



Agenda

CITY CLERK'S OFFICE

DATE 9-9-14 TIME 1:25 pm

FILED BY *Geraldine Quintero*
RECEIVED BY *Geraldine Quintero*

AMENDED

PLANNING COMMISSION

September 11, 2014

Field Trip

Mutt Nelson Area

Meet at 200 Lincoln Avenue at 2:45pm or
at the Southside Library, 6599 Jaguar Drive,
at 3:30pm

Note: This field trip is for information purposes only. It is not related to any specific case or cases. Members of the public will be accommodated on the van as space allows.

Regular Meeting - 6:00pm

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: August 7, 2014

FINDINGS/CONCLUSIONS:

Case # 2013-80. Ross' Peak Preliminary Subdivision Plat.

Case #2014-63. 2750 Agua Fria Road and 1400 Boylan Lane General Plan Amendment.

Case #2013-64. Case #2014-64. 2750 Agua Fria Road and 1400 Boylan Lane General Plan Amendment Rezoning.

Case #2014-70. Hart Business Park- Phase II Preliminary Subdivision Plat.

E. PRESENTATIONS

1. Village Plaza and NM 599 Overpass at Jaguar Drive. An update regarding construction of Village Plaza in Tierra Contenta and the Interchange at NM599/Jaguar Extension. (Scott Hoeft, Santa Fe Planning Group, Inc., Agent for Commercial Center at NM599)
2. SWAN Park. An overview and update of the Southwest Area Node (SWAN) Park, a 90 acre Regional park located in Tierra Contenta. Status of construction of Phase 1 and design for Phase 2. (Mary MacDonald, Project Manager, City of Santa Fe Public Works Department)

F. OLD BUSINESS

1. **Case #2014-71. 5704 Agua Fria Road General Plan Amendment.** James W. Siebert and Associates Inc., agent for Paul and Rosina Gallegos, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for a 1.79 acre property from Neighborhood Center to Industrial. The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager) **(POSTPONED FROM AUGUST 7, 2014)**
2. **Case #2014-72. 5704 Agua Fria Road Rezoning.** James W. Siebert and Associates Inc., agent for Paul and Rosina Gallegos, requests rezoning of a 1.79 acre property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial). The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager) **(POSTPONED FROM AUGUST 7, 2014)**

G. NEW BUSINESS

1. **Case #2014-76. 17 Dos Hermanos Final Subdivision Plat.** JenkinsGavin Design & Development, Inc., agent for Dos Hermanos Trust, requests Final Subdivision Plat approval for a 5-lot single family residential subdivision. The property is zoned R-1 (Residential-1 dwelling unit per acre). (Dan Esquibel, Case Manager)
2. **Case #2014-79. 27 Ridgeline Road Variance.** Liaison Planning Services, Inc., agent for Alan Reeves, requests variances to 14-9.1(B)(8) connections and extensions of sewer mains, and 14-9.2(K)(1)(b) connections to city sewer services. The property is zoned R-1 (Residential-1 dwelling unit per acre). (Donna Wynant, Case Manager)
3. **Case #2013-98. 27 Ridgeline Road Lot Split.** Liaison Planning Services, Inc., agent for Alan Reeves, requests plat approval to divide approximately 2.5 acres into two residential lots. The property is zoned R-1 (Residential-1 dwelling unit per acre). (Donna Wynant, Case Manager)

H. STAFF COMMUNICATIONS**I. MATTERS FROM THE COMMISSION****J. ADJOURNMENT****NOTES:**

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**



Agenda

CITY CLERK'S OFFICE

DATE 8/22/14 TIME 10:45

PREPARED BY Geraldine Quintana
CHECKED BY M. Ortega

PLANNING COMMISSION

September 11, 2014

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CITY OF SANTA FE
PLANNING COMMISSION
September 11, 2014

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ITEM**ACTION****PAGE****OLD BUSINESS**

CASE #2014-71. 5704 AGUA FRIA ROAD GENERAL PLAN AMENDMENT. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENT FOR PAUL AND ROSINA GALLEGOS, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE DESIGNATION FOR A 1.79 ACRE PROPERTY FROM NEIGHBORHOOD CENTER TO INDUSTRIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED AT 5704 AGUA FRIA ROAD AT THE INTERSECTION OF SAN FELIPE ROAD AND AGUA FRIA ROAD

Approved w/conditions [amended] 15-29

CASE #2014-72. 5704 AGUA FRIA ROAD REZONING. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENT FOR PAUL AND ROSINA GALLEGOS, REQUESTS REZONING OF A 1.79 ACRE PROPERTY FROM SC-1 (NEIGHBORHOOD SHOPPING CENTER) TO I-1 (LIGHT INDUSTRIAL). THE PROPERTY IS CURRENTLY VACANT AND LOCATED AT 5704 AGUA FRIA ROAD AT THE INTERSECTION OF SAN FELIPE ROAD AND AGUA FRIA ROAD

Approved w/conditions [amended] 29-30

NEW BUSINESS

CASE #2014-76. 17 DON HERMANOS FINAL SUBDIVISION PLAT. JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR DON HERMANOS TRUST, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR A 5-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION. THE PROPERTY IS ZONED R-1 (RESIDENTIAL - 1 DWELLING PER UNIT PER ACRE)

Approved w/conditions a/amended 30-33

CASE #2014-79. 27 RIDGELINE ROAD VARIANCE. LIAISON PLANNING SERVICES, INC., AGENT FOR ALAN REEVES, REQUESTS VARIANCES TO 14-9.1(b)(8) CONNECTIONS AND EXTENSIONS OF SEWER MAINS, AND 14-9.2(K)(1)(b) CONNECTIONS TO CITY SEWER SERVICES. THE PROPERTY IS ZONED R-1 (RESIDENTIAL - 1 DWELLING UNIT PER ACRE)

Approved w/conditions [amended] 33-36

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**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
September 11, 2014**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Tom Spray, at approximately 6:00 p.m., on Thursday, September 11, 2014, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Commissioner Michael Harris, Chair
Commissioner Lisa Bemis
Commissioner Lawrence Ortiz
Commissioner John Padilla
Commissioner Dan Pava
Commissioner Angela Schackel-Bordegaray
[Vacancy]
[Vacancy]

MEMBERS EXCUSED:

Commissioner Renee Villarreal, Vice-Chair

OTHERS PRESENT:

Matthew O'Reilly, Director, Land Use Department
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Zach Thomas, Senior Planner, Current Planning Division
Donna Wynant, Senior Planner, Current Planning Division
Zachary Shandler Assistant City Attorney
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AMENDED AGENDA

Ms. Baer noted the correction on the Amended Agenda, under Findings and Conclusions where there are two cases for 2750 Agua Fria Road & 1400 Boylan Lane, one address. The first one is correct, Case #2014-63 General Plan Amendment, and the second has been correct to read Case #2014-64 Rezoning.

Ms. Baer asked the Commission to remove a portion of Matters from the Commission to the beginning of the Amended Agenda before the two listed presentations.

MOTION: Commissioner Padilla moved, seconded by Commissioner Schackel-Bordegaray, to approve the Amended Agenda as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Padilla, Pava and Schackel-Bordegaray voting in favor of the motion and no one voting against [5-0]

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – AUGUST 7, 2014

Commissioner Padilla said on page 37 of the minutes, he doesn't recall information on the Planning Commission training, or between the last meeting and this meeting. He asked if all Planning Commission members intend to attend that training.

Commissioner Pava said the clarification is that he simply reported that there is Planning Commissioner training available at the upcoming Conference of the American Planning Association New Mexico Chapter. He said the training will be offered on a Monday and Tuesday or a Tuesday and Wednesday, September 29-30, 2014, or September 30 and October 1, 2014. He can provide details to staff if they would like to send that out. He said Planning Commissioners will get a break on the registration for the training and to attend the Conference.

Commissioner Padilla didn't recall it being specific training developed for this Commission, and thought it was being done in conjunction with another conference.

Commissioner Schackel-Bordegaray said she attended a similar training in 2011 during the American Planning Association meeting in Santa Fe, and it was a good opportunity for Planning Commissioners from around the State to receive guidance and tips on how to be a Planning Commissioner.

The following correction was made to the minutes:

Page 13, Paragraph 3, line 2, correct as follows: ~~M~~Mr. Lamboy's..."

MOTION: Commissioner Ortiz moved, seconded by Commissioner Pava, to approve the minutes of the meeting of August 7, 2014, as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Padilla, Pava and Schackel-Bordegaray voting in favor of the motion and no one voting against [5-0]

2. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A copy of the Findings of Fact and Conclusions of Law in Case #2013-80 Ross Peak Preliminary Subdivision Plat, is incorporated herewith to these minutes as Exhibit "1."

A copy of the Findings of Fact and Conclusions of Law in Case #2014-63 2750 Agua Fria Road & 1400 Boylan Lane, General Plan Amendment, and Case #2014-64 2750 Agua Fria Road & 1400 Boylan Lane, Rezoning to C-2, is incorporated herewith to these minutes as Exhibit "2."

A copy of the Findings of Fact and Conclusions of Law in Case #2014-70 4501 Hart Road (Hart Business Park), Preliminary Subdivision Plat, is incorporated herewith to these minutes as Exhibit "3."

Ms. Baer said staff has no corrections to the Findings of Fact and Conclusions of Law in the following cases, other than the correction on the case caption she mentioned earlier.

a) CASE #2013-80. ROSS PEAK PRELIMINARY SUBDIVISION PLAT.

MOTION: Commissioner Padilla moved, seconded by Commissioner Pava, to approve the Findings of Fact and Conclusions of Law in Case #2013-80, Ross Peak Preliminary Subdivision Plat, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Padilla, Pava and Schackel-Bordegaray voting in favor of the motion and no one voting against [5-0].

b) CASE #2014-63. 2750 AGUA FRIA ROAD AND 1400 BOYLAN LANE GENERAL PLAN AMENDMENT.

MOTION: Commissioner Padilla moved, seconded by Commissioner Schackel-Bordegaray, to approve the Findings of Fact and Conclusions of Law in Case #2014-63, 2750 Agua Fria Road and 1400 Boylan Lane General Plan Amendment, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Padilla, Pava and Schackel-Bordegaray voting in favor of the motion and no one voting against [5-0].

c) **CASE #2014-64. 2750 AGUA FRIA ROAD AND 1400 BOYLAN LANE REZONING.**

MOTION: Commissioner Padilla moved, seconded by Commissioner Pava, to approve the Findings of Fact and Conclusions of Law in Case #2014-63, 2750 Agua Fria Road and 1400 Boylan Lane, Rezoning, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Padilla, Pava and Schackel-Bordegaray voting in favor of the motion and no one voting against [5-0].

d) **CASE #2014-70. HART BUSINESS PARK – PHASE II PRELIMINARY SUBDIVISION PLAT.**

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2014-70, Hart Business Park – Phase II, Preliminary Subdivision Plat, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Padilla, Pava and Schackel-Bordegaray voting in favor of the motion and no one voting against [5-0].

L. MATTERS FROM THE COMMISSION

SPECIAL PRESENTATION

Chair Harris presented former Chair Tom Spray with a plaque honoring him for his years of service, expressing appreciation for his service on the Commission.

Chair Harris said he followed Chair Spray at the Summary Committee as well as this Planning Commission, and congratulated and thanked him for his service.

City Councilor Lindell said it was an absolute pleasure working with him. She said he has been a leader on the Commission, coming to the meetings well prepared, and asked questions prompting all of us to think about things we wouldn't otherwise have thought about on our own, which she appreciated very much. She said, "You always put principles before personalities and that's a wonderful gift that you have. We did a lot of work together and we had a lot of fun together doing this, so thank you very, very much, I appreciate it. You've just been wonderful to work with." She said she served in the Planning Commission for some years, some of those years with former Chair Spray. She said this is an amazing group and the amount of time given by the members is amazing. She is grateful for the years she spent on the Commission. She said, "I'm grateful to all of you. Please stay in your seats because we need you and we'll look forward to working with you Tom on a project in the future."

Former Chair Spray thanked the Commission for this honor.

Commissioner Ortiz thanked former Chair Spray for his time, commenting he was great at running meetings, and always in control. He said Chair Spray has the record for the shortest meeting, noting he tried to break that record today, but it didn't work. He misses all the cookies and snacks. He said it was awesome working with him.

Matthew O'Reilly thanked former Chair Spray for how seriously he took his position, saying it can be difficult because sometimes the meetings are very contentious, and he always handled those with the utmost grace and professionalism. He said he always treated the public and applicants with great respect and courtesy, and we can't ask for more than that. He said without public testimony, the Commission is without a critical piece of the puzzle needed to make difficult decisions. He thanked him for his hard work on Chapter 14, and for his hard work on the Commission. He wished him the best of luck in whatever he is doing next.

Tamara Baer said, "On behalf of the staff, we appreciated that you led the way in taking our work seriously, and considered it in every case. You always came prepared, having read your packet, and I think that set a great example, as other previous chairs have before you. The entire Commission has always been great to work with. I think the leadership set the tone. The fact that you were prepared, everybody has followed your example in that as previous Chair O'Reilly and other Chairs as well. And we very much appreciate that. I think it makes us take our job to heart even more than we do and makes us try harder, because we know this Commission cares and pays attention and we work together, so thank you for that and for your aplomb and your preparedness and your kindness to everyone, the public, the staff and all around. You set a great example."

Former Chair Spray said, "I want to thank all of my colleagues, current and past, on the Planning Commission of the City of Santa Fe, and the extraordinary staff of the City of Santa Fe in the Planning Department. I hope the public, and I'm so glad people come in the open meetings and can take a look at this and see you all in action, how much work is performed by the employees of the City of Santa Fe on you all's behalf. It is truly, truly, extraordinary. I'd say you have no idea, but I don't know that. You may, indeed have an idea. But when you get to work with these folks on a daily basis, it's a different story, and you get a very deep appreciation. And the same thing from my colleagues as Commissioners. I like to think of as all, some are professionals up there, but I like to think of us citizen planners, and I mean that in the best sense of the word. The Planning Commission is a natural bridge between the governmental function and the citizens that it is designed to serve."

Former Chair Spray continued, "And the folks on the Planning Commission, I think one of the reasons why they give so much thought and care to it is they actually have to live with the decisions that they make. They live in the same community. They live by the same rules. Other governmental bodies, perhaps of a larger nature located somewhere else don't do that, and we can see the result of that. So I think it is extraordinarily fortunate that Santa Fe has people who care so much and work so hard at it. And the structure and the way it's been set up, ensures the citizens are heard. And I know during each one of this sessions, as alluded to by Matt, sometimes they can be contentious. But my feeling was, and I think everybody else here would agree that the public needs to be heard, and people need to be heard. One of the objectives of the commission as we stand in front of the public on that is to get everyone's input because everyone's input is important, it is all equally important. And that's why we establish time limits

and other elements as people come down the aisle to talk about what the issues are. But to make informed judgments, the Planning Commission needs to hear what the public has to say."

Former Chair Spray continued, "I was very proud to be able to lead some of those discussions on some of the more controversial topics that we had in front of the Commission over the couple of years where I was very privileged to be able to chair and lead this group. Again, I thank you all. I cannot thank you enough. It was an extraordinary experience for me. You've been very gracious in what you've said about me, and perhaps learned from me I'm sure by accident on my part. But I want to tell you I have learned a great deal from all of you, each one of you individually and collectively. Going through the process is extraordinary. And I commend the experience of being on a panel like this to anyone in the City, if they want to know what it's like, and they want to be a real part of what their city is and what the government is. It's a great experience to go through because you see it like no one can, from the inside. So I thank you all, I'll let you all get back to work and I will see you all later."

Mr. O'Reilly said the incoming Land Use Director is here, and asked if the Commission would like to meet her, and the Chair said yes and invited Ms. Martinez to the podium.

Mr. O'Reilly introduced Lisa Martinez, the incoming Land Use Director.

Ms. Martinez said she is glad to be here and anxious to be working with the City in the new capacity, noting she has been with the City a little more than two years and has done a few different things – overseeing Recreation and most recently IT. She said she is now going back to her roots, noting she is a former Director of Construction Industries Division for the State for 8 years, and worked in Construction Industries for 17 years, total. Her background is in architecture, planning, construction which are the areas she know the best. She said, "I am really excited to be in the new role and I look forward to working with all of you."

Chair Harris welcomed Ms. Martinez and said we look forward to working with her as well.

Commissioner Padilla said he and Ms. Martinez worked together in the past and he has enjoyed their relationship in developing projects in the County which were reviewed and approved through the State of New Mexico Construction Industries Division. He is grateful for the time she always provided when there were issues of review and approval, or conflicts in the process on which she deliberated fairly. He looks forward to the opportunity to work with her again in her new position.

Chair Harris said he isn't welcoming a stranger, and he has known Ms. Martinez for many many years, and has worked with her, knowing her to be a great problem solver. He looks forward to her leadership.

Commissioner Pava welcomed Ms. Martinez and said he looks forward to working with her.

Commissioner Pava said he would like to take a brief opportunity to wish Mr. O'Reilly good luck in his next assignment. He said, "I am sure you will bring the energy, intelligence, excitement and focus that you've shown here to that, and whatever else you do. And I look forward to working with you on those projects."

Chair Harris said, "We all agree with that, Mr. O'Reilly, Matt, if I may. I've also known you for a long time, but really got to know you and understand your intelligence and your drive in your role as Land Use Director. In my opinion, it has been an impressive performance in a public arena that's not easy, and I think you've done a great job and I wish you well. And I'm glad you're still with the City of Santa Fe quite frankly."

Commissioner Schackel-Bordegaray said she would echo the Commissioners' sentiments of welcome to Ms. Martinez, noting she has no previous interactions with her, so she is excited about the change, and looks forward to future interactions we have here on out, and wish you the best. She said, "I want to compliment your predecessor for the work he's done, thank him dearly, and appreciate you're not going anywhere too far. So, welcome."

Mr. Martinez said, "I have to say that Matt is doing a fantastic job orienting me and filling me in on everything that is going on within the department. So, it's been extremely helpful, and I appreciate it very much."

E. PRESENTATIONS

1. **VILLAGE PLAZA AND NM 599 OVERPASS AT JAGUAR DRIVE. AN UPDATE REGARDING CONSTRUCTION OF VILLAGE PLAZA IN TIERRA CONTENTA AND THE INTERCHANGE AT NM 599/JAGUAR EXTENSION. (SCOTT HOEFT, SANTA FE PLANNING GROUP, INC., AGENT FOR COMMERCIAL CENTER AT NM 599).**

Color copies of various aerial maps and drawings of the subject site, attached to an outline of the agenda for the Planning Commission Field Trip/Mutt Nelson Area of September 11, 2014, are incorporated herewith collectively to these minutes as Exhibit "4."

Scott Hoeft, Santa Fe Planning Group, Inc., Agent for Commercial Center at NM 599, said the last time he was before this group on this project was 3 years ago. He said he spoke with Ms. Baer a few months ago, and she said it would be a good idea for him to reintroduce the project and give a status report. He said he spoke with her yesterday and she told him there was a field trip today. He said, "What you have done since is to go to the site, visited it, driven around and you can see the work that has been done."

Mr. Hoeft presented information via overhead from the information in Exhibit "4."

Mr. Hoeft said, "Our concern is that there was a sense that nothing was happening on the project since 2011, and a ton has been done on the project. So what you saw there today was the entire site

graded. And what I have here is the commercial side of the project. The entire site has been graded and readied to be move forward with utilities, as well as the interchange has commenced. When you were on the site visit today, I don't know if you noticed the work on the interchange and the exit ramps and the off ramps that are starting, but that is underway as well."

Mr. Hoeft continued, "We lost a little bit of time, about a year, due to some utility issues as well as working with the Department of Transportation which was not an easy ordeal. Our first approval on the interchange was at the same time we got approval from this board for our 30% approval on the interchange, and that was in 2011. It took us 3 years to get an interchange approved through the Department of Transportation. That wasn't stop and start, it was active work going through their laborious process, which is a 30, a 60, a 90 and a 100% submittal. It's new territory. You don't see many privately funded interchanges, and so it took a long time."

Mr. Hoeft continued, "We got our notice to proceed from the DOT this year in May. And once we got that notice to proceed, work commenced pretty quickly. And so it is anticipated that the interchange will be completed May of next year, and that's our construction cycle on the interchange. The work on the site is pretty much complete in terms of the grading. We have that on hold at this stage, until we have the interchange complete. All hands are on deck to get the interchange complete."

Mr. Hoeft continued, "Also, in that process... on a project of this scale and size is that you have utilities that need to be relocated, so most of these issues kind of go unnoticed by the public. But we had a New Mexico gas line on 599. They happened to put it right at the location of the abutment of the interchange. \$250,000. We had to relocate it. We had the BDD on the other side of the road. That needed to be relocated, because it's in the location of our entrance ramp. We worked with Stan and Brian to get the effluent line through the site. And so we paid for our portion of that line that went through the subject site. That was another \$80,000. So each of these steps we were completing as well as all these other approvals were getting completed from the Department of Transportation."

Mr. Hoeft continued, "So all of those hidden items that most people don't really notice have been completed, and then immediately our work switched to the interchange. And then our work will begin to switch back to the site."

Mr. Hoeft said, "I just thought it would be a good idea to give you folks a status, because it has been 3 years since you've seen the project, as approved. It has been approved all the way through final development plan, both sides of the road, have been approved through the final development plan. As long as we're consistent with those plans, you won't see this project again. And I'll stand for any questions."

Chair Harris said we did visit the site and he appreciates the presentation. He said there is a lot of steel sitting, waiting calmly to start on the interchange itself. He asked Mr. Hoeft what is being planned for utility infrastructure in terms of sewer. He asked if they will be coming from the north to pick up sewer, or if there will be an independent line under the highway.

Mr. Hoeft said, "The effluent line that we talked about earlier came across. 'This' is the aerial sewer line here and then we took that through the site 'here,' and then came over to SWAN Park and went over to the tank, so that was the first piece of infrastructure on the utility site. And then the other utilities will be a water line that comes down Jaguar, it actually is hung off the interchange, so it has to cross 599 and continues on. There is also a water line that comes down Plaza Central to connect with that. The same thing with sewer as well. So down Plaza Central and then connection with Jaguar Drive, and then down to the south as well.'

Chair Harris asked if you are pumping from this location or do you have gravity from there.

Mr. Hoeft said, "We have gravity from there. The lower site, down below, which is on the other side of the arroyo which we haven't done any grading work on because that's a latter phase, that's going to need a lift station to pump up. But everything is gravity from there."

Chair Harris asked when the utilities will be going in.

Mr. Hoeft said, "The utilities are the items that have been put on hold a bit, because our emphasis has been on the interchange. The interchange had a million dollar cost over-run. It was coming in at \$5.5 million and ended at about \$6.5 million. And so our emphasis has been on getting the interchange done, because we recognize without the interchange we don't have a project, and that is what our emphasis has been. Our utilities have been put off due to the interchange at this stage."

2. SWAN PARK. AN OVERVIEW AND UPDATE OF THE SOUTHWEST AREA NODE (SWAN) PARK, A 100-ACRE REGIONAL PARK LOCATED IN TIERRA CONTENTA. STATUS OF CONSTRUCTION OF PHASE 1 AND DESIGN FOR PHASE 2. (MARY MacDONALD, PROJECT MANAGER, CITY OF SANTA FE PUBLIC WORKS DEPARTMENT.

Color copies of various aerial maps and drawings of the subject site, attached to an outline of the agenda for the Planning Commission Field Trip/Mutt Nelson Area of September 11, 2014, are incorporated herewith collectively to these minutes as Exhibit "4."

A copy of a map *Southwest Activity Node Park [SWAN], Park Master Plan Illustrative Plan*, is incorporated herewith to these minutes as Exhibit "5."

Ms. Baer noted there are exhibits in the packet of information [Exhibit "5"] which include the SWAN Park exhibits as well as what Mr. Hoeft was showing.

Mary MacDonald, Project Manager, SWAN Park Master Plan and SWAN Park Phase I, Facilities Division, City Public Works Department, presented information via the overhead from the information in Exhibits "4" and "5."

Ms. MacDonald said, "This is the Master Plan that was approved by the Council and a number of other groups prior to the Council approval, in very late 2011. In early 2012, the voters voted money for SWAN Pak in the GO Bond for both design and construction. So we proceeded with the design as soon as the bond sales were made. We got the first area design completed for Phase I, the western portion of SWAN Park, and went out to bid at the end of 2013. Got some very good pre-qualified bidders and very competitive and good bidders and proceeded with construction of February 2014."

Ms. MacDonald continued, "Originally, the plan was to complete Phase I, a little bit of change from the Master Plan. Phase I had a couple of interesting changes. You might note from your small version [Exhibit "5"] that we moved the orchard. It was too close into the flood plain and could easily have been washed away, literally destroying trees. The orchard was originally planned for 'here,' but we needed it for parking for what we hope is a well attended and well used multi-purpose field. We changed the multi-purpose field from artificial turf to natural turf for financial reasons. The budget was tight and as it turned out, with a complete lifetime cost analysis, natural turf was going to be much more affordable than artificial turf."

Ms. MacDonald continued, "And the other change was we did not do the hillside playground, but did a quite lovely and intricate dual level playground, which all of you will thoroughly enjoy, that's almost completely accessible. And did some nice drainage in the parking lot. Good basketball court, shaded picnic shelter and there's actually a shade sail over a good portion of the playground, it's a really big shade sail. So that's what they're in the process of constructing right now."

Ms. MacDonald continued, "We're not going to complete in the Fall. We'll have to come back in the Spring to plant because we had some issues with utility supply, and without the power, we couldn't power our brand new irrigation pump. All of the hardscape will be in, the playground will be complete. We'll be lacking planting, some bubblers and sprinkler-heads so they don't get stolen over the winter. And we're also going to bring in a smaller potable water supply line from up the hill just so in the early Spring we can have our 3 drinking fountains and our hose bibs for Parks to keep things washed down in this area under the picnic shelter and in the dugout area. So we're close, and the playground definitely will be complete. All of the non-planting things will be complete by the end of October. That's where we are on Phase 1."

Ms. MacDonald continued, "And for Phase 2, Capital Improvements Program bonds will be sold this month. And soon as the budget is established, we will go out with procurement and an RFP for designers of Phase II. We like to spread the City's dollars around and give equal competition to consulting firms, even though we've had two good contractors sequentially involved in this project. First Design Office for Master Plan and lately, Surroundings and Wilson for design of Phase I." She hopes to start design of the second phase which initially will have a lot of programming in January 2015.

The Commission commented and asked questions as follows:

- Commissioner Padilla asked what is a shade sail structure.

Ms. McDonald said instead of a hard seal or more hardened material, it has very strong, well placed poles that won't be in any of the safety zones for the play area which will be the anchor points for a 20-year shade over the center of the playground level, and should cover portions of both the upper and lower levels.

- Commissioner Padilla asked if this is the only shade structure, other than the picnic shelter, that is in this phase.

Ms. McDonald said, yes, until the 1½ to 2 inch caliber trees start growing.

- Commissioner Ortiz asked the term analysis of artificial versus natural turf.

Ms. MacDonald said the cost analysis on file was done for a 20 year period.

- Commissioner Ortiz asked if she is comfortable that the natural turf will root well in the soils there.

Ms. MacDonald said they already are in the process of adding amendments to the soil quite generously. The Landfill and Buckman Diversion are letting us pick up our own two-inch composted mulch, and we're using a lot of that as well as lesser amounts of other amendments, but the compost is coming from the County at no charge.

- Commissioner Ortiz said he has been working with the Pojoaque Valley School District to convert its natural turf to artificial turf. However, they have water issues and the soils are terrible. He has always thought the natural turf is cheaper in the long run, noting artificial turf has to be replaced about every 10 years.
- Chair Harris asked who is responsible for the extension of Jaguar Drive to take people to SWAN Park and when will it be complete.

Ms. MacDonald said the Public Works Department Director called a meeting with Commercial Center 599 about two months ago, and we learned about their current schedule for the improvements – plans for surfacing the road, installing utilities for later next year. This is the reason they are developing interim alternative plans for providing power and potable water which are the only utilities lacking. Effluent water is going to provide on-site landscaping water. The potable water for Phase I is just for the drinking fountains and hose bibs she discussed, which will be a one inch service line.

- Chair Harris who is responsible to extend Jaguar Drive.

Ms. MacDonald said, ultimately Commercial Center 599 under contract with Tierra Contenta Corp, is responsible for the roads and utilities to serve that part of the development eventually.

- Chair Harris said we just heard Mr. Hoeft say they are focusing on the interchange which will be May 2015, and he heard no commitment beyond that for other infrastructure improvements and utilities.

Ms. MacDonald said this is correct. She said the Public Works Department Director's plan at this time, after talking with other City staff and the consultants, is to install a base course top on Jaguar Drive extension and the Plaza Central extension toward the park.

- Chair Harris said, "The first phase of the project, lays nicely there in the Arroyo Chamiso, and looks great." He said assuming there is good access and people know about it, it will be a great addition to that part of our City and other parts of the City. People can come from the north side of town, down 599 and be at the park in a heartbeat, so he thinks it will be great. He is concerned about plans for bathrooms, noting hear they were going to use portables.

Ms. MacDonald said that is correct, and Phase I will be served by portables. The structures – the bathrooms, concession building and a Parks maintenance building are in Phase II. It is hoped to have a crew centered there after Phase II is built. Those buildings will require a lift station and a tie-in up the slopes to the closest and most convenient manhole above. They worked that plan out early on with Wastewater Division engineers. And for Phase I, given the budget, it wasn't practical to do a lift station and some kinds of temporary restroom facilities, because part of the master plan was the location of the centralized restrooms. She said the former Parks Division Director, before Ben Gurule, at the time was adamant during the development of the Master Plan that he didn't want smaller restrooms spread throughout the park. He wanted, for maintenance purposes, a single, centralized restroom building. That part may or may not stay that way as we go through the public vetting process in the future.

Ms. MacDonald continued, saying they wanted to work from the west and build toward the east, because it made sense with the primary access coming from Plaza Central. During the master plan phase it worked out that coming from Plaza Central is the main entry to the Park for now, and in the future, probably the other entry later to Paseo del Sol West will be a secondary entry, but that's yet to be developed.

- Chair Harris understands, saying the reason he asked Mr. Hoeft about their intention about utilities is in part for this issue here. It is important for a park of this size to have adequate access, adequate drinking water, as well as clean and safe sanitary facilities. He is concerned that may take a while. He said things will get off to a rough start if there isn't good access and good public restrooms. He said, as you work through it, if you keep that in mind from this particular Commissioner, I would appreciate it.
- Commissioner Schackel-Bordegaray thanked Ms. MacDonald for the opportunity to learn more about SWAN Park, because it is a significant investment in our community. She said we did have the benefit of cement today. She understands the phasing and draws from the experience of the City building the MRC in 1998 which was a new era. She said there never have been restrooms at the soccer fields, not that that's the answer and it is okay. However, we have made do.

- Commissioner Schackel-Bordegaray said, "This is more conversational with my fellow Commissioners, is that I do have faith that the City process, or maybe I'm urging that as evolutionary and that there will be a move to have restrooms built sooner than later, however that happens. I recognize that it's the topography of the site and the gravity and getting them there. And, I live near Ragle Park which is a regional park which is tiny compared to this. This tells you we're doing mega-projects now, but that park has some nice improvements now. There haven't been restrooms open there unless it is during baseball games. I'm just bringing this up because these are community issues – how we use our public spaces."
- Commission Schackel-Bordegaray said, "We were also watching and noting whether the street that stubs out at Fire Station No. 8, whether that's a future connection to SWAN Park. If you could comment on that."

Ms. MacDonald said, "What I am aware from the designers who have looked at the future, secondary access into the Park, we're expecting either in Phase II, possibly in Phase II or in Phase III for sure, we'll be talking to Fire and Police about the necessity for a secondary access. And the designers have already looked at that storm berm that looks now like an extension of Paseo del Sol West to the south of the Fire Station. It's actually a storm berm, that we'd go pretty far down that to connect the park road, not quite what is shown on the master plan. That would be too steep and too expensive a connection road. So there is kind of a logical nice place, and no matter what, it will cost some money. Because even it is to be used primarily for emergency vehicles at first, it still has to be base course and cold mix or something. I don't think it can be left as compacted earth for emergency access."

- Commissioner Schackel-Bordegaray said, "That tells me it's a topic of discussion and I would, like as a Commissioner, to highlight the importance of it and the need for public involvement as you talk about it further. That that not go under-addressed, and the access is really my concern. I understand from your presentation, building from west to east, but having been out there, and it is a lot of park and it's built in phases. So 'this' is the southwest portion, Southwest Area Node Park, be accessible and reachable to us over 'here' going that way, mostly immediately adjacent to Tierra Contenta. Off Mutt Nelson Road, we're looking for connectivity and I know this has been a big project, but as you find places along the way to increase connectivity, that's what needs to happen with a project this large."
- Commissioner Schackel-Bordegaray said, "And I'm a little concerned that if the access is considered just Plaza Central, because that makes it sounds like it's off 599 and the orientation is for Parks to be accessible to that. So I symbolically find that difficult to support as a City of Santa Fe resident. It's such a gigantic project. I think it should be as accessible as possible to everybody on the southwest side, Airport Road, so think of all the neighborhoods going in there, trails and access, not by car, to a park. And that means roads, not pedestrian access only. It means roads. It means connecting it to where we have a brand new Nino Otero-Warren Elementary School. That's the best hope. We saw that roundabout today, that stub-out. That roads connects to Tierra *[inaudible]*, I'm losing you all."

- Commissioner Schackel-Bordegaray continued, "We have to be educated as we develop this community property here and how our future neighborhoods work or don't work, that's is Tierra Contenta's land. Understandably, we don't know how that will develop, but that has to be a parallel access to that park – think in terms of access from the east and access from the north. And I understand the topography. We benefit with having the Deputy Fire Marshal with us today who indicated he understood that road would be developed as an emergency access. So let's not lose sight of that, and it's not just for emergency access. It's for kids that live in that neighborhood, Evergreen. Because you can walk down to the park there, they will let you do it. If there's no access there, they're going to have to drive you down to the park."

Ms. MacDonald said there is an existing asphalt trail from Jaguar Drive right now. They had to temporarily wipe out about 580 feet of it to get the big effluent line in and toward the tank, and then the smaller supply effluent line parallel in that same area. We plan to replace that section of wide asphalt trail which for a few years now has been accessible from Jaguar Drive somewhere east of Contenta Ridge intersection with Jaguar. We will be replacing the lower section that got wiped out and it will come right to the edge of Phase I."

- Commissioner Schackel-Bordegaray said, "Great, the more connections the better. It's a really large area. It's a really big neighborhood and people drive, and it's not just about trails, so that's my soapbox on that. You brought up something, Commissioner Harris, that I appreciate. We want people to know about it. So I would like to know the plans for signage about the City about this Park. Have we thought about that, and where – signs out on Airport, signs out on 599. This is a City asset that's being built with a lot of money and I want to know how we're going to invite people there and let them know about it. A lot of people don't know it's out there."

Ms. MacDonald said we will have a grand opening, commenting they always wanted the opportunity for a ribbon-cutting.

- Commissioner Schackel-Bordegaray said, "This isn't an attack at all. It is signage around our parks around the City. I guess maybe that's a direction to staff so there are signs on Airport Road about this community asset. Is there anything in the Code. How do we make that happen."

Ms. Baer said, "That's not really necessarily a Land Use issue. I think the signage in conjunction with any Parks projects is going to come out of Public Works, and they will have to coordinate it with the State DOT and NMDOT because it will be on, probably, some of their right-of-way."

- Commissioner Schackel-Bordegaray said, "One of the members of our van was a little concerned that we may just always call this the Swan Park, which I personally don't think it's a problem. Maybe it'll be an identifier and a symbol of a motif, but think about what we should be calling it." She suggested a contest to name the park.

Ms. MacDonald said the best idea offered to date and they probably can work on this over the winter, noting the City is rather understaffed in website help, and setting up programs within the website. We've had consultants helping with that in the past, working with the Department, but the

best idea offered to date is to highlight and gather information and have a vote on the City's website – do it on a very wide, public survey basis.

- Commissioner Schackel-Bordegary said the OSE's office is losing its information officer, Ms. Martinez, to the City, so she'll plant that in her ear while she is working her for another week at the OSE's office.

F. OLD BUSINESS

1. **CASE #2014-71. 5704 AGUA FRIA ROAD GENERAL PLAN AMENDMENT. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENT FOR PAUL AND ROSINA GALLEGOS, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE DESIGNATION FOR A 1.79 ACRE PROPERTY FROM NEIGHBORHOOD CENTER TO INDUSTRIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED AT 5704 AGUA FRIA ROAD AT THE INTERSECTION OF SAN FELIPE ROAD AND AGUA FRIA ROAD. (ZACH THOMAS, CASE MANAGER) (POSTPONED FROM AUGUST 7, 2014)**

Items F(1) and F(2) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum, with attachments, prepared August 26, 2014, for the September 11, 2014 meeting, to the Planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, regarding Case 2014-71 and 201472, is incorporated herewith to these minutes as Exhibit "6."

The General Plan Amendment & Rezoning Report, prepared for Paul & Rosina Gallegos by James W. Siebert & Assoc., Inc., dated June 2014 is on file with and can be obtained from the Land Use Department.

Zach Thomas presented information in this case via overhead. Please see Exhibit "6" for specifics of this presentation.

Ms. Baer noted that Keith Wilson, MPO, is with us this evening to answer any questions.

Public Hearing

Presentation by the Applicant

James Siebert, 915 Mercer, Agent for the owners was sworn. Mr. Siebert presented information using an enlarged drawing, a copy of which is in the Commission packet. Mr. Siebert said, "The way we left it, as I recall, I think a lot of the policy issues were discussed pretty thoroughly on this particular project, and the issue of the Trail came up. It was difficult to tell whether the trail would be on

this side or the other side of the property line. We did meet with MPO staff and the Gallegos family agrees to provide a 15 foot easement along the eastern property boundary."

Mr. Siebert continued, "I would like, I think, the Commission to consider something and that is the extraordinary burden that I think the Gallegos family is carrying in this particular project, given the scope of it. Let me talk about the road first. One of the conditions is that 'this' is the 82 foot right of way that the City acquired at one time, and then subsequently, the City Council decided that from South Meadows, the idea was to continue Rufina Street through to San Felipe Road. But at one point, the City Council adopted a Resolution and said they had no intention of ever extending Rufina Street. The requirement is that the Gallegos, or future owner would be responsible for constructing a full width roadway within that 82 feet. The 10 foot trail that Mr. Thomas talked about, is located 'here.' The trail that connects, actually there is an existing trail that terminates 'here' in Agua Fria. The trail we talked to MPO about is on the east side 'here.' Part of this rezoning, the Gallegos family would grant a 15 foot easement for the trail, and the subsequent buyer or developer of the property would be responsible for constructing the 10 foot trail."

Mr. Siebert continued, "The other thing that is happening is that the Traffic Division would like to see a roundabout constructed 'here,' so there would be additional right-of-way that would be required for the construction of the roundabout. And what I just simply wanted to point out is on the road, 'this' is State land. State land is not subject to any kind of City review. They can do anything they like, and they have. You can see there are no sidewalks associated with this development whatsoever. In my opinion, it's going to be very unlikely that 'this' road is going to be extended across State land, because they have no obligation to do it, nor do they have any intention. Their access is going to be through Agua Fria. 'This' is the Zia Manufactured Home Subdivision, and I would find it very highly unlikely that that section of the road would be completed without private development, because the City Council has already said we're not going to extend that road.'

Mr. Siebert continued, "So, there's no real private developer along here that is going to be building this roadway. So, in my opinion, what you will have is an extension of road for this length that basically goes nowhere. So I would just like the Commission to consider that. I think an option would be that they would use 'this' as the access. They would build a 20 foot paved roadway to the end of the property and then the issue of the trail. There's a trail 'here' and a trail 'here,' I guess I'd like the Commission to consider if the obligation would be that they would construct one of the trails, but not both of the trails. And with that, I will answer any questions you may have."

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Pava said, "When I look at the zoning map in the Staff Report and I see the area that's been highlighted, identifying the parcel proposed for a change in zone. What I notice is to

the south, the area that we've been talking about, there will still be what I guess I would refer to as another lot and if we were to change the zoning on this to something other than the SC-1, that piece to the south, the Rufina right-of-way remains SC-1. Is that correct."

Mr. Thomas said, "There is the subject parcel, the right-of-way to the south and then the parcel south of the right-of-way. That parcel actually is zoned I-1. It's kind of hard to see, but it's the right-of-way that's actually SC-1. The parcel to the south is actually I-1."

- Commissioner Pava said, "Now I understand. So my follow-up question, and I understand I heard the Governing Body at one point had a Resolution perhaps, endorsing or stating this could be vacated. It's not going to be used. How far a stretch is it to offer this for vacation and offer this property to adjoining property owners."

Mr. Thomas said, "There was adoption of a Resolution, it actually is included in your packet as Exhibit D in the August seventh packet. Regarding any kind of vacation of it, to be honest, I wouldn't be in a position to answer that. We had some kind of vague discussion about that during staff conversations. There is a general consensus among staff that the option really hasn't been explored. There is this Resolution adopted in 1999 by the Council, saying the intent wasn't to extend Rufina and that's basically where it is right now, so unfortunately, I just don't have the information to answer that."

- Commissioner Pava said, "If in the future, a parcel were to be vacated, say Rufina were to be vacated, what happens.... would half of the right-of-way be offered to one property owner, and half to the other. Is that typically how that happens here."

Ms. Baer said, "The intent of this Resolution was not to vacate the Rufina right-of-way. It was simply to say that it was not intended to extend through what was an existing development that had already been built out. At that time, that property was in the County. It was developed in the County. So one of Mr. Romero's, the Traffic Engineer, conditions is that there be no access from Agua Fria or San Felipe. And so this is really the only access that's available to this particular parcel. So I don't know that anybody is vacating this. That hasn't come up, it hasn't been suggested. I don't know who would even suggest that. At some point in the future, the State conceivably could sell that land. It isn't fully developed, although it's partially developed, and then at some point, that road be extended, or it at least could be extended partially to the east from San Felipe. So that discussion hasn't happened. Nobody is talking about vacating that right-of-way."

- Commissioner Pava said, "If nobody is talking about it and it is City property, really the contingency for... a condition of this rezoning is, within this City right-of-way, to provide this 20 foot wide access road to this property."

Ms. Baer said, "In addition to constructing the street to City standards and providing a multi-purpose trail, as a part of that development, at the time this property develops."

- Commissioner Schackel-Bordegaray said, "I just want to get clear, I may not fully understand. So, the proposal is, with the conditions, that that road, that is the access, not off Agua Fria at all. So this is the access for this property and what's being contemplated is that it just be a segment of the street that is built to City standards, but that is only for the use of this one property."

Mr. Thomas said, "Yes, that is correct, along with, as Ms. Baer said, the accompanying trail. And to be clear, the trail in that portion, would be as it's written, the condition would be constructed at the time of development. However, the trail on the east portion would not be constructed by the applicant. That is dedication of an easement only, and that would not be required to be constructed by the applicant at any time, just dedication of an easement."

- Commissioner Schackel-Bordegaray said, "And you stated that this is State land to the east of this property, that development is State land, I think the applicant stated."

Mr. Thomas said this is correct.

- Commissioner Schackel-Bordegaray said, "Do you know what State agency owns that development?"

Ms. Baer said, "The State of New Mexico owns it, but it's got a long term lease to a County facility."

- Commissioner Schackel-Bordegaray asked Keith Wilson, "To comment on, describe to us the role that section plays in any trails and locations of trails, both to the north, south, east or west of this."

Keith Wilson, MPO Senior Planner, Santa Fe Metropolitan Planning Organization, thanked the Commissioner for inviting him to speak. He said, "Basically, from Rufina Street, from basically Harrison Road which is just north of Siler, down to South Meadows Road is what we call the Acequia Bikeway. And the Acequia Bikeway begins in the Railyard, goes down behind the School for the Deaf and then it is intermittent sections of trail and shared roadway. And so we planned out this trail where we can get it and shared roadways where we can't. So Rufina Street is kind of the big, long piece. And this section of trail 'here', is basically the next extension and ends at Rufina and South Meadows, the roundabout there. So then it would kind of come back to being a trail again, and then connect through all the way to San Felipe. And then connection north/south, would connect up to the existing piece of the River Trail, that the County built a couple of years ago, and that loops right into I think it's Constellation the street. And then you'll see like 'this' line is the other sections of the River Trail that the County is working toward building, which currently goes to Frenchy's Field. They are in the process of acquiring the right-of-way to take it to Siler."

Mr. Wilson continued, "So, in the next couple of years, we'll probably have the River Trail extended to Siler and then, over time, we'll be piecing it together all the way down 'here.' And actually, in this parcel 'here,' but over in 'here,' there's actually an underpass of 599. It's in place and connects to Caja del Rio Road. So there is a plan to connect the trail off 'this' piece of the River Trail to that underpass, continue up Caja del Road which will get you to the MRC which you mentioned earlier. This is part of a County project that they applied for a Federal Lands

Acquisition Program grant, which they were successful in receiving. So they've got \$3.5 million there, but it's in federal funds, to construct this piece of the trail to the MRC and then continue all the way up to Diablo Canyon as a soft surface trail. So these pieces of trail, specifically these pieces 'in here' are really important for connectivity. And then, we're not that far from Country Club Road where there is currently a side path, so over time, if we can get that connection, then it opens the MRC to Tierra Contenta as bicycle accessible and not just having to drive your car. So hopefully, that gives you a quick overview of what's going on in 'this' area and how 'these' sections of the trail are quite key to providing total accessibility."

- Commissioner Schackel-Bordegaray said, "Having gone out there today for a field trip, now I see that. I see Rufina as it's developed over the decades as very different now, but it stops at Meadows and makes that roundabout. Thank you. I don't really have anything more, that's what I wanted to know..... I hear the Applicant's concern. I don't know the value of the stub-out, this Rufina Street being built to City standards if it won't connect, but I guess we don't know the answer to that. I'm just going to stop there. Thanks."
- Commissioner Padilla said, "An incredible network of trails that you've referenced on the overhead here. Could you tell me, from South Meadows, how much of that going west is improved to date, and actually exists."

