



COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO 1035) 521
I hereby certify that this instrument was filed
for record on the 5 day of Aug A.D.
19 98, at 8:11 o'clock m
and was duly recorded in book 1504,
page 103 - 130 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Rebecca Bustamante
Deputy

MINUTES OF THE

SANTA FE

1524103

COUNTY DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

April 30, 1998

This meeting of the Santa Fe County Development Review Committee was called to order on the above-cited date at approximately 4:00 p.m. in the County Commission Chambers by Chairman Sharon Woods.

Roll Call, which was followed by the Pledge of Allegiance, indicated the presence of a quorum as follows:

Members Present:

Sharon Woods, Chairman
Chris Martinez, Vice Chairman
Louie Gonzales
Steve Moya

Members Absent:

Eduardo Vigil
Barbara Vigil
Gene Bassett

Staff Present:

Rudy Garcia, Development Review Specialist
Penny Ellis-Green, Development Review Specialist
Oralynn Guerrerortiz, County Subdivision Engineer
Denice Kulseth, Deputy County Attorney
Vicki Lopez, Development Review Specialist
Dianne Lucero, Deputy Land Use Administrator
Ken Pin, County Planner
Steve Vogel, Fire Protection Specialist

APPROVAL OF THE AGENDA

Mr. Garcia informed the members that CDRC Cases #Z 98-5050 (Joe Babcock) and #DP 98-5140 (Miller Convenience Store and Gas Station) have been tabled. He noted that CDRC cases #SUB 98-5130 and #V 98-5200 both dealing with the Sandia Airpark would be heard as one item requiring two separate motions.

Member Moya moved to approve the agenda as amended. His motion was seconded by Member Martinez and passed by unanimous voice vote.

APPROVAL OF MINUTES: March 26, 1998

Ms. Kulseth corrected the minutes in regards to Vista Ltd. Commercial Zoning (#Z. 97-5650) on page 8: "The applicant has agreed to eliminate that request and limit the development to the following uses: lodging facilities, office, warehouse distribution operations, retail, restaurant, educational institutions, service/repair establishments, veterinary offices and private clubs/lodges.

Member Moya moved to approve the minutes as amended. His motion was seconded by Member Martinez and passed by unanimous voice vote.

LAND USE ITEMS

OLD BUSINESS

CDRC CASE #A/V 98-5110: Daniel C. de Baca, applicant requests an appeal of the Land Use Administrator's decision to deny a division of land to create three lots on 3.343 acres which would result in a variance of Article III, Section 10 of the Land Development Code. The property is located northwest of the intersection of I-25 and Entrada la Cienega within Section 6, Township 15 North, Range 8 East.

Ms. Lopez reminded the members that at last month's meeting the CDRC approved the appeal but postponed action on the variance until staff was able to review the site and development road improvement alternatives. Following a reading of the caption Ms. Lopez set forth the following information:

"...The road is built out to the full width of the access easement which is approximately 15'. It would be extremely difficult to widen the entire road. The northwest portion of the road is restricted by rocky, mountainous terrain. The northeast portion is restricted by an arroyo. There is also a utility box and utility poles placed along the easement at lots 3 and 4.

"The property is located near, but outside the La Cienega traditional community boundaries. It is within the Basin Fringe hydrologic zone where minimum lot size is 12.5 acres per dwelling with water restrictions of .25 acre feet per year. If a site specific geohydrologic analysis was submitted and approved by the County Hydrologist, it may be possible to obtain a 2.5 acre lot. There is, however, no means to divide this 3.43 acre lot per current code.

"The applicant has owned the property since 1986 which currently has one dwelling, one accessory structure and two septic tanks."

Ms. Lopez said that due to the difficult terrain and existing utility poles, it would be expensive to improve the existing narrow road. The access road does not meet code requirements, therefore staff cannot support a request to create additional lots to be served by this road and staff recommends denial of the lot size variance request.

Ms. Lopez directed the members to a letter received by staff from the La Cienega Valley Association in opposition to the request and in support of the Land Use Administrator's decision. [Attached as Exhibit A/V 98-5110 "1"]

Directing her question to legal staff, Chairman Woods asked if other lots on the road could be divided. Ms. Kulseth said it was possible other neighbors would come in with the same request to divide their property. She suggested that considering the potential impact on the road was certainly an issue the members should weigh when making a decision on this case.

Mr. Garcia said the below minimum lot sizes were created prior to 1989 through a family transfer and no geo-hydro was required.

Responding to Member Gonzales, Ms. Guerrerortiz said the lots were legal and allowed one well and one septic.

Duly sworn, Daniel C. de Baca said the lots have been in his family since 1951. He said the road was not as bad as the County was making it out to be. He said he had a mobile home brought up through that road.

He said the property has community water and referring to the opponent of this request, David Camp, Mr. C. de Baca said if Mr. Camp helped to fix the road it would be in much better shape.

Mr. C. de Baca said he had a deed with him dating back to 1951 and added that the property has been in his family for over a hundred years. He displayed a deed although copies were not made available for this record.

Ms. Guerrerortiz noted that the plat identified a well on the applicant's property. She asked him if he was using the well or community water. Mr. C. de Baca said he had La Cienega community water which is \$19 minimum cost per month and a well. He said he uses the well to water trees.

Mr. C. de Baca said he lives on the property and intends to continue living there.

There was no one present wishing to speak in favor of this application.

Speaking in opposition to the request and under oath was David Camp, 25 Teresa

Lane, lot #4, La Cienega. Mr. Camp said the road was too narrow to handle the traffic that splitting Mr. C. de Baca's lot would create. Mr. Camp told the members that last summer Mr. C. de Baca's truck broke down in the middle of the road and the entire road was blocked until his car was moved. "God forbid there should ever be a vehicle stalled in the road when one of the houses are on fire..."

