City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 2-11-13 TIME 1:29 pm
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BOARD OF ADJUSTMENT
Tuesday, March 05, 2013 at 6:00 P.M.
200 Lincoln Ave. Santa Fe NM
City Council Chambers

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES: February 05, 2013 minutes
E. FINDINGS/CONCLUSIONS:
1. **Case #2012-126. Ashley Furniture Sign Variance**

F. OLD BUSINESS
G. NEW BUSINESS

1. **Case #2012-140. 3233 Paseo Del Monte Variance.** Ramon Jose Lopez, Owner, requests a variance to Article 14-8-5(B)(2)(a) SFCC 1987 regarding, fence height, to allow a 8 foot high game fence where 6 feet is the maximum allowable. The property is zoned R-1 (Residential- One Dwelling Unit per acre). (Dan Esquibel, Case Manager)

2. **Case #2013-09. 1541 S. St. Francis Suite D Special Use Permit.** Sue McKelvey, DVM, Applicant, requests a special use permit to allow veterinary use at 1541 S. St. Francis Suite D. The property is zoned C-1 (Office and Related Commercial District). (Dan Esquibel, Case Manager)

H. STAFF COMMUNICATIONS
I. MATTERS FROM THE COMMISSION
J. ADJOURNMENT

NOTES:

New Mexico law requires the following administrative procedures be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearing before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross-examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

SUMMARY INDEX
OF THE BOARD OF ADJUSTMENT MEETING
Tuesday, March 5, 2013

MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
SANTA FE, NEW MEXICO
Tuesday, March 5, 2013

A. CALL TO ORDER AND ROLL CALL

A regular meeting of the City of Santa Fe Board of Adjustment was called to order by Gary Friedman, Chair, at approximately 6:00 p.m., on Tuesday, March 5, 2013, in the Council Chambers, City Hall, Santa Fe, New Mexico.

Gary Friedman, Chair
Rachel L. Winston, Vice-Chair
Douglas Maahs
Daniel H. Werwath
[Vacancy]

MEMBERS EXCUSED:
Coleen Dearing
Patricia Hawkins

OTHERS PRESENT:
Kelley Brennan, Assistant City Attorney
Tamara Baer, Planning Manager, Current Planning Division
Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division
Melessia Helberg, Stenographer

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

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

MOTION: Daniel Werwath moved, seconded by Douglas Maahs, to approve the Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote.

D. APPROVAL OF MINUTES – FEBRUARY 5, 2013

The following correction was made to the minutes:

Ms. Baer was absent for the meeting, but is shown as being in attendance.

MOTION: Daniel Werwath moved, seconded by Rachel Winston, to approve the minutes of the meeting of February 5, 2013, as amended.

VOTE: The motion was approved unanimously on a voice vote.

E. FINDINGS/CONCLUSIONS

A copy of the City of Santa Fe Board of Adjustment Findings of Fact and Conclusions of Law, in Case #2012-126, Ashley Furniture Sign Variances, is incorporated herewith to these minutes as Exhibit "1."

1. CASE #2012-126. ASHLEY FURNITURE SIGN VARIANCE.

MOTION: Daniel Werwath moved, seconded by Douglas Maahs, to approve the Findings of Fact and Conclusions of Law in Case #2012-126, Ashley Furniture Sign Variance, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote.

F. OLD BUSINESS

There was no old business

G. NEW BUSINESS

1. CASE #2012-140. 3233 PASEO DEL MONTE VARIANCE. RAMON JOSE LOPEZ, OWNER, REQUESTS A VARIANCE TO ARTICLE 14-8.5(B)(3)(a) SFCC 1987, REGARDING FENCE HEIGHT, TO ALLOW A N 8 FOOT HIGH GAME FENCE WHERE 6 FEET IS THE MAXIMUM ALLOWABLE. THE PROPERTY IS ZONED R-1 (RESIDENTIAL – ONE DWELLING UNIT PER ACRE). (DAN ESQUIBEL, CASE MANAGER)

A Memorandum prepared February 19, 2013, for the meeting of March 5, 2013, with attachments, to the Board of Adjustment, from Daniel A. Esquibel, Land Use Planner Senior, is incorporated herewith to these minutes as Exhibit "2."

Staff was sworn

Staff Report

The staff report was presented by Daniel A. Esquibel, Case Manager, which is contained in Exhibit "2."

Staff recommendation: The Land Use Department has found compliance to the variance criteria and recommends approval.

Questions from the Board

Commissioner Werwath said he looked through the pictures and attachments quickly, but he didn't see anything which clearly shows where the fence will be placed on the property.

Chair Friedman said on page 37 there is a drawing, and asked if that is the front or back part of the property.

Mr. Esquibel said, "It would be on the east. A portion of the north, it kinds of cuts this property in half, and I believe that's where his garden area is. I believe he also owns one lot. You own 4 lots. So, it's up against the property line, adjacent to the driveway coming across Paseo del Monte Sol going up, attaching to the house, and then again on the back. If you look at that back area along those dots on page 36."

Chair Friedman asked if Paseo Museo, LLC is also the applicant's property, and Mr. Esquibel said that is correct.

Mr. Maahs asked, of all the diagrams we are looking at, the different fences, if one of these diagrams match what is being proposed.

Mr. Esquibel said the Applicant can explain which fence he is going to purchase.

Public Hearing

Presentation by the Applicant

Ramon Jose Lopez, Applicant, was sworn. Mr. Lopez said there is a lot of wildlife coming through his property such as bears, lynx, foxes and other kinds of wildlife, including a lot of deer. He said they come during the day and night, so they are always present around their house.

Mr. Maahs asked Mr. Lopez if there is a diagram of fence he is proposing to build in the packet.

Mr. Lopez said the Department of Game and Fish recommended an 8 foot high tensile strength fence, a square mesh fence.

Chair Friedman asked if there will be any barbed wire on the top of the fence, or if it will be electrified.

Mr. Lopez said no.

Speaking to the Request

There was no one speaking for or against this request.

The public testimony portion of the public hearing was closed

MOTION: Commissioner Winston moved, seconded by Commissioner Maahs, to approve Case #2012-140, 3233 Paseo del Monte Variance, requesting a variance to fence height from the six feet maximum allowed by 14-8.5(B)(2)(a) SFCC 1987, to eight feet, finding that the requirements for a variance have been met in accordance with Article 14-8.5(B)(2)(a) SFCC 1987, and incorporating the Staff's finding of fact and conclusions of law as set out on pages 2-5 of Exhibit "2."

VOTE: The motion was approved unanimously on a voice vote.

2. **CASE #2013-09. 1541 S. ST. FRANCIS, SUITE D, SPECIAL USE PERMIT. SUE McKELVEY, DVM, APPLICANT, REQUESTS A SPECIAL USE PERMIT TO ALLOW VETERINARY USE AT 1541 ST. ST. FRANCIS, SUITE D. THE PROPERTY IS ZONED C-1 (OFFICE AND RELATED COMMERCIAL DISTRICT). (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum prepared February 11, 2013, for the meeting of March 5, 2013, with attachments, to the Board of Adjustment, from Daniel A. Esquibel, Land Use Planner Senior, is incorporated herewith to these minutes as Exhibit "3."

Staff Report

The staff report was presented by Daniel A. Esquibel, which is contained in Exhibit "3."

Staff recommendation: The Land Use Department recommends approval.

Questions from the Board

Chair Friedman said the report indicates the Applicant will not include, as part of the use, any outdoor storage of animals. He asked if this will be a condition of approval, or does this Board have to make this a condition.

Mr. Esquibel said, "The way it's presented to the Board since special use permits are site specific, that would have to come back as an intensification of that use, as it was presented with it, not only at the ENN, but it was specified in the report and presented to the Board that way."

Chair Friedman said, "So we don't have to say that is a condition of the approval, or do we want to do that just to be clear."

Mr. Esquibel said, "You can if you want to. I think it's implied within the report."

Chair Friedman said, "The other thing I saw, not in your report, but in the letter of application was that animals weren't going to be housed overnight at the property. Is that also part of the deal."

Mr. Esquibel, "I'm not sure about whether internally that she is going to have any storage of any animals. You would have to talk with the applicant on that."

Chair Friedman said he will ask Ms. McKelvey, noting it is in her letter of application.

Public Hearing

Presentation by the Applicant

Dr. Sue McKelvey, Applicant, was sworn. She asked if there are questions of her.

Chair Friedman said read her letter of application. He said, "Obviously there's no opposition here to it, and you've had an ENN, so I'm not here to make things more difficult. And I see what you're doing, and personally it looks like great work you're doing with the animals, so I commend you on that. I just want to be clear so they aren't an issue if anyone objected later on. You're not going to have any outside kennels, is that correct."

Dr. McKelvey said, "No. No outside kennels. And I don't know, in terms of the question you were asking if that's written. I'm not sure how that works. I have no intention of having them ever. And I have no intention of ever housing an animal overnight."

Chair Friedman said he has animals, and knows "it's common for veterinarians to keep animals overnight, and personally I have no problem with it. I just wanted to be clear if that was a condition of your use because of your letter, or if that was a problem for you."

Dr. McKelvey said, "I personally don't ever want to do it, just for my own... I want to be able to sleep. It's one of the things that happen, even with healthy animals, overnight sometimes. I figured, in terms of the neighborhood that that would be... because sometimes dogs bark at night. I will say, the way you asked that question, it brought up an interesting question, if I would be allowed to. I don't ever intend on doing it, because I don't want to worry about an animal and I don't want to disturb the neighbors, if God forbid, it started barking."

Commissioner Winston asked if we established that it needs to be specifically conditioned.

Chair Friedman said, "The application says no outside kennels and the report says no outside kennels, so I think that's clear. The issue of not ever housing them overnight, personally, I don't care to make that a condition of approval if the staff doesn't have that in their report and it doesn't need to be."

Mr. Esquibel said at the ENN that wasn't disclosed one way or another. The focus was on outside kennels.

Chair Friedman said, "So, personally, I would say let's not make that a condition, and just say you can't have outside kennels, but I'm not making the motion."

Speaking to the Request

There was no one speaking for or against this request.

The public testimony portion of the public hearing was closed

MOTION: Commissioner Winston moved, seconded by Commissioner Maahs, to approve Case #2013-09, 1541 S. St. Francis, Suite D, Special Use Permit, requesting a special use permit to allow veterinary use at 1541 S. St. Francis Drive, Suite D, finding that the requirements for a special use permit have been met, with the condition that there will be no outside kennels, and incorporating the Staff's finding of fact and conclusions of law as set out on pages 1-2 of Exhibit "3."

VOTE: The motion was approved unanimously on a voice vote.

Chair Friedman wished Dr. McKelvey good luck with her business and hopes everything goes well for her, commenting she is doing great work.

Dr. McKelvey said she had exceedingly positive help from the City during this entire process which she appreciated very much.

H. STAFF COMMUNICATIONS

Mr. Esquibel said he doesn't think there any cases in April, and there is no need to meet other than the approval of the minutes and the Findings of Fact, noting he might have a case in June.

Ms. Brennan said June is kind of late for approving Findings, but thinks we could skip a month.

Ms. Baer said the only issue with that would be that the veterinarian is eager to get into the building and start her business because she currently is unemployed, and needs a Certificate of Occupancy. She said she would have to wait to be sure there are no appeals before that can be done.

Chair Friedman said we would need a quorum for a meeting to approve the Findings of Fact and Conclusion of Law and that can't be done administratively. He suggested a luncheon meeting.

Ms. Baer said she will try to get the City Councilors Conference Room.

Mr. Esquibel said the meeting would be April 2, 2013.

Chair Friedman said, in sending out the notice, Ms. Baer should make special note of the different time and place.

I. MATTERS FROM THE COMMISSION

Commissioner Werwath said he has accepted another volunteer position in the City, which is to serve on the Charter Review Commission. He said the Commission will be having bi-weekly meetings through June 2013, looking at the form and structure of City government. He said if any of the Board members have items they would like researched and recommended to the City, to let the Commission know.

J. ADJOURNMENT

There was no further business to come before the Board.

MOTION: Rachel Winston moved, seconded by Douglas Maahs, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 6:30 p.m.