Mr. Wilson said, "From 'this' red line right now. I don't believe any of it's improved. I think you can get through right now, and there's a sewer easement through there, I believe. I haven't ridden it in a while."

- Commissioner Padilla said, "So it's not improved where someone on a bicycle can make that connection southwest in what was the Rufina Trail."

Mr. Wilson said, "It's not improved right now. In the Bicycle Master Plan we phased out projects Phase A, B, C and this was a Phase A project, and is under consideration for funding with the redistribution of the approximately \$1.9 million the Council voted to move from the River Trail underpass."

- Commissioner Padilla said, "The proposed trail that is our eastern property line of the subject property is not an improved trail. It would be just an easement that is dedicated to connect, so we can move north across Agua Fria and then over to the River Trail connection. Is that leg that goes northwest over to the River, is that improved at this time, off Agua Fria."

Mr. Wilson said, "'This' green line here is currently paved. It's a 10 foot wide trail, has bridges over the Santa Fe River, so that's an actual existing trail. You can go out there now and ride it."

- Commissioner Padilla said, "And then you can ride that over the River, connect underneath 599 and then on..."

Mr. Wilson said, "If you want to go ahead and have a good mountain bike, there's kind of dirt roads that you can get access through. And the last time I went to the underpass it was filled with tumbleweeds."

- Commissioner Padilla said, "So not an improved and maintained trail system."

Mr. Wilson said, "Yes. These are all conceived alignments, but as I mentioned, the County just got word it received about \$3.5 million from the Federal Highways to improve that. So in the next couple of years, the piece to 599 and up to the MRC and then out to Diablo Canyon will be under construction."

- Commissioner Padilla said this is an incredible proposed network of trails. He said a lot of us, especially in his industry, have always talked about walkable and rideable cities for health and the well being of our communities that is significant. He said, "My question then is, off San Felipe going east this property owner will be required at the point he develops the property to develop the trail that is about 220 feet long. Is that correct."

Mr. Wilson said, "I believe that's the piece along the southern border."

- Commissioner Padilla asked what that will connect to.

Mr. Wilson said, "That would just connect to San Felipe, but then would connect to the larger trail that would get you to South Meadows."

- Commissioner Padilla asked Mr. Wilson if he has an idea of a completion date, or how long it will take to make the connection to South Meadows.

Mr. Wilson said, "Not as at this time. As I said, it is one of the projects that is being floated for potential funding with the redistribution of the 2012 bond funds from the River Trail underpass. So, if City Council ultimately selects as one of the of the project, then conceivably in the next two years that project could be done, but it's all going to be determined on funding."

- Commissioner Padilla said, "A question to staff in reference to access. If I understand correctly, there is no access allowed off Agua Fria or San Felipe for the development of this property. Correct, from the Traffic Engineer."

Mr. Thomas said, "That is correct. That was a condition requested by the City's Traffic Engineer, John Romero."

- Commissioner Padilla said, "So as this property gets developed in the future, not only the trail from San Felipe east, but they would also create their road access to their property. Does that need to continue to the eastern property line also."

Mr. Thomas said, "Correct. That would continue to the eastern property line, so approximately what you mentioned, 220 feet."

- Chair Harris said, "I actually have some of the same concerns as Mr. Siebert expressed. I'm concerned about a waste of resources. I don't consider the trails a waste of resources at all, but I have a hard time supporting the access off San Felipe into this City right-of-way, I think it is inappropriate. I don't see the likelihood of that getting developed on past the eastern boundary. And a waste of resources to me, would be constructing all of that road, the full distance of 220 feet. And so to access the property, do you know off hand what the standard would be. How far in off San Felipe, a driveway if you will, into this property, how far would that be. 50 feet. 75 feet. Any idea there."

Ms. Baer said, "Typically, the Traffic Division asks for 150 feet, typically."

- Chair Harris asked, "Is this is sort of the "rule of thumb."

Ms. Baer said, "It's just a rule of thumb and they would look at the specific property and how it was proposed to be developed. And they also would look, obviously, at the extension and the potential for further development. So what they're trying to avoid is any sort of stacking and conflict points at the intersection."

- Chair Harris said, "You've heard me say I have a lot of respect for John Romero and discipline that he represents. I sometimes think the discipline loses sight of common sense. I have a hard time really seeing the importance of building out the full 220 feet. I think it would be more appropriate, perhaps, and I know that you can't speak for Mr. Romero, but I seems to me to be more appropriate to define the ultimate solution however this property gets developed. I mean we're only talking an acre... how much land do we have here."

Mr. Thomas said it is 1.79 acres.

- Chair Harris said, "It can be fairly substantial traffic, depending on what goes in there in industrial, but again, if it can be satisfied at 150 feet off San Felipe. And again, to me it seems a waste of resources to build an additional 70 feet of subcollector. Off hand, I don't remember the numbers, the width, the dimensions for a subcollector."

Mr. Thomas said, "It would be, I believe 38 feet. I'll look in my Code quickly, but I can do that. 38 to 42 feet."

- Chair Harris said, "Since we know SWAN Park is going to be accessed off an all weather road. Again, to build a subcollector of 38 feet to access 1.8 acres of industrial ground, again, I have some real heartburn with that. It just seems like a waste of resources. I don't have any objection to the trail."

- Chair Harris continued, "And it seems like the one condition that has changed from the previous presentation, at the time, if I remember correctly, the requirements, conditions of approval was to construct that north/south trail on the eastern boundary. Correct. Dedicate the easement and construct the trail. Is that correct, Mr. Thomas."

Mr. Thomas said, "That is correct. It was actually to construct it at the time of future subdivision or development plan."

- Chair Harris said, "So the change would be to dedicate now at the time of recordation, and then again, when it gets developed to construct the trail. Is that correct."

Mr. Thomas said, "To construct the southerly trail only."

- Chair Harris said, "I personally think that's appropriate, particularly if, as Mr. Wilson said, if the reallocation of the monies allows this clearly important connection. We have some free floating pathways around town that have not been developed, or have been developed and don't connect to anything, it seems to me that this Rufina Trail would be a great addition for the reasons you just described. My point of view would be to either construct a narrower road, the full 220 feet, or to define it in such a way at the time of improved development plan, whether City Traffic is recommending 150 feet or 100 feet, that really that the subcollector only get built to that access. I don't see a reason to continue on to State property that the City Council has walked away from. It is unlikely, as we've heard, that the State is going to do anything there. So, that's my point of view."
- Commissioner Pava said, "I think you articulated it better than I could with my fumbling questions about vacating the right-of-way. My concern still remains, and I'll frame this in terms of context. When I look at this piece of property it is adjacent to land already owned by the government, maybe not the City, but it's leased to the County and it's State land. I see no reason to impose a 15 foot wide easement, when it could be just done just over the property line on government land. I would have to agree with what Mr. Siebert was saying earlier on, that that would be reasonable. It may not be easy to accomplish, but still, this is a Trails Master Plan. It's not a requirement to dedicate right-of-way. Maybe that would make sense if everything was developed to the east. And when I look at this aerial, I see plenty of land and opportunity to develop a 15 foot wide trail that would link up to some of the other trails that have been described."
- Mr. Pava continued, "So, if and when we get to the point of making a motion, or approving, I would support something along those lines. Just to put that out there at this point. I just have a matter of principle. We have a piece of government land here, and the government should cooperate and coordinate and not impose an unreasonable burden on this piece of property, when it could be facilitated on government land. The 15 feet may or may not... it's a small parcel. That 15 feet could make the difference in eventual development which provides gross receipts taxes which would benefit the coffers that are going to provide and build that trail. And that's my take on it."

- Commissioner Padilla said, "Thank you Mr. Chair for articulating your opinion on the access point to this property and you've kind of followed up on the question I presented of that length of 220 feet to be built to where – almost to nowhere. The question I have is, I know the Traffic Engineer has limited access off that point only. I guess the question for staff. When this property is developed, I would assume it has two fronts, the Agua Fria property line on the north and the San Felipe Road property on the west. Is that correct. Would it be considered two fronts."

Ms. Baer said, "We would look at that at the time of development. It could be that this property will be further subdivided. It could be that there are a number of buildings that happen there, and so I would hesitate to make that judgment call now."

- Commissioner Padilla asked what would be the required setback on the east property line – 5 feet, 10 feet. If we've got that easement, we couldn't encroach on the 15 foot easement..

Ms. Baer said, "In C-2, I would have to check to make sure, but I believe the front setback is 10 feet. The setbacks are relatively small. There is no side setback."

- Commissioner Padilla said then a proposed development could be built right up to the 15 foot trail, if that was the back or side, either one. He said, "Along the east property line, we have a 15 foot setback that's going to be granted for the proposed north trail. So, I'm just wondering if a development could be proposed right up to that easement."

Ms. Baer said, "So in the C-2 District, the street setback is 15 feet, side is zero, and rear is 10 feet. So, no it couldn't be, it would have to be at least 10 feet back from the...."

- Commissioner Padilla said, "Well, we've got a 15 foot easement that has to be granted for the trail, so we couldn't encroach into that 15 feet."

Ms. Baer said, "That's correct, but the building then could be right up that easement. Could."

- Commissioner Padilla said, "Could I just ask why access was denied off Agua Fria and San Felipe. Was it because of the blind curve."

Ms. Baer said she hates to speak for Mr. Romero, but she thinks it probably is the proximity to the intersection and where that turn happens, and the fact that there is going to be a roundabout, and any access off Agua Fria would have been too close."

- Commissioner Padilla said then that makes sense now.
- Commissioner Schackel-Bordegaray said, "I was following Commissioner Harris' line of reasoning and then Commissioner Pava threw in something very valid, I think, but questionable. Is it possible to accomplish that, given that it is the government exchange of land. I'm with you in spirit on it, but I will say clearly two things. I don't support full buildout of that 220 feet or even 150 feet of the southern boundary to City street standards. That is a waste of resources. I think the

likelihood of Rufina being a through street is not very high, so I don't support that condition if that's what it is. The easement makes sense without inhibiting much the buildout capability. So I support that. Oh, and just on a bigger bigger picture, this is a General Plan Amendment. They made mistakes. We all make mistakes as we grow. Things and circumstances changed from what was predicted. Originally this was desired to be community commercial. So this zoning change from neighborhood central to industrial, they're getting a lot by being able to change the zoning on that. They're getting something for sure. There's value gained in getting the zoning changed. So, I would like to remember that as well, and I support that rezoning because it is a patchwork. We don't have this down to a science. If that helps, these are my comments. It's a General Plan Amendment and a Rezoning. And we have a need for connectivity, but we don't have a need to require a developer to develop a street standard on a stub-out that's probably never going to be a street. So let's be reasonable here."

- Commissioner Pava said, "If I understand it, the setback on the eastern side is how wide."

Ms. Baer said, "Again, it depends Commissioner, on how the property is developed and whether we determine it to be the back or the side."

- Responding to Commissioner Pava, Ms. Baer said, "If it's rezoned to C-2 and it's considered the back or the rear, it is 10 feet. If it is the side, there is zero setback."
- Commissioner Pava said, "Requiring the easement still could take up to 15 feet, and deprive the owner of 15 feet of usable property if that were chosen as a zero setback line. Right."

Ms. Baer said yes.

- Chair Harris said, "The north/south trail, yes. Does the City have easements from the property we're speaking to this evening down to Airport Road."

Mr. Wilson said no.

- Chair Harris said, "So really none of that is in the City's control at this time."

[Mr. Wilson's lengthy response here is completely inaudible because he was speaking from the audience and away from the microphone]

- Chair Harris said we know about Mr. Romero's concerns about curb cuts adjacent to major intersections. The roundabout probably will happen at some point. He asked, "Is there concern on your part as the Trails Planner to have that crossing for this north/south trail so close to a roundabout and to a curve that historically has been a bit dangerous, quite frankly."

[Mr. Wilson's lengthy response here is completely inaudible because he was speaking away from the microphone]

- Commissioner Padilla said, "Ms. Baer you had said the zoning was going from SC-1 to C-2."

Ms. Baer said, "I would like to correct that, it's I-1 and the setbacks are the same."

Ms. Baer said, "To Commissioner Pava's remarks or question about putting the easement on State property. We suggested that as a possibility to the applicant in discussions with the applicant. The City staff were fine with that, and the applicant chose not to pursue that as an option. In other words, not to have those discussions with the State."

Ms. Baer said, "And if I could add, please. As you know, we get roads and we get trails one piece at a time very often. You know, Mr. Wilson spoke to the bigger picture and planning, and then it comes down to the individual project. So I can't speak for Mr. Romero, but if you build that road to only a portion of the property, who is going to build the remainder of it. Nobody. You can't ask someone whose property isn't adjacent to the road to take that on. So that's why we typically ask, when we ask for road extension and road construction, to run the full length of the property and not a portion of it."

- Chair Harris said, "I appreciate that Ms. Baer. I just don't consider this a typical situation."
- Commissioner Padilla asked, "Could it be a condition of approval that if at some point there is connectivity via extension of Rufina that the owner or developer be required to extend and connect to that."

Ms. Baer said, "I think that would be a difficult condition to enforce or to require. I don't even know if we could do that. If the property is fully built out and there is a road that goes halfway down the southern boundary and there are businesses there, are you going to come in and ask them to spent \$20,000 or whatever to build a road that they didn't anticipate building. You could put someone out of business that way. I don't see that happening."

- Chair Harris said, "Mr. Siebert, I'm sure these are discussions you've had among yourselves, you and your client as well as staff. Do you have any response to what you've heard in the last 20 minutes."

Mr. Siebert said, "Let me just preface this by saying, I think one of the considerations the Planning Commission has is to make sure that, not only on the developer's side, but on the City's side that the conditions are fair and reasonable, and if I think they are, I don't argue with them. That's fine. We agree with the City conditions. I think in this case it did not make sense, and I think the Commission understands that as well, that this is basically a collector roadway.... sidewalks, there's a sidewalk on one side, a trail the other side, and curb and gutter and planter strip and all that. That will never be constructed. It will be some odd piece of roadway that is sticking out there forever that kids are going to use to park on at night. My guess is the manufactured home subdivision next door probably would not appreciate that. That's my perspective."

Mr. Siebert continued, "And actually staff did work with us. Originally, the requirement was a 20 foot easement, the staff agreed to a 15 foot easement. And they deleted the requirement to construct the trail on the east side. So there's been compromise on both sides for this process."

Ms. Baer said, "Mr. O'Reilly asked me to bring to your attention, that at the time of development, the developer will have to pay impact fees and a portion of the impact fees do go toward roads, so that might help you in your decision."

- Chair Harris said, "I understand. But again, potentially you're asked to apply a condition of approval to build a certain road work at the time of the approval of the development plan, correct. And that road work would be built by the developer, correct."

Ms. Baer said, "Yes, I was suggesting that if you want to put a more lenient condition on it, that part of the justification would be that, in addition to having to build whatever portion of the road they have to build, they will also be paying impact fees toward roads, in general."

- Commissioner Schackel-Bordegaray said, "I think we've arrived at agreement, and I would like to work through the mechanics of this and propose that the condition that calls for the road standards is not what we're supporting here tonight. And we're not. We're the Commission. Staff has talked about it, and you said it best, I agree, this is a unique situation. Furthermore, I would like to make a motion."

Responding to Commissioner Schackel-Bordegaray, Mr. Thomas said, "The 15 foot easement is actually in the other condition, the MPO and Roadway & Trails Division Condition #1, which talks about the 15 foot easement along the east side. My motion supports that condition."

MOTION: Commissioner Schackel-Bordegaray moved, seconded by Commissioner Padilla, to recommend approval to the Governing Body of Case #2014-71, 5704 Agua Fria Road, General Plan Amendment, subject to the revised conditions of approval as recommended by staff, and striking Condition #3 of by the Traffic Engineering Department.

DISCUSSION: Commissioner Schackel-Bordegaray asked if her motion "covers the access, but without it having to be built to standards."

RESTATED MOTION: Commissioner Schackel-Bordegaray moved to recommend approval to the Governing Body of Case #2014-71, 5704 Agua Fria Road General Plan Amendment, subject to the revised conditions of approval as recommended by staff, and rewording Condition #3 of by the Traffic Engineering Department to read as follows: At the time of the development of the Northerly Tract, the Developer shall construct an access road within the right-of-way tract located between the Northerly and Southerly tracts. The access road shall connect to San Felipe on the west side and extend approximately 200 feet to the easterly boundary of the right-of-way tract. ~~The design of this road shall be review and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards.~~

FRIENDLY AMENDMENT: Commissioner Padilla proposed amending condition #3 as follows: At the time of the development of the Northerly Tract, the Developer shall construct an access road within the right-of-way tract located between the Northerly and Southerly tracts. The access road shall connect to San Felipe on the west side and extend to an agreed upon length as approved by the Traffic Engineering Department. ~~approximately 200 feet to the easterly boundary of the right-of-way tract. The design of this road shall be review and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards."~~

DISCUSSION ON FRIENDLY AMENDMENT: Mr. Shandler said you need two parties to agree, so name the two parties to agree. I think you said Traffic is one party, but who is the other party that is going to enter the agreement.

Chair Harris said, "We have a motion, we don't have a second, and typically would there be discussion and perhaps a friendly amendment after the second. When would that discussion happen and when could a friendly amendment be considered."

Mr. Shandler said that sounds like a good procedure, as you've described, to have a second and then a friendly amendment to clarify language.

SECOND TO THE MOTION: Commissioner Padilla seconded the motion for discussion.

FRIENDLY AMENDMENT: Commissioner Padilla proposed amending condition #3 as follows: At the time of the development of the Northerly Tract, the Developer shall construct an access road within the right-of-way tract located between the Northerly and Southerly tracts. The access road shall be connected to San Felipe on the west side and extend a distance to be agreed upon by the Traffic Engineer and the developer ~~approximately 200 feet to the easterly boundary of~~ along the right-of-way tract. The design of this road shall be review and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards."

DISCUSSION ON THE FRIENDLY AMENDMENT PRIOR TO AGREEMENT BY THE MAKER: Chair Harris said, "The way I would perhaps seek to define it would be to construct the access road a certain distance up to the point of approved development plan. In other words, when they turn into the property. Whether that's 150 feet as we heard or less or more. I think that's kind of the way I would see it, is to try to tie it to an approved development plan that would indicate where that access into the property would be."

Ms. Baer said, "If I may suggest, an approved development, but not say development plan. This property may not warrant a development plan. It could come in for building permit. So you could say "an approved access."

Commissioner Padilla said we would still need to wordsmith sentence two in the condition.

Chair Harris said, "Correct. Again, that leaves it up to the process for approval of the development, and I think the same parties would be involved that you started to list, but it won't be limiting. If we just list two parties, I think it could be limiting."

Commissioner Pava said, "If I might suggest on this Commissioner. On your friendly amendment we insert the language, 'commensurate with the Code requirements for the character of development on this specific parcel.' And the reason I say that, is that we've all talked about context here and intensity. And most of us will agree that Rufina is not going to be built out to the dream of an arterial street connecting to San Felipe, but we do need to provide access that, looking at the development patterns around here, we've specifically got this one parcel. If it becomes zoned I-1, we could say, 'commensurate with the development that will occur on this,' whatever is appropriate. If it's 5704 Agua Fria Road. I'm trying to identify it with what gets built there is commensurate with and will serve the traffic generated by the development on this specific parcel. That's pretty specific. It's pretty clear and it states our intent and that would be my proposal to the language."

FRIENDLY AMENDMENT RESTATED: At the time of the development of the Northerly Tract, the Developer shall construct an access road within the right-of-way tract located between the Northerly and Southerly tracts. The access road shall connect to San Felipe on the west side and extend easterly in the right-of-way to an approved development access point. ~~approximately 220 feet to the easterly boundary of the right-of-way tract.~~ The design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

Ms. Baer said, "I think that language represents the direction the Commission is going. I would like to point out to the Commission that the City would never be able to accept that as a City road, because it's not build to City standards."

Mr. Padilla said, "I'm not striking the third sentence in there:"

Ms. Baer said, "But the 20 feet, Mr. Chair, is not to City Standards. Did you say 20 feet."

Mr. Padilla said no.

Mr. Shandler said, "Mr. Chair, I think that language will be legally sufficient, but it might be appropriate for the Chair to restate the entire motion for the record prior to the vote.

Commissioner Schackel-Bordegaray said, "I just caught something that I'm concerned about in the condition by the MPO which it still states in there that 'At the time of development of the property, the developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property conjunction with the access road described in the City Traffic Engineer's Condition #3.' We haven't struck that and now we're changing Condition #3. Don't we need to account for it in that condition as well."

Ms. Baer said, "An easy fix to that, Mr. Chair would be 'as amended' in City Traffic Engineer's Condition #3.

RESTATED MOTION INCORPORATING THE FRIENDLY AMENDMENTS: Commissioner Schackel-Bordegaray moved, seconded by Commissioner Padilla, to recommend approval to the Governing Body of Case #2014-71, 5704 Agua Fria Road General Plan Amendment, subject to the revised conditions of approval as recommended by staff; amending Condition #3 of by the Traffic Engineering Department to read as follows:

At the time of the development of the Northerly Tract, the Developer shall construct an access road within the right-of-way tract located between the Northerly and Southerly tracts. The access road shall connect to San Felipe on the west side and extend easterly in the right-of-way tract to an approved development access point. ~~approximately 220 feet to the easterly boundary of the right-of-way tract.~~ The design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards;

and amending MPO Condition #1 as follows:

At the time of development of the property, the developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property conjunction with the access road described in the City Traffic Engineer's Condition #3 as amended. The design of all trail/side paths shall be reviewed and approved by the Roadway & Trails Engineering Division and shall be built to City of Santa Fe standards. At the time of future approval of a Subdivision of Development Plan, the Developer shall develop all trails consistent with the Metropolitan Bicycle Master Plan as required by SFCC Section 14-8.15.

VOTE: The motion, as amended, was approved on the following Roll Call vote [5-0]:

For: Commissioner Bernis, Commissioner Ortiz, Commissioner Padilla, Commissioner Pava and Commissioner Schackel-Bordegaray.

Against: None.

2. **CASE #2014-72. 5704 AGUA FRIA ROAD REZONING. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENT FOR PAUL AND ROSINA GALLEGOS, REQUESTS REZONING OF A 1.79 ACRE PROPERTY FROM SC-1 (NEIGHBORHOOD SHOPPING CENTER) TO I-1 (LIGHT INDUSTRIAL). THE PROPERTY IS CURRENTLY VACANT AND LOCATED AT 5704 AGUA FRIA ROAD AT THE INTERSECTION OF SAN FELIPE ROAD AND AGUA FRIA ROAD. (ZACH THOMAS, CASE MANAGER). (POSTPONED FROM AUGUST 7, 2014)**

MOTION: Commissioner Schackel-Bordegaray moved, seconded by Commissioner Padilla, that the Planning Commission recommend the approval of Case #2014-72, 5704 Agua Fria Road Rezoning, with revised conditions of approval as stated in the motion in the previous case.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Padilla, Pava and Schackel-Bordegaray voting in favor of the motion and no one voting against [5-0].

G. NEW BUSINESS

- 1. CASE #2014-76. 17 DON HERMANOS FINAL SUBDIVISION PLAT. JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR DON HERMANOS TRUST, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR A 5-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION. THE PROPERTY IS ZONED R-1 (RESIDENTIAL - 1 DWELLING PER UNIT PER ACRE). (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum, with attachments, prepared August 28, 2014, for the September 11, 2014 Planning Commission meeting, is incorporated herewith to these minutes as Exhibit "7."

A Memorandum dated August 28, 2014, to Dan Esquibel, Case Manager, from Risana Zaxus, PE, City Engineer for Land Use Department, regarding 17 Dos Hermanos Final Subdivision Plat, is incorporated herewith to these minutes as Exhibit "8."

The Dos Hermanos Subdivision Final Subdivision Plat Submittal, prepared by Santa Fe Engineering Consultants, LLC, dated July 2014, Revised August 26, 2014, is on file with and can be obtained from the Land Use Department.

Dan Esquibel presented information in this case via power point. Please see Exhibit "7," for specifics of this presentation.

Mr. Esquibel noted he passed out a revision to the previous City Engineer's condition of approval [Exhibit "8"], which clarifies the condition a little better.

Public Hearing

Presentation by the Applicant

Hillary Wells, Jenkins Gavin Design & Development, Inc, Agent for the owner was sworn. Ms. Wells introduced Eric Cornelius of Santa Fe Engineering. Ms. Wells, using an aerial map of the site, said, "As Mr. Esquibel stated, we have addressed all conditions and are in agreement with all staff conditions. I just wanted to show you 'here' a little visual on what has changed. The only change from the Preliminary Plat approval was on the request of the Traffic Engineer. Originally, the access easement was on the east property boundary. And the City Traffic Engineer requested that be moved to the western boundary in blue 'here.' So, there is an adjacent 30 foot access easement on the adjacent property and we have granted an 8 foot easement and right-of-way reservation on the western boundary, for future connection to Tierra Contenta as was discussed before. And then, the trail easement remains on that eastern boundary. And that was the only change, and we are in agreement with the conditions, so I'm happy to stand for any questions.

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

Chair Harris said, "I think this will be relatively straightforward. So, one of the new conditions would be 2A. The way it's stated, 'Add note to the proposed plat that we have showing the subdivision, for Lot 2A-1, and I wondered if it shouldn't be stated for 2A1-1-1 as well as 2A-1-2, because we are really requiring this condition of approval on those two proposed lots. Correct."

Mr. Esquibel said yes.

Chair Harris said, "Mr. Esquibel, do you typically see these proposed maintenance agreements by the lot owners. We did go out to Mutt Nelson. It was a great tour, quite frankly, on both sides of Arroyo Chamiso. Most of the roads in there are private and rough. What kind of review of maintenance agreements would City staff typically conduct.

Mr. Esquibel said, "I don't think we typically get into the dynamics of a private maintenance agreement between the landowners. I know that once the City is ready to accept roads that meet City standards, then we'll ultimately take them over once they meet those standards. We can ship those off to our Traffic Engineer in order to take a quick once over to identify whether they're going to provide a path to meet that goal for future acceptance. But ultimately, in the end it will be up to the landowners to pitch in and form an association and meet to determine how that's going to be developed and maintained."

Chair Harris said here the condition is to "Execute and record a roadway maintenance agreement prior to recordation of the Final Subdivision Plat." He said, "Of course we're looping the road. We have quite a few properties that will be on Dos Hermanos as well as then tying into Paseo de la Reina. Again I was wondering to what level City staff looks at those. This will be recorded. What I've heard you say is there isn't any real requirement, there's not a bulleted list from the City that roadway maintenance agreements should hit a,b,c & d. Correct."

Mr. Esquibel said, "We will go through a subdivision inspection and all of the infrastructure which is required to be developed, will be developed in accordance with city standards. But as far as the balance of the maintenance agreement, unless the owner of the subdivision develops a homeowners association, covenant, articles of incorporation and starts that up with any kind of funding that is needed so that the maintenance can be built into that arrangement, it would be hard for that to occur. The City, at this point, I don't believe has any formal requirement for the development of an association, unlike the County where they weren't taking any roads, so we were required to look at that infrastructure and make sure it was in place prior to the sale of the lots with the disclosure statement. The City actually forces that to happen, and then it's taken over by the owners."

Mr. O'Reilly said, "The staff will review the proposed road maintenance agreement to make sure it accomplishes what is intended in a road maintenance agreement, prior to recording the plat. So if we review it and it doesn't accomplish what a road maintenance agreement needs to accomplish, meaning it holds all the various lot owners responsible for contributing to the maintenance, we would not consider that a road maintenance agreement, and would ask the applicant to revise it. And we wouldn't record the plat until he did."

Chair Harris said, "There are a lot of different owners. It seems many of the lots have been built out, but not all. It just seemed like it would be a difficult set of circumstances to get a roadway maintenance agreement that would wrap around all of Dos Hermanos and Paseo de la Reina."

Chair Harris said, "Could I say one more thing. This may be a correction on Condition #3 where it says, 'Stub out a continuation of Dos Hermanos to the north property line,' and asked if that shouldn't be Paseo de la Reina. That's where we've got the 30 feet on the adjacent property. We're adding 8, and I think there was already 5, we're going to have..."

Ms. Baer said, "Mr. Chair, you are correct. But the comment following that condition reflects that change that has been made on the plat. It should say, '...has been relocated to the west side of the property on the right-of-way..."

Commissioner Padilla said, "To the west, we have the 30 foot public easement, and then we have an 8 and a 4 that is being dedicated as new public access and utility easement with this development plan. Correct. With the 15 foot utility easement being vacated, so we've got 12 feet, not the 8 feet that was mentioned before. We actually have a total of 12 feet."

Mr. Esquibel said that is correct.

Commissioner Padilla said, "So there is the 12 feet and then continuing east, we have a new 15 foot drainage easement that will run along the west property line. All right. Okay. I just want to clarify that it was the 12 foot access and utility easement that is available for the continuation of Paseo de la Reina going north into the SWAN Park property."

Chair Harris said, "This isn't necessarily your work product, but we've got three sheets to this Plat, 3-1, 3-2 and 3-3. The first two sheets were prepared by Rick Chatroop. And the third one that is really the topo, but on the layout. It just seems that would confuse people down the road. Was there a reason for leaving it that way.

Eric Cornelius, Santa Fe Engineering, 1599 St. Francis Drive, Project Engineer [previously sworn]. Mr. Cornelius said, "We have a certified topographic map prepared by Benjie Vigil. That's just for the topography itself, and then Mr. Rick Chatroop was hired on to do the lot line adjustment."

Chair Harris said, "I understand it is clear. I'm just wondering about City staff, if that's an acceptable exhibit where you have... I'm not concerned about two different registered professional surveyors. It's just that one of the documents, 3 of 3, indicates an old layout."

Ms. Baer said, "We will have those corrections made before we record the final plat."

Mr. Esquibel said, "That was discussed earlier along with JenkinsGavin, and they just didn't have enough time to prepare them, so they just provided us with what they had."

Chair Harris said, "We just want to leave a clean record."

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve Case #2014-76, 17 Dos Hermanos Final Subdivision Plat, with all conditions of approval as noted, with the revision to Item #2A, so it reads the western boundary of Lot 2A-1-1 and Lot 2A-1-2.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Padilla, Pava and Schackel-Bordegaray voting in favor of the motion and no one voting against [5-0]

2. CASE #2014-79. 27 RIDGELINE ROAD VARIANCE. LIAISON PLANNING SERVICES, INC., AGENT FOR ALAN REEVES, REQUESTS VARIANCES TO 14-9.1(b)(8) CONNECTIONS AND EXTENSIONS OF SEWER MAINS, AND 14-9.2(K)(1)(b) CONNECTIONS TO CITY SEWER SERVICES. THE PROPERTY IS ZONED R-1 (RESIDENTIAL - 1 DWELLING UNIT PER ACRE). (DONNA WYNANT, CASE MANAGER)

Items G(2) Case #2014-79, 27 Ridgeline Road Variance, and G(3) Case #2013-98, 27 Ridgeline Road, were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum, with attachments, prepared August 28, 2014, for the September 11, 2014 meeting, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "9."

A Memorandum dated September 11, 2014, to the Planning Commission from the Current Planning Division, regarding additional information on Case #2014-79, 27 Ridgeline Road Variance, and Case #2013-98, 27 Ridgeline Road Lot Split, with attachments as noted, is incorporated herewith to these minutes as Exhibit "10."

A letter dated July 28, 2014, with attachments, to Mr. William Lamboy AICP, Senior Planner, from Dolores I. Vigil, Liaison Planning Services, Inc., regarding Lot 3-A Variance Request, 27 Ridgeline Road, is incorporated herewith to these minutes as Exhibit "11."

A copy of *Revised Plat* submitted for the record by Ms. Wynant, is incorporated herewith to these minutes as Exhibit "12."

Donna Wynant presented information in this case via overhead with documents which are contained in the Commission packet Exhibits "9" and "10." Please see Exhibits "9" and "10" for specifics of this presentation.

Ms. Wynant noted the Commission was given a late communication that shows the new configuration of the property. Ms. Wynant distributed copies of the Revised Plat [Exhibit "11"].

Ms. Wynant said, "The Applicant was in agreement of those changes, and revised the Plat that you have before you this evening. So, rather than the northernmost lot being 1.26 acres, it would be a little larger, 1.55 acres, because then they would take on that driveway entrance which makes sense. And then Lot 3C the southernmost lot, would be 0.95 acres instead of 1.24, and that does meet the requirements of the R-1. It's a lot averaging and meets the density of that District. We thought that was a good solution, they were in agreement and they revised the Plat."

Ms. Wynant continued, "The standards for signage is mentioned in the list of conditions. This is based on a phone conversation. I did not get a memo in writing from John, but we did go over the specifications and we feel like as long as it is in compliance with those sign requirements they would be fine."

Ms. Wynant said, "The Land Use Department recommends a condition of approval and this is in addition to the conditions on the last page, recommends a condition of approval that if City water or wastewater becomes available to the new lot, prior to the development of the lot then that new development will be required to either or both water or sewer which is available at such time. And again this should be listed as one of the conditions of approval."

Public Hearing

Presentation by the Applicant

Dolores Vigil, Liaison Planning Services, Inc., P.O. Box 1835, Santa Fe 87504, Agent for the owner was sworn. Ms. Vigil said Mr. Reeves is in attendance to answer any questions. Ms. Vigil said, "We have reviewed the conditions of approval from staff, but they have a question regarding the signs, and we're wondering how much would those signs cost the applicant with installation. It is very specific as to what type of signs he would have to install. Does anyone know that, I don't. He's willing to pay an appropriate amount, but if it gets too expensive, it may..."

Chair Harris asked Mr. O'Reilly if he has an opinion and/or experience.

Mr. O'Reilly said these are standard street signs, and would guess they wouldn't cost more than \$200 each, probably less.

Mr. O'Reilly said, "The Department makes no guarantee that that is the cost of the signs. I've given you my opinion. In staff's opinion, the applicant should be required to install them regardless of what they cost."

Ms. Vigil said, "So, in other words if they are a lot more than he can afford, he would have to pay for them, regardless, because it's part of the condition."

Chair Harris said, "I think you could have answered this question before this evening. You could lay it out to any sign maker and get a quote. I would tend to agree. My own experience, and I work in a related field, that it should not cost much more than what Mr. O'Reilly said."

Ms. Vigil said she posed a question earlier today, but she hadn't gotten an answer, so that is why she's asking it now. She said, "I believe my client does to agree to the rest of the conditions of approval. So if you have any questions, we're here to answer them. Thank you."

Chair Harris asked Ms. Vigil if Mr. Reeves would care to speak, noting he was sworn in.

Alan Reeves, 27 Ridgeline Road, Santa Fe (previously sworn), said he has no nothing further to add.

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

Chair Harris noted Stan Holland has spent a lot of time on this case, thinking about the big picture as well as the circumstance with Mr. Reeves and this particular action. He asked Mr. Holland if he has anything to add, other than what we have read.

Stan Holland, Engineer, Wastewater Division said, "No, I think I stated everything in my Memo. I think after all the time we did put into this, in looking at it, I think the variance is the appropriate way to go. It protects our ability in the future to make sure sewer is extended. And I think you mentioned earlier tonight, what's reasonable. And it bothered me, too, personally, but the Code tied our hands. So I think we've reached a happy compromise here."

Commissioner Padilla said, "I would really like to thank City Planning staff, as well as Mr. Holland and his staff in really moving forward with this, and working with the owners/applicants to come to a compromise. I think part of our role and responsibility as Summary Committee and Planning Commission, is not to put roadblocks to development in the community, but to allow our citizens to be able to develop their properties, making sure the City's interests are protected as well as the community's interest. So I would like to thank City staff, Mr. Holland and his staff, as well as the owner/applicant for their diligence in working with staff to get this thing resolved. So thank you so much for your help."

MOTION: Commissioner Schackel-Bordegaray moved, seconded by Commissioner Ortiz, to recommend to the City Council the approval of Case #2014-79, 27 Ridgeline Road Variance, with all conditions of approval as outlined in the staff report.

DISCUSSION: Mr. O'Reilly said Ms. Wynant recommended an additional condition which was in the staff report, which is on page 5 or 6 of the Staff Report, in Paragraph 3 under Staff Response. He asked Ms. Wynant to remind the Commission of her suggested, additional condition. Mr. O'Reilly read the additional condition of approval into the record as follows: *The Land Use Department recommends a condition of approval that if City water or wastewater becomes available to the new lot, prior to development of that lot, then that new development will be required to either or both water or sewer whichever is available at such time.*"

Mr. O'Reilly said this is the staff's recommendation of an additional condition, and said it would be wise to ask the Applicant if they are amenable to that condition.

Ms. Vigil said she has conferred with her client and, "The applicant does agree with that condition."

FRIENDLY AMENDMENT: Commissioner Schackel-Bordegaray suggested that the motion be amended to add the proposed additional condition of approval as follows: *The Land Use Department recommends a condition of approval that if City water or wastewater becomes available to the new lot, prior to development of that lot, then that new development will be required to either or both water or sewer whichever is available at such time.* **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

VOTE: The motion, as amended, was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Padilla, Pava and Schackel-Bordegaray voting in favor of the motion and no one voting against [7-0]

3. **CASE #2014-9879. 27 RIDGELINE ROAD VARIANCE. LIAISON PLANNING SERVICES, INC., AGENT FOR ALAN REEVES, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 2.5 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS ZONED R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE). (DONNA WYNANT, CASE MANAGER)**

MOTION: Commissioner Schackel-Bordegaray moved, seconded by Commissioner Ortiz, to recommend to the City Council the approval of Case #2014-79, 27 Ridgeline Road Variance, with all conditions of approval as outlined in the Staff Report, with the additional condition of approval as stated in the Staff Report on page 5, Paragraph 1 under Staff Response.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Padilla, Pava, and Schackel-Bordegaray voting in favor of the motion and no one voting against [5-0].

H. STAFF COMMUNICATIONS

Mr. O'Reilly said with regard to the earlier discussion by Commissioner Pava about the APA training for Planning Commissioners, generally speaking the Department likes to know what the training is about. And, Commissioner Padilla pointed out the training wasn't geared specifically to the City of Santa

Fe Planning Commission. He said members of this Commission have attended other APA Planning Commission trainings which have been quite good. He said if Commissioners want to attend that training should let staff know so they can make arrangements.

Mr. O'Reilly said, "This is my last meeting Planning Commission meeting as Land Use Director and I don't know if it is the last time I'm before this Commission, because some of the things I'll be doing in my new job may require me to work on projects that will have to come before this Commission. I just wanted to thank the members here for their hard work and all the volunteer hours you put in all the time for the Planning Commission. Having been a Planning Commission member myself, I know what that's like. And so, I just wanted to make sure, on the record, that the Land Use Director is on the record for thanking you one last time for everything you've done."

Mr. O'Reilly continued, "And if it's okay, Mr. Chair I would like to, also for the record, thank some past Planning Commissioners. Commissioner and former Chair Estevan Gonzales, Commissioner and Former Chair, John Michael Salazar, Commissioner Mike Mier, Commissioner Dolores Vigil, Commissioner Ruben Montes, Commissioner Ken Hughes, Commissioner Bonifacio Armijo, and Commissioner and former Chair Tom Spray. They, and all of you, thank you ver much."

Chair Harris said, "We're still under Staff Communications, but I want to say for the record, in all sincerity as I said before, you provided, to my way of thinking, tremendous leadership in a difficult job. And I've seen that job, not just in Santa Fe, but in places like Albuquerque, Taos, Los Alamos, places such as that. I know that things have been trying on occasion, they have to have been. I think you have done a tremendous job, a professional job in your direction to the Commission. I am always impressed with your direction to the Commission. It is always clearly stated and on point. I don't ever feel like that we got bad information, bad instruction from Matt O'Reilly. I just never felt that way. And I really do appreciate all that you've done, and I'm glad that you truly are going to be around, and that we get to see you in action on whatever project happens to come before us. Truly. So we wish you well, for the record."

I. MATTERS FROM THE COMMISSION

Commissioner Padilla said he would like an update in filling the vacancies on the Commission and how that affects the other committees, Long Range Committee and Summary Committee..

Mr. O'Reilly said, "I believe that there are two vacancies on the Commission right now. The vacancy left by Councilor Lindell and the vacancy left by Chair Spray. I can tell you basically I think what I might have mentioned previously, which is that the Mayor is considering candidates for the Planning Commission. He has not made up his mind about that. So that's about all I can say right now, ultimately it's down to the Mayor."


Mr. O'Reilly continued, "And as far as that would affect any other committees, Ms. Baer can correct me if I'm wrong, I think we've got the committees covered at this point do we not, Ms. Baer."

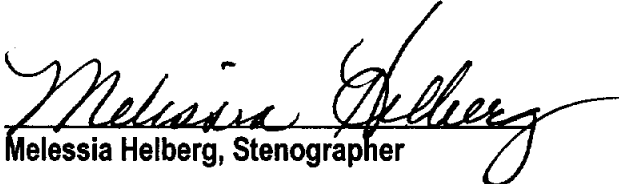
Ms. Baer said, "Chair Harris has graciously stepped in and continued to serve on the Summary Committee until such time as another member may be appointed or volunteer. And I'm not sure about the others. Long Range is okay as well, and there is an opening on that committee. There's a third appointment on the Long Range I believe that is open until we get another Commissioner or two."

Mr. O'Reilly said, "If I may, Mr. Chair, I've had a number of meetings with the Mayor on this topic, and I have stressed to the Mayor that this body and any other *quasi judicial* body can really only go so long with a certain amount of vacancies, because it increases the likelihood that a meeting might have to get canceled due to lack of a quorum, and he understands that. He's simply being very deliberate in how he's choosing the next group of Planning Commissioners."

J. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 9:00 p.m.

 for Michael
Michael Harris, Vice-Chair Harris
10/2/14


Mellessia Helberg, Stenographer

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2013-80

Ross' Peak Preliminary Subdivision Plat

Owner's Name- Ross' Peak LLC

Agent's Name- James W. Siebert and Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on August 7, 2014 upon the application (Application) of James W. Siebert and Associates as agent for Ross' Peak LLC (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 204 lots located on 31.99+/- acres, Tracts 12 and 13 of the Las Soleras Master Plan. Tract 12 is zoned R-12 (Residential, 12 units per acre) and Tract 13 is zoned R-6 (Residential, 6 units per acre). The tracts are located south of the Governor Miles Road and Rail Runner Road intersection, immediately east of the Arroyo de los Chamisos.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and there were no members of the public in attendance to speak.
2. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code § 14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on June 18, 2013 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on the Application on July 9, 2013 at the Southside Library at 6599 Jaguar Drive in accordance with the notice requirement of Code § 14-3.1(F)(3)(a).

Exhibit "1"

10. The ENN meeting was attended by the Applicant and City staff; there were nine members of the public in attendance.
11. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
12. The subdivision will not create new or exacerbate existing nonconformities.
13. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

The Preliminary Subdivision Plat

14. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the Applicable Requirements).

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. The proposed preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.

The Preliminary Subdivision Plat

3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Applicable Requirements have been met.

WHEREFORE, IT IS SO ORDERED ON THE 11th OF SEPTEMBER 2014 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

1. That the Applicant's request for preliminary subdivision plat is approved, subject to Staff conditions:
 - a. Staff Conditions #3 and #7 on page 2 of 3 of Exhibit A shall be replaced as follows: The Primary Park and final phase of the trail on the west side of the property, adjacent to the Arroyo de los Chamisos, shall be constructed during the phase that would include the 103rd lot. In the event the CLOMR is not approved,

the Primary Park and final phase of the trail on the west side of the property, adjacent to the Arroyo del los Chamisos, shall be constructed during the phase that includes the 103rd lot, and the Letter of Credit for the construction of infrastructure during that phase shall include the full cost of improvements to the temporary pond such that it will serve as the permanent pond. All work on the phase that includes the 103rd lot shall be completed and accepted by the City prior to the issuance of infrastructure permits for the next subsequent phase.

Michael Harris
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date:

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2014-63

2750 Agua Fria Road & 1400 Boylan Lane General Plan Amendment

Case #2014-64

2750 Agua Fria Road & 1400 Boylan Lane Rezoning to C-2

Owner's Name – BFFM

Agent's Name – Sommer Karnes & Associates, LLP

THIS MATTER came before the Planning Commission (Commission) for hearing on August 7, 2014 upon the application (Application) of Sommer Karnes & Associates, as agent for BFFM (Applicant).

The property is located along the north side of Agua Fria Street approximately a ½ mile northeast of the Siler Road and Agua Fria intersection and is comprised of two lots totaling 3.86± acres with the Future Land Use designation of Rural/Mountain/Corridor (1 dwelling unit per acre) and is zoned R-1 (Residential-1 Dwelling Unit per Acre).

The Applicant seeks: (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Rural/Mountain/Corridor to Industrial; and (2) to rezone the Property from R-1 (Residential, 1 dwelling units per acre) to I-1 (Light Industrial).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS as follows:

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early

Exhibit "2"

- Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. A pre-application conference was held on May 8, 2014.
 6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
 7. An ENN meeting was held on the Application on June 10, 2014 at the Oliver LaFarge Library on 1730 Llano Street.
 8. Notice of the ENN meeting was properly given.
 9. The ENN meeting was attended by the Applicant and City staff; there was ten members of the public in attendance and no concerns were raised.
 10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning.

The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
 - (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*
A change to the future land use designation should be to General Commercial (C-2). General Commercial and Industrial share many similarities. General Commercial is more compatible for the transition area near Agua Fria and Siler Road. The Plan acknowledges the mix of uses in the Agua Fria and Siler Road area and encourages the continued development of compatible businesses to provide employment opportunities in close proximity to residential uses.
 - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*
The property was annexed as part of the Phase 2 City Initiated Annexation. The physical layout and design along this portion of Agua Fria Street from the property to the Siler Road intersection is predominately nonresidential in contrast to the rural characteristics of the rural corridor designation. A change in general policy for this area would not conflict with the comprehensive growth policies of the City.
 - (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*

The current approved land use for the property is Residential. The property contains a 9000 square foot building constructed for industrial or commercial use. Properties to the west include a mix of residential, nonconforming use, commercial and industrial uses. This area represents the outskirts of the R-1 District bordered by Agua Fria and I-1, MU and Residential zoning across the street. The change would not be inconsistent with the area and the 3.86± acres are sufficiently large so as to be consistent with City policies. It makes efficient use of a large existing industrially and commercially constructed building.