Mr. Camp said he talked to County plat specialist, Emilio Gonzales, who stated that a 15' road was quite unusual. He said he was informed by Mr. Gonzales that it is unusual that the County requires the road to be brought up to current standards which is a 20' easement for a road that serves one or two houses. For a road serving three or more houses 38' was necessary. The 15' road currently serves three houses.

There were no other speakers.

Chairman Woods said she participated on the site visit and expressed concern that the road is not only narrow but has blind curves. More people using the roads increases the potential for a very serious accident.

Responding to Member Martinez, Mr. C. de Baca said he has three daughters and two would receive the newly created lots. The third daughter would eventually inherit his lot. The mobile home that was moved off the property at the County's request was inhabited by his stepson.

Chairman Woods pointed out that the La Cienega Valley Association supported the Land Use Administrator's position in denying this request.

Responding to Member Martinez, Mr. Garcia stated that lot 3 of the subdivision was within the traditional community boundary of La Cienega; however, Mr. C. de Baca's property was not within the boundary.

Ms. Kulseth noted that any adjustment to the boundary would require Board of County Commission action.

Learning that two lots of the subdivision were within the designated community, Chairman Woods asked how many lots could be made in the subdivision. Ms. Lopez responded four lots on each of the current lots.

Mr. Garcia explained that the family transfer allows the applicant to divide to half of the minimum which would permit 6.25 acre lots. The applicant's lot, which was created via a family transfer, is below the allowed family transfer.

Member Moya moved to deny the variance requested by the applicant. His motion was seconded by Member Martinez and passed by majority [2-1] voice with Member Gonzales voting "nay."

Chairman Woods informed the applicant that the variance request will be placed on the May 12 BCC agenda.

NEW BUSINESS

CDRC Case # DP 96-5511. Life Link Group Home. The Life Link, applicant, requests preliminary and final development plan approval for a twelve bedroom group home for the mentally ill. the property is located at 49 Camino Baja, east of State Road 14, within Section 25, Township 16 North, Range 8 East

Ms. Ellis-Green read the caption, summary and conditions as follows:

"On October 8, 1996 the Board of County Commissioners granted master plan approval of this project. The applicant is now requesting preliminary and final development plan approval to renovate an existing five (5) bedroom residence into a twelve (12) bedroom group home, with offices for staff and a crafts room, to be used as a permanent home for 12 mentally ill, disabled adults. The applicant states that this property will not be used as a shelter, there will be 24 hour staff on the property, and a caretaker will live in the existing guest house.

"Staff's position is that this application is in accordance with Article III, Section 4.4 of the County Land Development Code. Staff recommends preliminary and final development plan approval for a twelve (12) bedroom home."

The following conditions were proposed by staff:

1. A positive review must be received from the Environment Department prior to construction on the property.
2. If this property is served by the Santa Fe County Water Company in the future, this property will disconnect from the shared well and a fire hydrant shall be placed no further than 100 feet from the furthest structure.
3. This project is subject to all water conservation practices listed in Article VII, Section 6.6.2 of the County Code.
4. Any increase in the number of residents living in this home or any change of use shall be approved by the CDRC.
5. No resident will have been convicted of a violent crime.
6. The applicant will install a water meter and report the meter readings to the State Engineer's Office as specified in the shared well agreement.
7. The applicant will request a final fire inspection prior to occupancy of the building.
8. All improvements, including parking areas, liquid waste, landscaping and retention ponding, will be in place prior to occupancy of the building.
9. A business license is required and shall not be issued until all of the above conditions have been met.

There were no questions of staff and the applicant was invited forward.

Under oath, Carol Anderson, 107 Camino Cabra, Santa Fe stated that they were in

agreement with all conditions as imposed by staff.

Mr. Vogel stated that the interior sprinkler system would provide adequate protection for the facility. Ms. Anderson remarked that currently there are no hydrants on the road.

There were no other questions or speakers on this issue.

Member Gonzales moved to approve CDRC #DP 96-5511 with staff conditions. His motion was seconded by Member Moya and passed by unanimous [3-0] voice vote.

CDRC CASE # A/V 98-5190. Don Swartz Appeal. Don Swartz, applicant, is appealing the Land Use Administrator's decision to deny a permit to allow a second dwelling unit on 2.117 acres which would result in a variance on Article III, Section 10 (lot size requirements) of the Land Development Code. The property is located in the Chuck Taylor Subdivision, within Section 4, Township 15 North, Range 8 East

No one requested the reading of the entire staff report and Mr. Garcia read the caption and the following information:

"Mr. Swartz owns a 2.117 acre piece of property located within the Chuck Taylor Subdivision. The property is located within the Basin Hydrological Zone. The minimum lot size in this zone is 2.5 acres per dwelling, with a water restriction of .25 acre-feet of water per year. The property is located within an area where a 1.25 acre per dwelling for a family transfer.

"Mr. Swartz would like a permit for a second unit for his mother. He says she is very ill and needs very close supervision. Mr. Swartz also says there has been a second home placed on the property in the past. It is unclear when the second home was placed there and whether it was legal.

"Article II, Section 3 (Variances) of the County Code states that "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, 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.

"Article III, Section 10, (lot size requirements) allows only one dwelling on a 2.5 acre tract with a 0.25 acre-foot water restriction at this location. Due to

the requirements of the Code, the Land Use Department cannot support the request for a second home on 2.117 acres. Staff recommends denial of the request."

Mr. Garcia distributed a letter from the doctor of the applicant's mother supporting the need for her to be near family or some care provider. [See Exhibit A/V 98-5190 "2"]

Duly sworn, Don Swartz of 47-A Barranca Road informed the committee that he has lived on the property since 1976. At that time he had two mobile homes on the lot. He said his mother lived in one of the units and following her retirement in 1985 she moved into the city and he sold the mobile home.

Mr. Swartz said he understood his lot's grandfather status would never change even if the second unit was removed. He said in 1995 he saw an aerial photo at the County's Land Department which to him, proved he was entitled to two homes on his lot.

