

Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: August 9, 2011

TO: Board of County Commissioners

FROM: Wayne Dalton, Building and Development Services Supervisor *WD*

VIA: Jack Kolkmeier, Land Use Administrator *JK*
Shelley Cobau, Building and Development Services Manager *SC*

FILE REF: CDRC CASE # V 11-5150 Jose Chris Tercero Variance

ISSUE:

Jose Chris Tercero, Applicant, requests a variance of Ordinance # 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow three dwelling units on 0.962 acres.

The property is located within the Agua Fria Traditional Community Zoning District (AFTCZD) at 2227 Paseo De Tercero, within Section 5, Township 16 North, Range 9 East, (Commission District 2).

SUMMARY

On June 16, 2011, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request for a variance by a unanimous 5-0 vote (Refer to Meeting Minutes Attached as Exhibit "A").

The Applicant requests a variance of Ordinance # 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow three dwelling units on 0.962 acres. There is currently a residence (constructed in 1972), and storage shed on the property. The property is served by the Agua Fria Community Water Association and sanitary sewer service is provided by the City of Santa Fe. The property is located within the Agua Fria Traditional Community Zoning District (AFTCZD). Ordinance # 2007-2 states the minimum lot size in this area is 0.75 acres per dwelling unit. Lot size can be reduced to 0.33 acres with community water and sewer.

The Applicant has provided a letter from the Agua Fria Community Water Association stating they will provide water for two additional homes. The Applicant has also provided a letter from the City of Santa Fe stating that sanitary sewer service is available to serve the property and the two additional homes therefore, the minimum lot size can be reduced to 0.33 acres per dwelling unit. The Applicant's property contains 0.962 acres and is approximately .028 acres (12,000 square feet) short of meeting Code criterion for placement of three dwelling units.

The Applicant states that he has four children and would like to provide places for them to reside so they can live close to him and his wife, who are getting up in age and are dealing with numerous medical issues.

Article II Section 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified."

REQUIRED ACTION:

The BCC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions or modifications or to table for further analysis of this request.

RECOMMENDATION:

Staff has reviewed this submittal and has found the following facts **to support** this Application: Ordinance # 2007-2 states the density in this area (AFTCZD) is 0.75 acres per dwelling unit; lot size can be further reduced to 0.33 acres with community water and sewer; the property is served with both community water and sewer; staff feels this could be considered a minimal easing of Ordinance # 2007-2 due to the property being within 12,000 square feet of the required size which would achieve the purpose of Ordinance # 2007-2; therefore, staff recommends **approval** of the Applicant's request subject to the following conditions:

1. The Applicant must obtain development permits from the Building and Development Services Department for the proposed homes.
2. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
3. The placement of additional dwelling units on the property is prohibited.

ATTACHMENTS:

- Exhibit "A"- June 16, 2011 CDRC Minutes
- Exhibit "B"- Letter of request
- Exhibit "C"- Ordinance # 2007-2 (Village of Agua Fria Zoning District)
- Exhibit "D"- Article II, Section 3 (Variances)
- Exhibit "E"- Photos of Site
- Exhibit "F"- Site Plan
- Exhibit "G"- Aerial of Site and Surrounding Area
- Exhibit "H"- Letters from Agua Fria Community Water Assoc. and City of Santa Fe
- Exhibit "I"- Letter from the Agua Fria Village Association
- Exhibit "J"- Vicinity Map

V. APPROVAL OF MINUTES: May 19, 2011

The following correction was noted: Page 5: Member Katz moved to approve the home occupation with the condition the self-serve not be used, since that appears to be the part that doesn't mean meet the Code.

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

VI. FINAL ORDERS

- A. CDRC CASE # MIS 11-5110 Ron Fares Accessory Structures. Ron Fares, Applicant, requests approval of a 4,000 square foot accessory structure to be used as tool and equipment storage, and a 4,800 square foot accessory structure to be used as a barn and hay storage on 124 acres. The property is located at 82 Wagon Trail, within Sections, 3, 4 and 9, Township 13 North, Range 8 East (Commission District 3)

Member Martin moved to approve the final order as prepared. Member Valdez seconded and the motion passed by unanimous [5-0] voice vote.

- B. CDRC CASE # APP 10-5270 Windmill Water Business License Appeal. Leon and Diana Richter, Appellants, Joseph M. Karnes (Sommer, Karnes & Associates, LLP), Agent, request an Appeal of the Land Use Administrators decision to deny a modification of a Home Occupation Business License. The property is located at 2042 Hwy 333 in Edgewood, within Sections 34 & 35 Township 17 North, Range 7 East (Commission District 3)

Member Martin moved to approve the final order as prepared. Member Katz seconded and the motion passed by unanimous [5-0] voice vote.

VII. OLD BUSINESS

No cases were presented.



VIII. NEW BUSINESS

- B. CDRC CASE # V 11-5150 Jose Chris Tercero Variance. Jose Chris Tercero, Applicant, requests a variance of Ordinance # 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow three dwelling units on 0.962 acres. The property is located within the Agua Fria Traditional Community Zoning District (AFTCZD) at 2227 Paseo De Tercero, within Section 5, Township 16 North, Range 9 East, (Commission District 2) [*Exhibit 1: Agua Fria Village Assoc. letter in support of the applicant*]

Mr. Dalton read the case caption and his staff report as follows:



“The Applicant requests a variance of Ordinance # 2007-2, Section 10.6 to allow three dwelling units on 0.962 acres. There is currently a residence which was constructed in 1972, and a storage shed on the property. The property is served by the Agua Fria Community Water Association and sanitary sewer service is provided by the City of Santa Fe. The property is located within the Agua Fria Traditional Community Zoning District. Ordinance # 2007-2 states the minimum lot size in this area is 0.75 acres per dwelling unit. Lot size can be reduced to 0.33 acres with community water and sewer.

“The Applicant has provided a letter from the Agua Fria Community Water Association stating they will provide water for two additional homes. The Applicant has also provided a letter from the City of Santa Fe stating that sanitary sewer service is available to serve the property and the two additional homes, therefore, the minimum lot size can be reduced to 0.33 acres per dwelling unit. The Applicant’s property contains 0.962 acres and it is approximately .028 acres, which is 12,000 square feet shy of being able to contain three dwelling units.

“The Applicant states he has four children and would like to provide places for them to reside so they can live close to him and his wife who are getting up in age and are dealing with numerous medical issues.

“Staff has reviewed this submittal and has found the following facts to support this Application: Ordinance 2007-2 states the density in this area is 0.75 acres per dwelling unit; lot size can be further reduced to 0.33 acres with community water and sewer. This property is served with both community water and sewer. Staff feels this could be considered a minimal easing of Ordinance 2007-2 due to the property being within 12,000 square feet of the required size which would achieve the purpose of Ordinance 2007-2; therefore, staff recommends approval of the Applicant’s request.”

Mr. Dalton requested that following conditions be imposed on the applicant:

1. The Applicant must obtain development permits from the Building and Development Services Department for the proposed homes.
2. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
3. The placement of additional dwelling units on the property is prohibited.

Duly sworn, Jose Chris Tercero, 2227 Paseo de Tercero said his daughter has been unemployed for 18+ months and recently returned to Santa Fe. He desires the lot division to help his children. The property was given to him by his parents and he described traditional lots in Agua Fria as narrow and long with 500 linear feet and 70 feet in width. The property can hold mobile homes. He said his son will also need a place to live within the next few years.

Chair Gonzales observed that a letter of support was received from the Agua Fria Village Association, and the local water association and the City have agreed to provide services.

The applicant said he was not acquainted with the conditions. Mr. Dalton read them and Mr. Tercero said he agreed.

There was no one in the audience wishing to speak regarding this case.

Member Valdez moved to approve CDRC Case #V 11-5150 with staff-imposed conditions. Member Katz seconded and the motion passed by unanimous [5-0] voice vote.

Ms. Cobau advised the applicant that this case will be forwarded to the BCC with the CDRC's recommendation for approval.

C. CDRC Case #Z/S 02-4325 La Pradera Master Plan Amendment, Plat and Development Plan.

The applicant was not yet present and Ms. Lucero said she understood they were on route to the Chambers. The Committee recessed for 15 minutes.

Reconvening from recess, the applicant had not arrived.

Attorney Chris Graeser indicated that he represented several neighbors and would be presenting an argument that the case should be tabled.

Member Katz moved to table this case until the next CDRC meeting. Member Martin seconded and the motion passed by unanimous [5-0] voice vote.

IX. PETITIONS FROM THE FLOOR

None were offered.

X. COMMUNICATIONS FROM THE COMMITTEE

None were offered.

X. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

Jose Chris Tercero
2227 Paseo De Tercero
Santa Fe, NM 87507
April 22, 2011

Wayne Dalton
Building and Development Services Supervisor
Santa Fe County
PO Box 276
Santa Fe, NM 87504

Dear Wayne Dalton:

I am writing to you to request a variance on my property. I live in the Historical Agua Fria Village and own a piece of property that is 0.962 acres large. I currently have one dwelling on my property that I built back in 1972. I have four children and I would like to install two places for them to be able to set a mobile home so they can live close to us as we are getting up in age and have had to deal with many medical issues. I am retired and my wife is disabled.

As for the utilities, we are already hooked up to the Agua Fria Water Association and would be getting two new hook ups for these mobile homes. We also are hooked up to the new sewer line that was installed and already have two stub outs to be able to hook into as well.

We respectfully request that you allow us to install the utilities and places needed to let our children put a mobile home on our property. These would not be permanently founded so if they ever decided to move, they would be able to.

Thank you for your time and attention in this matter.

Sincerely,



Jose Chris Tercero



SANTA FE COUNTY

Ordinance No. 2007 - 2

AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, AS AMENDED, TO ADD A NEW SECTION 10, VILLAGE OF AGUA FRIA ZONING DISTRICT

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS (AS AMENDED), IS HEREBY AMENDED TO ADD A NEW SECTION 10, AS FOLLOWS:

Sec. 10. VILLAGE OF AGUA FRIA ZONING DISTRICT

10.1 Applicability of Ordinance

- A. This Ordinance applies within the territory identified in Section 10.2 herein. The Santa Fe County Land Development Code, Ordinance 1996-10, (as amended) (herein referred to as "the Code") shall be applicable to all property within the Village of Agua Fria Zoning District, except those specifically set forth in this Ordinance.
- B. This Ordinance shall apply to an existing approved master plan and shall apply to an application for approval of a master plan, preliminary development plan or preliminary plat.

10.2 Location of Zoning District Boundaries

- A. The Village of Agua Fria Zoning District consists of all property within the area described on the Village of Agua Fria Zoning District Map (Attachment A).

10.3 Purpose

- A. The Village of Agua Fria Zoning District is intended to implement the planned land use goals, strategies and overall intent of the Village of Agua Fria Community Plan, Resolution 2006 - 116, adopted and approved by the Board of County Commissioners on June 11, 2006.
- B. The Village of Agua Fria Zoning District is intended, in part, to implement the planning policies of the Growth Management Plan's "Traditional and Contemporary Communities" land use designation.
- C. The Village of Agua Fria Zoning District Ordinance will be formally reviewed by a committee established by Santa Fe County Land Use Department at least once every five years. Santa Fe County Planning Division staff will provide support and help to coordinate the committee formation process. The review by the Agua Fria Committee may include recommendations to amend the plan and ordinance.



10.4 Village of Agua Fria Zoning Subdistricts Established

The following Village of Agua Fria Zoning Subdistricts are hereby established and approved for use in the Village of Agua Fria Zoning District:

Village of Agua Fria Zoning Subdistricts
Agua Fria Low-Density Urban Zone (AFLDUZ)
Agua Fria Traditional Community Zoning District (AFTCZD)

10.5 Village of Agua Fria Zoning District Use Table

A. Principal Uses

P Permitted Uses

A "P" indicates that a use is allowed by right in the subdistrict, in accordance with an administrative approval. Permitted uses are subject to all other applicable regulations of this Code. Application for a development permit is not required for agricultural, grazing and ranching uses as set forth in Article III, Section 1, Agriculture, Grazing and Ranching Uses.

C Conditional Uses

A "C" indicates that a use is allowed only if a Development Plan is reviewed and approved by the Agua Fria Development Review Committee (AFDRC), County Development Review Committee (CDRC) or applicable Local Development Review Committee (LDRC), in accordance with the applicable procedures of this Code. Conditional Uses are subject to all other applicable regulations of this Code.

S Special Uses

An "S" indicates that a use is allowed only if a Development Plan and Master Plan are reviewed and approved by the Board of County Commissioners, in accordance with the applicable procedures of this Code. Special Uses are subject to all other applicable regulations of this Code.

Uses Not Allowed

A blank cell (one without a "P", "C" or "S") indicates that a use type is not allowed in the subdistrict.

Uses Not Listed

B. Use Categories

(Section Reserved)

C. Accessory Uses

Accessory uses are subject to applicable provisions of the Code.

D. Temporary Uses

Temporary uses are subject to applicable provisions of the Code.

Commentary: Use Standards must meet requirements outlined in the Santa Fe County Land Development Code, as amended. The Use Table, below, is organized into 5 major use groups: Residential Use, Public, Civic and Institutional Use, Retail, Service and Commercial Use, Industrial Use, and Open Use. Each major use group is further divided into specific uses. The use category system is based on common functional, product or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
Residential Use Categories				
Household Living	All household living not listed below	P	P	
	Single-family dwellings and manufactured homes	P	P	
	Two-family dwellings (duplexes)	P	P	
	Multi-family dwellings	C	S	
	Manufactured home communities and subdivisions	C	S	
	Mobile homes	P	P	
	Upper floor residential	P	P	
Group Living	All group living not listed below	C	S	
	Community residential homes (6 or fewer residents)	P	P	
	Community residential homes (7-14 residents)			
	Community residential homes (>14 residents)			
	Family compounds	P	P	
Public, Civic, and Institutional Use Categories				
Place of Worship	All places of worship	C	C	
Day Care	All day care not listed below (See also Sec. Accessory Home-based)	C	C	
	Day care (13 or more adults or children)	C	C	
Community Service	All community services not listed below	C	C	
	Community facilities	C	C	
	Libraries	C	C	
	Museums	C	C	
	Philanthropic institutions	C	C	
	Senior centers	C	C	
Educational Facilities	All educational facilities not listed below	C	C	
	Elementary schools	C	C	
	Middle or high schools	C	C	
	Colleges or universities	S	S	
	Business and vocational schools	S	S	
Government Facilities	All government facilities not listed below	C	C	
	Emergency services	P	P	
	Jail or prison	S		
	Post office	C	C	
Parks and Open Spaces	All parks and open space not listed below	C	C	
	Cemeteries, columbaria, mausoleums, memorial parks	C	C	
	Public parks	P	P	

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
Passenger Terminal	All passenger terminals not listed below	S	S	
	Airports			
	Airports or heliports, private			
Social Service Institutions	All social service institutions	S	S	
Utilities	Utilities not listed below	C	C	
	Major utilities	S	S	
	Minor utilities	C	C	
	Telecommunications facilities	C	C	
Retail, Service and Commercial Use Categories				
Entertainment Events, Major	All major entertainment events, not listed below			
	Fairgrounds	S	S	
Medical Services	All medical services not listed below	C	C	
	Hospitals	S	S	
	Medical and dental offices/clinics	C	C	
	Emergency medical offices	C	C	
Office	All offices not listed below			
	Offices (<5,000 square feet)	C	C	
	Offices (>5,000 to 50,000 square feet)			
	Office uses (>50,000 square feet)			
Parking, Commercial	All commercial parking lots and garages		S	
Transient Accommodations	All transient accommodations not listed below			
	Inns and bed and breakfasts (<7 units)	C	C	
	Inns and bed and breakfasts (7-12 units)	C	C	
	Hotels and motels (>12 units)			
Indoor Recreation	Resorts (with or without conference centers)	S	S	
	All indoor recreation not listed below	S	S	
	Adult entertainment			
	Convention or conference center	S	S	
	Private clubs and lodges (not-for-profit)	S	S	
Outdoor Recreation	Entertainment and recreation, indoor		S	
	All outdoor recreation not listed below			
	Golf courses	S	S	
	Recreational uses, outdoor	C	C	
	Outfitter and guide services	S	C	
	Racetracks, animal			
	Racetracks, motorized			
	Recreational vehicle park/campground	C	C	
	Riding academies and public stables	S	C	

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
	Stadiums			
Restaurants and Bars	All restaurants and bars not listed below			
	Restaurants (See also Home Restaurants)		C	
	Restaurant, serving beer, wine, or liquor		S	
	Taverns and bars			
Retail Sales and Service	All indoor retail sales and services not listed below			
	Art galleries or dealers	C	C	
	Appliance, bicycle, jewelry, shoe or watch repair		S	
	Convenience stores		S	
	Exercise or dance studios		C	
	Farmers Markets	C	C	
	Gasoline and fuel sales			
	Greenhouses or nursery, retail	C	C	
	Liquor stores			
	Outdoor markets			
	Personal service establishments	C	S	
	Retail establishments, indoor <5,000sf		S	
	Retail establishments, indoor >5,000sf to 50,000sf			
	Retail establishments, indoor >50,000			
	Vehicle parts and accessories			
	Video and DVD rental establishments	C	C	
Vehicle Sales and Service	Vehicle sales and service not listed below			
	Vehicle service, general		C	
	Vehicle service, intensive			
	Vehicle sales and leasing			
Storage	Storage not listed below			
	Mini-storage units		C	
Industrial Use Categories				
Industrial Sales and Service	Industrial sales and service not listed below		S	
	Arts and Crafts			
	Manufactured home sales and service			
	Building and Landscaping	S	C	
	Woodworking, including cabinet makers and furniture manufacturing	S	C	
Warehouse and Freight Movement	Warehouse and freight movement not listed below		S	
	Transport and shipping			
	Truck stops			