Gary Friedman, Chair

Melessia Helberg, Stenographer

City of Santa Fe
Board of Adjustment
Findings of Fact and Conclusions of Law

Case #2012-126
Ashley Furniture Sign Variances
Owner's Name – Bill Johnston
Agent's Name – Liaison Planning Services, Inc.

THIS MATTER came before the Board of Adjustment (Board) for hearing on February 5, 2013 upon the application (Application) of Liaison Planning Services, Inc. as agent for Bill Johnston (Applicant).

The Applicant is developing a retail furniture store on the east side of Cerrillos Road north of the Cristos Road intersection on property zoned C-2/PUD (General Commercial – Planned Unit Development) and seeks variances to the sign requirements of Santa Fe City Code (SFCC) §14-8.10(G)(8)(d) and (e) (collectively, the Variances) establishing general requirements for signs located in C-2 districts within the Cerrillos Road highway corridor protection district. If granted, the Variances will permit a freestanding (monument) sign to be located 10 feet from the property line abutting the Cerrillos Road right-of-way where a 45-foot setback is required and the maximum height of a wall-mounted sign to be at 30 feet where 25 feet is required.

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

FINDINGS OF FACT

1. The Board heard reports from staff and received testimony and evidence from the Applicant; no members of the public were in attendance.
2. SFCC §14-2.4(C)(3) authorizes the Board to grant in specific cases a variance from the terms of Chapter 14 that is not contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of Chapter 14 would result in unnecessary hardship.
3. Pursuant to SFCC §14-3.1(F)(2)(a)(vii) an Early Neighborhood Notification (ENN) meeting is not required for variances to SFCC §14-8.10.
4. Notwithstanding SFCC §14-3.1(F)(2)(a)(vii) the Applicant conducted an ENN meeting on the Application on July 30, 2012 at the Southside Library.
5. SFCC §14-3.16(B) authorizes the Board to approve, approve with conditions or deny the Variances based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
6. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Board with a written report of its findings (Staff Report) together with a recommendation that the Commission approve the Variances.

Exhibit "1"

8. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for the Variances that (a) unusual physical characteristics exist that distinguish the Property from others in the vicinity that are subject to the same sign regulations, in that the existing grade of the Property is approximately 13 feet below Cerrillos Road and existing structures, including telephone poles and pole-mounted transformer canisters, together effectively reducing the visibility of signs that comply with the height and setback requirements, where clear identification and easy access are necessary to the operation of the retail business proposed for the Property; (b) the foregoing existing conditions constitute special circumstances that make it infeasible to develop the property in accordance with the established C-2 zoning, in that clear identification and easy access are essential to successful commercial development; (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the same sign regulations, in that adjacent commercially-zoned properties, including Las Soleras and Entrada Contenta, have, through the zoning approval process, obtained similar modifications to Chapter 14 sign requirements; (d) the Variances are the minimum variances that will make possible the reasonable commercial use of the Property, in that they will permit the business proposed for the Property to effectively communicate its presence to potential customers traveling on Cerrillos Road, notwithstanding the limited visibility from that road, which visibility is necessary given the proposed retail purpose; (e) the Variances are not contrary to the public interest, in that the Property is zoned for commercial use and will result in making expanded products and services available to the public and generate additional gross receipts taxes over time; and (f) a literal enforcement of SFCC §§14-8.10(G)(8)(d) and (e) would result in unnecessary hardship in that it would limit the visibility of the retail business proposed for the Property, where the Property is zoned for commercial use along a designated commercial corridor.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the Hearing, the Board CONCLUDES as follows:

1. The Board has the power and authority under Code §14-2.4(C)(3) to authorize the Variances.
2. The Application for the Variances meets the criteria set forth in SFCC §14-3.16(C).

WHEREFORE, IT IS ORDERED ON THE _____ OF MARCH 2013 BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE:

1. That the Variances are approved.
2. The Variances shall expire if they are not exercised within three (3) years of the date these Findings of Fact and Conclusions of Law are adopted by vote of the Board, subject to any right of the Applicant under applicable SFCC to request an extension of such time.

_____ _____

Gary Friedman Date:
Chair

FILED WITH THE CITY CLERK:

_____ _____

Yolanda Y Vigil
City Clerk

Date:

APPROVED AS TO FORM:

_____ _____

Kelley Brennan
Assistant City Attorney

Date:

City of Santa Fe, New Mexico

memo

DATE: February 19, 2013 for the March 05, 2013 Board of Adjustment Meeting

TO: Board of Adjustment

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

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

3233 PASEO DEL MONTE VARIANCE

Case #2012-140. 3233 Paseo Del Monte Variance. Ramon Jose Lopez, Owner, requests a variance to Article 14-8-5(B)(2)(a) SFCC 1987 regarding, fence height, to allow a 8 foot high game fence where 6 feet is the maximum allowable. The property is zoned R-1 (Residential- One Dwelling Unit per acre). (Dan Esquibel, Case Manager)

RECOMMENDATIONS

The Land Use Department has found compliance to the variance criteria and recommends **APPROVAL.**

I. APPLICATION SUMMARY

The applicant is proposing to install an 8' high wire mesh fence to help protect family, house and garden from wildlife trespass. The proposed fencing is a type of fence recommended by the NM Game and Fish to help deter certain types of wildlife, specifically deer and elk.

The applicant states that the wildlife is using established trails that have existed on the property for many years. Further, that deer are utilizing these trails more frequently as a result of drought and prescribed burns. The applicant provided pictures of deer taken around the house and states that they have seen bears, coyotes, and raccoons hunting all around the dwelling and garden. Additionally, the applicant states that they have come across large cat prints close to the house while walking their dogs.

The applicant believes the deer are bringing predatory wildlife closer to their home as the deer forage for food in their garden. By placing an 8' high fence around portions of their property both predatory and non-predatory wildlife would maintain a safe distance from the house and garden.

Staff contacted the NM Game and Fish to discuss the effectiveness of the type of fence proposed. NM Game and Fish confirmed that an 8' high fence or electric fence is recommended to discourage deer from entering into an area. Deer and elk would have no difficulty jumping over a 6' high fence and could jump over an 8' high fence depending on the terrain but with greater difficulty. However, staff was also advised that the fence would be ineffective to bear, cat or raccoon because they could climb the adjacent trees to use to cross the barrier. Additionally, staff was advised that Donald Auer, a Habitat Manager for NM Game and Fish, conducted a field visit to the property with the applicant. The field visit did confirm a light presence of wildlife trails, tracks, wild animal feces and evidence of foraging (reference Exhibit C).

II. APPROVAL CRITERIA

Santa Fe City Code 1987 **14-3.16(C)(1) through (5) and, if applicable, Subdivision 14-3.15(C)(6), are required to grant a variance** for height (reference Exhibit A for Applicant's response to the variance criteria):

(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:

(1)(a) The unusual physical characteristics exist on this property, there are ancient wildlife trails that run through all the property. Bears, deer, coyotes, mountain lions, lynx and raccoons use these trails coming and going out of the National Park which is adjacent to Hyde Park Estates. It is used all year round by these animals. History of the area: More and more of these animals are using these trails today because I believe they are seeking food to survive in this drought we are experiencing in the Santa Fe area and throughout the southwest.

(1)(b) The government action and the National Forest Service are constantly burning the overgrowth in the Santa Fe watershed during the summer and winter, which makes the animals seek a safe refuge from manmade fires.

The water shed is adjacent to Hyde Park Estates on the east side of the development.

(1)(c) Inherent conflict - Fences of six feet in height cannot prevent the deer and elk from just jumping over the fences. The Game and Fish Department recommended an 8 foot high fencing that is designed with high tensile steel mesh to keep most wildlife out.

(1)(d) They provide their specs under "DEER" 1994 ... Damage & Prevention and control methods - 8foot fence is highly recommended.

Staff Response:
The applicant submittals identify circumstances related to existing wildlife, and wildlife trails existing on the property that distinguish the land or structure from others in the vicinity to establish his compliance with 14-3.16(C)(1)(a) above. The applicant's submittals graphically identify and depict both wildlife and trails on the property. In discussing the issue with NM game and Fish, staff was advised that wildlife trails exist on this property, although they are not isolated to this property and are prevalent to all land adjacent to the National Forest.

When the area is viewed from an aerial photograph one feature unique to this property becomes clear and that is the extent of access to the National Forest that this property and a few others have compared to the other lots in the vicinity. A finger of sparsely developed open land and undeveloped land connected to the National Forest provides uninterrupted access to and from this property. This allows wildlife to be hidden by the forest, compared to a more densely populated area internal to the subdivision (reference Exhibit B).

(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:
The special circumstances make it infeasible because a six foot fence is not sufficient height for deer and other wildlife to jump over.

An 8 foot fence is required by the extension Wildlife Damage specialist from the Department of Forestry Fisheries and Wildlife.

Please see article of DEER - enclosed in Binder

Fences to help prevent wildlife from causing damage to private property and harm to humans. The danger of all this wildlife is such close proximity to humans is becoming too dangerous to walk out the door of our home. Never knowing what kind of animal is outside. Bears, mountain lions, deer, skunks.

Staff Response:
The information provided by the applicant together with the information obtained from the NM Game and Fish identify that a 6' high fence would not be an effective deterrent compared to an 8' high fence to deer or elk. However, either type of fencing would have little to no impact as a deterrent to predatory wildlife using trees to traverse the barrier. Nevertheless, as a deterrent to deer and elk, the distance maintained from the residence by an 8' high fence would have an impact to the proximity of predatory hunting of non-predatory wildlife from the residence and garden. This circumstance makes it infeasible to develop in accordance with the rules and achieve the security needed for health and safety by the construction a 6' high fence in compliance with the rules.

(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:
We are not seeking to exceed the development but we are seeking to make the residence a safe haven for our family and prevent the wildlife from destroying all the expensive vegetation that is in close proximity.

Staff Response:
The proposed variance is an intensification to city fence and wall regulations for height. It does not affect intensity of development on the property.

(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;

Applicant Response:
Can't (Natural occurrence of seeking a better habitat for all wildlife)

Staff Response:
The property is located in an R-1 District. Accessory structures such as sheds, accessory dwelling units, garages, fences and walls are allowed, and do not constitute an intensification in the use of the property. The fence is being requested at a greater height than that allowed by code due to conditions brought about by natural causes and the result of living in close proximity to the National Forest.

(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:
Not addressed by the applicant

Staff Response:
The height of 6 feet for a fence or wall in residential districts is a widely recognized standard and one that does not compromise a reasonable use of property. Fence heights are established to balance personal privacy and safety while protecting views of adjoining neighbors. Chapter 14 does not and cannot anticipate every individual circumstance, in this case, the presence of wildlife in residential development adjacent to a national forest. The type and height of fencing proposed are nationally recognized as appropriate and effective for protecting against predatory and non-predatory wildlife.

The proposed variance is not contrary to the General Plan, whose purpose includes" guiding and accomplishing a coordinated, adjusted and harmonious development of Santa Fe that will best promote health, safety, order, convenience, prosperity and the general welfare." Furthermore, the variance supports one of the general purposes of Chapter 14, which is to "create conditions favorable to the health, safety, convenience, prosperity and general welfare of the residents..."

(5) The variance is not contrary to the public interest.

Applicant Response:
The Variance is not contrary to public interest.

Staff Response:
The Applicant's responses identify circumstances which define some limitations for development due to natural conditions of the environment. The five points presented establish reasonable compliance to the criteria to vary height. The Board will need to determine if the submittals presented by the applicant meet the criteria in order to vary the standards to the regulations.

III. CONCLUSION

The Land Use Department has determined that the requested variance to fence height is not contrary to the public interest and complies with the criteria to request a variance before the Board of Adjustment.

