

Background on Tesuque Fence and Wall Planning and Regulation

July 2021

Purpose of the Tesuque Community Plan Update

The Rio Tesuque Community Land Use Plan was originally adopted in the year 2000 and the Tesuque Community Plan was updated in 2013 as an amendment to the 2010 Sustainable Growth Management Plan (SGMP). The 2021 Tesuque Valley Community Plan Update was authorized by the Board of County Commissioners via Resolution 2019-47. The Tesuque Community Plan provides the regulatory framework that County staff use as a basis for updating the County's land use code, the Sustainable Land Development Code (SLDC).

Fence and Wall Concerns

After the initial 2013 Plan review and proposed recommendations were presented to the 2021 Tesuque Planning Committee, some members of the Committee brought another issue to discuss with the group: the fence and wall standards.

The intent of the 2013 Tesuque Plan was to protect a scenic corridor along Bishops Lodge Road and Tesuque Village Road:

Bishop's Lodge Road and Tesuque Village Road provide a scenic corridor, a spine through the community that connects us to our history and to each other. Preserving this unique corridor as well as our network of traditional narrow roads supports our rural lifestyles and the historic character of the valley. P. 23 of 2013 Tesuque Community Plan

Some members of the current planning committee make the argument that the ensuring restrictions on fence and wall heights for Tesuque in the 2016 Sustainable Land Development Code take away property rights by restricting property owners from building opaque fences and walls along Bishops Lodge Road and Tesuque Village Road. The point has also been raised that there are already approximately 60 property owners who currently have non-conforming walls or fences along this corridor, which would be subject to lower heights if they needed to be rebuilt for any reason.

Planning Committee Consensus Process

Santa Fe County works with communities by engaging a Consensus Decision Making Process. The Tesuque Planning Committee worked from Spring 2019 through Summer 2020 to resolve the fence and wall disagreement. In Fall 2020, a smaller "Consensus Decision Making Subcommittee" was formed by members of the Tesuque Planning Committee to research and present a consensus model for resolving a solution to the fence and wall element of the Tesuque Community Plan Update. One recommendation from the Subcommittee was to hire a facilitator outside of County staff to assist the process. The County has contracted the services of a facilitator for a few meetings to help the Tesuque Planning Committee to resolve the fence and wall issue. County staff will then resume facilitation of the Tesuque Planning Process to prepare a draft Tesuque Community Plan Update that will go through public input and County adoption process. Once the Plan Update is approved, Staff will draft revisions to the SLDC, which will then go through the public input and County adoption process.

2016 SLDC Regulations for Fences and Walls Countywide:

7.7. FENCES AND WALLS.

7.7.1. Purpose. The standards of this Section are intended to encourage construction of walls and fences that utilize traditional building styles and materials, as these vary throughout the county. The County finds that it is necessary for the public welfare to impose standards to improve and preserve the quality of fences and walls in residential neighborhoods in order to avoid blighting influences on neighborhoods and public safety problems.

7.7.2. Applicability. The following fences and walls are exempt from the requirements of this Section:

7.7.2.1. Walls or fences for agricultural purposes; and

7.7.2.2. Residential walls and fences no higher than six feet.

7.7.4. Standards.

7.7.4.1. Location and Height. Fence and wall locations and heights shall be as follows unless otherwise specified in the SLDC:

1. The maximum height of walls or fences shall not exceed eight feet; provided, however, that the height of pedestrian door or gate portals built into a wall or fence may be up to 11 feet.

2. The combined height of any freestanding wall or fence constructed atop a retaining wall shall not exceed 10 feet. When a combination of freestanding wall or fence and retaining wall greater than 10 feet is needed, multiple retaining walls or combined wall structures shall be used. Each retaining wall shall be set back a minimum of six horizontal feet from face-of-wall to face-of-wall and shall be a maximum of 10 feet in height. Setback area grading shall not exceed a one percent cross slope.

7.7.4.2. Materials. A fence may be constructed of permanent material, such as wood (including coyote fences and similar), chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, adobe, straw bale or other materials that are similar in durability. The following materials shall not be used for fencing subject to this Section:

1. Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence, except that such materials may be used to provide artistic decoration or enhancement so long as the primary materials are consistent with this Section;

2. Plywood, particle board, paper, and visqueen plastic, pallets, plastic tarp, or similar material; or
3. In subdivisions along the perimeter of a tract or parcel that abuts a collector or arterial road, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury.