- (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].*

A General Plan amendment is a requirement prior to rezoning of the Property. The application and review provide information that the change will promote the general welfare by expanding employment opportunities for local residents.

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This is not applicable.

- (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].*

The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City and will expand the variety of uses allowed for the property, promoting greater opportunity for economic development and is consistent with the policies of the Plan as set forth in paragraph 13(a)-(d) above.

- (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.*

The proposed amendment is consistent with the policies of the Plan as set forth in paragraph 13(a)-(d) above.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
16. Code §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
17. The Commission has considered the criteria established by Code §14-3.5(C) and finds, subject to the Conditions, the following facts:
 - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*

There was no error in the original zoning that was established for this large area amended into the City. As the City has developed around Siler Road, more and more of the lots have become smaller lots over time and with the City initiated annexation, Siler Road has become more of an area for business activity and less an area for industrial uses. While both use types exist, diversification in uses may be more advantageous to the community.

- (b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].*

All the rezoning requirements of Code Chapter 14 have been met.

- (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].*

The proposed rezoning is consistent with the Plan as set forth in the Staff Report.

- (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].*

The Property consists of 3.86± acres and its use is consistent with the uses and character of the area as it has developed and with the historic uses of the Property.

- (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)];*

The proposal is submitted to all appropriate City departments for review and comments to the reviewing bodies. This provides full compliance with all City policies, ordinances and regulations and comments received include recommended conditions for development on the property.

18. The Commission has considered the criteria established by Code §§14-3.5(D) and finds, subject to the Conditions, the following facts:

- (1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*
(2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

The proposed request to rezone from R-1 to C-2 is consistent with that portion of the R-1 District closest to the I-1 and 2, MU, C-2 Districts along Agua Fria Street where the predominant use is nonresidential. The rezoning provides suitable infill development to the area, adaptive reuse of nonresidential buildings and supports diversified economic development for the area.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. The proposed Plan amendment and rezoning were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

The Rezoning

4. The Applicant has the right under the Code to propose the rezoning of the Property.
5. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

**WHEREFORE, IT IS ORDERED ON THE _____ DAY OF _____, 2014 BY
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the Plan amendment.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to C-2.

Michael Harris
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date:

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2014-70

4501 Hart Road (Hart Business Park) Preliminary Subdivision Plat

Owner's Names- CCSF/599 LLC

Agent's Name- James W. Siebert and Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on August 7, 2014 upon the application (Application) of James W. Siebert and Associates as agent for owner CCSF/599 LLC (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat to divide 12.03+/- acres at 4501 Hart Road (Property) into six lots. The Property is located within the Hart Business Park, between NM 599 and Hart Road. The Property is zoned I-1 (Light Industrial).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant; there were no members of the public in attendance to speak.
2. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code § 14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on March 20, 2014 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on the Application on May 5, 2014 at the Southside Library at 6599 Jaguar Drive in accordance with the notice requirement of Code § 14-3.1(F)(3)(a).
10. The ENN meeting was attended by the Applicant and City staff; there were no members of the public in attendance.

Exhibit "3"

11. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
12. The subdivision will not create new or exacerbate existing nonconformities.
13. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

The Preliminary Subdivision Plat

14. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the Applicable Requirements).

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. The proposed preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.

The Preliminary Subdivision Plat

3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Applicable Requirements have been met.

**WHEREFORE, IT IS SO ORDERED ON THE 11th OF SEPTEMBER 2014 BY
THE PLANNING COMMISSION OF THE CITY OF SANTA FE**

1. That the Applicant's request for preliminary subdivision plat is approved, subject to conditions.

Michael Harris
Chair

Date:

Case #2014-70
4501 Hart Road (Hart Business Park) Preliminary Subdivision Plat
Page 3 of 3

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date:

Planning Commission Field Trip / Mutt Nelson Area September 11, 2014

The attached exhibits are intended to assist the Commission in identifying notable features and landmarks throughout the tour as well as outline the specific route of travel which is approximately 45 miles round trip from City Hall.

Exhibit 1: The first leg of the tour is from the Southside Library beyond the terminus of Jaguar Road, to the western boundary of SWAN Park.

Exhibit 1A: The Swan Park Master Plan.

Exhibit 1B: SWAN Park Phase 1 currently under construction.

Exhibit 2: The overlay of the Village Plaza Development Plan on the aerial photograph demonstrates the approximate location of the development in relation to SWAN Park and NM 599. Please note the planned Jaguar Drive / NM 599 Interchange currently under construction.

Exhibit 3: The second leg of the tour is from the western boundary of SWAN Park to the western terminus of Mutt Nelson Road. Notable features along the way include the recently completed Nina-Otero Community School (Pre-K-8) and the also recently completed Herrera Drive extension west of Walmart.

Exhibit 4: In addition to traveling the length of Mutt Nelson Road, four dead-end roads (Ridgeline Road, Dos Hermanos, Paseo de la Reina and Cella Unidad) will also be traveled. The four roads chosen were either locations of recent projects and/or serve as good points to witness the interface between SWAN Park and the Mutt Nelson area.

Exhibit 5: The final leg of the tour extends from the western terminus of Mutt Nelson Road to the Southside Library, via the I-25 Frontage Road and NM 599. Notable features along the way include the Komis Property and the Jaguar Drive / NM 599 Interchange currently under construction.

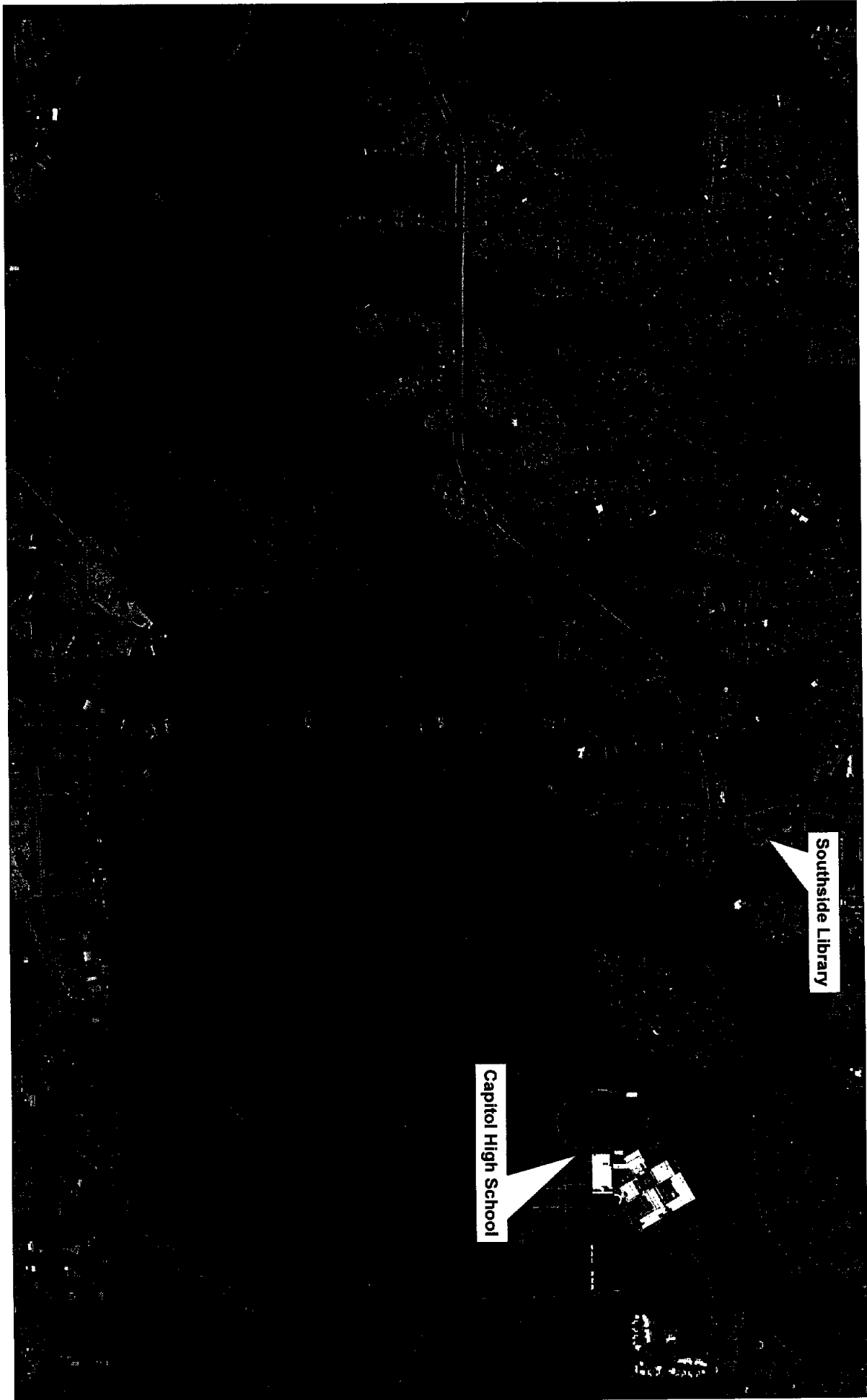
ADDITIONAL EXHIBITS:

The following is included for general information:

- Tierra Contenta Master Plan
- Santa Fe Metropolitan Transportation Plan Future Regional Roadways Network diagram (Please note the potential road extension between Village Plaza and the Komis Property across Mutt Nelson Road)
- Village Plaza Development Plan
- Southwest Area Utilities Map

Exhibit "4"

Exhibit 1 - Route from Southside Library to SWAN Park



SOUTHWEST PARK

PARK MASTER PLAN

LEGEND

- Master Plan Project Boundary
- City / County Boundary
- Building Footprint
- Topography, 2-ft Contour
- Drainage, Major Arroyo
- Drainage, Minor
- Open Space, Existing Native Landscape
- Open Space, Enhanced Native
- Open Space, Water Quality Pond
- Open Space, Enhanced Riparian Area
- Park Landscape
- Grass, Irrigated Turf Lawn
- Tree, Evergreen - Pinon + Juniper
- Tree, Deciduous - Streetcaring
- Tree, Deciduous - Riparian



PARK MASTER PLAN

PARK MASTER PLAN



Produced for the City of Santa Fe
design office, work + associates, Wilson & Company

COMMENTS

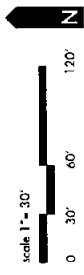
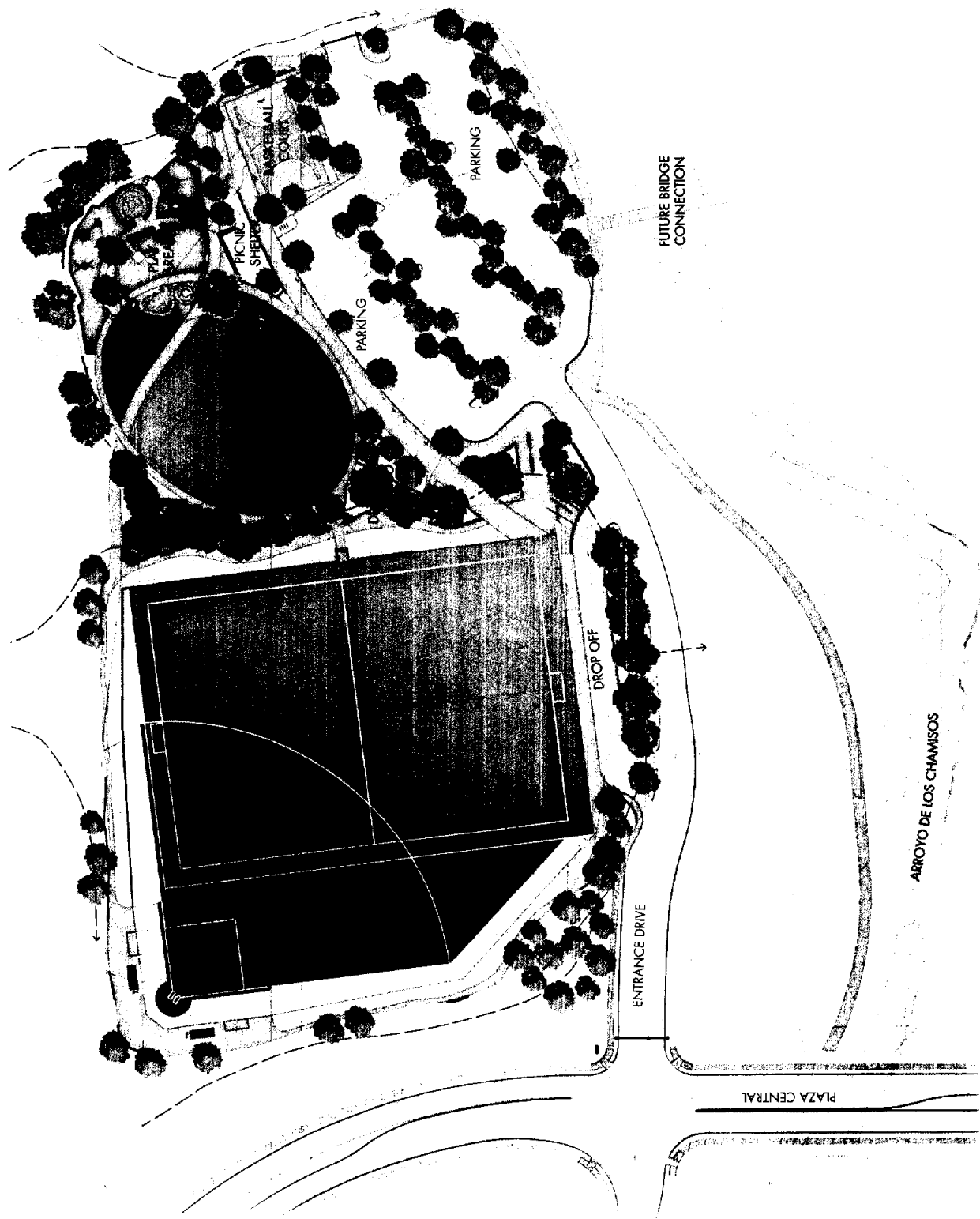


Exhibit 2 - Village Plaza and SWAN Park

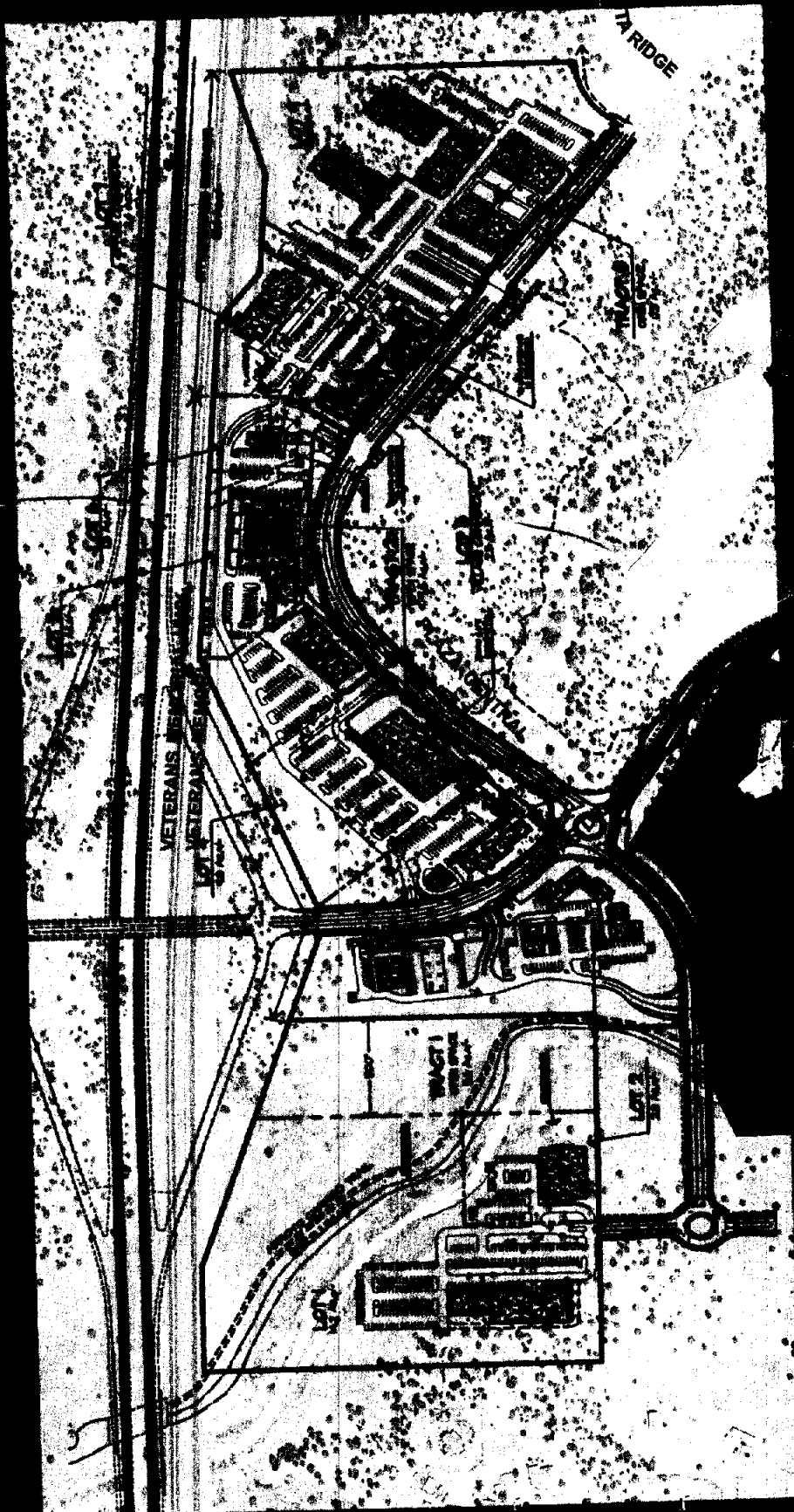


Exhibit 3 - Route from SWAN Park to Mutt Nelson Road

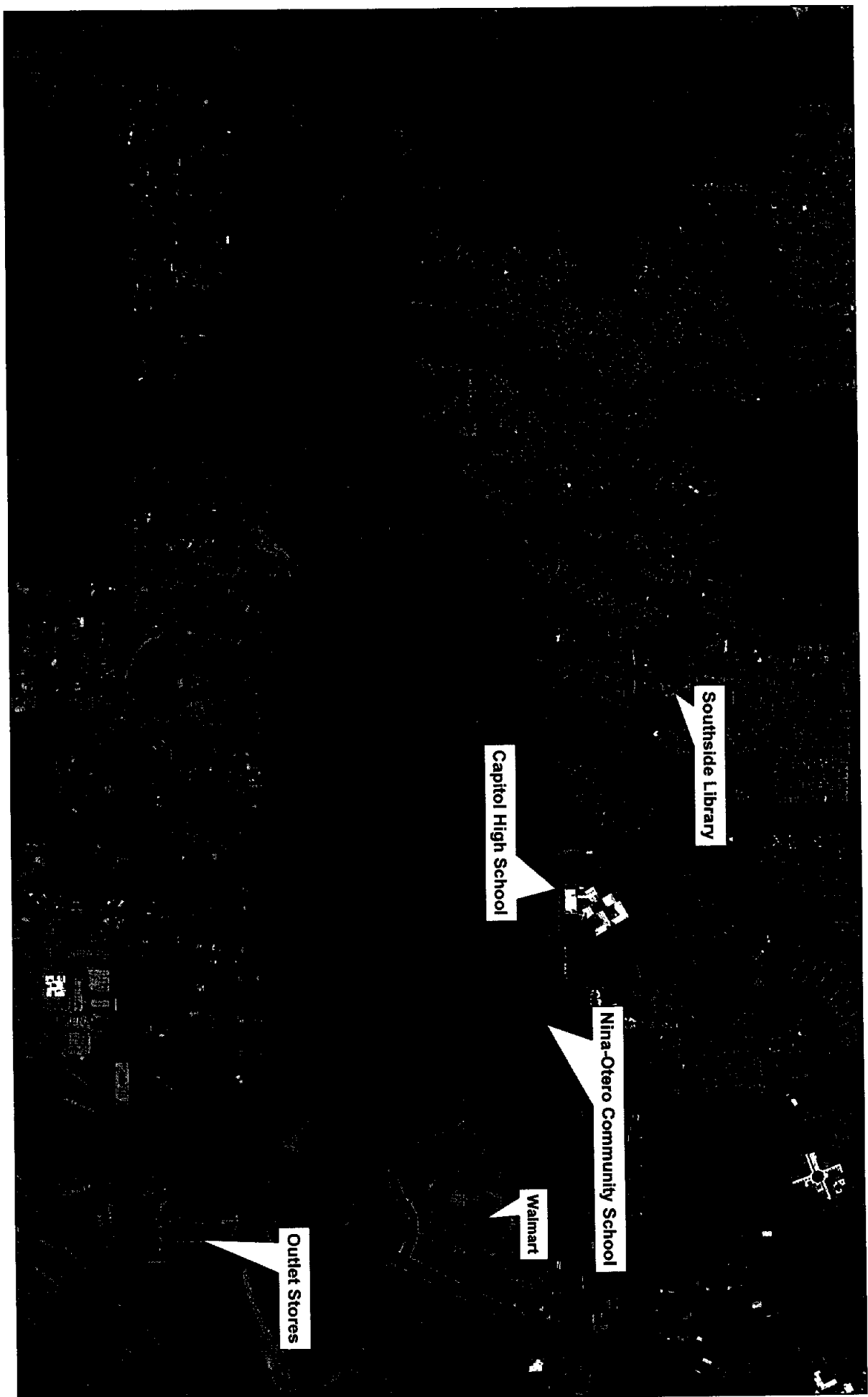


Exhibit 4 - Mutt Nelson Road Route

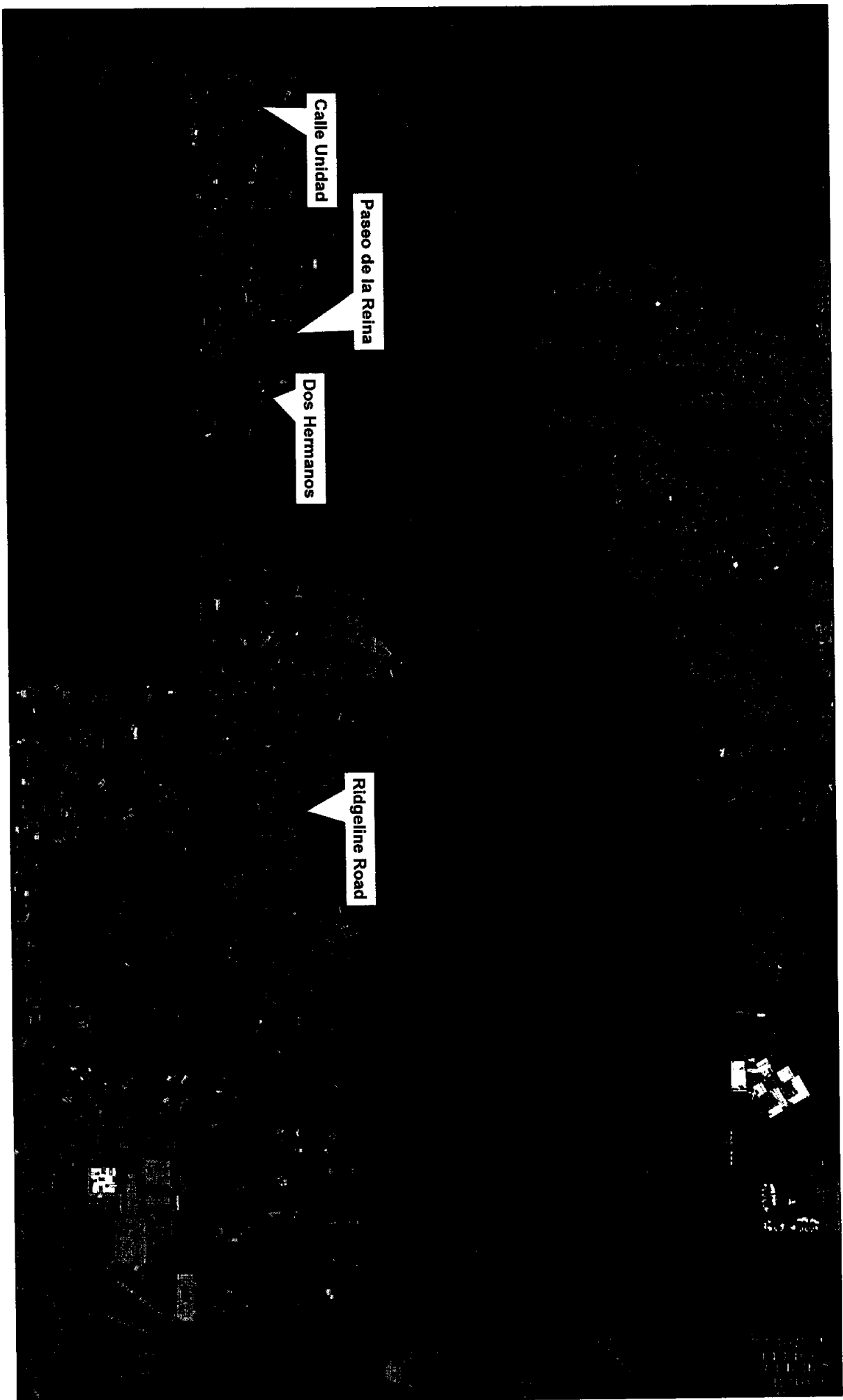
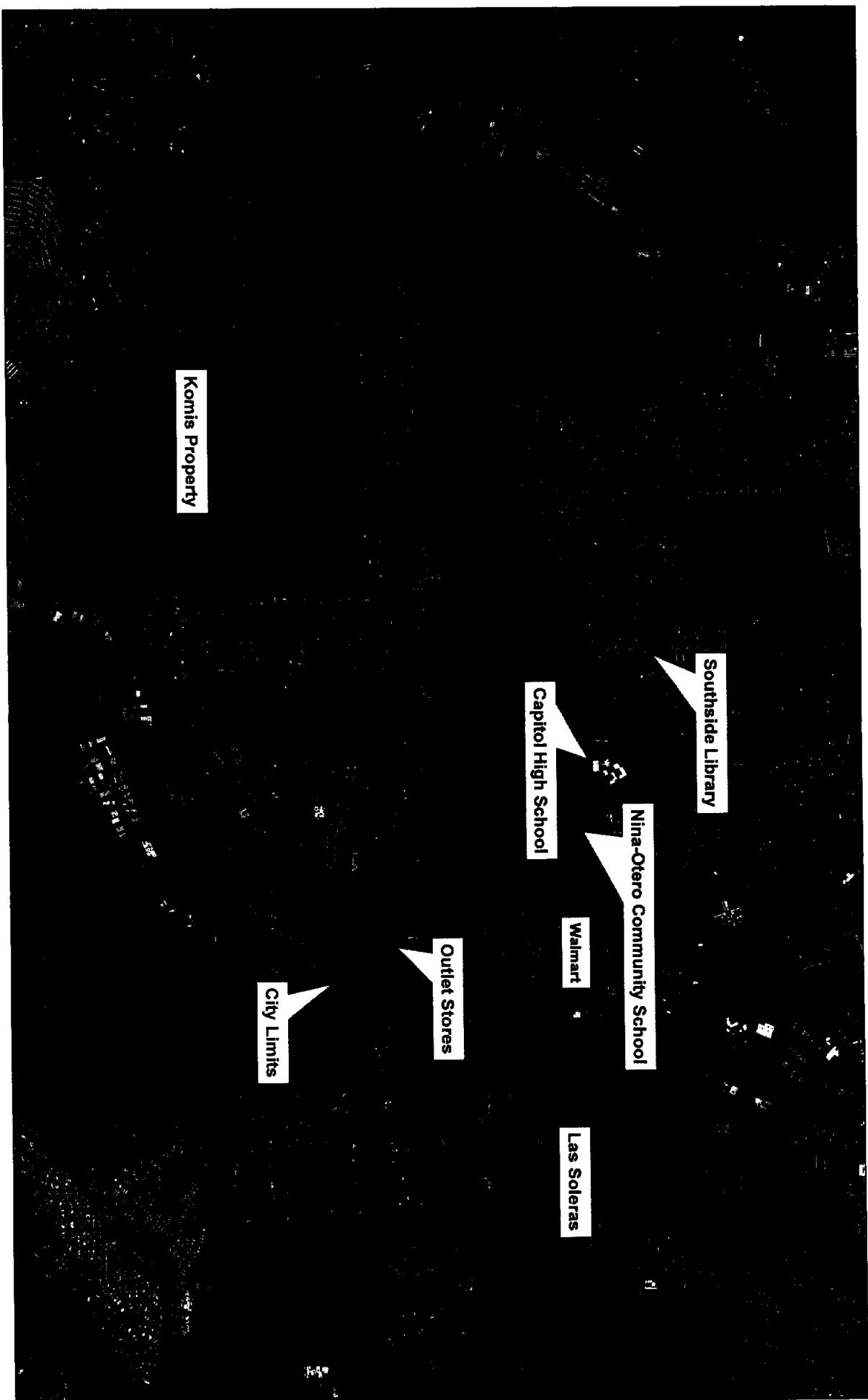
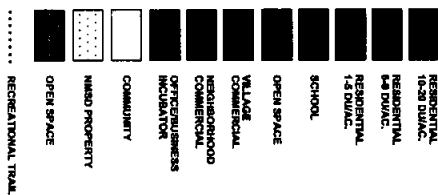


Exhibit 5 - Final Route from Mutt Nelson Road back to Library



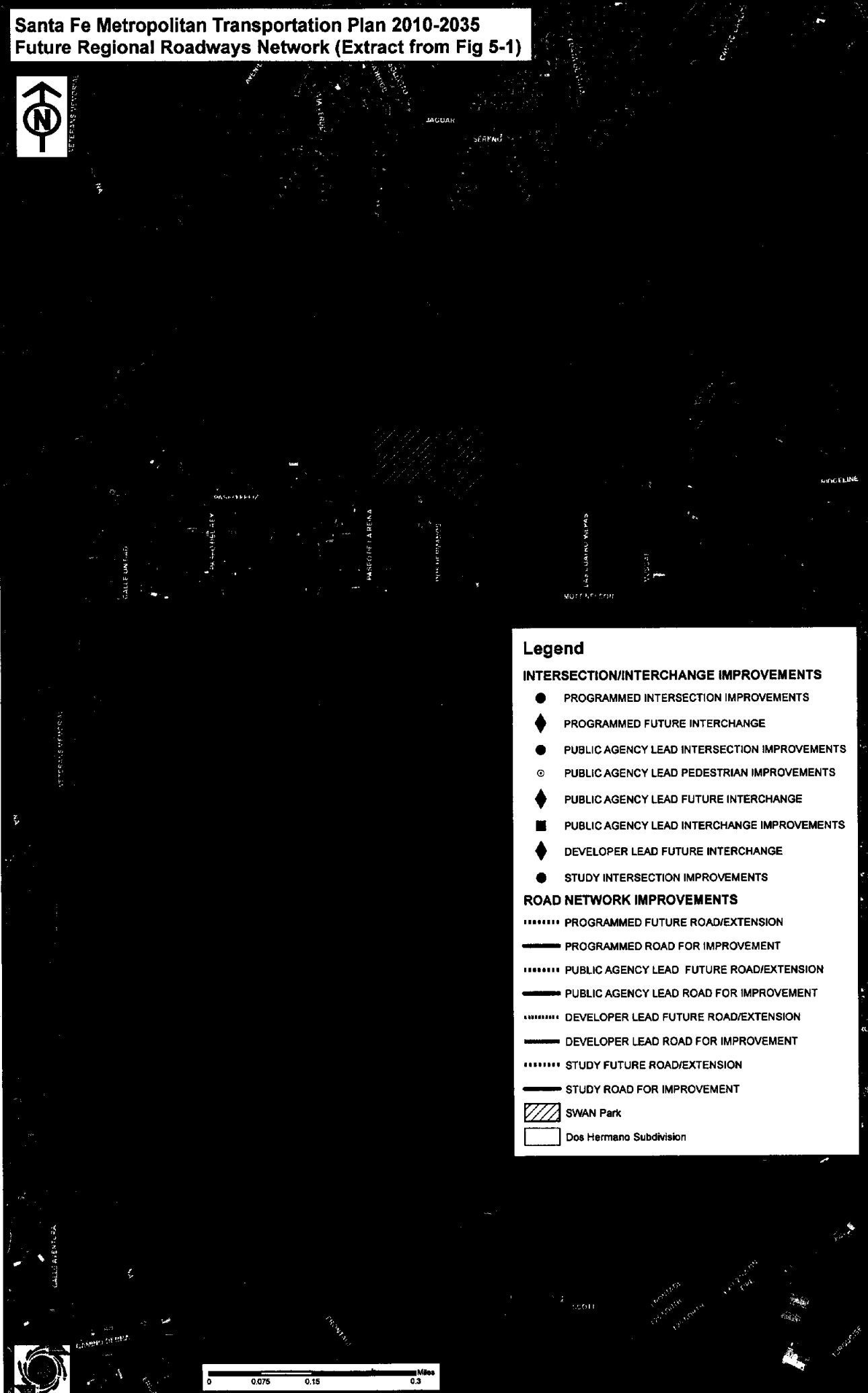
LEGEND



06-15-10: DRT

MASTER PLAN AS IMPLEMENTED THROUGH JUNE 2010

**Santa Fe Metropolitan Transportation Plan 2010-2035
Future Regional Roadways Network (Extract from Fig 5-1)**



Legend

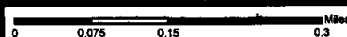
INTERSECTION/INTERCHANGE IMPROVEMENTS

- PROGRAMMED INTERSECTION IMPROVEMENTS
- ◆ PROGRAMMED FUTURE INTERCHANGE
- PUBLIC AGENCY LEAD INTERSECTION IMPROVEMENTS
- ⊙ PUBLIC AGENCY LEAD PEDESTRIAN IMPROVEMENTS
- ◆ PUBLIC AGENCY LEAD FUTURE INTERCHANGE
- PUBLIC AGENCY LEAD INTERCHANGE IMPROVEMENTS
- ◆ DEVELOPER LEAD FUTURE INTERCHANGE
- STUDY INTERSECTION IMPROVEMENTS

ROAD NETWORK IMPROVEMENTS

- PROGRAMMED FUTURE ROAD/EXTENSION
- PROGRAMMED ROAD FOR IMPROVEMENT
- PUBLIC AGENCY LEAD FUTURE ROAD/EXTENSION
- PUBLIC AGENCY LEAD ROAD FOR IMPROVEMENT
- DEVELOPER LEAD FUTURE ROAD/EXTENSION
- DEVELOPER LEAD ROAD FOR IMPROVEMENT
- STUDY FUTURE ROAD/EXTENSION
- STUDY ROAD FOR IMPROVEMENT

- SWAN Park
- Dos Hermano Subdivision

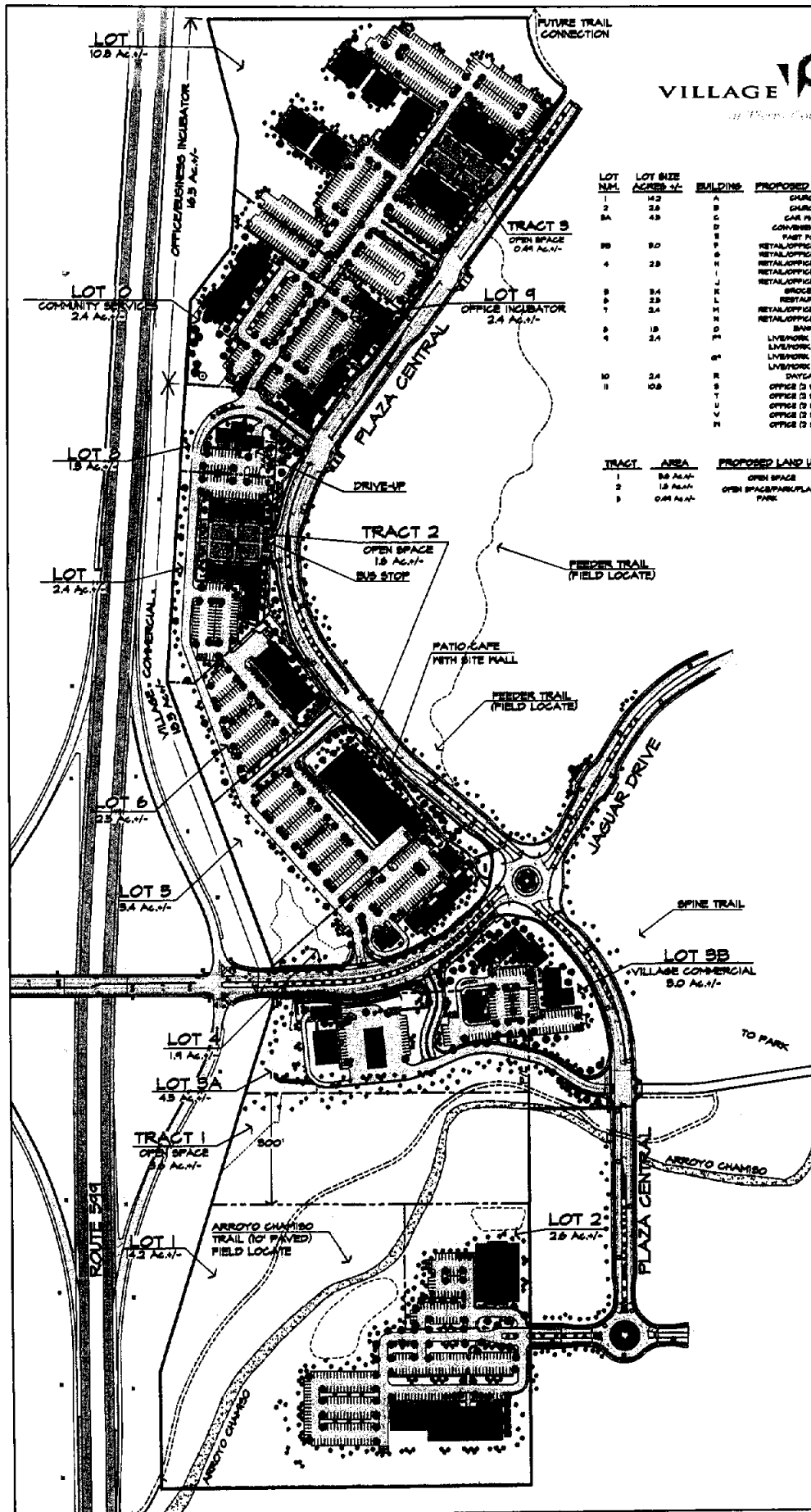


VILLAGE PLAZA

at Phoenix

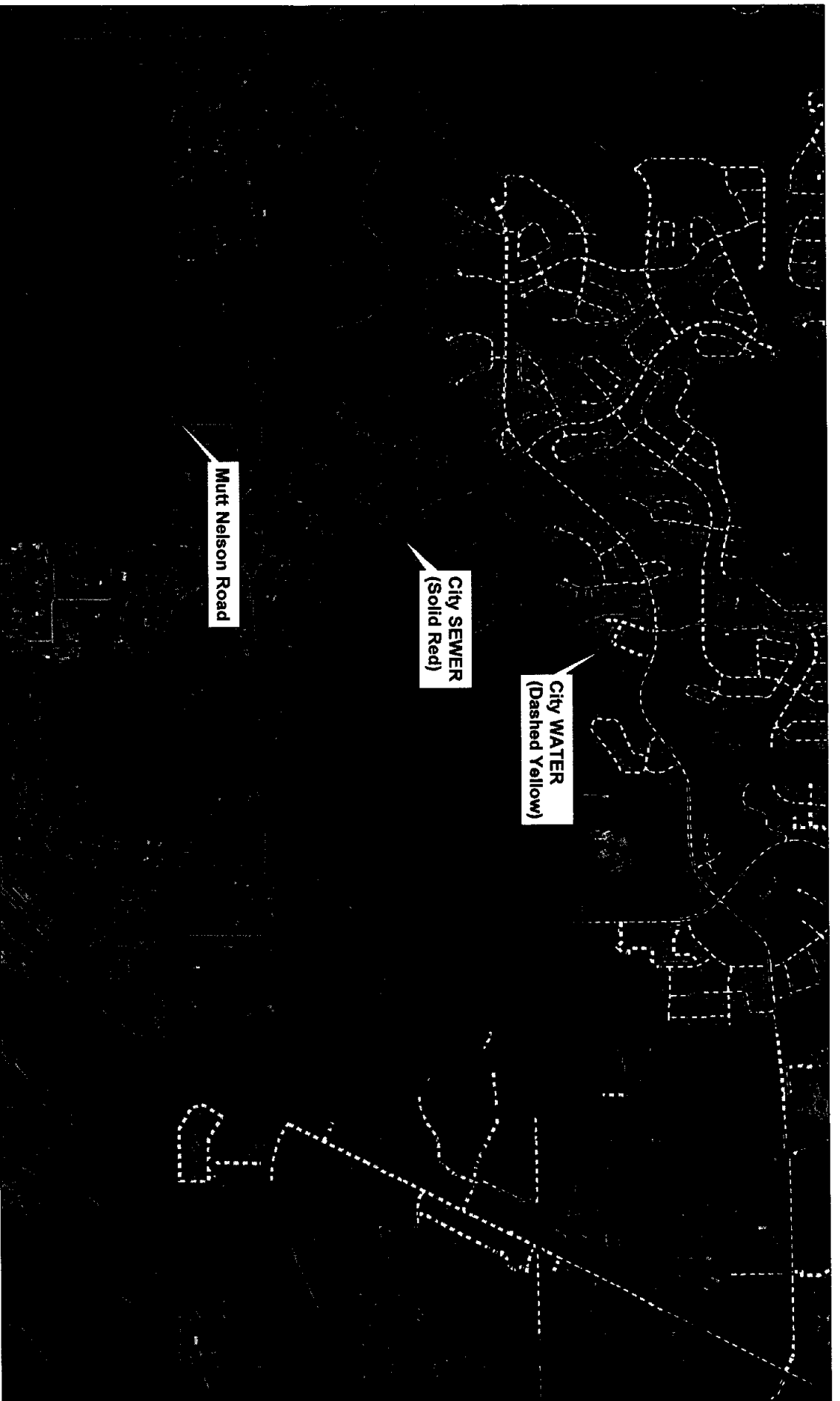
LOT N.M.	LOT SIZE ACRES +/-	BUILDING	PROPOSED LAND USE	GROSS FLOOR AREA	PARKING SPACES PROVIDED
1	14.2	A	CHURCH	38,800	204
2	2.8	B	CHURCH	18,000	94
3A	4.9	C	CAR WASH	9,800	5
		D	CONVENIENCE ST.	5,300	27
		E	FAST FOOD	8,000	11
3B	9.0	F	RETAIL/OFFICE/SERVICE	9,000	82
4	2.8	G	RETAIL/OFFICE/SERVICE	8,900	46
		H	RETAIL/OFFICE/SERVICE	3,800	13
		I	RETAIL/OFFICE/SERVICE	1,400	91
		J	RETAIL/OFFICE/SERVICE	2,300	8
5	3.4	K	GROCERY	80,000	84
6	2.8	L	RESTAURANT	3,000	38
7	2.4	M	RETAIL/OFFICE/SERVICE	10,000	39
		N	RETAIL/OFFICE/SERVICE	5,000	30
8	1.8	O	BANK	4,000	11
9	2.4	P	LIVENSORK OFFICE	10,400 SF	92
		Q	LIVENSORK RESID.	10 DU	30
		R	LIVENSORK OFFICE	10,400 SF	92
		S	LIVENSORK RESID.	10 DU	30
10	2.4	T	DAYCARE	10,000	34
11	12.8	U	OFFICE (3 STORY)	24,000	340
		V	OFFICE (3 STORY)	24,000	
		W	OFFICE (3 STORY)	24,000	

TRACT	AREA	PROPOSED LAND USE
1	8.8 AC +/-	OPEN SPACE
2	1.8 AC +/-	OPEN SPACE/PARK/PLAZA
3	0.4 AC +/-	PARK



DEVELOPMENT PLAN

UTILITIES - SOUTHWEST AREA



City WATER
(Dashed Yellow)

City SEWER
(Solid Red)

Mutt Nelson Road

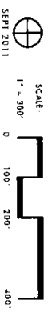
SOUTHWEST ACTIVITY NODE PARK

PARK MASTER PLAN

LEGEND

- Master Plan Project Boundary
- City / County Boundary
- Building Footprint
- Topography, 2-ft Contour
- Drainageway, Major Arroyo
- Open Space, Existing Native Landscape
- Open Space, Enhanced Native
- Open Space, Water Quality Food
- Open Space, Enhanced Riparian Area
- Park Landscape
- Grass, Irrigated Turf Lawn
- Tree, Evergreen - Pines + Juniper
- Tree, Deciduous - Streetscaping
- Tree, Deciduous - Riparian
- 1 Multi-Purpose Sports Field (Artificial Turf)
- 2 Playground
- 3 Historic Adventure Playground
- 4 Baseball Court
- 5 Fruit Tree Orchard
- 6 Community Garden
- 7 Horticulture Plant Displays
- 8 Festival Lawn
- 9 Tennis / Pickleball Courts
- 10 Maintenance / Restroom / Concession Building
- 11 Water Playground
- 12 Community Lawn
- 13 State Park Plaza
- 14 BMX Pump Track
- 15 Multi-Purpose Sports Fields (Natural Grass)
- 16 Dog Park
- 17 Park Overlook
- 18 Hiker / Biker Trailhead

ILLUSTRATIVE PLAN PARK MASTER PLAN



Produced for the City of Santa Fe
design office: wark + associates, Wilson & Company

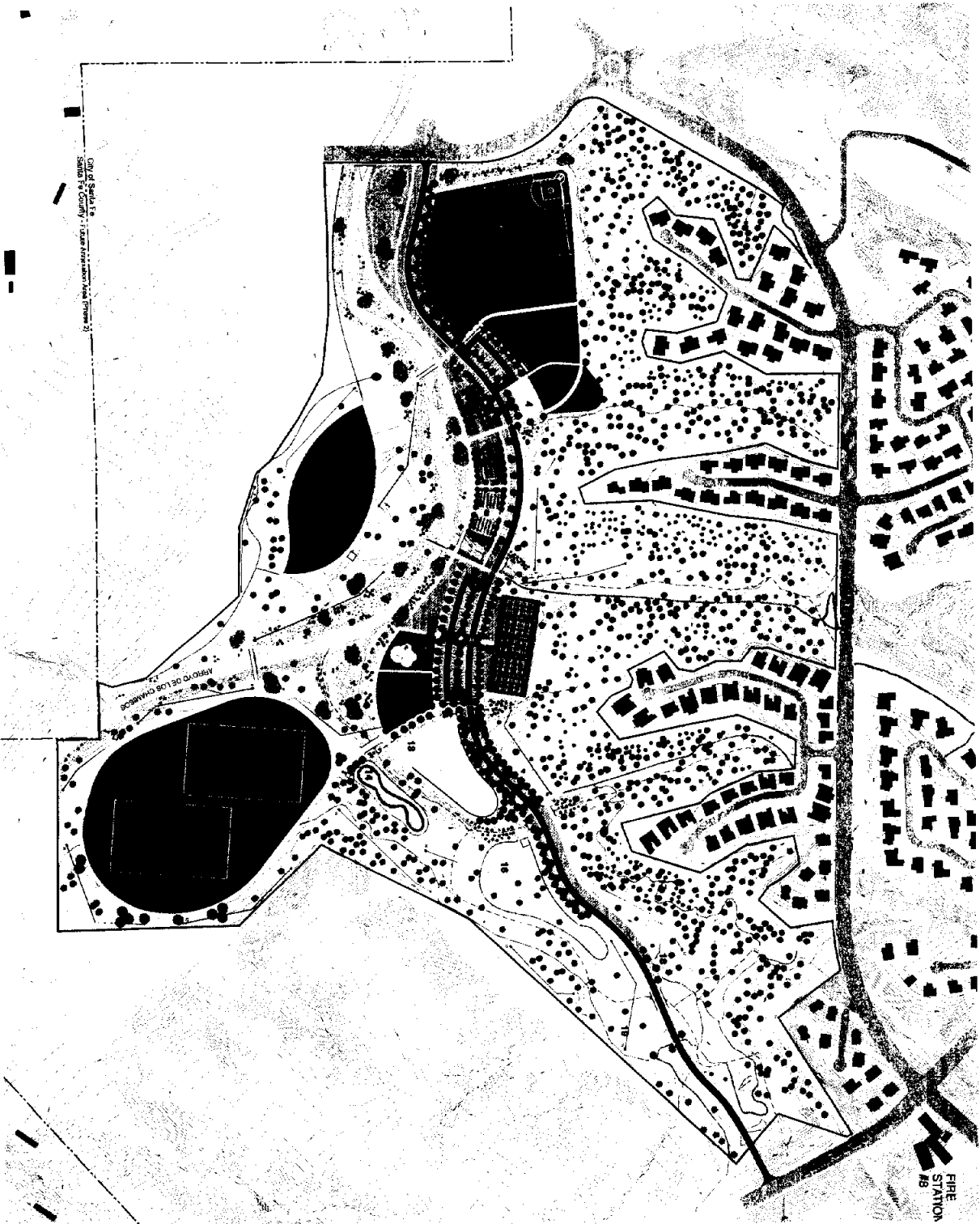


Exhibit "5"

City of Santa Fe, New Mexico

memo

DATE: August 26, 2014 for the September 11, 2014 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, Planning Manager, Current Planning Division *TB*

FROM: Zach Thomas, Senior Planner, Current Planning Division *ZT*

Case #2014-71. 5704 Agua Fria Road General Plan Amendment. James W. Siebert & Associates, Inc., agent for Paul and Rosina Gallegos, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for a +/-1.79 acre property from Neighborhood Center to Industrial. The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

Case #2014-72. 5704 Agua Fria Road Rezoning. James W. Siebert & Associates, Inc., agent for Paul and Rosina Gallegos, requests rezoning of a +/-1.79 acre property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial) The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

UPDATE FROM AUGUST 7th, 2014 PLANNING COMMISSION MEETING

Per the request of the applicant at the August 7, 2014 Planning Commission public hearing, the Planning Commission postponed the above applications for consideration at the September 11, 2014 hearing. The applicant requested postponement to seek clarification of the MPO / Roadway and Trail Division proposed condition of approval pertaining to trail dedication and construction.