IV. EXHIBITS

Exhibit A - Applicant's Data

Exhibit B- Aerial Photo

Exhibit C- National Forest Letter

March 05, 2013
Board of Adjustment
Case # 2012-140
3233 PASEO DEL MONTE VARIANCE

EXHIBIT A

Applicant's Data

To: The City of Santa Fe
c/o Daniel Esquibel

I have often seen signs of bears and coyotes on our property as I walked my dog several times a day, from early morning to late afternoon and in the early evenings, even after nightfall. And several times I saw the bear itself, roaming around near our fruit trees. It would appear to in mid to late summer just as the fruit was ripe and climb up into the trees breaking off the branches. The coyotes roam all year round and are quite visible from the windows and doors facing the garden. We also see dear often in groups of 4 or 5 all year round eating up the plants, young trees even the drought tolerant native plants. I have seen a group of 5 very large racoons coming into the garden to feed late at night.

And we have seen prints of bobcat or mountain lion on numerous occasions and the cat itself up close to the house

Nance Lopez

Jan. 26, 2013

Jan. 25, 2013

To The City of Santa Fe
c/o Daniel Esquibel

My name is Ramon Jose Lopez, a Santa Fe native. I have lived in Hyde Park Estates for 37 years. Recently I have noticed many deer, bears and coyotes right next to my bedroom windows.

Many times I fear for my own life and others because all of this wildlife is looking for food to survive this drought.

I understand that we live close to the National forest and have the actual trails that the wildlife have used for hundreds of years through our backyard.

I have seen bears, bobcats, lynx, deer, coyotes, racoons hunting all around our house.

All I'm asking is to put the best deer fence to protect my family from any harm from these animals. They also are destroying a lot of gardens in our property.

Thank you,

Ramon Jose Lopez

Jan. 25, 2013

To The City of Santa Fe
c/o Daniel Esquibel

#1.
A. The unusual physical characteristics exist on this property, there are ancient wildlife trails that run through all the property.
Bears, deer, coyotes, mountain lions, lynx and racoons use these trails coming and going out of the National Park which is adjacent to Hyde Park Estates. It is used all year round by these animals.

History of the area: More and more of these animals are using these trails today because I believe they are seeking food to survive in this drought we are experiencing in the Santa Fe area and throughout the southwest.

B. The government action and the National Forest Service are constantly burning the overgrowth in the Santa Fe watershed during the summer and winter. Which makes the animals seek a safe refuge from man made fires.

The water shed is adjacent to Hyde Park Estates on the east side of the development.

C. Inherent conflict – Fences of six feet in height cannot prevent the deer and elk from just jumping over the fences.

The Game and Fish Department recommended an 8 foot high fencing that is designed with high tensile steel mesh to keep most wildlife out.

D. They provide their specs under "DEER" 1994.. Damage & Prevention and control methods - 8foot fence is highly recommended.

Please see information enclosed:
Department of Game and Fish – SF NM

Chris Chadwick
DMDGF
505-476-8062

Please contact if you need any information

D. The land has not been dedicated as a landmark. It is not located in a historical area. But many trails may someday be recognized historical.

#2 . The danger of all this wildlife is such close proximity to humans is becoming too dangerous to walk out the door of our home. Never knowing what kind of animal is outside. Bears, mountain lions, deer, skunks.

#3. The number of varied wildlife in our property which think that they are in a natural refuge for all animals is very frightening at all times of day and night.
Many bears have been sighted 10 feet away from the door day and night. Deer feast continually all around the property. : Bears, Mountain lions, lynx, coyotes, skunks, deer and elk.

Mountain Lions, Lynx, bobcats can bee seen from time to time prowling around the residence looking for deer.

Several animals climb up – lynx bobcat – to the first and second floors of our home to have a vantage point to help spot other animals they are hunting.

#3. We are not seeking to exceed the development but we are seeking to make the residence a safe haven for our family and prevent the wildlife from destroying all the expensive vegetation that is in close proximity.

#4 Minimum Variance reasonable use

A. Can't (Natural occurrence of seeking a better habitat for all wildlife)

#5. The Variance is not contrary to public interest

#6. There may be additional requirements and supplemental or special findings required by other provisions of chapter 14.
They do not address the problem and safety form wildlife in the close proximity of the residential areas.
Property height of fences to keep certain animals such as deer and elk from jumping over and doing great damage to vegetation and property.
Plus preventing bears, mountain lions, lynx and other dangerous animals from injuring humans

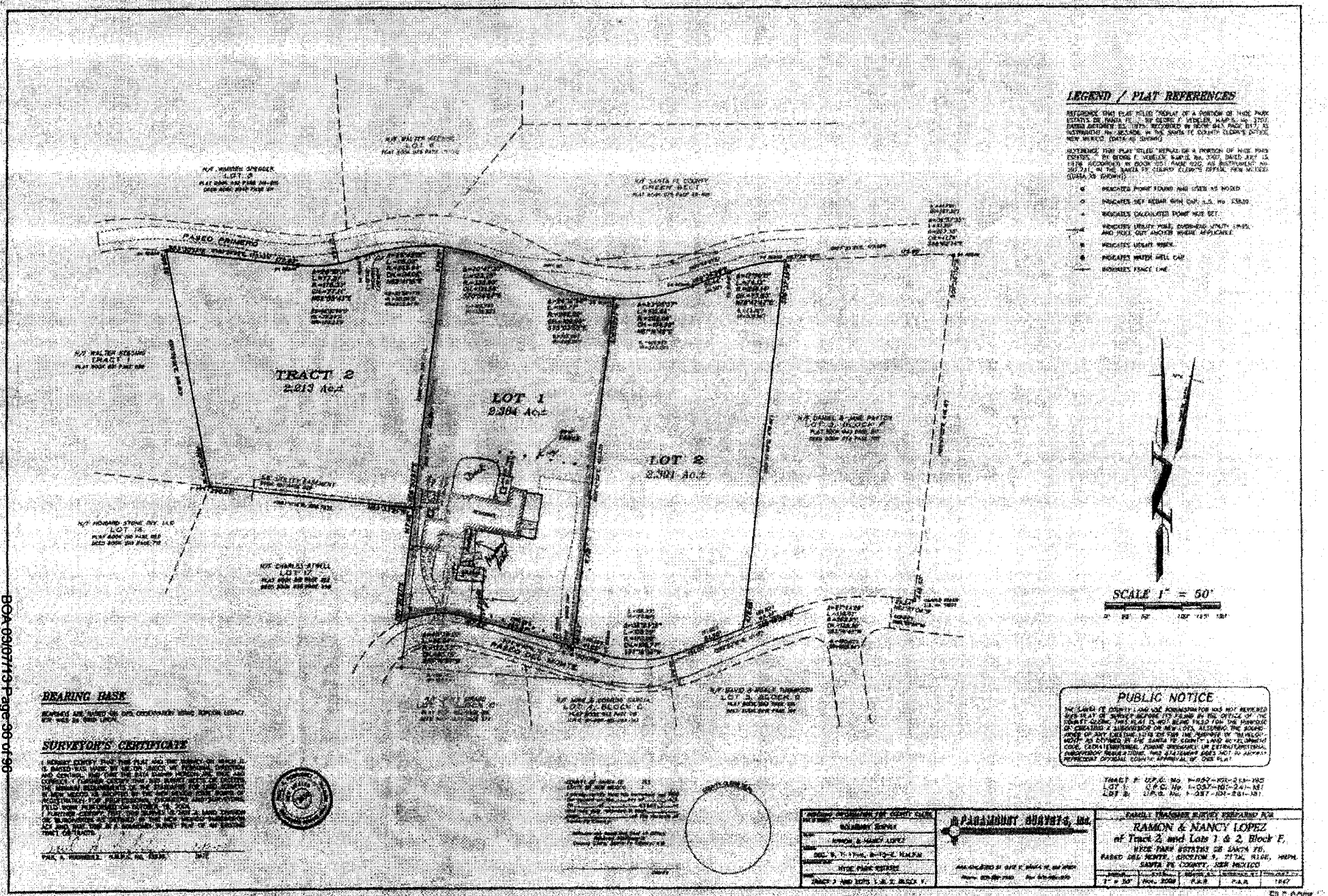
Jan. 28, 2013

2. The special circumstances make it infeasible because a six foot fence is not sufficient height for deer and other wildlife to jump over.

An 8foot fence is required by the extension Wildlife Damage specialist from the Department of Forestry Fisheries and Wildlife.

Please see article of DEER – enclosed in Binder

Fences to help prevent wildlife from causing damage to private property and harm to humans.



LEGEND / PLAT REFERENCES

REFERENCE THAT PLAT TITLED "PLAT OF A PORTION OF HYDE PARK ESTATES SE SANTA FE, BY GEORGE F. MEDLEN, A.M.S. No. 3707, DATED JULY 13, 1978, RECORDED IN BOOK 351, PAGE 022, AS INSTRUMENT No. 367,731, OF THE SANTA FE COUNTY CLERK'S OFFICE, NEW MEXICO (DATA AS SHOWN)

REFERENCE THAT PLAT TITLED "REPLAT OF A PORTION OF HYDE PARK ESTATES..." BY GEORGE F. MEDLEN, A.M.S. No. 3707, DATED JULY 13, 1978, RECORDED IN BOOK 351, PAGE 022, AS INSTRUMENT No. 367,731, OF THE SANTA FE COUNTY CLERK'S OFFICE, NEW MEXICO (DATA AS SHOWN)

- ● INDICATES POINT FOUND AND USED AS NOTED
- ○ INDICATES SET REBAR WITH CAP, L.S. No. 13630
- ▲ INDICATES CALCULATED POINT NOT SET.
- INDICATES UTILITY POLE, OVERHEAD UTILITY LINES, AND POLE GUY ANCHOR WHERE APPLICABLE.
- INDICATES UTILITY METER.
- INDICATES WATER WELL CAP.
- INDICATES FENCE LINE.

BEARING BASE

BEARINGS ARE BASED ON GRID GEODETIC NORTH, NEW MEXICO CENTRAL ZONE, NAD 1983.

SURVEYOR'S CERTIFICATE

I, HOWARD KENNEY, DO HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WAS MADE BY ME OR UNDER MY PERSONAL SUPERVISION, AND CORRECTLY SHOWS AND DESCRIBES THE SURVEY AS REQUESTED BY RAMON & NANCY LOPEZ; THAT THE SURVEY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS CONTAINED IN THE APPLICABLE CODE; AND THAT I AM RESPONSIBLE FOR THIS SURVEY AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS SURVEY WAS PERFORMED ON OCTOBER 19, 2006.

I FURTHER CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT IS A DIVISION OF LOT 3, BLOCK F, AS SHOWN ON THE PLAT OF A REPLAT OF A PORTION OF HYDE PARK ESTATES SE SANTA FE, AS RECORDED IN BOOK 351, PAGE 022, AS INSTRUMENT No. 367,731, OF THE SANTA FE COUNTY CLERK'S OFFICE, NEW MEXICO.

_____ _____ _____
PAUL D. KENNEY, N.M.P.S. No. 13630 DATE

PUBLIC NOTICE

THE SANTA FE COUNTY LAND USE ADMINISTRATION HAS NOT REVIEWED THIS PLAT. ANY USE OF THIS PLAT FOR ANY PURPOSE OTHER THAN THAT SHOWN IN THE OFFICIAL FILE OF THE COUNTY CLERK, THAT IS, NOT TO BE USED FOR THE PURPOSE OF CREATING A SUBDIVISION OR NEW LOTS, ASSUMING THE BOUNDARIES OF THE LAND INVOLVED IS THE SAME AS SHOWN ON THIS PLAT, IS IN VIOLATION OF THE SANTA FE COUNTY LAND USE CODE, CERTIFICATIONAL TOWNS ORDINANCE OR EXTRATERRITORIAL SUBDIVISION REGULATIONS, AND IS UNLAWFUL AND IS SUBJECT TO APPROPRIATE CIVIL AND CRIMINAL PENALTIES. THE COUNTY DOES NOT IN ANYWAY WARRANT OFFICIAL STATUS TO THIS PLAT.

TRACT 2: U.P.C. No. 1-057-101-241-185
LOT 1: U.P.C. No. 1-057-101-241-181
LOT 2: U.P.C. No. 1-057-101-241-181

OWNER INFORMATION (AS SHOWN ON COUNTY RECORDS)	
NAME:	SOLEDAD TAPIA
NAME:	RAMON & NANCY LOPEZ
ADDRESS:	SEC. 5, T-17-N., R-11-E., N.M.P.M.
SUBDIVISION:	HYDE PARK ESTATES
LOT NO.:	TRACT 2 AND LOTS 1 & 2, BLOCK F.