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
	Outdoor storage yards			
Waste-related Services	Waste-related services not listed below			
	Landfills			
	Recycling facilities			
Wholesale Trade	Wholesale trade not listed below		C	
	Equipment rental			
	Mail-order houses	C	C	
Heavy Industrial	All heavy industrial			
Resource Extraction	All resource extraction not listed below			
	Mining and extractive uses			
	Sand and gravel operations	S		
Open Use Categories				
Agriculture	All agriculture not listed below	P	P	
	Agriculture, grazing and ranching	P	P	
Agricultural Business	All agricultural business not listed below			
	Animal boarding or training (large animals)		C	
	Animal boarding, kennels, shelters (small animals)		S	
	Animal breeding (commercial) and development			
	Animal hospital or veterinarian (large animal)		S	
	Animal hospital or veterinarian (small animal)			
	Animal processing, packing, treating, and storage			
	Animal raising (commercial)		S	
	Dairy farm or milk processing plant, commercial			
	Greenhouse or nursery (wholesale)	C	S	
	Feed lot, commercial			
	Livestock auctions or stock yards			
	Livestock or poultry slaughtering or dressing			
	Processing of food and related products		C	
	Retail Sales of farm equipment and supplies			
Packing house for fruits or vegetables		C		
Tree or sod farm, retail or wholesale	C	S		

10.6 Density and Dimensional Standards

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

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

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

Notes:

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

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

10.7 Supplemental Use Regulations

The following standards shall apply to all new development in the Village of Agua Fria Zoning District:

- A. Preservation of Community Character
 - 1. Clustering of structures is encouraged to preserve natural open areas; and
 - 2. Developments must preserve distinctive natural features such as the Santa Fe River, and primary open space corridors.
- B. Non-Residential Standards
 - 1. Maximum Square Footage - Non-residential development may not exceed 5,000 square feet, with the exception of small grocery stores, which may request up to 10,000 square feet.
 - 2. Setbacks - Non-residential developments shall be set back no less than 25 feet from the property line of existing residential properties.
 - 3. Parking - No parking may be provided within 5 feet of property lines.
- C. Home Business

Home businesses, including but not limited to, retail shops, galleries, offices or restaurants, may be allowed as accessory uses to single-family dwellings and are a conditional use subject to the approval of a conditional use permit. A home business shall comply with the following:

 - 1. A Site Development Plan is required.
 - 2. Not more than 2,500 square feet shall be dedicated to the home business use.
 - 3. The owner of the business shall reside on-site.
 - 4. No more than 6 persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home business.
 - 5. The business shall not be disruptive of the residential character of the neighborhood.
 - 6. All outdoor storage shall be screened and there shall be no more than 1,000 square feet of such storage related to the home business.
 - 7. Home businesses may have a maximum of one sign.
 - 8. No equipment or process shall be used that significantly interferes with the existing use of property in the adjacent area.
 - 9. The business shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or other unhealthy or unsightly condition.
 - 10. The home business shall not create a traffic or parking problem.
 - 11. Off-street parking shall be required for employees, customers, and clients of the home business.
- D. Home Restaurants

Home Restaurants shall be permitted but shall comply with the requirements outlined in this Ordinance in addition to the following:

 - 1. Drive up or drive through shall not be allowed.
 - 2. Liquor sales are prohibited.
 - 3. Beer and wine sales are allowed provided that all applicable State requirements are met.

E. Nonconforming Uses

Notwithstanding the provisions of Article II, Section 4 or Article III, Section 4.2.4 of the Code, as amended, nonconforming legal uses which have previously been expanded under the Code shall not be allowed further expansion.

F. Additional requirements for all development

Requests for development shall be evaluated for compliance with all applicable provisions of the Code. Any conflicts between development requirements set forth in this ordinance and the Code shall be resolved in favor of the requirements of this ordinance.

10.8 District Standards

A. Water

1. All new residential land divisions and subdivisions using ground water from a domestic well shall limit water consumption to .25 acre-feet of water per year per dwelling unit and appropriate restrictions to this effect shall be imposed during the approval process.

B. Wastewater

1. Existing residential or non-residential uses whose parcel boundary is within 200 feet of a public sanitary sewer line that can be accessed by gravity flow shall connect to that line.
2. When property in the planning area is divided, whether by rezoning, variance, family transfer or otherwise, the applicant shall furnish complete and accurate documentation to the County that demonstrates that facilities are in compliance with all New Mexico Environment Department regulations and that all necessary permits have been obtained.

10.9 Special Community Notice and Procedural Requirements

A. Posting

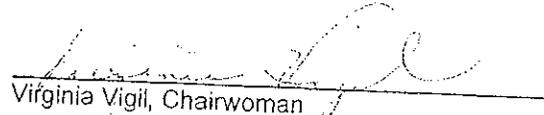
In addition to County Code requirements, notice of pending applications for land divisions, family transfers, subdivisions, rezoning, home businesses, non-residential uses or other applications requiring committee review, shall be prominently posted and maintained in a manner most visible to community and adjacent neighbors.

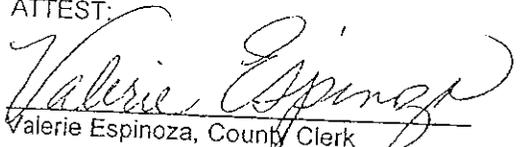
B. Pre-application Review

In addition to County Code requirements, applicants for any subdivision with 5 or more lots, or non-residential development shall hold a pre-application meeting in the community to present the development concept and gather public comments and concerns about the development.

1. The applicant shall publish notice of the time, place and purpose of the meeting in a newspaper of general circulation in the community and shall mail notice to neighborhood organizations within the Village of Agua Fria that are on the list of neighborhood associations maintained by the Santa Fe County Land Use Department, and to all property owners within 100 feet (excluding rights-of-way) of the subject property. The property shall be posted as set forth above.
2. The applicant shall record the meeting proceedings and submit a written record to the County along with the application for development.

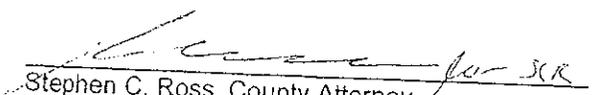
PASSED, ADOPTED AND APPROVED this 13 day of March, 2007, by the Santa Fe County Board of County Commissioners.


Virginia Vigil, Chairwoman

ATTEST:

Valerie Espinoza, County Clerk



APPROVED AS TO LEGAL FORM:

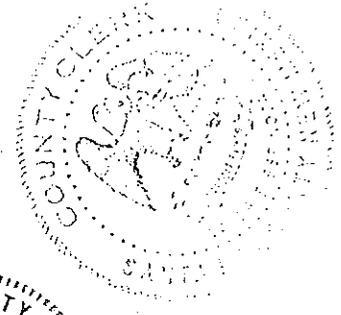

Stephen C. Ross, County Attorney

CERTIFICATE OF FILING

I, Valerie Espinoza, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2007 - 2, was filed in my office on the 5th day of March, 2007, in Instrument No. 1477602.

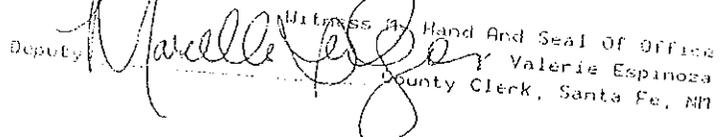
SANTA FE COUNTY CLERK


VALERIE ESPINOZA



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss BCC ORDINANCE
PAGES: 11

I Herby Certify That This Instrument Was Filed for Record On The 5TH Day Of April, A D., 2007 at 08:29 And Was Duly Recorded as Instrument # 1477602 Of The Records Of Santa Fe County

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

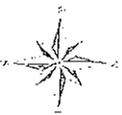


Attachment A: Village of Agua Fria Zoning District Ordinance 2007-2



Legend

-  Agua Fria Low-Density Urban Zone
-  Agua Fria Traditional Community Zoning District
-  Village of Agua Fria Traditional Historic Community Boundary Ordinance 2006-12
-  Parcels
-  Tres Arroyos Zoning District Ordinance 2006-10
-  City of Santa Fe Boundary (2003) Extrajurisdictional Zoning Area Boundary 2-Mile
-  NM 595 R/W
-  Roads
-  Santa Fe River: 100 Year Flood Zone



1:13,200
 1 inch equals 1,653 feet
 0 0.1 0.2 0.4 Miles

This information is for reference only. The City of Santa Fe does not assume any liability for errors associated with the use of this data. Users are solely responsible for determining data accuracy.



March 13, 2007

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





Jose Chris Tercero

2227 Paseo de Tercero

5/25/11





Jose Chris Tercero

2227 Paseo de Tercero

5/25/11



Jose Chris Tercero

2227 Paseo de Tercero

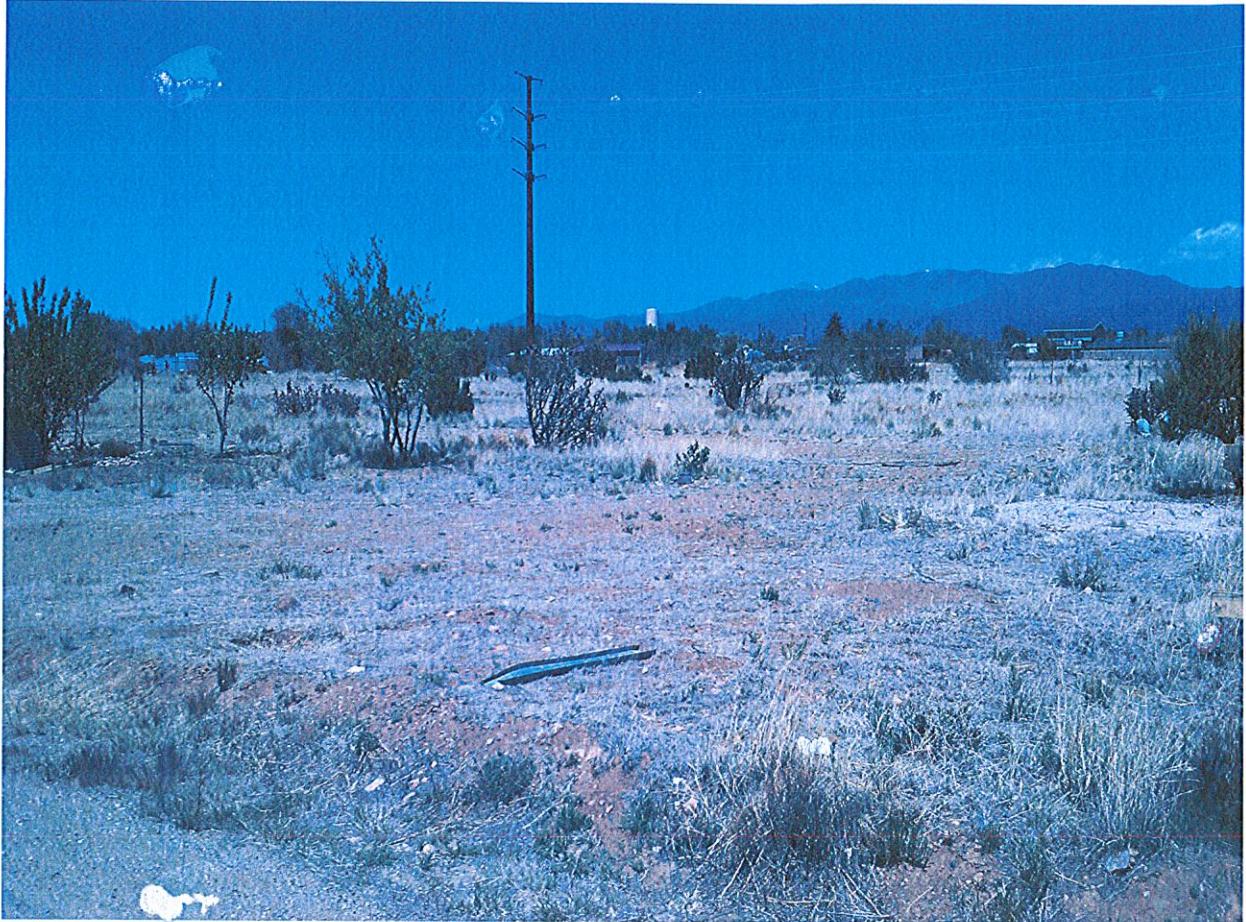
5/25/11



Jose Chris Tercero

2227 Paseo de Tercero

5/25/11

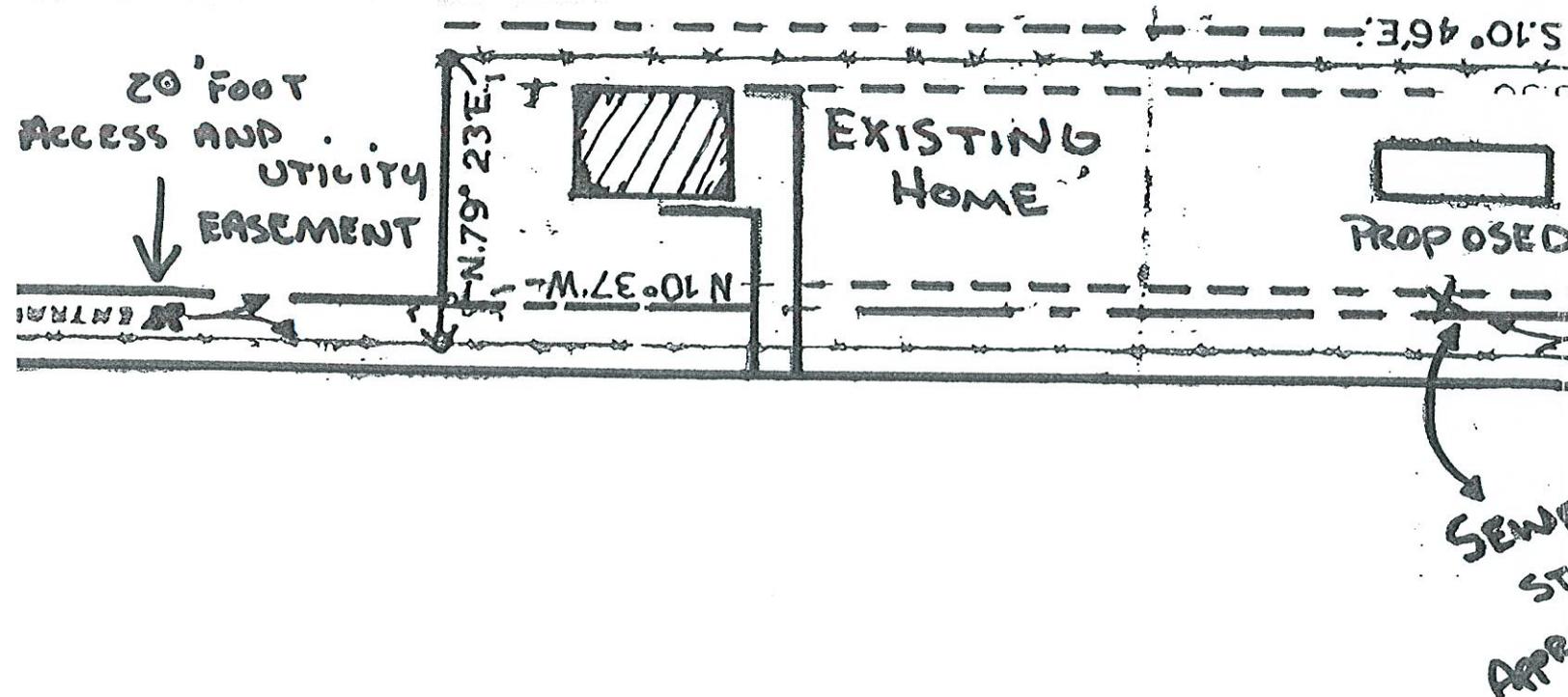


Jose Chris Tercero

2227 Paseo de Tercero

5/25/11

SITE PLAN



**AGUA FRIA COMMUNITY WATER SYSTEMS
ASSOCIATION
PO BOX 4966
SANTA FE NM 87502
505-474-4206**

May 2, 2011

Santa Fe County
Land Use Department
Santa Fe NM 87505

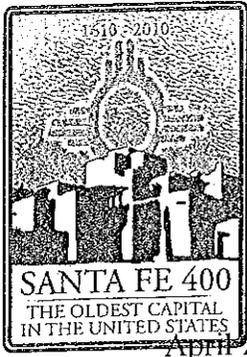
This is to acknowledge that the above stated community water association will make water available for 2 additional water hook ups for Jose and Maria Tercero at 2227 Paseo de Tercero Santa Fe NM 87507.

If any additional information is required, please feel free to call me at 505-490-2128.

Sincerely,


Ana M. Berry
Accounts Manager





City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

David Coss, *Mayor*

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Chris Calvert, Dist. 1
Rosemary Romero, Dist. 2
Miguel M. Chavez, Dist. 3
Carmichael A. Dominguez, Dist. 3
Matthew E. Ortiz, Dist. 4
Ronald S. Trujillo, Dist. 4

Mr. Wayne Dalton
P.O. Box 276
Santa Fe, New Mexico 87504

Subject: Sewer Service for 2227 Paseo De Tercero

Dear Mr. Dalton:

This letter is written in regards to a request to obtain sewer service for 2227 Paseo De Tercero. City sanitary sewer service is available to serve this property. The Applicant has indicated they want to add two (2) additional housing units to the property in addition to the existing unit. This letter is to confirm that the sewer line has capacity for the additional units.