Upon discussion between the applicant and city staff, it was confirmed that the initial alignment of the trail easement requested by the MPO and the Roadway and Trails Division was consistent with the Bicycle Master Plan. Furthermore, The MPO / Roadway and Trail Division condition of approval was revised to better meet the needs of the applicant and City (see attached). All other proposed conditions of approval and details of the original August 7, 2014 staff report remain unchanged.

ATTACHMENTS: Revised Conditions of Approval

Exhibit "6"

5704 Agua Fria General Plan Amendment and Rezone-Conditions of Approval

Planning Commission

Case #2014-71&72 - 5704 Agua Fria GPA & Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the proposed General Plan Amendment and Rezone and provided the following comments which are noted as Conditions of Approval:</p> <ol style="list-style-type: none"> 1. The Developer shall dedicate sufficient Right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads (City to provide conceptual roundabout design to Developer). Said Right-of-Way dedication shall be reviewed and approved by the City of Santa Fe Traffic Engineering Division prior to recordation and shall be at a minimum equivalent to the existing Grant of Right of Way Easement, between J.C. and Sue C. Bergere and the County of Santa Fe, dated September 20, 1950 and with reference no. 51/254 that is described in note 11 of Plat Book 689, page 49, recorded on September 12, 2008 in the County of Santa Fe, NM. 2. Access to the Northerly Tract located at 5704 Agua Fria shall be via the 82 foot wide Right-of-way located adjacent to and south of said property. No access will be granted directly off of either Agua Fria or San Felipe Roads to the Northerly Tract. (The Southerly Tract shall similarly be accessed via the 82 foot Right-of-Way.) 3. At the time of development of the Northerly Tract, the Developer shall construct an access road within the Right-of-Way tract located between the Northerly and Southerly Tracts. The access road shall connect to San Felipe on the west side and extend approximately 220 feet to the easterly boundary of the Right-of-Way Tract. The design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Northerly Tract shall connect to City Sewer Service at the time of development. The Wastewater Division Engineer shall conduct a review of all proposed wastewater infrastructure prior to approval of development applications.</p>	Wastewater Division	Stan Holland
<p>The Northerly Tract shall connect to City Water Service at the time of development. The Water Division Engineer shall conduct a review of all proposed water service infrastructure prior to the approval of development applications.</p>	Water Division	Dee Beingsner
<p>The subdivision plat has been reviewed to ensure consistency with the Metropolitan Transportation Plan (MTP), the Metropolitan Bicycle Master Plan (BMP). The following conditions are added to ensure connectivity with the trail alignments:</p> <ol style="list-style-type: none"> 1. A 15 foot multi-use trail easement shall be dedicated along the eastern boundary of the property at the time of recordation of the rezone plat. At the time of development of the property, the Developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property in conjunction with the access road described in the City Traffic Engineer's condition #3. The 	MPO / Roadway and Trails Division	Keith Wilson / Eric Martinez

5704 Agua Fria General Plan Amendment and Rezone--Conditions of Approval

Planning Commission

Case #2014-71&72 -- 5704 Agua Fria GPA & Rezone

Conditions	Department	Staff
design of all trail/side paths shall be reviewed and approved by the Roadway & Trails Engineering Division and shall be built to City of Santa Fe standards. At the time of future approval of a Subdivision or Development Plan, the Developer shall develop all trails consistent with the Metropolitan Bicycle Master Plan as required by SFCC Section 14-8.15.		

City of Santa Fe, New Mexico

memo

DATE: July 23, 2014 for the August 7, 2014 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, Planning Manager, Current Planning Division *TB*

FROM: Zach Thomas, Senior Planner, Current Planning Division *ZT*

Case #2014-71. 5704 Agua Fria Road General Plan Amendment. James W. Siebert & Associates, Inc., agent for Paul and Rosina Gallegos, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for a 1.79 acre property from Neighborhood Center to Industrial. The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

Case #2014-72. 5704 Agua Fria Road Rezoning. James W. Siebert & Associates, Inc., agent for Paul and Rosina Gallegos, requests rezoning of a 1.79 acre property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial) The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

Cases #2014-71 and #2014-72 are combined for purposes of staff report, public hearing and Planning Commission review, but each is a separate application and shall be voted upon separately.

RECOMMENDATION

The Land Use Department recommends **APPROVAL** of the General Plan Amendment and Rezoning subject to the conditions as outlined in this report. No specific development is proposed as part of these applications. The request will proceed to the City Council for final decision on the General Plan Amendment and Rezoning.

I. APPLICATION SUMMARY

The subject 1.79 acre lot is a remainder of a 3.076 acre lot that was split into two lots as a result of the City taking 0.417 acres for the Rufina Street right-of-way. Establishment of the right-of-way created a northerly tract of 1.79 acres and a southerly tract of 0.87 acres. The northerly tract has a General Plan Future Land Use Designation of Neighborhood Center and is within the SC-1 (Planned Shopping Center) zoning district. The southerly tract has a General Plan Future Land Use Designation of Industrial and is within the I-1 (Light Industrial) zoning district.

The applicant requests a General Plan Amendment from Neighborhood Center to Industrial and a Rezoning from SC-1 (Planning Shopping Center) to I-1 (light Industrial) to be consistent with the southerly tract.

II. DISCUSSION AND ANALYSIS

The subject property is located within the Southwest Area Master Plan and was given the Future Land Use Designation of Neighborhood Center by the Community Area Plan adopted as part of the General Plan in 2007. The area came under City jurisdiction with the adoption of the Subdivision, Platting, Planning and Zoning Ordinance (SPPaZO) in 2009, and zoned SC-1 consistent with the Future Land Use Designation. It was annexed on January 1, 2014 as part of phase 2 of the City-initiated annexation. Additionally, the property immediately to the east which is owned by the State of New Mexico, and developed as a County Operated youth shelter and Head Start program, is also zoned SC-1.

The existing 0.471 acre right-of-way on the southern boundary of the property was acquired by the City in 1992 for the future extension of Rufina Road. However, a resolution adopted by the City Council in 1999 stated the City's intent to no longer extend Rufina Road to San Felipe, but rather to encourage the development of a pedestrian trail along the right-of-way previously intended for the development of Rufina Road. It is therefore unlikely that Rufina Road will be extended in the foreseeable future. The resolution has been attached as Exhibit C.

Developments within the SC-1 zoning district are intended to serve a minimum of 1,000 families and consist of 5 to 10 retail establishments with a major retail anchor such as a full service grocery store. To ensure adequate size for such a development, the SFCC Chapter 14, stipulates that a property is only eligible to be rezoned to SC-1 if it is between 5 to 15 acres.

The subject 1.79 acre property is unlikely to ever accommodate such development as it is bounded by an institutional use on the east, Agua Fria Road to the North, a residential mobile home subdivision to the west and a City right-of-way and Industrial land to the south.

An Early Neighborhood Notification meeting was held on April 29, 2014 at the Southside library. No members of the public attended.

II. GENERAL PLAN AMENDMENT

The subject property's current land use designation is Neighborhood Center as shown on the Future Land Use Map (See Exhibit X). The applicant requests the Industrial designation to allow for I-1 (Light Industrial) zoning. Section 14-3.2(E)(1) sets out the following General Plan Amendment criteria for approval:

(a) *consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;*

Applicant Response: The requested I-1 zoning is more likely to generate and attract businesses rather than the SC-1 zoning, where development of the property would be prohibited with less than 5 acres of land under the current SC-1 zoning. This rezoning would allow for local businesses to relocate and have the ability to own their own space allowing the company to grow and hire more workers.

Staff Response: While the existing land use designation does not preclude development of the property, the request to change the future land use designation from Neighborhood Center to Industrial is consistent with current Industrial land use designation of property to the north and south of the property. Any future development would be required to develop access for the property within the 0.471 acre right-of-way south of the property.

(b) *Consistency with other parts of the general plan;*

Applicant Response: The subject property is mostly surrounded by I-1 property with the exception of the mobile home park to the west and SC-1 zoned property to the east. The subject property was zoned SC-1 with the idea that the sum of area of the zoned properties was sufficient in size to accommodate a shopping center and satisfy the minimum acreage requirement of 5 acres. With the development of the Youth Shelters and Family Services, The Planning Shopping Center was diminished in size and is now less than the 5 acre minimum required by the SC-1 zoning district.

Staff Response: The subject property is currently vacant and bordered on two sides by Industrial land use designations. The proposed change will not create inconsistencies with the General Plan. General Plan Policy 5-3-G-6 speaks directly to the need to achieve compatibility between industrial development and surrounding neighborhoods. Chapter 14 implements this policy through development standards that address the residential and nonresidential interface.

(c) *the amendment does not:*

- (i) *allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or*
- (ii) *affect an area of less than two acres, except when adjusting boundaries between districts; or*

(iii) *benefit one or a few landowners at the expense of the surrounding landowners or the general public;*

Applicant response:

(i) *allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area;*

The prevailing use and character in the area is mostly industrial, with the exception of the mobile home park located immediately west of the subject tract.

(ii) *affect an area of less than two acres, except when adjusting boundaries between districts.*

The property is less than two acres in size. The City's taking of a strip of land on the south caused the lot to be split. The original size of the lot was 3.076 acres in size. The south portion of the left over lot is designated as light industrial.

(iii) *Benefit one or a few landowners at the expense of the surrounding landowners or general public.*

The requested commercial zoning designation is generally consistent with the land use patterns found on surrounding and near-by lots.

Staff Response: There is a residential mobile home subdivision to the west of the subject site. However, the subdivision is surrounded on three sides by Industrial designated land. The subject site is also bordered on the north and south sides by Industrial designated land with no conflict. As such, the prevailing use and character of the area is industrial.

Although the property is less than 2 acres in size, it is an expansion of the I-1 district across Agua Fria Road and well as across the right-of-way south of the property, and therefore qualifies as an adjustment in the boundaries of the I-1 zoning district. This request to amend the General Plan Future Land Use Map does not benefit the property owner at the expense of the surrounding landowners or the general public.

(d) *an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;*

Applicant Response: Justification for the rezoning action is based on the surrounding zoning designations in the area.

Staff Response: The amendment does conform with Subsection 14-3.2(E)(1)(c) as it is not inconsistent with the prevailing use or character of the area, is not less than 2 acres as it is adjusting the boundary of adjacent industrial land and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.

(e) *compliance with extraterritorial zoning ordinances and extraterritorial plans;*

Applicant Response: This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.

Staff Response: Extraterritorial zoning ordinances are no longer relevant to the subject site as it is within the City boundary.

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and

Applicant Response: Industrial uses are more consistent with the surrounding land uses, especially since the SC-1 zoning has been obviated by the construction of buildings on County land including housing and a variety of social service functions.

Staff Response: While other development of the property is feasible, the site will not likely, in the foreseeable future, be developed as a Neighborhood Center as anticipated by the land use designation and zoning. Land immediately to the east that is zoned SC-1 (Planned Shopping Center) has been developed and operates as Santa Fe County social service facilitates and is designated as Public/Institutional by the General Plan Future Land Use Map.

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Applicant Response: The City regulations require a minimum of five acres for a Neighborhood Shopping Center. This property is no longer in conformance with the minimum lot size with the development of the County property.

Staff Response: This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to promote and maintain economically developable industrial land. While the subject property could be developed with a variety of commercial land uses under the existing land use designation and zoning, the site is better suited for Industrial land use as it is bordered on two sides by Industrial designated land.

(2) Additional Criteria for Amendments to Land Use Policies:

In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping, or other means, and a finding must be made that:

(a) *the growth and economic projections contained within the general plan are erroneous or have changed;*

Applicant Response: When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and assign a zoning district that best fit those land uses.

Staff Response: The Southwest Area Master Plan, adopted as part of the General Plan, identifies the subject site and adjacent property to the east as Neighborhood Center. However, the property to the east, which is owned by the State of New Mexico, has been developed by Santa Fe County as a social service center consisting of a youth shelter and Head Start facility. The General Plan Future Land Use Designation of Public/Institutional also reflects the current County use. Based on the existing use of adjacent property, it is apparent that growth and economic projections for this immediate area have changed from that previously anticipated.

(b) *no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or*

Applicant Response: Not applicable.

Staff Response: A variety of locations are available throughout the City for industrial uses. However, development patterns within the immediate vicinity of the subject site have changed and the site is no longer best suited for a neighborhood center and is well suited for a light industrial use.

(c) *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.*

Applicant Response: Conditions have changed with the development of the adjoining County land. A neighborhood shopping center is no longer viable either from a market or compliance standpoint.

Staff Response: The subject property and neighboring properties to the east were designated Neighborhood Center by the Southwest Area Master Plan. The property to the east has been developed as Santa Fe County social service facilities. As such, the collective site is no longer suitable as a Neighborhood Center as originally envisioned by the Southwest Area Master Plan.

(d) *The effect of the proposed change in land use will not have a negative impact on the surrounding property. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent property by a setback, landscape or other means.*

Applicant Response: The types of uses on the nearby Thomas Business Park are an example of the types of uses that might occur on this property. The Thomas Business Park has an assisted living facility, a bridge club and professional offices.

Staff Response: The proposed change in land use is consistent with the character of the surrounding area. The subject site is bordered on the north and south by Industrial land use designation and bordered on the east by existing public/institutional facilities. Additionally, the residential mobile home subdivision is bordered on three sides by Industrial land use with no known conflict.

III. REZONING

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

- (1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following conditions exist:

(i) there was a mistake in the original zoning;

Applicant Response: The City rezoned all properties within the Presumptive City Limits. The City's vision was that zoning the two corner lots as SC-1 was sufficient to accommodate a planned shopping center. With the Youth Shelters and Family Services occupying the lot, the SC-1 district is not consistent with City Code requirements or appropriate planning for this section of the southwest sector.

Staff Response: The SC-1 zoning district was given to the subject site and immediately adjacent properties to the east in 2009. The SC-1 zoning district was not consistent with the existing use of County social service facilities, which was developed in phases from approximately 2004 through 2008.

(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning;

Applicant Response: The area is predominately zoned I-1. The mobile home park predated zoning for the area. Since the 1970s the area has developed for light industrial purposes.

Staff Response: The SC-1 zoned property to the east has been developed as County social service facilities making it unlikely that the subject property and adjacent properties would be developed as a shopping center as originally anticipated by the Southwest Area Master Plan.

(iii) *a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;*

Applicant Response: I-1 zoning is compatible with the surrounding uses and it is likely that a future industrial use will generate less traffic than the SC-1. The Thomas Business Park has proven that I-1 uses can actually be less intensive than SC-1 uses.

Staff Response: The immediate vicinity is largely dominated by Industrial designated land. The proposed Land Use Amendment and Rezone essentially close a small gap in the surrounding industrial land. The following General Plan Policies articulate the importance of industrial land within the City and speak to the compatibility between industrial uses and surrounding uses:

Policy 5-3-G-4: Provide appropriately located areas for a broad range of manufacturing, warehousing, and service uses to strengthen the city's economic base and provide employment opportunities for residents.

Policy 5-3-G-5: Designate and protect the supply of land suitable for industrial use by not allowing incompatible uses to locate in industrial areas.

Policy 5-3-G-6: Achieve compatibility between industrial development and surrounding neighborhoods through use and design standards, and performance requirements intended to minimize excessive noise, smoke, light, glare and other adverse environmental impacts.

Development standards within Chapter 14 address the use and design standards referred to in Policy 5-3-G-6 to ensure compatibility with the existing residential mobile home subdivision to the west.

(b) *all the rezoning requirements of Chapter 14 have been met;*

Applicant Response: The current zoning does not meet the requirements of the code. Rezoning of the property to I-1 would insure that requirements of the code are met.

Staff Response: The proposed rezone complies with all rezoning requirements of Chapter 14.

(c) *the rezoning is consistent with the applicable policies of the general plan, including the future land use map;*

Applicant Response: The City General Plan shows this tract as a Planned Shopping Center. It appears that the area was inadequately surveyed when the City General Plan was prepared and when zoning was assigned to this area during the application of the City zoning to the area under the City/County Settlement Agreement.

It is therefore, not that the property is inconsistent with the General Plan, especially the Future Land Use Map, but that the land use designation established by the City General Plan was incorrect.

Staff Response: The applicant requests a change to the Future Land Use Map to create consistency with the proposed zoning. The rezoning is consistent with policies of the General Plan in that it protects the supply of land suitable for industrial development. The subject site is bordered on the north and south by Industrial designated land.

(d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;

Applicant Response: In the last 10 years there has been a major shift in land uses along Airport Road. In addition to the Chamisa Shopping Center at Zepol Road, which has been in existence for over 25 years, there is Esplanade Village which is also a retail commercial shopping center located at the intersection of Airport Road and Paseo del Sol intersection. Walgreens has recently constructed a store at Airport Road and Jemez Road. There are now sufficient retail services to accommodate the needs of the Southwest Sector.

Staff Response: There is a substantial amount of commercial zoned property in close proximity to the subject site. The subject site is better suited for I-1 zoning as it is largely surrounded by I-1 zoned land and is bordered on the east by County social service facilities. Furthermore, General Plan Policies speak to the importance of maintaining a supply of land suitable for industrial use.

(e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

Applicant Response: Sewer is available to the property at the south end of the tract. City water is available along the entire length of the property on the San Felipe side and on the Agua Fria Road side. No new fire protection or police facilities will be required to serve this area. Electric, natural gas and telephone is available adjacent to this property.

Staff Response: Infrastructure and public facilities are available to serve future development of the property. Any new development will require connection to the City water and sewer. The requested zoning will not impact infrastructure to a greater degree than would already occur under the existing SC-1 zoning.

(D) Additional Applicant Requirements

(1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;

(2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

Staff Response: Basic infrastructure including: streets (no sidewalk), water, and sewer, are available to adequately serve the site as it currently exists. However, a condition has been proposed to require the developer to dedicate sufficient right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads. Also, a condition has been proposed to require the developer, at the time of future development of the property, to construct an access road within the right-of-way south of the property.

IV. CONCLUSION

Staff supports the proposed General Plan Future Land Use Map Amendment from Neighborhood Center to Industrial and the proposed Rezone from SC-1 to I-1, subject to the proposed conditions of approval.

VI. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Wastewater Management Division memorandum, Stan Holland
2. Traffic Engineering Division memorandum, Sandra Kassens
3. Water Department memorandum, Dee Beingessner

EXHIBIT C: Maps

1. Future Land Use
2. Current Zoning
3. Aerial Photo

EXHIBIT D: 1999 Resolution regarding Rufina Road

EXHIBIT E: Applicant Materials – GPA and Rezone Report

5704 Agua Fria General Plan Amendment and Rezone--Conditions of Approval

Planning Commission

Case #2014-71&72 -- 5704 Agua Fria GPA & Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the preliminary subdivision plat and provided the following comments which are noted as Conditions of Approval:</p> <ol style="list-style-type: none"> 1. The Developer shall dedicate sufficient Right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads (City to provide conceptual roundabout design to Developer). Said Right-of-Way dedication shall be reviewed and approved by the City of Santa Fe Traffic Engineering Division prior to recordation and shall be at a minimum equivalent to the existing Grant of Right of Way Easement, between J.C. and Sue C. Bergere and the County of Santa Fe, dated September 20, 1950 and with reference no. 51/254 that is described in note 11 of Plat Book 689, page 49, recorded on September 12, 2008 in the County of Santa Fe, NM. 2. Access to the Northerly Tract located at 5704 Agua Fria shall be via the 82 foot wide Right-of-way located adjacent to and south of said property. No access will be granted directly off of either Agua Fria Road or San Felipe Roads to the Northerly Tract. (The Southerly Tract shall similarly be accessed via the 82 foot Right-of-Way.) 3. At the time of development of the Northerly Tract, the Developer shall construct an access road within the Right-of-Way tract located between the Northerly and Southerly Tracts. The access road shall connect to San Felipe on the west side and extend approximately 220 feet to the easterly boundary of the Right-of-Way Tract. The design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Northerly Tract shall connect to City Sewer Service at the time of development. The Wastewater Division Engineer shall conduct a review of all proposed wastewater infrastructure prior to approval of development applications.</p>	Wastewater Division	Stan Holland
<p>The Northerly Tract shall connect to City Water Service at the time of development. The Water Division Engineer shall conduct a review of all proposed water service infrastructure prior to the approval of the final subdivision plat.</p>	Water Division	Dee Beingsner
<p>The subdivision plat has been reviewed to ensure consistency with the Metropolitan Transportation Plan (MTP), the Metropolitan Bicycle Master Plan (BMP). The following conditions are added to ensure connectivity with the trail alignments:</p> <ol style="list-style-type: none"> 1. At the time of future approval of a subdivision or Development Plan, the Developer shall dedicate and develop trails on the southern and eastern portions of the property consistent with the Metropolitan Bicycle Master Plan as required by SFCC Section 14-8.15. 	MPO / Roadway and Trails Division	Keith Wilson / Eric Martinez

City of Santa Fe, New Mexico

memo

DATE: July 7, 2014
TO: Zach Thomas, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2014-71&72 – 5704 Agua Fria General Plan Amendment and Rezoning

The subject properties are accessible to the City sanitary sewer system.

The Wastewater Division has no objection to the General Plan Amendment and Rezoning.

City of Santa Fe, New Mexico

memo

DATE: July 15, 2014
TO: Zach Thomas, Land Use Division
VIA: John J. Romero, Traffic Engineering Division Director *JB*
FROM: Sandra Kassens, Engineer Assistant *SK*
SUBJECT: 5704 Agua Fria Road GPA and Rezoning. (Case# 2014-71/72)

ISSUE:

James W. Siebert & Associates, agent for Paul and Rosina Gallegos, request approval of a General Plan Amendment to amend the existing General Land Use designation for a 1.79 acre property from Neighborhood Center to Industrial. In addition, they request rezoning of a 1.79 acre property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial). The Property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria.

RECOMMENDED ACTION:

Review comments are based on submittals received on July 2, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The Developer shall dedicate sufficient Right-of-Way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads (City to provide conceptual roundabout design to Developer.) Said ROW dedication shall be reviewed and approved of by the City of Santa Fe Traffic Engineering Division prior to recordation and shall be at a minimum equivalent to the an existing Grant of Right of Way Easement, between J.C. and Sue C. Bergere and the County of Santa Fe, dated Sept. 20, 1950 and with reference no. 51/254 that is described in note 11 of Plat book 689, page 49, recorded on Sept. 12, 2008 in the County of Santa Fe, NM.
2. Access to the Northerly Tract located at 5704 Agua Fria Road shall be via the 82' wide Right-of-Way located adjacent to and south of said property; no access will be granted directly off of either Agua Fria Road or San Felipe Roads to the Northerly Tract. (The Southerly Tract shall similarly be accessed via this 82' wide ROW.)
3. At the time of development of the Northerly Tract, the Developer shall construct an access road within the ROW tract located between the Northerly and Southerly tracts that shall connect to San Felipe on the west side and extend approximately 220' to the eastern boundary of the ROW Tract. The Design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards.

If you have any questions or need any more information, feel free to contact me at 955-6697. (Call to discuss roundabout design.) Thank you.

Attachments: Grant of Right of Way Easement, 51/254

SS001 PM5 - 7/95

2/25

... in hand paid by said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said party of the second part, a perpetual, full and unrestricted easement and right of way, along, over and across the following described strip, tract and parcel of land and real estate lying, situate and being in the County of Santa Fe, State of New Mexico, to-wit:

And upon the description of the right of way in so far as it concerns the grantor's land.)

Beginning at a point on the northerly boundary line of the Pacheco Grant, coincidental with center line Station 1845.77 of SP F28-118(2) (Extension), and point from which the northeasterly corner of the Pacheco Grant bears N.75°28' E. a distance of 213.96 feet; thence N.75°28' E. along said boundary line a distance of 31.05 feet; thence S.0°23' W. a distance of 37.73 feet to the true point and place of beginning; thence continuing S.0°23' W. along the easterly right of way line of the aforementioned project a distance of 100.0 feet; thence N.7°03' E. a distance of 175.20 feet; thence S.58°03' W. a distance of 100.0 feet to the true point and place of beginning. Containing 0.097 of an acre, more or less.

together with the full and unrestricted right unto the said party of the second part and unto the State of New Mexico, to use the same as a public highway, to construct such public highway along and upon the same, to pierce such hills, cuts, culverts, bridges and structures thereon as may be necessary or desirable in connection with the use of the same for highway purposes, to use any and all materials therein requisite or convenient for use in the construction, either on or off said lands, of highways and appurtenances thereto and in that connection to leave upon said land borrow pits and other fills and excavations incident to the use of such materials and to prohibit all usage of said land or right of way for purposes which are in any way or in any manner inconsistent with the regulations of the State Highway Commission of the State of New Mexico.

TO HAVE AND TO HOLD the said right and easement for the uses and purposes aforesaid, unto the said party of the second part, its successors and assigns for as long as said right of way shall not be abandoned for highway purposes, and the said right of way shall not be discontinued by non-use thereof for a continuous period of five years, by the State Highway Engineer of the State of New Mexico, or his successors or substitutes in office, and at any time execute and cause to be recorded in the County aforesaid a certificate that said right of way has been abandoned for highway purposes, then, and in either of such events the same shall be considered as having been abandoned within the meaning hereof, and the easement hereby granted shall thereupon terminate.

IN WITNESS WHEREOF the said parties of the first part have hereupon set their hand and

STATE OF NEW MEXICO

COUNTY OF SANTA FE

10-28-67 Sunday September

JOSEPH BERGEN AKA. SUE J. BERGEN, his wife,

to be the parties described in and who executed the above and foregoing Grant of Easement and acknowledge that they executed the same as their free act and deed

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first written.

My Commission expires - 14-53

(Note: The foregoing instrument should be executed by the husband and wife in each instance where the grantors are married.)

City of Santa Fe
memo

DATE: July 8, 2014

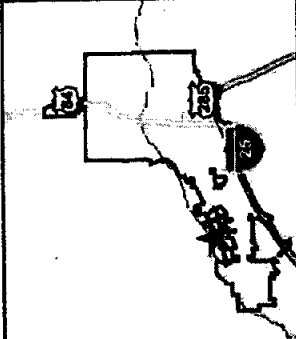
TO: Zach Thomas, Land Use Senior Planner, Land Use Department

FROM: Dee Beingessner, Water Division Engineer *DB*

SUBJECT: Case # 2014-71 & 72 5704 Agua Fria Road

There is no account for water service for 5704 Agua Fria Road. If City water service is needed for the property, a main extension may be required.

Fire protection requirements are addressed by the Fire Department.



City Limits

+ Address Points

☐ Parcels

☒ Santa Fe River

Future Land Use

☒ Mountain/Corridor (1 dwelling per 10+ acres)

☒ Very Low Density (1-3 dwellings per acre)

☒ Low Density (3-7 dwellings per acre)

☒ Moderate Density (7-9 dwellings per acre)

☒ Medium Density (7-12 dwellings per acre)

☒ High Density (12-25 dwellings per acre)

☒ Regional Commercial

☒ Community Commercial

☒ Neighborhood Center

☒ Transitional Mixed Use

☒ Business Park

☒ Office

☒ Industrial

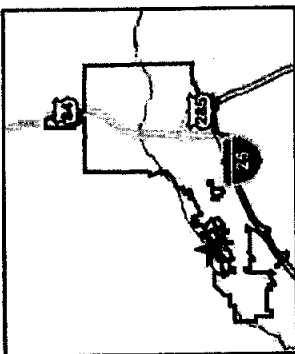
☒ Public/Institutional

☒ Open Space

Scale: 1:3,049

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Scale: 1:3,049



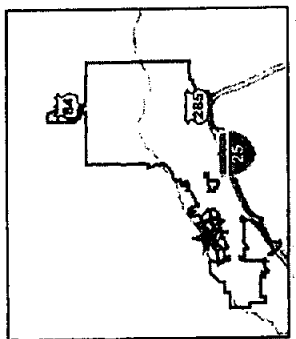
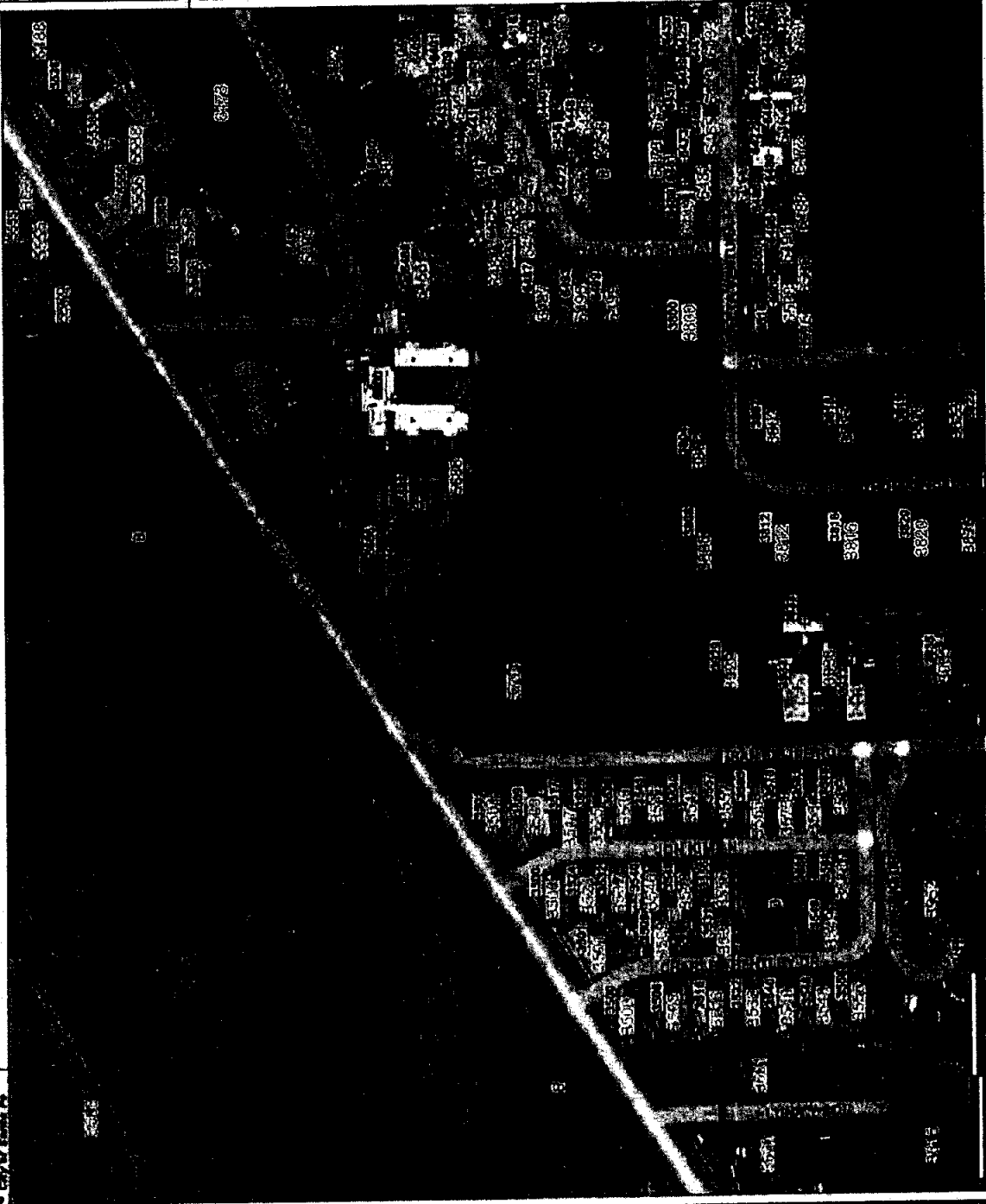
City Limits	Address Points	Parcels	Zoning
			R05 Rural Residential
			R1, (PUD) Single - Family 1du1ec.
			R2, (DT), (PUD), (AC) Single - Family 2du1ec.
			R3, (PUD) Single - Family 3du1ec
			R4 Single - Family 4du1ec
			R5, (DT), (PUD), (AC), R6 Single - Family 5+du1ec
			R7, O, (PUD), R8 Single - Family 7+du1ec
			RCS, RCSAC Compound 5du1ec
			RCS, RCSAC Compound 6du1ec
			R16, (PUD) Multiple - Family 16du1ec
			R12, (PUD) Multiple - Family 12du1ec
			R21, (PUD) Multiple - Family 21du1ec
			R28, (PUD),(AC) Multiple - Family 28du1ec.
			RAC Neighborhood Arts & Crafts
			MSP Mobile Home Park

Scale: 1:3,049





Aerial Photo



- Legend**
- City Limits
 - Address Points
 - Parcels
 - Santa Fe River
 - Major Roads and Highways
 - Other Roads and Streets
 - 2011 Aerial Photography - 1 foot resolution

Scale: 1:3,049

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 1999-46

INTRODUCED BY:

Carol Robertson Lopez
Atty. Gen. J. B. S. S. S.
Carol Robertson Lopez

A RESOLUTION

SUPERCEDING RESOLUTION 1998-37 REQUESTING CONSTRUCTION FUNDING
FOR THE RUFINA STREET EXTENSION AND STORM DRAINAGE PROJECT, C.I.P.
No. 826.

WHEREAS, the southwest part of the City, in the Airport Road and Agua Fria Street area is
growing rapidly with development of housing, shopping and schools; and

WHEREAS, this development is causing unacceptable levels of traffic congestion on
Airport Road and Agua Fria Street; and

WHEREAS, the City's current and proposed General Plan recommend construction of
Rufina Street as an arterial to alleviate traffic congestion in this area; and

WHEREAS, the City has since 1986 authorized over \$3.5 million of Capital Improvement
Bond funds for design and right-of-way acquisition; and

WHEREAS, Bellamah Development Corporation paid the City \$186,343 towards
construction of Rufina Street as a condition of annexation; and

1 WHEREAS, Cinco para Manana, Inc. paid the City \$100,000 towards the construction of
2 Rufina Street and storm drainage facilities as condition of annexation; and

3 WHEREAS, the City has completed construction plans for Rufina Street between Henry
4 Lynch Road and Calle Atajo (Phase I) and the storm sewer outfall from Calle Atajo to the Santa Fe
5 River, through Phase II; and

6 WHEREAS, preliminary design is complete for Rufina Street, between Calle Atajo and San
7 Felipe Road (Phase II), and

8 WHEREAS, the City has acquired all rights-of-way for Rufina Street, except for ongoing
9 acquisition of that parcel that crosses through Fairway Village and that parcel that crosses State
10 Land, all in Phase II, and

11 WHEREAS, the estimated costs for constructing a two-lane section of Rufina Street and the
12 storm drainage system is:

13 Storm sewer outfall	\$3,600,000
14 Update road plans, Phase I	\$ 100,000
15 Construct 2-lane street between	
16 Henry Lynch Road and Calle Atajo	
17 (Phase I)	\$2,500,000
18 Design, Phase II	\$ 150,000
19 Construct 2-lane street between	
20 Calle Atajo and San Felipe Road	
21 (Phase II)	\$1,150,000; and

22 WHEREAS, the Tiempos Lindos Homeowners Association and several residents from
23 Fairway Village appealed to the City to end the westerly extension of Rufina Street at the
24 intersection of proposed South Meadows Road and to plan and build South Meadows Road to
25 connect with the Santa Fe Relief Route and to plan for a trail to extend westerly along the

1 remainder of the Rufina corridor towards San Filipe Road, all lying within Santa Fe County; and

2 WHEREAS, this action will delete the planned secondary access points for Tiempos Lindos
3 Development, Fairway Village Subdivision and the Tierra Real Mobile Home Subdivision; and

4 WHEREAS, this action is recommended and supported by the EZA appointed Urban
5 Arterial Task Force; and

6 WHEREAS, this action will require an amendment to the existing and proposed City
7 general plan; and

8 WHEREAS, the Santa Fe County Public Works Department has been coordinating the
9 alignment for South Meadows Road with property owners and developers; and

10 WHEREAS, this action will shorten the construction of Rufina Street by approximately
11 4,400 feet; and

12 WHEREAS, this action will revise the total estimated cost for constructing a two-lane
13 section of Rufina Street and the storm drainage system as follows:

14	Storm sewer outfall	\$2,400,000
15	Update road plans, Phase I	\$ 100,000
16	Construct 2-lane street between	
17	Henry Lynch Road and Calle Atajo	
18	(Phase I)	\$2,500,000
19	Design, Phase II	\$ 150,000
20	Construct 2-lane street between Calle Atajo	
21	and <i>(proposed)</i> South Meadows Road	
22	(Phase II)	\$ 800,000
23	<i>(proposed)</i> South Meadows Road Extension	
24	from Rufina Street to Agua Fria Street	
25	<i>(which estimate includes new traffic signal at</i>	

1 *Agua Fria Street and South Meadows Road*) \$ 420,000; and

2 WHEREAS, systematic capital improvements are an effective tool for communities to meet
3 their infrastructure needs.

4 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
5 OF SANTA FE that:

6 1. The current City General Plan and the proposed City General Plan are hereby
7 amended to show the Rufina Street Extension and storm sewer now terminating at the intersection
8 of *(proposed)* South Meadows Road.

9 2. The City, in cooperation with Santa Fe County, supports the construction of South
10 Meadows Road between Airport Road and the Santa Fe Relief Route.

11 3. After July 1, 1998, the governing body will authorize \$100,000 from the C.I.P. Re-
12 allocation fund for updating road plans for Rufina Street Extension and Drainage, between Henry
13 Lynch Road and Calle Atajo (Phase I)

14 4. The City encourages and supports Santa Fe County's efforts to construct a
15 pedestrian trail along the deleted segment of Rufina Street, between South Meadows Road and San
16 Filipe Road, all in the County.

17 5. After July 1, 1998, the governing body will authorize \$150,000 from the C.I.P. Re-
18 allocation fund for preparing construction plans for Rufina Street Extension from Calle Atajo to
19 South Meadows Road and South Meadows Road from Rufina Street to Agua Fria Street (Phase II).

20 6. The governing body will give full consideration to funding the construction of
21 Rufina Street storm sewer outfall in the next C.I.P. bond issue, scheduled for 1999.

22 7. The City will seek project funding form the New Mexico State Highway and
23 Transportation Department, the New Mexico Legislature and through the New Mexico
24 Congressional Delegation.

25 8. The City will update developer impact fees in this area to charge developers for this

1 road to whatever extent is legal under the State law.

2 PASSED, APPROVED and ADOPTED this 28th day of April, 1999.

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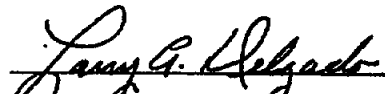
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LARRY A. DELGADO, MAYOR

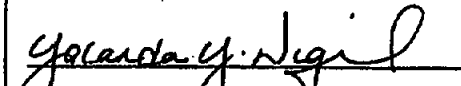
10 ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

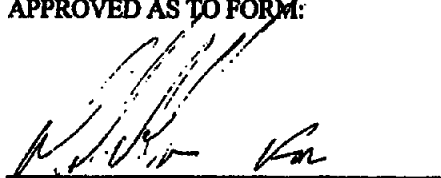
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APPROVED AS TO FORM:

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MARK A. BASHAM, CITY ATTORNEY

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No. 215

City of Santa Fe Fiscal Impact Report

This Fiscal Impact Report (F.I.R.) shall be completed for each proposed ordinance or resolution draft and is intended for use by any of the standing committees of and/or the Governing Body of the City of Santa Fe.

Section I: General Information

Date

 Draft
☒ Original 4/21/99

Bill Identification: Resolution # 1999-46
 Ordinance #

Sponsor(s): CHAVEZ, BLANKE, MADRAC
 Sponsor(s):

Short Title: RUBEN STREET - SURVEYEDS RESOLUTION 1998-57

Reviewing Department(s): PWD

Person Completing Analysis: C. LANGE Date: 4/21/99 Phone: 984-6081

Section II: Fiscal Impact

Appropriation Expenditure

Expenditure Classification	Estimated		Recurring	Non Recurring	Fund Affected
	Projected FY '98	Impact FY '99			
Personnel	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Fringe at 30%	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital Outlay	<u> </u>	<u> </u>	<u> </u>	<u>6,370,000</u>	<u>C.I.P.</u>
Land/Bldg.	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
All Other Operating Costs	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total:	<u> </u>	<u> </u>	<u> </u>	<u>6,370,000</u>	<u>CIP</u>

KAR

(Parenthesis () Indicate Expenditure Decreases)

Note: Include start-up costs under the non-recurring category.

Type of Revenue	Revenue Source				Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
	Estimated Revenue	Estimated Revenue	Estimated Revenue	Estimated Revenue			
	FY 98	FY 99	FY 00	FY 01			
FY 98 CIP BOND	\$150K					NON	CIP
FY 99 CIP BOND	\$2,400K					NON	CIP
FY 00 CIP BOND		\$2,500K				NON	CIP
FY 01 CIP BOND			\$1,220K			NON	CIP
Total:	\$250K	\$2,400K	\$2,500K	\$1,220K		\$6,370K	CIP

(Parenthesis () Indicate Revenue Decreases)

Appropriation/Expenditure Narrative: THE RUFINA STREET EXTENSION & DRAINAGE PROJECT, CIP#876, FIRST AUTHORIZED IN 1986. IT IS A "PLAN B3" PROJECT. RIGHTS-OF-WAY HAVE BEEN ACQUIRED FOR REVISED PROJECT DESCRIBED IN THIS RESOLUTION, EXCEPT FOR NORTHERLY EXTENSION OF S. MEADOWS ROAD TO AGUA FRIA STREET.