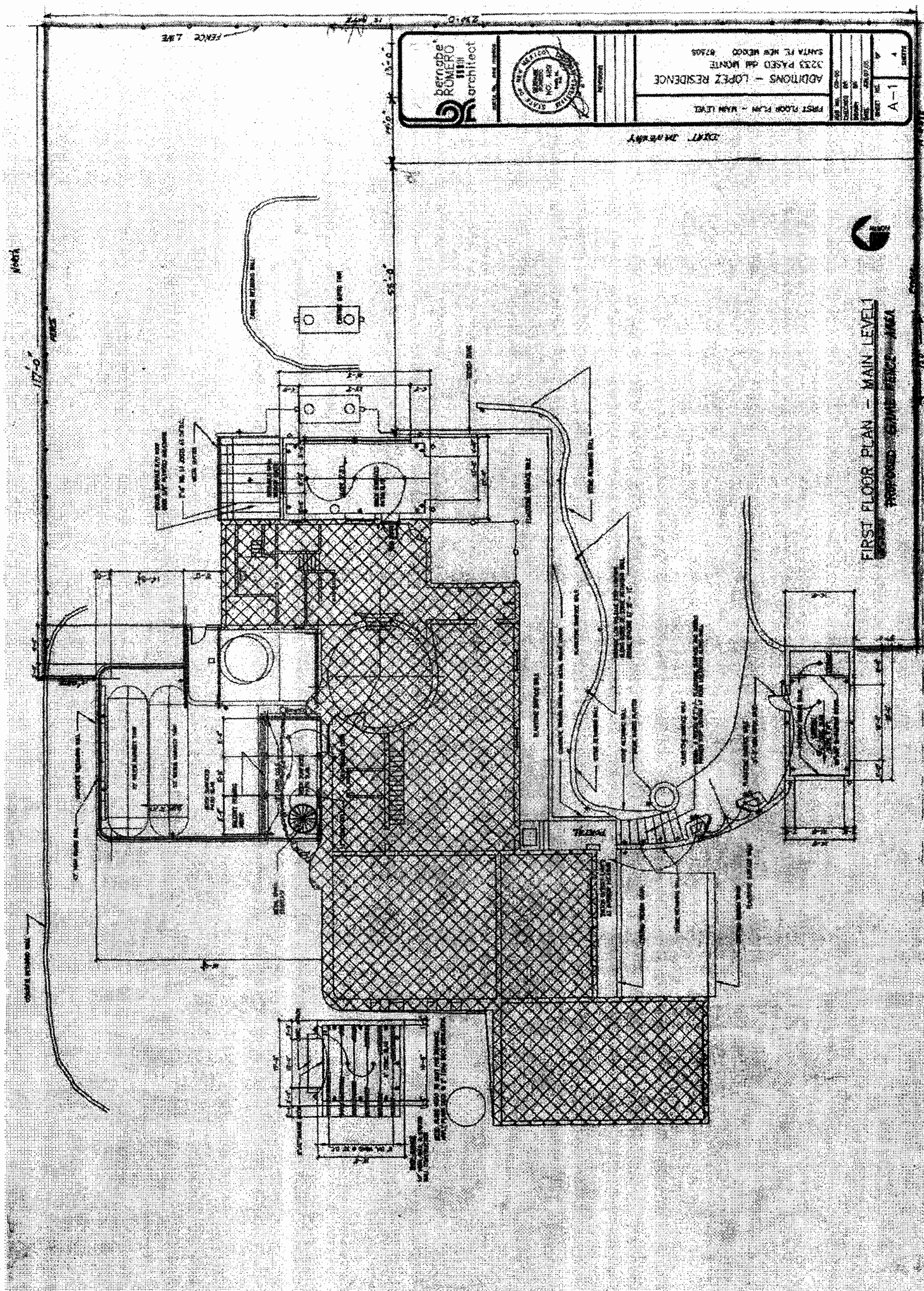
PARAMOUNT SURVEYS, Inc.
466 OLD PECOS TRAIL SANTA FE, NEW MEXICO
PHONE: 505-820-7400 FAX: 505-820-7479

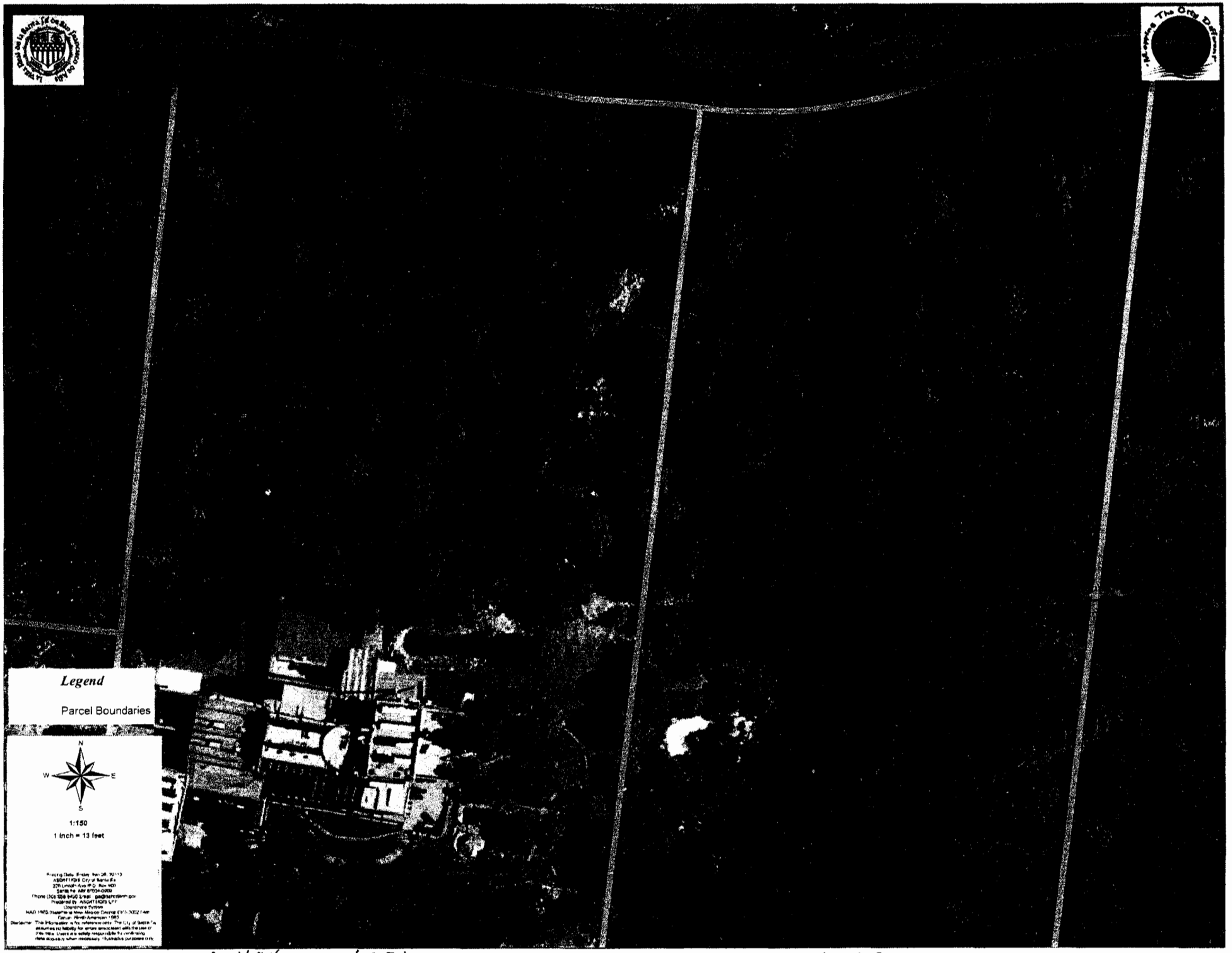
FAMILY TRANSFER SURVEY PREPARED FOR:
RAMON & NANCY LOPEZ
of Tract 2, and Lots 1 & 2, Block F,
HYDE PARK ESTATES SE SANTA FE,
PASEO DEL NORTE, SECTION 5, T17N, R11E, NMPM,
SANTA FE COUNTY, NEW MEXICO

SCALE	DATE	DRAWN BY	CHECKED BY	JOB #
1" = 50'	NOV. 2006	K.A.S	P.A.R.	1847

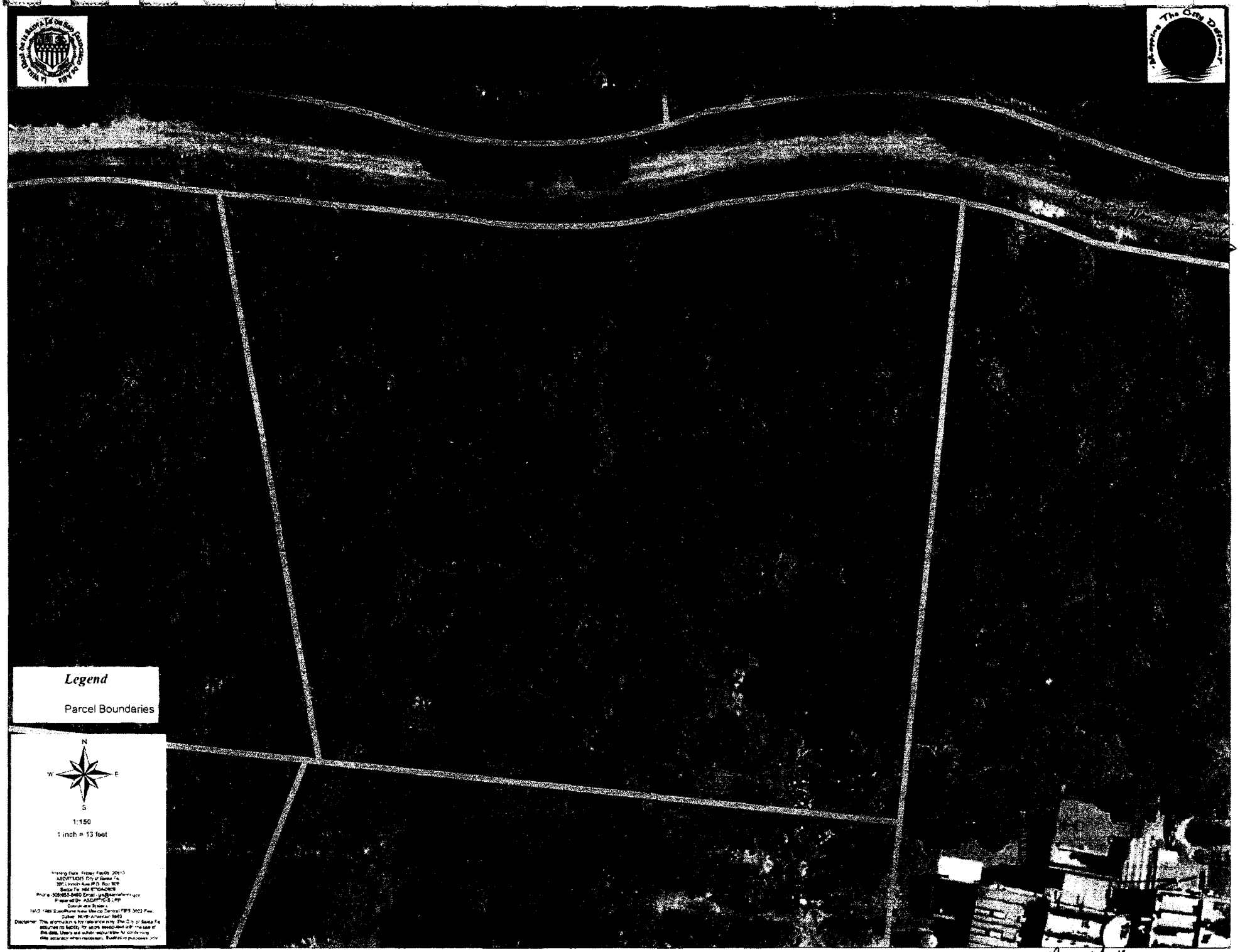
FILE COPY

BCA-09007110 Page 90 of 90


FIRST FLOOR PLAN – MAIN LEVEL
ADDITIONS – LOPEZ RESIDENCE
3233 PASEO del MONTE
SANTA FE, NEW MEXICO 87505
FIRST FLOOR PLAN – MAIN LEVEL
A-1
NORTH
177'-0"
FENCE LINE



