/ZA/S 10-5352 with the modification to condition 8: Staff will require that a Traffic Impact Study will be required for each lot at the time of preliminary development plan <u>unless a Site Threshold Assessment is acceptable to NM DOT</u>. Member Martin seconded. The motion passed by majority [4-1] voice vote with Member Gray voting against and Member Gonzales recused.

B. <u>CDRC CASE # Z/DP/V 14-5430 Ernest Luna Variance</u>. Tabled.

C. CDRC CASE # Z/DP 14-5440 Mariposa/Hillside. Mariposa Incorporated, Applicant, Tisha Sjostrand, Agent, Request a Master Amendment to an Existing Zoning Approval and Preliminary and Final Development Plan for the Expansion of Allowable Uses on a Commercial Property on 5.99 Acres. The Property is Located at 86B Old Las Vegas Highway, within Section 7, Township 16 North, Range 10 East, (Commission District 4). John Lovato, Case Manager

Mr. Lovato recited the case caption and reviewed the staff report as follows:

"On November 30, 1999, the Extraterritorial Zoning Authority granted Master Plan Approval for retail sales, plant and garden accessories, greenhouse, and a



caretaker's residence, with a variance of the required separation between commercial districts. On April 13, 2000, the Extraterritorial Zoning Commission recommended Development Plan approval for a 5,500 square foot retail plant store for indoor/outdoor plants, including a greenhouse, a 4,700 square foot retail garden accessory store and a 1,500 square foot caretaker residence. Approved uses on the property included a garden and retail center operated by Woodridge, LLC conducting business as Tropic of Capricorn. Operations included home décor, retail plants, horticulture supplies, season decorations, art shows, an educational facility, and consignment items. A total of 7,200 square feet was constructed out of the total approved 11,700 square feet.

"The Applicant now requests a Master Plan Amendment, Preliminary and Final Development Plan approval for the expansion of the allowable uses to include retail sales, a greenhouse, restaurant serving alcohol, in/outdoor art and farmers market, lecture and an educational and neighborhood community use on 5.99 acres.

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

"The review comments from State Agencies and County staff have established that this Application, for a Master Plan Amendment, Preliminary and Final Development Plan to allow an expansion of uses at an existing facility is in compliance with: State requirements; Article V, § 5 of the Code; Article V, § 7 Development Plan Requirements of the Code."

Mr. Lovato said staff recommends approval of the Applicant's request for a Master Plan Amendment, Preliminary and Final Development Plan with 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 and Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
- The Applicant must connect to County/City water when it becomes available.
- 4. This development will be subject to Water Conservation Covenants. Water conservation Covenants shall be recorded with the Master Plan/Development Plan.
- 5. Existing signage must be brought into compliance with code requirements prior to recordation of the Master Plan/Development Plan.

Duly sworn, Tisha Sjostrand, applicant, 86 Old Las Vegas Highway, Santa Fe, said they bought the property three years ago and wanted to get to know their community before they made any changes to the property. In that time the property has turned into a local modern-day community center. They found during the past three years that people were not interested in buying things but instead people came to experience the space

da

which is beautiful. Currently there is a coffee shop/pastry bar and they'd like to expand it further.

Duly sworn, Michele Relkind, 125 Overlook Road, Santa Fe, said she was honored to support this "community-based gallery/community center." She said the applicant has been exceptionally generous and kind and has given NAMI (National Association on Mental Illness) a monthly meeting place.

As an art educator, Ms. Relkind said the property has tremendous potential for the community and visitors.

There were no other speakers and Chair Katz closed the public hearing.

Member Martin moved to approve Case Z/DP 14-5440 with staff-imposed conditions. Her motion was seconded by Member Anaya and passed by unanimous [6-0] voice vote.

D. CDRC CASE # V 14-5500 Virginia Gould & Lauri Hakola Variance.
Virginia Gould and Lauri Hakola, Applicants, Request a Variance of
Article III, § 10 (Lot Size Requirements) of the Land Development
Code, to Allow a Land Division of 20 Acres Into Two Lots. The
Property is Located at 106 Old Cañoncito Road, within Section 12,
Township 15 North, Range 10 East, (Commission District 4). John
Lovato, Case Manager

Mr. Lovato read the case caption and provided the staff report as follows:

"The subject lot was created in 1978, and is recognized as a Legal Lot of Record. In 2003, Virginia Gould and James Lauri Hakola purchased the property. There is currently a residence, a studio and a storage shed located on the property.

"The Applicants state, when they initially purchased the property it was the intent of the National Park Service (NPS) to purchase a portion of the 20-acre parcel. NPS had already designated a portion of the 20 acres as the Pecos National Historic Park. NPS now has the financial availability to purchase 6.62 acres from the Applicants. The Applicants state they wish to sell 6.62 acres to the NPS. This would create two lots which do not meet minimum lot size requirements as set forth in Article III, § 10 Lot size requirements of the Land Development Code."

Mr. Lovato said that Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. Staff recommends denial of the variance request. However, if the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be

Mr. John Lovato Santa Fe County Building and Development Services 102 Grant Avenue Santa Fe, NM 87504-0276

Re: Master Plan Amendment and Preliminary & Final Development Plan for Mariposa, Inc. doing business as at 86 Old Las Vegas Highway (Formally the Tropic of Capricorn)

Mr. Lovato;

On behalf of *Mariposa Inc.*, I respectfully request an expansion of the permitted commercial use for the property located at 86 Old Las Vegas Highway.

The property and buildings are located on the Old Las Vegas Highway northwest of Harry's Road House between Sunrise Store and northwest of the intersection with El Gancho Way County Road 36. The parcel is 5.99 acres in size.

The original master plan for the property was approved by the Extraterritorial Zoning Authority on November 30, 1999 with uses associated with Village District.

The property was originally approved as a garden and retail center operated by *Woodridge, LLC* doing business as *Tropic of Capricorn*. Retail operations included home decor, retail plants, horticultural supplies, fountains, bird houses, seasonal decorations, outside garden pieces, furniture, art, outdoor sculptures, items by local artists, greeting cards, health products, bath and beauty products, dried and silk permanent botanicals, statuary, patio décor, home accessories, horse and equestrian gear and supplies, art shows, educational facility and consignment items. The store sold both inside and outdoors during the summer season, and indoors during the winter. Hours were somewhat longer during the summer. *Woodridge, LLC* later expanded their operations to include space rental to vendors, events and a coffee shop.

In May of 2012, *Mariposa, Inc.*, requested re-issuance of the business license which allowed similar use. Doing business as *Hillside Market*, we requested to offer an eclectic array of retail and greenhouse goods to the Santa Fe community through partnerships with local artists, artisans, craftsmen, and producers. In addition, we specified that we would be providing high quality unique products, including arts, crafts, antique furniture, jewelry, household items, plants, herbs, and other products as deemed appropriate, including coffee, tea, water, fruit drinks and pastries for our customers. The business license was subsequently approved and reissued. In November 2013 *Mariposa, Inc* started doing business as *Hillside*.



Currently the site meets all the requirements of the approved Master Development, Final Development Plan as for parking, light, landscape, sewer, fire protection.

On behalf of *Mariposa Inc.*, we respectfully request a master plan amendment to the preliminary and final development plan to allow for, retail, greenhouse, restaurants, indoor/outdoor art and farmers market, lecture, educational and neighborhood community use for the property located at 86b Old Las Vegas Highway.

The property has a water harvesting system with all roof drainage collected in two 10,000 gallon storage tanks using a multi flow system. One 10,000 gallon storage tank also serves as a water reserve for The Arroyo Hondo Fire District in the event of fire in the area. The State of New Mexico provides bulk water for our use under a contract with the state's storage tank contamination bureau.

The Liquid Waste treatment is 2 1000 gallon septic tanks and was inspected in September of 2012. Table 7.1 of Section 2/Article 5 of the Santa Fe Development Code allows commercial developments to utilize individual liquid waste disposal systems provided that project flows do not exceed 5000 gpd (at which point, connection to a community liquid waste disposal system is required). A review of Hillside's bulk water consumption during the spring of 2013 (when evaporative coolers are not utilized, thus skewing the data) revealed a high of 742 gpd, low of 452 gpd, and average of 631 gpd, well below the 5000 gpd threshold.

The original approval anticipated 50 car trips per day with 1500 customers per month and 5 employees. We suspect that this expansion of operations will increase this number, resulting in anticipated car trips of 150 per day with 4500 customers per month, requiring a total of 12 employees. Under the initial development plan, there were 35 parking spaces with two handicap spaces. However, when we purchased the property, the parking lot had been expanded to facilitate approximately 70 spaces.

After measuring available parking and comparing it to the current configuration, we have concluded that we will require 22 parking spaces for the restaurant (based on 3,190 ft2), 12 parking spaces for the remaining retail space (Based on 2,424 ft2), 12 parking spaces for employees, and 3 handicap spaces, for a total of 49 spaces. The current configuration can easily facilitate these requirements. Additionally, our proposed configuration establishes a fire lane and prohibited parking area, allowing ample space to facilitate emergency fire and rescue operations.

Police protection is handled by the Santa Fe County Sherriff's department and the fire protection is handled by the Arroyo Hondo Fire district.

Page 2 of 4 12

The property has a water harvesting system with all roof drainage collected in a 10,000 gallon storage tank using a multi flow system. The 10,000 gallon storage tank also serves as a water reserve for The Arroyo Hondo Fire District in the event of fire in the area

We look forward to working with you in this endeavor as we strive to create not just a successful business, but a valuable community resource.

Sincerely,

Tisha Sjostrand, President *Mariposa, Inc.*

Page 3 of 4 13.

Attachment A: Parking Lot Requirements and Calculations

Per section 9 of Article III of the *Santa Fe County Land Development Code*, retail centers require one parking place per employee and one parking place per 200 ft². The same section requires restaurants and bars to provide one parking place per employee plus one parking place per 150 ft². Table 1, Parking calculations, shows which sections of the building will be used for restaurant operations and which will be maintained as traditional retail (with calculated number of spaces provided based on section 9 criteria). We anticipate a maximum of 12 employees, 22 parking places for the restaurant, and 12 parking places for the remaining retail space, for a total of 46 parking spots. *NMSA 66-7-352.4* requires 3 handicap parking places be designated when total number of parking spaces is between 36 and 50.

	Dimensions (in ft)				
Room	Dim 1	Dm 2	Ft ²	Rest/Retail	No. of Spaces
Cactus	39	12	468	Retail	2.3
Gallery	48	24	1152	Retail	5.8
Foyer	13.667	24	328.008	Retail	1.6
Conf Rm	19	20	380	Retail	1.9
First Nook	12	8	96	Retail	0.5
Coffee Shop	21.5	21.5	462.25	Restaurant	3.1
Second Nook	12	8	96	Restaurant	0.6
Restaurant	36	60	2160	Restaurant	14.4
Kitchen	18	12	216	Restaurant	1.4
Busser/Reception	16	16	256	Restaurant	1.7
			0		0.0
Handicap					3.0
Employees					
Front			000000000000000000000000000000000000000		2.0
Back					10.0

Table 1; Parking Lot Calculations

Total

48.4

HILLSIDE GALLERY, RESTAURANT AND GATHERING SPACE

MASTER PLAN AMENDMENT

8

PRELIMANARY/ FINAL DEVELOPMENT
REPORT

PREPARED FOR MARIPOSA, INC.

PREPARED BY
TISHA SJOSTRAND

SEPTEMBER, 2014

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This plat is recorded in the office of the Santa Fe County Clerk in Plat Book 744, page 022 as Instrument No. 1667117 Appendix 3 is a reduction of this plat.

SUMMARY DATA

Master Plan Amendment, Preliminary and Final Development Plan to allow for a Application:

restaurant serving alcohol and gathering space

Hillside Gallery, Restaurant and Community Gathering Space Project:

86b Old Las Vegas Highway Southeast of the Sunrise Store and Northwest of Location:

Harry's Road House

All structures are existing. expansion is being proposed Site:

5.99 acres Acreage:

Building:

Retail, Restaurant and Community Gathering Space Use List:

State of New Mexico provides bulk water and utilized is gray water, water harvesting, Water:

and storage tank

Old Las Vegas Highway

Fire Protection: Two 10,000 gallon storage tanks on premises

Liquid Waste: 2-1000 gallon septic tanks

7200 sqft

Access:

DEVELOPMENT REQUEST

On behalf of Mariposa Inc., we respectfully request a master plan amendment and preliminary and final development plan to allow for, retail, greenhouse, restaurants serving alcohol, indoor/outdoor art and farmers market, lecture, educational and neighborhood community use for the property located at 86b Old Las Vegas Highway. Currently, the site meets all of the requirements of the approved Master Development Plan, and meets the Final Development Plan for parking, lighting, landscape, sewer, and fire protection. This requested expansion is for allowable uses only, and will not result in any additions or expansions to the site or its structures.

EXISTIMA CONDITIONS AND SURPOUNDING LAND LA

Existing Conditions:

The property and buildings are located on the Old Las Vegas Highway northwest of Harry's Road House between Sunrise Store and northwest of the intersection with El Gancho Way County Road 36. The parcel is 5.99 acres in size.

The original master plan for the property was approved by the Extraterritorial Zoning Authority on November 30, 1999 with uses associated with Village District. Final construction was completed in 2001.

The primary retail building is an approximately 7200 ft² "U" shaped building, housing a main gallery, sunroom, handicap-accessible restrooms, greenhouse, and quasi-enclosed courtyard. The building has a loading dock off the rear entrance of the greenhouse. There is also a two-bay outbuilding that currently serves as storage.

The property has a water harvesting system with all roof drainage collected in two 10,000 gallon storage tanks using a multi flow system. One 10,000 gallon storage tank also serves as a water reserve for The Arroyo Hondo Fire District in the event of fire. The Liquid Waste treatment is two 1000 gallon septic tanks and was inspected in April of 2012.