THE ACTION TO BE TAKEN BY THIS RESOLUTION SHORTENS RUFINA STREET BY APPROXIMATELY 4400 FEET, ENDING THE PROJECT AT PROPOSED SOUTH MEADOWS ROAD, RATHER THAN SAN FELIPE ROAD.

Revenue Narrative: THIS HAS BEEN A C.I.P. BOND FUND PROJECT

Section III: Relationship to other Legislation; Source of Information

Does this proposed ordinance/resolution duplicate, conflict with/ companion to/ relate to any currently approved ordinance or resolution? SUPERCEDES RESOLUTION

1998-37

MM

Sources of Information: RESOLUTION 1998-37

GENERAL PLAN

PROJECT FILES

COMMITTEE MINUTES

Section IV: Narrative**1. Ordinance/Resolution Summary (Two Parts)**

a) **Synopsis:** Briefly explain the major provisions of the Ordinance/Resolution. What is its purpose? How much will it cost?

b) **Significant Issues:** List and briefly describe the major issues related to the ordinance/resolution which are discussed in more detail in the remaining narrative sections.

2. Fiscal Impact

Explain or justify any appropriation expenditure as a result of the proposed ordinance/resolution which will become a recurring cost to the city. Please be sure to indicate whether or not a proposed ordinance/resolution increases or decreases costs to the city and whether or not the city can absorb such increase/decrease.

If passage of the proposed ordinance/resolution will result in additional costs, or in new revenues, estimate the annual amount.

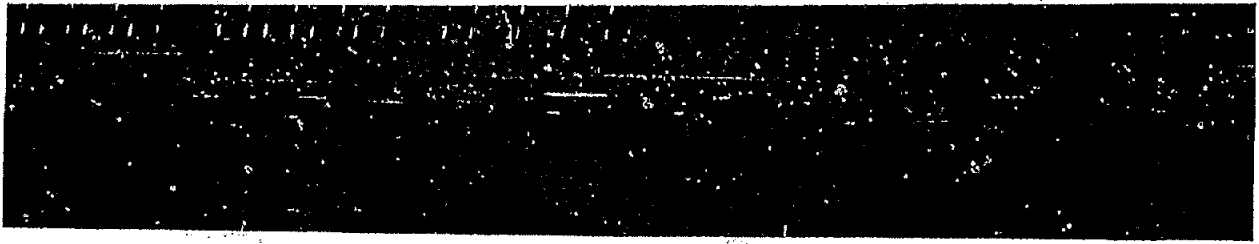
Explain any effect on federal appropriations or other local, state, and federal matching funds.

3. Administrative Impact

Explain the short or long-term administrative effect on the city of the passage or failure of the proposed ordinance/resolution. Indicate any changes in number of FTE (personnel) required.

4. Duplicate, Conflict, Companionship, or Relationship

Explain conflicts or overlaps with existing law and pending legislation, including citations of laws or ordinance numbers.



5. Technical Issues

Are there incorrect citations of law, drafting errors or other problems?

6. Substantive Issues

Are there any substantive issues such as legal problems or conflicts with existing policy or programs?

7. Alternatives

Are there any other alternatives which should be considered?

8. What will be the consequences of not enacting this bill?

9. Amendments

Are there any amendments that you would propose?

City of Santa Fe, New Mexico

memo

DATE: August 28, 2014 for the September 11, 2014 Planning Commission Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, Planner Manager, Current Planning Division *TB*

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division *DE*

17 DOS HERMANOS FINAL SUBDIVISION PLAT

Case #2014-76. 17 Dos Hermanos Final Subdivision Plat. JenkinsGavin Design & Development, Inc., agent for Dos Hermanos Trust, requests Final Subdivision Plat approval for a 5-lot single family residential subdivision. The property is zoned R-1 (Residential-1 dwelling unit per acre). (Dan Esquibel, Case Manager)

The Planning Commission at the July 10, 2014 meeting approved the Preliminary Subdivision Plat subject to conditions. The applicant has addressed all conditions approved by the Planning Commission (identified below) and is requesting Final Subdivision Plat review and approval.

1. ***Execute and record a shared well agreement prior to recordation of the Final Subdivision Plat.***
Applicant has agreed to provide a shared well agreement prior to recordation of Final Plat. See attached letter from Jennifer Jenkins dated August 28, 2014.
2. ***Connect Dos Hermanos to Paseo de la Reina for looped access to Mutt Nelson Road.***
Addressed on plat.
3. ***Stub out a continuation of Dos Hermanos to the north property line for future connection to Tierra Contenta and SWAN Park.***
This extension to Tierra Contenta and SWAN Park has been relocate to the west side of the property on the Right -Of -Way increased to accommodate a sub-collector road.
4. ***Provide a 10-foot wide pedestrian easement from Dos Hermanos to the north property line for future access to SWAN Park.***
A multi-use trail easement shall be provided on the east side of the property and is shown on the plat.

Exhibit "7"

5. ***Upgrade Dos Hermanos to meet minimum City streets standards in accordance with Table 14-9.2-1: Design Criteria for Street Types.***
Applicant proposes to install 20-foot wide, 6" compacted gravel road beginning at the Dos Hermanos on Mutt Nelson to Paseo de la Reina.
6. ***Execute and record a roadway maintenance agreement prior to recordation of the Final Subdivision Plat.***
Applicant agrees to this condition, See attached letter dated August 28, 2014.
7. ***Show location of existing wells and septic fields on all adjacent lots.***
Addressed on plat.
8. ***Redline conditions of approval:***
 - a. ***Add 2014-50 to statement on plat starting "Approved by the Santa Fe Planning Commission..."***
 - b. ***Remove paragraph starting "Case No. 2014-50 Approved by the City of Santa Fe Current Planning Division under authority..."***
 - c. ***Correct spelling of "Department" - Note 17.***
 - d. ***Remove R-1 Development Standards and associated box.***All addressed on plat.
9. ***Shall pay Santa Fe Homes Program fee prior to recordation of Final Subdivision plat.***
Applicant agrees to this condition, See attached letter dated August 28, 2014.

The Land Use Department recommends **APPROVAL** subject to the following additional conditions:

1. ***Under Notes and conditions on the plat, remove "along the shared driveway" from note # 2, as the main shared drainage facilities are not located along the driveway.***
2. ***Make the following changes to the plat:***
 - a. ***Add a note stating that the Developer makes an irrevocable offer to dedicate as Public Right-of-Way (ROW) to the City of Santa Fe an 8 foot wide area extending the length of the western boundary of Lot 2A-1.***
 - b. ***The 15 foot wide drainage easement shall not be located within the proposed ROW area.***

SUMMARY:

The applicant is requesting Final Subdivision Plat approval to subdivide 5 acres into five residential lots. Each lot will be 1 acre in area. The property is zoned R-1 (Residential-1 dwelling unit per acre), and was annexed into the City on January 1, 2014 as part of Phase 2 of the City-Initiated Annexation. Following review and approval of the Preliminary Subdivision Plat, staff from Land Use, Traffic Engineering, and Trails met with the applicant on several occasions to discuss preferred roadway and trails alignments, both for improved circulation within the Mutt Nelson area and for future access to the north including to SWAN Park.

These discussions resulted in relocating the proposed right-of-way from the east property line to the west property line, moving the 15 foot drainage easement from the edge of the west property line to the edge of the right-of-way. The type of roadway was also changed from a Local Lane to a Sub-collector, adding 12 feet of right-of-way for a future sub-collector along the west property line.

ATTACHMENTS

Exhibit A - July 10, 2014 Planning Commission Minutes and Findings

Exhibit B - July 10, 2014 Planning Commission Packet

Exhibit C - DRT additional comments

Exhibit D - Vicinity Map

Exhibit E – Applicant correspondence and map

Packet Attachment -Plans and Maps

September 11, 2014
Planning Commission
Case # 2014-17
**17 DOS HERMANOS FINAL
SUBDIVISION PLAT**

EXHIBIT A

July 10, 2014 Planning Commission Minutes and Findings
--

ITEM # 14-0758

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2014-50

16 & 17 Dos Hermanos Lot Line Adjustment

Case #2014-51

17 Dos Hermanos Preliminary Subdivision Plat

Owner's Name – Don Hermanos Trust

Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on July 10, 2014 upon the application (Application) of JenkinsGavin Design & Development, Inc., as agent for Dos Hermanos Trust (Applicant).

The Applicant is requesting lot line adjustment to increase the area of 17 Dos Hermanos from 4.99 acres to 5.00 acres. The Applicant is requesting subdivision plat approval to subdivide 5 acres into five residential lots. Each lot will be one acre in area. The property is zoned R-1 (Residential-1 dwelling unit per acre), and was annexed into the City on January 1, 2014 as part of Phase 2 of the City-Initiated Annexation.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and there was one member of the public in attendance to speak.
2. Pursuant to Santa Fe City Code ("Code") § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on March 20, 2014 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.

9. The Applicant conducted an ENN meeting on the Application at 5:30 p.m. on May 7, 2014 at the Southside Library at 6599 Jaguar Drive in accordance with the notice requirement of Code § 14-3.1(F)(3)(a).
10. The ENN meeting was attended by the Applicant and City staff; there were two members of the public in attendance.
11. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the Applicable Requirements).
12. City Land Use Department staff ("Staff") reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings ("Staff Report") together with a recommendation that the preliminary subdivision plat be rejected, but if approved, subject to certain conditions ("Conditions") set out in such report.
13. The Staff Report stated: "The property is suited for residential development but due to the lack of City services and deficient roadway system, the proposed density, while meeting R-1 regulations, is too dense for current conditions and is therefore not in the best interest of the public health, safety, or welfare" under Code § 14-1.3(B).
14. On or about July 9, 2014, the Applicant met with Staff and submitted a revised access plan.
15. Applicant at the hearing stated the revised access plan would have loop connectivity and road and trail easements.
16. Applicant at the hearing stated the revised access plan would still maintain two hundred (200) feet between the well and septic systems.
17. Applicant at the hearing stated it accepted all of Staff's conditions.
18. Staff at the hearing stated the revised access plan was satisfactory.
19. The information contained in the Staff Report and the new access plan is sufficient to establish that the Applicable Requirements have been met.

CONCLUSIONS OF LAW


Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. The proposed preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.
3. The Commission has the authority to review and approve the preliminary plat and lot line adjustment subject to conditions.
4. The Applicable Requirements have been met.

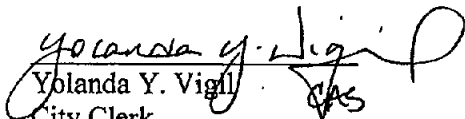
WHEREFORE, IT IS SO ORDERED ON THE _____ OF AUGUST 2014 BY
THE PLANNING COMMISSION OF THE CITY OF SANTA FE

That the Applicant's request for the lot line adjustment and the preliminary subdivision
plat with the revised access plan is approved, subject to conditions.


Michael Harris
Vice-Chair

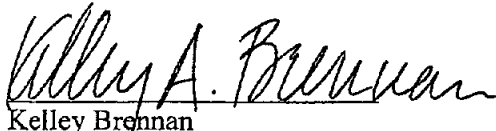
8/7/14
Date:

FILED:


Yolanda Y. Vigil
City Clerk

8-8-14
Date:

APPROVED AS TO FORM:


Kelley Brennan
City Attorney

8/7/14
Date:

structure was different for regional parks vs. neighborhood parks.

Mr. Liming said they had neighborhood parks and regional parks and it was not necessarily good to distinguish them from each other. The City would always have a need for more neighborhood parks. It was unnecessary to make that distinction. Simplifying it helped the situation.

Vice Chair Harris noted that the language as proposed from Councilor Bushee just strikes the 50% language and that was the ordinance as proposed. The CIAC amendment reinstates the 50% to 2016. He asked if that was correct understanding. Mr. Liming agreed.

Vice Chair Harris said the Planning Commission's role was to recommend to the Governing Body.

Commissioner Padilla moved to recommend approval of Ordinance relating to Impact Fees – amending Section 14-8.14 (C), (E) and (F) to remove the 50 percent reduction of Residential Impact Fees, adopt a New Impact Fee Schedule and incorporate definitions related to Land Use Types; and relating to Park Dedications – amending Section 14-9.15 (C)(2) SFCC 1987, the Park Dedication section; and making such other changes as were necessary to the Governing Body. Commissioner Schackel-Bordegary seconded the motion.

Mr. Liming asked if that motion included the CIAC amendment or not.

Commissioner Padilla said his motion was to recommend approval as proposed.

The motion passed by unanimous voice vote.

3. **Case #2014-50. 16 and 17 Dos Hermanos Lot Line Adjustment.** JenkinsGavin Design & Development, Inc., agent for Dos Hermanos Trust and Norma & Rey Garcia de Orozco, requests lot line adjustments to increase the area of 17 Dos Hermanos from 4.99 to 5.00 acres. The property was zoned R-1 (Residential-1 dwelling unit per acre). (William Lamboy)
4. **Case #2014-51. 17 Dos Hermanos Preliminary Subdivision Plat.** JenkinsGavin Design & Development, Inc., agent for Dos Hermanos Trust, requests Preliminary Subdivision Plat approval for a 5-lot single family residential subdivision on 5.00 acres. The property was zoned R-1 (Residential-1 dwelling unit per acre). (William Lamboy, Case Manager)

By consensus decision of the Planning Commission, these two cases were considered together.

A Memorandum with attachments, dated June 20, 2014 for the July 10, 2014 Meeting, to the Planning Commission from Mr. William Lamboy, AICP, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit #7.

An aerial photograph used by Mr. Lamboy in his staff report and entered for the record by Mr. Lamboy,

is incorporated herewith to these minutes as Exhibit #8. Mr. Lamboy identified it as a reduction of what he presented in larger size on the easel.

Mr. Lamboy presented the staff report for Case #2014-50. Please refer to the staff report incorporated herewith as Exhibit #7.

Mr. Lamboy read the conditions of approval and the recommended connections to Tierra Contenta and SWAN Park and north to the property line for future access.

Presentation of the Applicant

Present and sworn was Ms. Jennifer Jenkins, 130 Grant Avenue, who introduced others from her office and Mr. Mike Gomez.

Ms. Jenkins showed the zoning plat map of the Mutt Nelson area as zoned in 2009. The SPAZO Ordinance put the annexation area under the City prior to the annexation area and applications began to be processed by the City. She showed the southern edge of Tierra Contenta. Mutt Nelson was set at R-1 in 2009.

A Zoning Plate Map showing the zoning designations for the area, used by Ms. Jenkins is incorporated herewith to these minutes as Exhibit #9.

Then Ms. Jenkins showed the subdivision plat with the cul-de-sac for access of the five lots. After discussion with staff, she reported they had a revised plan to share which she distributed to the Planning Commission. They tweaked the plan but it was pretty consistent with what was first proposed. She described the new plan as a better plan.

A revised access plan showing the new cul-de-sac orientation is incorporated herewith to these minutes as Exhibit #10.

We were showing a ROW easement on the east boundary to allow for future road into Tierra Contenta in the future and also a trail easement into SWAN Park. Neighbors expressed interest in that trail connection and have not yet resolved the location but would come back when resolved.

She showed the aerial map of the vicinity [Exhibit #8]. Both roads had a 38' easement which was a Lane standard. The drivable surface was 14-16' so as part of their application was to widen them to a 20' base course service to meet the required standard. They would determine if an additional drivable surface was required for emergency access.

Regarding access, she believed their revised plan met the need for access and connectivity.

She showed the subdivision in relation to SWAN Park which meets at the southwest corner of the park. She pointed out a future phase of Tierra Contenta that would occur farther down the road.

Staff was also concerned about water and sewer there.

In 2009 when the first phase of Tierra Contenta was approved, we became familiar with how the City would treat them. This property had R-1 zoning. It was reviewed ad nauseam by several bodies at that time. She had a copy of the FAQ made available to the public which she had helped draft.

New developments within 300' of water lines and 200' of sewer lines were required to connect. The City extended the infrastructure to serve the park and this property was 1,300 feet away from those utilities. But she had on the plat that should they become available, this property would be required to connect. She pointed out the utility easements that would be on the plat.

Mr. Carl Harwig was sworn and stated that seven years ago he left the City where he represented water on these kind of issues and didn't have too much to present. He presented observations that he felt were relevant.

Leading up to annexation, the owners were promised that zoning (R-1) and came to rely on those representations for water rights issues and concerns. Since the City/County settlement in 2008 and as Ms. Jenkins showed, the density had been long established.

Directly related to water was the second concern which was a concern about the density and he didn't see the reason for it. He looked through Section 2 and it was clear that 1, 4, and 5 were not applicable. 2 and 3 were applicable.

In looking at the criteria and the staff response for #2, staff was concerned about density but stated that it did comply with zoning. #3 was more interesting where it talked about concern with the proximity of septic fields. The City of Santa Fé did not suffer from lack of water resources. The Water Division leaves one wondering where the concern comes from. There was no alleged violation of the statute. Those were issues to keep in mind and the generalized concern about density without references to city code.

Ms. Jenkins reiterated that this application was completely code compliant and now had a better plan on access and connectivity. Regarding water and sewer, the New Mexico Environment Division regulates the private systems and requires 200' separation and this plan complied. She pointed out where the wells and septic fields were on the subdivision. They had been very cautious about the regulations that pertained here. As they were in compliance with the State Engineer and NMED, she asked for the Commission's support. She added that they were in agreement with staff's conditions for approval.

Public Hearing:

Mr. Mike Herrera was sworn. He thanked the staff that did the preliminary meeting that allowed neighborhood involvement. As an adjacent neighbor he was concerned. Mr. Lamboy identified some of our concerns. Regarding the SWAN development, all owners on Mutt Nelson Road had no access to the park. As developments grow, they were losing that access through open space. There was one way in and out

at the end of the road so he was glad to hear about updating that road because now it was dangerous with children there.

As the densities increase and families move in, the concerns will grow more urgent. With this development of 5 acres, the agreement was for consideration of having access to that park. He would like staff to review that Master Plan and consider access from the south. It was unrealistic to access it from the north. Otherwise, it seemed like the plan addressed the concerns of the neighborhood.

Vice Chair Harris said his comments at the neighborhood meeting were also in the record.

There were no other speakers from the public regarding this case and the Public Hearing was closed.

Commissioner Schackel-Bordegary commented that this was another area of growing pains and presented an interesting planning issue. She asked who owned the land south of Mutt Nelson inside NM 599 and I-25.

Ms. Jenkins said it was Komis property and not part of any larger tracts there. On the zoning map, the green area was zoned R-3, from the master plan through the County before annexation. It would be a while before growth would happen there.

Commissioner Schackel-Bordegary said they had another large development proposed on the other side of NM 599 and she was trying to get a question on the bridge answered.

Ms. Jenkins said that was happening now. She showed the current MPO approved plan. She pointed out Jaguar and showed the interchange at 599. Plaza Central would be the main vehicle entrance to the park. It would cross the arroyo but it couldn't be done until lots were sold. That would provide the better access to the park and to the 599 interchange.

Commissioner Schackel-Bordegary asked if Jaguar dead-ended at the Park.

Ms. Jenkins agreed. It was under construction right now.

Commissioner Schackel-Bordegary said she was thinking about the lack of connection to the Park. It sounded like Tierra Contenta and the park were aligned to be developed but the portion just north was future phase of Tierra Contenta. In the meantime, we didn't have the connectivity. I didn't have specific objections but just to get an idea about planning and circulation.

Ms. Jenkins said it wasn't possible today but to have provisions for the future it was needed.

Commissioner Schackel-Bordegary understood that was all they could do right now.

Commissioner Padilla asked Ms. Jenkins, in the proposal, if there was a reason why this type of response didn't happen earlier in the process. Obviously a lot of work was put into it. But he wondered why

this just came to the Commission today and wasn't part of getting an approval instead of a denial from staff.

Ms. Jenkins explained that they got it last Thursday and had thought the access concept was consistent with the neighborhood. So they didn't think they had to have communication earlier with the staff. But they scrambled to get that together as quickly as possible. And the change of rotation of the cul-de-sac was slight.

Commissioner Padilla said the change was a great improvement and the comments of staff should have been voiced to Ms. Jenkins earlier than it was. It really adds to addressing the staff issues which Commissioners received last week. That was a concern - why it went so far, especially with ENNs and reviews by staff to alleviate their concerns. It was a better response. It would have allowed him, if he was on lot 2, to egress out even if Dos Hermanos was blocked. He noted, however, that on the proposed future roadway and trail easement, there was no width shown.

Ms. Jenkins said it was a ten-foot trail easement and looking at ROW reservation, the idea was to give half and asked that the owner to the east would have the other half. She left that off on purpose.

Commissioner Padilla reasoned that the property line would be the center point with 19' for both sides.

Ms. Jenkins said it scaled off at 30'.

Commissioner Padilla understood they wanted to share that ROW requirement with adjacent property to the east. The other question was what the proposed location of the well to serve the five lots was. He asked if it would change from what was submitted.

Ms. Jenkins said it would not.

Commissioner Padilla asked if the cul-de-sac was in the same location.

Ms. Jenkins agreed. The well was right on the west side of the cul-de-sac.

Commissioner Padilla noted on Sheet A - 1 showed the well on the northeast portion of the radius on lot 1-2.

Ms. Jenkins agreed. The location was the same.

Commissioner Padilla reasoned that septic fields were still in the same place.

Ms. Jenkins agreed.

Commissioner Padilla concluded that the revised access plan was a significant improvement. Utility service was still a concern. Still further discussion was needed on utilities so the Commission could take action on that when presented.

Commissioner Ortiz said he was familiar with this area. Ms. Jenkins said a portion of Mutt Nelson had a portion paved and part unpaved.

Ms. Jenkins said it would get a 4" base course.

Commissioner Ortiz asked if they would pave Dos Hermanos.

Ms. Jenkins agreed. It would have a six-inch base course surface. We would do borings to confirm the status of the roadway base and bring it up to standards.

Commissioner Ortiz understood the connectivity. If the City accepted the unpaved portion, he guessed that was okay. These were all County roads now being annexed by the City. He wished they could all be paved to make it easier for maintenance.

Ms. Jenkins said when they looked at the MPO plan, obviously if the connection from Plaza Central to Mutt Nelson Road would require the improvement so it would all be paved at some time soon. Part of the budget for that road extension would require that paving.

Vice Chair Harris assumed the MPO map relied on the last phase of development of Tierra Contenta.

Ms. Jenkins said the Tierra Contenta Corporation was responsible for the backbone of infrastructure and as individual tracts were developed they would build the internal neighborhood streets. So she assumed Tierra Contenta Corporation would be responsible for going to the edge of Tierra Contenta Corporation and then internal roads would be responsible.

Vice Chair Harris pointed out that there was no existing easement from termination of Tierra Contenta through these parcels.

Ms. Jenkins understood there was an existing road. The intent was to overlay an existing roadway.

Ms. Baer thought there might be a private road there but there were no plans to improve that roadway.

Vice Chair Harris said his point was that it was quite a long time off with many issues to be resolved. And determine what might be the access from Mutt Nelson into SWAN Park. That needs to be the focus. It was hard to see where the road network would be because SWAN was also a phased development and this was one of three phases.

He assumed the City would work to modify the Master Plan for connectivity through Tierra Contenta to the Dos Hermanos roadway.

Ms. Baer said that had not been discussed. The road through SWAN Park would intersect with Jaguar.

Ms. Jenkins said the roadway through the park connects with Paseo del Sol.

Vice Chair Harris said that for neighbors not to have to drive all the way around to the park it looked like a bit of a challenge.

Ms. Jenkins pointed out that pedestrian access was short. She was not sure of the timing of those improvements.

Vice Chair Harris said this was preliminary but when considering the final plat, it would be best to have more information about that.

Ms. Jenkins said she would meet with Mr. McDonald in Public Works and be ready for that.

Vice Chair Harris said the revised plat was far superior. And he had the same question as Commissioner Villarreal about why it was not done earlier. He asked Ms. Baer about the eleventh hour.

Ms. Baer said she still agreed with it.

Commissioner Padilla noted that the northeast corner of this subdivision had a trail connection reservation and asked what the ownership of the land between this property and SWAN Park was.

Ms. Jenkins said Tierra Contenta owned it.

Commissioner Padilla surmised that it could be years down the road for that connection to happen.

Ms. Jenkins said they were bringing the infrastructure closer so it could happen sooner.

Commissioner Padilla understood they could be within 200' of sewer and water at that time. He asked what their time table was for development.

Ms. Jenkins said the final development plan would be done by the end of the year and then bring in roads and electricity early next year. They would be selling lots to future homeowners and if they buy right away they would have a well and septic field.

Commissioner Padilla said there would be a condition to connect when it came within the prescribed proximity.

Ms. Baer agreed and said the applicant had agreed also.

Vice Chair Harris asked Mr. Harwig what the standard was for well production to serve five lots.

Mr. Harwig said there was no minimum gallon per minute production required. It just depended on usage.

Ms. Baer said the State Engineer did anticipate a certain amount of use per family and she thought it was a quarter acre/feet per year.

Mr. Harwig said there was a rule. Prior to 2006 it was 3 ac/ft/yr but they later went to 1 ac/ft/yr. In Santa Fé it was about 0.1 to 0.16 ac/ft/yr. In this case it would be 0.2 ac/ft/yr per household.

Vice Chair Harris asked if that represented consumption. Mr. Harwig agreed.

Mr. Harwig explained that the regulation was the well head and the distribution from it.

Vice Chair Harris understood that was average for a household.

Mr. Harwig said the State Engineer was concerned with the production from the well head.

Ms. Baer said staff would make sure there was a shared well agreement. The Fire Department might specify a minimum flow for emergencies.

Ms. Jenkins reported that they met with the fire department and they were required to have a storage tank on site that the fire department could tap into.

Ms. Baer read condition #5 that was from the fire marshal.

Commissioner Bemis said wells were a renewal of the aquifer.

Mr. Harwig said that was regulated. The City had diversified water resources and the Water Division tracks the aquifer closely.

Commissioner Villarreal asked for clarification on the new design and future roadway and trail easements. If that was part of the plan and SWAN Park was being constructed, she asked if that meant the easement to the park would be for this subdivision only or also for others down the road.

Mr. O'Reilly said the trail easements on this revised plan would take someone to the border of Tierra Contenta. It was probably the Tierra Contenta Corporation that would continue that easement. This was probably the very last portion that would be developed. When Tierra Contenta developed that area, there was no doubt in his mind that the City would require connectivity to Mutt Nelson Road at every possible point and for a pedestrian easement would require a stub out to the south everywhere and would make utilities available to all of them. It just wouldn't happen any time soon. So between now and the final plat, it would be in order to talk with Tierra Contenta to allow access to SWAN from the south. SWAN was a regional park.

Commissioner Villarreal asked, given that this revised version came at the eleventh hour, if there were pieces missing that needed to be reflected here since staff denied it. She hadn't gotten any feedback from

staff on the revised drawing.

Ms. Baer said the revision was very satisfactory and what staff had asked them to provide. This did address staff's access concerns. For further information on it, staff would like more details on the eastern side with dimensions and comment from the traffic engineer on what makes sense there.

Vice Chair Harris asked, if it was approved with these conditions, whether this graphic responded to those concerns. Ms. Baer agreed.

Commissioner Pava asked staff, given the general R-1 area, how many other situations were there for lot splits to the south of Tierra Contenta. He assumed the situation for access and wells would be the same.

Ms. Baer said she would be happy to provide that to the Commission but didn't have it tonight.

Commissioner Pava felt it was unreasonable to consider a delay on this and others like it for a finite period of time to study the situation here. He asked if there was something to consider in health and public safety.

Mr. Shandler said all options were on the table. The counter argument might be that this was preliminary and could come back with other answers. The two items identified in the staff report were on roads and wastewater. Now, it might focus on a third larger issue. Those were probably what Commissioners would hear from the applicant if a motion was made.

Mr. O'Reilly said staff could certainly provide some number about potential lots splits that could happen. There were members of the Governing Body who were very concerned about not having infrastructure in this area and expressed those concerns to him. But nothing was on the books right now. He agreed that the changes here took care of their concerns at this time and he would hesitate to consider a moratorium on this area. The Governing Body was thinking about this area. He felt comfortable with the revision tonight.

Commissioner Pava said that was helpful. He was concerned that the Commission not set a precedent for those who haven't thought this through enough. He would like to see a development like Sol y Lomas in the future and he felt reassured by Mr. O'Reilly's statements.

Commissioner Padilla, to staff regarding the lot line adjustment in the packet, fourth sheet and also 6-1 of the engineering plan, said he saw an 8' public access and a 15' utility easement on the western property line. It identified Pasea del Reina and there was a north-south connection.

Ms. Baer said staff looked at it as a possibility and there could be an easement on that part but there were two property owners and the one to the north already built a corral and the one on the south had a house quite close so didn't look like a possibility. Staff could have asked for that but they hadn't heard of any development there. It was more likely to see a development to the east.

Commissioner Padilla understood that as the Commission reviewed the lot line adjustment, it was incorrect. He asked if they would still maintain the easement on the west property line. The west property line showed two easements.

Ms. Baer said that didn't change.

Commissioner Pava asked Mr. O'Reilly regarding the code if the Commission could consider the preliminary and final approval at the same Planning Commission meeting.

Ms. Baer said typically they would approve findings from the preliminary first so the answer was no.

Commissioner Padilla said the lot line adjustment was straightforward with plat and supporting documents. They were not in line with this revised access document. He asked if staff were comfortable with all the supporting documents not being correct.

Mr. O'Reilly said this was a relatively simple development and only some access points have changed. One of the conditions was that supporting engineering supported the revision before coming back.

Action of the Commission

Commissioner Schackel-Bordegary move to approve Case #2014-50 at 16 and 17 Dos Hermanos Lot Line Adjustment. Commissioner Padilla seconded the motion and it passed by majority voice vote with all voting in favor except Commissioner Bemis who voted against.

Commissioner Schackel-Bordegary moved for approval of Case #2014-51, 17 Dos Hermanos Preliminary Subdivision Plat with staff conditions to the extent the conditions still apply and the revised access plan provided in this meeting.

Commissioner Padilla seconded the motion for discussion and it passed by majority roll call vote with Commissioners Schackel-Bordegary, Villarreal, Ortiz, Pava and Padilla voting in favor and Commissioner Bemis voting against.

5. **Case #2014-56. 5364 Agua Fria Final Subdivision Plat.** Raymond and Faye Barela request Final Subdivision Plat approval for two lots on 0.67± acres. The property was zoned R-3 (Residential, 3 dwelling units per acre) and was located at 5364 Agua Fria Street. (Donna Wynant, Case Manager)

This case was considered earlier in the meeting.

H. STAFF COMMUNICATIONS

September 11, 2014
Planning Commission
Case # 2014-17
**17 DOS HERMANOS FINAL
SUBDIVISION PLAT**

EXHIBIT B

July 10, 2014 Planning Commission Packet

City of Santa Fe, New Mexico

memo

DATE: June 20, 2014 for the July 10, 2014 Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, ASLA, Planning Manager, Current Planning Division *T*

FROM: William Lamboy, AICP, Land Use Planner Senior, Current Planning Division *W*

Case #2014-50. 16 & 17 Dos Hermanos Lot Line Adjustment. JenkinsGavin Design & Development, Inc., agent for Dos Hermanos Trust and Norma & Rey Garcia de Orozco, requests lot line adjustment to increase the area of 17 Dos Hermanos from 4.99 to 5.00 acres. The property is zoned R-1 (Residential-1 dwelling unit per acre). (William Lamboy, Case Manager)

Case #2014-51. 17 Dos Hermanos Preliminary Subdivision Plat. JenkinsGavin Design & Development, Inc., agent for Dos Hermanos Trust, requests Preliminary Subdivision Plat approval for a 5-lot single family residential subdivision. The property is zoned R-1 (Residential-1 dwelling unit per acre). (William Lamboy, Case Manager)

RECOMMENDATION

The Land Use Department recommends **DENIAL**.

I. SUMMARY

The applicant is requesting subdivision plat approval to subdivide 5 acres into five residential lots. Each lot will be 1 acre in area. The property is zoned R-1 (Residential-1 dwelling unit per acre), and was annexed into the City on January 1, 2014 as part of Phase 2 of the City-Initiated Annexation. The property is not located in an archaeological review district. There are no known historical sites on the property.

Since the adoption of SPAZZO and the concurrent assignment of zoning districts, there have been 9 lot splits in the Mutt Nelson Road area. Four of the lot splits have been for the benefit of immediate family members. This is the first actual subdivision where the division is for more than one extra lot, and where it is not for the benefit of family members.

In order to create 5 lots, and because the Code does not permit rounding up, the applicant proposes to adjust the eastern property line along 16 Dos Hermanos to increase the acreage of the subject property from 4.99 to 5.00 acres.

A subdivision detention pond is proposed at the northern end of the property adjacent to Tierra Contenta. Since the subdivision is for fewer than ten units, the Applicant is required to pay a \$20,700 fractional fee to the Santa Fe Homes Program prior to recordation of the Final Subdivision plat.

Land Use Department staff has identified two key issues with the proposed subdivision; specifically, vehicular and pedestrian access, and water and wastewater.

ACCESS

The property is located on Dos Hermanos, a private, unimproved roadway, with a 38-foot right-of-way and approximately 15-foot wide driving surface. Presently, five lots are accessed from Dos Hermanos. With development of the proposed subdivision, nine lots will be accessed from Dos Hermanos. However, when taking into consideration the acreage of the lots along Dos Hermanos, as many as 16 lots could be accessed from this roadway in the future. City Code, Chapter 14, (Table 14-9.2-1 Design Criteria for Street Types), requires a minimum 38-foot right-of-way with two 9-foot wide lanes for access to 9 or more lots. Fire Department regulations require a minimum 20-foot wide all weather driving surface. The right-of-way is 38 feet wide. The Applicant would be required to widen all of Dos Hermanos to a 20-foot all-weather drivable surface to meet minimum Fire Department standards.

The proposed site design for the property does not include vehicular or pedestrian connectivity to Tierra Contenta or the SWAN Park, both of which abut the property to the north. The existing roadway was designed ending in a 31-foot radius cul-de-sac. The road extension to 17 Dos Hermanos is designed to end in a 60-foot radius cul-de-sac meant to accommodate emergency vehicles. §14-9.2(D)(8) specifies that "*Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street.*" None of these circumstances exist and there is nothing to preclude the continuation of Dos Hermanos to Paseo de la Reina, making a loop connection to Mutt Nelson Road. Similarly there is no reason not to extend Dos Hermanos to a stub-out future connection to Tierra Contenta.

The property is approximately 950 feet north of Mutt Nelson Road - the main connector through this part of town - running from the I-25 Frontage Road to Calle Unidad. Mutt Nelson Road is a paved, divided roadway from Frontage Road to Cottontail Road, a distance of approximately 0.92 miles. From Cottontail Road westwards, Mutt Nelson Road is a dirt road with a base-course surface. The average roadway surface width is 22 feet. The distance from Cottontail Road to Dos Hermanos is approximately one half mile. The circulation network in the vicinity of this lot split – **Exhibit C** - includes the following public and private roads:

- Paseo de la Reina – 35 feet west – no connection to Dos Hermanos

- NM 599 – 2,900 feet west – no connection to Dos Hermanos
- Plaza Central – 2,300 feet northwest – no connection to Dos Hermanos
- I-25 Frontage Road – 1.7 miles to the east – connects via Mutt Nelson

The area includes mostly site-built single family and manufactured homes on large lots. The minimum lot size under County rules was 2.5 acres. The area was rezoned to R-1 as part of the Annexation process. Zoning districts surrounding the property include PRC and R-1. The proposed density for this project will exceed the current density of adjoining properties.

Presently, over 200 properties are accessed - almost exclusively - via Mutt Nelson Road from the I-25 Frontage Road, covering an area of approximately 460 acres, in an R-1 district. In addition, Tierra Contenta tracts 55A and 56A, south of SWAN Park could be developed with up to 142 dwelling units. No connections are anticipated.

UTILITIES

Currently there are approximately 54 lots between Cottontail Road and NM 599 (excluding 3 very large tracts south of Mutt Nelson Road) covering an area of approximately 150 acres. If all the properties were to develop at current R-1 standards, the area could end up with three times the number of existing lots. City water and waste water are not available in this area. The Applicant is proposing a shared well serving all proposed five lots and individual septic systems. If the Planning Commission approves the subdivision, a shared well agreement will be required prior to recordation of the Subdivision Plat. The applicant must secure septic system permits from the State of New Mexico Environment Department.

In accordance with §14-2.3(C)(8)(c): *"As authorized by state law and Chapter 14, the planning commission may make decisions affecting the physical development of the city, including physical development authorized by a public agency or official not under the jurisdiction of the governing body. These decisions shall be consistent with the general plan and other adopted city policies."* The Land Use Department is concerned that speculative subdivision approvals based on new SPAZZO related zoning density regulations may not be in the best interest of the City or the residents of this area. See further discussion under Section II.

ENN MEETING

The Early Neighborhood Notification meeting was held on May 7, 2014. Two individuals attended the meeting. Questions raised covered a range of issues, from water usage to connection to SWAN Park. For additional information regarding the meeting, refer to the ENN Meeting Summary in **Exhibit D**.

II. SUBDIVISION APPROVAL CRITERIA

Section 14-3.7(C) Approval Criteria

- (1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and *structures*, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.

Applicant Response: *Due regard will be shown for all natural features of the site, including the preservation of significant trees:*

Staff Response: *The flora on the site is minimal consisting mostly of a few scattered juniper trees. The land tends to slope gently in a northeasterly direction. There are no known historical sites on the property. The main community asset could be said to be the rural character of the area. In large part this character is a function of the low density and large expanses of undisturbed natural landscape.*

- (2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the *plat* if it determines that in the best interest of the public health, safety or welfare the land is not suitable for *platting* and *development* purposes of the kind proposed (§14-3.7(C)2). Land subject to *flooding* and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be *platted* for *residential* occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate *erosion* or *flood* hazard. Such land shall be set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).

Applicant Response: *The subject property is well suited to residential development. The proposed subdivision is consistent with the property's R-1 zoning and poses no threat to public health, safety, or welfare.*

Staff Response: *The property is suited to residential development but due to the lack of City services and deficient roadway system, the proposed density, while meeting R-1 regulations, is too dense for current conditions and is therefore not in the best interest of the public health, safety, or welfare.*

One of the purposes of Chapter 14, identified in Section 14-1.3(B) is to "create conditions favorable to the health, safety, convenience, prosperity and general welfare of the residents of Santa Fe by coordinating streets within proposed subdivisions with existing or planned streets or other features of the general plan; providing parks and trails; providing sewer, water and other infrastructure; providing adequate open space for traffic, recreation, drainage, light and air; and providing for the appropriate distribution of population and traffic."

The proposal is in conflict with General Plan policies:

- 5-1-G-3, "Increase the connectivity between neighborhoods and individual developments;" and

- 7-1-G-2, "Ensure that new development and utility service extensions are approved only upon proven water availability and adequacy of the distribution and treatment system."

- (3) All *plats* shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).

Applicant Response: *The proposed subdivision complies with the standards of Chapter 14, Article 9, see attached plans.*

Staff Response: *While the proposal generally complies with the standards of Chapter 14, Article 9, the Land Use Department has environmental concerns about continued development that relies on on-site water resources and the proximity of wells and septic fields. The purpose and intent of §14-9.1 underscore the need for coordination between infrastructure and development such that "improvements to city infrastructure that are necessary to directly serve specific new development projects are coordinated with the occurrence of that development;" and "coordinate the provision of infrastructure that directly serves specific new development projects with the provision of facilities needed to remedy existing deficiencies and with the provision of facilities that are subject to impact fees as provided in Section 14-8.14."*

- (4) A *plat* shall not be approved that creates nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the *plat*.

Applicant Response: *The subdivision plat does not create nonconformity, nor are there existing nonconformities.*

Staff Response: *The proposed plat does not create nonconformities.*

- (5) A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the *plat*.

Applicant Response: *Please refer to (4) above.*

Staff Response: *There are no known existing nonconformities.*

III. CONCLUSION:

The proposed lot line adjustment and subdivision plat would allow development of up to 5 one-acre lots – and 10 houses (5 primary dwelling units and 5 accessory dwelling units) - on 5 acres. The subject property is located in an area of the City lacking City services and suitable infrastructure. The City has experienced an increase in requests for property divisions in the general vicinity where the proposed subdivision is located. Lack of

existing or proposed City services and a substandard roadway system present the City with growth management and quality of life issues that need to be addressed in a comprehensive manner. While the proposed subdivision complies with standards established by Chapter 14, its development could be said to exacerbate stresses on the environment, and specifically on water resources. Additionally, as all the properties in this area are also served by septic systems, the continued proliferation of 1-acre lots will reach a conflict point where the proximity of wells to septic fields could result in cross contamination, compromise water quality, and potentially endanger the health and safety of residents.

Finally, as proposed, the subdivision provides no connectivity or opportunities for future connectivity either to adjacent parcels or to the City's new regional SWAN Park. This aspect of the proposal is out of compliance with 14-9.2(D)(8) *"Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street."*

The Land Use Department recommends **denial** of the application.

IV. CONDITIONS OF APPROVAL

The Land Use Department is recommending **DENIAL** of the proposed subdivision. If the Planning Commission finds in favor, Conditions of Approval have been provided to give direction to the applicant on additional items to be addressed on the plat prior to Final Plat submittal.

V. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Fire Marshal Memorandum, Reynaldo Gonzales
2. City Engineer for Land Use, R.B. Zaxus
3. Housing & Community Development Memorandum, Alexandra Ladd
4. Wastewater Management Division Memorandum, Stan Holland

EXHIBIT C: Maps

1. Mutt Nelson Road Area Connectivity
2. Current Zoning
3. Aerial View

EXHIBIT D: Early Neighborhood Notification

1. ENN Meeting Notes

EXHIBIT E: Applicant Materials

1. Letter of Application

City of Santa Fe, New Mexico

Exhibit A

CONDITIONS OF APPROVAL

17 Dos Hermanos Preliminary Subdivision Plat--Conditions of Approval

Planning Commission

Case #2014-50 & 51 -- 17 Dos Hermanos Preliminary Subdivision Plat

Conditions	Department	Staff
<p>Review comments are based on submittals received on May 27, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. Execute and record a shared well agreement prior to recordation of the Final Subdivision Plat. 2. Connect Dos Hermanos to Paseo de la Reina for looped access to Mutt Nelson Road. 3. Stub out a continuation of Dos Hermanos to the north property line for future connection to Tierra Contenta and SWAN Park. 4. Provide a 10-foot wide pedestrian easement from Dos Hermanos to the north property line for future access to SWAN Park. 5. Upgrade Dos Hermanos to meet minimum City streets standards in accordance with Table 14-9.2-1: <i>Design Criteria for Street Types</i>. 6. Execute and record a roadway maintenance agreement prior to recordation of the Final Subdivision Plat. 7. Show location of existing wells and septic fields on all adjacent lots. 8. Redline conditions of approval: <ol style="list-style-type: none"> a. Add <u>2014-50</u> to statement on plat starting "<u>Approved by the Santa Fe Planning Commission...</u>" b. Remove paragraph starting "<u>Case No. 2014-50 Approved by the City of Santa Fe Current Planning Division under authority...</u>" c. Correct spelling of "<u>Department</u>" - Note 17. d. Remove R-1 Development Standards and associated box. 9. Shall pay Santa Fe Homes Program fee prior to recordation of Final Subdivision plat. 	Land Use	Tamara Baer / William Lamboy
	SFHP	Alexandra Ladd

City of Santa Fe, New Mexico

Exhibit B

DEVELOPMENT REVIEW TEAM MEMORANDA

City of Santa Fe, New Mexico

memo

DATE: June 7, 2014

TO: William Lamboy , Case Manager

FROM: Reynaldo Gonzales, Fire Marshal 

SUBJECT: Case #2014-50 & 51 16 17 Dos Mermanos Lot Line Adjustment

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to any new construction these requirements must be met:

1. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.
2. Fire Department Access shall not be less than 20 feet width to any new construction.
3. Shall meet driveway requirements as per IFC.
4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
5. Shall have water supply that meets fire flow requirements as per IFC or install an automatic sprinkler system.
6. All Fire Department turnarounds must meet the IFC requirements.

DATE: June 9, 2014
TO: Bill Lamboy, Case Manager
FROM: Risana Zaxus, PE
City Engineer for Land Use Department
RE: Case # 2014-50 and # 2014-51
17 Dos Hermanos Lot Line Adjustment and
17 Dos Hermanos Preliminary Subdivision Plat

The following review comments are to be considered conditions of approval:

*Add a note to the Plat that on-lot stormwater ponding is required when lot is developed.

*Provide drainage easements for the stormwater swale and stormwater pond.

*Gravel is proposed for the roadway, in accordance with Article 14-9.2(C)(7), and is acceptable.

City of Santa Fe, New Mexico

memo

DATE: June 2, 2014

TO: William Lamboy, Senior Planner
Land Use Department

FROM: Alexandra Ladd, Housing Special Projects Manager
Housing and Community Development Department *all*

RE: Applicability of SFHP requirements to the proposed "Dos Hermanos"
subdivision

The proposed subdivision, "Dos Hermanos" will be composed of five (5) for-sale homes. Because this project proposes ten or fewer units, it is not required to provide any affordable homes, as per Ordinance 2011-17. Rather, the developer pays a fractional fee based on half of the price of a 3 BR, Tier 2 home X the unit fraction. The fee is then reduced by 70%.

= $5 \times .20 = 1.0$ homes
= $\$69,000 \times 1.0$ percent X .3 (70% reduction)
= \$20,700 fractional fee

ACTION REQUIRED:

See attached proposal that outlines the developer's agreement to comply with SFHP; Exhibit B provides pricing schedule and Exhibit C provides methodology for calculating requirement.

City of Santa Fe
SANTA FE HOMES PROGRAM
P R O P O S A L
"Dos Hermanos Subdivision"
17 Dos Hermanos, Santa Fe, New Mexico

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this 21 day of May, 2014
by Dos Hermanos Trust ("SFHP Developer").