Responding to Member Gonzales, Mr. Swartz said when he had two homes on the lot they were both serviced by the same well and septic system.

Member Gonzales said he would be willing to give the applicant a two-year permit to place a mobile home on his lot to care for his mother. Mr. Swartz said he would like to offer the house to one of his sons in the event of his mother's death.

Member Martinez supported a temporary permit and recommended the applicant accept the offer to address the applicant's current situation.

There was no one present wishing to speak either for or against this issue.

Chairman Woods asked staff if they observed any violations during the site visit. Mr. Garcia said there was concern about the junk on the property; however, the applicant has begun cleaning and clearing the property. He added that County Code Enforcement will inspect the property again.

Member Gonzales offered the applicant a temporary permit again, and again, Mr. Swartz said he had two homes on the lot before and the grandfather status should stand. Chairman Woods explained to the applicant that not understanding the law does not grant an exception.

Ms. Kulseth explained that when there were two homes on the lot, the lot's status was "legal non-conforming." She said that the property cannot be changed unless the current day laws are adhered to. Once a structure has been removed or a use discontinued that was non-conforming, the law permits one year before the "grandfather" or "legal non-conforming" status is void. She explained that in this case the second home was moved off in 1987 and the lot is now in compliance with the law.

Ms. Kulseth explained to the committee that if the CDRC granted the appeal, two motions were necessary: the appeal and the variance.

Ms. Kulseth pointed out that if the CDRC believes the Land Use Administrator has misinterpreted the code, then overruling his decision is appropriate.

Member Gonzales moved to grant the appeal. Member Moya seconded the motion which passed by unanimous voice vote.

Member Martinez moved to grant the variance based on the applicant's hardship, and to provide the applicant a temporary two-year permit for the second mobile home which can be renewed by staff. His motion was seconded by Member Gonzales and passed by unanimous voice vote.

Chairman Woods informed the applicant that his case will be forwarded to the ECC on May 12.

CDRC CASE 3 A/V 98-5150. Ortiz Appeal. John Ortiz, applicant, is appealing the Land Use Administrator's decision to deny a request to divide 0.92 acres into two lots which would result in a variance of Article III, Section 10 (lot size requirements) of the Land Development Code. The property is located off State Road 503, within Section 9, Township 19 North, Range 9 East

Ms. Lopez provided staff's report as follows:

"On February 25, 1998, John Ortiz requested a land division of two lots on 0.92 acres. The Land Use Administrator denied this request on March 2, 1998, as the parcel did not meet the lot size requirements of the Code.

"This property is located within the traditional community of Nambe. Article III, Section 10 of the County Code states that the minimum lot size in traditional communities is 0.75 acres per dwelling unit except where both community water and community sewer are utilized. The property is served by an on-site well and an on-site septic system.

"The applicant is requesting a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to divide the 0.92 acre tract into two lots for the purpose of selling them to his nephews.

"The applicant and his siblings have owned the property since 1991. However it has been in their family for years. There are currently two dwelling units on the property. The applicant states that these residences were built in the 1940s. The survey plat was signed and dated by a licensed surveyor in 1977 and shows the two dwelling units. The plat, however, wasn't recorded until 1986."

Concluding her report, Ms. Lopez said staff recommends that the CDRC uphold the Land Use Administrator's decision and deny the appeal as it does not meet code requirements for lot size.

There were no questions of staff and the applicant was summoned forward.

Under oath, John Ortiz, Rt. 3, Box 4030, Española said the basic purpose of the variance falls under the Code. He said the property currently contains two homes where two family members reside. The two homes were built in the late '40s and share a well and septic system.

Responding to a question, Ms. Lopez said the one well has been serving the two homes since the '40s.

Mr. Ortiz said that the property will stay within the family and it is only because of the interest of the current residents (nephews) that want to purchase the property that the lot split has been proposed.

Chairman Woods expressed concern that the CDRC cannot legislate that the property has to be purchased by family. Member Martinez pointed out that the two homes have existed since the '40s and currently family members do live there.

There were no other speakers on this case.

Member Martinez moved to overturn the Land Use Administrator's decision and grant the appeal. His motion was seconded by Member Moya and passed by unanimous voice vote.

Member Moya moved to approve the variance with the conditions that the applicant provide easement for the shared well and septic; submit documentation that the septic system has been registered; and distribute equitable acreage between the two lots. His motion was seconded by Member Gonzales and passed by unanimous voice vote.

[The CDRC recessed from 5:15-5:25]

CDRC CASE # A/V 98-5170. John Lucero Appeal. John D. Lucero, applicant, is appealing the Land Use Administrator's decision to deny a request to allow two dwelling units on 0.935 acres, which would result in a variance of Article III, Section 10 (lot size requirements) of the Land Development Code. The property is located east of the intersection of County Road 101G and County Road 84, within the traditional community of Jacona, within Section 12, Township 19 North, Range 8 East

Ms. Lopez read the caption and provided the following summary:

"In 1996, John Lucero was granted a temporary mobile home permit so that his son could live nearby which would allow him to aid in the health care of his parents. In March of 1998, Mr. Lucero requested a permit to allow the mobile home to remain on the property. On March 10, 1998, the Land Use Administrator denied this request as the parcel did not meet the lot size requirements of the Code.

"This property is located within the traditional community of Jacona. Article III, Section 10 of the County Code states that minimum lot size in traditional communities is 0.75 acres per dwelling unit except where both community water and community sewer are utilized."

Ms. Lopez stated that staff recommends that the CDRC uphold the Land Use Administrator's decision and deny the appeal as it does not meet code requirements for lot size.

Duly sworn, Robert Lucero said he and his wife relocated to the property to care for his mother in 1996. He said his mother died in January '98 and prior to her death his father was diagnosed with cardiac failure. Since his mother's death, his father has deteriorated and is physically unable to care for himself.