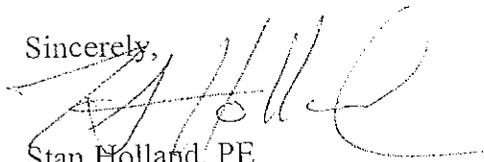
Please note that each lot must be served through separate sewer service connections. Any future lot splits or sewer service connections for properties not referenced in this evaluation shall require review and approval by the Wastewater Management Division.

Additionally, Wastewater utility expansion charges (UEC) for sanitary sewer shall apply. Payment of the UEC shall be due at the time of connection to the City sewer system. Please contact Stan Holland @ 955-4637 with the Wastewater Division to assist you with this matter.

This statement of availability applies exclusively to the property described above. This document verifies that at the time it was issued sufficient capacity was available in the receiving line. It does not guarantee capacity through the life of the sanitary sewer. Any zoning or conceptual changes made to the development area will require our re-evaluation of the sanitary sewer availability and our re-issuing of this statement. This technical evaluation report will be valid for a period of one year from the date of issue date.

You may contact me at 955-4637 if you have any questions.

Sincerely,


Stan Holland, PE
Wastewater Management Division

cc: File

M:\EngDeptDocs\Sewer Files\SAS Availability Statements (TER)\Agua Fria Village\2227A-B-C Paseo De Tercero-Jose Tercero.doc



Agua Fria Village Association

2073 Camino Samuel Montoya
Santa Fe, NM 87507



Jack Kolkmeier
Land Use Administrator
Land Use Planning Department
Santa Fe County
P.O. Box 276
Santa Fe, N.M. 87504-0276

June 6, 2011

Dear Mr. Kolkmeier:

The Agua Fria Village Association (AFVA) on behalf of the Agua Fria Village Traditional Historic Community (THC) is formally issuing this letter of support for the approval of Case # V 11-5150 requesting a variance to allow three dwelling units on 0.962 acres. This is a property owned by Jose Chris and Maria Tercero, 2227 Paseo De Tercero.

This matter was approved at the June 6th AFVA meeting by a unanimous vote of attendees who felt that it was in substantial compliance with land use requirements. Further, the issue was published in our monthly Community Update newsletter and no complaints were received.

We feel that this approval is in the spirit of the Agua Fria Community Plan adopted in Resolution 2006-116 by the Santa Fe Board of County Commissioners on March 13, 2007 (located at website: http://www.santafecounty.org/find/documents/Agua_Fria_Community_Plan_as_adopted_by_Resolution_2006_116.pdf), prohibits such development densities as proposed by BCC Case # MIS 05-5502.

Thank you for your attention to this matter.

Sincerely,

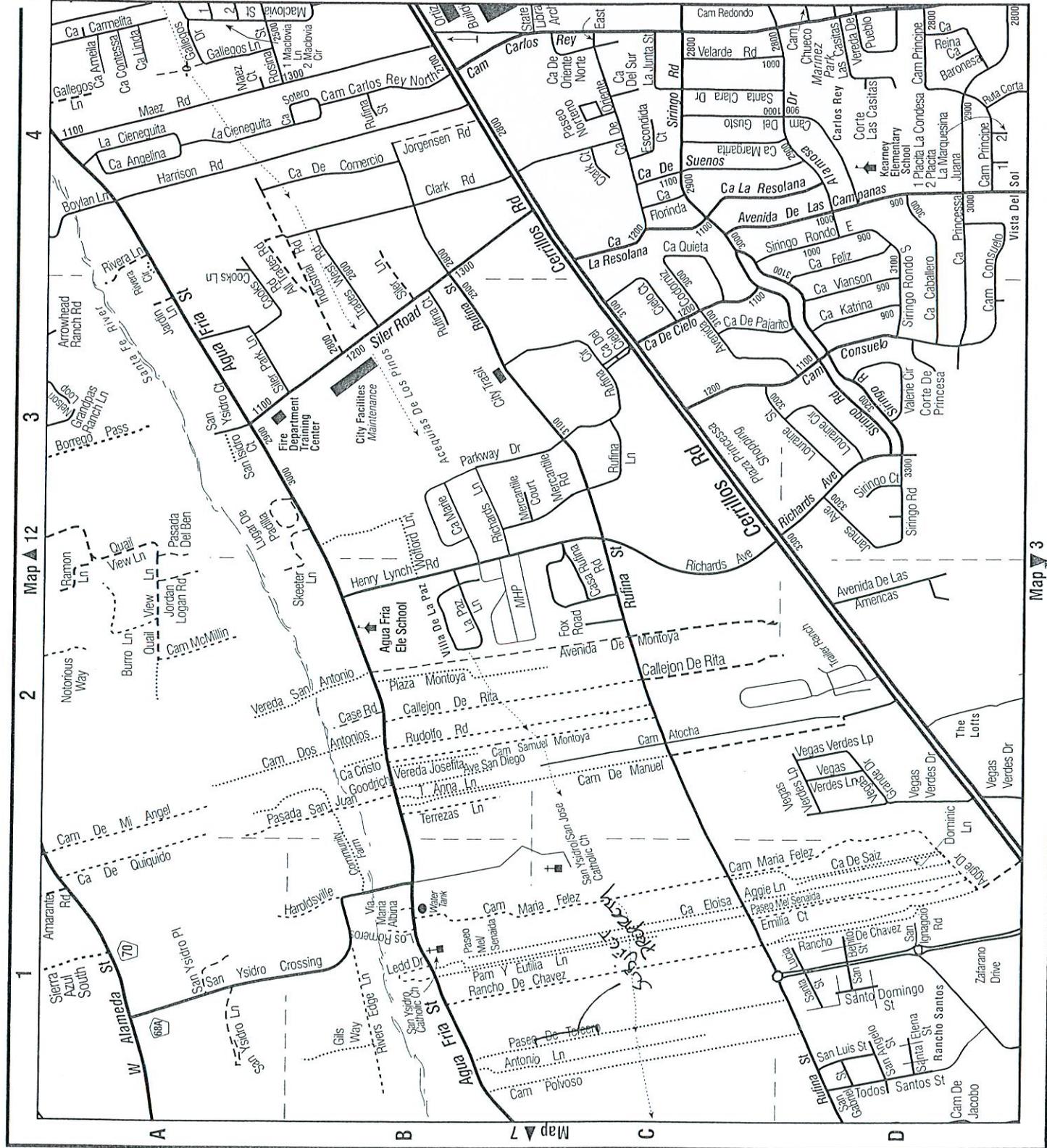
A handwritten signature in cursive script that reads "William H. Mee".

William Henry Mee, President AFVA
(505) 473-3160
WilliamHenryMee@aol.com

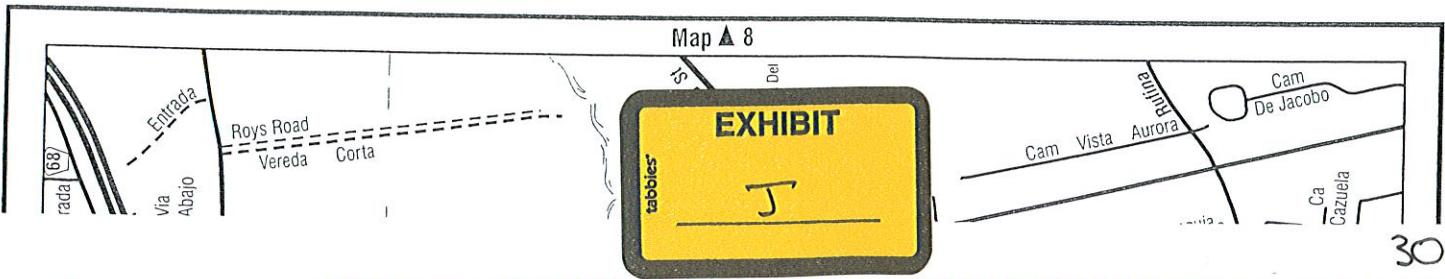
CC: Wayne Dalton, County Case Planner.



Map 9



Map 8



Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: August 9, 2011

TO: Board of County Commissioners

FROM: Vicki Lucero, Development Review Team Leader *VL*

VIA: Jack Kolkmeier, Land Use Administrator *JK*
Shelley Cobau, Building and Development Services Manager *wop*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # V 11-5070 Joya de Hondo Road Variance

ISSUE:

Gray-Hall LLC. (Damion Terrell), Applicant, Jenkins/Gavin, Agent request a variance of Article XV, Section 6.E (Community College District Road Standards) of the County Land Development Code to allow an off-site Living Priority Lane with a Right-of-Way ranging in size from 20-feet to 30-feet for a section of roadway approximately 1,110 ft. in length and to allow a driving surface of 16 feet in width for a portion of roadway approximately 640 ft. in length, for the purpose of creating a 4-lot Summary Review Subdivision on 43.8 acres. The property is located off of Old Galisteo Way, within Section 15, Township 16 North, Range 9 East (Commission District 4).

SUMMARY:

On April 21, 2011, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request (Refer to meeting minutes in Exhibit "H").

The subject property is an existing 43.8-acre tract located off of Old Galisteo Way which lies within the Community College District. The lot is currently vacant.

On April, 14, 2009, the Applicant submitted an application to Santa Fe County to create a 4-lot Summary Review Subdivision on the 43.8 acres. As part of this submittal the Applicant was proposing to construct a 20-foot wide driving surface on Old Galisteo Way from Los Tapias Lane to the entrance of his property. County Staff reviewed the application and determined that it met the requirements of the County Land Development Code. The Land Use Administrator was

prepared to approve the plat when several of the neighbors filed an appeal of his decision claiming that as a result of a court order filed in 1970 (Refer to Exhibit E) the road surface could not be increased beyond the existing 16-foot wide driving surface on Old Galisteo Way from Los Tapia Lane south for approximately 640 feet.

Upon review of the court documents, County Staff determined that the easement precludes widening of the road as required by Code.

Article XV, Section 6.E.7.a.iv (Community College District Road Standards) of the County Land Development Code provides that a Living Priority Lane shall consist of a 34' Right-of-Way (R-O-W) with two 10-foot driving lanes (Refer to Exhibit F for Road Cross Section). The Applicant states that because of the Court Order they are unable to make improvements that meet County standards to that 640-foot portion of road where only a 20' easement exists. Therefore, a variance is requested for the width of R-O-W (20') and width of road surface (16'). In addition, the R-O-W outside of the 640-foot portion is a maximum of 30 feet however on this portion of the roadway the Applicant will be able to construct the required improvements for a 20 foot driving surface so a variance is only needed to allow a R-O-W width of 30' for a length of approximately 470' (Refer to Exhibit B for Off-site Roadway Plan).

Article II, Section 3.1 (Variances) of the County Code states, "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other non-self-inflicted conditions or that these conditions would result in inhibiting in achievement of the purposes of the Code, an applicant may file a written request for a variance" (Refer to Exhibit G).

The Applicant states that the 16-foot wide road surface within the 20-foot access easement is non-self-inflicted. Additional access was previously available through the Santiago Subdivision to the north, however, in 1985 the Board of County Commissioners vacated these easements which eliminated the additional means of access to the subject parcel.

This request was submitted to the County Transportation Planner for review. The County Transportation Planner states that the proposed project lies in the vicinity, east of the conceptual alignment of the proposed Southeast Connector. Planning Staff analyzed the potential for connectivity between Old Galisteo Way and the Southeast Connector, which should be constructed within the next ten years. Planning Staff supports the proposed 4-lot summary review subdivision and requested variance and believes that any further division of the remaining acreage should require that traffic be diverted onto the proposed Southeast Connector (Refer to Exhibit D).

REQUIRED ACTION:

The BCC should review the attached material and consider the recommendation of staff and the CDRC, take action to approve, deny, approve with conditions or modifications or to table for further analysis of this request.

RECOMMENDATION:

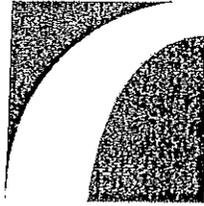
Staff believes that the creation of 4 proposed lots will not significantly increase the traffic on Old Galisteo Way. As part of the proposed subdivision, the Applicant will construct an approved fire turn-around within the subject property. At the current time there are no Fire Marshal approved turn-arounds on Old Galisteo Way. The construction of the turn-around provided by this development would benefit the entire neighborhood.

It is staff's position that the variance requested is unavoidable due to the ruling in the Court Order that would prohibit the Applicant from doing the required road improvements on the access road. This could constitute an extraordinary hardship to the Applicant as stated in Article II, Section 3.1 of the Code. Therefore, staff recommendation and the decision of the CDRC is to recommend approval of the variance requested subject to the following conditions:

1. Any further subdivision of land will require a secondary point of access. This shall be noted on the plat.

ATTACHMENTS:

Exhibit "A" – Letter of request
Exhibit "B" – Proposed Plans
Exhibit "C" – Vicinity Map
Exhibit "D" – Memo from Transportation Planner
Exhibit "E" – Court Order
Exhibit "F" – Living Priority Lane Cross Section
Exhibit "G" – Article II, Section 3.1 (Variances) of the County Code
Exhibit "H" – April 21, 2011, CDRC Meeting Minutes
Exhibit "I" – Letters of Opposition



jenkinsgavin
DESIGN & DEVELOPMENT INC.

March 11, 2011

Vicki Lucero, Senior Development Review Specialist
Planning & Development Division
Growth Management Department
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

**RE: JOYA DE HONDO
VARIANCE APPLICATION**

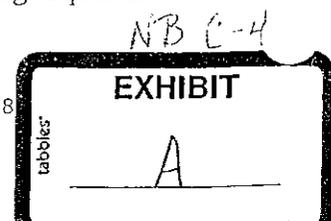
Dear Vicki:

This letter is submitted on behalf of Gray-Hall, LLC in application for a variance to County roadway standards as an adjunct to the Joya de Hondo Summary Subdivision, for consideration by the County Development Review Committee at their meeting of April 21, 2011. In support of this request, the following documentation is submitted herewith for your review:

1. Development Permit Application
2. Lot of Record
3. Warranty Deed
4. Proof of Taxes Paid
5. Exhibits A – D
6. Application Fees in the amount of \$250.00

Background

The subject property is a 43.80 acre tract located off of Old Galisteo Way in an Existing Neighborhood of the Community College District. The sole access to the property is via Old Galisteo Way, a public road known as CR 69, which is situated within a series of easements ranging in width from twenty to fifty feet. The subject of this variance request is the northernmost 640 feet of the roadway within a twenty-foot easement and the subsequent thirty-foot easement (see Exhibit A). Initially, as part of the Summary Subdivision application, it was proposed that the twenty-foot easement be improved to provide the requisite twenty-foot drivable surface in compliance with Article III, Section 2.4.2 3(a) of the Santa Fe County Land Development Code, which states, "...for off-site roads the Code Administrator may reduce the road easement width to no less than twenty (20) feet if adequate drainage control is provided...". However, due to the ambiguity of previous adjudications of this easement, we are being required



to maintain the existing condition of a sixteen-foot drivable surface with two feet of drainage on either side.

Variance Request

A variance is hereby requested from Article XV, Section 6.E (Community College District Road Standards) of the County Land Development Code to allow an off-site Living Priority Lane with a Right-of-Way ranging in size from 20-feet to 30-feet and a driving surface of 16 feet for the twenty-foot easement portion of the roadway. In accordance with the requirements of Article II, Section 3, strict compliance with the Code would result in extraordinary hardship for the property owner by prohibiting the creation of a modest four-lot subdivision of the 43.8-acre parcel, of which only three lots will be made available for sale. Since the subject property collateralizes the loan obtained to fund the engineering, surveying, and subdivision approval process, the inability to create these lots could cause the owner to lose the land that has been in his family for generations.

Furthermore, the off-site twenty-foot and thirty-foot access easements are non-self-inflicted, having been in existence prior to the owner's birth. In fact, additional access was previously available through the Santiago Subdivision via Calle Elydia, along with a 50' easement allowing for the extension of Entrada de Santiago to Old Galisteo Way that provided an additional means of access to Rabbit Road. Please refer to the attached Santiago Subdivision Plat (Exhibit B) and the Wendell Hall Estate Survey (Exhibit C). The Board of County Commissioners vacated both of these easements in 1985, eliminating the additional means of access to the subject parcel, as well as an alternative route to Rabbit Road for Old Galisteo Way residents (see Exhibit D).

In light of the minimal nature of the subdivision request and the need to honor the existing conditions of this section of roadway, we respectfully request approval of this variance to allow the subdivision to move forward.

Please call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.