A private well was originally approved and constructed as the appropriate water source for the project; however, initial testing of the water after its construction revealed contamination of the aquifer consistent with petroleum tank leakage. Investigation by the State of New Mexico's Petroleum Tank Storage Bureau of the Environmental Department revealed the original contaminator. State law requires the contaminator to provide potable water to all areas affected by the release, to be managed by the State. The State of New Mexico now manages bulk water delivery as an interim measure until implementation of a permanent solution, specifically providing for the connection to city/county water system. The New Mexico Petroleum Storage Tank Bureau has stated that they will hook the property up to the county's water line planning to be installed between Harry's Roadhouse and El Gancho.

The property was originally approved as a garden and retail center operated by *Woodridge, LLC* doing business as *Tropic of Capricorn*. Retail operations included home decor, retail plants, horticultural supplies, fountains, bird houses, seasonal decorations, outside garden pieces, furniture, art, outdoor sculptures, items by local artists, greeting cards, health products, bath and beauty products, dried and silk permanent botanicals, statuary, patio décor, home accessories, horse and equestrian gear and supplies, art shows, educational facility and consignment items. The store sold both inside and outdoors during the summer season, and indoors during the winter. Hours were somewhat longer during the summer. *Woodridge, LLC* later expanded their operations to include space rental to vendors, events and a coffee shop.

In May of 2012, *Mariposa, Inc.*, requested re-issuance of the business license which allowed a similar use. Doing business as *Hillside Market*, we requested to offer an eclectic array of retail and greenhouse goods to the Santa Fe community through partnerships with local artists, artisans, craftsmen, and producers. In addition, we specified that we would be providing high quality unique products, including arts, crafts, antique furniture, jewelry, household items, plants, herbs, and other products as deemed appropriate, including coffee, tea, water, fruit drinks and pastries for our customers. The business license was subsequently approved and reissued. In November 2013 *Mariposa, Inc* started doing business as *Hillside*.

Surrounding Land Uses:

As shown in Appendix 5, the property is located in a mixed use area. The El Gancho facility, which includes a restaurant/bar and fitness, swim and racquetball club, is located at the intersection with CR 36. To the northeast of El Gancho is Harry's Road House bar and restaurant, undeveloped land, the subject project, undeveloped land, a lot with a residence, and then the Sunrise Store. Desert Academy is a private school located to the north east along Old Santa Fe Trail. Desert Academy provided a letter supporting the expansion and can be found in Appendix 6

The commercial district is a limited mixed use area at a location not well suited to residential development because of the noise from Old Las Vegas Highway and the Interstate. The 1-25 Noise Contour Map in Appendix 4 shows the corridor that would fall within an area for which highway noise would have a negative impact for residential uses and other development such as hospitals, motels, and libraries. The range for this negative impact is 63 DBA, City standards, to 67 DBA federal standards, according to a report prepared for the Highway Corridor Task Force also attached as Appendix 4. (The federal standards recommend a maximum of 73 DBA for development that does not involve over-night accommodation.) The noise contour map shows that in, 1998, the contour was 310 feet from the center line of the 1-25 southbound lane or 120 feet from the edge of the Old Las Vegas Highway right-of-way. The contour is projected to be 400 feet from the 1-25 centerline and 210 from the right-of-way in 2020. Both figures, particularly the latter are well inside the boundary of the subject property. The data was gathered at a collecting point just northeast of the property as shown on the contour map. Because the property slopes up toward the rear away from the highway, noise barrier walls would be of little use. The report can be found in Appendix 4

PROJECT DESCRIPTION AND DISCUST

Hillside has evolved to become a community gathering space where neighbors want to spend time on the premises. Mariposa, Inc. requests to expand its current use to facilitate the needs of the neighbors and business. The project will include retail, greenhouse, restaurants serving alcohol, lecture, educational, neighborhood community gathering,

Retail:

art, home decor, furniture, jewelry, pottery, books, retail plants, horticultural supplies, fountains, bird houses, seasonal decorations, outside garden pieces, outdoor sculptures, greeting cards, apparel, health products, bath and beauty products, dried and silk permanent botanicals, statuary, patio décor, home accessories, horse and equestrian gear and supplies, consignment item, food, landscaping, materials, art shows, for indoor/outdoor art and farmers market

Hours of Operation: Sunday through Saturday

10:00AM to 10:00PM

Employees:

Restaurant:

The restaurant is a low volume business that focuses on the dining experience, serving upscale food in a coursed fashion within a pleasantly unique setting. We will have a beer and wine license to compliment the restaurant offerings, and maintain seating for approximately 50 customers.

Hours of Operation: Sunday through Saturday

10:00AM to 10:00PM

Employees:

Gathering space:

We will offer a variety of space rental options to facilitate seminars, classes, office rental, conferences, political events, small weddings and various other small groups

Hours of Operation: Sunday through Saturday

10:00AM to 10:00PM

Employees:

Water:

Water for indoor use was originally approved to be provided from a domestic well, located on the property with a supply of .46 ac-ft/yr. However after tapping into the well it was found to be petroleum contaminated and is known as the LUST site. Remediation is currently being implemented. In accordance with 20.5.12.11.D NMAC, if a water supply well has been contaminated by petroleum, owners shall provide a replacement. This fund is managed by the State of New Mexico. Water is currently supplied by a contractor for the State of New Mexico's Petroleum Storage Tank Bureau. A letter outlining the contract from the State of New Mexico will be found in Appendix 9

The system for watering the retail plants and for irrigation is intended to serve as a model facility for water conservation and harvesting and Xeriscaping, open to investigation by the public and for use for educational purposes. Source of water supply includes bulk water shipment provided by the state of New Mexico, gray water, water harvesting, and a storage tank. Water for indoor plant watering and irrigation purposes are from gray water and collected from harvesting water from the roof and other impervious surfaces and the storm water detention pond. It is drained into a 10,000 gallon storage tank located toward the front of the property.

Gas and Electricity:

Since purchasing the property Mariposa, Inc. installed a natural gas line through the New Mexico Gas company thereby eliminating propane. Also, the building is equipped with 100 spot lights which were replaced with LED's. The buildings electrical can accommodate future modifications.

Liquid Waste:

The Liquid Waste treatment is two 1000 gallon septic tanks and was inspected April of 2012. Table 7.1 of Section 2/Article 5 of the Santa Fe Development Code allows commercial developments to utilize individual liquid waste disposal systems provided that project flows do not exceed 2000 gpd (at which point, connection to a community liquid waste disposal system is required). A review of Hillside's bulk water consumption during the spring of 2013 (when evaporative coolers are not utilized, thus skewing the data) revealed a high of 742 gpd, low of 452 gpd, and average of 631 gpd, well below the 2000 gpd threshold. See appendix 10, Environmental Controls letter, for additional details.

Telephone and Electricity:

Telephone and electrical lines are located within the highway right-of-way. An above ground line is located in the highway adjacent to the subject property.

ACCUSE NO MACULATION

Access is from a driveway off the Old Las Vegas Highway as shown on the Master Plan in Appendix 8. The slope along the highway in the area of the subject property is nearly flat. In this area, the highway is straight with no curves, providing a clear site distance.

The original approval anticipated 50 car trips per day with 1500 customers per month and 5 employees. We suspect that this expansion of operations will increase this number, resulting in anticipated car trips of 150 per day with 4500 customers per month, requiring a total of 12 employees. Under the initial development plan, there were 35 parking spaces with two handicap spaces. However, when we purchased the property, the parking lot had been expanded to facilitate approximately 70 spaces.

After measuring available parking and comparing it to the current configuration, we have concluded that we will require 22 parking spaces for the restaurant (based on 3,190 ft2), 12 parking spaces for the remaining retail space (Based on 2,424 ft2), 12 parking spaces for employees, and 3 handicap spaces, for a total of 49 spaces. The current configuration can easily facilitate these requirements. Additionally, our proposed configuration establishes a fire lane and prohibited parking area, allowing ample space to facilitate emergency fire and rescue operations. Appendix 8 shows the current site plan.

SIGNS, HOHTING AND LANDSCAP

Signs:

Hillside has an existing permanently installed fiberglass sign, approximately 2X 10.5 ft X 8ft, mounted on a steel structure approximately 19 ft from the front of our property line. Our property is offset from the highway by 84 ft due to state owned land that divides us from the highway. We added a stop sign and street name sign at the corner of our drive and Old Las Vegas Hwy for better visibility and vehicular safety.

Lights:

The existing outdoor lighting is limited to downward pointing security lighting at three entrances, 24 volt landscape lighting throughout, and downward pointing visibility lighting on the primary sign that is controlled by a photocell.

INTRODUCTION & PROJECT LOCATION

The project is located on 5.99 acres at 86b Old Las Vegas Highway between the Sunrise Store and Harry's Road House, northwest of the intersection with El Gancho Road (CR 36) In Appendix 1 is a vicinity map describing the location of the site relative to the nearby street system and know geographic features.

BACKGROUNDINFORMATION

The original master plan for the property was approved by the Extraterritorial Zoning Authority on November 30, 1999 with uses associated with the Village District. The property's master plan was approved as a garden and retail center operated by *Woodridge, LLC* doing business as *Tropic of Capricorn*. Retail operations included home decor, retail plants, horticultural supplies, fountains, bird houses, seasonal decorations, outside garden pieces, furniture, art, outdoor sculptures, items by local artists, greeting cards, health products, bath and beauty products, dried and silk permanent botanicals, statuary, patio décor, home accessories, horse and equestrian gear and supplies, art shows, educational facility and consignment items. The store sold both inside and outdoors during the summer season, and indoors during the winter. Hours were somewhat longer during the summer. *Woodridge, LLC* later expanded their operations to include events and a coffee shop.

OWNERSHIP & LEGAL LOT OF RECORD

The property is owned by Mariposa, Inc. doing business as Hillside which has owned the land since May, 2012. The Warranty Deed is found in Appendix 2. A tract of land lying and being situate within Tract J of Lawyer's portion of the Sabastian De Vargas Grant in Section 7, T16N, R10E, N.M.P.M., more particularly described as follows, to-wit:

Beginning at a point on the Easterly right-of-way line for U.S. Highway84, 85, 285, (New Mexico Project No. N.M.P.-F.I.-3 (5) from whence Sta. 182 +84 bears N. 26 deg. 38′ 37″ W., 179.53 feet distant; thence from said point and place of beginning S. 89 deg. 47′ 55″E., 460.59 feet to a ¾″ pipe; thence S. 89 deg. 37′ 00″ E., 635.03 feet to a No. 5 rebar; thence N. 89 deg. 48′ 53″ W., 460.19 feet to a point on the Easterly right-of-way line of U.S. Highway 84, 85, 285 from whence Sta. 200+ 51 bears S. 26 deg. 38′ 37″ E., 955.76 feet distant; thence N.26 deg. 38′ 37″ W., 635.03 feet to the point and place of beginning. All as shown and delineated on plat entitled "A Plat of Boundary Survey Prepared for the Roman Catholic Church of the Archdiocese of Santa Fe of a tract of land within Tract J if the Lawyers Portion of the Sabastian De Vargas Grant Section 7, T16N, R10E, N.M.P.M., Santa Fe County New Mexico", filed for record on October 12, 1995 as Document No. 921,340 in Plat Book 318 at Page 007, records of Santa Fe County, New Mexico

Santa Fe County Santa Fe County Treasurer P.O. Box T Santa Fe NM 87504 Phone: (505) 986-6245

As of 10/09/14

Parcel Code (Map Code) 1-055-095-250-155|000-000

Current owner:
MARIPOSA INC
2313 CEDROS CIR
SANTA FE NM 87505

23469312
T16N R10E S 7 6.000 AC
Legal Description
86 OLD LAS VEGAS HWY
T16N R10E S 7 6 AC

TOWNSHIP: CO OUT/CITY LIMITS (SANTA FE

* * TAX CERTIFICATE # 24894 * *

			•					
YEAR	PD	ENTITY	BILLED	PAID	UNPAID	PENALTY/INT	OTHER +/-	TOTAL DUE
	===			*******		*********	==========	*******
2013	20	O-N	4,869.94	3,056.24	2,300.70	.00	.00	2,300.70
2014	1.0	:0-N	4,165.97	.00	4,165.97	.00	.00	4,165.97
2014	2 (:0-N	4,165.96	.00	4,165.96	.00	.00	4,165.96
Su	btot	al	8,331.93	.00	8,331.93	.00	.00	8,331.93
Pendi	ng F	ayments						2,300.70-
Grand	ŧ				10,632.63	.00	.00	8,331.93

This statement certifies that the above property owes no delinquent taxes through tax year 12.

SANTA FE COUNTY LAND USE DEPARTMENT

October 20, 2014

Mr. Romero Building and Development Services P.O. Box 276 Santa Fe, NM 87504-0276

Re: CDRC CASE # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

Miguel:

Please review the enclosed information as submitted to us by the Applicant for technical accuracy and for compliance with the Land Development Code for Master Plan Amendment, Preliminary, and Final Development Plan approval. This case will be heard by the County Development Review Committee on December 18, 2014.

If you have any questions, please do not hesitate to contact this office at 986-6228.

Sincerely,

John Lovato

Senior Development Review Specialist

Fax-(505) 986-6389

jlovato@santafecountynm.gov

Landscape

The existing landscaping was approved and met standards through the initial master plan. The project will have limited visual impact on the corridor. Buildings are clustered and set back 160 feet from the road among existing pinons and junipers. All outdoor storage is screened from public view. Parking is also located among the existing trees. Landscaping follows xeriscaping principals. Pinons with a caliper of four inches or more removed from the building site or parking lot will be transplanted on site. The landscaping located around the store includes drought tolerant plants suitable to the area, conservation methods using a minimum of water consumption, and non-conventional water sources. Appendix 8 shows the current site plan.

GRADING AND DRANTAGE/ SOLID WASTE MININGEMENT

Grading and Drainage:

A terrain management plan with drainage calculations was approved and implemented with the final development plan. Conceptual drainage plan information from the grading, drainage, and utility report found in the plan set shows ponding areas on the side of the lot near the highway. Storm water runoff will be harvested for irrigation.