Mr. Lucero said his father was not present this afternoon because the stress of this type of process could trigger a heart attack. He indicated that his wife is a homemaker and has provided a great deal of assistance to his parents.

Mr. Lucero explained that his father lives in a permanent dwelling and he and his wife moved a mobile home on the property through a temporary permit issued in 1996. He said his request was to extend the permanent indefinitely.

Responding to Chairman Woods, Ms. Lopez said the temporary permit has expired and can be extended.

Recognizing the applicant's need to care for his father, Member Martinez offered the applicant a two-year extension. Mr. Lucero said his father's prognosis is indefinite and a permanent permit would be better for his father so he isn't subjected to this stress every two years.

Mr. Lucero stated that the mobile home where he lives with his wife and two daughters is approximately 2,000 square feet and his father's home is approximately 1,700 square feet.

Speaking in opposition to the request was Maurice S. Andrews, Rt. 5, Box 225, Santa Fe who said he and his wife wanted the Land Use Administrator's decision to be upheld. Mr. Andrews submitted a letter setting out their opposition to the appeal. [Exhibit A/V 98-5170 "3"]

There were no other speakers.

Responding to a series of questions asked by Member Martinez, Mr. Lucero said he relocated from Albuquerque to care for his mother in 1996, seeks to maintain his father's quality of life and let him remain in his home and added that he still owns his home in Albuquerque and may one day return to live there.

Member Martinez moved to grant the appeal and overturn the Land Use Administrator's decision. His motion was seconded by Member Gonzales and passed by unanimous voice vote.

Member Martinez moved to grant a variance for a second dwelling unit on a temporary two-year permit with extensions if warranted granted administratively without an appearance before the CDRC. His motion was seconded by Member Moya.

Member Martinez said if the applicant's father is still in need of assistance, then the permit should be administratively extended.

The motion passed by unanimous voice vote.

CDRC CASE # SUB 98-5130. Sandia Airpark. Steve Woodward, applicant, Gonzalez and Associates, agent, request preliminary and final development plan and plat approval for a type III subdivision, to divide a 7.64 acre lot into nine commercial lots. The property is located within the Sandia Airpark Subdivision within Section 14, Township 10 North, Range 7 East

CDRC CASE # 98-5200. Sandia Airpark. Steve Woodward, applicant, Gonzalez and Associates, agent, request a variance of Article III, Section 4.4.4e (maximum lot coverage) to allow for lot coverage of up to 50% within a type III commercial subdivision. The property is located within the Sandia Airpark Subdivision within Section 14, Township 10 North, Range 7 East

Mr. Garcia read the caption and the staff recommendation. The entire report is provided below:

"The Board of County Commissioners in 1985 granted approval for a 99 residential lot subdivision, which includes an airstrip with 16.0 acres for hangar facilities.

"Then in 1994 the Board of County Commissioners granted master plan approval on 16.0 acres to allow for commercial uses, 99 hangars and taxiing of planes within the subdivision roads. The 16 acres were divided into two separate tracts of land, Tract A & B. A 60-foot wide access easement was created between these tracts.

"The applicant is now requesting a vacation of the 60-foot easement and a

division of Tract A into nine lots. The lots will range in size from 0.281 acres to 2.195 acres. These lots will be used for airplane hangars. The proposal is also requesting a variance of the code to allow up to 50% lot coverage for each individual lot.

"At the time of a building permit request, a detailed development plan will be submitted which addresses individual lot's drainage, landscaping, etc. Currently, there are 17 airplane hangars located on Tract A.

"Staff finds the submittal to be in accordance with the subdivision regulations for a Type III subdivision. Staff recommends preliminary and final development plan and plat approval of the subdivision, vacation of the existing 60-foot easement and approval of the variance request."

The following conditions were recommended by staff:

1. Damaged or dead vegetation located on the west landscape buffer strip shall be repaired or replaced to meet the original master plan requirements. Any trees or vegetation which dies or is damaged shall be replaced promptly.
2. The existing detention pond located in Tract B shall be maintained to handle storm water discharge from Tracts A and B to pre-development conditions. New tracts within the subdivision of Tract A must construct their own detention pond to reduce the capacity of the existing pond in Tract B.
3. Each new tract shall have direct access to a road that is 20-feet wide and have at least six inches thick of compacted basecourse. Drainage culverts and bar ditches are not necessary.
4. Prior to subdivision plat recordation, a financial guarantee acceptable to the County must be submitted to cover the improvements to the fire hydrant and water line extension, ponds and access improvements unless already installed.
5. Fire hydrants serving Tract A and B shall flow at 1000 feet (as hose may lay) of each proposed or existing structure.
6. The subdivision tracts are subject to all conditions and requirements of master plan approval. (Applicable points shall be placed on the subdivision plat.)
7. Except for the purpose of security and operations, residential dwelling units or housing are prohibited on the subdivision tracts in Tract A and B. Individual water wells are prohibited on subdivision tracts in Tract A and B. This shall be noted on the subdivision plat.
8. All access easements shall also be designated utility easements. Each utility company serving the area must sign the plat.
9. There must be a minimum of 20 feet of designated clear space leading to each hangar. Aircraft, automobiles, etc., may not park in this clear space. Such space shall be painted on the pavement or a sign posted on the hangars or building.
10. Signage boards, outside lighting, and storm water detention requirements of the code shall apply to all newly created tracts. (See note 2 regarding detention ponds.)
11. Maximum building or structure coverage on Tracts A-1 to A-9 shall not exceed 50% of the tract. Maximum building height must not exceed 24 feet above the perimeter

- of the building or natural grade.
12. A disclosure statement shall be submitted and recorded with the plat.
 13. Development plan for each new tract in the subdivision of Tract A is to be administrative reviewed and approved unless the proposed development generates 50 or more traffic trips in the peak direction during the peak hour.
 14. Lots in Tract A shall be limited to maximum of 0.25 acre-feet per year per lot water use. Water restrictive covenants shall be filed on the plat.
 15. All Subdivision Engineer redlines shall be addressed prior to plat recordation.