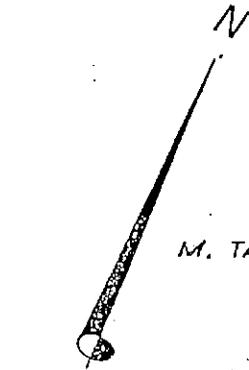
Jennifer Jenkins



Colleen C. Gavin, AIA

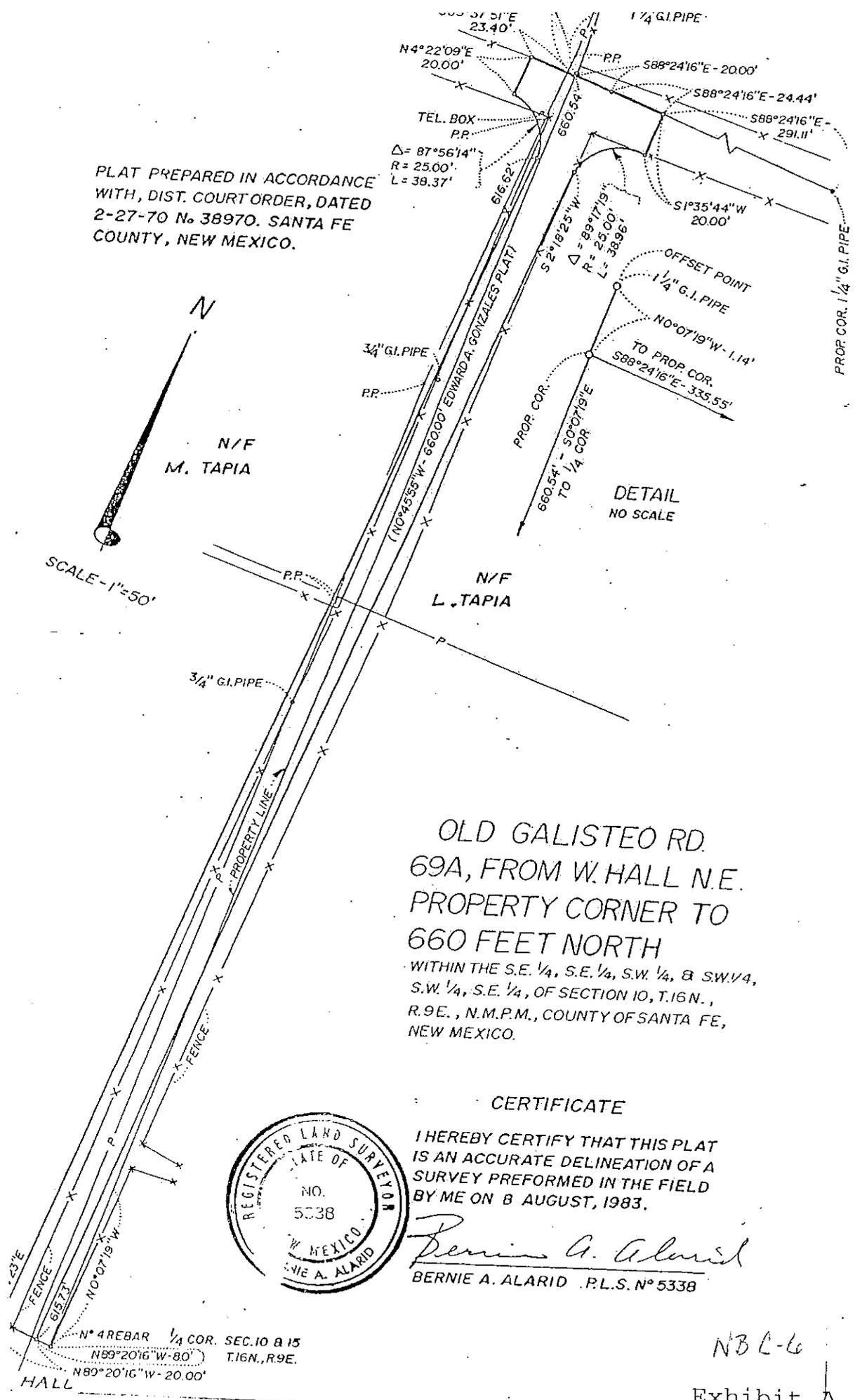
NB C-5

PLAT PREPARED IN ACCORDANCE WITH, DIST. COURT ORDER, DATED 2-27-70 No 38970. SANTA FE COUNTY, NEW MEXICO.



N/F
M. TAPIA

N/F
L. TAPIA



OLD GALISTEO RD.
69A, FROM W. HALL N.E.
PROPERTY CORNER TO
660 FEET NORTH

WITHIN THE S.E. 1/4, S.E. 1/4, S.W. 1/4, & S.W. 1/4,
S.W. 1/4, S.E. 1/4, OF SECTION 10, T.16N.,
R.9E., N.M.P.M., COUNTY OF SANTA FE,
NEW MEXICO.

CERTIFICATE

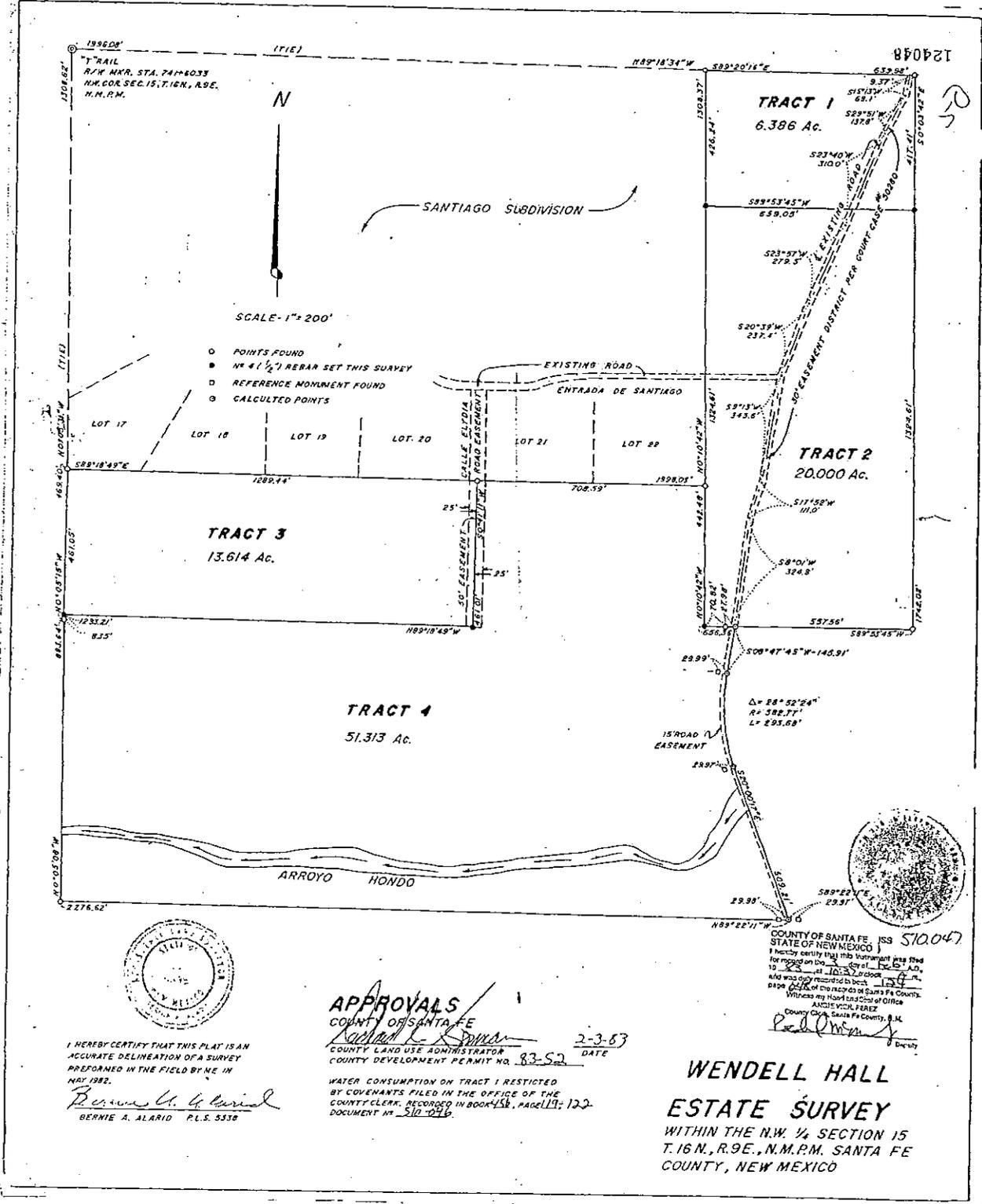
I HEREBY CERTIFY THAT THIS PLAT
IS AN ACCURATE DELINEATION OF A
SURVEY PERFORMED IN THE FIELD
BY ME ON 8 AUGUST, 1983.

Bernie A. Alarid
BERNIE A. ALARID P.L.S. N° 5338



NB C-6

Exhibit A



193608
 T. RAIL
 R/W M.R. STA. 74+80.33
 N.M. COR. SEC. 15, T. 16N., R. 9E.,
 N.M.R.M.

(T/E)

N89°18'34"W 382°20'16"E

1240821

N

SANTIAGO SUBDIVISION

SCALE - 1" = 200'

- POINTS FOUND
- NO. 4 (1/2") REBAR SET THIS SURVEY
- REFERENCE MONUMENT FOUND
- CALCULATED POINTS

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

TRACT 3
 13.614 Ac.

TRACT 4
 51.313 Ac.

TRACT 1
 6.386 Ac.

TRACT 2
 20.000 Ac.

EXISTING ROAD

ENTRADA DE SANTIAGO

ARROYO HONDO



I HEREBY CERTIFY THAT THIS PLAT IS AN
 ACCURATE DELINEATION OF A SURVEY
 PREPARED IN THE FIELD BY ME IN
 MAY 1982.

Bernie A. Alarid
 BERNIE A. ALARID P.L.S. 5338

APPROVALS
 COUNTY OF SANTA FE

COUNTY LAND USE ADMINISTRATOR
Richard L. ...
 COUNTY DEVELOPMENT PERMIT NO. 83-522 DATE 2-3-83

WATER CONSUMPTION ON TRACT 1 RESTRICTED
 BY COVENANTS FILED IN THE OFFICE OF THE
 COUNTY CLERK, RECORDED IN BOOK 458, PAGE 113; 122
 DOCUMENT NO. 510-0216

COUNTY OF SANTA FE ISS 510047
 STATE OF NEW MEXICO
 I hereby certify that this instrument is the
 original and correct copy of the same as
 recorded in the office of the County Clerk,
 and was duly recorded in book 458, page 113,
 page 122 of the records of Santa Fe County,
 New Mexico, this 2nd day of February, 1983.
 Witness my Hand and Seal of Office
 AUDREY J. PEREZ
 County Clerk, Santa Fe County, N.M.
Audrey J. Perez

WENDELL HALL
 ESTATE SURVEY
 WITHIN THE N.W. 1/4 SECTION 15
 T. 16N., R. 9E., N.M.R.M. SANTA FE
 COUNTY, NEW MEXICO

NBC-8
 Exhibit C

JOYA DE HONDO SUBDIVISION

PROPERTY LOCATION
R9E, T16N, SECTION 15

VICINITY MAP



SHEET INDEX

SHEET TITLE	No.
COVER SHEET.....	C
LOT OF RECORD.....	L-1
FINAL SUBDIVISION PLAT.....	S-1
EXISTING CONDITIONS AND SLOPE ANALYSIS.....	S-2
OFFSITE ROADWAY PLAN.....	C-1
GRADING AND DRAINAGE PLAN.....	C-2
ONSITE ROADWAY PLAN & PROFILE.....	C-3
WATER LAYOUT AND FIRE PROTECTION PLAN.....	C-4
SOILS MAP AND SEPTIC LAYOUT PLAN.....	C-5
TYPICAL DETAILS.....	C-6

JOYA DE HONDO SUBDIVISION

CONSULTANTS

<p>W.E. Walker Engineering 200 Tucker Street, Westlake, TX, 76798 817-439-2200 817-439-2201 (fax) 817-439-2202 (cell)</p>	<p>Jenkinsgavin 13174 Highway 57, Santa Fe, NM 87501 505-825-2448 505-825-2449 (fax)</p>	<p>SOUTHWEST MOUNTAIN SURVEYS 13174 Highway 57, Santa Fe, NM 87501 505-825-2448 505-825-2449 (fax)</p>
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SHEET NO.

C

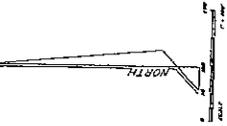
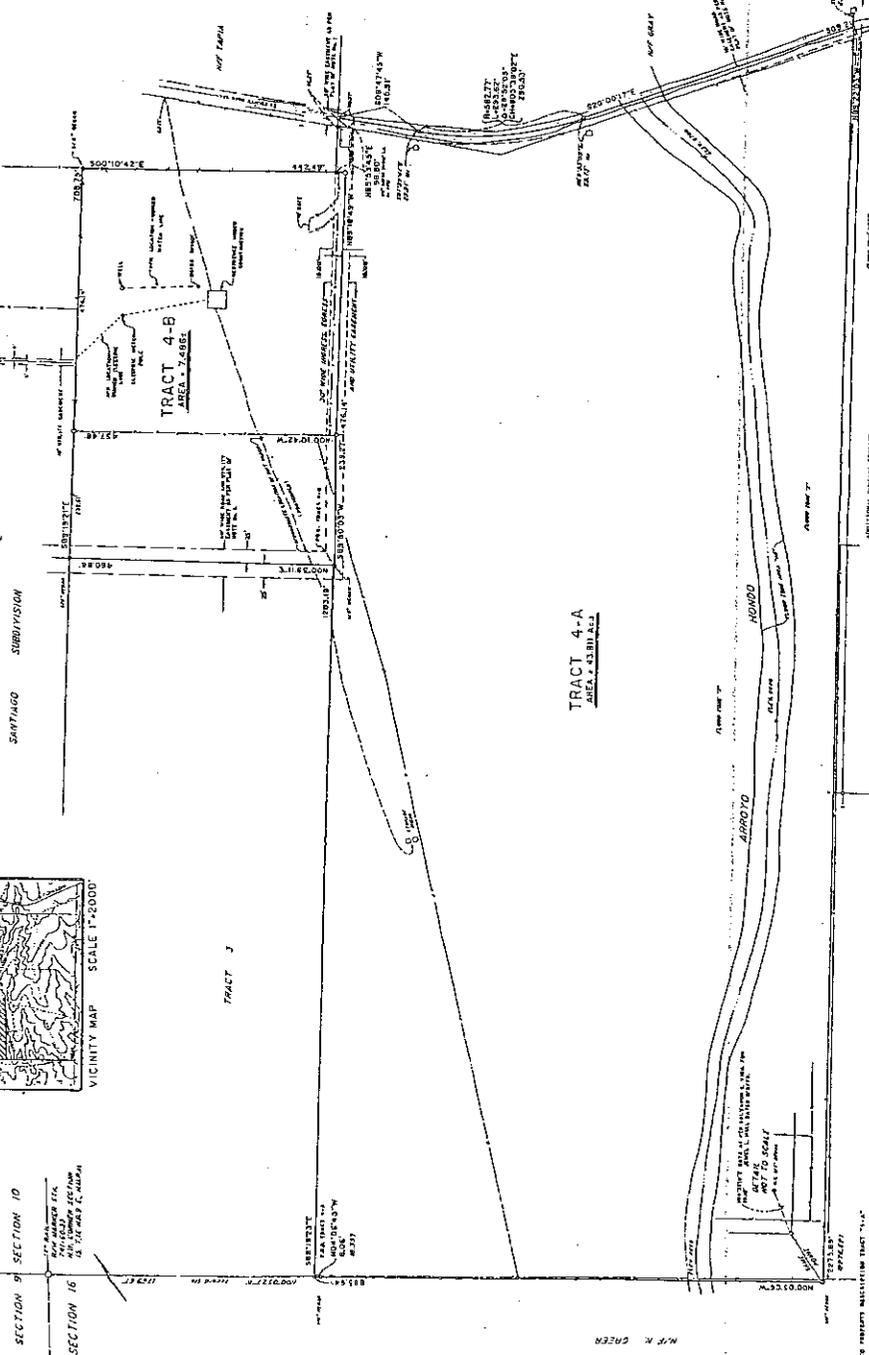
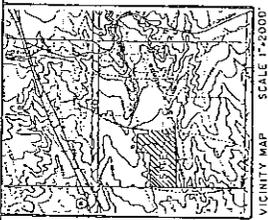
03/25/09

tabbles®
 NB C-1
 EXHIBIT
 B

2/15/05

LOT SPLIT SURVEY FOR
TRUST PROPERTY OF JEREMY M.
DAMIEN TERRELL

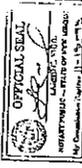
LYING AND BEING SITUATE WITHIN THE
N.W. 1/4 OF SECTION 10, T.15 N., R.18 W.,
N.M.P.M., COUNTY OF SANTA FE, NEW MEXICO.
AREA = 51,257 AC.



COUNTY OF SANTA FE, N.M.
COUNTY CLERK (BY APPOINTMENT)
JAMES H. JONES
COUNTY CLERK
COUNTY OF SANTA FE, N.M.
COUNTY CLERK (BY APPOINTMENT)
JAMES H. JONES
COUNTY CLERK

NOTICE: THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS OF 1908 AND 1917, AND THE RULES AND REGULATIONS THEREUNDER. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE COUNTY OF SANTA FE, NEW MEXICO. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE COUNTY OF SANTA FE, NEW MEXICO. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE COUNTY OF SANTA FE, NEW MEXICO.

STATE OF NEW MEXICO
COUNTY OF SANTA FE, N.M.
JAMES H. JONES
COUNTY CLERK



NOTICE: THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS OF 1908 AND 1917, AND THE RULES AND REGULATIONS THEREUNDER. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE COUNTY OF SANTA FE, NEW MEXICO. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE COUNTY OF SANTA FE, NEW MEXICO. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE BOARD OF SURVEYORS OF THE COUNTY OF SANTA FE, NEW MEXICO.