RECITALS

- A. SFHP Developer is the developer of 17 Dos Hermanos hereinafter referred to as the "Property".
- B. SFHP Developer desires to develop the Property.
- C. It is understood that all representations made herein are material to the City and that the City will rely upon these representations in permitting or approving development of the Property.

PROPOSAL

SFHP Developer proposes to comply with the SFHP requirements as follows:

- A. DEVELOPMENT REQUEST.
 - 1. SFHP Developer seeks preliminary subdivision plat approval.
 - 2. The Property is to be developed as 5 for-purchase lots.
- B. SFHP PLAN. SFHP Developer proposes to develop five (5) lots. Developer agrees to comply with the Santa Fe Homes Program ordinance. Because the development is comprised of fewer than ten (10) units, the SFHP does not require construction of any SFHP Homes. The SFHP Developer agrees to make a payment of \$20,700 for the fractional portion of

a SFHP Home, as calculated pursuant to SFHP. The payment shall be made to the City of Santa Fe Affordable Housing Trust Fund (AHTF) for affordable housing.

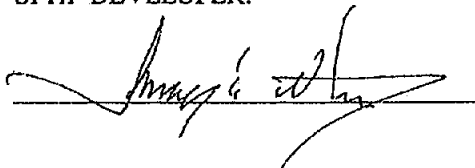
C. SUCCESSORS IN TITLE. SFHP Developer proposes to develop the Property consistent with this SFHP Proposal. In the event that SFHP Developer sells, assigns, leases, conveys, mortgages, or encumbers the Property to any third party, the third party shall be required to execute a SFHP Agreement consistent with this Proposal prior to obtaining any City approvals.

D. MONITORING. SFHP Developer proposes to provide such information and documentation as the City may reasonably require in order to ensure that the actual sales were in compliance with the SFHP Agreement.

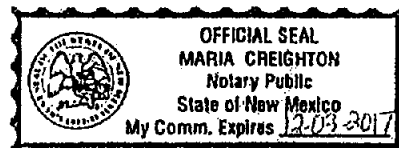
E. REVISIONS, MODIFICATIONS AND SUPPLEMENTATION OF THIS PROPOSAL. In the event that the SFHP Developer or the City make material modifications, including modifications to the number of lots or units or the area covered by the Proposal, a revised SFHP Proposal shall be promptly submitted to the Office of Affordable Housing in order to provide a SFHP Proposal that is current and reflects the intended development.

IN WITNESS WHEREOF, this Proposal is made the day and year first written above.

SFHP DEVELOPER:



STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)



ACKNOWLEDGEMENT

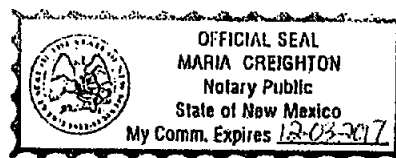
The foregoing instrument was acknowledged before me this 21st day of May, 2014, by

George E. Watson, Jr.

Maria Creighton
NOTARY PUBLIC

My Commission Expires:

12-03-2017



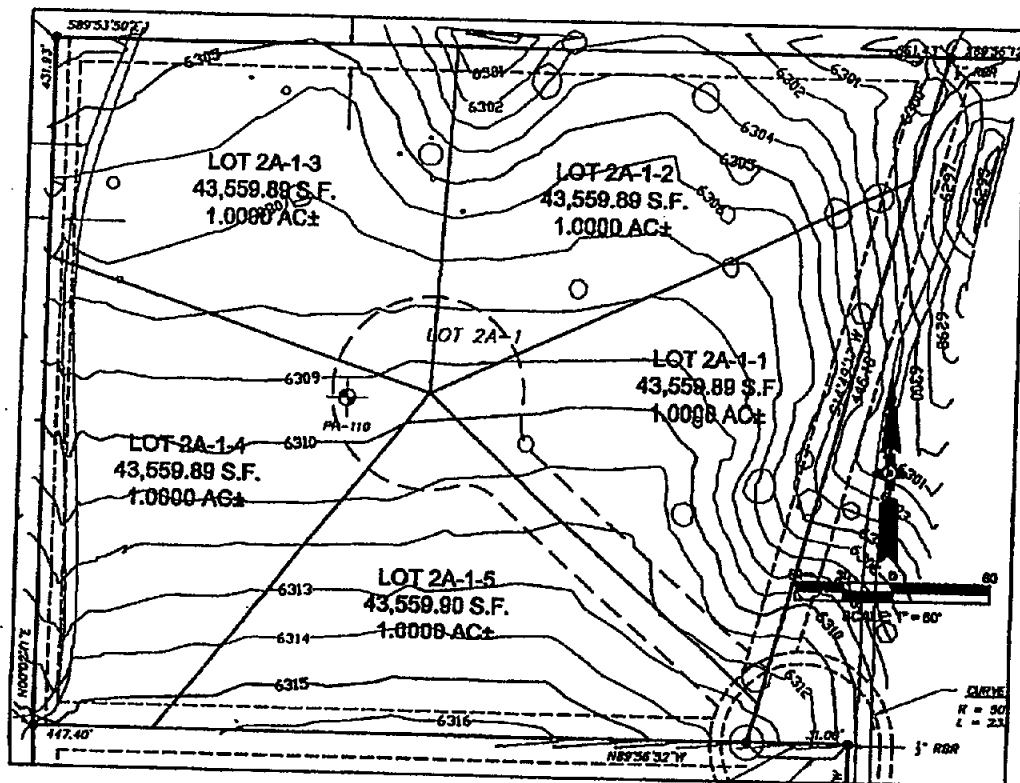
REVIEWED BY:

Alexandra Ladd
Alexandra Ladd
Office of Affordable Housing
aladd@santafenm.gov
505-955-6346

5/21/14
DATE

Attachments: Exhibit 1 - Subdivision layout (proposed)
Exhibit 2 - Pricing Schedule
Exhibit 3 - SFHP calculation worksheet

EXHIBIT I



SANTA FE HOMES PROGRAM
SFHP PLAN AND HOME SALES PRICING SCHEDULE
 Effective January 2013*

<i>Income Range</i>	<i>Two Bedrooms 1-2 person HH (900 sq ft min)</i>	<i>Three Bedrooms 3-4 person HH (1,150 sq ft min)</i>	<i>Four Bedrooms 4-5 person HH (1,250 sq ft min)</i>
2 (50-65%AMI)	Max. Price: \$122,750 __0__ Units	Max. Price: \$138,000 __1__ Units	Max. Price: \$153,250 __0__ Units
3 (65-80%AMI)	Max. Price: \$159,500 __0__ Units	Max. Price: \$179,500 __2__ Units	Max. Price: \$196,250 __0__ Units \$199,250
4 (80-100%AMI)	Max. Price: \$196,250 __0__ Units	Max. Price: \$220,750 __1__ Units	Max. Price: \$196,250 __0__ Units \$245,250

Prices reflect 2014 HUD median incomes. Refer to Section 26-1.16 (B) and the SFHP Administrative Procedures. For specific requirements contact The Office of Affordable Housing.

FRACTIONAL FEE SCHEDULE – 2014
(2 – 10 units)

20% Requirement 2014

Based on Income Tier 2 three BR Home (\$138,000)

Units in development	2	3	4	5	6	7	8	9	10
20% unit fraction	0.4	0.6	0.8	1	1.2	1.4	1.6	1.8	2
70% Reduced Fee	\$8,280	\$12,420	\$16,560	\$20,700	\$24,840	\$28,980	\$33,120	\$37,260	\$41,400

Formula=\$69,000*X unit fraction X.3 (70% Reduction)

For 11 or more units - If the calculation results in a fraction, the whole number resulting from the formula shall be the number of SFHP units required to be constructed or created and the remaining fraction may be satisfied with the fractional unit fee. The fee shall be the base fractional fee multiplied by remaining fraction. The base fractional fee shall be half of the Affordable Home Price of a 3 Bedroom Unit in Income Range 2 (\$138,000). **Fees are not reduced.** Refer to Section 8.9 of the Administrative Procedures.

NOTE: The home prices and fractional fee schedule are modified by the City according to Section 8.7.3 of the SFHP Administrative Procedures to reflect annual changes in the median income levels. The SFHP Home prices shown in this SFHP Agreement are the prices in effect at the time this Agreement is made. The current SFHP prices that are in effect at the time the SFHP Home is made available for sale or the fractional fees are paid, determines the actual SFHP Home Price and/or amount of fractional fee. The prices are updated annually.

SFHP FOR SALE UNIT CALCULATION WORKSHEET

The project has an area of approximately 5.0 acres, zoned R-1, permitting 1 dwelling unit(s) per acres. The project proposes 5 lots. Because the development is comprised of two(2) to ten (10) residential units, the SFHP does not require construction of any SFHP Homes.

CALCULATION for the fractional unit fee:

= Half the Price for a Tier 2, 3 BR Home X Unit Fraction X .30 (70% Reduction)
= \$69,000 X 0.8 percent X .3 = \$16,560 fractional fee

NOTE: The home prices and fractional fee schedule are modified by the City according to Section 8.7.3 of the SFHP Administrative Procedures to reflect annual changes in the median income levels. The SFHP Home prices shown in this SFHP Agreement are the prices in effect at the time this Agreement is made. The current SFHP prices that are in effect at the time the SFHP Home is made available for sale or the fractional fees are paid, determines the actual SFHP Home Price and/or amount of fractional fee. The prices are updated annually.

City of Santa Fe, New Mexico

memo

DATE: June 11, 2014
TO: William Lamboy, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2014-50 & 51 – 16 & 17 Dos Hermanos Lot Line Adjustment and Preliminary Subdivision Plat

The subject property is not accessible to the City public sewer system. Prior to any new construction on the lot, the owner shall obtain a septic system permit from the State of New Mexico Environment Department.

The Applicant shall add the following note to the plat:

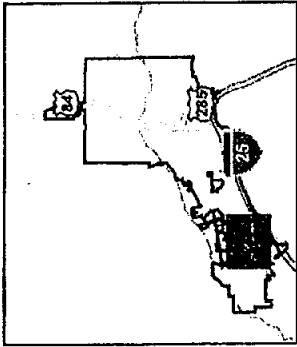
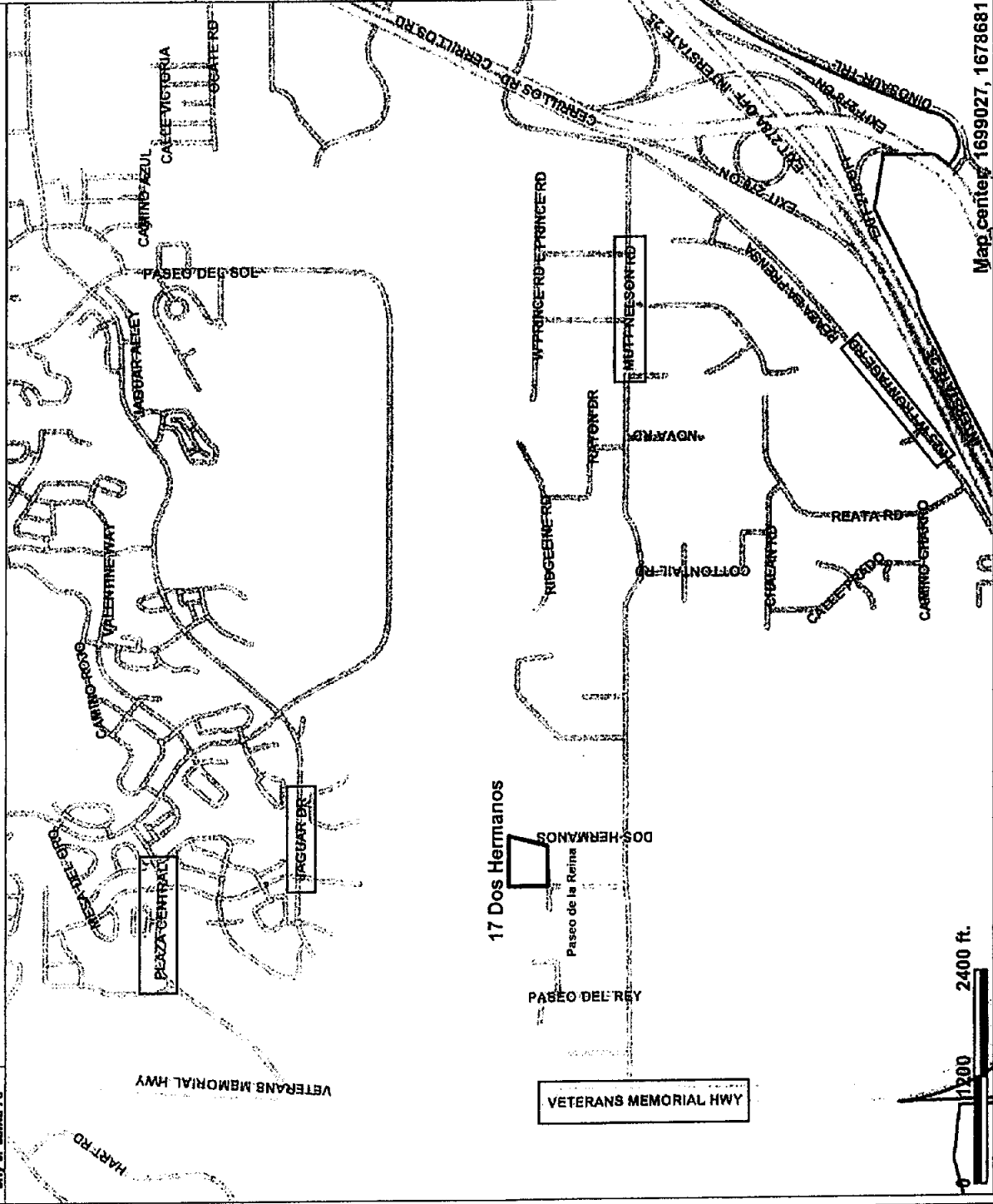
1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.

City of Santa Fe, New Mexico

Exhibit C

MAPS

17 Dos Hermanos-Mutt Nelson Road Area Connectivity



- Legend**
- City Limits
 - Airport Clear Zones
 - Santa Fe River
 - Major Roads and Highways
 - Other Roads and Streets

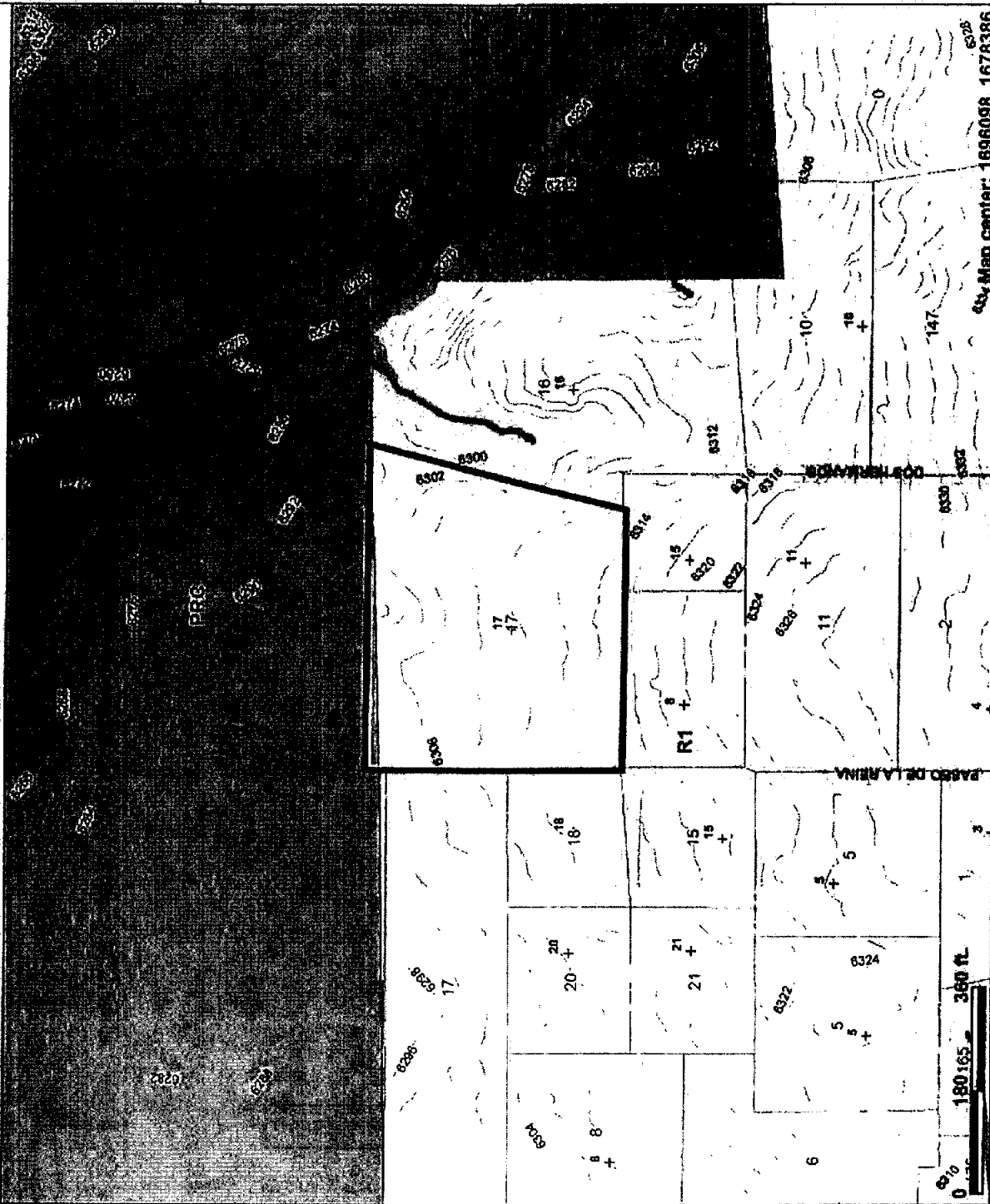
Scale: 1:20,569



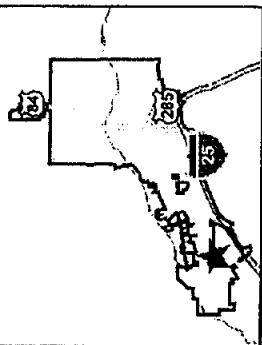
Map center: 1699027, 1678681

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

17 Dos Hermanos - Zoning



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

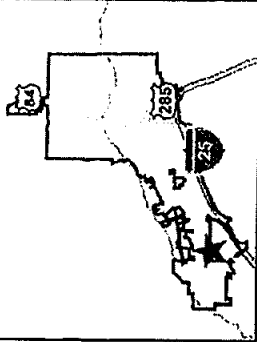


Legend

- City Limits
- Address Points
- Hydrology
- Contours - 2 foot
- Parcels
- Airport Clear Zones
- Santa Fe River
- FEMA Floodplain December 4, 2012 (100 yr)
- Zoning**
 - RR Rural Residential
 - R1, (PUD) Single-Family 1du/ac.
 - R2, (DT), (PUD), (AC) Single - Family 2du/ac
 - R3, (PUD) Single - Family 3du/ac
 - R4 Single - Family 4du/ac
 - R5, (DT), (PUD), (AC), R5 Single - Family 5du/ac
 - R7, (I), (PUD), R8 Single - Family 7.8du/ac
 - RCS, RGSAC Compound 5du/ac
 - RCB, RCBAC Compound 8du/ac
 - R10, (PUD) Multiple - Family 10du/ac

Scale: 1:3,194

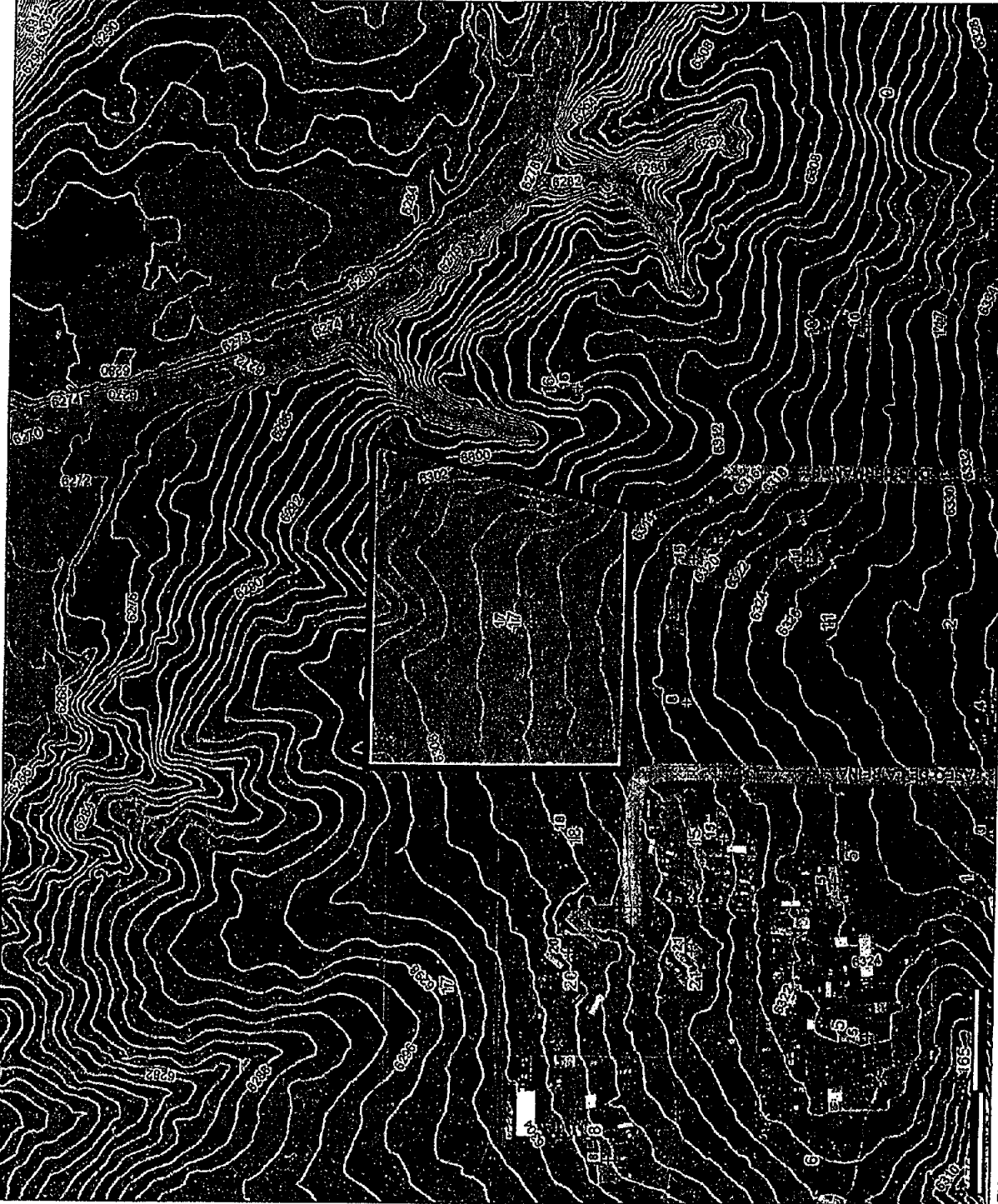
17 Dos Hermanos - 2011 Aerial



Legend

- City Limits
- Address Points
- Hydrology
- Wastewater Collection Pipelines
- Water Pipe Distribution
- Contours - 2 foot
- Parcels
- Airport Clear Zones
- Santa Fe River
- FEMA Floodplain December 4, 2012 (100 yr)
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

Scale: 1:3,194



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

City of Santa Fe, New Mexico

Exhibit D

EARLY NEIGHBORHOOD NOTIFICATION MEETING



City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	17 Dos Hermanos Subdivision
<i>Project Location</i>	17 Dos Hermanos
<i>Project Description</i>	Five lot subdivision
<i>Applicant / Owner</i>	Dos Hermanos Trust c/o George Watson, Trustee
<i>Agent</i>	Jennifer Jenkins, Jenkins Gavin Design & Development
<i>Pre-App Meeting Date</i>	March 20, 2014
<i>ENN Meeting Date</i>	May 7, 2014
<i>ENN Meeting Location</i>	Southside Library, 6599 Jaguar Drive
<i>Application Type</i>	Preliminary Subdivision
<i>Land Use Staff</i>	William Lamboy
<i>Other Staff</i>	None
<i>Attendance</i>	2 neighbors & 2 agents

Notes/Comments:

Ms. Jenkins opened the meeting and introduced the project. She said the terrain is gentle and flat. They are proposing 5 one-acre lots. Access will be via Dos Hermanos. She said the road is in good shape. They will access the five lots via an extension off the cul-de-sac off Dos Hermanos.

Mr. Herrera said he built the road.

Ms. Jenkins said that the driving surface is currently between 14 and 16 feet wide. The City requires a minimum 20-foot width. There's a 38-foot easement. Her firm is currently in the design process to bring the driving surface up to the 20-foot required width as part of the utility trenching and installation (phone and electric). Widening and finishing the road are part of the required work. In Ms. Jenkins opinion trenching and roadwork should not take very long.

Ms. Jenkins stated they will start with a preliminary plan that once approved by the Planning Commission will come back for final approval. They intend to submit in late

May for the July Planning Commission hearing and expect to be back before the Planning Commission for the September meeting. She expects road and utility work to ideally start in the fall.

The developer plans to have one shared well, the location of which has not been identified, but she expects it to likely be located in the perimeter of the cul-de-sac.

At a question concerning water usage by Mr. Herrera Ms. Jenkins responded that they are limiting themselves to ¼ acre foot of water per lot rather than the acre-foot they would be entitled to.

A participant named Cindy inquired if there would be limitations on large-scale agriculture on the lots.

Ms. Jenkins responded saying that someone might want to grow a vegetable garden but with the water limitations she expects that would be the extent of it.

Cindy asked if there would be new covenants developed for the new subdivision.

Ms. Jenkins answered that a new plat would be recorded and that covenants pertaining to water usage, road maintenance, etc. would be included on the plat.

Mr. Herrera asked if manufactured homes and stick built homes would be allowed. Ms. Jenkins answered in the affirmative.

Cindy suggested that they secure an attorney to draft the well share agreement. The well share agreement that came with her property was one page long and full of holes and she had to hire an attorney to develop a 12-page comprehensive agreement.

Ms. Jenkins said they plan on drafting a comprehensive agreement and filing it with Santa Fe County. She said the agreement will cover not only water allocation but usage, maintenance, electrical costs, repairs, etc.

Mr. Herrera said that adjacent to Dos Hermanos, to the north, on the property shown as PRC are other lots not shown on Ms. Jenkins map. Ms. Jenkins responded that there may be lots not shown on the map. Ms. Welles stated that the map came from the City's GIS and shows any and all existing lots.

Mr. Herrera said he attended the SWAN Park meeting a while back and that's where he saw the map with said lots. He said that the SWAN Park master plan does not show any connections to neighborhoods to the south – either motorized or pedestrian connections.

Ms. Jenkins stated that the infrastructure south of SWAN Park would not be able to handle larger traffic volumes coming from the park and that could be the reason they

are not showing connections through Tierra Contenta. She opined that it would be great if City could upgrade the roads.

Mr. Herrera countered that as shown, they are proposing a cul-de-sac which will cut all access off there, while he feels that a roadway ending at the north end of the property might be more amenable to connect later on to the park and points north.

Ms. Jenkins said that the original subdivision of the properties envisioned a cul-de-sac at the end of Dos Hermanos and they are maintaining that vision. She said that they will look into the opportunity of trail connections as part of development review.

Cindy asked if anyone knew where the fiesta lawn is supposed to be. No one knew.

Mr. Herrera once again asserted that there are individual lots north of the property in the area shown as PRC. He expressed his dissatisfaction with the lack of access for the neighbors in the Dos Hermanos area. He suggested that they plan the road first and talk about it later.

Ms. Jenkins expressed that one of the issues is that this is the border between suburban and semi-rural areas.

Mr. Herrera responded that Ms. Jenkins' client was the first one to subdivide five-acres into 5 lots and that will drive access issues in the neighborhood especially once the neighbors at 16 Dos Hermanos follow through with their planned subdivision. Ms. Jenkins stated that she understood that the owners at 16 Dos Hermanos were not planning to subdivide. Mr. Lamboy added that he understands that they plan to subdivide, not just in the near future.

Ms. Jenkins responded that they intend to look at the City's plans for the area.

Mr. Herrera said he brought up the issue of connectivity to the attention of the SWAN Park Planner. He referred to the County's requirements for open space.

Ms. Jenkins said that the original open space setback along the perimeter of the lots is being maintained, and setback fences will help maintain the open space feeling.

Cindy wanted to know how they can subdivide into 1-acre lots when she was only permitted a minimum 1.25 acres per lot. Ms. Jenkins responded that Cindy subdivided under County rules and the City has jurisdiction here now. Ms. Jenkins stated they will mail notices for the various hearings in due course.

Mr. Herrera questioned why no access was provided to La Reina as well as Dos Hermanos. Ms. Jenkins stated that they want to create a sense of community entrance as well as community in general. She said that when the original subdivision was created Dos Hermanos was viewed as the access road to the area. She feels that

the end result is cohesiveness and furthermore the City doesn't like double frontage lots.

Cindy asked who will be required to complete the improvements. Ms. Jenkins said the developer is responsible.

Mr. Herrera stated that 1 dwelling unit per acre is fine. What he finds troublesome is when you end up with ten individuals living on each lot draining the water resources.

Mr. Lamboy stated he would try to locate updated maps of Tierra Contenta and forward to those in attendance.

The meeting ended around 6:20 PM.

City of Santa Fe, New Mexico

Exhibit E

APPLICANT MATERIALS



jenkinsgavin
DESIGN & DEVELOPMENT INC

May 27, 2014

William Lamboy, Senior Planner
City of Santa Fe Current Planning Division
200 Lincoln Ave.
Santa Fe, NM 87501

**RE: Letter of Application
Dos Hermanos Preliminary Subdivision Plat and Lot Line Adjustment**

Dear Bill:

This letter is respectfully submitted on behalf of the Dos Hermanos Trust in application for Preliminary Subdivision Plat approval for a ± 5.0 -acre parcel at 17 Dos Hermanos, for consideration by the Planning Commission on July 10, 2014. Administrative approval for a Lot Line Adjustment is also requested. The property is zoned R-1.

Project Summary

The proposed residential subdivision comprises five single family lots on ± 5.0 acres. A Lot Line Adjustment is requested with this application that will increase the subject property's current acreage of 4.99 acres to 5.0 acres. The subject property was recently annexed into the City as part of the Phase 2 Annexation and is zoned R-1.

Access

The Project will be accessed from the terminus of the existing Dos Hermanos roadway via a private Lot Access Driveway ending in a cul-de-sac. Dos Hermanos is ± 15 foot wide dirt/gravel road within a 38-foot ingress/egress and utility easement. In order to provide the requisite emergency access, the road will be widened to a 20 foot all-weather drivable surface. Dos Hermanos currently serves as access for five lots, which will increase to nine lots with approval of this subdivision. Therefore, Dos Hermanos will be classified as a "Lane" per SFCC Table 14-9.2-1. In order to maintain consistency with the rural character of the neighborhood, we are requesting approval of a gravel surface from the Planning Commission per SFCC §14-9.2(C)(7), which states:

All new streets must be paved; provided, however, that the planning commission may approve gravel surfaces for roadways classified as private lanes or shared private driveways if it finds, based on substantial evidence, that:

- (a) vegetation or topographical maps or other evidence shows that dust from the roadways will not be a problem for residents living next to the roadway.*

The existing dirt road produces much more dust than the proposed base course surface. Therefore, the planned improvements will alleviate dust issues.

- (b) the gravel lane is an important consideration in the area's streetscape or in the overall project design.*

A gravel lane is consistent with the longstanding rural nature of the neighborhood. An asphalt road would be significantly out of character with the area.

- (c) the gravel lane will not cause erosion or sediment problems or those problems will be eliminated by the use of accepted engineering methods.*

The road has been designed in accordance with engineering best practices, with proper subgrade preparation and drainage.

Terrain Management

Storm water from the new Lot Access Driveway will be collected in a bar ditch and conveyed via a swale to a small drainage pond at the north end of the site. Each lot will be required to retain developed storm water flows on-site. Please refer to the attached Terrain Management Plans for further information.

Water and Wastewater

The Project will be served by a shared well located at the perimeter of the cul-de-sac. The proposed annual water budget is 0.25 afy per lot, for a total of 1.25 afy. Fire protection will be provided by an on-site buried storage tank with a draft hydrant per NFPA standards and City of Santa Fe Fire Department requirements. Each lot will be served by an individual septic system permitted by the New Mexico Environment Department. Please refer to the attached Utility Plans for further details.

Archaeology

The property is not located in an archaeological review district. No known historical or archaeological sites exist.

Santa Fe Homes Program

In accordance with the Santa Fe Homes Program, a fractional fee in the amount of \$20,700.00 will be paid upon recordation of the Final Subdivision Plat. Please refer to the attached Santa Fe Homes Program Proposal for further information.

Early Neighborhood Notification

An Early Neighborhood Notification meeting was held on May 7, 2014. Two neighbors were in attendance. Discussion included questions about access, water, covenants, and the possibility of trail connectivity with the adjacent Tierra Contenta open space to the east.

§14-3.7 (C) Subdivision Approval Criteria

- (1) *In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.*

Due regard will be shown for all natural features of the site, including the preservation of significant trees.

- (2) *The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).*

The subject property is well suited to residential development. The proposed subdivision is consistent with the property's R-1 zoning and poses no threat to public health, safety, or welfare.

- (3) *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).*

The proposed subdivision complies with the standards of Chapter 14, Article 9. See attached plans.

- (4) *A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.*

The subdivision plat does not create a nonconformity, nor are there existing nonconformities.

- (5) *A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the*

Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.

Please refer to (4) above.

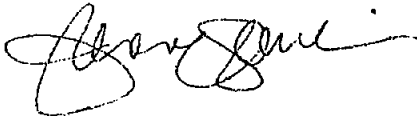
In support of these requests, the following documentation is submitted herewith for your review and consideration:

- Subdivision Application
- Lot Line Adjustment Application
- Letters of Owner Authorization
- Warranty Deed
- Lot of Record
- Santa Fe Homes Program Proposal
- Subdivision Plans – 6 sets
- Application fees in the amount of \$630.00 (\$400.00 Subdivision Fee, \$200.00 Lot Line Adjustment Fee, \$30.00 Public Notice Poster)

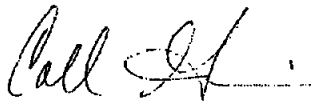
Please let us know if you have any questions or need additional information. Thank you.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.



Jennifer Jenkins



Colleen C. Gavin, AIA

September 11, 2014
Planning Commission
Case # 2014-17
**17 DOS HERMANOS FINAL
SUBDIVISION PLAT**

EXHIBIT C

DRT additional comments

DATE: August 28, 2014
TO: Dan Esquibel, Case Manager
FROM: Risana Zaxus, PE
City Engineer for Land Use Department
RE: 17 Dos Hermanos Final Subdivision Plat

The following review comment is to be considered a condition of approval:

*On the Plat, remove "along the shared driveway" from note # 2, as the main shared drainage facilities are not located along the driveway.

ESQUIBEL, DANIEL A.

From: WILSON, KEITH P.
Sent: Wednesday, August 13, 2014 10:16 AM
To: ESQUIBEL, DANIEL A.; BAER, TAMARA (tbaer@ci.santa-fe.nm.us)
Cc: ROMERO, JOHN J; MARTINEZ, ERIC B. (ebmartinez@ci.santa-fe.nm.us); AUNE, ERICK J.
Subject: 17 Dos Hermanos Final Subdivision Plat

1. Case #2014-76. 17 Dos Hermanos Final Subdivision Plat. Jennifer Jenkins, JenkinsGavin Design & Development, Inc., agent for Dos Hermanos Trust, requests Final Subdivision Plat approval for a 5-lot single family residential subdivision. The property is zoned R-1 (Residential-1 dwelling unit per acre). (Dan Esquibel, Case Manager) \\file-svr-1\Public\$\Land Use\2014-76 Dos Hermanos Final Subdivision

Dan, Tamara:

This may be the same Subdivision that came up a couple of months ago and if I recall correctly staff was recommended denial. If it is, at that time Tamara you had asked me about Bike Trail and Roadway connections in this area from the Bicycle Master Plan and the Metropolitan Transportation Plan. If it is, I think I said that there was no impact on Trails and to talk with John about the roadway alignment.

Since it has come up again I have put together a couple of maps showing the proposed Bike Trail and Future Roads in this area which can be downloaded at the following links.

Bicycle Master Plan Trails Map

<https://dl.dropboxusercontent.com/u/25939436/DRT%20Files/DosHermanos/BMPMap.pdf>

Future Road Network Map

<https://dl.dropboxusercontent.com/u/25939436/DRT%20Files/DosHermanos/FutureRoadsMap.pdf>

SWAN Park Master Plan

https://dl.dropboxusercontent.com/u/25939436/DRT%20Files/DosHermanos/SWAN_MP_18x24_09_16_2011_FINAL.pdf

SWAN Park Phase I Site Plan

https://dl.dropboxusercontent.com/u/25939436/DRT%20Files/DosHermanos/SWAN_Phase_1_site_plan.pdf

I think the North/South Arroyo Hondo Trail Alignment (From Nm599 to Arroyo Chamisos) is in a pretty good location running along Las Cuatro Milpas. This alignment appears to run through currently undeveloped parcels so we would look to obtain easements and possibly construction as they come in for development.

The future north/south road alignment (remember this is Conceptual) that runs to the west of the Dos Hermanos Subdivision parcels seems a little more complicated as it runs through several already developed lots north of Mutt Nelson. There may be an opportunity to realign this roadway to follow Paseo De La Reina and obtain the ROW along the western boundary of the Dos Hermanos Property.

I have copied John and Eric so they can review and provide feedback also.

Let me know if you think we need to meet on this.

Keith P. Wilson

**MPO Senior Planner
Santa Fe Metropolitan Planning Organization**

Mailing: P.O. Box 909

Santa Fe, NM 87504-0909

Office: 500 Market St, Suite 200 (Above REI Store)

Santa Fe, NM

Map: <http://tinyurl.com/l6kejeg>

Directions & Parking: <http://www.railyardsantafe.com/north-railyard/>

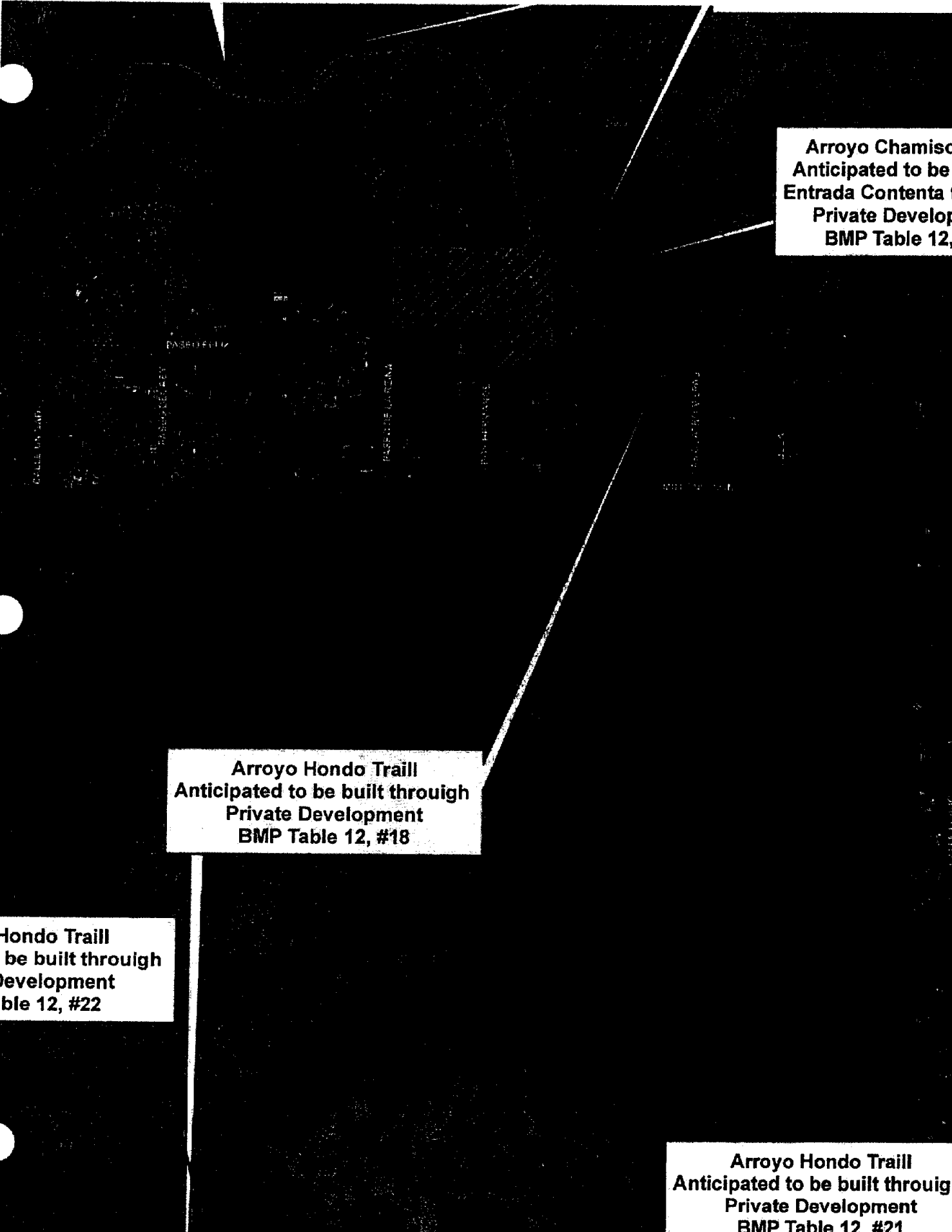
Phone: 505-955-6706

Email: kpwilson@santafenm.gov

Please Visit Our Website at: www.santafemppo.org



Find Us on Facebook

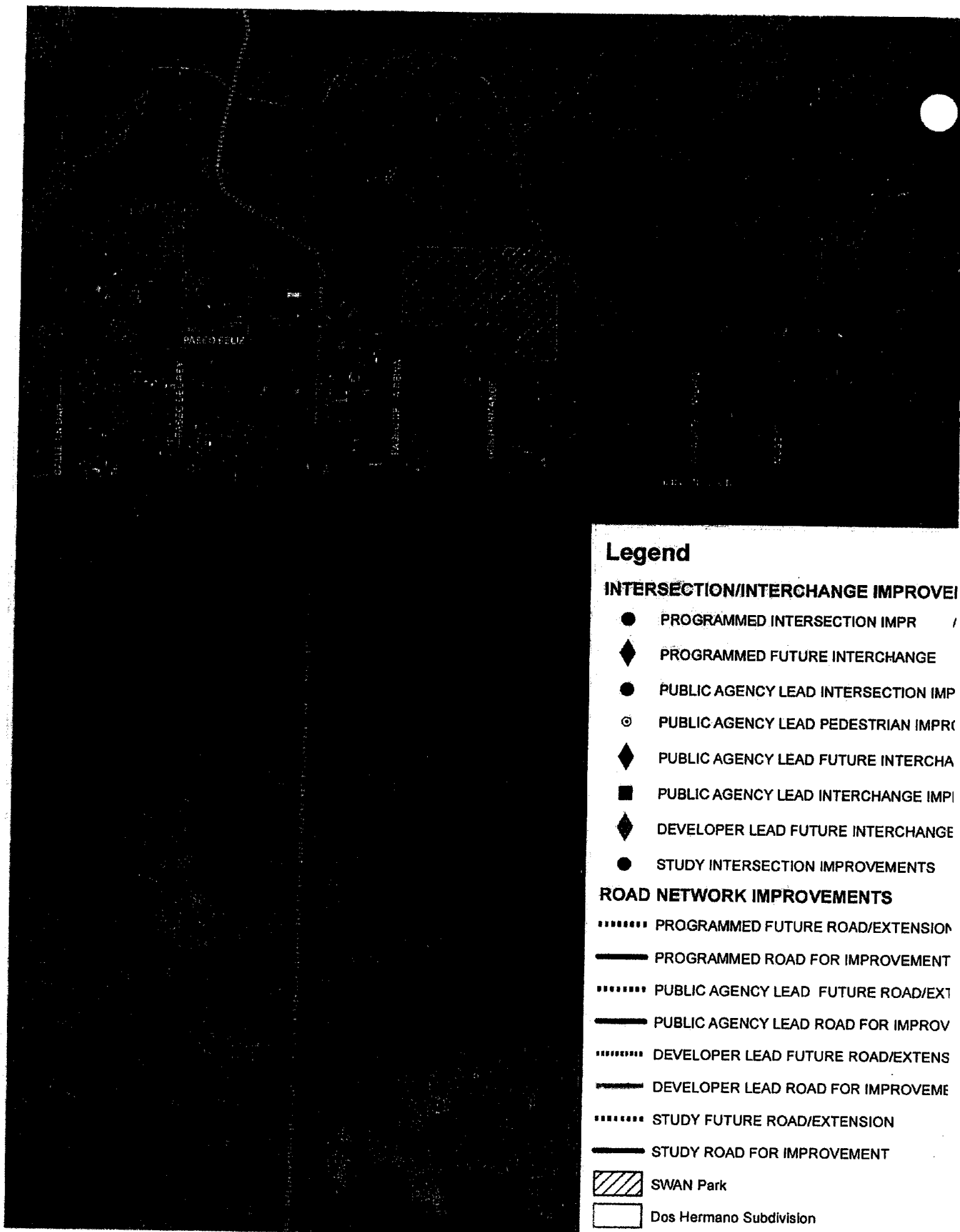


Arroyo Chamisos
Anticipated to be built through
Entrada Contenta through
Private Development
BMP Table 12, #

Arroyo Hondo Trail
Anticipated to be built through
Private Development
BMP Table 12, #18

