

Tesuque Fence and Wall Analysis

Summary Analysis of Bishops Lodge Road Fence and Wall Survey by Santa Fe County

Santa Fe County staff conducted a survey of fences and walls along a portion of Bishops Lodge Road in the Tesuque Overlay District, covering 125 properties. The purpose of the survey was to compare the existing fences and walls to the code standards for Tesuque Overlay District.

Although many of the properties do not meet the current standards of the Tesuque Community Overlay District, the properties may be legal nonconforming uses as identified in Section 14.6 Nonconforming Uses. This section of the Code states that any nonconformity that legally existed before the Code was adopted may continue. The survey was conducted as part of the Tesuque Community Plan update process for the purpose of reviewing the standards and to identify the issues related to fences and walls.

- Regarding Condition 2) No fence over 3', and Condition 4) Fence within the 25' setback, 55% of the 100 existing fences were not compliant.
- Regarding Condition 3) No fence over 6', and Condition 4) Fence within the 25' setback, 34% of the fences were over 6'tall and within the 25' setback.
- One fence along the survey route seemed to present driver visibility concerns. This fence also appears to be contributing to sediment build-up and contributing to erosion of the creek bed.

Overall, a variety of fences and walls exist on Bishops Lodge Road. They range from no fence, to overgrown vegetation hedges, to coyote fences, adobe walls, stucco walls, CMU walls, stone walls, wood fences, wire mesh fences, chain-link fences and metal pipe fences. Moreover, many of the fences contained a combination of materials, such as a stone wall with coyote fence or a horse fence with wire mesh fencing. Natural materials were the predominate feature, like wooden coyote fences, stone walls, adobe and stucco walls, and wood horse fencing were the dominate feature of the corridor's fencing design. Metal fencing (pipe and/or wire) appeared to present the biggest contrast to the organic fencing material features.

Sustainable Land Development Code Chapter 7- Sustainable Design Standards

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.

7.7.3. Livestock Fencing. It shall be the duty of the purchaser, lessee or other person acquiring the subdivided land to fence out livestock, where appropriate, in conformity with NMSA 1978, § 77-16-1.

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.

Sustainable Land Development Code Chapter 9- Tesuque Community District Overlay

9.5.2.1. 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. 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.