STATE OF NEW MEXICO
COUNTY OF SANTA FE, N.M.
JAMES H. JONES
COUNTY CLERK

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STATE OF NEW MEXICO
COUNTY OF SANTA FE, N.M.
JAMES H. JONES
COUNTY CLERK

APPROVED FOR RECORDATION
COUNTY OF SANTA FE, N.M.
JAMES H. JONES
COUNTY CLERK

RECORDED
COUNTY OF SANTA FE, N.M.
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COUNTY CLERK

SOUTHWEST MOUNTAIN
SURVEYS, INC.
1114 HICKORY ST., SANTA FE, N.M. 87501
800-845-1429
FAX 505-836-3422
E-MAIL: SWM@SWM-SURVEYS.COM



NBC-11

TOPOGRAPHIC SURVEY OF JOYA DE HONDO SUBDIVISION

LYING AND BEING SITUATE WITHIN SECTION 15, T18N, R9E N.M.P.M. CONTAINING 43.807AC.1

SURVEYOR'S NOTES:
 1. ALL BOUNDARY AND EASEMENT DATA ARE TAKEN FROM A PLAT OF SURVEY ENTITLED, LOT SPLIT AND EASEMENT FOR THE JOYA DE HONDO SUBDIVISION, PREPARED BY ATTORNEYS JAMES AND CLARK, REGISTERED PROFESSIONAL ENGINEERS, INCORPORATED IN BOOK 618, PAGE 111, OF THE SANTA FE COUNTY CLERK'S OFFICE.
 2. THIS IS NOT A BOUNDARY SURVEY. PLEASE REFER TO THE PLAT ABOVE FOR ALL BOUNDARY INFORMATION.
 3. ELEVATIONS ARE BASED ON AUTOMATIC GPS OBSERVATIONS OF MEAN SEA LEVEL, AND ARE RELATIVE TO THE BENCH MARK AS SHOWN HEREIN.

SURVEYOR'S CERTIFICATE
 I, HEREBY CERTIFY THAT THE TOPOGRAPHY AND THE SURVEY ANALYSIS AS SHOWN ON THIS PLAT, AND THE FIELD DATA, HAVE BEEN MADE AND COLLECTED IN ACCORDANCE WITH THE NATIONAL MAP ACCURACY STANDARDS.

DATE: JAN 15, 2008
 SURVEYOR: MICHAEL Y. ROSSIGNOL
 LICENSE NO.: 11114 HICKOK ST., SANTA FE, NM 87501
 PHONE: 505-833-3333 FAX: 505-833-3333

FLOOD ZONE NOTE
 FLOOD ZONES AS SHOWN AS PER FEMA FIRM COMMUNITY PANEL NO. 13088R0100C FOR WILMINGTON DATE MAY 15, 2006. REFER TO SAID FIRM FOR COMPLETE DESCRIPTIONS OF ZONES.

LEGEND:
 * PROPERTY CORNER AS PER PLAT OF NOTE 1
 --- DOTTED BOUNDARY
 --- ADJACENT BOUNDARY
 --- EASEMENT EDGE
 --- BUILDING ENVELOPE
 --- CENTER LINE OF 48" ACCESS
 --- CENTER LINE OF 10' DRIVE
 --- CENTER LINE OF 10' DRIVE

BOUNDARY CURVE DATA CHART

LINE	ARC	RADIUS	DELTA	CHORD BEARING	CHORD	DELTA
B1	0.00	0.00	0.00	S 89.45° E 1.51	2.35	30
B2	0.00	0.00	0.00	S 89.45° E 1.51	2.35	30
B3	0.00	0.00	0.00	S 89.45° E 1.51	2.35	30

100' WIDE FLOOD PLAIN DATA CHART

LINE	BEARING	DISTANCE
F1	S 89.45° E	100.00
F2	S 89.45° E	100.00
F3	S 89.45° E	100.00

BOUNDING ENVELOPE TIE LINE DATA CHART

LINE	BEARING	DISTANCE
E1	S 89.45° E	100.00
E2	S 89.45° E	100.00
E3	S 89.45° E	100.00

BUILDING ENVELOPE TIE LINE DATA CHART

LINE	BEARING	DISTANCE
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B2	S 89.45° E	100.00
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BUILDING ENVELOPE TIE LINE DATA CHART

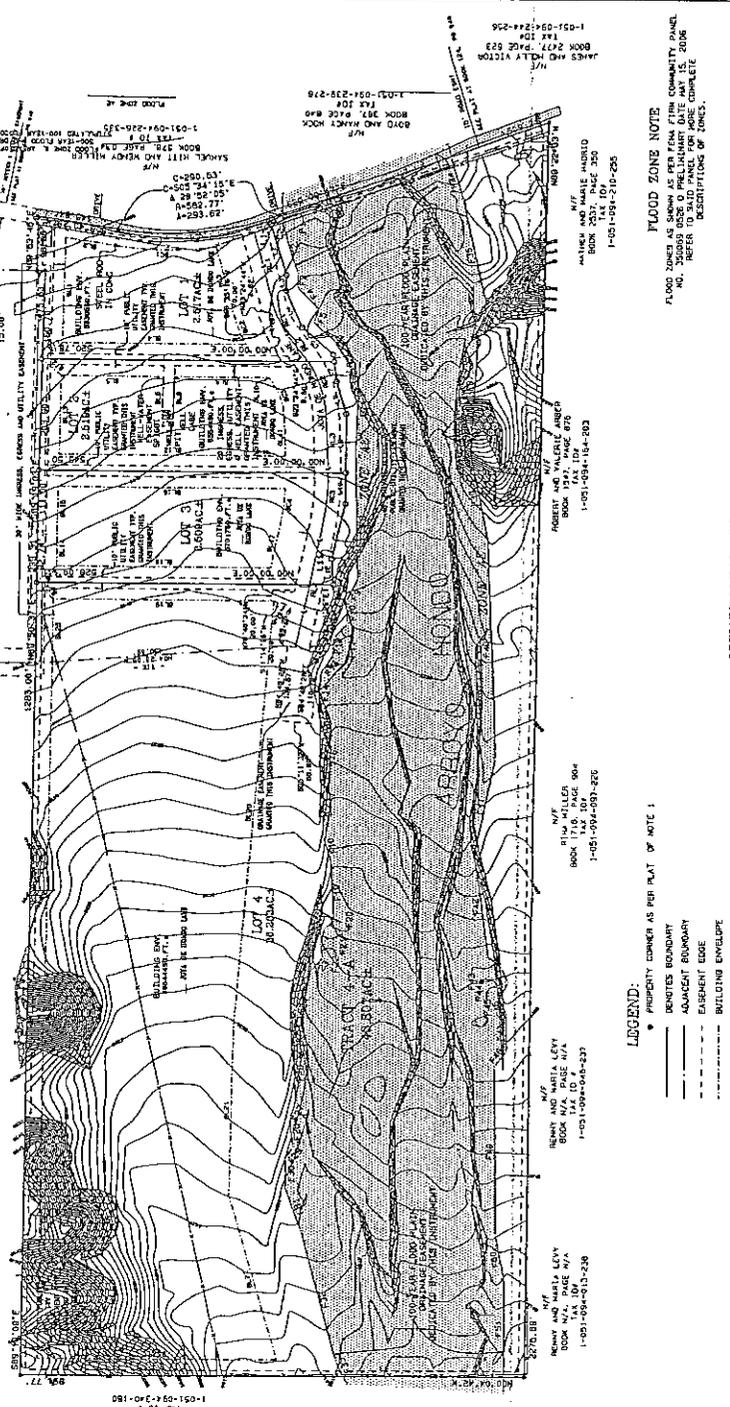
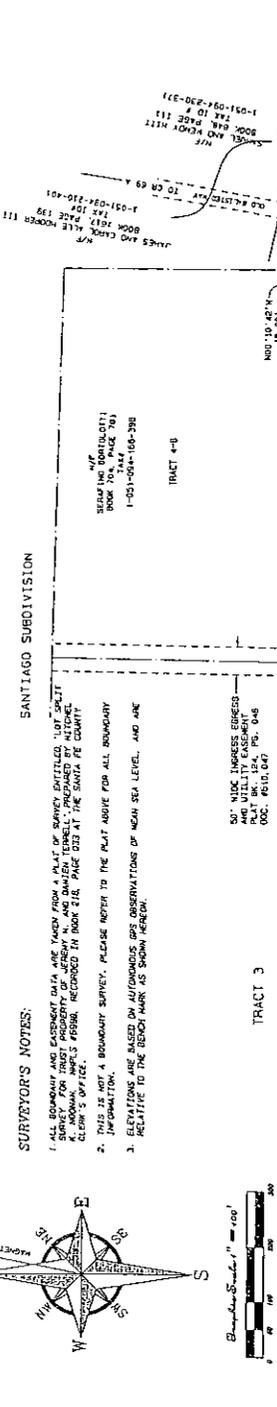
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BOUNDARY CURVE DATA CHART

LINE	ARC	RADIUS	DELTA	CHORD BEARING	CHORD	DELTA
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B1	S 89.45° E	100.00
B2	S 89.45° E	100.00
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NBC-13

C-4

COUNTY REVIEW	
DEPARTMENT	DATE
SN-07	
COUNTY USE ONLY	
STATE WATER COMPANY	
PUBLIC WORKS DEPARTMENT	
LAND USE DIVISION	

JOYA DE HONDO
SUBDIVISION
WATER LAYOUT AND
FIRE PROTECTION PLAN

NO.	REVISION	BY	DATE
1			
2			
3			
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7			
8			
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10			

W. E. Walker Engineering
Civil Engineering & Water Resources & Traffic Engineering
305 Camino Sierra Vista, Suite F, RD 8101
205-820-7890
205-820-7890
E-Mail: info@wewalk.com

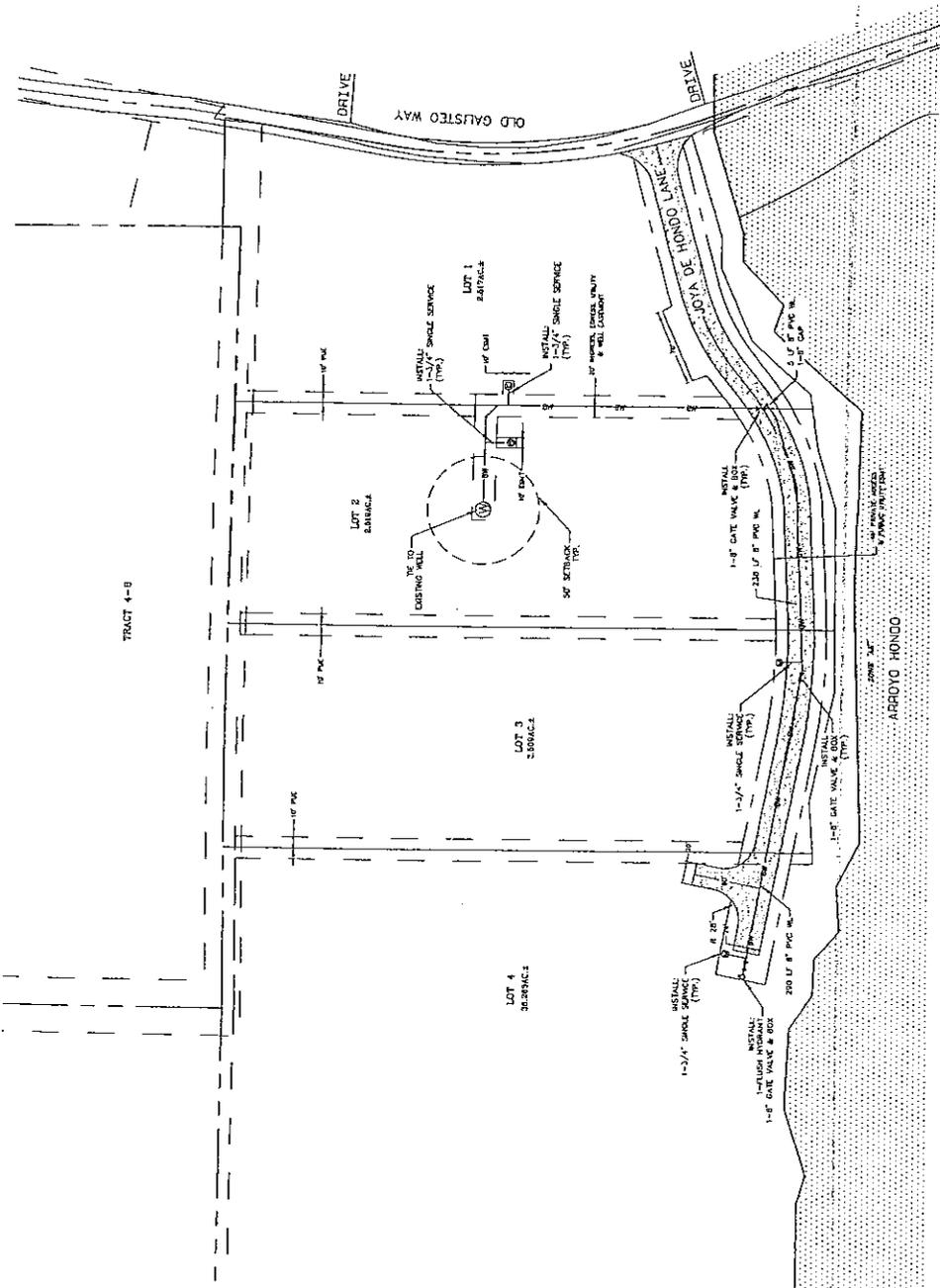
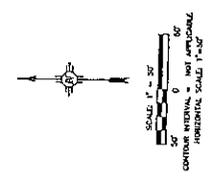
LEGEND

- Water Well
- Water Line
- Sanitary

RECORD DRAWINGS

THIS DRAWING WAS PREPARED BASED ON THE BEST AVAILABLE INFORMATION AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN IN THIS DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN IN THIS DRAWING.

DATE: _____
SCALE: _____



UTILITY NOTE

IF ANY UTILITY LINES, PIPELINES, OR UNDERGROUND UTILITY LINES ARE SHOWN ON THE DRAWING, THEY ARE SHOWN IN APPROXIMATE LOCATIONS ONLY. UTILITY LINES ARE NOT TO BE CUT OR DAMAGED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND UNDERGROUND UTILITY LINES. THE INFORMATION MAY BE INCOMPLETE, OR MAY BE OBTAINED BY THE CONSTRUCTION COMPANIES.

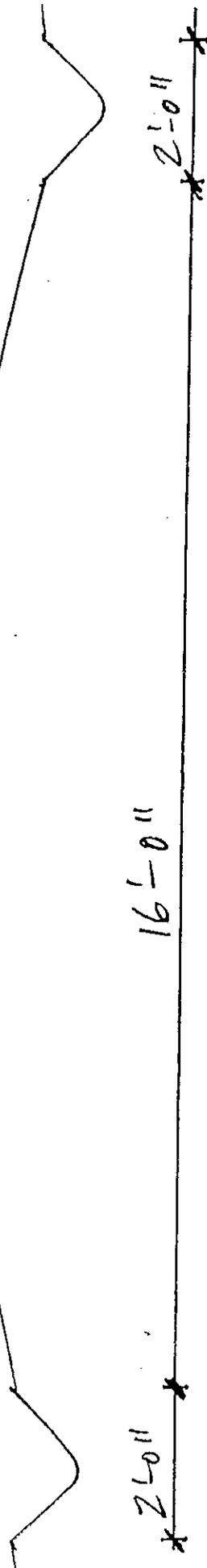
THE CONTRACTOR HAS UNDERSTOOD THE FIELD SURVEY OF THE LOCATION, DEPTH, AND CHARACTER OF ALL EXISTING UTILITIES AND UNDERGROUND UTILITY LINES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND UNDERGROUND UTILITY LINES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND UNDERGROUND UTILITY LINES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND UNDERGROUND UTILITY LINES.