Arroyo Hondo Trail
Anticipated to be built through
Private Development
BMP Table 12, #22

Arroyo Hondo Trail
Anticipated to be built through
Private Development
BMP Table 12, #21

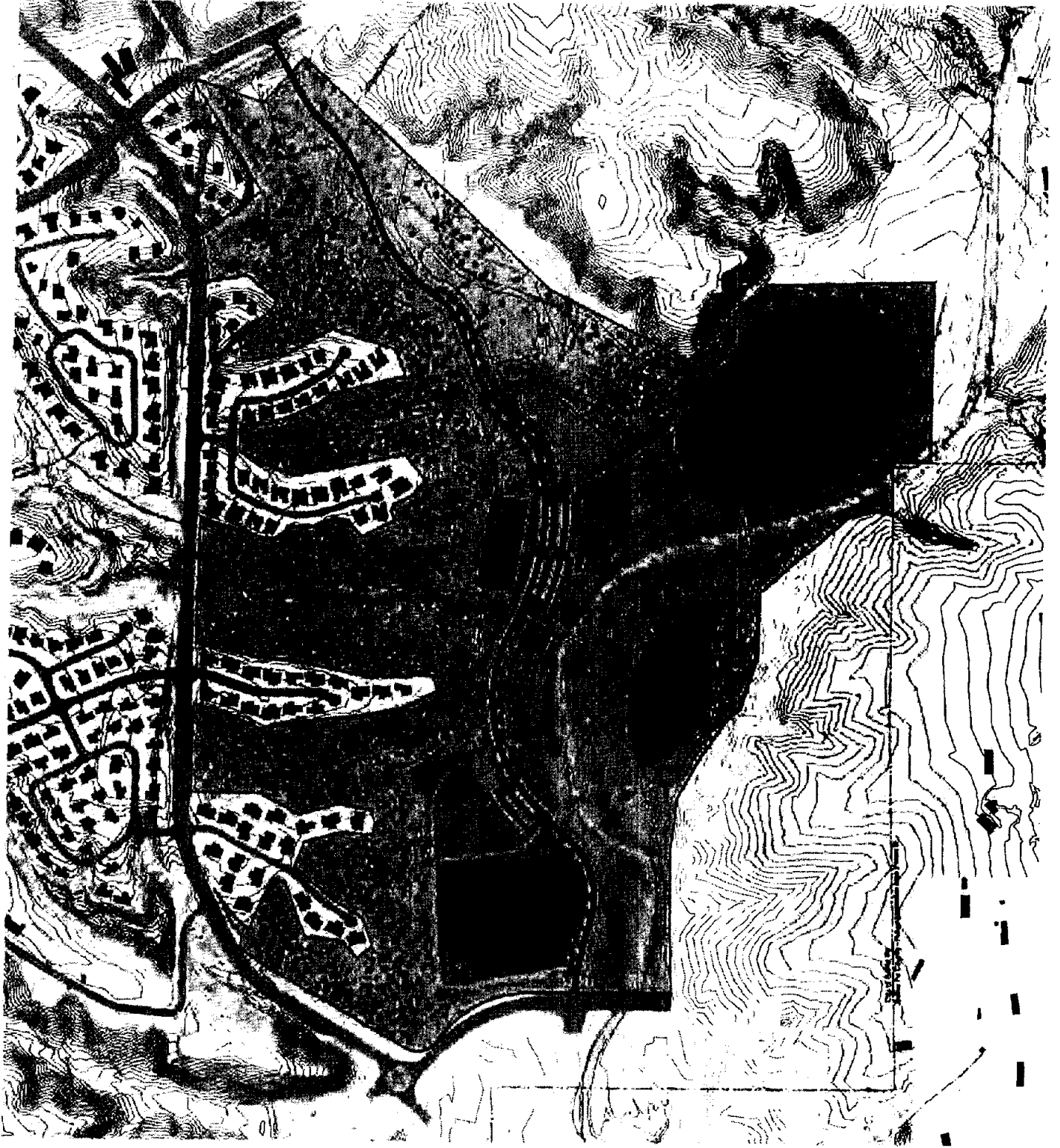


SOUTHWEST PARK

PARK MASTER PLAN

LEGEND

- Master Plan Project Boundary
- City / County Boundary
- Building Footprint
- Topography, 2-ft Contour
- Drainage, Major Arroyo
- Drainage, Minor
- Open Space, Existing Native Landscape
- Open Space, Enhanced Native
- Open Space, Water Quality Pond
- Open Space, Enhanced Riparian Area
- Park Landscape
- Grass, Irrigated Turf Lawn
- Tree, Evergreen - Pinyon - Juniper
- Tree, Deciduous - Shreveport
- Tree, Deciduous - Riparian



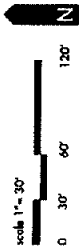
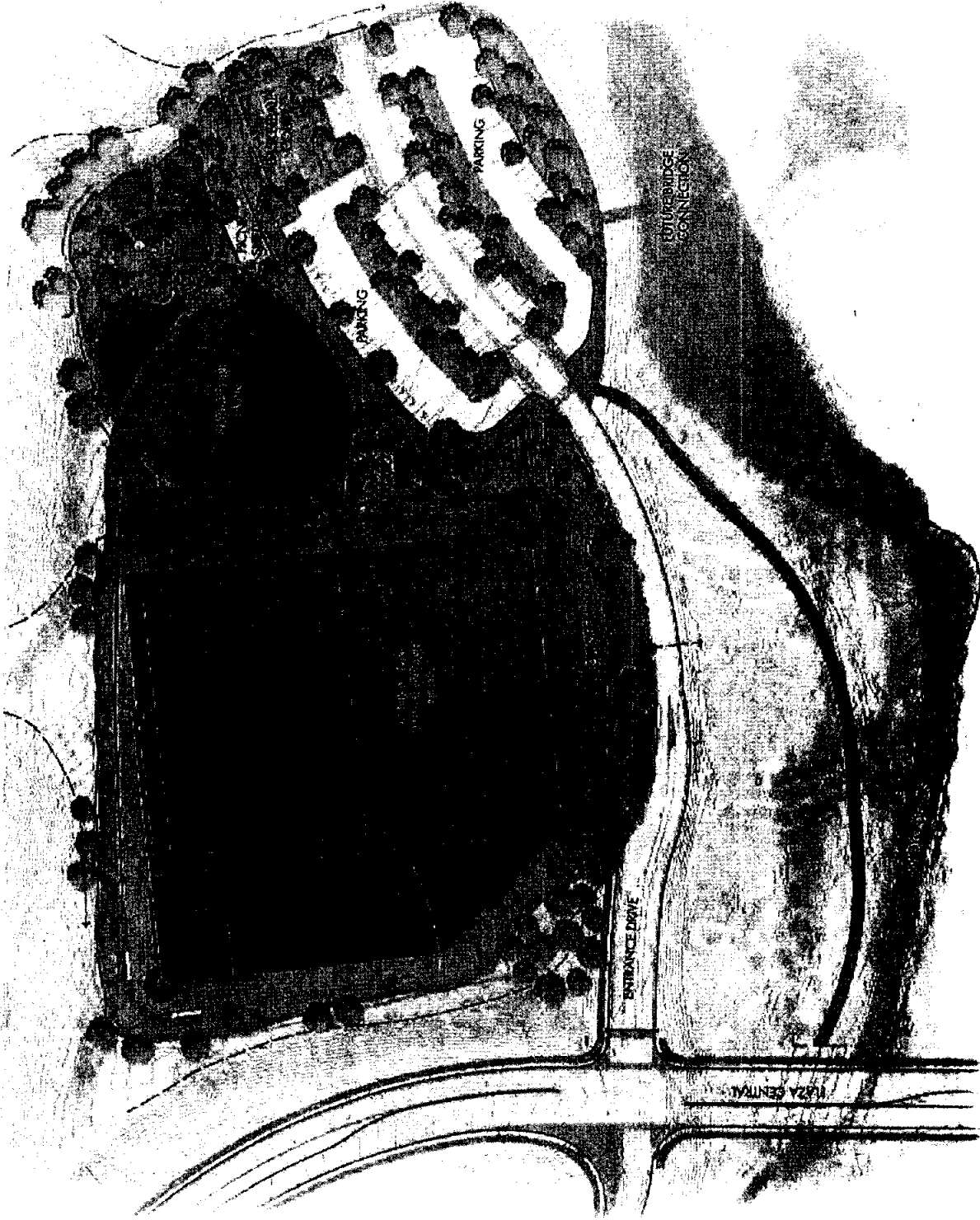
PARK MASTER PLAN

PARK MASTER PLAN



Produced for the City of Santa Fe
design office - wmk + associates - Wilson & Company

COMMENTS



South West Activity Node
SWAN PARK
Oyo/San Jose, New Mexico

ILLUSTRATIVE SITE PLAN

surroundings
VISION & CONCEPT • SITE PLAN DESIGN
• LANDSCAPE SERVICES

ESQUIBEL, DANIEL A.

From: MARCO, RANDALL V.
Sent: Monday, August 04, 2014 8:58 AM
To: ESQUIBEL, DANIEL A.
Subject: Dos Hermanos

Dan,

Case 17 Dos Hermanos: must bring refuse and recycling to a street that is currently being serviced by the City of Santa Fe Solid Waste Division.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

City of Santa Fe, New Mexico

memo

DATE: August 22, 2014
TO: Dan Esquibel, Land Use Division
VIA: John J. Romero, Traffic Engineering Division Director *J*
FROM: Sandra Kassens, Engineer Assistant *SK*
SUBJECT: 17 Dos Hermanos Final Subdivision Plat. (Case# 2014-76)

ISSUE:

Jennifer Jenkins, JenkinsGavin Design & Development, Inc., agent for Dos Hermanos Trust, requests Final Subdivision Plat approval for a 5-lot single family residential subdivision. The property is zoned R-1 (Residential-1 dwelling unit per acre).

RECOMMENDED ACTION:

Review comments are based on submittals received on July 30, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The Developer shall make the following changes to the plat:
 - a. Add a note such that the Developer makes an irrevocable offer to dedicate as Public Right-of-Way (ROW) to the City of Santa Fe; an 8 foot wide area extending the length of the western boundary of Lot 2A-1.
 - b. The 15 foot wide drainage easement shall not be located within the proposed ROW area.

If you have any questions or need any more information, feel free to contact me at 955-6697.

Thank you.

September 11, 2014
Planning Commission
Case # 2014-17
**17 DOS HERMANOS FINAL
SUBDIVISION PLAT**

EXHIBIT D

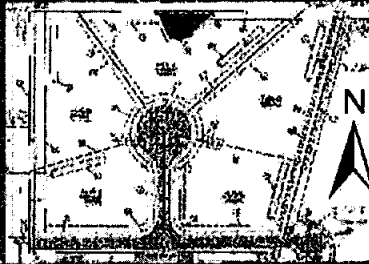
Vicinity Map

Vicinity Map

17 dos Hermanos Rd

PLAZA CENTRAL

PRC



PASEO FELIZ

R1

PASEO DE LA REINA

DOS HERMANOS

MUTT NELSON RD

R3



jenkinsgavin
DESIGN & DEVELOPMENT INC.

August 28, 2014

Dan Esquibel, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

**RE: DOS HERMANOS FINAL SUBDIVISION PLAT
CASE #2014-76**

Dear Dan:

I am writing to address the conditions of approval outlined in Exhibit A of the staff report for the Dos Hermanos Preliminary Subdivision Plat. Conditions 1, 6, and 9 will be satisfied at the time of final plat recordation. The remaining conditions are addressed in the revised Final Subdivision Plat submittal plans dated August 27, 2014.

Please let me know if you have any questions.

Thank you.

Sincerely,

Jennifer Jenkins

DATE: August 28, 2014
TO: Dan Esquibel, Case Manager
FROM: Risana Zaxus, PE
City Engineer for Land Use Department
RE: 17 Dos Hermanos Final Subdivision Plat

The following review comment is to be considered a condition of approval:

Note #2 stipulates that "all shared drainage facilities along the shared driveway" are to be maintained by the lot owners. Add a note to the Plat regarding maintenance responsibility for the stormwater pond on Lot 2A-1-3.

Sheet "8"

City of Santa Fe, New Mexico

memo

DATE: August 28, 2014, for the September 11, 2014 Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, ASLA, Planning Manager, Current Planning Division *TB*

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division *D.W.*

Case #2014-79. 27 Ridgeline Road Variance. Liaison Planning Services, Inc., agent for Alan Reeves, requests variances to 14-9.1(B)(8) connections and extensions of sewer mains, and 14-9.2(K)(1)(b) connections to city sewer services. The property is zoned R-1 (Residential-1 dwelling unit per acre). (Donna Wynant, Case Manager)

Case #2013-98. 27 Ridgeline Road Lot Split. Liaison Planning Services, Inc., agent for Alan Reeves, requests plat approval to divide approximately 2.5 acres into two residential lots. The property is zoned R-1 (Residential-1 dwelling unit per acre). (Donna Wynant, Case Manager)

Cases #2014-79 and Case #2013-98 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but each is a separate application and shall be reviewed and voted upon separately.

RECOMMENDATION

The Land Use Department recommends **APPROVAL** with the Conditions of Approval as outlined in this report.

BACKGROUND & SUMMARY

The Summary Committee reviewed the applicant's request to split the subject property into two lots at their meeting on November 7, 2013 (See Exhibit C-1: Summary Committee minutes). The Committee voted to postpone the case (Case #2013-98) "*for the purpose of further discussion by the applicant with staff, and further discussions by the applicant on the costs.*"

The property was annexed into the city on January 1, 2014 as part of the Phase 2 Annexation. The property and surrounding area are zoned R-1 (Residential-1 dwelling unit

per acre). The proposed northernmost lot is Lot 3-A (27 Ridgeline Road) containing approximately acres and a single family home. The proposed southernmost lot is Lot 3-C (23 Ridgeline Road) and contains approximately acres and is undeveloped.

Based on a meeting held with the applicant on 9/3/14 concerning the proposed lot configuration, the applicant has agreed to change the new lot line between the two resulting lots to the beginning of the driveway where Ridgeline curves to the west at Paseo de Margarita. Lot acreages will change on the plat to reflect this adjustment. Also discussed was the low water crossing on Ridgeline Road that provides access to several homes along Ridgeline Road and Paseo de Margarita, over the Arroyo de los Chamisos. Staff recommends the applicant provide signage on both sides of the arroyo warning drivers about possible water flow across the street. Traffic Engineer, John Romero, requires the signs to be in compliance with the Manual on Uniform Traffic Control Devices (MUTCD).

VARIANCE

The property is accessed directly from Ridgeline Road, an unimproved private roadway with a 38-foot right-of-way. The Arroyo de los Chamisos crosses the narrow strip of land connecting both lots. The property is further bisected by Paseo de Margarita, a private, unimproved roadway with a 38 foot wide private right-of-way. City water does not exist in the vicinity.

The property is adjacent to the Arroyo Chamiso Sewer Line, which is a 24 inch sanitary sewer system that runs east/west along the north property line of the subject site. Since the property is within 200 feet of a public sewer line and is accessible to the sewer, the property is required to connect to the sewer at the time of any new development. The applicant therefore requests a variances to Article 14-9 regarding infrastructure improvements, and specifically to 14-9.1(B)(8) and 14-9.2(K)(1)(b), which require connections to city sewer services.

14-9.1(B) Applicability

All developments approved pursuant to the provisions of Chapter 14 must dedicate land and easements and must construct, or provide funding for the city to construct, the public and quasi-public infrastructure improvements required by Chapter 14 to address effects on existing and new infrastructure that serves the new development, including:

- ***14-9.1(B)(8):*** *connections to and extensions of sewer mains as provided in Chapter 22 SFCC 1987 (Sewers).*
- ***14-9.2(K)(1)(b):*** *connection to city sewer services except as provided in Section 22- 3.1 SFCC 1987 (Sewers — Connection to the Public System).*

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) *One or more of the following special circumstances applies:*

- (a) *unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14,*

characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

Applicant Response

The subject property exhibits an unusual physical characteristic in that there are two developable areas, one at the north end and one at the south end, which are separated by a long narrow area used for an access driveway. The size of the property is more than adequate to accommodate two lots based on the zoning. However due to the configuration, it is not possible to divide the property without leaving the southerly parcel connection to that main infeasible. This circumstance is not faced by other properties in the vicinity.

Also, an arroyo runs through the central portion of the property, which is another physical condition that limits use of the subject property that does not affect all similarly situated properties in the area. The physical configuration presents an inherent conflict between the provisions of Chapter 14-9.5 that would require connection of a dwelling unit on the southerly proposed lot to the sewer main and the zoning map, which allows for 2 lots to be created. Approval of a variance allowing for a dwelling unit on the southerly lot to be served by an on-site septic system, provided all applicable septic requirements can be met, would resolve this inherent conflict.

Staff Response

The subject property has unusual physical characteristics that distinguish it from others in the vicinity. Many of the properties on either side of the subject property can meet the City's requirement for accessibility to an existing public sewer line (located within 200 feet). The property is nearly 1,000 feet in length, more than twice that of many of the other lots to the east and west. Also, the property is divided in half by the Arroyo Chamiso whereas the other lots are either not affected at all or have the arroyo in the southern half of their property. It is the unusual configuration of this lot, which is more like two separate lots joined by a long, narrow strip, that qualifies it as having "unusual physical characteristics that distinguish the land."

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

Applicant Response

Extension of a sewer main to the southerly lot would cause substantial disruption to the property and the presence of the arroyo, the narrow width of the central portion of the lot that a sewer line would have to traverse combine to render the sewer line extension to the southerly lot infeasible. In addition, because the new dwelling on the southerly lot will be more than 500 feet from the nearest City sewer main, it is not "accessible" within the

(6) *There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.*

Applicant Response:

No response required at this time.

Staff Response:

The applicant must obtain a permit from the New Mexico Environment Department for a septic system and a permit from the Office of the State Engineer for a well. The Land Use Department recommends a condition of approval that if City water or wastewater becomes available to the new lot prior to development of that lot, then that new development will be required to connect to either or both water or sewer whichever is available at such time.

LOT SPLIT

The proposed land division would create two lots: Lot 3-A (27 Ridgeline Road) containing approximately 1.26 acres; and Lot 3-C (23 Ridgeline Road) 1.24 acres. Lot 3-A is developed with a single family home. Lot 3-C is undeveloped.

The conditions of approval stated in the October 21, 2013 lot split report included a requirement for a shared well agreement to serve both resulting lots. However, since then the applicant has indicated that there is no intention to share the well serving Lot 3-A. The property owner of Lot 3-C, prior to any new construction, will obtain a well permit from the New Mexico State Engineer, as noted on the plat.

Following direction from the Summary Committee, the Land Use Staff conferred further with the applicant and other City Departments. These discussions led to application for variances in order to allow the lot split variance required for sewer connection. Based on consideration of the variances, this report supersedes the lot split report of October 21, 2013 and any conditions listed in that report, which is attached for background information only.

CONDITIONS OF APPROVAL

The Land Use Department recommends the following conditions of approval:

1. Revise acreages of Lot 3-A and Lot 3-C to reflect new lot line placement.
2. The posting of signs on both sides of the low water crossing over the arroyo per Traffic Engineer, John Romero, in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) which requires the signs to be W8-18 signs, 36" x 36" yellow diamond signs, with black letters on yellow signs.
3. Label all streets on the plat as private (i.e. Ridgeline Road and Paseo de Margarita)
4. Eliminate the statement above the title block: *"Preliminary for Review Only! October 16, 2013."*
5. Reference the "Roadway Easement and Maintenance Agreement" on the plat (Book 760, Page 626-633) - private covenants regarding maintenance of private roadways.

City of Santa Fe, New Mexico

memo

DATE: August 20, 2014
TO: Donna Wynant, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2013-98 & 2014-79 Variance - 27 Ridgeline Road Lot Split

In response to the letter submitted by Liaison Planning Services, Inc. dated July 28, 2014 requesting a variance to Chapter 14, Sections 14-9.1 (B)(8) and 14-9.2(K)(1)(b) and the approval of a lot split of approximately 2.5 acres located at 27 Ridgeline Road. The variance is requested to the Code provision requiring that a house on the southerly proposed Lot 3-C be connected to the City's sewer system. The Wastewater Division has the following comments to the Applicants responses;

1. 14-3.16 (C) (1) One or more of the following circumstances applies:
 - (a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

The Wastewater Division agrees that the property has unusual physical characteristics that distinguish the land from others in the vicinity. Properties in the vicinity in this case would be those properties that meet the City's requirement for being accessible to an existing public sewer line (located within 200 feet). It appears there are seven (7) other lots that are accessible to the same sewer line that is accessible to 27 Ridgeline Road. 27 Ridgeline Road is nearly 1000 feet in length as compared to less than half this distance for the other lots. In addition, 27 Ridgeline Road is a lot divided in half by the Arroyo Chamiso where the other lots are not or have the arroyo contained in their southern half.

Based upon the unusual physical characteristics that distinguish the property from others in the vicinity the Wastewater Division would support the variance not requiring that a house on the southerly proposed Lot 3-C be connected to the City's sewer system.

EXHIBIT A-1

CONCLUSION

The Land Use Department, in consultation with staff from the City's Wastewater Division and the Office of the City Attorney, recommends approval of the variances and the lot split. The unusual configuration of the property warrants support of these actions in this individual case.

ATTACHMENTS:

EXHIBIT A: City Staff Memoranda

1. Wastewater Division Engineer Memorandum, Stan Holland
 - a. Location of Wastewater Trunk Line in relation to subject property
2. City Engineer for Land Use Email, Risana B. Zaxus
3. Water Division Engineer Memorandum, Dee Beingessner

EXHIBIT B: Maps

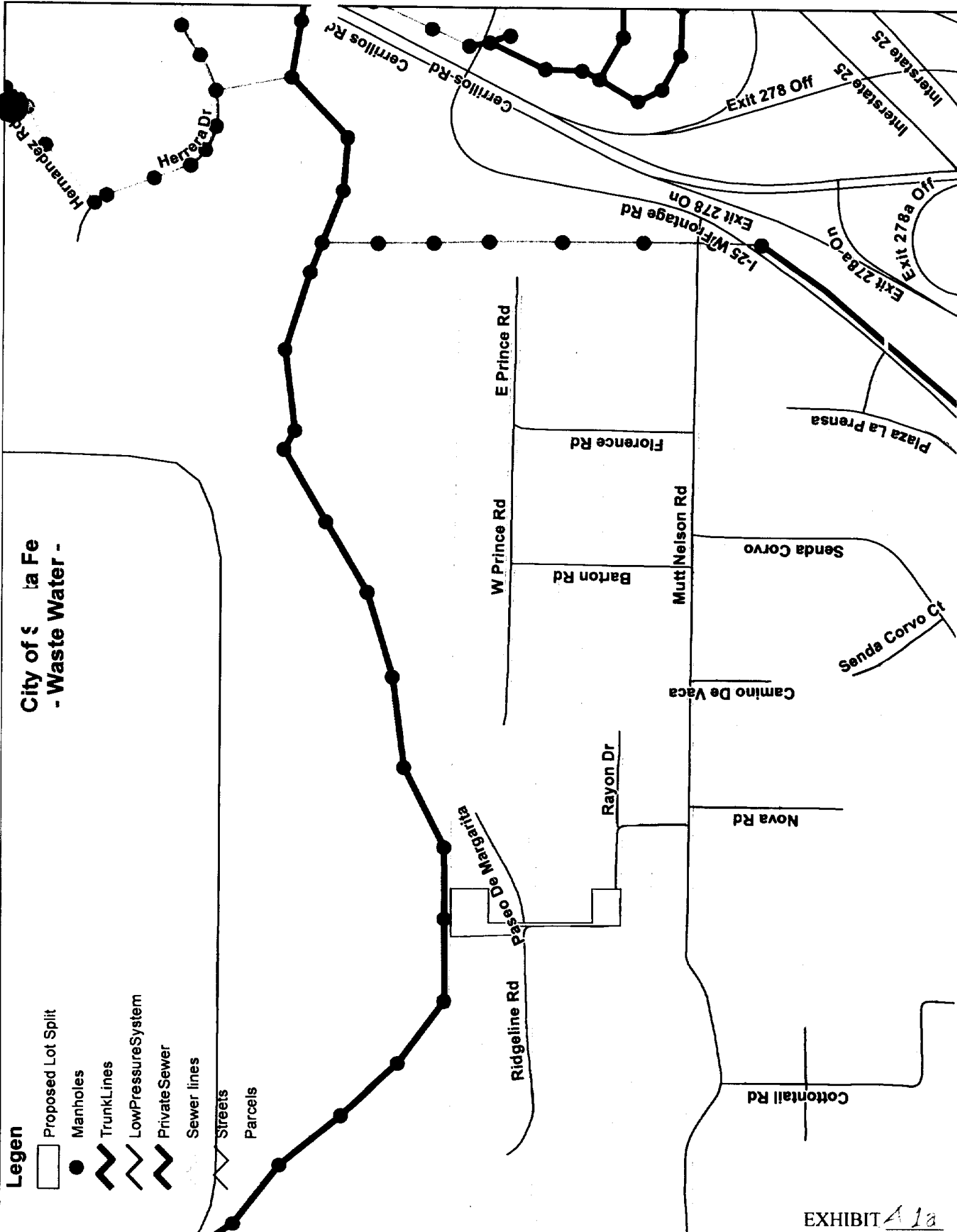
1. Aerial View
2. Zoning
3. Floodplain & Wastewater Line

EXHIBIT C:

1. Lot Split Memorandum, for the November 7, 2013 Summary Committee Meeting
 - including Staff Memoranda, but excluding Exhibits B (Maps) and D (Photographs)
2. Summary Committee minutes 11/7/13

EXHIBIT D:

1. Applicant Materials



WYNANT, DONNA J.

From: ZAXUS, RISANA B.
Sent: Wednesday, August 13, 2014 11:58 AM
To: WYNANT, DONNA J.
Subject: Cases # 2013-98 and # 2014-79

Ms. Wynant –

I have no review comments on Cases # 2013-98 and # 2014-79.

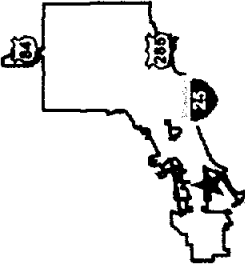
RB Zaxus, PE
City Engineer for Land use
City of Santa Fe

City of Santa Fe
memo

DATE: August 5, 2014
TO: Donna Wynant, Land Use Senior Planner, Land Use Department
FROM: Dee Beingessner, Water Division Engineer *DB*
SUBJECT: Case # 2014-79 Ridgeline Road

There is no city water service for the subject case. Fire protection requirements are addressed by the Fire Department.

27 Ridgeline Road - Aerial View



Legend

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

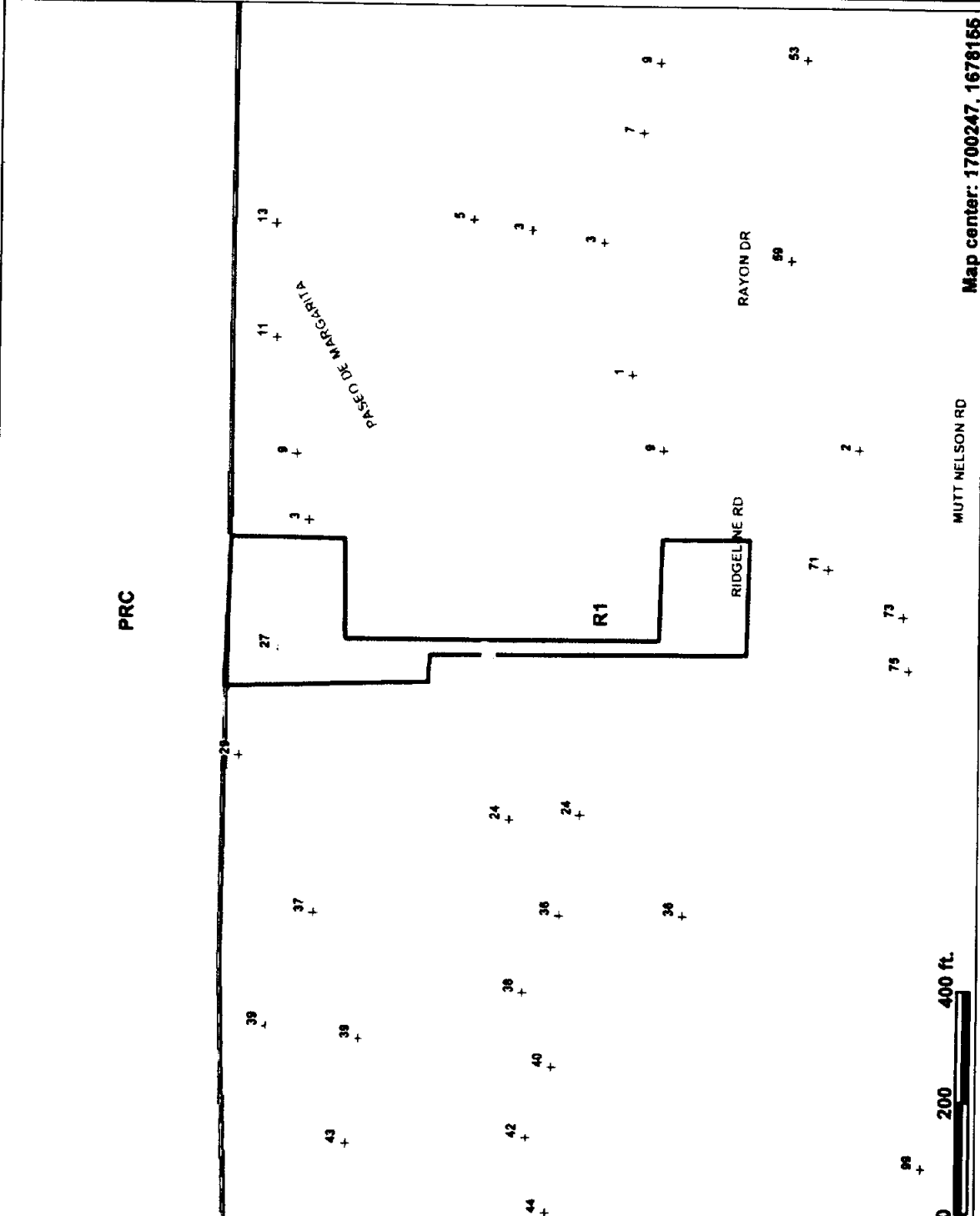


Scale: 1:3,343

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



27 Ridgeline Road - Zoning



Legend

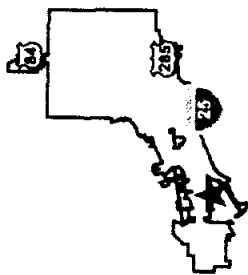
- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River
- Zoning
 - RR Rural Residential
 - R1, (PUD) Single - Family 1du/ac
 - R2, (DT), (PUD), (AC) Single - Family 2du/ac
 - R3, (PUD) Single - Family 3du/ac
 - R4 Single - Family 4du/ac
 - R5, (DT), (PUD), (AC), R8 Single - Family 5du/ac
 - R7, (PUD), R8 Single - Family 7du/ac
 - RCS, RCSAC Compound 5du/ac
 - RCS, RCSAC Compound 8du/ac
 - R10, (PUD) Multiple - Family 10du/ac
 - R12, (PUD) Multiple - Family 12du/ac
 - R21, (PUD) Multiple - Family 21du/ac
 - R28, (PUD), (AC) Multiple - Family 28du/ac
 - RAC Residential Arts & Crafts

Scale: 1:3,343

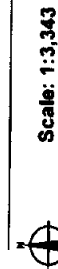
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



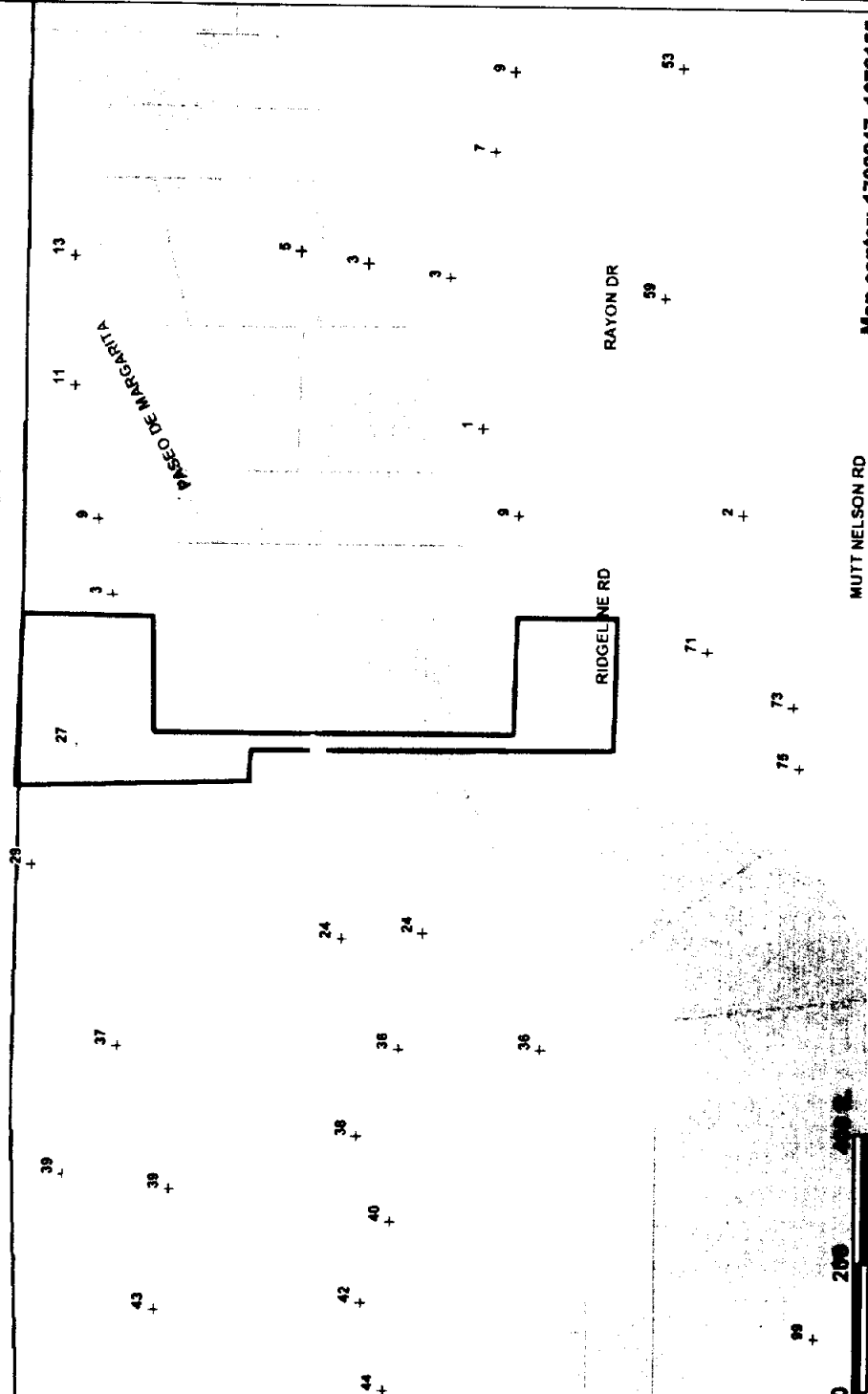
27 Ridgeline Road - Floodplain & Wastewater Line



- Legend**
- City Limits
 - Address Points
 - Wastewater Collection Pipelines
 - Parcels
 - Airport Clear Zones
 - Santa Fe River
 - FEMA Floodplain December 4, 2012 (100 yr)
 - Major Roads and Highways
 - Other Roads and Streets



Scale: 1:3,343



Map center: 1700247, 1678155

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

City of Santa Fe, New Mexico

memo

DATE: October 21, 2013, for the November 7, 2013 Meeting

TO: Summary Committee

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, ASLA, Planning Manager, Current Planning Division *TB*

FROM: William Lamboy, AICP, Senior Planner, Current Planning Division *W. Lamboy*

27 RIDGELINE ROAD LOT SPLIT

Case #2013-98. 27 Ridgeline Road Lot Split. Dolores Vigil, Liaison Planning Services, Inc., agent for Alan Reeves, requests plat approval to divide approximately 2.5 acres into two residential lots. Located in the Phase 2 Annexation area, the property is zoned R-1 (Residential-1 dwelling unit per acre). (William Lamboy, Case Manager)

RECOMMENDATION

The Land Use Department recommends **Approval** with the Conditions of Approval as outlined in this report.

BACKGROUND & SUMMARY

Located in the Phase 2 Annexation area, the property is zoned R-1 (Residential-1 dwelling unit per acre). Final annexation is scheduled to become effective January 1, 2014.

The proposed land division would create two lots: Lot 3-A, 27 Ridgeline Road, containing approximately 1.26 acres; and Lot 3-C, 23 Ridgeline Road, 1.24 acres. Lot 3-A is developed with a single family home. Lot 3-C is undeveloped.

The property is accessed directly from Ridgeline Road an unimproved roadway with a 38-foot right-of-way. The Arroyo de los Chamisos cuts across the narrow strip of land connecting both lots. The property is further bisected by Paseo de

Margarita, an unimproved roadway with a 38 foot wide right-of-way.

The property is accessible to the City's sanitary sewer system. A Wastewater Division condition of approval requires extension of the sanitary sewer line across Lot 3-A to Ridgeline Road. There is no City water service in the vicinity.

CONDITIONS OF APPROVAL

Any staff conditions noted in the attached memoranda and not listed in the recommended conditions of approval have already been addressed on the plat.

Staff recommends the following conditions of approval:

1. Staff redline comments will be provided to the surveyor who shall address all issues and submit the corrected plat in Mylar.
2. Prior to plat recordation, a shared well agreement shall be executed to serve both resulting lots.
3. The following notes shall be added to the plat:
 - a. Prior to recordation of the plat the property owner shall:
 - Install a public sanitary sewer line extension through Lot 3-A to Ridgeline Road per a design approved by the City of Santa Fe Wastewater Division.
 - In lieu of installing the sewer line prior to recordation of the plat, the owner shall provide a financial guarantee with the City for the design and installation of a public sanitary sewer line extension as approved by the City of Santa Fe Wastewater Division.

ATTACHMENTS:

EXHIBIT A: City Staff Memoranda

1. Fire Marshal Memorandum, Rey Gonzales
2. City Engineer for Land Use Email, Risana B. Zaxus
3. Waste Water Division Engineer Memorandum, Stan Holland

EXHIBIT B: Maps

1. Zoning
2. Aerial View
3. Floodplain & Wastewater Line

EXHIBIT C: Applicant Materials

1. Letter of Application

EXHIBIT D: Photographs

City of Santa Fe, New Mexico

Exhibit A


City Staff Memoranda

City of Santa Fe, New Mexico

memo

DATE: October 1, 2013

TO: William Lamboy , Case Manager

FROM: Reynaldo Gonzales, Fire Marshal 

SUBJECT: Case #2013-98 27 Ridgeline Road Lot Split

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to any new construction these requirements must be met:

1. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.
2. Fire Department Access shall not be less than 20 feet width to any new construction.
3. Shall meet driveway requirements as per IFC.
4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
5. Shall have water supply that meets fire flow requirements as per IFC or install an automatic sprinkler system.

LAMBOY, WILLIAM A.

From: ZAXUS, RISANA B.
Sent: Monday, October 07, 2013 3:58 PM
To: LAMBOY, WILLIAM A.
Subject: 27 Ridgeline Road Lot Split - ADDITIONAL SUBMITTALS

Bill, I would like to request the following as additional submittals for Case # 2013-98, the 27 Ridgeline Road Lot Split:

*Add shading or other delineation to the Lot Split survey to indicate the extent of the 1% FEMA floodplain. Show these floodplain limits on all lots and areas that are part of the survey.

*Revise floodplain notes to reference FIRM 35049C0506E ONLY, as this FIRM is in effect as of December 4, 2012. Remove indication of "FIRM changes ...in the process for this area."

RB Zaxus, PE
City Engineer for Land Use
City of Santa Fe

City of Santa Fe, New Mexico

memo

DATE: October 7, 2013
TO: William Lamboy, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2013-98 27 Ridgeline Lot Split

The subject property is accessible to the City sanitary sewer system. The Arroyo Chamiso sewer line is located along the north boundary of the property:

The following are conditions of approval:

1. Prior to recordation of the lot split plat the property owner shall be required to;
 - Install a public sanitary sewer line extension through Lot 3-A to Ridgeline Road per a design as approved by the City of Santa Fe Wastewater Division.
 - In lieu of installing the sewer line prior to recordation of the plat, the owner shall provide a financial guarantee with the City for the design and installation of a public sanitary sewer line extension as approved by the City of Santa Fe Wastewater Division.

The following notes shall be added to the plat as a condition of approval:

- No fences, walls, or other obstructions shall be placed or constructed across or within public sanitary sewer or utility easements
- Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.

Additional Comments:

1. On sheet 2 of the plat it appears lot 3-B is incorrectly substituted for lot 3-A at the top of the sheet in the summation of the contributed areas by lots.

LIAISON Planning Services Inc.

September 30, 2013

Mr. William Lamboy AICP, Senior Planner
City of Santa Fe Current Planning Division
P.O. Box 909
Santa Fe, NM 87504-0909

Re: Land Division for Alan Reeves Lot 3-A
27 Ridgeline Road, Santa Fe, NM

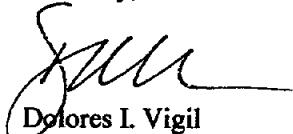
Dear William,

On behalf of Alan Reeves, please accept this application as a formal request for a lot split located at the above referenced address. The property is located off of Mutt Nelson Road and within the Presumptive City Limits comprised of 2.5 acres. The applicants are requesting to subdivide this parcel into two lots, Lot 3-B, 1.26 acres and Lot 3-C, 1.24 acres.

The proposed Lot 3-A will retain the existing residence and Lot 3-C will be vacant until developed. Currently the lot is accessed off of Mutt Nelson Road, north to Ridgeline Road. The lot is being served by one shared well and septic tank.

We have reviewed the code for zoning requirements and all other applicable standards to support the applicant's request. Your consideration for direction is greatly appreciated and please contact me if you have any questions or require additional information.

Sincerely,



Dolores I. Vigil
Liaison Planning Services Inc.

Attachments:

Application
Legal Lot of Record
3 Copies of Preliminary Plat

Chair Harris said under Conditions of Approval in the Staff Report it provides, "~~Any staff conditions noted in the attached memoranda and not listed in the recommended conditions of approval have already been addressed on the plat.~~" He said he checks those off, noting it is usually the case, but not always. He said in this case, there was no Memorandum, but there is a lot of information on the flood notes. He said it would be much better if these could be cross-referenced by staff in the staff report, and Commissioners Padilla and Ortiz said they agree.

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve Case #2013-99, 725 Canyon Road Split, with all conditions of approval as recommended by staff.

~~VOTE:~~ The motion was approved unanimously on a voice vote.



5. **CASE #2013-98. DOLORES VIGIL, LIAISON PLANNING SERVICES, INC., AGENT FOR ALAN REEVES, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 2.5 ACRES INTO TWO RESIDENTIAL LOTS. LOCATED IN THE PHASE 2 ANNEXATION AREA, THE PROPERTY IS ZONED R-1 (RESIDENTIAL - 1 DWELLING UNIT PER ACRE) (WILLIAM LAMBOY, CASE MANAGER).**

A Memorandum prepared October 21, 2013 for the Summary Committee Meeting of November 7, 2013, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "7."

A map titled *City of Santa Fe – Wastewater*, entered for the record by Stan Holland, is incorporated herewith to these minutes as Exhibit "8."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division. Please Exhibit "8" for specifics of this presentation.

Recommendation: The Land Use Department recommends approval with the conditions of approval as outlined in this [staff] report [Exhibit "8."].

Ms. Baer reiterated that Stan Holland, Wastewater Division, is in attendance, and he has additional information to share with the Committee in terms of a graphic, in addition to what Mr. Lamboy has already called out. She said she spoke with the Acting City Attorney, Kelley Brennan, this morning about this property, and it was Ms. Brennan's opinion, as reflected in the condition of approval, that per Ordinance No. 2008-53, which amended the Water and Wastewater Ordinances dealing with annexation areas and when people were required to connect to City utilities. Ms. Baer said the language of that Ordinance provides, "When a property is developed and improved, and is accessible to wastewater, to City sewer, they have to connect." This is the condition staff is requesting. She said the City's position is this

currently is all one lot and we cannot avoid that requirement by simply by splitting the lot. Staff would like that condition of approval to apply to both lots, assuming the lot split is approved. Ms. Baer said, "To reiterated, the condition would be, after the lot split, improvement or development on either lot, would require connection to the sewer." She asked Mr. Holland to speak to the issue.

Chair Harris thought he heard her say earlier, if this is approved with the condition as she stated, would each lot have to connect to the sewer.

Ms. Baer said, "No. Say two lots were created, and the lower lot came in to build a house, it would be incumbent on that property owner to connect to the sewer. If the owner of the northernmost lot were not doing anything, they would not be required to be connected to the sewer. But if they came in and wanted to do a guest house, they would have to connect."

Stan Holland, Wastewater Division, provided a handout to the Committee [Exhibit "8"], noting the lot in question is highlighted in rose, and the line to the north is the Arroyo Chamiso Sewer Line, which is a 24 inch sewer line.

Mr. Holland said, "When this sewer line was put in, back in the 1990's I think it was, it went from being shallower to being deep. I think in this particular spot, the invert of the manhole is about 30 feet deep, but in anticipation of that, there are segments all along this line where, when they did the design, they put 8 inch stubouts into the manhole, which acted like a drop, basically this one is 10 feet deep, to allow future expansion. Part of that is for the area to the north, and in this particular case, for areas to the south. It was thought about ahead of time when they designed this line, how to allow people to connect and so forth."

Mr. Holland continued, saying our Ordinance provides that if a property is within 200 feet of a public sewer line and is accessible, people are required to connect. He said there have been questions on the wording as to when the lot is developed or approved.