Solid Waste Management:

Solid waste management will be provided by Environmental Controls, Inc. A letter regarding their ability and willingness to service the subject property is found in Appendix 10.

CONTRUCTOR STATES

Fire Protection:

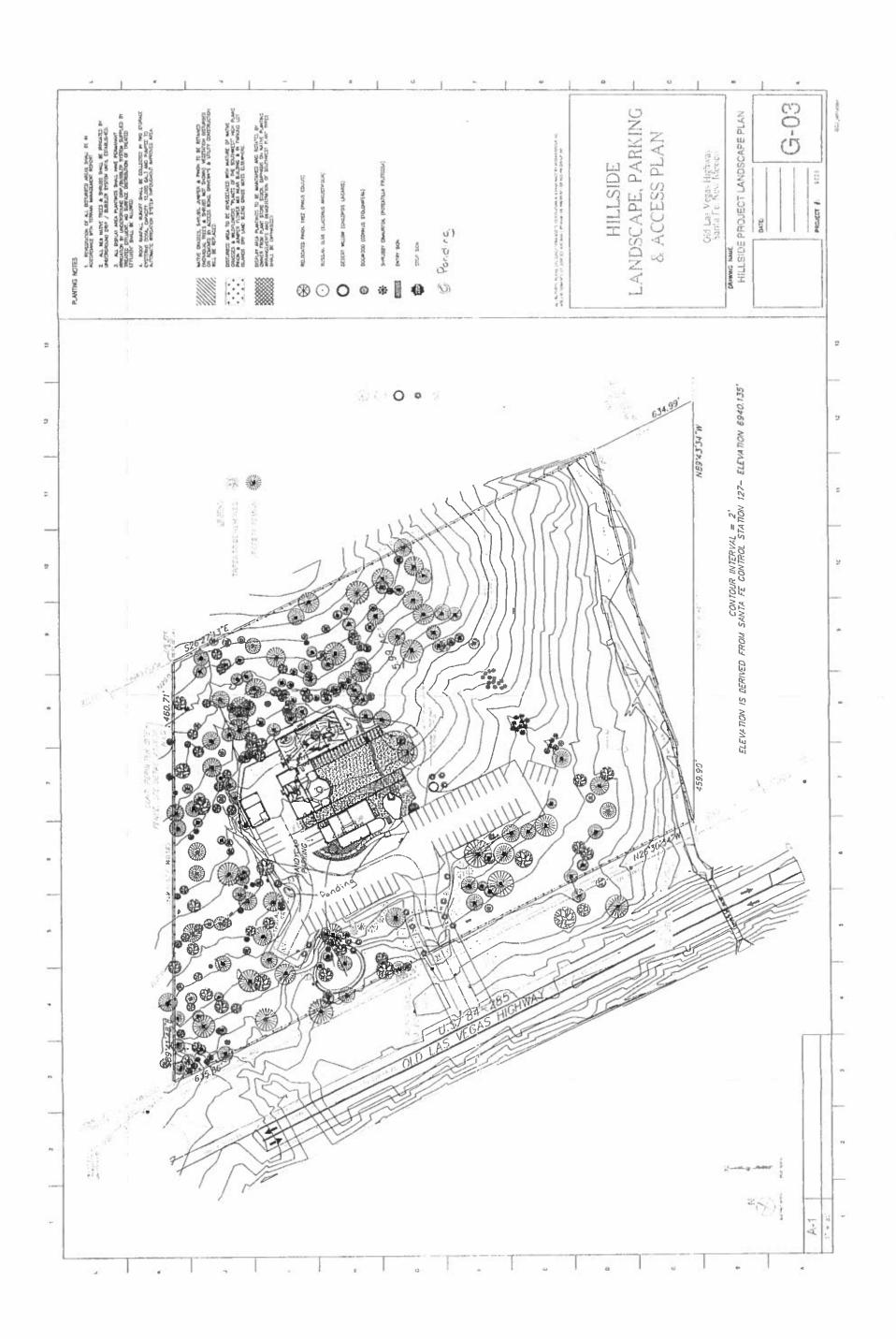
Fire protection is provided by the Arroyo Hondo Fire District located to the south of the subject property. Fire impact fees will be paid as assessed by the County Fire Marshall. Water for the Fire District pumper tanks is provided on-site by a 10,000 gal water tank located at the bottom of property and restricted for fire protection only. Alarm pulls are working and approved by the county fire department.

Police Protection:

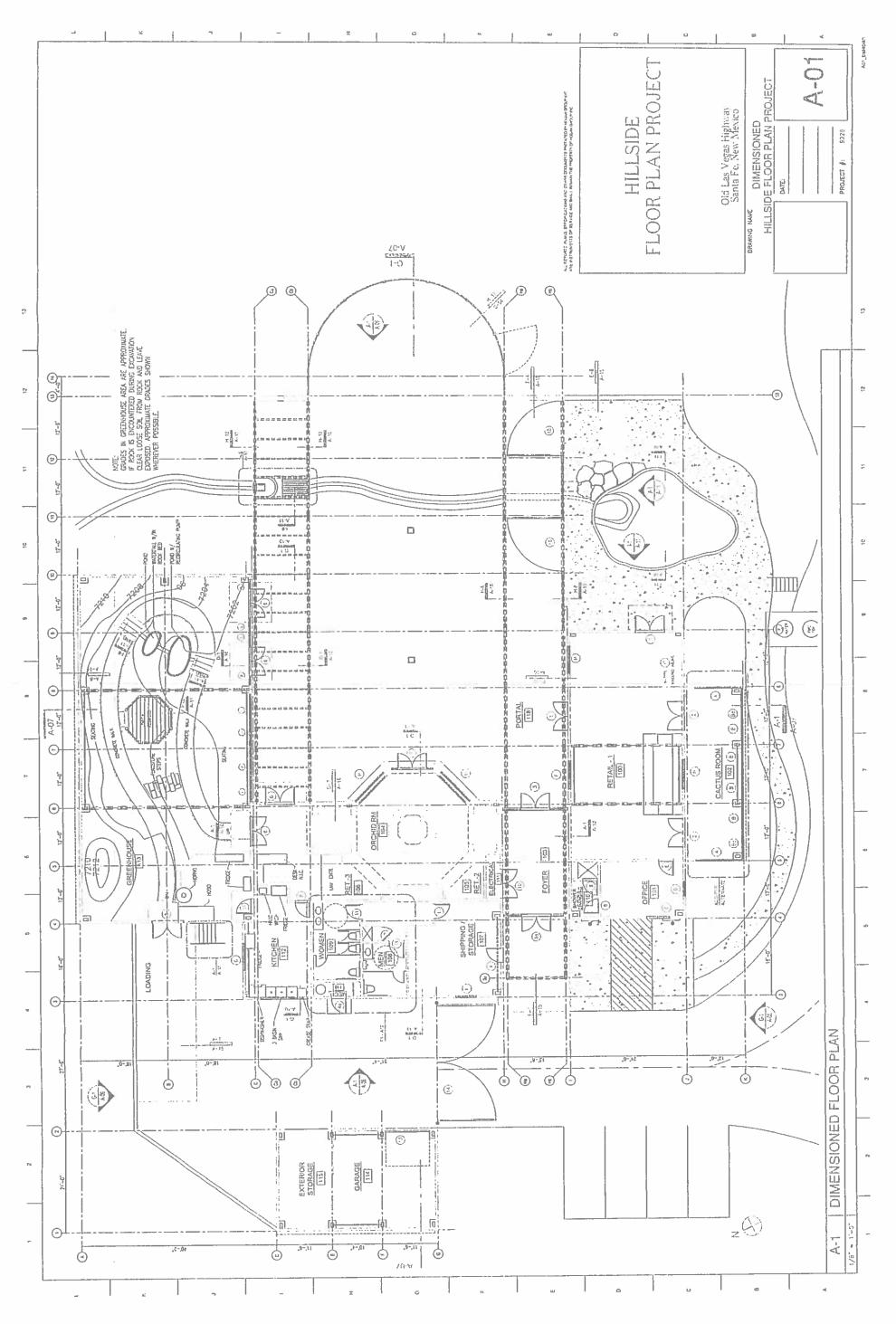
Police protection will be provided by the Santa Fe County Sheriff's Department.

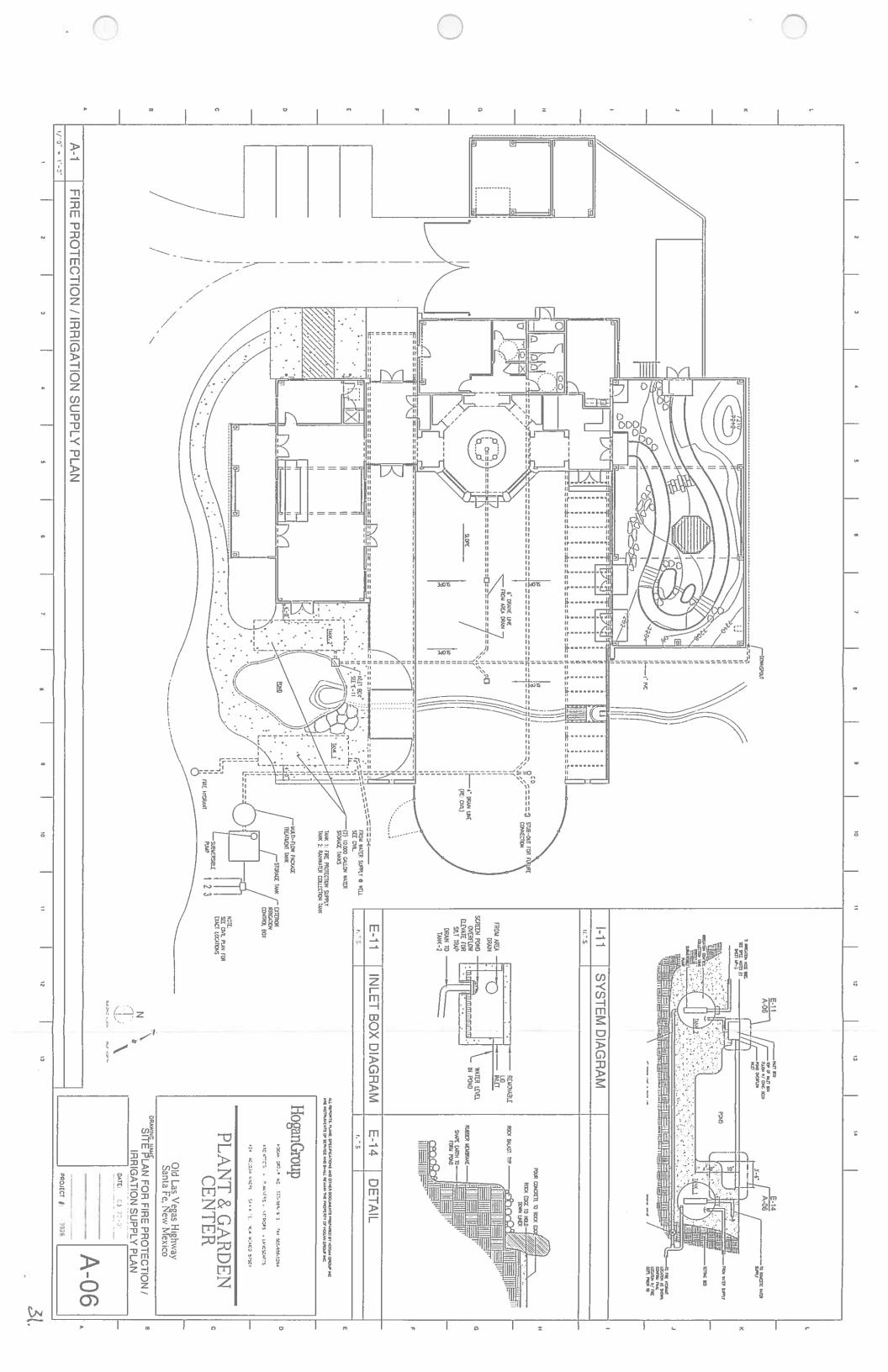
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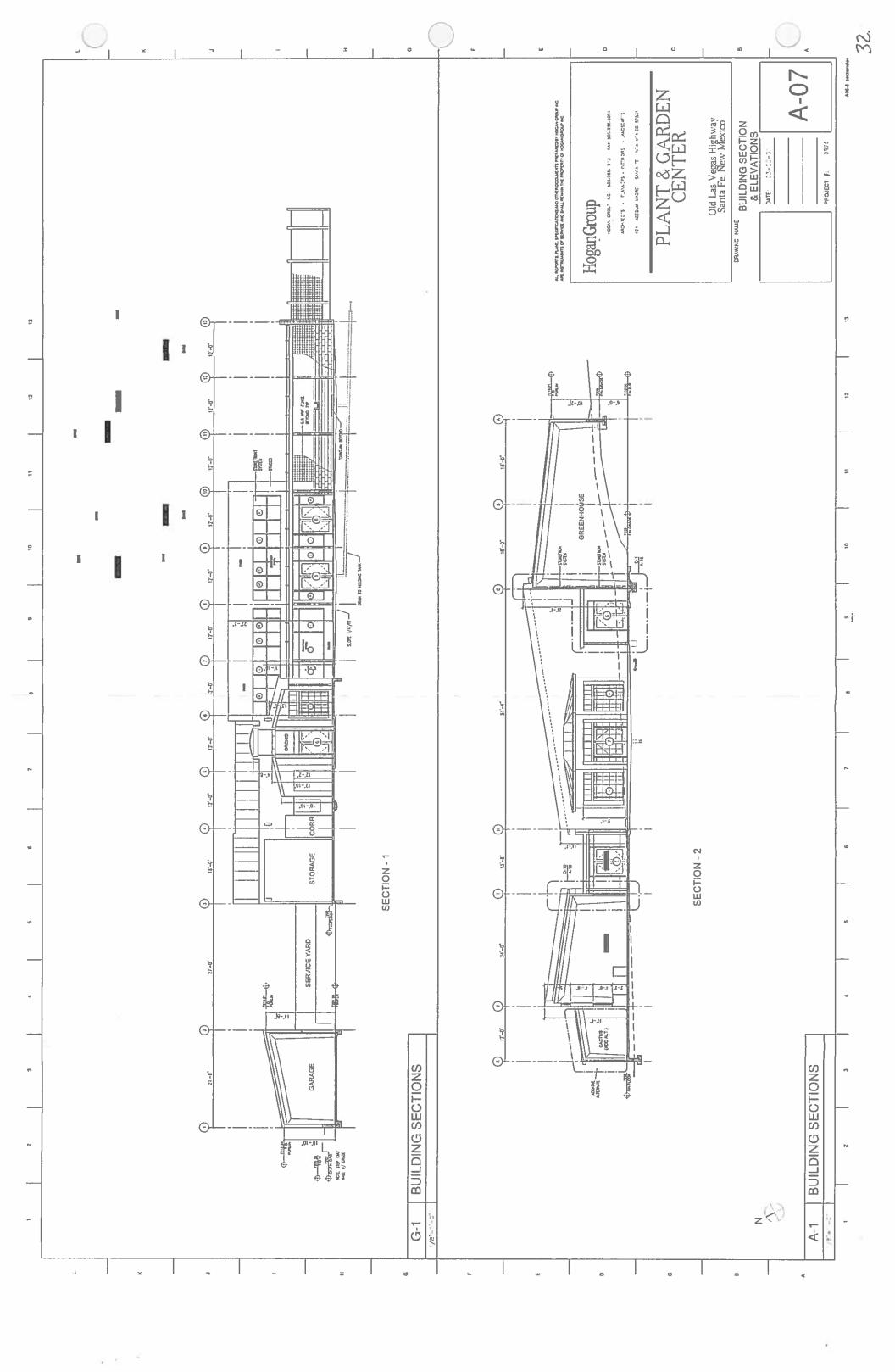