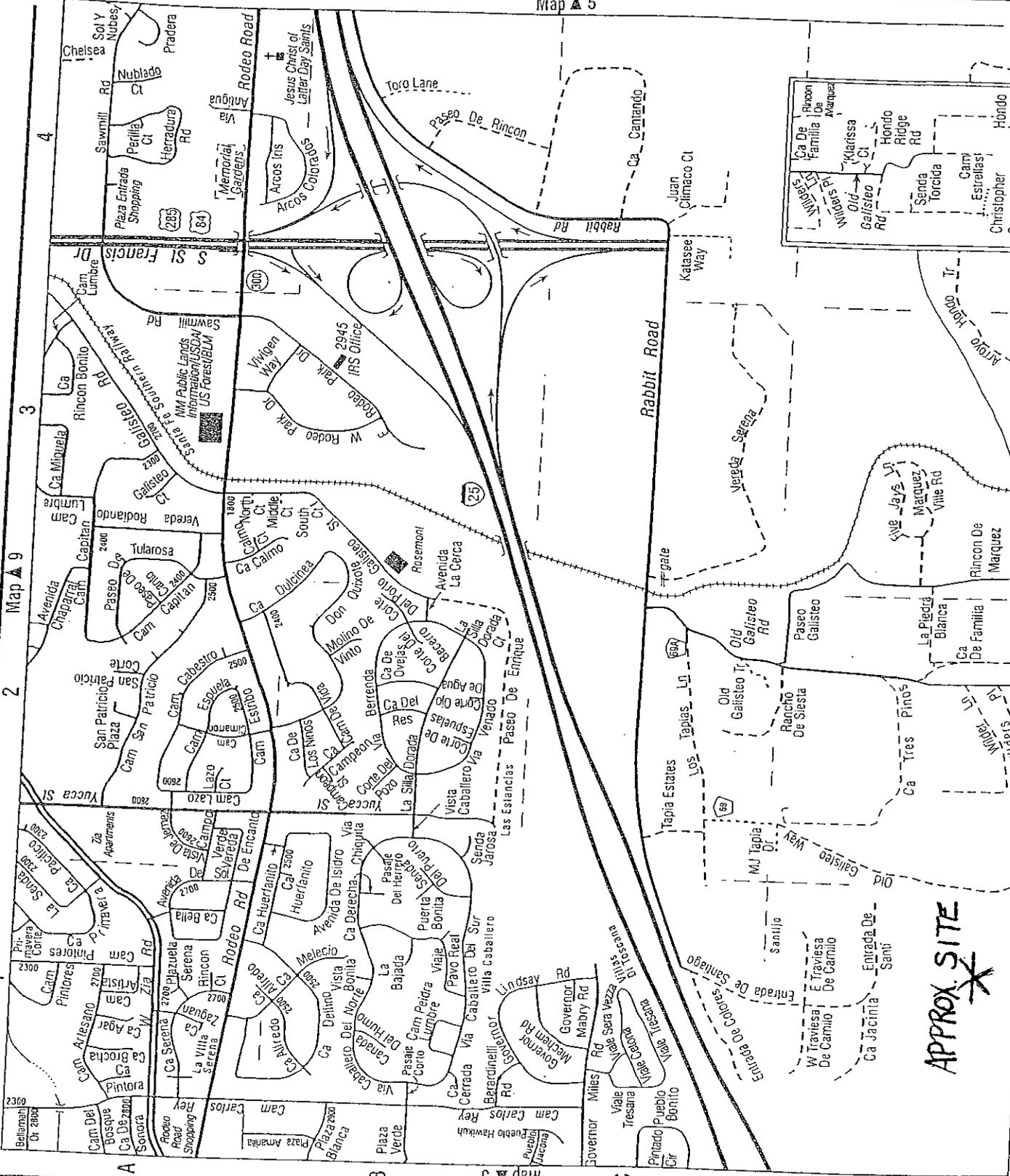
NBC-17

JOYA DE HONDO SUMMARY SUBDIVISION

Typical Roadway Section within 20-Foot Right-of-Way

Scale: $\frac{1}{2}$ " = 1'-0"





Map 9

Map 2

Map 3

Map 4

Map A

Map B

Map C

Map D

Map B

APPROX SITE

NBC-2

EXHIBIT

C

tabbles

Santa Fe County Land Use Department Planning Division

Date: April 4th, 2011
To: Vicki Lucero, Development Review Team Leader
Cc: Robert Griego, Planning Manager *RG*
From: Andrew Jandáček, Transportation Planner *AJ*
Re: CDRC Case # V 11-5070, Joya de Hondo Road Variance

Background

The proposed Joya de Hondo subdivision comprises four lots located in the northern portion of the Community College District. Lots 1 through 3 are each 2.5 acres and lot 4 is 36.26 acres. Access to the project is off of Old Galisteo Way, a private gravel roadway which ranges in width from sixteen to fifty feet. Old Galisteo Way is accessed via County Road 69A (Los Tapias Lane) which is accessed from Old Galisteo Road, CR 69. Site visits indicate that approximately 640 feet of Old Galisteo Way from the intersection with Los Tapias Lane south has a driving surface of only sixteen feet. The pre-development application letter states that improvements are proposed to portions of Old Galisteo Way to improve the narrow sixteen foot driving surface within the 20-foot easement adjacent to the Tapia family properties. A court order in 1970 restricting such widening due to the need to assure an adequate drainage easement at the edge of the roadway was issued prior to the request to the Land Use Administrator to approve a 20-foot easement for improvements in this portion of Old Galisteo Way. This case has been subsequently reviewed by County Legal Staff to determine whether this order is still in effect thereby prohibiting the widening of Old Galisteo Way.

Road Classification

Roadways in the Community College District are classified in a hierarchy by function and are designed to accommodate the traffic integration and purpose for which the roadway is intended. The proposed improvements are within the existing neighborhood district of the CCD. The design and use of Old Galisteo Way indicates that this roadway is classified as Living Priority Road and designated as a Lane. The typical section of this type of roadway calls for a 34 foot ROW with 20 feet for driving lanes and two 7 foot easements for swales on either side.

County Future Road Network

The Santa Fe Community College District Plan and Sustainable Growth management Plan indicate that the proposed project lies in the vicinity, east of the conceptual alignment of the proposed South-East Connector. The SGMP indicates that construction of this future roadway is a high priority project which should be constructed within the next ten years. Planning Staff analyzed the potential for connectivity between the Southeast Connector and Old Galisteo Way due to the proximity of this project to this

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EXHIBIT

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proposed primary roadway. According to parcel data analysis, at the present time Old Galisteo Way provides access to 32 residences. The proposed subdivision will add an additional four residential properties which access Old Galisteo Way. Further subdivision of the remaining 36.26 acres in Lot Four may also occur in the future which should be diverted onto the proposed Southeast Connector.

Recommendation

Staff recommends approval of this variance for a four lot subdivision in accordance with Section 3.1 of the Land Development Code which 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 conditions or that these conditions would result in inhibiting the achievement of the purposes of the code”. Staff recommends this variance due to the court order restricting widening of the road to provide for a 20 foot driving surface.

Copied from JUDGMENT, DECREE AND INJUNCTION, Feb. 27, 1970

STATE OF NEW MEXICO COUNTY OF SANTA FE IN THE DISTRICT COURT

STEWART L. PECKHAM; BARBARA A. PECKHAM;
WENDELL G. HALL; and JEWELL L. HALL

Plaintiffs.

vs.

No. 38970

MIKE J. TAPIA; ELEN TAPIA; LARRY
TAPIA, aka LALO TAPIA; MAX TAPIA;
GENELLE TAPIA; ERNEST TAPIA;
MAURICIO TAPIA; CARMELITA TAPIA;
MARY PITA TAPIA McALLISTER; BOARD
OF COUNTY COMMISSIONERS OF THE COUNTY
OF SANTA FE; THE FIRST NATIONAL BANK
OF SANTA FE; and ROBERT E. FOX, TRUSTEE.

Defendants.

CHARLES WILDER, INTERVENOR

JUDGMENT, DECREE
AND INJUNCTION

This matter having come before the Court for trial, and Plaintiffs and Intervenor having appeared in person and through their respective attorneys and Defendant Mike Tapia and Larry Tapia having appeared in person and through their attorney, who also appeared on behalf of the remaining Defendants Tapia and for Defendant Mary Pita T. McAllister; and the Defendant, Board of County Commissioners, represented by the District Attorney, having given notice at Pre-trial conference that it would not participate at the trial and would be bound by the decision of the Court; and Defendants Fox, and the First National Bank of Santa Fe having disclaimed any interest in the proceedings; and the Court now having considered the pleadings as amended, and having heard and considered the evidence and arguments of counsel, and the Court having entered its decision and having denied requested findings of fact and conclusions of law in conflict with the Court's decision;

IT IS ADJUDGED, DECREED AND DECLARED as follows

A. A public road exists over and across the lands of the Defendants Tapia in the southerly portion of Sec. 10, T 16 N, R 9 E, N.M.P.M., Santa Fe County, said road

EXHIBIT

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easterly-westerly alignment over the lands of Defendant Larry Tapia and Defendants Max and Genelle Tapia and extending to the westerly edge of the Larry Tapia tract (which tract is described as in the SW 1/4 of SW 1/4 of SE 1/4 of aforesaid Sec. 10; and thence proceeding in a straight line almost due southward (but slightly westerly) over and across the Larry Tapia tract and over and across the Mike Tapia tract (which is the E 1/2 of the SE 1/4 of SE 1/4 of SW 1/4 of aforesaid Sec. 10) to the north line of the Hall tract, on which line the centerline of said road is approximately eighteen feet (18') west of quarter-section corner of Sections 10 and 15, which corner is also the northeast corner of the property of Plaintiff's Hall (which tract is in the NW 1/4 of Sec. 15 in aforesaid Township.

B. The above described north-south road alignment exists on a strip of land wide enough for the reasonable passage of two vehicles going in opposite directions along any part of said road, and twenty feet (20') in width with a main-travelled width of 16 (16') plus an additional two feet (2') on either side for drainage and back slope; and there exists a reasonable turning area (as was used prior to March 15, 1967) where entrance into or exit from the northerly end of the north-south road is accomplished.

C. The Defendants Tapia and McAllister having admitted to acts and threatened acts impeding the Plaintiffs' and Intervenor' use of said road, and the acts of Defendants Mike, Elen, and Larry Tapia in impeding, denying and blocking access having been wilful and without justification in fact or in law, the Defendants Tapia and Defendant Mary Pita T. McAllister are perpetually enjoined from interfering with, restricting or in any way impeding the use of the road hereinabove declared, by Plaintiffs, Intervenor, or any member of the public; and defendants Mike, Elen and Larry Tapia are directed to forthwith remove all poles, fencing and gate from the above described roadway.

D. Plaintiffs Peckham are awarded damages against Defendants Mike and Larry Tapia in the sum of \$5.00.

E. Plaintiffs' and Intervenor's costs of suit are allowed, and are adjudged against Defendants Mike, Elen, and Larry Tapia.

(signed -- Samuel Z. Montoya)

District Judge

Submitted:
WHITE, GILBERT, KOCH & KELLY

BY _____
for Plaintiffs

NBC-24

IN THE DISTRICT COURT OF SANTA FE COUNTY, NEW MEXICO.

STEWART L. PECKHAM, et al,

70 JAN 27 PM 3 07

plaintiffs,

vs.

NO. 38970

MIKE J. TAPIA, et al.,

Bl 174p 380-387

Defendants.

DECISION OF THE COURT

The Court, having heard the evidence and the arguments of counsel and having considered the requested findings of fact and conclusions of law, now renders the following decision:

FINDINGS OF FACT

1. The respective individual plaintiffs are citizens, residents and taxpayers of the County of Santa Fe, State of New Mexico, and of the United States of America.
2. Plaintiffs Stewart and Barbara Peckham are the owners of the N $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 15, T 16 N, R 9 E, N.M.P.M., Santa Fe County, which was patented to one of their predecessors in title by the Federal Government about the year 1916.
3. Plaintiffs Wendell G. Hall and Jewell L. Hall are the owners of the NW $\frac{1}{4}$ of Sec. 15, T 16 N, R 9 E, N.M.P.M., Santa Fe County, which was patented to one of their predecessors in title by the Federal Government about the year 1892.
4. The intervenor Charles Wilder is the owner of a certain tract of land situated in the county of Santa Fe, State of

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New Mexico and described as: The SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, T 16 N, R 9 E, N.M.P.M., containing 40 acres and which was purchased from Filiberto Tapia and his wife Carmelita R. Tapia.

5. The defendants are all heirs at law of the late Filiberto Tapia, grantor of intervenors property.

6. Defendants Mike and Elen Tapia are the owners of a five acre tract forming the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 10, T 16 N, R 9 E, N.M.P.M. The southerly boundary of this tract is a line constituting part of the Section line between sections 10 and 15, which line is also the northerly boundary of the Hall tract.

7. Defendant Larry (Lalo) Tapia is the owner of a ten acre tract described as the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of aforesaid Sec. 10; and this tract is situate East of and adjoining the Mike Tapia tract.

8. Defendants Max Tapia and Gennelle Tapia are the owners of a ten acre tract described as the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sec. 10; and this tract is situate North of and adjoining the Larry Tapia tract.

9. The above specified Defendants, hereinafter called "principal Defendants", are successors in interest to Filiberto Tapia, whose title in turn had its inception in a patent from the United States to one Andres Constante in 1923, Filiberto Tapia having acquired title in 1941.

10. The Peckham title has its inception in a patent from the United States to one Esquibel in 1916. The Hall title has its inception in a patent from the United States to one Bernard Hanley in 1892.

New Mexico and described as: The SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, T 16 N, R 9 E, N.M.P.M., containing 40 acres and which was purchased from Filiberto Tapia and his wife Carmelita R. Tapia.

5. The defendants are all heirs at law of the late Filiberto Tapia, grantor of intervenors property.

6. Defendants Mike and Elen Tapia are the owners of a five acre tract forming the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 10, T 16 N, R 9 E, N.M.P.M. The southerly boundary of this tract is a line constituting part of the Section line between sections 10 and 15, which line is also the northerly boundary of the Hall tract.

7. Defendant Larry (Lalo) Tapia is the owner of a ten acre tract described as the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of aforesaid Sec. 10; and this tract is situate East of and adjoining the Mike Tapia tract.

8. Defendants Max Tapia and Gennelle Tapia are the owners of a ten acre tract described as the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sec. 10; and this tract is situate North of and adjoining the Larry Tapia tract.

9. The above specified Defendants, hereinafter called "principal Defendants", are successors in interest to Filiberto Tapia, whose title in turn had its inception in a patent from the United States to one Andres Constante in 1923, Filiberto Tapia having acquired title in 1941.

10. The Peckham title has its inception in a patent from the United States to one Esquibel in 1916. The Hall title has its inception in a patent from the United States to one Bernard Hanley in 1892.

11. Plaintiff Hall acquired his tract in 1933 and constructed improvements thereon beginning in the year 1933 or 1934 and has ever since actively occupied and resided upon the land, except for relatively short periods during which he rented the premises to tenants.

12. At and before the time patent was issued to Andres Constante, and beginning at least as early as the year 1912, a public road had come into use and existed over and across the public land later patented to Constante. Said road extending at least as far South as the crossing of the Arroyo Hondo on the Hall property. Said public road crossed the Constante property (insofar as here material) in a Northeast and Southwest direction entering the Hall tract ~~at~~ the Northeasterly corner thereof. That portion of said road which is situate on lands now belonging to the principal Defendants, was referred to in the pleadings and the evidence as the "diagonal road" and will hereafter be identified by that term.

13. Beginning about the year 1946, the diagonal road and the road leading Southward therefrom to a point about 30 yards West of the Hall residence in the East-Central portion of the Hall tract was graded and maintained by the County of Santa Fe as a part of South Galisteo Road, and same are shown as an improved road on U.S. Geological Survey Maps of 1952 (Plaintiff's Exhibits 7 and 23), U.S. Geological Survey aerial photos of 1951, 1953 and 1954 (Plaintiffs Exhibits 8, 8-A, 9 and 10); and upon 1951 State Highway Department road maps of Santa Fe County, which map was used as basis for the Santa Fe County Road Maps of

1956 and 1959 (Plaintiffs Exhibits 14 and 15). The County installed a cattle guard on said road in the early 1950's at a point thereon a few feet Southerly of the North boundary of the Hall tract and on occasion has repaired same and cleaned it of silt and debris.

14. The diagonal road was represented and acknowledged in or about 1948 by Filiberto Tapia, the then owner of the land on which said road was situate as the public road leading into the Hall tract, in connection with said Filiberto Tapia's sale to Intervenor Charles Wilder of a 40-acre tract immediately East of the Hall tract.

15. In or about ~~August~~ August, 1959, at the instance of Defendant Larry Tapia, acting for his sole benefit or for the benefit of himself and Defendants Mike and Max Tapia, the County road grader discontinued maintenance of the diagonal road, and graded a new alignment to the Hall tract, the new alignment departing at the Northerly end of the diagonal road and proceeding Westerly for about one-tenth of a mile to the Westerly edge of the Larry Tapia tract, thence turning Southward and thence proceeding in a straight line almost due Southward (but slightly Westerly) to the entrance to the Hall tract. Up until March 1967, the County thereafter continued to grade and maintain this new alignment and on down to the Hall residence. (See Plaintiffs Exhibits 11, 12, 13, 19, 20, 16 and 18.)

16. The Plaintiffs herein, as well as the intervenor Wilder, and their predecessors in title continued to use the

ancient road

said road over its new alignment as described in Finding No. 15 above, and the said road continued to be graded and maintained by employees of the Santa Fe County Road Department. The so-called diagonal road was blocked by the Defendants by the placing of barriers thereon, but Plaintiffs herein took no affirmative action to remove said barriers and proceeded to use the new North - South road and have continued to do so until the present.

17. Plaintiffs Peckham purchased their property in 1966 and made improvements thereon in reliance, in part, upon the 1963 County Road Map, showing County Road 69 extending into the Hall tract.

18. Until the present controversy arose, no right-of-way fences had been placed on either the diagonal or North - South roads. The total gate and cattleguard entrance into the Hall tract was approximately 30 feet wide. The diagonal road had a main-travelled graded area 16 feet in width, plus drain gutters or trenches and "back-slope" thereto of approximately two to four feet on either side depending on terrain, and the reasonable overall right-of-way width therefor in the area in question was and is twenty (20) feet.

19. As admitted by the pleadings, the principal Defendants beginning about March 1967 stated they intended to interfere with and block Plaintiffs' access, strung a barrier fence across the diagonal alignment, placed fencing along the Northerly corners of the "North - South" road, placed a gate across said opening and stated they would padlock said gate. Said statements were communicated by said Defendants to the County.

20. The North - South road had approximately the same width of main-travelled graded area and trenching or drainage as the diagonal road. The acts of the principal Defendants on and after March 15, 1967, however, have materially reduced the formerly existing unfenced turning area where entrance or exit was made to or from the Northerly end of the North - South road and have materially reduced or narrowed portions of the North - South road.

21. Plaintiffs had no other feasible or reasonable means of access to their respective properties except by means of the diagonal or the North - South road, as the principal Defendants knew or should have known at the time they sought to deny and impede access.

22. Defendant Mike Tapia physically blocked access to the Peckhams for a period of approximately three hours in September 1967, resulting in delay to them and spoilage of groceries of a value of \$5.00.