Mr. Holland continued, saying in this case, there is a lot which is within 200 feet of the sewer. He said in the past the Wastewater Division has said, when you separate the lots, and you are putting in a lot that is not accessible, it is your obligation to bring that sewer all the way though. He said the last case like this was Mr. Pendergrass on Montano Drive which was constructed and completed. He has seen only 3-4 cases like this since 2010, and it doesn't happen all the time. He said staff is saying the applicant needs to put in a sewer line extension, and he thought it was reasonable to bring it down to Ridgeline Road, the first Ridgeline Road because the Arroyo Chamiso is there. He said if they are going to do this, they need to grant the easement, construct the public sewer line to this point, or in lieu of that, if the lot split is approved, a financial guaranty needs to put in place for the estimated cost, as a condition of approval, to allow the lot split to go forward. He said this is where we stand right now.

Responding to the Chair, Mr. Holland said Ridgeline Road actually turns to the West, noting Rayon Drive is a side finger. He said, "What I should be saying is, that we want the line extended to Ridgeline

Road as shown on this drawing right here, which would be the intersection of Ridgeline and Paseo de Margarita. Because, Ridgeline continues in a southerly direction, turns east and keeps going down."

Chair Harris understands the logic of splitting the lot, and precedent says the City requires the connection.

Responding to the Chair, Mr. Holland said the stubout comes out at a 45 degree angle to the northwest. He understands it's a 20 foot line, on the as-builts, so a manhole would have to be added. And at that point, allows going north, south, east or west, out of the manhole.

Chair Harris said coming out of the new manhole, you go due south to get into the proposed Lot 3-B.

Mr. Holland said this is correct – the southerly lot. He said based on their engineering judgement in looking at this, we realized the Arroyo Chamiso is south of there. He said it allows for extension directly down Ridgeline Road to the west, possibly up to Paseo de Margarita. He they are unsure how far a gravity sewer line can be run out there because of the contours. However, they also have low pressure pumps and low pressure sewer systems in the City. He anticipates the area will be served by a combination of gravity and low pressure sewer. He said the worst case for the applicant is that it would be a low pressure sewer line that would cross the Arroyo Chamiso and then tie into the gravity line at some point. That would allow for extension to keep going down.

Mr. Holland said there is a gravity line on the far eastern side of Mutt Nelson Road, which is the other avenue for sewer to be introduced to this area. He said today they have not had any lots to come in which fall within the 250 foot requirement to start bringing the sewer line in. He said all of the public sewer line extensions, except the big trunk lines in the City CIP projects, all of the infrastructure is driven by development and the developers are required to bring it in. He said the first one in has to extend the sewer line.

Chair Harris asked if Ridgeline is a private road, and Ms. Baer said it is.

Public Hearing

Presentation by the Applicant

Dolores Vigil, Liaison Planning Services, Inc., Agent for the owner, was sworn. Ms. Vigil said they met with Stan Holland two days ago to discuss the situation and the staff conditions that were written into the approval. She said she was approached by Ms. Baer earlier today about changing that condition to include that only the property to the south, 3C, once improved would have to bring in a public sewer system.

Ms. Vigil said, "First of all, my client does not agree with the condition as stated and as written. The other issue that does come up that I don't think was really looked into, was that not only will he have to put in a sewer system, it would have to be installed, designed and engineered to City standards which is reasonable. That's how these sewer lines are put in, but for a property owner to be required to do this type of installment is quite a burden. And also, to the west on the plat you will see a 10 foot utility easement which, if we were to have to put it in and agree to put the sewer line in, we would have to give up approximately 8% of our property. That means we would have to change that easement to 20 feet."

Ms. Vigil said Mr. Reeves is here to answer any questions. She said, "Mr. Reeves has actually put in some utilities since this plat has been drafted, so we were going to propose to move that utility easement to the driveway where he now has gas, cable and electricity which is all placed underground."

Ms. Vigil continued, "Now if you look at Lot 3C to the south, and you do the calculations, for the record it is approximately 1,000 plus linear feet away from the existing sewer line, plus or minus, which will cost the property owner, if they were to come in to develop it, on top of the development itself, approximately \$100,000, which does not include engineering and design costs. The Applicant would agree to extending the sewer line to his house, the house he lives in right now. I think that is more than a compromise. I think I understand that having to connect within 200 feet. My client is aware of that, when he got the annexation notice, that it clearly states within a certain amount you have to hook up to sewer and water. So he will be more than happy to hook up the sewer to his home, and to state in some type of note on the plat to say that once sewer does become available to Lot 3C, the lower lot, that property owner would have to hook up to sewer also, once it is within 200 feet."

Ms. Vigil continued, "I'm sure you all know that ED requirements are 3/4 acre. This would be much more than that. Everyone has septic tanks out there. My client has a septic tank, but he would be more than willing to forego that and put in a sewer line to his home."

Ms. Vigil continued, "Mr. Holland did answer one of my questions. How many lot splits have been required to install public sewer of this magnitude. I don't know. I'm not sure. This is a unique situation and I think it should be considered on its own merits. And my client is here to answer any of your questions, or he may want to speak a little bit too on what has been said."

Alan Reeves, 27 Ridgeline Road, owner [previously sworn]. Mr. Reeves said he was a little surprised when they found out two days ago when they found out this condition had been added to the lot split. He said, "I wasn't aware that the City sewer was involved in it, but obviously it is. And, it appears that the cost of the system they're talking about is considerable, somewhere between \$60,000 and \$100,000 for me to put in, and they want me to pay for it. This is as much as the property I'm trying to divide is worth, total. So it doesn't make any sense at all for me to pursue a lot split if I have to go \$100,000 or

even put up \$100,000 for a future sewer line. So, I was quite surprised at the range of what they're asking for. All I want is... and this sewer line they're talking about, this isn't just for me, this is a public sewer line to serve the entire neighborhood there. And the cost for this isn't going to be divided up among the neighborhood. None of it is going to be paid for by the City, it was all going to be paid for by me."

Mr. Reeves continued, "So I don't think that this is equitable. And all I'm asking for is that I be treated the same as any other neighbor that is more than 200 feet from that sewer line that's in there now. My neighbor to the south, the Sedillos did a lot split, very similar, earlier this year, and it went through, but they're more than 200 feet away. So I'm just asking that this be fair."

Ms. Vigil said, "In closing, for the record, I would like to say that Ridgeline, like we have pointed out, is a private road, and for Mr. Reeves to go in and to put any kind of improvement in that road may be difficult, and I'm not sure how that process might be. I do understand that, at some point City will probably take ownership of that road. And, at that time, let's start hooking up to the sewer. Let's start putting it in the right way. Let's not start putting the burden on one property owner. I think the compromise for him to hook up to the sewer is a good one. And I believe that it's fair, and I don't see how it will change the requirement to do so, because it is within 200 feet."

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing was closed

Commissioner Padilla said he is a little confused. He said, "The 7th note up from the bottom states, 'Connection to City public sewer system is mandatory when the property is in the City limits...' First of all it is in the annexation area, correct."

Ms. Baer said, "That includes presumptive City limits."

Commissioner Padilla continued, "... and is being developed or improved if accessible to the City water system.' Then it says, 'Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.' Right now, we have a lot split before us. There are no improvements proposed for Lot 3A, and there are no improvements proposed right now for Lot 3C. It is strictly a lot split. I don't see where the owner is being required to construct or put up a bond or a financial guaranty for that improvement. Can somebody enlighten me where that is being imposed upon this lot split application."

Ms. Baer said, "We're not asking them to put up a bond or construct the sewer. All we're saying is that, as a condition of approval of the lot split, at the time of improvement or development, on whichever lot that may be, whoever the owner of that lot is would have to connect to the sewer."

Commissioner Padilla said, "We create the lot split and we then create two separate lots. Lot 3C is greater than 200 feet away from the existing sewer line. What we are doing is imposing an additional condition of approval on Lot 3C, that even though you are greater than 200 feet, you will connect. Is that what we're asking."

Ms. Baer said, "That condition already exists on the property. If this property stayed as it was, one lot, at the time of improvement, they would have to connect to the sewer because the lot is accessible and it's within 200 feet. So all we're doing is we're not using the lot split as a way to circumvent that rule. We're not allowing that. We're saying you can't have a lot split in order to circumvent that rule on Lot 3C. And that is also the opinion of the City Attorney."

Commissioner Padilla said, "So then if we approve the lot split and the owner of Lot 3C comes in and wants to develop that lot as a resident, they will be required to connect to the City sewer."

Ms. Baer said, "That is correct, and as a further condition, an easement would have to be provided on 3A, in order to allow that to happen."

Commissioner Padilla asked if that easement need to be a part of this lot split, that that easement be indicated now.

Ms. Baer said yes.

Commissioner Parilla said, "Then it is not so currently shown."

Ms. Baer said this is correct.

Mr. Holland said, "When the sewer evaluation for this came in, and we at the Wastewater Division saw this. One of the Wastewater Division's conditions of approval was the public sewer main line needs to be installed as part of the approval of the lot split itself. We're saying, in order to even approve the lot split, the public sewer line needs to be constructed to our specifications, or a financial guaranty needs to be put up in the amount we all agree to that would cover that. They could go ahead and do their lot split, but we would have the financial guaranty in place. That's what we've told people before that have come in. In order to do your lot split, as a condition of approval, you have to construct this sewer line to our specifications and to that point we agree."

Commissioner Padilla said, "That is what I thought I heard. So an additional condition of approval on the lot split is that the financial guaranty or construction of the sewer be a part of this approval."

Ms. Baer said that was the original condition. She said, "And my understanding, in discussion with Mr. Holland this morning is that we were backing off that and we were going to have a condition on the plat that required the construction at the time of improvement."

Mr. Holland said as we discussed this morning, and "as far as what the Wastewater Division can do, I think our hands are tied." He said this is the reason they looked at what the Summary Committee can do, and "that was that 13 that dealt with some of this," commenting that he recognizes that concessions are going to be made, or have to be made. He said, "Then yeah, let's talk about what can be done to preserve the interest of the City and the client there. So I think it comes under the purview of what the Summary Committee can approve in this particular case."

Ms. Baer said, "To be clear, Mr. Holland and the Wastewater Division would prefer to have the financial guaranty in place or the sewer constructed now as a condition of the lot split, but he understands there may be some leeway... I don't want to speak for you. And also, I would call to your attention that under the jurisdiction of the Summary Committee, there is a specific condition that I would like to read to you. It's 14-3.7(d). It says, 'Summary Committee may defer the construction of public and semi-public improvements required by Chapter 14 until such time as the lots are developed, and may waive the requirements of this Chapter for the posting of financial guarantys of those improvements prior to recording an approved plat.' So you have the authority to do that. It further says, 'Deferral or waiver shall be made only upon findings that the improvement or guaranty is not needed to protect the interest of prospective purchasers of the lots created to provide for the orderly development of other properties in the vicinity, or to protect the public health, safety and welfare.' So it's in your purview to defer that requirement, or you can impose it now."

Chair Harris said, "I would be curious, and it may or may not be in our purview, but I would be curious what your response would be to the compromise proposed by Ms. Vigil and Mr. Reeves.... which I understood to say that they would agree to hook up to the public system on Lot 3A, and then to put a condition on Lot 3C that when the public sewer is available, I can't remember exactly how it is phrased, that they would hook up."

Mr. Holland said, "If I'm understanding you correctly, it would be when it is developed, which means, when somebody comes in for a building permit."

Chair Harris asked Ms. Vigil to explain their proposal.

Ms. Vigil said, "What we propose is that 3C can develop, but once the sewer is available, that he would hook up existing residents to the sewer. In the future, when sewer is available for 3C, within 200 feet, they would hook up."

Chair Harris said, "Then not necessarily at the time of development, but when and if sewer is ..."

Ms. Vigil said, "... available within 200 feet, so it still meets that criteria."

Chair Harris said he had seen the language Ms. Baer just read. He said, "I don't even know if that type of compromise is permissible."

Ms. Baer said, "It's not, by Code."

Mr. Holland said, "I know what your applicant is wanting to do, and I believe something was discussed briefly this morning with Tamara and what the City talked about might be another solution to this one, too, so I think there's another offer on the table, shall we say. But I would say, from what I've heard from the applicant so far as far as the Wastewater Division is concerned, I would say that's not workable. I don't see that as a workable solution on this one."

Ms. Vigil said, "Before we continue, my client, he cannot hear, so I think you might want to come closer so you can hear what's going on, and I would like to reiterate what I proposed for my client."

Chair Harris said that is okay.

Ms. Vigil said, "He's like, I can't hear anything you're saying. So my proposal is that you hook up your existing residence to the sewer, and that in the future when Lot 3C is within 200 feet of the sewer line, they would have to hook up."

Chair Harris said, "Would you also tell Mr. Reeves that given the City Attorney's clarification and what Ms. Baer read to us, that that is not in our purview. We could not grant that. We could not allow that compromise. Would you make sure he understands that."

Mr. Reeves said, "Yes. I have no idea what the cost of hooking up to the existing sewer is. Is this a \$2,000 hookup or a \$20,000 hookup or \$100,000. What is involved."

Chair Harris said, "I will say again, we cannot grant that. The Summary Committee cannot agree to that compromise, given the existing Ordinances."

Ms. Vigil said, "I understand. What Committee can approve that kind of compromise. Would it be the Planning Commission. There's got to be a way for someone to propose this type of condition and move forward."

Chair Harris said, "The Governing Body."

Ms. Baer said, "You're probably correct, Mr. Chair, that the Governing Body could waive that provision I suppose. It's in the Code, it's not something... I suppose it would be a variance to that provision. And it's not even in Chapter 14, it's in Chapter 28."

Ms. Vigil said, "Can I ask for clarification, Tamara. You're saying it's not within their purview, the Summary Committee, to approve this kind of condition. Is that what it is, or the change of the condition, the wording of the condition."

Ms. Baer said, "As the Chair has expressed, it's not within the purview of the Summary Committee to approve a condition that's contrary to Code."

Ms. Vigil asked if it is contrary to Code, saying he's within 200 feet and he's agreeing to hook up the sewer. The lower lot is further than 200 feet. She said, "I think you can review it this way."

Ms. Baer said, "Again, it's the opinion of the City Attorney, and the Land Use Department supports that opinion that it is not the purpose of the lot split. A lot split should not be used to circumvent a Code provision. And the Code provision would apply to all parts of this lot if it were developed currently. And they could come in and build a house on what is shown as 3C without splitting the lot, and that would require connection to the sewer. And so, just splitting it."

Ms. Vigil said, "But say he doesn't split it and he wants to put in a guest house, he's going to have to hook up to sewer."

Ms. Baer said this is correct.

Ms. Vigil said, "He would have to connect. It's the same thing. Should he do that first. It's the cart before the horse I think. Shouldn't he hook up, and if he hooks up, he's not going to have to put in a public sewer main, he's just going to hook up to the existing residence."

MOTION: Commissioner Ortiz moved, seconded by Commissioner Padilla, to postpone Case #2013-98, Ridgeline Road Lot Split, to the next meeting of the Summary Committee, on December 5, 2013.

COMMENT BY SECOND: Commissioner Padilla said it appears there are a number of issues that need to be resolved to allow the owner and agent to continue discussion with staff and the City Wastewater Division, so he would second the motion.

DISCUSSION: Ms. Baer asked, "May I ask if there is any specific direction to staff, because we're pretty clear."

WITHDRAWAL OF THE MOTION BY THE MAKER: Commissioner Ortiz withdrew his motion.

MOTION: Commissioner Ortiz moved to deny Case #2013-98, Ridgeline Road Lot Split, because it is not in compliance with City Code, seconded for purposes of discussion by Commissioner Padilla.

DISCUSSION: Chair Harris said he hadn't thought about denying this case, but he was willing to approve with the conditions, and the conditions as approved by staff would stand in terms of the Wastewater condition. He said, "I realize it is a hardship, but I also realize there are issues in that part of town having to do with water quality and wastewater, and I think over time they will be corrected. And I do understand

your position, Mr. Reeves, that it is a burden, and perhaps it's unfair. I'm not prepared to say that, but that's where we stand right now. So that is my point of view. We could deny the lot split or we could approve with conditions."

Commissioner Padilla said, "Under discussion, if we were to move for approval with conditions, specifically what additional conditions that are not already noted under City approvals would be added."

Ms. Baer said, "Point of clarification. In the staff report, it's stated that the applicant would have to install the line or provide a financial guaranty, and one option the Committee has is to require a note on the plat stating that at the time of improvement or development on either lot, the sewer would have to be extended to that lot, so those are the choices you have."

Chair Harris said, "What is written here, is the original position for Wastewater. And after discussion, I don't want to say lowered or reduced, but modified those conditions along the lines of what Ms. Baer just stated. So, at the time of development on either lot, public sewer would have to be installed, subject to a technical evaluation. Is that correct Mr. Holland."

Mr. Holland's remarks here are inaudible because he was speaking from the audience, away from the microphone, and the Stenographer asked him to come to the microphone..

Mr. Holland said, "One thing we need right now, would be the grant of a 20 foot sewer easement, and the placement of that is yet to be determined. The other portion would be just how far south the easement needs to extend, because that's the other condition. The existing proposed lot split, I believe it is a 400 foot distance from the north boundary to what would be the southern boundary. I'm thinking out loud here. As long as it is very clearly stated and they can't come back and say we're further away than 200 feet if the southern lot has to connect as a condition of development out there, I guess that would work. I want to make sure the owner understands it is practically the same thing. If you sell that lot, you can't do anything with it. If you are, you're going to have to put the public sewer in, which means it's going to come through your lot and then you're shifting the burden to the purchaser of that lot."

Mr. Holland said, "I want to make sure it's clear to all of you too. If all this can work, and all these conditions are there, what is proposed before you right now would have to be modified and reviewed again prior to recordation, that we're all clear, this is all set. And then it can be recorded. The easement needs to be finished, the language needs to be discussed, and this would all have to happen before the plat is recorded."

Chair Harris said, "Door No. 1 is postponed, to give an opportunity for these matters to be discussed. Door No. 2, is denial, in which case, the recourse for denial would be an appeal to the Governing Body, and Ms. Baer said this is correct. Or, if they chose not to do that, to come back to this body in a year's time."

Ms. Baer said, "They could come back sooner. Only for rezoning do you do not have to wait the 12 months."

Chair Harris said we could deny and they could work on it, think about it, do whatever, or just not do anything, or approved with conditions as discussed, is Door No. 3.

Ms. Baer said her recommendation is Door No. 3, because the Motion to Deny would be based on the fact that the applicant doesn't agree with the conditions, and can continue to not agree with the conditions and either not move forward, or change their minds, and it would still be settled. Postponement advantage would be the applicant would have an opportunity to investigate the cost. She said, "But I would say that would be an option for the applicant to request, if they were interested in postponement. I don't know that anything would change from the City side. So if you approve it with the conditions, either of the more strict conditions that Mr. Holland has started with, or the modified conditions proposed at this meeting, the applicant still has the choice to go forward or not go forward. He's not committed to continuing with the lot split. He has 3 years to record. He may choose not to record, and then it's as if it never happened."

Chair Harris said he would like to hear the wishes of the Applicant.

Mr. Reeves said, "Yes. I would like to continue the process. I would like to get this thing done, but at this time, I have no idea what they're asking me to do. And I'm not going to agree with anything until I find out what the conditions of this are going to be. Obviously, this only came up 2 days ago for me. Obviously, there's some discussion about what I'm going to be responsible for, and I don't want to drop the whole thing. And no one has said we want you to do this, this and this. It just said a different proposal. If I can sit down with the Sewer Department, or whoever is in charge, or the attorneys or whatever, and find out what this is going to cost me to do it, then maybe we can go forward."

Chair Harris said this is what we're going to do, perhaps. He said there is a motion to deny and we need to vote on it, or he can withdraw his second.

WITHDRAWAL OF THE SECOND BY THE SECOND TO THE MOTION: Commissioner Ortiz withdrew his second to the motion.

MOTION: Commissioner Ortiz moved, seconded by Commissioner Padilla to postpone Case #2013-98, 27 Ridgeline Road Lot Split, to the next meeting of the Summary Committee on December 5, 2013, for the purpose of further discussion by the applicant with staff, and further discussions by the applicant on the costs.

VOTE: The motion was approved unanimously on a voice vote.

F. STAFF COMMUNICATIONS

Ms. Baer said at the last meeting, the Committee requested staff to follow-up on addressing for the Camino Cerrito Lot Split. She said they had further discussions with the Fire Department, and they do not GPS when they respond to a call. They go to a physical address, and they requested the addresses of

City of Santa Fe, New Mexico

memo

DATE: September 11, 2014
TO: Planning Commission
FROM: Current Planning Division
RE: Additional Information

The attached information is not in your September 11, 2014 Planning Commission packet. The information is in the following order:

Case #2014-79. 27 Ridgeline Road Variance.

Case #2013-98. 27 Ridgeline Road Lot Split.

- Page 4 of staff report prepared by Donna Wynant, AICP, Senior Planner.
- Revised survey plat.

Exhibit "10"

meaning of the City Code and the lot configuration and physical conditions render the connection infeasible.

Staff Response:

The special circumstances regarding the configuration of the lot make this an unusual case that warrants special consideration.

(3) *The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.*

Applicant Response:

Use of the subject property for two dwelling units would be entirely consistent with the relevant provisions of Chapter 14.

Staff Response:

The property and the surrounding area are zoned R-1 (Residential-1 dwelling unit per acre), allowing for the same density of residential development in the overall area. The proposed lot is consistent with the R-1 Zoning.

(4) *The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:*

- (a) *whether the property has been or could be used without variances for a different category or lesser intensity of use;*
- (b) *consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.*

Applicant Response:

The variance would allow for development of a single family dwelling on the southerly lot that is served by septic rather than the City sewer system. There is no more minimal easing of the Code that could resolve the hardship.

Staff Response:

The southern portion of the property could not be developed without a variance to the requirement to connect to City sewer.

(5) *The variance is not contrary to the public interest.*

Applicant Response:

Construction of a dwelling on the southerly parcel and service by septic would not be contrary to the public interest. The City has standards for septic that would be met and there are many properties in Santa Fe that are served by septic.

Staff Response:

Allowing development of a single family home with its own well and septic system would be consistent with similar development in the area. Wells and septic systems are regulated by the State, whose regulations are responsible for ensuring public safety and thereby securing the public interest.

LIAISON Planning Services Inc.

July 28, 2014

Mr. William Lamboy AICP, Senior Planner
City of Santa Fe Current Planning Division
P.O. Box 909
Santa Fe, NM 87504-0909

Re: Lot 3-A Variance Request
27 Ridgeline Road, Santa Fe, NM

Dear William,

On behalf of Alan Reeves, please accept this application as a formal request for variance to Chapter 14, Sections 14-9.1(B)(8) and 14-9.2(K)(1)(b) and the approval of a lot split of approximately 2.5 acres located at the above referenced address. The property is located off Mutt Nelson Road and within the newly annexed area considered as Phase 2. The Applicant is requesting to subdivide this parcel into two lots, Lot 3-B, 1.26 acres and Lot 3-C, 1.24 acres.

In accordance with Section 14-3.16(C) the Applicant is required to provide the following responses to City Code criteria for approval of the requested variance to the Code provision requiring that a house on the southerly Lot 3-C, be connected to the City's sewer system and instead allowing the house to be served by a septic system meeting all applicable standards.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

(b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

(d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing or significant property* pursuant to Section 14-5.2 (Historic Districts).

EXHIBIT D

Exhibit "11"

Response: The subject property exhibits an unusual physical characteristic in that there are two developable areas, one at the north end and one at the south end, which are separated by a long narrow area used for an access driveway. The size of the property is more than adequate to accommodate two lots based on the zoning, however due to the configuration, it is not possible to divide the property without leaving the southerly parcel farther than 500 feet from the nearest existing sewer main, which would render connection to that main infeasible. This circumstance is not faced by other properties in the vicinity.

Also, an arroyo runs through the central portion of the property, which is another physical condition that limits use of the subject property that does not affect all similarly situated properties in the area.

The physical configuration presents an inherent conflict between the provisions of Chapter 14-9.5 that would require connection of a dwelling unit on the southerly proposed lot to the sewer main and the zoning map, which allows for 2 lots to be created. Approval of a variance allowing for a dwelling unit on the southerly lot to be served by an on-site septic system, provided all applicable septic requirements can be met, would resolve this inherent conflict.

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

Response: Extension of a sewer main to the southerly lot would cause substantial disruption to the property and the presence of the arroyo, and the narrow width of the central portion of the lot, that a sewer line would have to traverse combine to render the sewer line extension to the southerly lot infeasible. In addition, because the new dwelling on the southerly lot will be more than 500 feet from the nearest City sewer main, it is not “accessible” within the meaning of the City Code and the lot configuration and physical conditions render the connection infeasible.

(3) The *intensity of development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

Response: Use of the subject property for two dwelling units would be entirely consistent with the relevant provisions of Chapter 14.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.

Response: The variance would allow for development of a single family dwelling on the southerly lot that is served by septic rather than the City sewer system. There is no more minimal easing of the Code that could resolve the hardship.

(5) The variance is not contrary to the public interest.

Response: Construction of a dwelling on the southerly parcel and service by septic would not be contrary to the public interest. The City has standards for septic that would be met and there are many properties in Santa Fe that are served by septic.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

Response: No response required at this time.

This letter is submitted as part of the applicable requirements for requesting a lot split and variance. Your consideration for approval is greatly appreciated and please contact me if you have any questions or require additional information.

Sincerely,



Dolores I. Vigil
Liaison Planning Services Inc.

Attachments:

Application
6 Copies of Preliminary Plat
CD

Lot Split / Boundary Survey
Prepared for
Alan Reeves - Lot 3-A
LYING AND BEING SITUATE AT 27 RIDGELINE ROAD WITHIN LOT 3-A, TRACT D, SECTION 13, T.16 N., R.8E.,
N.M.P.M., COUNTY OF SANTA FE, STATE OF NEW MEXICO.

LOT 3-A = 1.26 ACRES ±
LOT 3-C = 1.24 ACRES ±
TOTAL AREA = 2.50 ACRES ±

PURPOSE STATEMENT: CREATE TWO RESIDENTIAL LOTS

LEGEND

BEARINGS ARE DERIVED FROM A LAND DIVISION OF TRACT A FOR WILLIAM MONTGOMERY, PLAT BOOK 325, PAGE 36, AS CERTIFIED BY RICHARD A. CANTROPO, N.M.P.S. 11011, APPLYING ONED TO GROUND (STATE PLANE AND 82) NEW MEXICO CENTRAL ZONE COORDINATES GEODETIC LOCAL POSITION USING GPS RTK TOPCON Hiper + JUS141317W.

- MONUMENT POLING NUMBER 4 REBAR WITH 1288 CAP OR AS NOTED
- MONUMENTS TO BE SET, IN 4 REBAR WITH 1288 CAP UNLESS OTHERWISE NOTED.
- MONUMENT BRASS CAP POLING AND USED AS NOTED.
- WOOD FENCE OR AS NOTED
- POWER POLE WITH OVERHEAD UTILITY LINE
- PROPANE TANK OR AS NOTED
- DISTRICT DRIVEWAY OR ROAD
- TELEPHONE PEDISTAL
- ELECTRIC TRANSFORMER

DOCUMENTS REFERENCED

PLAT: Property Transfer and Land Division prepared for Alan E. Reeves and Diane Reeves, as filed for record in Book 285, Page 694, in the Office of the Santa Fe County Clerk. Certified by John A. Morris, N.M.P.S. 19026. Dated April 13, 1998.

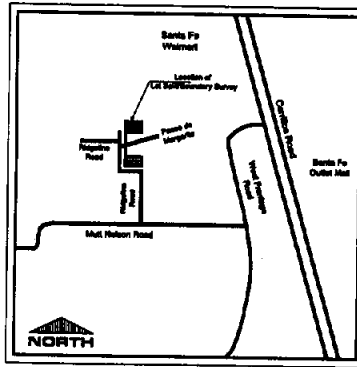
PLAT: Property Transfer Land Division for Margie M. Montoya, as filed for record in Book 426, Page 694, in the Office of the Santa Fe County Clerk. Certified by Carl E. Beck, N.M.P.S. 12886. Dated April 2, 2000.

PLAT: Lot Split Boundary Survey prepared for Alan E. Reeves and Diane Reeves, as filed for record in Book 745, Page 882 and 884, in the Office of the Santa Fe County Clerk. Certified by Anthony J. Neri, N.M.P.S. 19088. Dated February 23, 2012.

ROADWAY EASEMENT AND MAINTENANCE AGREEMENT: As filed for record in Book 1184, Page 795.

SURVEYORS NOTES

EVERY DOCUMENT OF RECORD REVIEWED AND CORROBORATED AS PART OF THIS SURVEY IS NOTED HEREIN ONLY THOSE DOCUMENTS NOTED HEREIN WERE SUPPLIED TO THE SURVEYOR OR AS RESEARCHED BY LAND SURVEYING COMPANY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR OTHER FACTS THAT AN ACCURATE AND CURRENT ABSTRACT MAY DISCLOSE.



Vicinity Map

Not to Scale

UTILITY APPROVALS

THE UNDERSIGNED UTILITY COMPANIES ACKNOWLEDGE AND HEREBY AGREE TO UTILITY EASEMENTS AS DEPICTED ON THE PLAT HEREIN.

PUBLIC SERVICE COMPANY OF NEW MEXICO - ELECTRIC SERVICES

NEW MEXICO GAS COMPANY

COMCAST CABLE SERVICES

TELECOM NEW MEXICO

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the operation and joint use of:

- New Mexico Gas Company for installation, maintenance and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas.
- Public Service Company of New Mexico for the installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment, facilities, structures and related facilities reasonably necessary to provide electrical service.
- Cable TV for installation, maintenance and service of all buried and aerial communication lines and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above-ground polelines and structures.
- Cable TV for installation, maintenance and service of such lines, cables and other related equipment and facilities reasonably necessary to provide Cable TV service.

Included in the right to install, relocate, reconstruct, reconstruct, locate, relocate, change, remove, modify, repair, operate and maintain facilities for the purposes described above together with the means by, from, and over said right of way and easements, with the right and privilege of going upon, over and across adjoining lands of others for the purposes set forth herein and with the right to utilize the right of way and easements to install, relocate, reconstruct, reconstruct, locate, relocate, change, remove, modify, repair, operate and maintain facilities for the purposes set forth herein, the building, sign, pole, power ground or substation, but shall not include the right to install, relocate, change, remove, modify, repair, operate and maintain facilities, nor shall any use be made of said easements.

DISCLAIMER

In approving this plat, Public Service Company of New Mexico (PSC) and New Mexico Gas Company (NMG) do not warrant or make any statement or assurance right which may have been granted by prior plat, map or other document and which are not shown on this plat.

UPC CODE

1-048-094-180-120

STATE OF NEW MEXICO

COUNTY OF SANTA FE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED

FOR RECORD ON THIS _____ DAY OF _____

A.D. 2013 AT _____ O'CLOCK _____ M., RECORDED

IN BOOK _____ PAGE _____ AS

DOCUMENT NO. _____ IN THE OFFICE

OF THE COUNTY CLERK OF SANTA FE COUNTY, STATE OF

NEW MEXICO.

WITNESS MY HAND AND SEAL OF COUNTY OFFICE

SANTA FE COUNTY

REGULATORY DIVISION

DEPUTY CLERK



LAND SURVEYING COMPANY, L.L.C.

BRANCHED 11000, NEW MEXICO

FILE NO. 100-0000

STATE OF NEW MEXICO

PREPARED BY: S.J. YULE, N.M.P.S.

DATE: DEPT. 25, 2013

PROJECT: ALAP REBAR - LOT 3 LOT 3-A

PROJECT: 1-1800-PLAT

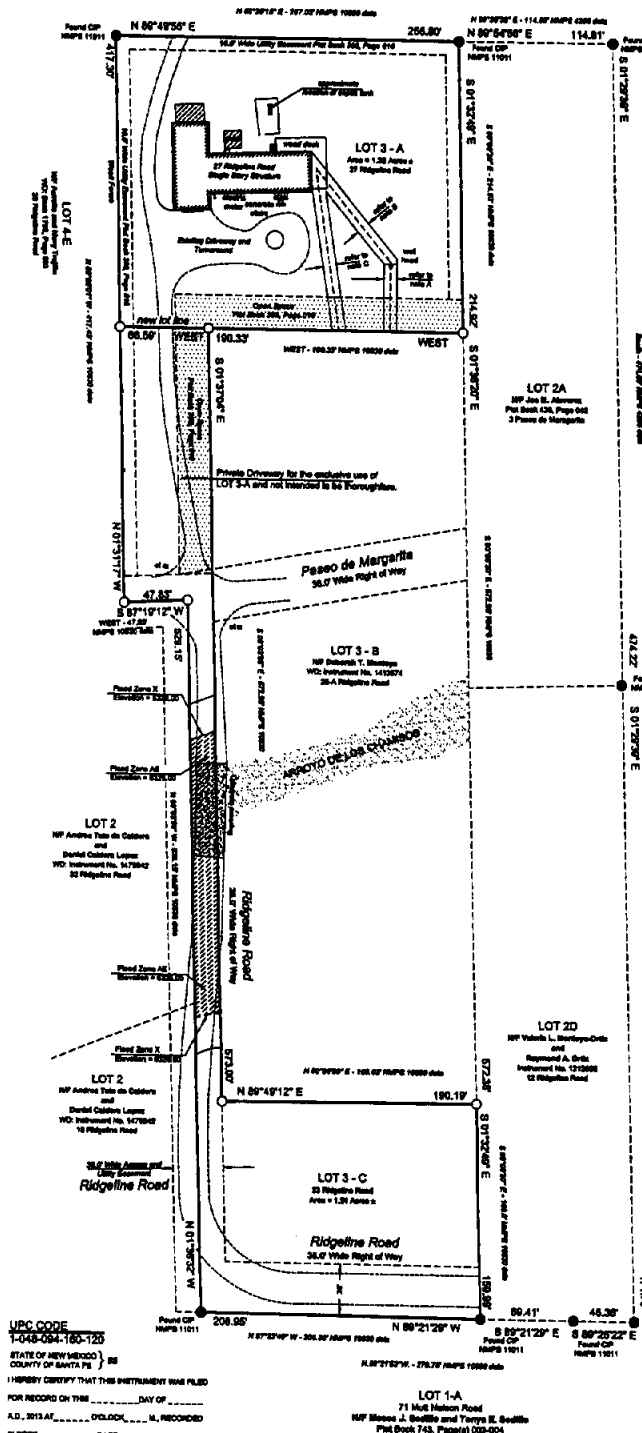
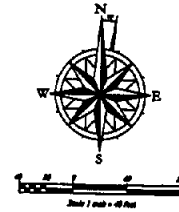
CREATED: S.J. YULE, N.M.P.S.

STATE OF NEW MEXICO

Lot Split / Boundary Survey
Prepared for
Alan Reeves - Lot 3-A
 LYING AND BEING SITUATE AT 27 RIDGELINE ROAD WITHIN LOT 3-A, TRACT D, SECTION 13, T.16 N., R.8E.,
 N.M.P.M., COUNTY OF SANTA FE, STATE OF NEW MEXICO.

LOT 3-A = 1.26 ACRES ±
 LOT 3-C = 1.24 ACRES ±
 TOTAL AREA = 2.50 ACRES ±

PURPOSE STATEMENT: CREATE TWO RESIDENTIAL LOTS



ACKNOWLEDGEMENT AFFIDAVIT

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original instrument as recorded in the public records of the County of Santa Fe, New Mexico, and that the same is a true and correct copy of the original instrument as recorded in the public records of the County of Santa Fe, New Mexico.

STATE OF NEW MEXICO ss
 COUNTY OF SANTA FE ss
 I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original instrument as recorded in the public records of the County of Santa Fe, New Mexico, and that the same is a true and correct copy of the original instrument as recorded in the public records of the County of Santa Fe, New Mexico.

CITY OF SANTA FE APPROVALS

2013-08
 DATE
 BUREAU OF PLANNING AND DEVELOPMENT
 DATE
 BUREAU OF PLANNING AND DEVELOPMENT
 DATE
 BUREAU OF PLANNING AND DEVELOPMENT
 DATE
 BUREAU OF PLANNING AND DEVELOPMENT
 DATE

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 1300000000, DATED DECEMBER 1, 2013, THIS PROPERTY LIES WITHIN A FLOODPLAIN OF SOME AREAS OF THE SPECIAL FLOOD HAZARD AREAS (SFHA) SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD (1% ACF) FLOOD, ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALLED OR EXCEEDED IN ANY GIVEN YEAR. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. AREAS OF SPECIAL FLOOD HAZARD INCLUDE 1% ANNUAL CHANCE FLOOD, AND SOME AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN.

THE LANDS AS DEPICTED HEREON ARE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE APPLICABLE PROVISIONS OF CHAPTER 14, LAND DEVELOPMENT CODE, 2013 CMR AND SUBSEQUENT AMENDMENTS. PROPERTY IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO PLAT AND/OR DEVELOPMENT PLAN RECORDS WITH THE COUNTY CLERK OR SUBMITTAL OF BUILDING PERMIT. PRIOR TO ANY NEW CONSTRUCTION, PLAT SHALL BE SUBMITTED TO THE FIRE DEPARTMENT FOR COMPLIANCE WITH THE INTERNATIONAL FIRE CODE. EACH LOT SHALL BE SERVED WITH SEWER AND WATER. LOT 2-A AND LOT 3-A ARE SERVED BY A SHARED WASTEWATER SYSTEM, AS DESCRIBED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOOK 288, PAGE 15, DATED DECEMBER 15, 2006. THE PROPERTY IS IN PHASE 2 OF THE ANNEXATION AND IS ZONED R-1. PRIOR TO ANY CONSTRUCTION ON THE LOT, THE OWNER SHALL OBTAIN A SEPTIC SYSTEM PERMIT FROM THE STATE OF NEW MEXICO ENVIRONMENTAL DEPARTMENT. THE PROPERTY OWNERS OF BOTH LOTS SHALL SPEND THEIR SHARE AND RECYCLING TO AN EXISTING PICK UP AREA CURRENTLY BEING PICKED UP BY THE CITY. NO FENCES, WALLS, OR OTHER OBSTRUCTIONS SHALL BE PLACED ON CONSTRUCTED AREAS OR WITHIN PUBLIC SANITARY DRAIN OR UTILITY EASEMENTS. CONNECTION TO THE CITY PUBLIC SEWER SYSTEM IS MANDATORY WHEN THE PROPERTY IS IN THE CITY LIMITS AND IS BEING DEVELOPED OR IMPROVED. ACCESS TO THE CITY PUBLIC SEWER SYSTEM PRIOR TO THE DEVELOPMENT OR IMPROVEMENT OF THE PROPERTY, OWNERS AND DEVELOPERS OF THE PROPERTY SHALL OBTAIN A TWO-MINUTE SEWER EVALUATION REVIEW BY THE CITY OF SANTA FE WASTEWATER DIVISION. ALL FIRE DEPARTMENT ACCESS SHALL BE NOT GREATER THAN 10% GRADES THROUGHOUT AND MAINTAIN A 20-FOOT MINIMUM WIDTH. FIRE DEPARTMENT ACCESS SHALL NOT BE LESS THAN 10 FEET WIDE TO ANY NEW CONSTRUCTION. SHALL MEET DRIVEWAY REQUIREMENTS AS PER IPC. FIRE DEPARTMENT SHALL HAVE 100 FEET DISTANCE TO ANY PORTION OF THE BUILDING ON ANY NEW CONSTRUCTION. SHALL HAVE WATER SUPPLY THAT MEETS FIRE FLOW REQUIREMENTS AS PER IPC ON INSTALL AND AUTOMATIC SPRINKLER SYSTEM. PRIOR TO ANY NEW CONSTRUCTION, THE OWNER SHALL OBTAIN A WELL PERMIT FROM THE NEW MEXICO STATE ENGINEER.

SURVEYORS CERTIFICATE

I, Salvador L. Vigil, a registered New Mexico Professional Surveyor do hereby certify that this Lot Split / Boundary Survey Plat was prepared from an actual field survey performed by me or under my direct supervision on September 15, 2013. The boundaries as depicted on the plat herein were established using sound measurements and documents of record. This survey is a Land Division or Subdivision as per the New Mexico Subdivision Act. This survey meets the minimum standards for surveys as set forth by the New Mexico Board of Examiners for Professional Surveyors and is in compliance with the New Mexico Subdivision Act.

PRELIMINARY FOR REVIEW ONLY: OCTOBER 16, 2013
 SALVADOR L. VIGIL, N.M.P.S. NO. 10088 DATE

UPC CODE
 1-048-004-180-120
 STATE OF NEW MEXICO ss
 COUNTY OF SANTA FE ss
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
 FOR RECORD ON THIS _____ DAY OF _____
 A.D., 2013 AT _____ O'CLOCK, _____ M., RECORDED
 IN BOOK _____ PAGE _____ AS
 DOCUMENT NO. _____ IN THE OFFICE
 OF THE COUNTY CLERK OF SANTA FE COUNTY, STATE OF
 NEW MEXICO.
 WITH MY HAND AND SEAL OF COUNTY OFFICE
 SANTA FE COUNTY
 CYNDELIN SALAZAR
 DEPUTY CLERK

WATERLINE EASEMENT NOTES

- EXISTING 10.0' WIDE WATERLINE EASEMENT AS GRANTED IN DOCUMENT RECORDED IN BOOK 288, PAGE 10.
- EASEMENT 10.0' WIDE WATERLINE EASEMENT GRANTED BY THIS INSTRUMENT.
- EASEMENT 10.0' WIDE WATERLINE EASEMENT GRANTED BY THIS INSTRUMENT

LAND SURVEYING COMPANY, L.L.C.			
PREPARED BY	ALL THE PARTIES	SANTA FE COUNTY CLERK'S OFFICE INFORMATION	
DATE	SEPTEMBER 26, 2013	ALAN REEVES - LOT 3 LOT SPLIT	
PROJECT NO.	L-3500/PLAT	SEC. 13, T.16N., R.8E., N.M.P.M.	
CHECKED BY	ALL THE PARTIES	COUNTY OF SANTA FE	
RECEIVED BY	THE CITY OF SANTA FE	STATE OF NEW MEXICO	

Revised Plat

27 Ridgeline
Lot 3A: 1.55 acres

23 Ridgeline
Lot 3-C: 0.95 acres

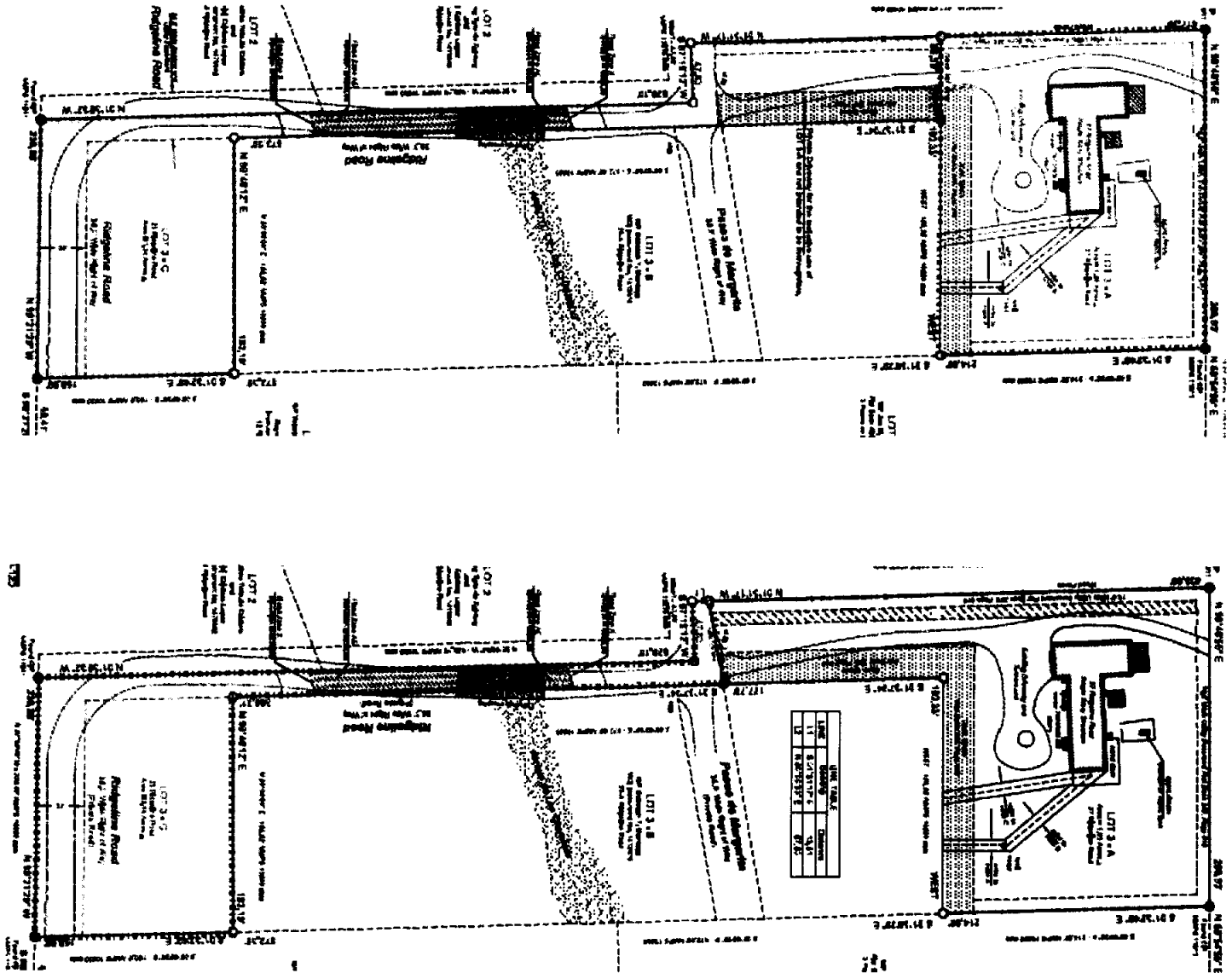


Exhibit "12"