G-1 12813174 A-07 9 FLOOR PLAN <u>, iii</u> EXTERIOR STORAGE GAR4GE Θ P Q P Θ **(3**) @ @ (10) |圖0 Θ (a) LOADING 1:2 1:2 SHIPPING / Ю REI 2 0 50 (£) **(3)** A. 53 RETAIL - 1 Θ. A-07 (E) PORTAL **((3)** A STORY A 1 ₃ A SOCIAL SAN WAS AND A SOCIAL -(3) NOTE:
GRADES IN CREINHOUSE AREA ARE APROXIMITE
F ROCK IS ENCOUNTERED DURING EXCHANGING
CLEAR LOOSE SOIL FROM ROCK AND LEAR
EXPOSED APPROXIMATE GRADES SHOWN
WHEREVER POSSBELE 1 7 (B) HILLSIDE EXISTING FLOOR PLAN Old Las Vegas Highway Santa Fe, New Mexico PROJECT #. FLOOR PLAN A-01







Prepared By and Return To:

Fidelity National Title Insurance Co. 8500 Mensul Blvd NE #8-150 Albuquerque, NM 87112

GF# FTD00046486-NW21



Return to: Fidelity National Title/Santa Fe FT0000

COUNTY OF SANTA FE | STATE OF NEW MEXICO | 1st

WURRANTY DEPO PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 25TH Day Of April, A.D., 2012 at 02:96:33 PM And Was Duly Recorded as Instrument # 1667359
Of The Records Of Senta Fe County

Witness My Hand And Seal Of Office Viderie Expinuza

Deputy - FFISCHER

County Clerk, Santa Fe, NM

WARRANTY DEED

Woodridge LLC, A New Mexico Limited Liability Company

for consideration paid, grant to

Mariposa, Inc., a New Mexico Corporation

whose address is 2333 Cedros Circle, Santa Fe, NM 87505 the following described real estate in Santa Fe County, New Mexico:

Tract as shown on plat entitled "Plat of Boundary Survey for Marlposa Inc. a New Mexico Corporation a tract of land lying and being situate within Tract J of Lawyer's Portion of the Sebastian De Vargas Grant, within Section 7, T 16 N, R 10 E, N.M.P.M. as projected into said grant...", filed in the office of the County Clerk, Santa Fe County, New Mexico on April 23, 2012, in Plat Book 744, Page 022, as Instrument No. 1667117.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2012, and subsequent years.

Witness my hand and seal this 24 day of

Woodridge, LLC., a New Mexico Limited Liability Company

Michael J. Clark/Managing Member

Victoria S. Clark

a.k.a Victoria Salem-Clark Managing Member

STATE OF New Mexico

COUNTY OF Santa Fe

This instrument was acknowledged before me this 27 day of April, 2012 by Michael J. Clark and Victoria S. Clark a.k.a Victoria Salem-Clark, as managing members of

Woodridge, LLC., a New Mexico Limited Liability Company.

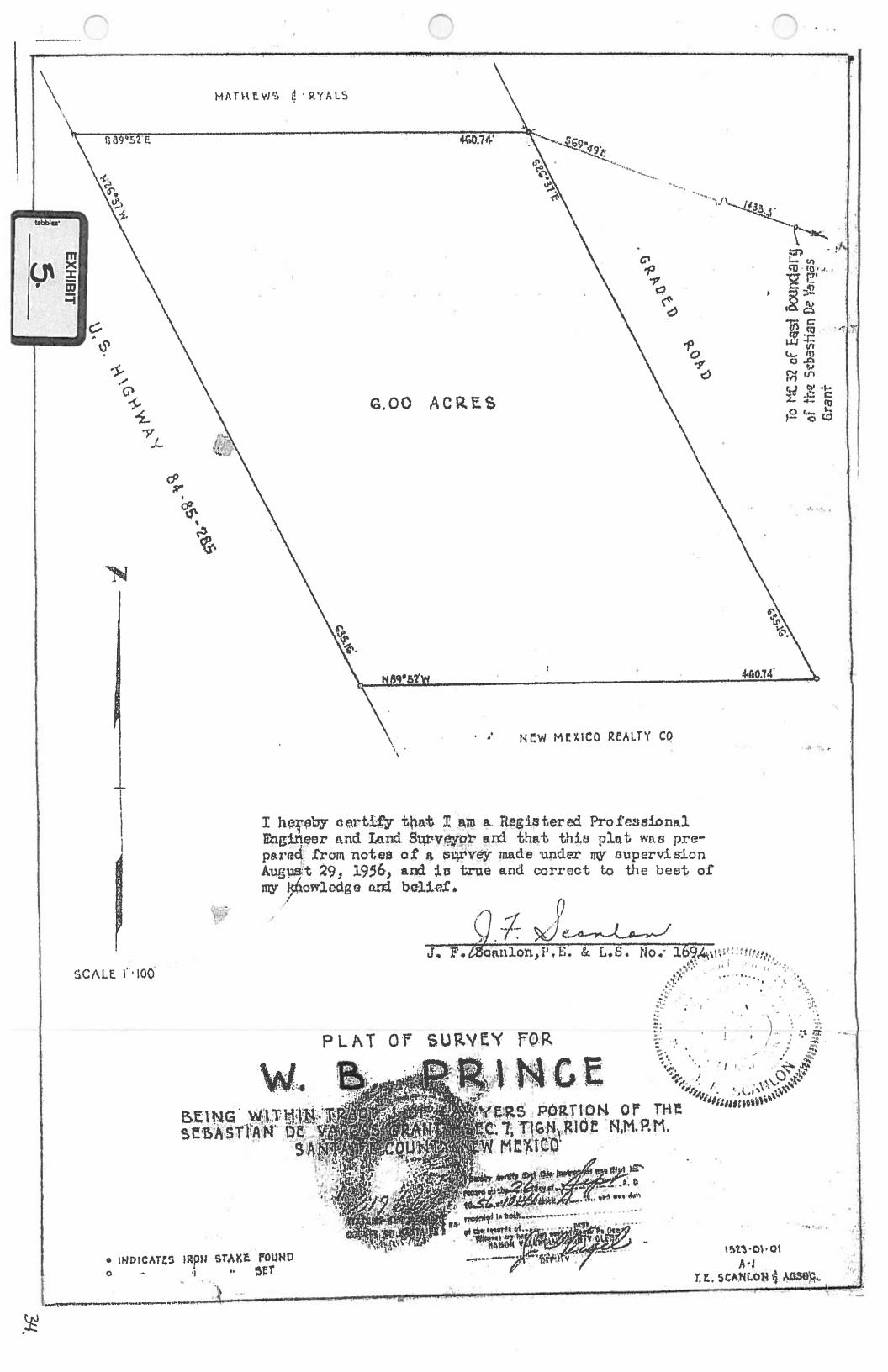
Notary Public

My Commission Expires:

(SEAL)

OFFICIAL SEAL Shelli J. Monks NOTARY PUBLIC STATE OF NEW MEXIC Commission Expires:

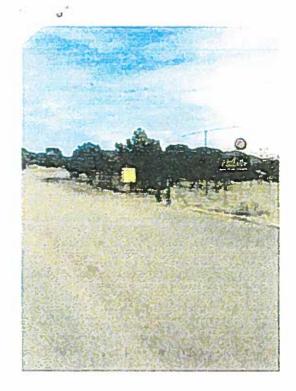
Warranty Deed (4-99) FIDNM0024.rdw



CERTIFICATION OF POSTING

I herby certify that the public notice posting regarding Land Development
Case # 14-5440 was posted for 21 days on the property beginning
The Olo day of Jano Olo Signature
*Photo of posting must be provided with certification
**PLEASE NOTE: Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 21 days. It is the applicant's responsibility to ensure that the notice is on the property for the full 21 days.
STATE OF NEW MEXICO } COUNTY OF SANTA FE } The foregoing instrument was acknowledged before me this day of
My Commission Expires:

EXHIBIT











LEGAL # T9900

CDRC CASE # ZA/PDP/FDP 14-5440

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held to consider a request by Mariposa Incorporated, to request a Master Plan Amendment to an existing Zoning approval and Preliminary and Final Development Plan to allow the expansion of commercial use of a property on 5.99 acres. The property id located at 868 Old tas Vegas Highway. within Section 7, Township 16 North, Range 10 East, (Commission District 4).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 19th day of February 2015, at 4 p.m. on a petition to the County Development Review Committee, and on the 14th day of April 2015, at 5 p.m. on a petition to the Board of County Commissioners.

Please Forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action. All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing

Published in the Santa Fe New Mexican on January 29, 2015



Payment Receipt

Monday, January 26, 2015

Transaction Type: Payment

Ad Number: 0000107146

Apply to Current Order: Yes

Payment Method: Cash

Bad Debt: -

Credit Card Number: xxxxxxxxxxxx9663 - Visa

Credit Card Expire Date: March 2015

Payment Amount: \$83,30

Amount Duc: \$0.00

Reference Number:

Charge to Company: The New Mexican, Inc.

Calegory: Classified

Credit to Transaction Number;

Invoice Text:

Invoice Notes:

Customer Type: Commercial

Customer Category:

Customer Status: Active

Customer Group: .Default

Customer Trade: Retail

Account Number: 3142

Phone Number: 5059829944

Company Individual: Company

Customer Name: HILLSIDE MARKET

Customer Address: 86 OLD LAS VEGAS HWY

SANTA FE, NNI 87507 LISA

Cheek Number:

Routing Number:



November 14, 2014

John Lovato
Senior Development Review Specialist.
Santa Fe County
102 Grant Avenue
Santa Fe, nm 87504-0276

RE: CDRC CASE#MAP/PDP/FDP 14-5440 Mariposa (Hillside)

Dear Mr. Lovato:

The New Mexico Department of Transportation (NMDOT) District 5 Traffic Section has reviewed the Master Plan Amendment and Preliminary & Final Development Plan for Mariposa for expansion of commercial use for the reference development. The proposed development is within the County of Santa Fe, New Mexico and consists of several types of Land uses off our roadway system.

We are in agreement with your findings and recommendations that this development will not impact our State transportation system. We therefore approve the study.

Please feel free to contact me at (505)995 7802 if you have any questions.

Sincerely

M S JAWADI, P.E.

District 5 Asst. Traffic Engineer

Cc: Habib Abi-Khalil, Assistant District Engineer – Engineering Support
Javier Martinez, District 5 Traffic Engineer
Richard Fernandez Jr. Supervisor, Santa Fe Patrol



Susana Martinez Governor

Tom Church Interim Cabinet Secretary

Commissioners

Pete Rahn Chairman District 3

Ronald Schmeits Commissioner District 4

Dr. Kenneth White Secretary District 1

Robert R. Wallach Commissioner District 2

Butch Mathews Commissioner District 5

Jackson Gibson Commissioner District 6 Daniel "Danny Mayfield Commissioner, District I

Miguel Chavez

Commissioner, District 2

Robert A. Anaya

Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanies
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review								
Date	November 3, 2014							
Project Name	Mariposa Inc. /Hillside Market Master plan amendment							
Project Location	86 Old Las Vegas Highway							
Description	Gallery, restaurant and gathering space			Case Manager	John Lovato			
Applicant Name	Tisha Sjostrand, President			County Case #	MPA/PDP/FDP14-5440			
Applicant Address	86 Old Las Vegas Highway			Fire District	Hondo			
	Santa Fe, NM 87505							
Applicant Phone	505-982-9944							
	Commercial 🗵 Re	esidential 🔲	Sprinklers 🗌	Hydrani	i Acceptance			
Review Type:	Master Plan 🛛 💮 Pr	eliminary 🛚	Final 🛛	Inspection $oxtimes$	Lot Split 🗌			
Project Status:		Variance pproved with C	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):

Summary of Review

- Curbs or signage adjacent to the building, fire hydrant, entrances and landscape medians in traffic flow areas shall be appropriately marked ...(page #2)
- The driveway and parking area incorporates an area for emergency vehicle purposes... (page #2)
- A10,000-gallon cistern and draft hydrant is in place, tested, approved and operable... (page #3)
- This business occupancy has had annual fire inspections completed by the Santa Fe County Fire Prevention Division. (page #4)

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.