23. The acts of the principal Defendants, and in particular the acts of Defendant Mike Tapia in restricting, impeding, and denying access, and in threatening to lock the gate placed across fence opening erected near the Northerly end of the North-South road was unwarranted and completely unjustified.

24. Aforesaid acts led to and were the proximate cause of the County's inability and unwillingness to maintain the North - South road and County Road 69 within the Hall tract, resulting in further delays and inconvenience to, and personal road maintenance work by one or more of the Plaintiffs during winter and other inclement weather from the Summer of 1967 to the present time.

36yrs
age

(2 1/2 yrs)
age

NBC-31

CONCLUSIONS OF LAW

From the foregoing Findings of Fact, the Court concludes as a matter of law:

1. Plaintiffs are entitled to declaratory and injunctive relief declaring, recognizing, and adjudging a public road over and across the lands of the principal Defendants.

2. Said public road should be declared and adjudicated as the North - South road with a main-travelled width of sixteen feet, plus an additional two feet on either side for drainage, drainage structures, and back-slope.

3. The acts of Defendants Mike, Elen and Larry Tapia in impeding, denying and blocking access were wilfull and without justification in fact or in law.

4. Defendants Tapia are barred and estopped from denying that the North - South road is the proper alignment of said public road across their respective tracts in the Southerly portion of Sec. 10, T 16 N, R 9 E, N.M.P.M.

5. All Defendants Tapia should be perpetually enjoined from interfering with, restricting or in any way impeding the use of the road hereinabove declared, by Plaintiffs or any member of the public.

6. Plaintiffs and intervenor are entitled to a declaratory judgment declaring, recognizing and adjudging their right of easement over and across the lands of the Defendants Tapia.

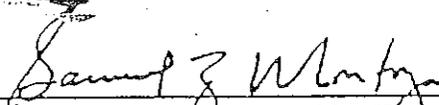
7. Plaintiffs and intervenor are entitled to a declaratory judgment declaring, recognizing and adjudging a public road over and across the lands of the Defendants Tapia. Said easement and

public road should be declared and adjudicated to have a sixteen foot travelled portion and a two foot allowance on each side of the roadway for suitable and safe passage of vehicles.

8. Said public road should be declared and adjudicated to be wide enough for the reasonable passage of two vehicles going in opposite directions along any part of the said easement and public roadway.

9. Plaintiff Peckham is entitled to recover from Defendants Larry and Mike Tapia direct damages for loss of groceries in the amount of \$5.00.

Let Judgment be entered accordingly.

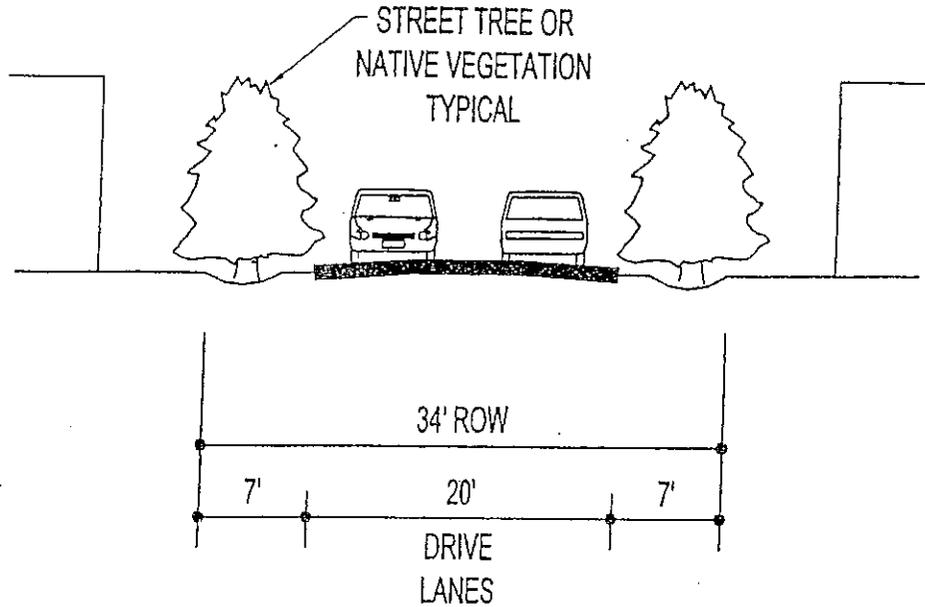

DISTRICT JUDGE

NBC-33

1
2
3

iv. Lane: this Section is suitable for low-density Neighborhood, Fringe and Rural areas.

1846039



Name:	Lane	Striping:	Centerline only
Category:	Living	Sidewalks:	Optional, may be "shared street"
Design Speed:	25 mph	Bike lanes:	No
Travel lanes:	2	Median:	No
Curb Radii:	10 feet	Drainage:	Swales
		On-street parking :	No

4
5

5

N3 C-3

EXHIBIT

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tabbles

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 - VARIANCES3.1 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

NB C-35

EXHIBIT

tabbles

G

Joseph Karnes asked to be heard about tabling one of the cases, Assistant Attorney Linda Trujillo suggested it would be more appropriate to hear Mr. Karnes request as part of the testimony.

Member Anaya seconded and the motion carried unanimously. [7-0]

IV. APPROVAL OF MINUTES: March 17, 2011

Member Katz moved to approve the March minutes as submitted. Member Martin seconded and the motion passed by unanimous [7-0] voice vote.

VI. OLD BUSINESS

The Tierra Bello Case remained tabled.

VII. NEW BUSINESS

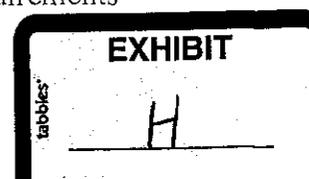
The Teresa Martinez and Linda Finkelstein cases were both tabled.

- C. CDRC CASE # V 11-5070 Joya de Hondo Road Variance. Gray-Hall, LLC (Damion Terrell), Applicant, Jenkins/Gavin Design and Development, Agent, request a variance of Article XV, Section 6.E (Community College District Road Standards) of the County Land Development Code to allow an off-site Living Priority Lane with a Right-of-Way ranging in size from 20 to 30 feet and a driving surface of 16 feet for a portion of the roadway (approximately 640 feet) for the purpose of creating a four-lot Summary Review Subdivision on 43.8 acres. The property is located off of Old Galisteo Way, within Section 15, Township 16 North, Range 9 East within Commission District 4**

Vicki Lucero read the case caption and gave the following staff report:

“The subject property is an existing 43.8-acre tract located off of Old Galisteo Way which lies within the Community College District. The lot is currently vacant.

“On April, 14, 2009, the Applicant submitted an application to Santa Fe County to create a four-lot Summary Review Subdivision on the 43.8 acres. As part of this submittal the Applicant was proposing to construct a 20-foot wide driving surface on Old Galisteo Way from Los Tapias Lane to the entrance of his property. County Staff reviewed the application and determined that it met the requirements



of the County Land Development Code. The Land Use Administrator was prepared to approve the plat when several of the neighbors filed an appeal of his decision claiming that as a result of a court order filed in 1970 the road surface could not be increased beyond the existing 16-foot wide driving surface on Old Galisteo Way from Los Tapia Lane south for approximately 640 feet.

“Upon review of the court documents, County Staff determined that the easement precludes widening of the road as required by Code.

“Article XV, Section 6.E.7.a.iv of the County Land Development Code provides that a Living Priority Lane shall consist of a 34-foot right-of-way with two 10-foot driving lanes. The Applicant states that because of the Court Order they are unable to make improvements that meet County standards to that 640-foot portion of road where only a 20’ easement exists. Therefore, a variance is requested for the width of ROW and width of road surface (16 feet). In addition, the ROW outside of the 640-foot portion is a maximum of 30 feet however on this portion of the roadway the Applicant will be able to construct the required improvements for a 20-foot driving surface so a variance is only needed to allow a ROW width of 30 feet for a length of approximately 470 feet.

“Article II, Section 3.1 (Variances) of the County Code states, ‘Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other non-self-inflicted conditions or that these conditions would result in inhibiting in achievement of the purposes of the Code, an applicant may file a written request for a variance.’

“The Applicant states that the 16-foot wide road surface within the 20-foot access easement is non-self-inflicted. Additional access was previously available through the Santiago Subdivision to the north, however, in 1985 the Board of County Commissioners vacated these easements which eliminated the additional means of access to the subject parcel.

“This request was submitted to the County Transportation Planner for review. The County Transportation Planner states that the proposed project lies in the vicinity, east of the conceptual alignment of the proposed Southeast Connector. Planning Staff analyzed the potential for connectivity between Old Galisteo Way and the Southeast Connector, which should be constructed within the next ten years. Planning Staff supports the proposed four-lot summary review subdivision and requested variance and believes that any further division of the remaining acreage should require that traffic be diverted onto the proposed Southeast Connector.”

Ms. Lucero stated staff believes that the creation of four proposed lots will not significantly increase the traffic on Old Galisteo Way. As part of the proposed subdivision, the Applicant will construct an approved fire turn-around within the subject

property. At the current time there are no Fire Marshal approved turnarounds on Old Galisteo Way. The construction of the turnaround provided by this development would benefit the entire neighborhood.

It is staff's position that the variance requested is unavoidable due to the ruling in the Court Order that would prohibit the Applicant from doing the required road improvements on the access road. This could constitute an extraordinary hardship to the Applicant as stated in Article II, Section 3.1 of the Code. Therefore, staff recommends approval of the variance requested subject to the following condition:

1. Any further subdivision of land will require a secondary point of access. This shall be noted on the plat.

Ms. Lucero stated a letter of concern from a neighbor had also been submitted. *[Exhibit 1]*.

Referring to the Sam Hitt letter received in the previous days *[Exhibit 1]*, Member Gonzales asked if notice requirements had been met. Ms. Lucero said the letter refers to the Melton-Robinson property that was not sent notice. She said that according to the Assessor's Office, that property is not within 100 feet. She added there is a sign posted on the property that would be seen by those neighbors. Staff felt that was adequate notice.

Duly sworn, Jennifer Jenkins, agent for the applicant, gave a presentation demonstrating the location of the property in the Community College District, the proposed lots and the roadways in question. She stated the 43.8-acre property is part of a larger parcel purchased by Mr. Terrell's grandfather in 1933. She showed the section of Old Galisteo Way under adjudication, which the County Attorney determined should be retained in its current condition rather than bringing it up to County standards, thus necessitating the variance request. She said other sections of the road will be improved.

Chair DeAnda asked what the plans were for the 36-acre parcel. Ms. Jenkins said there are no current plans.

Ms. Jenkins stated there were historically two other points of access/easements which were vacated in 1985, creating a neighborhood with one way in/one way out. She outlined possible future connectors contemplated for the Community College District.

Jeremy Damion Terrell, under oath, reiterated that he inherited the land as part of his grandfather's original 160 acres. He described his personal history, including his family falling apart, his time in foster care in Los Alamos and ultimately his working his way through college, something almost unheard of among foster kids. He said he feels a responsibility to the land and wants to leave a legacy. He has worked on covenants that will minimize impact and plans to leave 42 percent of the land as open space.

Those wishing to speak about the case were placed under oath.

Under oath, Sam Hitt, 48 Old Galisteo Way, distributed a proposal for converting the property to open space. [A copy was not made available for the record.] There were

attempts to have COLTPAC purchase the property but this was not economically feasible. Mr. Hitt described his vision for the land as being in an agricultural conservation easement with parcels leased out to growers from the farmers' market. He said this is an important floodplain with major ruins and a wildlife corridor. He stressed food security is a goal of the new Sustainable Growth Plan. He said he would like to continue to work with Mr. Terrell to place the land in a conservation easement.

Referring to the planned roads, Mr. Hitt said they are far in the future. He said the current traffic situation is unsustainable and "a disaster". The road is maintained by the neighbors. Touching on the issue of hardship, he said he did not see any financial documents in the packet material; Mr. Terrell should be required to prove hardship beyond a reasonable doubt. Since the easement issue has always been well known it cannot be called a non-self-inflicted condition.

Mr. Hitt said the Tapias did not know about the meeting as there was no posting and no certified mailing. He said the section of roadway under discussion is perhaps half a mile away from the proposed development. In the past the Tapias, who have been on the land for generations, were notified.

Chair DeAnda asked if the appeals referred to in Exhibit 1 had been resolved. Mr. Hitt said they had been but the situation is still unclear. Chair DeAnda asked for clarification on the 100-foot notification provision and Ms. Lucero stated notice is required for all property owners within 100 feet of the subject property boundary, excluding roadways and rights-of-way. With the exception of Mr. Melton all owners were notified by certified mail. The Tapia property is not within 100 feet.

Ms. Jenkins indicated when the original permit was requested the Tapias were notified because there would be construction activity adjacent to the land. In this case the intent is to leave that road alone.

Member Anaya asked if the owner had agreed to sell the land for open space. Mr. Hitt said a price was not agreed upon and the County did not have the funds to make the purchase. Member Anaya asked if Mr. Hitt's road would be affected, and he said he did not know. Ms. Jenkins said necessary improvements will be made to the remainder of Old Galisteo Way to ensure a minimum driving surface.

Member Katz asked about the extent of the property to be designated open space under Mr. Hitt's plan and Mr. Hitt said it was the entire property. He added the certified letter did not mention anything about road improvements.

Shelley Cobau stated detailed engineering plans are not required until after a variance is approved. Mr. Hitt said two variances are under consideration – one for 640 feet and another for 470 feet. The neighbors know nothing of the 470-foot variance request.

Member Valdez asked to see a copy of the certified letter.

In response to questions by Member Pato, Mr. Hitt said he has lived on his

property for 24 year and his house has been substantially improved. Prior to that the land was open space.

Returning to the notice issue, Mr. Hitt said the Melton land touches the Terrell property and this is the third time they have not been notified. Ms. Lucero indicated according to the Assessor's records that property is 280 feet away from the subject property.

Member Valdez asked when the new road was scheduled for. Land Use Administrator Jack Kolkmeier said staff is currently working on the transportation plan. He expects the southeast connector will be built within the next three to five years. Regarding the notice issue, Mr. Kolkmeier says the Assessor's map does not show the driveway access as being part of the Melton-Robinson property, and they rely on the Assessor's information.

Mr. Hitt provided a copy of the Melton-Robinson plat showing the driveway access as deeded land as required by the County.

Ms. Jenkins noted that applicants are not required to do research on the plats and said she would be happy to add Melton and Robinson to their mailing list.

Duly sworn, James Molkris, 19-year resident of 27 Old Galisteo Way asked how many of the committee had driven on Old Galisteo Way. He referred to the blind corners, creeping vegetation, and dips in the dirt/caliche road. He said if there is an oncoming vehicle one must stop to get by. He said the area is quiet and did not want to see any collector roads coming in, as this would make the area less safe. He said he was suspicious of the scale of the map provided. He doubted four lots would constitute a legacy for Mr. Terrell and asked the committee to consider the maximum potential for development and the impact it could have on the residents' quality of life. He pointed out there has been a trend toward dividing the lots into smaller pieces. He added everyone lives in a house that was once on open space.

Ken Mock, duly sworn, 60 Old Galisteo Way, explained he grades and plows the road for the Old Galisteo Way Road Association. He said the road is fine if people go slow. He said if there was a gate at the west it would alleviate the problem quite a bit without letting in crime.

Carl Tapia, under oath, said he owns five acres in the area. His grandfather purchased the property at great sacrifice, and his father lived on the property for 80 years. He has witnessed people using Old Galisteo Way for 59 years. He suspected there would be further subdivision after these lots are approved which will lead to more and more traffic.

Duly sworn, Greg Tapia, 34 Los Tapias Lane clarified that Old Galisteo Way is not a County road and never has been, since it runs through 640 feet of Tapia property. "We've given up a lot in our lifetimes...and we're not willing to give any more." He said

the traffic was now obscene and there was no reason to add more. He believed a connector road would bring in vandals, and that Mr. Terrell was trying to find loopholes.

A resident of the area for over 32 years, Tony Tapia, under oath, expressed her concern about what would be done with the 36-acre lot. She is worried about the aquifer and the road conditions. There are parts of the road where it is difficult for cars to pass safely and it would be difficult to get emergency vehicles in. Four more lots would affect the water and the traffic. "As the County knows, we're not going to give an inch on either side."

Duly sworn, Carl Tapia stated he was born and raised in the area and opposes the subdivision because it would create crime, dust and litter, and would affect the water table. If the subdivision proceeds his five-year old daughter would not be able to ride her bike on the road.

Under oath, Manual Pinon, a member of the Tapia family, said he has small children and it now unsafe due to people driving out of control. He said his shop has recently been broken into twice and the new lots would make it even more unsafe. He believed it would not stop with four lots and recommended that Mr. Terrell find other access.

Heidi Vittiger, duly sworn, from Rabbit Road said Old Galisteo Road is her favorite place to bike-ride. She asked what the current road width requirement was.

Ms. Cobau first reminded the audience that the question under discussion was not density or water availability but a road variance. The code currently requires a 20-foot driving surface for a local lane, the definition of which is based on traffic counts. She indicated the upcoming code contemplates narrower road standards to promote a village-type feel. This will call for a 14-foot driving surface for purposes of traffic-calming. She added this is the type of variance that is allowed by the code.