3233 Paseo del Monte Lot F-1 Lot F-2



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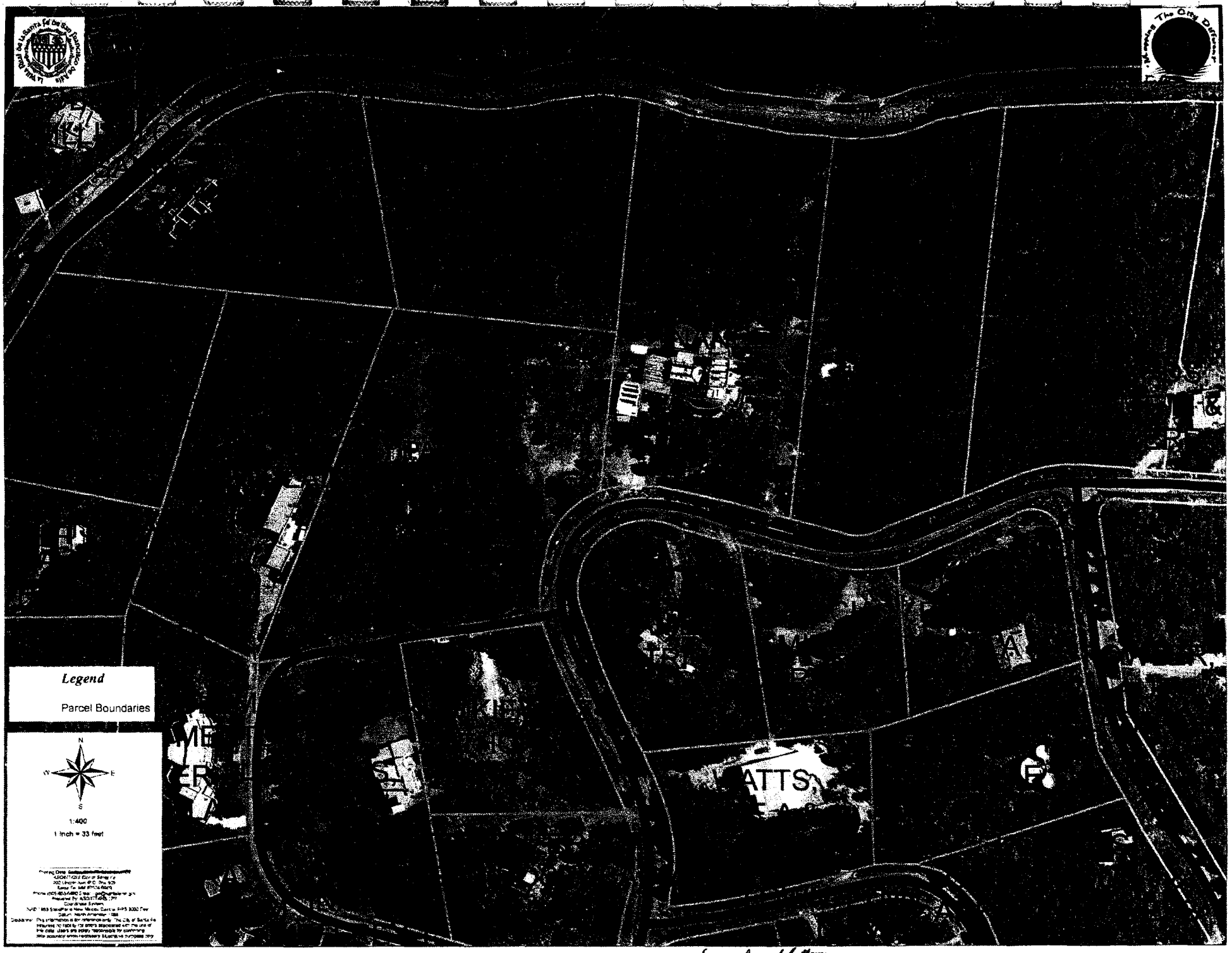
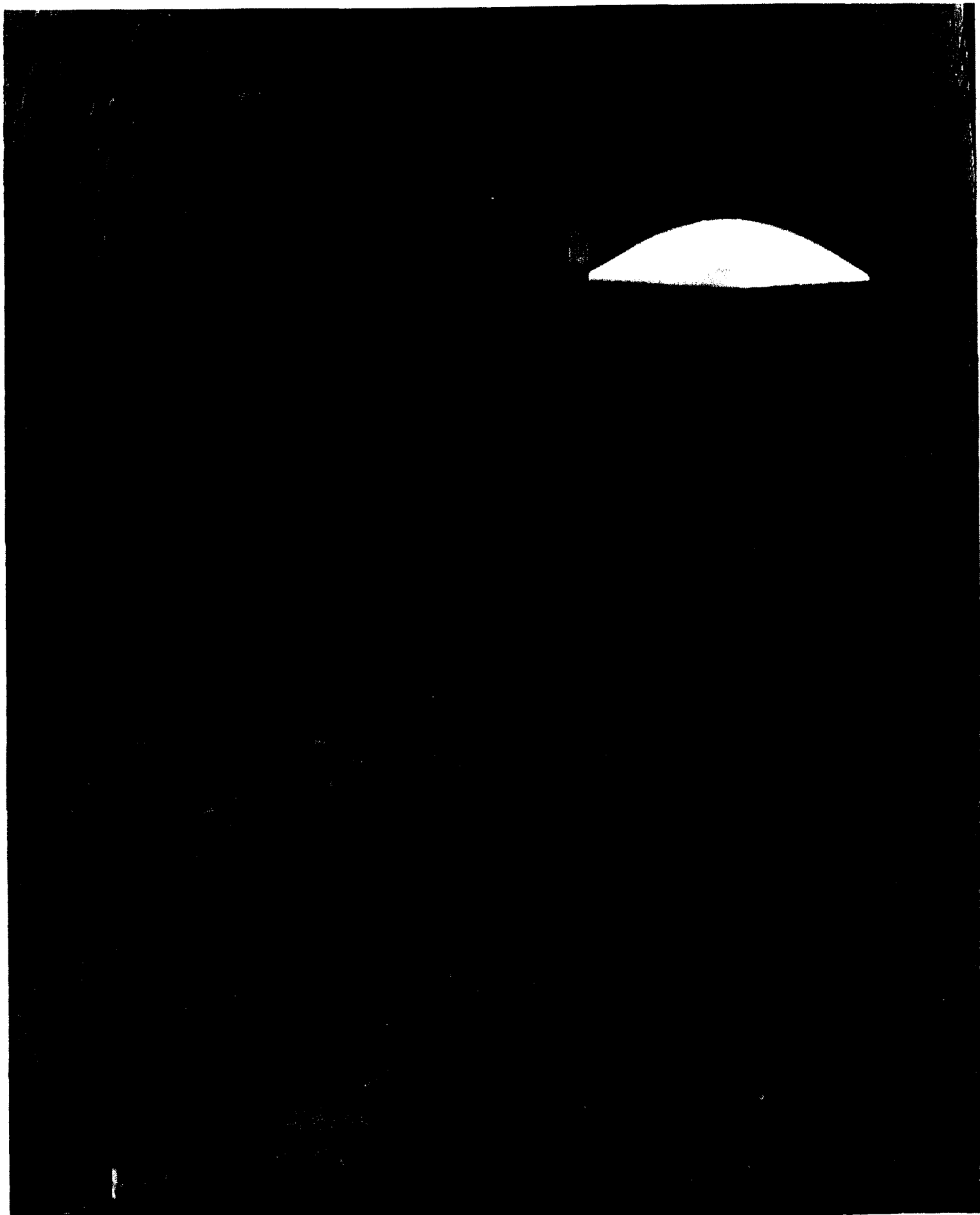


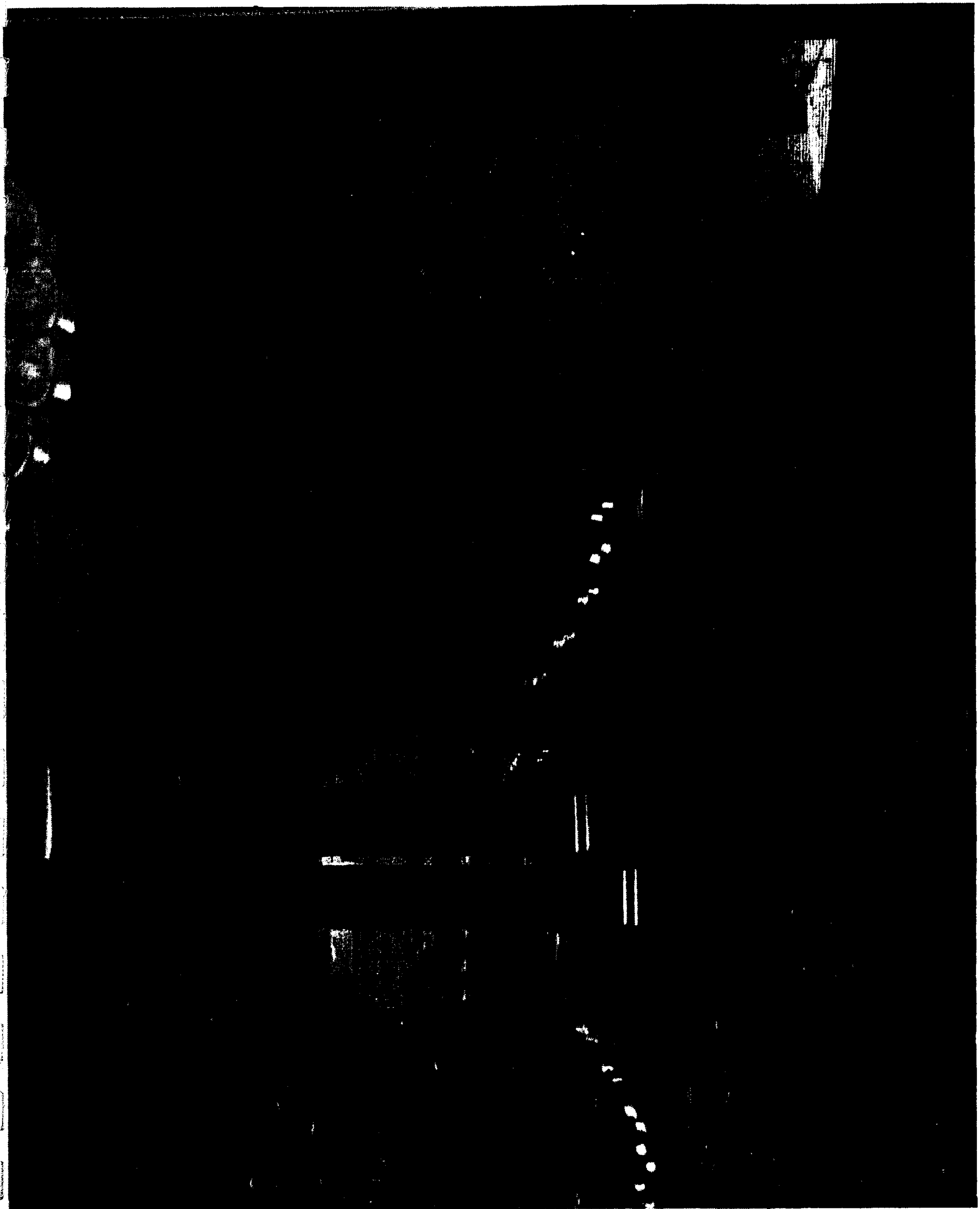
Lots 3233 Anas del Monte

Hyde Park Estates 2012 3233 Paseo del Monte



Spring time 2012 in garden

Deer - Spring 2012 H.P.E.