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

Roadways/Driveways

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

Roads meet the minimum County standards for fire apparatus access roads within this type of proposed development. Driveway, turnouts and turnarounds are County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".

The driveway and parking area incorporates an area for emergency vehicle purposes conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department.

Street Signs/Rural Address

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

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

Properly assigned legible rural address and signage is posted and maintained at the entrance to the business location.

Official Submittal Review 2 of 5

Slope/Road Grade

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

This driveway/fire access does not exceed 11% slope and has a minimum 28' inside radius on curves.

Restricted Access/Gates/Security Systems

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

To prevent the possibility of emergency responders being locked out, the access gates are operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System).

Fire Protection Systems

Water Storage/Delivery Systems

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

Section 903.3 Type of Water Supply (1997 UFC) Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the chief may be guided by Appendix III-A.

A10,000-gallon cistern and draft hydrant is in place, tested, approved and operable and meet all minimum requirements of the Santa Fe County Fire Department.

Hydrants

At the draft hydrant there is an approved turnout sufficient in size to accommodate emergency draft operations. Final design has been approved by the Fire Marshal.

Automatic Fire Protection/Suppression

Official Submittal Review

For life safety and property protection, this office *recommends* the installation of Automatic Fire Protection Sprinkler systems. Assistance in details and information is available through the Fire Prevention Division.

Fire Alarm/Notification Systems

Fire Protection Alarm systems are installed as per 1997 Uniform Fire Code, Article 10 Section 1007.2.1.1 and the Building Code as adopted by the State of New Mexico and/or the County of Santa Fe. Fire Alarm systems are in accordance with NFPA 72, National Fire Alarm Code, for given type of structure and/or occupancy use.

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 are installed in locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers are inspected and 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 or public occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe

General Requirements/Comments

Inspections/Acceptance Tests

The fire prevention bureau shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provision of this code and of any other law or standard affecting firesafety. (1997 UFC Article 1, Section 103.3.1.1).

This business occupancy has had annual fire inspections completed by the Santa Fe County Fire Prevention Division. A copy of the Pre-Inspection checklist was provided to the property owner at the time of the initial inspection.

Permits

As required

Official Submittal Review 4 of 5

Final Status

Recommendation for Development Plan approval with the above conditions applied.

Tim Gilmore, Inspector

Code Enforcement Official

Date

Through: David Sperling, Chief

File

File: DevRev/H/Mariposa/110414

Cy:

Buster Patty, Fire Marshal John Lovato, Land Use Applicant BC & Regional Lts District Chief

Daniel 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: October 27, 2014

To: John Lovato, Development Review Specialist

From: Paul Kavanaugh, Engineering Associate Public Works

Johnny P. Baca, Traffic Manager Public Works

Re: CDRC Case # MPA/PDP/FDP 14-5440 Mariposa (Hillside) Master Plan

Amendment / Preliminary & Final Development Plan

The referenced project has been reviewed for compliance with 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 project is within the Santa Fe County Zoning Jurisdiction and is situated southeast of Old Pecos Trail/Old Las Vegas Highway intersection and northwest of County Road 36 (El Gancho Way)/Old Las Vegas Highway intersection, within Section 7, Township 16 North, Range 10 East. The applicant is requesting to amend their Master Plan to allow for retail, greenhouse, restaurants, indoor/outdoor art and farmers market, lecture educational and neighborhood community use, Preliminary Development Plan and Final Development Plan approval.

Access:

The applicant is proposing to utilize an existing driveway off Old Las Vegas Highway, which is under the jurisdiction of New Mexico Department of Transportation and is not maintained by Santa Fe County Public Works Department.

Conclusion:

It is Public Works opinion is that the proposed expansion will generate a more traffic than what was approved for Tropic of Capricorn (Garden & Retail Center), therefore, Public Works cannot support the development until the following condition has been met;

Applicant shall provide a Traffic Impact Analysis to determine if the increase of traffic will
require an upgrade to the existing driveway or off-site improvements.

John F. Lovato

om:

Brown, William, NMENV < William. Brown@state.nm.us>

Jent:

Wednesday, January 21, 2015 1:31 PM

To:

John F. Lovato

Subject:

CDRC Case # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

Hello Mr. Lovato:

This email follows our telephone conversation today regarding the referenced project. Since my earlier written correspondence to your office on November 4th, 2014, I have met with both the applicant and her septic contractor to go over the New Mexico Environment Department (NMED) Liquid Waste Disposal and Treatment Regulations (Regulations). NMED does this routinely with people to ensure that the proposed design of their septic system complies with the Regulations. Pursuant to these meetings, an application to modify the existing septic system was submitted to our office on January 20th. The modification calls for enlarging the system to be able to handle the proposed expansion of their business. The application has been reviewed by NMED and a permit allowing construction of the proposed, modified septic system has been issued today (permit #SF15-0017). The proposed system appears to meet the requirements of the Regulations.

Please feel free to contact me with any questions or if you need additional information.

Sincerely,

Bill Brown
'iquid Waste Specialist
ew Mexico Environment Department
2540 Camino Edward Ortiz
Santa Fe, NM 87507
505-827-1840 office /505-221-9227 cell
william.brown@state.nm.us



SUSANA MARTINEZ Governor JOHN A. SANCHEZ

Lieutenant Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

2540 Camino Edward Ortiz

Santa Fe, NM 87507

Phone (505) 827-1840 Fax (505) 827-1839

www.nmenv.state.nm.us



RYAN FLYNN Cabinet Secretary BUTCH TONGATE Deputy Secretary

November 04, 2014

John Lovato Senior Development Review Specialist Santa Fe County P.O. Box 276 Santa Fe, NM 87504-0276

RE: CDRC Case # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

Hello Mr. Lovato:

On behalf of Bob Italiano in this office, I have reviewed the information you provided for the referenced project and offer the following comments. My comments are related to the on-site liquid waste system (septic system).

The facility was granted a liquid waste permit from the New Mexico Environment Department (NMED) in 2002 (permit #SF020066). The permit was granted based on a projected daily design flow of 400 gallons per day (gpd), and the proposed use was for a plant resale and garden center. At some later time a small restaurant/coffee shop was added.

The currently proposed plans call for the restaurant to be expanded to seat up to 50 people and add a beer and wine license. The proposed plans also call for offering "a variety of rental options to facilitate seminars, classes, office rental, conferences, political events, small weddings and various other small groups." All of these proposed uses will tax the existing septic system, which does not meet the current standards of the Liquid Waste Regulations (based on existing wastewater flows). Additionally, although the proposed plans detail this expanded use of the facility, no additional rest rooms are proposed.

I would recommend that the applicant revise the proposed plans to include additional restroom facilities and modify their NMED permit to account for the additional wastewater flows that will accompany this expansion.

Please contact me with any questions or if you need additional information.

Sincerely.

Bill Brown

New Mexico Environment Department

2540 Camino Edward Ortiz

Santa Fe, NM 87507 505-827-1840 office



SUSANA MARTINEZ Governor JOHN A. SANCHEZ Lieutenant Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

2540 Camino Edward Ortiz Santa Fe, NM 87507 Phone (505) 827-1840 Fax (505) 827-1839 www.nmeny.state.nm.us



RYAN FLYNN Cabinet Secretary BUTCH TONGATE Deputy Secretary

November 04, 2014

John Lovato Senior Development Review Specialist Santa Fe County P.O. Box 276 Santa Fe, NM 87504-0276

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Sincerely,

Bill Brown

New Mexico Environment Department

2540 Camino Edward Ortiz

Santa Fe, NM 87507

505-827-1840 office

John F. Lovato

From:

Brown, William, NMENV < William. Brown@state.nm.us>

Sent:

Wednesday, January 21, 2015 1:31 PM

To: Subject: John F. Lovato
CDRC Case # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

Hello Mr. Lovato:

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Please feel free to contact me with any questions or if you need additional information.

Sincerely,

Bill Brown
Liquid Waste Specialist
New Mexico Environment Department
2540 Camino Edward Ortiz
Santa Fe, NM 87507
505-827-1840 office /505-221-9227 cell
william.brown@state.nm.us



STATE OF NEW MEXICO

OFFICE OF THE STATE ENGINEER SANTA FE

Scott A. Verhines, P.E. State Engineer

November 18, 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

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

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Reference: Hillside Master Plan Amendment and Preliminary and Final Development Plan

Dear Mr. Lovato:

On October 20, 2014, the Office of the State Engineer (OSE) received a request to provide comments for the Hillside Master Plan and Preliminary and Final Development Plan.

The proposal is a request for a Master Plan Amendment to the Preliminary and Final Development Plan to allow for retail, greenhouse, restaurants serving alcohol, indoor/outdoor art and farmers market, lecture, educational and neighborhood community use. It should be noted that Hillside (previously Tropic Capricorn) is currently in operation and was approved by the Extraterritorial Zoning Authority in 1999 as a garden and retail center.

The Hillside property is located on a 5.99 acre parcel at 86b Old Las Vegas Highway between the Sunrise Store and Harry's Road House, northwest of the intersection of El Gancho Way (County Road 36) within Sections 7, Township 16N, Range 10E. Water supply is provided by the State of New Mexico's Petroleum Storage Tank Bureau, gray water, rain water harvesting and a storage tank.

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

The proposal does not contain a water budget as required by Article VII Section 6.6.2 of the Code. Section 6.6.2 requires that "non-residential development must provide a detailed demand analysis. In all cases where the subject of water use is part of an application for development, the applicant shall submit a water budget, which shall be a listing of all activities within the development which will utilize water, and the amount of water so used". According to the developer "Hillside's bulk water consumption during the spring of 2013 (when evaporation coolers are not utilized, thus skewing the data) revealed a high 742 gpd, low of 452 gpd, and average of 631 gpd". Water for indoor plant watering and irrigation purposes will be supplied from gray water and a rainwater harvesting system. Since a water demand analysis was not provided, it is not known how much water will be needed for indoor plant watering (greenhouse), indoor domestic or outdoor purposes.

When a subdivision proposal is received by the OSE, the developer's water demand analysis is reviewed 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 Disclosure Statement and in the Restrictive Covenants to make sure that they are consistent with each other. While recent water use statistics have been included, a formal water demand analysis was not provided with the applicant's submittal; therefore the technical analysis described above was not performed.

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. Currently water is provided to Hillside by the State of New Mexico's Petroleum Storage Tank Bureau since it was found that the well constructed as the water source for the property was contaminated with Hydrocarbons. The developer did not provide additional information regarding this well, therefore a review of the water rights associated with the well was not completed.

Development Plans are not required (by the Code) to provide the level of detail that is required by the OSE for a water demand analysis. Article VII, Section 6.1 of the Santa Fe County Land Development Code (Code) allows the Santa Fe County Land Use staff to refer development plan 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 Hillside Master Plan and Preliminary and Final Development Plan.

If you have any questions, please call Julie Valdez at 505-827-6790.

Sincerely,

Molly L. Magnuson
Molly Magnuson, P.E.

Water Use & Conservation/Subdivision Review Acting Bureau Chief

cc: OSE Water Rights Division, Santa Fe Office

Daniel "Danny" Mayfield Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya Commissioner, District 3



Kathy Holian
Commissioner, District 4
Liz Stefanics
Commissioner, District 5

Katherine Miller County Manager

MEMORANDUM

DATE:

October 27, 2014

TO:

John Lovato, Development Review Specialist

FROM:

Mathew Martinez Development Review Specialist

VIA:

Wayne Dalton, Building and Development Services Supervisor

Vicki Lucero, Building and Development Services Manager

FILE REF.:

CDRC CASE # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

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 Amendment, Preliminary, and Final Development Plan approval for a retail, greenhouse, restaurants indoor/outdoor art and farmers market, lecture, educational and neighborhood community use. The subject property is a 5.99 acre parcel located at 86b Old Las Vegas Highway Northwest of the intersection El Gancho Way (county Road 36).

PARKING:

The Applicant has proposed 49 space parking lot. This total includes 3 handicap spaces. 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) of the Land Development Code.

ARCHITECTURAL:

No new structure is proposed within this Application. The Applicant has submitted Building Elevations. The existing building heights range from 14'2" to 22' 2". Staff has determined that the Architectural element of the Application complies with Article III, Section 2.3.6b of the Land Development Code.

SIGNAGE:

No new signage is proposed within this Application. The Applicant has given a description of existing signage. Hillside has a permanently mounted steel structure sign approximately 10 feet 6 inches by 8 feet. Staff has determined that the signage element of the Application complies with Article VIII (Sign Regulations) of the Land Development Code.

LIGHTING:

No new lighting is proposed within this Application. The Applicant has given a description of existing outdoor lighting All lights shall be shielded. Staff has determined that the lighting element of the Application complies with Article VIII, Section 4.4.4h of the Land Development Code.

Due to the nature of the comments contained herein, additional comments may be forthcoming upon receipt of the required information

Memorandum

To: John Lovato, Senior Development Review Specialist

From: Planning Staff

cc: Robert Griego, Planning Manager

Date: November 26, 2014

Re: CDRC CASE # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

<u>REVIEW SUMMARY:</u> The applicant is requesting approval of a Master Plan Amendment, Preliminary and Final Development Plan approval for 86 Old Las Vegas Highway which has been reviewed for compliance with the Santa Fe County Sustainable Growth Management Plan (SGMP).

STAFF COMMENT:

Santa Fe County Sustainable Growth Management Plan 2010 (SGMP)

Approval of Master Plan, Preliminary and Final Development Plan will be consistent and inconsistent with the SGMP principles related to Land Use Element (Chapter 2)

- The project is within the Sustainable Development Area 2 (SDA-2), where growth is likely to occur over the next 10 to 20 years (2.2.5.1).
 - o This area is not the first area for targeted growth, but some infrastructure already exists in the area and this is not a new development, but a change in use.
- The Future Land Use Map has a Residential Estate category for the area (2.2.5.2).
 - Land Use category of Residential Estate is intended for large lot single family development (2.2.5.3).
 - The area is delineated as a Community Center (Future Land Use Map page 48). Community Center designation are intended to be part of mixed use and planned developments for shopping areas that are neighborhood or community scale. Including personal, professional, agriculture and natural resource based services and businesses (page 47).
- The Official Zoning Map Adoption Draft, March 21, 2014 (which has not been adopted) designates the subject parcel as Commercial General.