Ms. Vittiger said, morally speaking this is a no-brainer. As she understood it he proceeded without solving the access problem and is now claiming a hardship. "Well, whose fault is that?" She wondered if the new residents would chip in for road maintenance. She said the proposal pitted one man against a whole community that had lived in the area for a long time. "Either you can make a far-sighted, moral, eco-savvy, sustainable decision here, or you can accommodate this one man in his as he called it, vision." She said there would be grave repercussions for the people on the road.

Ms. Jenkins noted that the application is conditioned on the fact that any division of the fourth lot would require alternative access to the west, probably via the Southwest Connector. The Greer-Girard Family was contacted regarding securing access now but it was not financially feasible, and other means of access were pursued.

Regarding the road, she reiterated that where necessary and possible they will be improving the road. The new landowners will be required to contribute to road maintenance. While no one wants to see more traffic in their neighborhood she doubted three new lots would make a big difference. "Change is hard." She agreed it was a moral

issue in that people are allowed to develop their property within the limitations set forth in the code. At least 20 new lots have been created recently and none were required to come in for a variance. She pointed out that on the original 160-acre Tapia property just south of I-25 there are now 48 lots.

Member Katz asked about the original access to the 40 acres. Ms. Jenkins showed the historic route of Old Galisteo Way before it was realigned. Potential access easements through the Santiago Subdivision were vacated.

Member Katz asked if the new access would still have to go through the Greer property. Ms. Jenkins said the County will be involved in future negotiations.

Greg Tapia clarified that when Mr. Terrell's grandfather purchased his property it was landlocked and as a neighborly gesture, Filiberto Tapia granted an easement through his property, which resulted in his family being taken advantage of.

The public hearing was closed.

Member Anaya moved to approve the variance in Case #V 11-5070. Member Pato seconded and the motion carried 6-0 with Chair DeAnda abstaining. The motion was remade to include the condition.

Attorney Trujillo clarified that substantial compliance with notice requirements is called for and she recommended the motion include that the Melton-Robinson property owners be notified of any future meetings.

Member Anaya rescinded his previous motion and restated it to read: Approval of CDRC Case 11-5070 to include recommendations by staff. Further subdivisions of the land require secondary points of access, to be included on all plats, and also to include notice to all landowners specifically including Melton and Robinson. Member Pato seconded and the motion passed by unanimous 6-0 voice vote with Chair DeAnda abstaining.

Ms. Lucero stated the case will be heard by the BCC in June or July.

- D. CDRC CASE # V 11-5030 Ivan Salcido Variance. Ivan Salcido, Applicant, requests a variance of Article II, Section 4.3.2c (Family Proper) of the Land Development Code to allow a Family Transfer Land Division of 2.8 acres into two 1.4-acre lots from sibling to sibling. The property is located at 17 Corral Blanco Road off the East Frontage Road, South of the N.M. 599/I-25 Intersection, within Section 4, Township 15 North, Range 8 East, within Commission District 5**

Wayne Dalton gave the following presentation:

"The Applicant requests a variance of Article II, Section 4.3.2c of the Land Development Code in order to divide 2.8 acres into two 1.4-acre lots. The Applicant states he would convey 1.4 acres to his brother who originally helped him purchase the

June 3, 2011

County of Santa Fe

Santa Fe County Commissioners

Re: Development of 51 Acres -- Arroyo Joya Del Hondo Subdivision

Dear Santa Fe County Commissioners,

I am writing this letter on behalf of myself (Manuel Pena), my mother Shirley Tapia and my Grandfather Larry Tapia to object to the possibility for Damion Terrell to split any property he owns off of Old Galisteo Way.

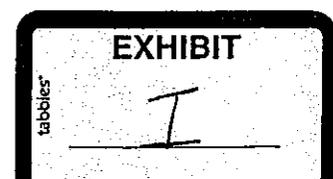
Mr. Terrell has inquired about widening the 16' easement to a 20' drivable easement on Old Galisteo Way. In which the Tapia Families have opposed for many years now. As you are probably aware the above mentioned easement is NOT a county road. This easement belongs to the Tapia Families, which have paid taxes on this property for over 80+ years. The easement was developed back in 1970 and was granted a 16' drivable surface so that Mr. Hall and Mr. Peckham could access their property. Since then the area has become severely over populated and has caused our family great grief. There are now many safety hazards due to this over population, such as speeding, making it unsafe for our children to play, noise pollution at all hours of the day, extreme dust and even theft. All of which had never been an issue or problem in the past. We feel that creating more homes in the area will only intensify these problems.

Mr. Terrell has recently stated that he needs to split and sell this property due to a financial hardship(no evidence ever submitted). To us, this is just a way to get himself started. Soon these lots will be sub-divided **AGAIN and AGAIN** just to make himself rich, and all these families will add to our road issues one family at a time. Mr Terrell is obviously using the loop holes in the system to build his subdivision one house at a time after being denied the last time! All this is going on and no one has yet to address where all the access will come from. You use to be able to drive down this road and see children riding their bikes, horseback riding and just spending true family time. Now if you see this, parents must accompany them just to keep them out of danger due to the congestion and traffic that is has already increased.

It is for these reasons that we oppose the development of Arroyo Joya del Hondo Subdivision and suggest that the Santa Fe County purchase the property from Damion Terrell to protect the Hondo Corridor as County Open Space or find accessibility other than through Old Galisteo Way. Please consider the people that have lived here for years and years, when making your decision.

Respectfully Submitted,

Manuel Peña



April 22, 2009

Damion Terrell
PO Box 4008
Albuquerque, NM 87196

Mr. Terrell,

I am responding on behalf of myself, my Uncle Carl Tapia and my Grandfather Larry Tapia to the letter we received dated April 16th, 2009 inquiring about widening the 16' easement to a 20' drivable easement on Old Galisteo Way. As you are aware the above mentioned easement is **NOT** a county road. This easement belongs to the Tapia Families, which have paid taxes on this property for over 80+ years. The easement was developed back in 1970 and was granted a 16' drivable surface so that Mr. Hall and Mr. Peckham could access his property. Since then the area has become severely over populated and has caused our family great grief. There are now many safety hazards due to this over population, such as speeding, making it unsafe for our children to play, noise pollution at all hours of the day, extreme dust and even theft. All of which had never been an issue or problem in the past. We feel that creating more homes in the area will only intensify these problems. I regret to inform you that not only do we oppose your request to widen the easement but we insist that you **DO NOT** make any improvements what so ever.

We have already experienced a tremendous increase in traffic, ever since the extension of Old Galisteo Road to Richards Avenue has been complete. We could only imagine how this small side street of Old Galisteo Way would be impacted as well. Should my grandfather and great uncle had known by allowing this easement back in 1970, that it would have added as much congestion as it has there is no doubt that they would have not given their consent. Nor would they have given consent if they had known that in later years that one of the individual they gave the easement for, that his grandson would try to go even further and get the easement increased. To us you have not appreciated nor honored the agreement put in place by my grandfather and great uncle with your grandfather. He would probably be pretty disappointed that you would even have the audacity to try and tell us that you're going to come and move our fence posts and that we don't even have a say. We completely understand that you too are in an awkward situation. With the land being given to you, we understand that you would like to develop your land and that it may benefit you financially. But we ask that it does not come at our expense (our land). Perhaps there is an alternative such as creating access through the Oshara Village (which borders your property) that way both subdivisions would have better access to the city, which to me seems more reasonable and convenient for yourself, your clients and our families as well.

So in conclusion, we are not allowing at this time nor any time in the near future to expand this easement. We are also not allowing any movement or improvement of our fencing or fence posts. Should you have any questions, feel free to contact us via mail.

Respectfully Submitted,

Manuel Peña

Larry Tapia

Carl Tapia

Cc:

- Jenkins Gavin, 130 Grant – Suite 101, Santa Fe, NM
- Santa Fe County Land Use, Attn: Land Use Administrator
PO Box 276, Santa Fe, NM 87504-0276

We the undersigned oppose any more development off Old Galisteo Way due to traffic, safety, private property rights and water concerns.

Name and Date	Address
John Tapia John TAPIA 4/30/2009	21-A Los Tapia's Ln SFNM 87508
Jonathan TAPA 4/30/2009	21A LOS TAPIAS LANE SF, NM 87508
Jeanette Tapia Jeanette Tapia 04/30/09	21-A LOS TAPIAS LANE SANTAFE NM 87508
Bernell Tapia	21 B Los Tapias Lane SF NM
Carl Tapia SR Carl Tapia SR 4/30/09	26A Los Tapias Ln Santa Fe NM 87508
Leticia Tapia Leticia Tapia 5/5/09	26 A Los Tapias / A. Santa Fe NM 87508
Nicolas Tapia Nicolas Tapia 5-3-09	26 A LOS TAPIAS LN SANTAFE NM 87508
Mary T. Tapia MARY TAPIA	26A-Ro. Tapia Ln SF 87508
Carl P. Tapia SR Carl Tapia SR	26A Los Tapias Ln. SF. 87508
Joe Tapia Joe TAPIA	284A RABBIT RD S ZONAS 7505
Javier Tapia Javier Tapia	284A Rabbit Rd. SFNM 87508
Angie M Tapia Angie M Tapia	284 B Rabbit Rd SF NM 87508
Daisy Tapia 05/04/2009	21 B Los Tapias Ln
Jesse Tapia 5-4-19	21-C Los Tapias Ln
Mary Jo Tapia Mary Jo Tapia	37 Los Tapias Lane
Marianne Tapia 5-5-09	26C LOS TAPIAS LN
Shirley Tapia 5/5/09	26B Los Tapias Ln
Simon Tapia 5/5/9	24 Los Tapias Ln. 87508
Casper Bulut A. 5/6/09	26B Los Tapias Ln
Gregory Tapia	26 A Los Tapias Ln
William Tapia	26C Los Tapias Ln
William Tapia	26A Los Tapias Lane SF NM 87508

June 3, 2011

Dear County Commissioners

My Name is Gregorio Tapia and my family resides off Los Tapia's Lane and Old Galisteo way. We have lived here continuously since the 1930's. We feel that our way of life and community is in jeopardy. Damion Terrell, the owner of a 43.80-acre parcel off of Old Galisteo Way, is requesting a variance that would allow him to subdivide his property.

If this variance is granted by you, it would have a terrible impact on my family and surrounding neighbors. Old Galisteo Way is a private easement and not a county road. If you choose to approve Mr. Terrell's variance you would be forcing us to provide access for Mr. Terrell's four lot subdivision. This may not seem like a big deal right now but we all know how developments start and end with more and more lots being made, sold and transferred.

Development off of Old Galisteo Way is making people rich and making money for Santa Fe County while leaving my family and my neighbors to foot the bill. The bill for us is an increase in traffic, dust, noise, vandalism, burglary, erosion and a strain on the aquifer.

The house I was raised in is a mere 20 feet from Old Galisteo Way. Long gone are the days of barbeques and enjoying the front porch because of the reasons listed above. It is difficult to sleep because of traffic and neighborhood kids cannot ride their bikes or horses because it is unsafe.

Mr. Terrell will tell you a story about his family legacy and how hard he has worked to get to where he is. He will tell you how much his property means to him. What about those of us who will remain here and have to deal with the decision of the County Commissioners? If Mr. Terrell cares for his property as much as he says, why is he carving it up and selling it to the highest bidder? He is seeing dollar signs and not taking into account the future of our neighborhood.

As I mentioned above, my family has been here since the 1930's. No one in my family has ever carved up their property and sold it. The simple reason being is this is our home and we will remain here for generations to come.

Before you make a decision on this matter, I urge you to drive down Old Galisteo Way and see what the traffic has already done to our properties and way of life. I invite you to eat a meal somewhere on Old Galisteo Way and see how much dust gets on your food. I would like you to think about how we have to deal with these issues every day.

Old Galisteo Way is an unsuitable access for the neighborhood as it is. To put more traffic on this road would be a disaster. If Mr. Terrell wants to develop, I suggest he should find a suitable access to his property other than Old Galisteo Way.

Please consider our position on this issue. A swipe of the pen for you will affect our family for years to come.

Thank You,

Gregorio Tapia

1 June 2011

Dear Santa Fe County Commissioners,

I am writing this letter to express my feelings about the 51 acre-parcel located in the Arroyo Hondo Corridor. I am in strong opposition to the proposed lot split by Damion Terrell of his property on Old Galisteo Way. The access to this property is granted by a private easement that belongs to my family.

This area has traditionally been a safe neighborhood for children and the elderly to grow and live. Recently, unfortunately, the increased development has led to a surge in vandalism, break-ins, traffic, erosion of the environment and a strain on our water supply. The road is no longer safe for walking, biking, and horseback riding due to the high increase in motor traffic.

It is important to me and my family that this area remains a safe place to live. My family has been here since the early 1930s. This land is an important piece of my heritage and a lasting legacy of my late father. I hope to someday raise my children here and provide them with the same safe, beautiful, and open environment that I was privy to grow up in. It is my fear that with the success of Mr. Terrell, all of the best qualities of this area will be destroyed.

I ask the members of the council to seriously consider the pleas and requests of the families that have been here for generations. This land and the communities of families that it hosts is so important to its inhabitants. It is a blessing to be able to live in a community where you know each of your neighbors and your aunt or uncle's house is within walking distance. It is our responsibility to preserve communities such as this one for the generations to come.

Thank you for your time and your contributions to protecting our heritage and community.

Sincerely,

Alexandria Layne Tapia

505-469-0530

Jim Victor
64 Old Galisteo Way
Santa Fe, NM 87508

July 8, 2011

Mr. Jack Kolkmeier
Planning & Development Director
Planning & Development Division
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

Dear Mr. Kolkmeier,

This letter documents my concerns, as former President of the Old Galisteo Way Road Association, with CDRC case number V 11-5070 Joya de Hondo Road Variance. Applicant Grey-Hall LLC (Mr. Damion Terrell) is requesting a variance of Article XV, Section 6.E (Community College District Road Standards) of the County Land Development Code to allow less than the required driving surface for a portion of Old Galisteo Way for the purpose of creating a 4-lot Summary Review Subdivision on 43.8 acres.

This is an appeal to you and our elected County Commissioners to consider the burden of further development on Old Galisteo Way and our neighborhood. The road currently does not meet County Code requirements. Unless needed upgrades are made to safely handle additional traffic on the road, Gray-Hall LLC, which does not own any easements on the road, will impose an unreasonable, unfair and unjust burden on all those that do.

Old Galisteo Way is a dead-end, private, dirt road that provides the only vehicular access for 20 households. Historic documents show it was once a County road and yet the County refuses to take any responsibility for its maintenance. At least 40 cars enter and exit a narrow, blind 15' passage where the road begins at Los Tapias Lane every day. Four more homes (eight additional cars) would result in a significant increase in traffic through this constricted passage. In addition to safety concerns, dust and noise negatively affect the adjoining homes. This variance will make a bad situation worse.

Less than half of the households served by the road voluntarily contribute to a road maintenance fund. As a result, resources are far from adequate to provide even minimum maintenance to the road as a whole. All road services, including rescue efforts during raging spring runoffs, are provided by the generosity of a few neighbors.

Gray/Hall LLC has declared a "financial burden" to qualify for a variance. Their financial burden has not been substantiated or documented. However, the residents served by Old Galisteo Way have paid almost \$250,000 in property taxes over the past five years

without receiving services such as road maintenance and snow removal enjoyed by other taxpayers. Our burden is substantial and plainly evident.

In addition, the Grey/Hall LLC burden is self-imposed because it could have been avoided by feasibility research or securing easements from the western portion of the property. Our burden is not a matter of choice. We live with inadequate and hazardous access that this variance will make worse.

In summary,

1. The entrance to the road is a blind intersection, unsafe to handle the existing traffic.
2. The road is without adequate resources to maintain an increased traffic flow.
3. No support is currently being provided by the county nor is any being offered.
4. The development will put more strain on the current taxpayers who are already unfairly taxed considering the lack of County services.
5. Gray/Hall LLC has claimed "a financial burden" to justify this variance without any sort of substantiation.
6. Public safety is being ignored entirely.

I respectfully request that some sort of substantiated evidence of financial hardship be provided before considering this variance and that serious consideration be given to the potential of securing easements for access from the west.

Sincerely,

Jim Victor

cc: Santa Fe County Commissioners

Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: August 9, 2011

TO: Board of County Commissioners

FROM: Vicki Lucero, Development Review Team Leader *VL*

VIA: Jack Kolkmeier, Land Use Administrator *JK*
Shelley Cobau, Building and Development Services Manager *SC*
Wayne Dalton, Building and Development Services Supervisor *WD*

RE: CDRC Case # Z/S 02-4325 La Pradera Master Plan Amendment, Plat and Development Plan

ISSUE:

Gardner Associates LLC and La Pradera Associates LLC (Alexis Girard) request a Master Plan Amendment to allow for the creation of 27 new residential lots within the previously approved La Pradera Subdivision and to allow for the previously approved 32,667 sq. ft. of commercial/residential area, parking lot and 11 condominiums to be replaced with 17 single-family residential, live/work lots. The application includes modification of the original approval that proposed the use of reclaimed water for irrigation and toilet water flushing on all private lots. The use of potable water is now proposed. Reclaimed water will be used to irrigate common areas only. The request also includes Preliminary and Final Plat and Development Plan approval for the 27 new lots and several lot line adjustments in Phases 2-6 and 4 Master Plat lots which could be developed into a total of 17 single-family, live/work lots (16,334 sq. ft. of previously approved residential space and 11 previously approved condos converted to single family lots) in Phase I. The property is located within the Community College District, west of Richards Avenue between I-25 and the Arroyo Hondo, within Sections 17 & 18, Township 16 North, Range 9 East (Commission District 5).

SUMMARY:

This case is tabled pending a public hearing by the CDRC.