Spring 2012 "Buck" 3 ft from window

Jan 2013 Dorin Gardens

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SAVE

Dept game & fish Chris Chadwick NMDGF 476-8062 CMA del Rio

DEER

Scott R. Craven
Extension Wildlife Specialist
Department of Wildlife Ecology
University of Wisconsin-Madison
Madison, Wisconsin 53706

Scott E. Hygnstrom
Extension Wildlife Damage Specialist
Department of Forestry, Fisheries and Wildlife
University of Nebraska
Lincoln, NE 68583

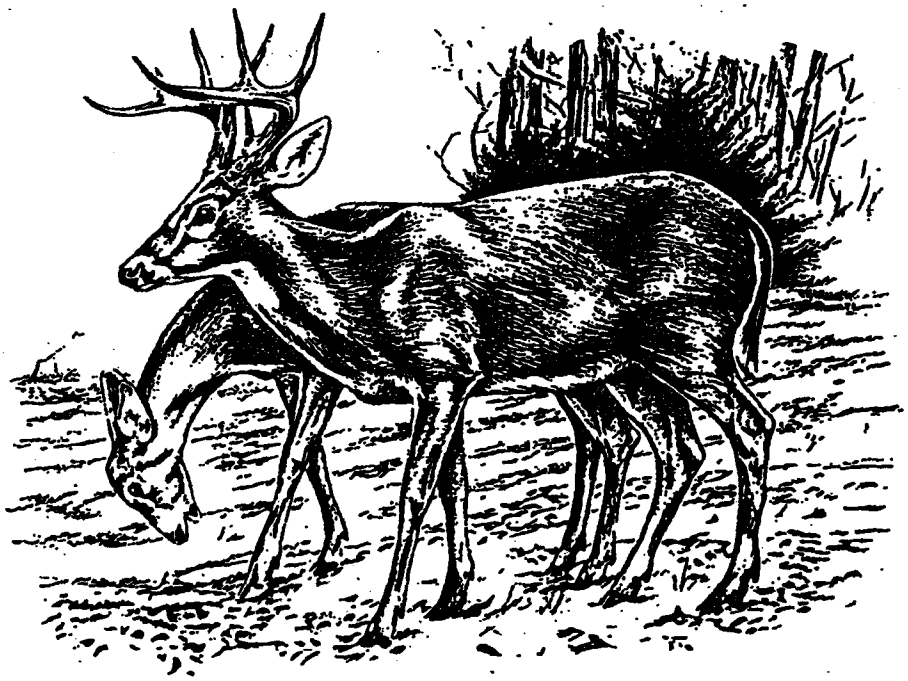


Fig. 1. White-tailed deer, *Odocoileus virginianus*

Damage Prevention and Control Methods

Exclusion

Fences provide the most consistent control:
8-foot (1.4-m) woven wire fence, Tensar®, or wooden snow fence around small plots or haystacks.

Several configurations of electric fences are available:
vertical five, seven, or nine-wire, slanted seven-wire, single strand, and others.

Individual tree protectors include:
woven wire or plastic cylinders.

Cultural Methods and Habitat Modification

Plant trees and shrubs that are [illegible] damage.

Harvest crops as early as possible to reduce vulnerability.

Lure crops may divert deer away from areas that are susceptible to damage.

Habitat modification generally is not recommended.

Frightening

Gas exploders, pyrotechnics, gunfire, or tethered dogs provide temporary relief.

Repellents

A wide variety of commercial formulations is available:
area repellents–applied near plants to be protected, repel by smell;

contact repellents–applied directly to plants to be protected, repel by taste;

a few, such as Deer-Away®, possess characteristics of both groups.

Toxicants

None are registered.

Live Capture

Deer can be live-trapped or chemically immobilized for removal by professional biologists–useful only in special cases, such as city parks.

Shooting

Sport hunting can reduce deer populations and should be encouraged.

Some states may issue permits to shoot deer outside normal sport hunting seasons.

Introduction

Deer are probably the most widely distributed and best-recognized large mammals in North America. The white-tailed deer (*Odocoileus virginianus*) (Fig. 1) is found throughout much of North America. The mule deer (*O. hemionus*) is primarily a western species restricted to buttes, draws, and stream bottoms with sufficient forage. The black-tailed deer (*O.h. columbianus*) is a subspecies of the mule deer. Both white-tailed and mule deer are very important game animals. In 1974 about 2 million white-tailed deer were harvested by over 8 million hunters. The trend in both harvest and hunter numbers has been generally upward since then. The positive economic value of deer through license fees, meat, and hunter expenditures for equipment, food, and transportation can be measured in hundreds of millions of dollars. Hesselton and Hesselton (1982) estimated the value of each deer harvested in the United States to be $1,250. With the additional aesthetic value of deer to landowners and vacationers, importance of deer as a wildlife resource cannot be disputed.

Despite their economic and aesthetic values, deer also have a variety of negative economic impacts—they damage crops and personal property, and harbor diseases common to humans and livestock. Unlike moles, rats, and other species implicated in damage, deer cannot be casually eliminated when in conflict with humans. But neither can landowners be expected to bear the entire burden of support for this valuable public resource.

These factors often make deer damage control a difficult social and political problem as well as a biological and logistical one. Control methods are built around effective deer herd management. Thus the various state wildlife agencies are often indirectly or directly involved through subsidy of control techniques, direct damage compensation payments, or technical advice.

Scare devices, repellents, and shooting all have a place in deer damage control. Effective control for fields, orchards, and other large areas, however, usually depends on excluding the deer with one of several types of fences, discussed later in this chapter. Toxicants, fumigants, and in most cases, trapping, are not used in deer control.

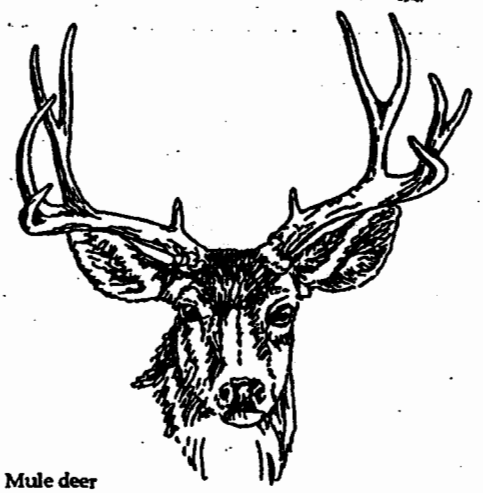
The volume of literature on deer ecology and management exceeds that for any other wildlife species. The best single reference is Halls (1984). The following review is meant as a brief summary using the white-tailed deer as an example. The mule deer is very similar in all respects.

Identification

Deer are even-toed ungulates of the family *Cervidae*. Adult animals may weigh 50 to 400 pounds (23 to 180 kg) depending on species and location. Their general form is well-known. At birth, fawns are rust-colored with white spots. Their spotted coats are shed in 3 to 4 months and are replaced by a grayish-brown fall and winter coat. The summer coat of adult animals is reddish-brown. Underparts of the tail, belly, chin, and throat are white during all seasons. Antlers grow on males (bucks) from April to August. Antler development is nourished by a layer of soft, vascularized "velvet" on the antlers. The dried velvet layer is rubbed off and the antlers polished during the fall rut (breeding season). Antler size depends on nutrition, age, and genetics. Mule deer antlers are forked while the tines of a white-tailed deer's antlers arise from a central beam. Both mule deer and white-tails have deciduous antlers that are shed in mid-winter. The rump and tail area and facial features also differ slightly between the species (Fig. 2). Both mule and white-tailed deer lack upper incisors.

White-tailed deer

Black-tailed deer



Mule deer

Fig. 2. Comparison of antlers and facial characteristics, metatarsal glands, tails, and rump patches in three kinds of deer.

Range

The white-tailed deer is found in every state in the United States except perhaps Alaska and Utah. It occurs throughout the southern provinces of Canada, across the United States, and on into Central and South America (Fig. 3). Mule deer are common throughout western Canada, western United States, and into Mexico (Fig. 4). There are several subspecies of both deer.

Fig. 3. Range of the white-tailed deer in North America.

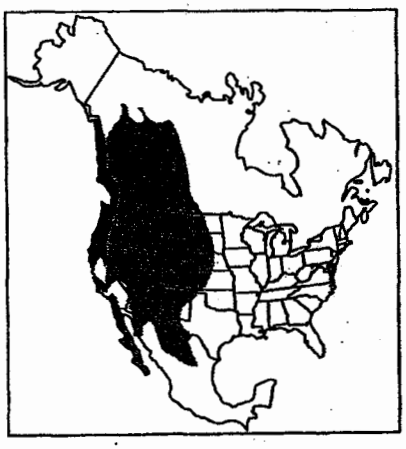


Fig. 4. Range of the mule deer (light) and black-tailed deer (dark) in North America.

Habitat

Deer are creatures of the forest edge rather than the dense, old-growth forest. They thrive in agricultural areas interspersed with woodlots and riparian habitat. They favor early successional stages which keep brush and sapling browse within reach. Dense cover is used for winter shelter and protection.

Food Habits

Browse (leaves, stems, and buds of woody plants) is generally available all year and is a staple food for deer. An extensive review of food habits can be found in Hesselton and Hesselton (1982) and in Mackie et al. (1982). Plant species vary considerably in quality and regional availability, so a list is not presented here. Forbs are eaten in spring and summer when available. Fruits and nuts (especially acorns) are seasonally very important. Grasses are relatively unimportant. Agricultural crops–corn, soybeans, small grains, alfalfa, vegetables, and fruit trees–are readily eaten when available. Local food habits studies are available in most states–consult your local wildlife agency.

Nutrient requirements and the amount of food consumed vary with age of the animal, season, and the reproductive cycle. Daily dry matter consumption averages 2% to 4% of live body weight. For adult bucks, daily consumption is greatest in spring and averages 4.4 to 6.4 pounds (2.0 to 2.9 kg) of air-dry food per day. Consumption is about half that during winter. For does, greatest daily food consumption occurs in early fall, just prior to the breeding season.

General Biology, Reproduction, and Behavior

Breeding occurs from October to January depending on latitude. Peak activity is in November. Does are in heat for 24 hours every 28 days for 2 to 3 consecutive cycles. One buck may inseminate several does. No pairing takes place. Most does breed during their second fall, although on good range up to 30% of the doe fawns (6 months old) will be bred. Gestation is about 202 days. The peak of fawn drop is in May or June. Most reproducing fawns give birth to a single fawn, but adult does typically bear twin fawns. Reproductive potential is very sensitive to nutrition. Fawns weigh 7 to 8 pounds (3.2 to 3.6 kg) at birth and increase in weight for 5 1/2 to 6 1/2 years. Adult size varies with latitude. In northern states, a mature buck may weigh 200 to 300 pounds (90 to 135 kg). A key deer buck (white-tailed deer subspecies) in Florida may weigh only 50 pounds (22.5 kg). Does average 25% to 40% less than bucks for all subspecies.

Deer are most active in early morning and evening. They have a home range of several hundred acres (ha), but this varies with season, sex, and habitat quality. In northern areas, deer gather ("yard") in dense cover for the winter. They may move long distances from summer range to a winter yard. Life expectancy is dependent on hunting pressure and regulations. Records show whitetails living 20 years, although 10 to 12 years is noteworthy in the wild.

Damage and Damage Identification

Deer damage a wide variety of row crops, forage crops, vegetables, fruit trees, nursery stock, and ornamentals, as well as stacked hay. In addition to the immediate loss of the crop being damaged, there is often residual damage in the form of future yield reduction of fruit trees or forage crops such as alfalfa. Ornamental trees or nursery stock may be permanently disfigured by deer browsing. Under high densities deer may severely impact native plant communities and impair regeneration of some forest tree species. Besides vegetative damage, deer/vehicle collisions pose a serious risk to motorists, and deer have been implicated in the distribution and transmission of Lyme disease.

Damage identification is not difficult. Because both mule deer and white-tailed deer lack upper incisors, deer often leave a jagged or torn surface on twigs or stems that they browse. Rabbits and rodents, however, leave a clean-cut surface. In addition, deer tracks are very distinctive (Fig. 5). The height of damage from the ground (up to 6 feet [1.8 m]) often rules out any mammal other than deer. Deer often are observed "in the act" of causing damage.