Approval of Master Plan, Preliminary and Final Development Plan is consistent with the SGMP including principles related to Economic Development Element (Chapter 3):

- Supporting and encouraging local and small businesses that create employment opportunities in the County is one of the keys to sustainability (3.1.2.3)
- The SGMP describes a lack of diversity in employment types in Santa Fe County (3.2.2)

The intent of the SGMP can be met with the area being located within SDA-2 which is not the first area for development, but the project is an existing development and is asking for a change in uses. The development is both consistent and inconsistent with the Future Land Use Map because of the graphical representation of future growth has both Residential Estate for the land use density, which is a low density, plus a Community Center activity in the area as well.

This proposed development will create employment opportunities, increase diversity in employment types and help the County meet goals in economic development for small business development, sustainable wages and high quality work environments in Opportunity Centers.

STAFF RECOMMENDATION:

Staff recommends approval of a Master Plan Amendment, Preliminary and Final Development Plan approval for 86 Old Las Vegas Highway.

MEMORANDUM

DATE:

October 21, 2014

TO:

John Lovato, Senior Development Review Specialist

FROM:

Miguel Romero, Senior Development Review Specialist

VIA:

Penny Ellis-Green, Land Use Administrator

Vicki Lucero, Building and Development Services Manager Wayne Dalton, Building and Development Services Supervisor

FILE REF.: Case # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

REVIEW SUMMARY:

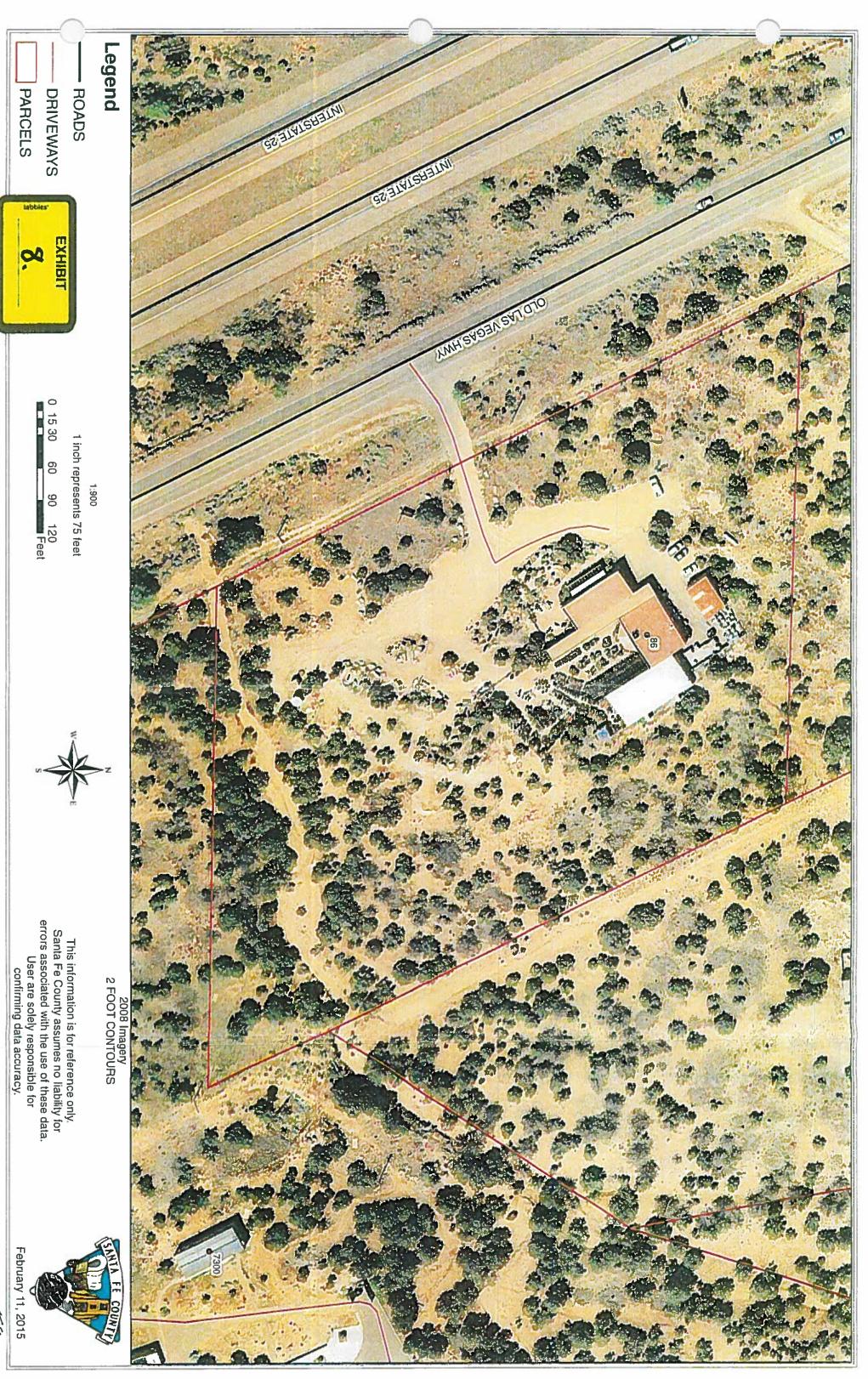
The Applicant requests approval of Final Development Plan for Mariposa/Hillside to allow a Gallery, Restaurant and Gathering Space on 5.99 acres, in accordance with the Land Development Code and all pertinent Ordinances. The subject property is located at #86B Old Las Vegas Hwy. The Water Harvesting and Landscaping Plan for the Mariposa/Hillside has been reviewed for compliance with the Land Development Code 1996-10 Article III Section 4.4.4 f4 (Landscaping Plan), 4.4.4f.11 (Landscaping for Parking Lots) and Ordinance 2008-4 (Water Harvesting).

Landscaping

The Applicant is proposing to plant native trees and shrubs throughout the development. The Applicant has stated that all new vegetation will be irrigated by underground drip irrigation. All trees and shrubs shall be watered until established. All existing structures are currently screened by existing trees. All outdoor storage is screened from public view with trees and shrubs. The 49 space parking lot is screened by numerous trees and shrubs which will provide adequate screening. All Pinon trees with a caliper of 4 inches or more will be removed and transplanted on-site around the building sire and parking lot. This segment of the proposed landscape plan/landscape for parking lots does comply with the "Code".

Water Harvesting

The Applicant has stated that there is an existing 7200 sq. ft. building. Ordinance 2008-4 (Water Harvesting) requires commercial development to collect all roof drainage into a cistem. Cistems shall be sized to hold 1.5 gallons per sq. ft. of roofed area. The building currently has two (2) existing 10,000 gallon cistems to capture all roof drainage and will also serve as fire protection. Conceptually the Applicant would have to provide a cistem to capture 10,800 gallons. This segment if the Water Harvesting Ordinance does conform to Ordinance 2008-4.



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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.

- Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
- 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. <u>Vicinity Map.</u> 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.



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

- Existing Site Data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or other appropriate scale as determined by the Code Administrator and shall include the following:
 - 1) Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts;
 - 2) Easements: Location, width and purpose;
 - 3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way
 - 4) Utilities on and immediately adjacent to the tract;
 - 5) Owners of record of unplatted land and existing subdivision plats by name and recordation, together with owners of record for affected lots shall be shown for property within one-hundred (100) feet of that tract not including public rightsof-ways.
 - 6) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
 - 7) Proof of legal access from a county or state road as required by the Code.
- c. Conceptual environmental plan shall include, when appropriate:
 - 1) Graphic representation of existing topography, natural features, slopes, and floodplains.
 - 2) Soils maps and reports (SCS)
 - 3) Recreational and/or open space plan, or landscape concepts.
 - 4) Liquid waste disposal plan, and
 - 5) Water Supply plan.
- d. Master plan map(s) showing the proposed development in sketch form, including:
 - 1) Proposed major vehicular and pedestrian circulation system.
 - 2) Designation and description of proposed land uses, including information about . residential uses by type, area and density, and information about office, general commercial and industrial uses by area and intensity of development. Mixed uses shall not be prohibited,
 - 3) Logical and natural boundaries defining development limitations, and
 - 4) Any proposed sites for schools or other community facilities.
- e. A phasing schedule shall be included in the master plan giving a general description of each phase of the development.
- f. A schematic utilities plan showing location, locational cross sections, and approximate line sizes. It is recognized that there may be changes in the final utilities plan due to the requirements of utility companies or final engineering plans and specifications.

g. Master plan report which includes the following:

 A general description of the project, existing development on the parcel, location, adjacent properties, acreage, lot coverage, access, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, water, liquid waste, solid waste, archaeological sites and fire protection measures;

2) If appropriate, market analysis and economic impact report which address: demand, projected sales and build-out; identifies a trade area; estimates retail sales and potential, and identifies the scale and extent of local competition.

 Preliminary fiscal impact estimates of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project.

4) Preliminary environmental assessment, which identifies the possible effects of proposed development on natural resources or natural features. This may be combined with Section 5.2.2.c of this Article.

 A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Code Administrator.

6) Description of concepts for restrictive covenants proposed for the development if applicable, outlining the areas and extent of restriction or regulation. Detailed covenants are not required at this time.

 Schools impact report. A written report which projects the effects the proposed project will have on public schools, and which includes:

the proposed number, size, and price of residential units within the project;

· a description of the project's target market; and

 where applicable, any special educational needs of the project's school-aged residents.

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

5.2.3 Master Plan Review

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

5.2.4 Master Plan Approval

- a. The approved master plan shall show the area of residential use and general density measured in dwelling units per acre of land, less dedicated or conveyed rights of-way, and the area and intensity of commercial and industrial use measured in gross square feet of building area or maximum gross floor area ratio. These shall constitute the maximum permitted number of dwelling units and maximum permitted area and intensity of commercial or industrial use.
- b. The County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans:
 - 1. Conformance to County and Extraterritorial Plan;

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

5.2.5 Filing of Approved Master Plan

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

5.2.6 Amendments and Future Phase Approvals

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

5.2.7 Expiration of Master Plan

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

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

5.3 Preliminary Plat Procedure

5.3.1 Introduction and Description

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

V - 6

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.
- 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

- Evidence of legal lot of record;
- b. Contour intervals of two feet or such other appropriate scale as determined by the Code Administrator:
- 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;
- Size, location, orientation, lighting and type of signage, where applicable;
- Conceptual plan for outdoor lighting, including type, size, location of fixtures, if applicable;
- k. Easements, rights-of-way and street design;
- Access to telephone, gas, and electric utility service;
- m. Utility plan for water and sanitary sewer;
- 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,

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;

Proposed community facilities and/or sites and recreational areas, if any, and proposed

ownership of such:

 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 - SUBDIMISIONIDESIGNISTIANDARDS

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.

- 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;
- 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.
- 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.

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.

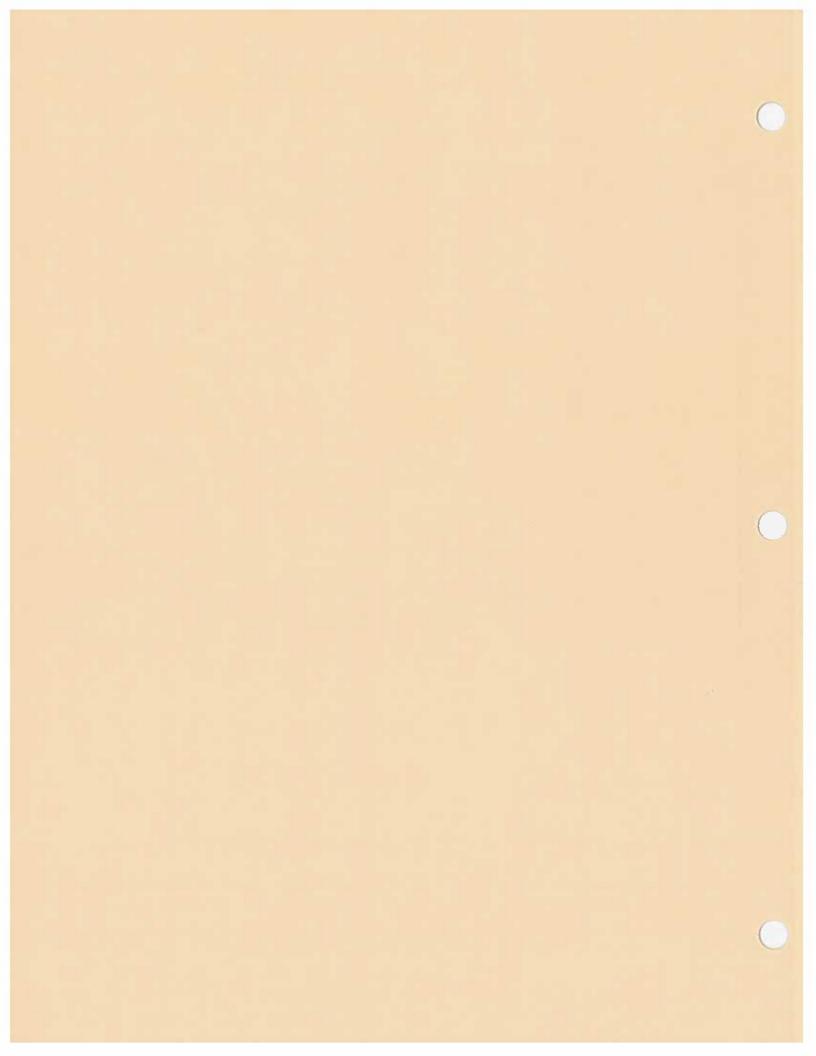
8.1 General Policy on Roads

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.