There were no questions of staff and the applicant was invited to address the committee.

Duly sworn, the applicant's agent George Gonzalez appeared before the committee. He distributed a site plan [Exhibit 98-5130 "4"] and indicated that the water use on the site is minimal with currently only one dwelling (the fixed-base operator) that has a full-bathroom, kitchen and leach field.

Responding to Chairman Woods' observation regarding Lot B, Ms. Guerrerortiz said the redlines will include a utility easement.

Mr. Gonzalez clarified that the existing buildings on Tract A-6 are being leased to an individual. He said they wanted to increase the size of tract A-6 and Mr. Garcia said there was no problem with that request.

Ms. Guerrerortiz explained that one of the conditions on the development prohibits water and sewer on lots under .75 acres and permits it on lots of a great size. She said staff has no problem with minor modification on lot size as long as conditions as proposed by staff are adopted.

Mr. Gonzalez said lot A-6 will be increased .15 of an acre to the .75 acre criteria.

There was no one wishing to speak either for or against this proposal.

Member Gonzales asked the applicant if he would accept a condition mandating all new structures are "earth tone" colors. Mr. Gonzalez said that was acceptable.

Chairman Woods recapped the additional conditions:

16. All new structures be an earth tone.
17. A septic easement be provided on tract B.
18. Adjustment of lot size on Lot A-6 to .75 acres.

Member Moya moved to approve CDRC Case SUB 98-5130 for preliminary and final development plan and plat approval with staff's 15 conditions and added conditions 16-18. His motion was seconded by Member Martinez and passed by unanimous voice vote.

Member Martinez moved to approve the variance for lot coverage for #V 98-5200. His motion was seconded by Member Moya and passed by unanimous voice vote.

CDRC CASE # Z 98-5080. White Falcon Gallery. Nirbhe Khalsa, applicant, requests master plan zoning with preliminary and final development plan approval for a 1000 square foot retail store. The property is located at the northeast corner of the intersection of State Road 106 and County Road 90A, within Section 12, Township 20 North, Range 8 East

There was no one wishing to hear the entire staff report, and Ms. Lopez provided the summary and staff recommendations as follows:

"The applicant is requesting master plan zoning with preliminary and final development plan approval for 1000 square foot commercial building on 1.437 acres, which will be used a retail gallery. The gallery would create a small scale commercial district with a radius of 500 feet around the intersection of State Road 106 and Shady Lane."

She indicated that the application is in accordance with the County Land Development Code. Staff recommends master plan zoning with preliminary and final development plan approval subject to the following conditions:

1. The master plan will be recorded with the County Clerk with appropriate signatures. It must also have the metes and bounds of the property tied to a permanent monument.
2. The developer shall call for and submit to an inspection by the County Fire Department prior to occupancy to determine compliance with the Life Safety Codes.
3. The applicant must file for a Change of Ownership for their well with the State Engineer Office.
4. The applicant will obtain a driveway permit from the State Highway Department prior to recording the master plan.
5. This property is to be used for commercial purposes only. Residences are not allowed. This shall be noted on the master plan.
6. Detention ponding is required. Drainage plans to size and locate detention ponding must be signed and sealed by a registered New Mexico engineer.
7. The applicant will include one more parking space for a total of six parking spaces prior to recording the master plan.
8. The project is required to have a business license. All other conditions must be met before the granting of a business license.
9. Covenants restricting water use to 0.25 acre-feet per year must be recorded with the master plan. The well must be metered, and annual water reports must be submitted to County Hydrologist.
10. The sign can be no higher than 5' if it is perched at the front property line and an additional 5' in height may be allowed for each 25' setback not to exceed 25' in height.

There were no questions of staff and the applicant was invited forward.

Duly sworn, Nirbhe K. Khalsa, Rt 3, Box 19 Shady Lane, Española and Mr. Singh Khalsa same address appeared before the committee. Mr. Khalsa said there has been extensive flood control done by both the State and County on the corner and he felt condition six was unnecessary. He said whatever falls on the lot will stay there. He said he was willing to have a registered engineer sign-off on it; however, it appeared to be "just another expense."

Ms. Guerrerortiz explained that the retention pond will reduce the amount of water leaving the site. She offered to have a County inspector review the site and if he/she determines that no water leaves the site because of natural detention that condition can be administratively waived.

There were no other questions nor other speakers.

Commissioner Martinez moved to approve CDRC Case Z 98-5080 with all staff conditions. His motion was seconded by Member Gonzales and passed by unanimous voice vote.

CDRC CASE # Z 98-5030. Allan Houser Compound. Allan Houser, Inc., applicant, Isaac J. Pino, agent, requests master plan zoning with preliminary and final development plan approval for the Allan Houser compound on 37.3 acres. Uses to include a foundry, business offices, recording studio, amphitheater, sculpture gardens, conference office, dance grounds, gallery and showroom. The property is located off County Road 42, within Section 12, Township 14 North, Range 8 East

Ms. Ellis-Green distributed two letter in opposition of the development [Exhibit Z 98-5030 "5" and "6"]

No one present required the recital of the entire staff report which is provided below:

"The applicant states that Allan Houser moved to this location in 1979. A number of permits have been issued by the Land Use Department for homes, workshops and studios. At the time that these were issued, it was considered that these were private uses for an artist; a gallery in the City of Santa Fe was dealing with Allan Houser sales and sculptures were produced off-site.

"In 1997 it came to the County's attention that business activities had moved to the subject property. The sculptures are not produced on-site and the business offices have been moved into existing buildings on the site.

"The family owns a total of 108 acres; the compound itself is located on 37.3 acres of this. The family owns land to the north, south and east of the

compound. The applicant states that property to the north and west are residential properties not owned by the applicants.