Legal Status

Deer are protected year-round in all states and provinces, with the exception of legal harvest during appropriate big-game hunting seasons. In cases of severe or persistent damage, some states may issue farmers special permits to shoot deer at times other than the legal hunting seasons. Regulations vary on the necessary permits and on

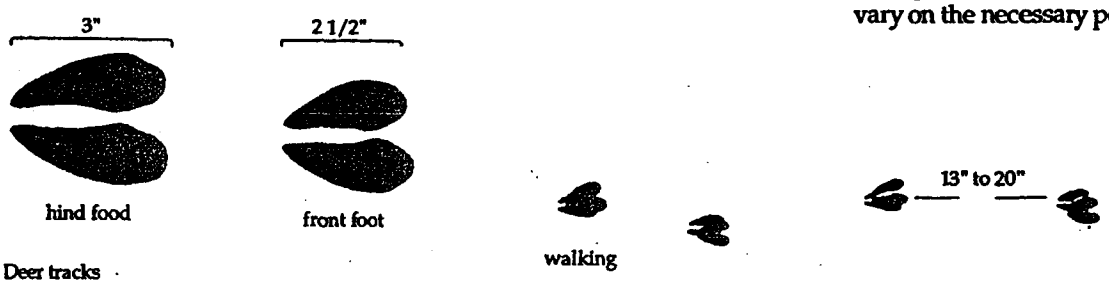
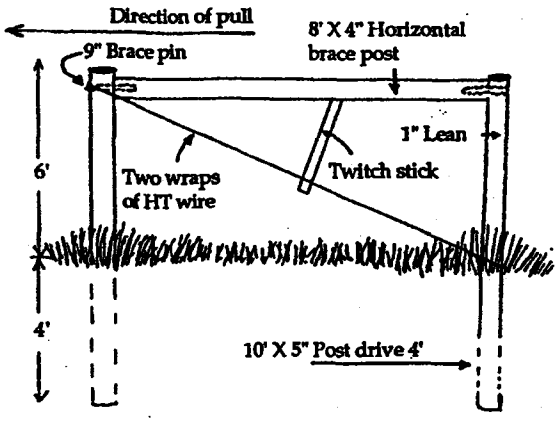
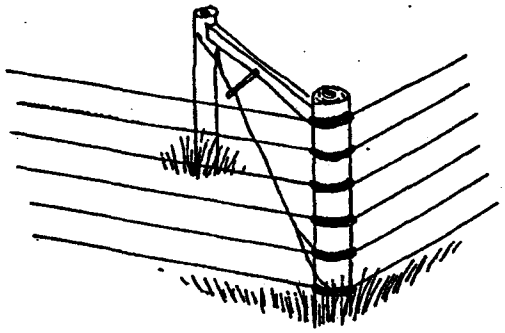


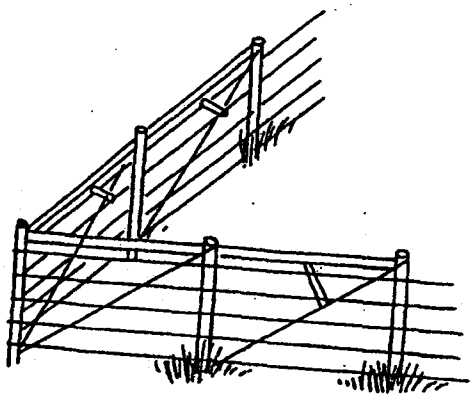
Fig. 5. Deer tracks



Single span brace assembly



Swing corner
(vertical fence)



Double H brace assembly
(corner)

Fig. 14. Rigid brace assemblies.

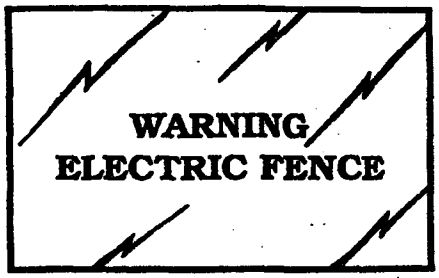


Fig. 15. Remember to attach warning signs to your electric fences.

beneath fences to avoid fenceline erosion.

(3) Always keep the fence charger on. Check the fence voltage weekly with a voltmeter. Maintain at least 3,000 volts at the furthest distance from the fence charger. Disconnect the lower wires if they are covered by snow.

(4) In late fall and early summer, adjust the fence tension (150 to 250 pounds [68 to 113 kg]) for high-tensile fences.

Tree Protectors

Use Vexar®, Tubex®, plastic tree wrap, or woven-wire cylinders to protect young trees from deer and rabbits. Four-foot (1.2-m) woven-wire cylinders can keep deer from rubbing tree trunks with their antlers.

Haystack Protection

Wooden panels have traditionally been used to exclude deer and elk from haystacks. Stockyards have also been protected by welded wire panels and woven wire. More recently haystacks have been protected by wrapping them with plastic Tensar® snow fence. The material comes in 8-foot (2.4-m) rolls and is relatively light and easy to use.

Cultural Methods and Habitat Modification

Damage to ornamental plants can be minimized by selecting landscape and garden plants that are less preferred by deer. In many cases, original landscape objectives can be met by planting species that have some resistance to

Table 1. Ornamental plants, listed by susceptibility to deer damage.[1]

Plants Rarely Damaged:

Botanical name	*Common name*
Berberis spp.	Barberry
Berberis vulgaris	Common Barberry
Betula papyrifera	Paper Birch
Buxus sempervirens	Common Boxwood
Elaeagnus angustifolia	Russian Olive
Ilex opaca	American Holly
Leucothoe fontanesiana	Drooping Leucothoe
Picea pungens	Colorado Blue Spruce
Pieris japonica	Japanese Pieris

Plants Seldom Severely Damaged:

Botanical name	*Common name*
Betula pendula	European White Birch
Calastrus scandens	American Bittersweet
Cornus sericea	Red Osier Dogwood
Cornus florida	Flowering Dogwood
Cornus kousa	Kousa Dogwood
Crataegus laevigata	English Hawthorn
Enkianthus campanulatus	Redvein Enkianthus
Fagus sylvatica	European Beech
Forsythia spp.	Forsythia
Gleditsia triacanthos	Honey Locust
Ilex cornuta	Chinese Holly
Ilex glabra	Inkberry
Juniperus chinensis	Chinese Junipers (green)
Juniperus chinensis	Chinese Junipers (blue)
Kalmia latifolia	Mountain Laurel
Kolkwitzia amabilis	Beautybush
Picea abies	Norway Spruce
Picea glauca	White Spruce
Pinus nigra	Austrian Pine
Pinus rigida	Pitch Pine
Pinus mugo	Mugo Pine
Pinus resinosa	Red Pine
Pinus sylvestris	Scots Pine
Prunus serrulata	Japanese Flowering Cherry
Salix matsudana tortuosa	Corkscrew Willow
Sassafras albidum	Common Sassafras
Syringa vulgaris	Common Lilac
Wisteria floribunda	Japanese Wisteria

Plants Occasionally Severely Damaged:

Botanical name	*Common name*
Abies concolor	White Fir
Acer griseum	Paperbark Maple
Acer rubrum	Red Maple
Acer saccharinum	Silver Maple
Acer saccharum	Sugar Maple
Aesculus hippocastanum	Common Horsechestnut
Amelanchier arborea	Downy Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Campsis radicans	Trumpet Creeper
Chaenomeles speciosa	Japanese Flowering Quince
Cornus racemosa	Panicled Dogwood
Cotinus coggygria	Smokebush
Cotoneaster spp.	Cotoneaster
Cotoneaster apiculatus	Cranberry Cotoneaster
Cotoneaster horizontalis	Rockspray Cotoneaster
Cryptomeria japonica	Japanese Cedar
Forsythia (x) intermedia	Border Forsythia
Hamamelis virginiana	Common Witchhazel
Hibiscus syriacus	Rose of Sharon
Hydrangea arborescens	Smooth Hydrangea
Hydrangea anomala petiolaris	Climbing Hydrangea
Hydrangea paniculata	Panicle Hydrangea

Plants Occasionally Severely Damaged (cont.):

Botanical name	*Common name*
Ilex crenata	Japanese Holly
Ilex (x) meserveae	China Girl/Boy Holly
Juniperus virginiana	Eastern Red Cedar
Larix decidua	European Larch
Lonicera (x) heckrottii	Goldflame Honeysuckle
Ligustrum spp.	Privet
Magnolia (x) soulangiana	Saucer Magnolia
Metasequoia glyptostroboides	Dawn Redwood
Parthenocissus quinquifolia	Virginia Creeper
Philadelphus coronarius	Sweet Mock Orange
Pinus strobus	Eastern White Pine
Potentilla fruticosa	Bush Cinquefoil
Prunus avium	Sweet Cherry
Pseudotsuga menziesii	Douglas Fir
Pyracantha coccinea	Firethorn
Pyrus calleryana 'Bradford'	Bradford Callery Pear
Pyrus communis	Common Pear
Quercus alba	White Oak
Quercus prinus	Chestnut Oak
Quercus rubra	Northern Red Oak
Rhododendron spp.	Deciduous Azaleas
Rhododendron carolinianum	Carolina Rhododendron
Rhododendron maximum	Rosebay Rhododendron
Rhus typhina	Staghorn Sumac
Rosa multiflora	Multiflora Rose
Rosa rugosa	Rugosa Rose
Salix spp.	Willows
Spiraea (x) bumalda	Anthony Waterer Spiraea
Spiraea prunifolia	Bridalwreath Spiraea
Syringa (x) persica	Persian Lilac
Syringa reticulata	Japanese Tree Lilac
Syringa villosa	Late Lilac
Tilia cordata 'Greenspire'	Greenspire Littleleaf Linden
Tilia americana	Basswood
Tsuga canadensis	Eatsern Hemlock
Tsuga caroliniana	Carolina Hemlock
Viburnum (x) juddii	Judd Viburnum
Viburnum rhytidophyllum	Leatherleaf Viburnum
Viburnum plicatum tomemtosum	Doublefile Viburnum
Viburnum carlesii	Koreanspice Viburnum
Weigela florida	Oldfashion Weigela

Plants Frequently Severely Damaged:

Botanical name	*Common name*
Abies balsamea	Balsam Fir
Abies fraseri	Fraser Fir
Acer platanoides	Norway Maple
Cercis canadensis	Eastern Redbud
Chamaecyparis thyoides	Atlantic White Cedar
Clematis spp.	Clematis
Cornus mas	Cornelian Dogwood
Euonymus alatus	Winged Euonymus
Euonymus fortunei	Wintercreeper
Hedera helix	English Ivy
Malus spp.	Apples
Prunus spp.	Cherries
Prunus spp.	Plums
Rhododendron spp.	Rhododendrons
Rhododendron spp.	Evergreen Azaleas
Rhododendron catawbiense	Catawba Rhododendron
Rhododendron periclymenoides	Pinxterbloom Azalea
Rosa (x) hybrid	Hybrid Tea Rose
Sorbus aucuparia	European Mountain Ash
Taxus spp.	Yews
Taxus baccata	English Yew
Taxus brevifolia	Western Yew
Taxus cuspidata	Japanese Yew
Taxus (x) media	English/Japanese Hybrid Yew
Thuja occidentalis	American Arborvitae

[1]from M. J. Fargione, P. D. Curtis, and M. E. Richmond. 1991. Resistance of woody ornamental plants to deer damage. Cornell Coop. Ext. Fact Sheet. Ithaca, NY. 4 pp.

disposal of dead animals. The popularity of deer as game animals and the need to curb poaching have led to the development of severe penalties for illegal possession. No lethal deer control can be initiated before consulting your local state wildlife agency. By law, some states provide technical assistance or direct compensation for deer damage. This is discussed under the section on the economics of damage and control.