Henry P. Roybal Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya Commissioner, District 3



Kathy Holian Commissioner, District 4

Liz Stefanics
Commissioner. District 5

Katherine Miller County Manager

DATE:

March 23, 2015

TO:

Board of County Commissioners

FROM:

John Lovato, Development Review Specialist Senior

VIA:

Katherine Miller, County Manager

Penny Ellis-Green, Growth Management Director

Vicki Lucero, Building and Development Services Manager

Wayne Dalton, Building and Development Services Supervisor

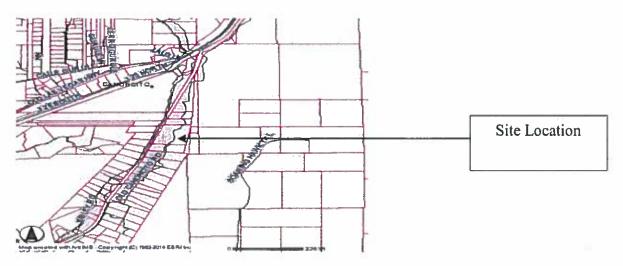
FILE REF.: CDRC CASE # V 14-5500 Virginia Gould & James Lauri Hakola Variance

ISSUE:

Virginia Gould and James Lauri Hakola, Applicants, request a variance of Santa Fe County Ordinance 1996-10, the Land Development Code (Code), Article III, § 10 (Lot Size Requirements), to allow a Land Division of 20 acres into two lots; One lot consisting of 13.379 acres and one consisting of 6.621 acres.

The property is located at 106 Old Cononcito Road, Within Section 12, Township 15 North, Range 10 East, (Commission District 4).

Vicinity Map:



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

SUMMARY:

On February 19, 2015 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request by a 5-1 vote.

The subject lot was created in 1978, and is recognized as a Legal Lot of Record. In 2003, Virginia Gould and James Lauri Hakola purchased the property. There is currently a residence, a studio and a storage shed located on the property.

The Applicants state that when they initially purchased the property it was the intent of the National Park Service to purchase a portion of the 20 acre parcel. The National Park Service had already designated a portion of the 20 acres as the Pecos National Historic Park. The National Park Service now has the financial availability to purchase 6.62 acres from the Applicants. The Applicants state they wish to sell 6.62 acres to the National Park Service by dividing the property. Neither lot created by the proposed land division would meet minimum lot size requirements as set forth in Article III, § 10 Lot size requirements of the Code.

Article III, § 10 (Lot Size Requirements) of the Code at § 10.2.1, that the standard lot size for this property, which lies within the Homestead Zone, is 160 acres. Lot size can be reduced to 40 acres per dwelling unit with signed and recorded water restrictions. The current 20 acre lot is a legal non-conforming lot.

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

The owner of the Property Virginia Gould and Lauri James Hakola, acquired the Property by warranty deed recorded in book # 2543 page #523 in the Santa Fe County Clerk's records dated June 3, 2003. (Exhibit 5)

Notice requirements were meet as per Article II § 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty one days on the property, beginning on December 23, 2014. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on December 23, 2014, as evidence by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners. (Exhibit 6)

This Application was submitted on November 4, 2014.

On February 19, 2015 the County Development Review Committee met and acted on this case. The Decision of the CDRC was to recommend approval of the Applicant's request with staff's conditions, all of which are set forth below.

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

APPROVAL SOUGHT:

Approval of a variance of Article III, §10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 20 acres into two lots; One lot consisting of 13.38 acres and one lot consisting of 6.62 acres.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

HYDROLOGIC ZONE:

Homestead Hydrologic Zone. The Minimum lot size per Code is 160 acres per dwelling unit. Lot size can be reduced to 40 acres per dwelling unit with signed and recorded water restrictions. The proposed Land Division exceeds minimum lot size requirements.

FIRE PROTECTION:

Hondo Fire District.

WATER SUPPLY:

Domestic Well for the 13.38 acre parcel with a dwelling and an accessory structure. The 6.62 acre parcel is proposed to be sold to the National Park Service.

LIQUID WASTE:

Conventional Septic System.

VARIANCES:

Yes

AGENCY REVIEW:

None

STAFF RECOMMENDATION:

Denial of a variance of Article III, §10 (Lot Size Requirements) of the Land Development Code.

The decision of the CDRC was to recommend approval with the following conditions.

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).

- 2. A Plat of Survey meeting all Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
- 3. Deeds transferring the parcel to the National Park Service shall be recorded at the time the plat is recorded.
- 4. The placement of additional dwelling units on the 13.38 acre tract or on the 6.62 acre tract and further division of either tract is prohibited. (As per Article III, § 10).
- 5. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Approval (As per 1997 Fire Code and NFPA Life Safety Code).

EXHIBITS:

- 1. January 19, 2015 CDRC Meeting Minutes
- 2. Letter of request
- 3. Article III, §10 (Lot Size Requirements)
- 4. Article II, § 3 (Variances)
- 5. Aerial of site and surrounding area
- 6. Warranty Deed
- 7. Legal Notice

which is beautiful. Currently there is a coffee shop/pastry bar and they'd like to expand it further.

Duly sworn, Michele Relkind, 125 Overlook Road, Santa Fe, said she was honored to support this "community-based gallery/community center." She said the applicant has been exceptionally generous and kind and has given NAMI (National Association on Mental Illness) a monthly meeting place.

As an art educator, Ms. Relkind said the property has tremendous potential for the community and visitors.

There were no other speakers and Chair Katz closed the public hearing.

Member Martin moved to approve Case Z/DP 14-5440 with staff-imposed conditions. Her motion was seconded by Member Anaya and passed by unanimous [6-0] voice vote.

D. CDRC CASE # V 14-5500 Virginia Gould & Lauri Hakola Variance. Virginia Gould and Lauri Hakola, Applicants, Request a Variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code, to Allow a Land Division of 20 Acres Into Two Lots. The Property is Located at 106 Old Cañoncito Road, within Section 12, Township 15 North, Range 10 East, (Commission District 4). John Lovato, Case Manager

Mr. Lovato read the case caption and provided the staff report as follows:

"The subject lot was created in 1978, and is recognized as a Legal Lot of Record. In 2003, Virginia Gould and James Lauri Hakola purchased the property. There is currently a residence, a studio and a storage shed located on the property.

"The Applicants state, when they initially purchased the property it was the intent of the National Park Service (NPS) to purchase a portion of the 20-acre parcel. NPS had already designated a portion of the 20 acres as the Pecos National Historic Park. NPS now has the financial availability to purchase 6.62 acres from the Applicants. The Applicants state they wish to sell 6.62 acres to the NPS. This would create two lots which do not meet minimum lot size requirements as set forth in Article III, § 10 Lot size requirements of the Land Development Code."

Mr. Lovato said that Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. Staff recommends denial of the variance request. However, if the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be



CÉG:

- recorded in the County Clerk's Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
- 2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
- 3. Deeds transferring the parcel to the National Park Service shall be recorded at the time the plat is recorded.
- 4. The placement of additional dwelling units on the 13.38 acre tract or on the 6.62 acre tract and further division of either tract is prohibited. (As per Article III, § 10).
- 5. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Approval (As per 1997 Fire Code and NFPA Life Safety Code).

Member Anaya whether the requested lots would be in compliance with the pending code. Based on the proposed zoning map, Ms. Lucero said allowable density would be one dwelling unit per 40 acres.

Chair Katz asked what the Park Service intends on doing with the acreage. Mr. Lovato said he talked to the NPS representative and they are purchasing the property to expand their open space.

Chair Katz observed that the lots surrounding the applicants' property are quite a bit smaller.

Duly sworn, Paul Armijo, Armijo Land Survey, said the applicants have been in discussion with NPS for a long time in regard to this parcel. The property is situated at the end of Old Cañoncito Road and with NPS's ownership will benefit the community.

Duly sworn, Virginia Gould, applicant, stated she and her husband, Lauri Hakola bought the property in 1992 and two years later by Congressional Act, Pecos National Historic Park was established. They never had any intention of developing the property and would very much like to "tidy up" their affairs. She said their well is good and she understood NPS has no development plans.

Duly sworn, Bernard Ewell, 99AB Sibley Road, said he would be the most directly affected property owner if there were to be an effect. His property is directly across the canyon and he has no objection to the variance request.

There were no other speakers and the public hearing was closed.

Member Gonzales moved to approve the variance with staff-imposed conditions. His motion was seconded by Member Anaya and passed by majority [5-1] voice vote with Member Martin voting against.

E. <u>CDRC CASE # V 14-5330 Francisco and Arlene Tercero Variance</u> Tabled.

Armijo Surveys, Inc.

Professional Land Surveying

November 3, 2014

Matthew Martinez, Development Review Spec. Growth Management Dept. Building & Development Services Div. Santa Fe County PO Box 276 Santa Fe, NM 87501

Re:

Owners:

Lauri J. Hakola and Virginia Gould

Address:

106 Old Canoncito Rd.

Tax Acct. #:

128101431

Dear Martinez:

Thank you for your research to determine the possibility of speeding up the variance process.

Our clients, Hakola/Gould, have several issues that necessitate the sale of their property to the National Park Service:

- Hakola/Gould would like to have an established boundary line delineating the portion of their property located in the Pecos National Historical Park;
- Hakola/Gould are aging and would like to make the property transferable or "lendable" to either their children or a buyer if they have to move out-of-town due to the cost of maintenance of the entire property;
- Hakola/Gould are aging and would like to pay off the mortgage on their property;
- The property is a 20-acre parcel. They believe the parcel never really fit the "homestead" 40acre requirement.

Please advise if you have any questions or comments.

Sincerely,

Paul Armijo, PLS

Enclosures as cited

P.O. Box 24438 Santa Fe, NM 2 2.

f: (866) 376-9506 www.ArmijoSurveys.com

TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	l per l'employee plus per 200 sq. ft.
Restaurants, Bars	l per l'employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	I per employee plus I per 500 sq. ft.
Small Scale Centers. Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History. 1980 Comp. 1980-6. Section 9. Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

SECTION 10 - LOT SIZE REQUIREMENTS

10.1 Relationship of Lot Sizes to Water Policies

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.



III - 88

10.1.1 Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights

Applicants seeking a development permit may base their application on water rights authorized and permitted by the Director of Water Rights Division of the Natural Resources Department of the State of new Mexico, (with the exception of water rights permitted under Section 75-11-1 NMSA 1953 or 75-12-1 NMSA 1978). The applicant shall provide evidence that he/she owns or has an option to purchase the permitted water rights in an amount adequate to meet the needs of the development as shown by Article VII, Section 6.6.2. Water Budgets and Conservation Covenants. Any development permit approved and issued by the County shall be expressly conditioned upon the applicant obtaining final non appealable order or final non appealable approval from the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico authorizing the change in use and change in point of diversion to meet the needs of the proposed development. The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.

10.1.2 Water Policies Governing Lot Sizes Where Developments Will Not Utilize Permitted Water Rights

BASIN ZONE: Minimum lot size shall be calculated based upon ground water storage only. Water that is in storage beneath the lot in the Basin Zone may be depleted over a 100-year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water without consideration of recharge of the ground water.

BASIN FRINGE ZONE: Same as Basin Zone.

HOMESTEAD ZONE: Minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 100 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 100 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead Zone minimum lot sizes based on storage in this zone would be larger than those based on recharge.

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE: For Basin and Basin Fringe zones within a Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed. Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.

METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE: For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water—storage or recharge of ground water, but not

both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

10.2 Calculation of Minimum Lot Size

Calculation of the minimum lot size under Section 10.1.2 shall be determined by the formula:

Acre Feet
Use (Year) x acres

Minimum Lot Size (Acres)=Water Available in acre feet per acre/year

 $MLS = \underbrace{U \times acree}_{A}$

Where:

<u>MLS</u> is the minimum lot size in acres; it is the size of a lot needed to supply anticipated water needs.

 \underline{U} is the anticipated water needs for the lot; it is the use of water which will occur from the intended development of the lot, measured in acre-feet per year. The standard values listed for A were derived using the procedures set forth in the water appendix of the Code. The standard value for U is set forth in Section 10.2.2. \underline{A} is the amount of water available in the acquifers which are beneath the lot, measured in acre-feet per acre per year using recharge or storage as described in 10.1.2.

10.2.1 Standard Values for A and Adjustments. The standard values for A shall be as follows:

BASIN ZONE:

0.1 acre-feet per acre per year

BASIN FRINGE ZONE:

.02 acre-feet per acre per year

MOUNTAIN ZONE:

.0125 acre-feet per acre per year .00625 acre-feet per acre per year

HOMESTEAD ZONE: .00625 acre-fect per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

BASIN ZONE:

10 acres

BASIN FRINGE ZONE:

50 acres

MOUNTAIN ZONE:

80 acres

HOMESTEAD ZONE:

160 acres

The standard values of A may be adjusted if the applicant submits a hydrology report, either a detailed report (see Section 6.4 of Article VII), or a reconnaissance report (see Section 6.7 of Article VII). Values of A determined in such reports shall be reviewed by the County Hydrologist, who shall recommend to the Code Administrator whether or not

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the value is reasonable, and if not, shall recommend a value appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1. However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development. The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall indicate the effect of each conservation measure of the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units; devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on in-coming water lines.

Any applicant who uses the application form as a basis for proposing conservation measures shall be allowed to reduce U in accordance with the effectiveness of the measures proposed. The maximum reduction in U which shall be considered achievable using this approach shall be a reduction of U to no less than 0.25 acre feet per year per dwelling unit. An applicant who proposes water conservation measures sufficient to reduce U to less than 0.25 acre feet per year per dwelling unit shall be required to prepare a water conservation report: See Section 6.6 of Article VII.