Additional SLDC Standards for Safe Sight Triangle:

Figure 7.4: Safe Sight Triangle.

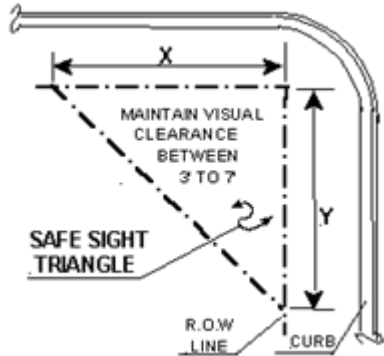
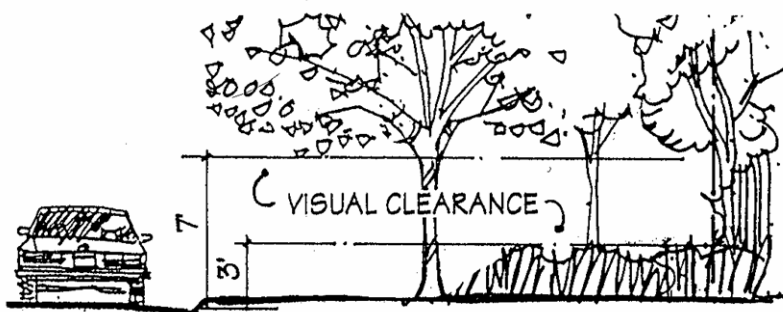


Table 7-14: Minimum Corner Setbacks for Safe Sight Triangle.

Intersection Type (x)	Intersection Type (y)	
	Road	Driveway
Road	40 feet	30 feet
Driveway	30 feet	n/a

1. No structure or planting (at mature growth) that exceeds three feet in height shall be permitted within a corner setback, except for utility poles, lighting standards, mail boxes, county or state traffic signs, and trees so long as the lower canopy of the tree permits a clear line of sight between three and seven feet above the road grade as shown in Figure 7.5.

Figure 7.5: Structures and Plantings within Corner Setback.



Existing Tesuque Community District Overlay standards for Fences and Walls in the 2016 SLDC:

9.5.2.1 Sustainable Design Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

9.5.2.1.1 Fences and Walls. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Intent. In order to maintain and enhance the rural character of Bishops Lodge Road north of the Santa Fe City boundary to its intersection with Hwy 285, fencing and walls in this area shall be built to reflect historic design patterns. Fencing in this area has historically been short, open fencing for farming and grazing management which created the sense of a small rural agricultural community.

2. A permit is required for any new or replacement fences or yard walls within 25 feet of any property line fronting Bishops Lodge Road and Tesuque Village Road.

3. Location and Height. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. Any new or replacement fences or yard walls within 25 feet of any property line fronting Bishops Lodge Road and Tesuque Village Road shall not be opaque above 3 feet in height. Coyote fences are considered opaque.

i. Any new or replacement front yard fence or wall with any opaque sections facing Bishop's Lodge Road and Tesuque Village Road shall incorporate landscaping with permanent trees, shrubs or vines for a minimum of 40% of the wall length.

b. Any new or replacement front yard fence or wall beyond the 25 foot setback may be fully opaque to a maximum of 6 feet and shall be landscaped to the Bishops Lodge Road or Tesuque Village Road side with permanent trees, shrubs or vines for a minimum of 40% of the wall length. See Chapter 7 of this Code for landscape standards for planting requirements.

c. Fencing and walls shall not exceed 6 feet in height.

4. Fencing Materials and Design. The standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

a. Fencing or walls above 3 feet but limited to 6 feet, must be constructed with materials that allow for safety for traffic by assuring clear visibility through the fencing.

b. Fence materials to be utilized above the 3-foot limit may not include glass or similar plastic or polycarbonate type materials.

c. Chain link fencing is prohibited.

d. Fencing and walls visually accessible from Bishop's Lodge Road, and greater than 30 feet in length, shall incorporate architectural offsets at a minimum of 1 every 30 feet.

e. All opaque portions of walls shall be colored in tones consistent with shades historically used in Tesuque, including earth tones, brown, tan, or white.