"The applicant is now requesting master plan zoning with preliminary and final development plan approval of the uses which are on the site. These uses are as follows: Foundry. The applicant states that only work by Allan Houser Inc. is produced at this foundry. No outside work is contracted. Work ranges in size from table top size pieces to sculptures 25 feet in height.

"Business offices. Approximately six employees work at the business offices. Sculpture gardens. There are two sculpture gardens. The first is approximately 1/2 acre and displays primarily Allan Houser pieces. The second is approximately five acres in size and displays work by Robert Haozous (Allan Houser's son). Visitor center. Family and corporate meeting space and a small space for visitors is located within the visitor center. Recording studio. This is primarily used by Allan Houser, Inc. and is located under the business offices. Amphitheater. Seating capacity is for approximately 300. The applicant states that there has been very little use for this facility. Dance grounds. This is used for ceremonial dances.

"Gallery and showroom. This area is for the display of smaller pieces of work and paintings. The applicant states that they plan on moving this use into the City of Santa Fe.

"Miscellaneous. Several structures are used for storage of molds and equipment. Residential. One single family residence is located within the compound and is occupied by a family member."

Ms. Ellis-Green indicated the staff's position was that this application is in accordance with Article III, Section 4 of the County Land Development Code.

Staff recommends master plan zoning with preliminary and final development plan approval subject to the following conditions:

1. The foundry will be used for the production of Allan Houser, Inc. work only.
2. Hours of operation within the foundry are limited to 8 am to 6 pm Monday to Friday. Large public events are limited to twelve days per year and no later than 9 pm with no more than 300 people attending. A large event is considered to have more than 50 people attending.
3. The gallery is to be operated on an appointment only basis.
4. The applicant will fence the northern boundary of parcel 10 and 200 feet of the eastern boundary of parcel 4, as shown in Exhibit E to prevent access to the neighboring property.
5. No off-site parking is allowed. During major events the applicant will provide traffic direction to prevent congestion on Haozous Road.
6. No off-site signs are permitted other than temporary signage to direct traffic during major events.

7. Water use is restricted to 1.8 acre-feet per year. Water restriction covenants will be recorded by the applicant. A water meter will be installed on the well serving the compound. Water meter readings will be submitted to the County Hydrologist every six months.
8. The applicant will obtain confirmation from the Environment Department as to whether the water supply is considered a public water supply.
9. All lighting within the compound will be shielded. Building illumination will be limited to access points only for safety purposes.
10. The drainage plan is to be approved by the Subdivision Engineer.
11. The applicant will meet with the Fire Marshal to set an agenda to bring the facility into compliance with the Life Safety Code and will provide access to the 3000 gallon water storage tank, to be approved by the Fire Marshal.
12. The master plan will be recorded prior to issuance of a business license.
13. Any change of use or expansion will require approval by the CDRC and BCC.

Chairman Woods remarked that it is always unfortunate when neighbors do not get along. She asked the public to please speak to the CDRC's jurisdiction which is limited to land use items.

Duly sworn, Ike Pino agent for the applicant said Allan Houser Inc. agrees to all staff conditions and comments. He pointed out that the compound is an existing use and the master plan does not contemplate any expansion of that use. All of the uses have been permitted over time and the request today is for zoning.

Responding to Chairman Woods, Mr. Pino said the large non-Houser sculptures can be moved at anytime. Chairman Woods recommended removal within 30 days. She pointed out to the applicant's agent that if the facility were to open its exhibits to artists' work other than Allan Houser, the applicant would be required to come back before the CDRC for approval. Mr. Pino said he understood that.

Mr. Pino indicated that he would be addressed the water availability issue before this item is reviewed by the BCC.

There were no other questions and the public wishing to speak to this issue were invited to speak.

Duly sworn Sumara Buchanan, 3A Jesus Road, Santa Fe said she had both recommendations and questions regarding this project. She asked how many employees will there be in total on the facility. She recommended the noise survey be conducted at her residence and that the runoff issue be addressed.

Ms. Buchanan said visitors of the Houser facility walk by her property and disturb her animals. She said it was very intrusive having people photographing her animals. She requested the CDRC place a condition on any approval that a 6' coyote fence to protect her privacy.

Ms. Buchanan said there was a very large sculpture less than 20' from her property

line and it appeared to her with 37 acres the Houser facility could site the piece further from her residence.

Ms. Buchanan also asked how many signs the facility proposes to place on the road. She said the traffic is truly a problem.

Duly sworn, Helen Boyce president of the San Marcos Neighborhood Association stated she has received phone calls on this application. The Association is concerned with noise and light pollution. She expressed concern that the facility will be using security lights and a great deal of noise will be generated from the recording studio and dance grounds.

Ms. Boyce asked whether this is a commercial zoning.

Duly sworn the facility's production manager Paul Oliver stated that there is a 1,000 gallon tank under the foundry for chemicals. All the chemicals go into the tank which is disposed of via a company that handles hazardous chemicals.

He said the foundry is surrounded by an 8' wall to reduce the noise pollution. He said the furnaces is fired up every three weeks for two days at two hours each of those days. Which relates, stated Mr. Oliver to four hours over a three week period. He said the furnaces are run during working hours not late at night or early in the morning.

As far as employees, currently there are six full-time employees and two part-time employees. Mr. Oliver stated that the employees clean the road side and are very concerned with the environment.

As far as signs, Mr. Oliver stated that there were some temporary 2'x2' signs that are posted prior to events to direct people.

Mr. Pino said the facility has only seen two large events: Allen Houser's funeral and Indian Market. The facility is open by appointment only and does not generate much traffic. He said a local gallery is working with the facility to open some sort of gallery during the day.

Responding to Chairman Woods, Mr. Pino said the applicant was willing to install a barbed-wire fence at the boundary line with Ms. Buchanan.

Member Martinez said a solid wood fence would address the neighbor's concerns. Mr. Pino said the traffic does not warrant the construction of a solid fence. Member Gonzales said he was certainly in favor of the applicant building a wall to protect the neighbor's privacy and alleviate any future problems.