The actual value of U, and the minimum lot sizes which result, will depend on the conservation measures proposed by the applicant. In general, applicants who substantially restrict the use of irrigation (lawn and garden) water will be assumed to have a U of 0.5 acre feet per year per dwelling unit, while those who further restrict other types of water use will be assumed to require even less water. For reference purposes, the following lot sizes would be allowed if U is equal to 0.5 acre feet per year per dwelling unit.

BASIN ZONE:

5 acres

BASIN FRINGE ZONE:

25 acres

MOUNTAIN ZONE:

40 acres

HOMESTEAD ZONE:

80 acres

For reference purposes, the following lot sizes would be allowed if U is equal to 0.25 acre feet per year per dwelling unit.

BASIN ZONE:

2.5 acres

BASIN FRINGE ZONE:

12.5 acres

MOUNTAIN ZONE:

20 acres

HOMESTEAD ZONE:

40 acres

Special Standards for Calculation of Use for Small Scale Commercial Development
Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water

value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use. Applicants may use standardized values for A as set forth in Section 10.2.2, or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

- 10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas
 Special standards which set forth limitations on water availability for metropolitan areas shown in Code Map 12, 14, and 15 are set forth in this Sub-section.
 - a. Standard Values of Water Availability

Because the policy for water management in Metropolitan areas allows for depletion of storage over a 40 year period, standard values for A are as follows:

BASIN ZONE:

.25 acre feet per acre per year

BASIN FRINGE ZONE:

.05 acre feet per acre per year

MOUNTAIN ZONE:

.0125 acre feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

METRO BASIN ZONE:

4 acres

METRO BASIN FRINGE ZONE:

20 acres

METRO MOUNTAIN ZONE:

80 acres

b. Adjustments for Water Conservation

For the division of land into four (4) or less lots, the minimum lot size may be adjusted using the procedures set forth in Section 10.2.2. For reference purposes, the minimum lot sizes which result if U = 0.25 acre feet per year per dwelling unit or commercial use are:

BASIN ZONE:

2.5 acres

BASIN FRINGE ZONE:

5 acres

MOUNTAIN ZONE:

20 acres

10.3 Exceptions to Minimum Lot Size Requirements

The minimum lot sizes calculated under Sections 10.1 and 10.2 shall not apply to the areas described in this Section and the minimum lot size contained in this Section shall control.

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

BASIN ZONE: 1 acre
BASIN FRINGE ZONE: 2.5 acres

MOUNTAIN ZONE: 5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:

14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:

l acre - Where community water or community liquid waste disposal systems are utilized.

.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

SECTION 11 - <u>IMPORTING OF WATER</u>

11.1 Location Requirements

Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.

11.2 Criteria

The following criteria may be used to determine the density of a development which imports water:

- 11.2.1 <u>Traffic Generation</u>. The amount of traffic generated by the proposed activity shall not at any time impede traffic flow, cause a public road to operate at over capacity, nor contribute to excessive air pollution. The Code Administrator may refer an application to the New Mexico Environmental Improvement Division for their comments on the impact of additional development upon air quality.
- 11.2.2 Energy Consumption. Proposed development which is not near employment or shopping facilities shall serve to minimize commuting and shopping trips by such methods as reducing density, provision of employment and shopping in the proposed development, and provision of mass transit facilities.
- 11.2.3 <u>Provision by Local Government of Public Facilities and Services</u>. The proposed development shall not cause undue burden to the local government in the provision of public facilities and services.
- 11.2.4 Compatibility with Adjoining Residences. The proposed development shall be of a character and density that will not be intrusive to the adjoining residential areas as they now exist or may develop as permitted by the Development Code. The development:
 - a. Shall correlate with the residential life style of adjoining residences as expressed in intensity of use and size of structures;
 - Shall provide a sense of the open space of rural areas that corresponds to adjoining locations; and
 - c. Shall generate corresponding amounts of vehicular traffic.

2.5 Zoning

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

2.6 Subdivisions

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

2.7 Other Requirements

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

SECTION 3 - VARIANCES

3.1 Proposed Development

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

3.2 Variation or Modification

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

3.3 Granting Variances and Modifications

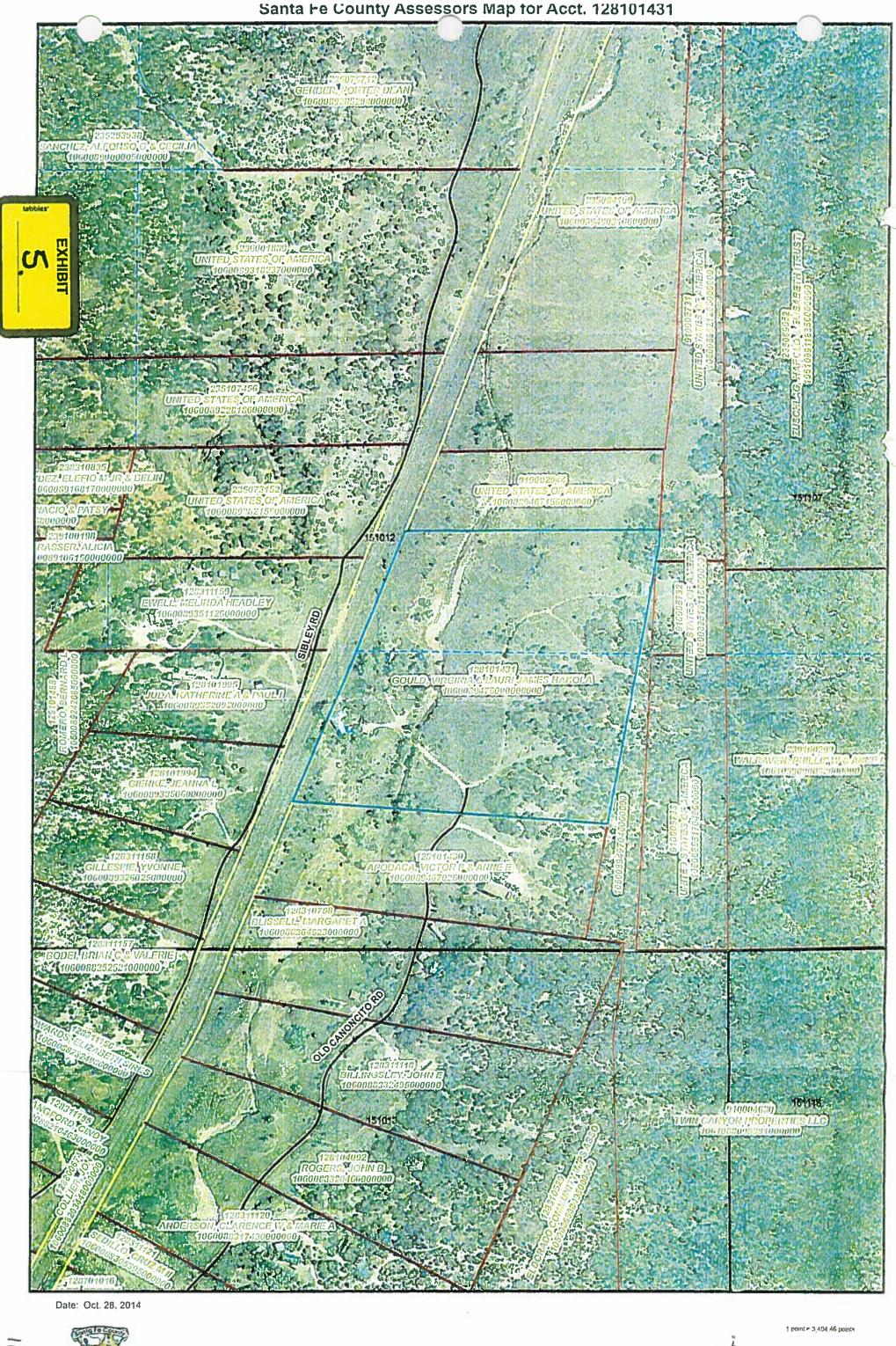
In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

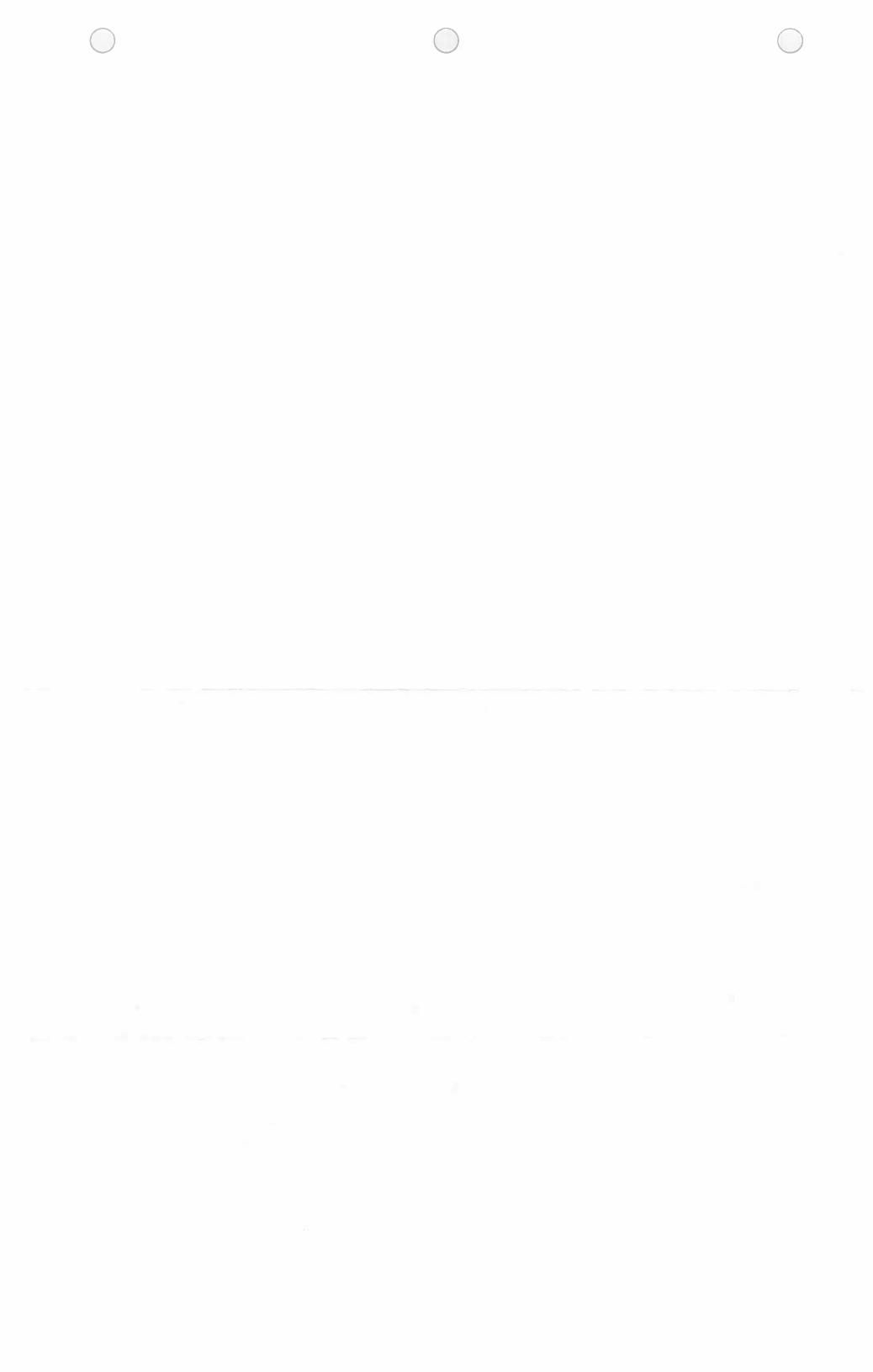
All height variance requests for land located with approach, Transitional. Horizontal and Conical surfaces as described within Map #31 A. incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied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



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2543523

QUITCLAIM DEED

Virginia Gould, a single woman, for consideration paid, quitclaim to Virginia Gould, a single woman and Lauri James Hakola, a single man, as tenants in common whose address is P.O. Box 22113, the following described real estate in Santa Fe County New Medico 87505:

A tract of land lying and being situate within the Bishop John Larny Grant, Conta Fe County, New Mexico and being more particularly described as follows:

Beginning at the southeast comer of this tract, a point on the easterly boundary of the Bishop John Lamy Grant, from which the closing comer of Sections 12 and 13 715N, R10E, N.M.P.M. bears S 03° 19' 39" W 451.34 feet;

thence from said point and place of beginning along the following bearings and distances;

N 95° 33' 33" W 1152.17 feet;

N 21º 45' 12" E 865.30 feet;

N 89º 38' 10" E 880.28 feet;

5 03° 19' 39" W 900.00 feet;

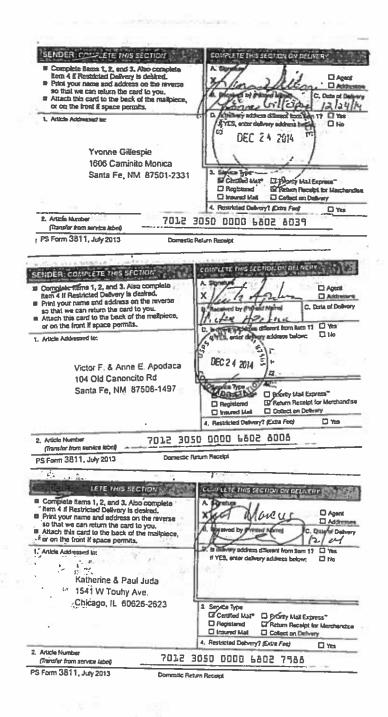
to the point and place of beginning. As shown on "Plat of Survey for Joseph T. Overby within the Bishop John Lamy Grant...", prepared by Robert L. Benavides, dated May, 1978.

LESS AND EXCEPTING:

That portion of subject property acquired by the United States of America by eminent domain, as described on Final Judgment filed December 31, 2002 in United States District Court for the District of New Merco, Case No. CIV. NO. 02-671 WJ/LFG.

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