Mr. Pino requested a few minutes to discuss the solid fence with his clients.

Ms. Ellis-Green explained that the property would be zoned as a "mixed-use" for only those uses listed in the application and is considered a zoning change.

Mr. Pino said the applicant is willing to construct a coyote fence between the Houser property and property to the north primarily in the area of the corral and to the east of that. He said that fenced area would be approximately 300'.

Member Martinez moved to approve CDRC Case Z 98-5030 with all staff conditions and the added conditions that a 6' solid fence be constructed for approximately 300' to screen Ms. Buchanan's corral and provide privacy (parcel 9) and remove the sculptures not made by Allan Houser within 30 days. His motion was seconded by Member Moya and passed by unanimous voice vote.

PETITIONS FROM THE FLOOR

None were presented.

MATTERS FROM THE LAND USE STAFF

Ms. Guerrerortiz informed the members that the BCC did not accept the CDRC's recommendation to limit appeals. She said the BCC wants everyone to have an opportunity to voice a grievance.

She said staff would begin to work on an amendment to the height ordinance for batch plants or other industrial uses.

COMMUNICATIONS FROM THE COMMITTEE

None were presented.

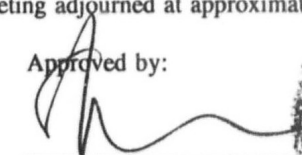
COMMUNICATIONS FROM THE ATTORNEY

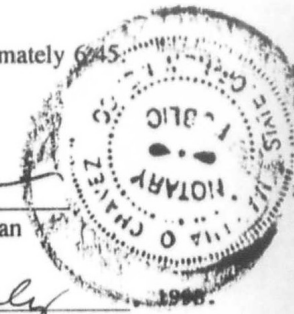
None were presented.

ADJOURNMENT

There being no further business, this meeting adjourned at approximately 6:45.

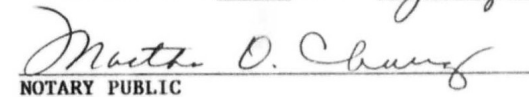
Approved by:


Sharon Woods, Chairman




Respectfully submitted:

NOTORIZED THIS 31st DAY OF July, 1998.


NOTARY PUBLIC

My commission expires: 12/15/2001

04-30-98, 14 11
1505827115
EXHIBIT
A11 24 510
11
OPPOSED TO MR. C DE BACA'S VARIANCE

Attention:

Vicki Lopez, Development Review Case Planner
Santa Fe County Land Use Department

1524122

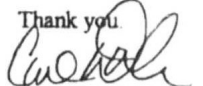
Dear Ms. Lopez,

The La Cienega Valley Association's Development Review Committee recently discussed Daniel C'de Baca's zoning variance request for property located on Theresa Lane in La Cienega.

The committee voted to support the Land Use Administrator's denial of the variance because it would violate existing zoning requirements.

If you have any questions please call me at 471-2193.

Thank you.


Carl Dickens, Chair



St. Vincent Internal Medicine Associates

Avelina Barriwell, M.D., F.A.C.P.

Lyle B. Ames, M.D.

Boudinot Atterbury, M.D.

4/27/88

To whom it concerns:

Mary Swartz (5/24/11) has been my patient and has several severe medical problems including:

- ① Congestive heart failure
- ② Coronary artery disease
- ③ Diabetes mellitus

She is on multiple medications.

It would definitely be in her best interest to be living closer to her family.

Sincerely,

Basil J. Gant

Route 5 Box 225
Santa Fe, New Mexico 87501
April 30, 1998

1524124

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

Re: CDRC Case # A/V-98-5170

Dear Sir,

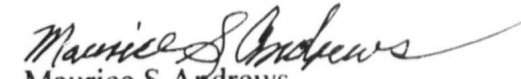
This letter is concerning the request by John Lucero to repeal the decision to deny by the Land Use Administrator the placing of a second dwelling on .93 acres, located 160-270 on Santa Fe County Assessor Map in Jacona, on County Road 84, Legal Description: Township 19 North, Range 8, East, Section 12, NMPM, Santa Fe County.. This would result in a variance of requirements stated in the Land Development Code, Article III section 10

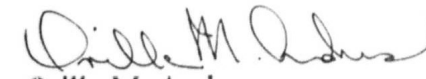
According to the reference Code, a dwelling requires at least .75 acre of land for a dwelling, which allows a safe area to help prevent pollution of the water source in surrounding areas, as well as the dwelling space. Drinking water and irrigation Water can be polluted by coliforms from septic tanks too closely placed.

We are property owners immediately to the west of Lucero's property. We have .75 Acres, with an existing a water well, approximately 35-40 ft from of the Lucero land. The well has existed at least 15 years. The Luceros have been aware of this well. The Lucero family has placed the new mobile home approximately 5 - 10 feet from the boundary fence; and is a large building which leaves very little space on the East and the West of it. The mobile home is placed above the ground, which makes it higher than other properties and walls to the West and North.

We request that you consider the many other property owners who have obeyed the County Land Use Code, and have respected the lot size requirements made by the county. The Code has been designed for the safety and respect of the very property owners who maintain, pay the property taxes, and create this desirable area for Families to be raised. Good community values create good schools for the children, safe paths to walk, and appreciate the natural beauty around us in the valley. As the breakdown of family and social mores; it becomes the need for fair and equitable laws to lead the way.

Yours very truly,

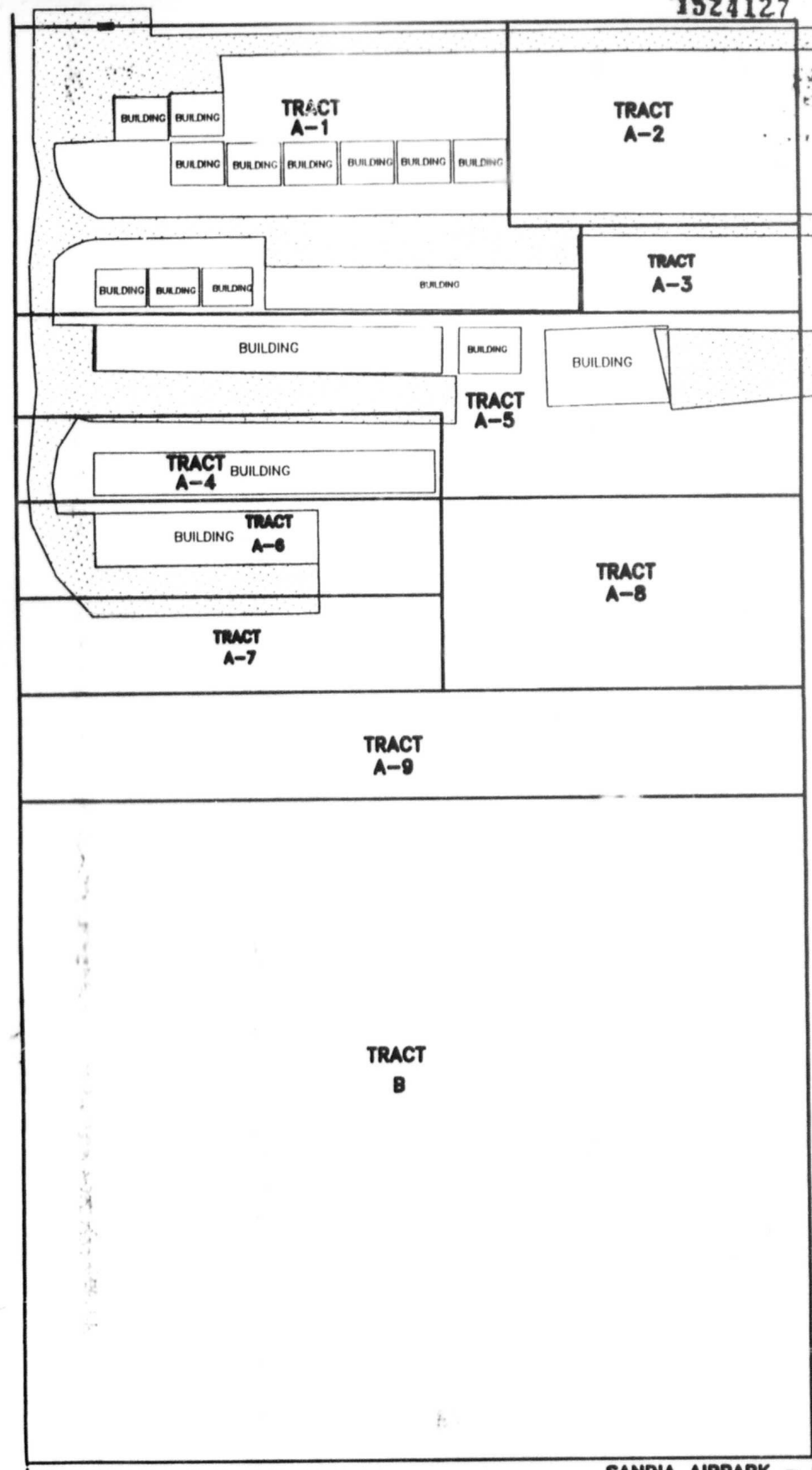

Maurice S. Andrews


Orilla M. Andrews

Inc. Santa Fe County Assessors Map:



1524127



SANDIA AIRPARK - COMMERCIAL SITE

1524128



SANDIA AIRPARK - COMMERCIAL SITE



1524129

April 14, 1998

Santa Fe County Land Use
Penny Ellis Green
P.O. Box 276
Santa Fe, NM 87504

To whom it may concern:

This letter is in reference to the Allan Houser Estate

I live in the adjacent area and when I purchased my home I decided that it was worth the drive and all of the other hassels of living so far from town, to be away from the hussel bussel of commercial industry, traffic congestion, noise pollution and crime.

Country living was and is my choice of a lifestyle. I choose and paid for a quiet and slower way of life. Now it is threatened by a commercial Art Gallery, Museum, Foundry, Recreational facilities, Sculptures Gardens, a large sales staff, several offices, Sound Studio and an Amphitheater, and who know what else! It's far too much for our small budding community.

The Allan Houser Estate belongs in an Industrial Park, so that small homeowners will not be open to hundreds even thousands of strangers every year.

Please do not place us in a difficult and compromising position. A deeply concerned homeowner.

Sincerely,

Bruce Jacobson

APR 23

1524130

Jill Kunka Cliburn

45 Crazy Rabbit Drive Santa Fe, New Mexico 87505

505/474-7313 fax 505/474-7314

E-mail JCliburn@aol.com



April 22, 1998

Penny Ellis Green
Santa Fe County Land Use
PO Box 276
Santa Fe, NM 87505

Dear Ms. Green:

I may be too late to voice my thoughts on the proposed expansion of the Houser Studio and Estate on Haozous Road, off CR 42. I received a copy of a letter from a concerned neighbor, which suggests that this will be a great detriment to the neighborhood.

It is difficult for me to judge, based on the little information I have, but my experience has been that the Houser Studio has been a good neighbor so far. It is an anchor that can improve the status of the area. We have had far worse problems on the eastern end of Haozous Road with renegade development and abusive land use practices. The Houser property is lovely and quiet by comparison.

I can see that it would be a problem if the Housers were to expand their foundry to the point of major industry. I personally do not believe that a gallery and museum, if properly managed, would lead to a highly disruptive atmosphere. Perhaps an entrance from CR 42 might be added, to lessen the intrusion into the residential area. I believe some oversight is necessary so the development is respectful not only of the neighbors, but of the lifestyle Alan Houser himself enjoyed here. But I can only imagine his family, which runs the estate, would agree.

Please keep me informed on this matter.

Sincerely,

Jill K. Cliburn