Damage Prevention and Control Methods

Exclusion

Where deer are abundant or crops are particularly valuable, fencing may be the only way to effectively minimize deer damage. Several fencing designs are available to meet specific needs. Temporary electric fences are simple inexpensive fences useful in protecting garden and field crops during snow-free periods. Deer are attracted to these fences by their appearance or smell, and are lured into contacting the fence with their noses. The resulting shock is a very strong stimulus and deer learn to avoid the fenced area. Permanent high-tensile electric fences provide year-round protection from deer and are best suited to high-value specialty or orchard crops. The electric shocking power and unique fence designs present both psychological and physical barriers to deer. Permanent woven-wire fences provide the ultimate deer barrier. They require little maintenance but are very expensive to build. Fencing in general is expensive. You should consider several points before constructing a fence, such as:

History of the area — assemble information on past claims, field histories, deer numbers, and movements to help you decide on an abatement method.

Deer pressure — this reflects both the number of deer and their level of dependence on agricultural crops. If deer pressure in your area is high, you probably need fences.

Crop value — crops with high market values and perennial crops where damage affects future yields and growth often need the protection fencing can provide.

Field size — in general, fencing is practical for areas of 40 acres (16 ha) or less. The cost per acre (ha) for fencing usually decreases, however, as the size of the area protected increases.

Cost-benefit analysis — to determine the cost effectiveness of fencing and the type of fence to install, weigh the value of the crop to be protected against the acreage involved, costs of fence construction and maintenance, and the life expectancy of the fence.

Rapidly changing fence technology — if you intend to build a fence yourself, supplement the following directions by consulting an expert, such as a fencing contractor. Detailed fencing manuals are also available from most fencing manufacturers and sales representatives.

Temporary Electric Fencing

Temporary electric fences provide inexpensive protection for many crops during periods without snow. They are easy to construct, do not require rigid corners, and materials are readily available. Install fences at the first sign of damage to prevent deer from establishing feeding patterns in your crops. Weekly inspection and maintenance are required. Different types of temporary electric fences are described below.

Peanut Butter Fence. The peanut butter fence is effective for small gardens, nurseries, and orchards (up to 3 to 4 acres [1.2 to 1.6 ha]) subject to moderate deer pressure. Deer are attracted by the peanut butter and encouraged to make nose-to-fence contact. After being shocked, deer learn to avoid fenced areas. Cost, excluding labor, is about $0.11 per linear foot ($0.30/m). This fence is not widely used.

To build a peanut butter fence (Fig. 6), follow the steps below.

(1) Install wooden corner posts.

(2) String one strand of 17-gauge (0.15-cm), smooth wire around the corners and apply light tension.

(3) Set 4-foot (1.2-m) 3/8-inch (1-cm) round fiberglass rods along the wire at 45-foot (14-m) intervals.

(4) Attach the wire to insulators on the rods 2 1/2 (0.75 m) feet above ground level and apply 50 pounds (22.5 kg) of tension.

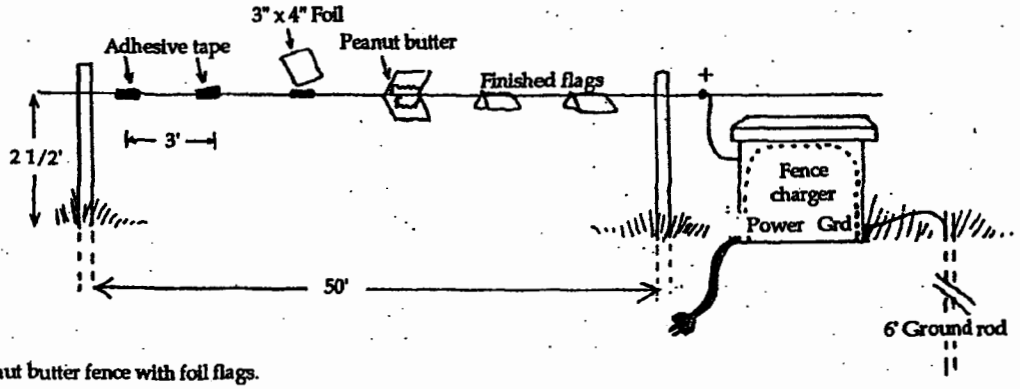


Fig. 6. The peanut butter fence with foil flags.

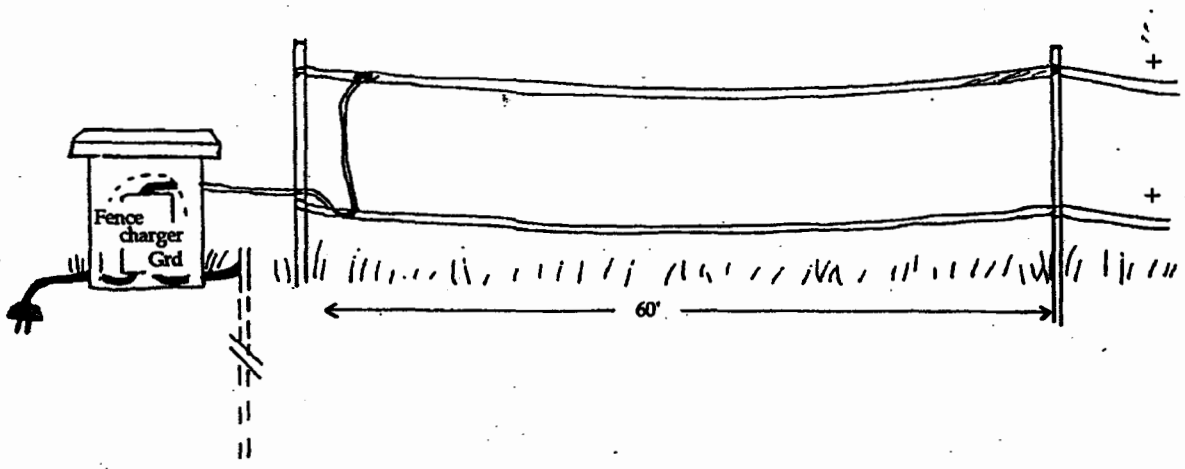


Fig. 7. The polytape fence.

(5) Attach 3 x 4-inch (7 x 10-cm) foil strips to the wire at 3-foot (1-m) intervals, using 1 x 2-inch (3 x 5-cm) strips of cloth adhesive tape.

(6) Apply a 1:1 mixture of peanut butter and vegetable oil to the adhesive tape strips and fold the foil over the tape.

(7) Connect the wire to the positive (+) post of a well-grounded fence charger.

(8) For fields larger than 1 acre (0.4 ha), it is more practical to apply the peanut butter mixture directly to the wire. You can make a simple applicator by mounting a free-spinning, 4-inch (10-cm) pulley on a shaft inside a plastic ice cream pail. Fill the pail with a peanut butter-vegetable oil mixture that has the consistency of very thick paint. Coat the entire wire with peanut butter by drawing the pulley along the wire. Apply peanut butter once a month. Attach foil flags to the fence near runways or areas of high deer pressure to make the fence more attractive.

Check the fence weekly for damage by deer and grounding by vegetation.

Polytape Fence. Various forms of polytape or polywire, such as Visible Grazing Systems® (VGS), Baygard®, and Turbo-tape® are very strong and portable. You can use these fences to protect up to 40 acres (16 ha) of vegetable and field crops under moderate deer pressure. Deer receive shocks through nose-to-fence contact and they learn to avoid fenced areas. Cost, excluding labor, is about $.11 per linear foot ($0.30/m).

To build a polytape fence (Fig. 7), follow the steps below.

(1) Drive 5/8-inch (1.6-cm) round fiberglass posts 2 feet (0.6 m) into the ground at the corners.

(2) String two strands of polytape (white or yellow are most visible) around the corners and apply light tension (one strand 2 1/2 feet (0.75 m) high can be used).

(3) Use square knots or half-hitches to make splices or to secure the polytape to corner posts.

(4) Set 4-foot (1.2-cm) 3/8-inch (1-cm) round fiberglass rods along the wires at 45-foot (14-m) intervals.

(5) Attach the two strands of polytape to insulators on the rods at 1 and 3 feet (0.3 and 0.9 m) above ground level and apply 50 pounds (22.5 kg) of tension.

(6) Connect the polytape to the positive (+) post of a well-grounded fence charger.

(7) Use the applicator described under Peanut Butter Fence (8) to apply 2-foot (0.6-m) swatches of peanut butter to the polytape every 6 feet (2 m) where deer presence is expected to be high.

To maintain the fence, check it weekly for damage by deer and grounding by vegetation.

Permanent High-Tensile Electric Fencing

High-tensile fencing can provide year-round protection from deer damage. Many designs are available to meet specific needs. All require strict adherence to construction guidelines concerning rigid corner assemblies and fence configurations. Frequent inspection and maintenance are required. High-tensile fences are expected to last 20 to 30 years. Different types of high-tensile electric fences are described below.

Offset or Double Fence. This fence is mostly for gardens, truck farms, or nurseries up to about 40 acres (0.16 ha) that experience moderate deer pressure. Deer are repelled by the shock and the three-dimensional nature of the fence. You can add wires if deer pressure increases. Cost, excluding labor, is about $.35 per linear foot ($1/m).

To build an offset or double fence (Fig. 8), follow the steps below.

For the outside fence:

(1) Install swing corner assemblies where necessary (see the section on fence construction—rigid brace assemblies [Fig. 14]).

(2) String a 12 1/2-gauge (0.26-cm) high-tensile wire around the

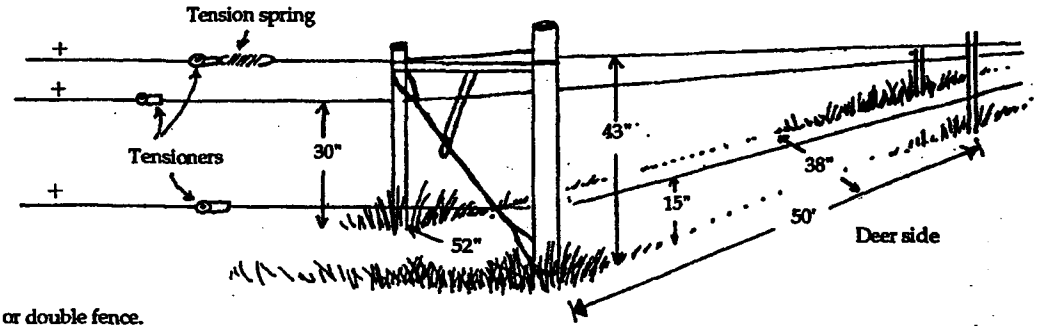


Fig. 8. The offset or double fence.

outside of the swing corner assemblies and apply light tension.

(3) Set 5-foot (1.5-m) line posts along the wire at 40- to 60-foot (12- to 18-m) intervals.

(4) Attach the wire to insulators on the line posts, 15 inches (38 cm) above ground level and apply 150 to 250 pounds (68 to 113 kg) of tension.

(5) String a second wire at 43 inches (109 cm) and apply 150 to 250 pounds (68 to 113 kg) of tension.

For the inside fence:

(6) String a wire around the inside of the swing corner assemblies and apply light tension.

(7) Set 5-foot (1.5-m) line posts along the wire at 40- to 60-foot (12- to 18-m) intervals.

(8) Attach the wire to insulators on the line posts at 30 inches (76 cm) above ground level.

(9) Attach all wires to the positive (+) post of a well-grounded, low-impedence fence charger.

(10) Clear and maintain a 6- to 12-foot (1.8- to 3.6-m) open area outside the fence so deer can see it.

Maintenance includes weekly fence and voltage checks.

Vertical Deer Fence. Vertical fences are effective at protecting large truck gardens, orchards, and other fields from moderate to high deer pressures. Because of the prescribed wire spacing, deer either attempt to go through the fence and are effectively shocked or they are physically impeded by the barrier. Vertical fences use less ground space than three-dimensional fences, but are probably less effective at inhibiting deer from jumping over fences. There is a wide variety of fence materials, wire spacings, and specific designs you can use. We recommend that you employ a local fence contractor. Costs, excluding labor, range from $0.75 to $1.50 per linear foot ($2 to $4/m).

To build a 7-wire vertical deer fence (Fig. 9), follow the steps below.

(1) Install rigid corner assemblies where necessary (see the section on fence construction—rigid brace assemblies [Fig. 14]).

(2) String a 12 1/2-gauge (0.26-cm) high-tensile wire around the corner assemblies and apply light tension.

(3) Set 8-foot (2.4-m) line posts along

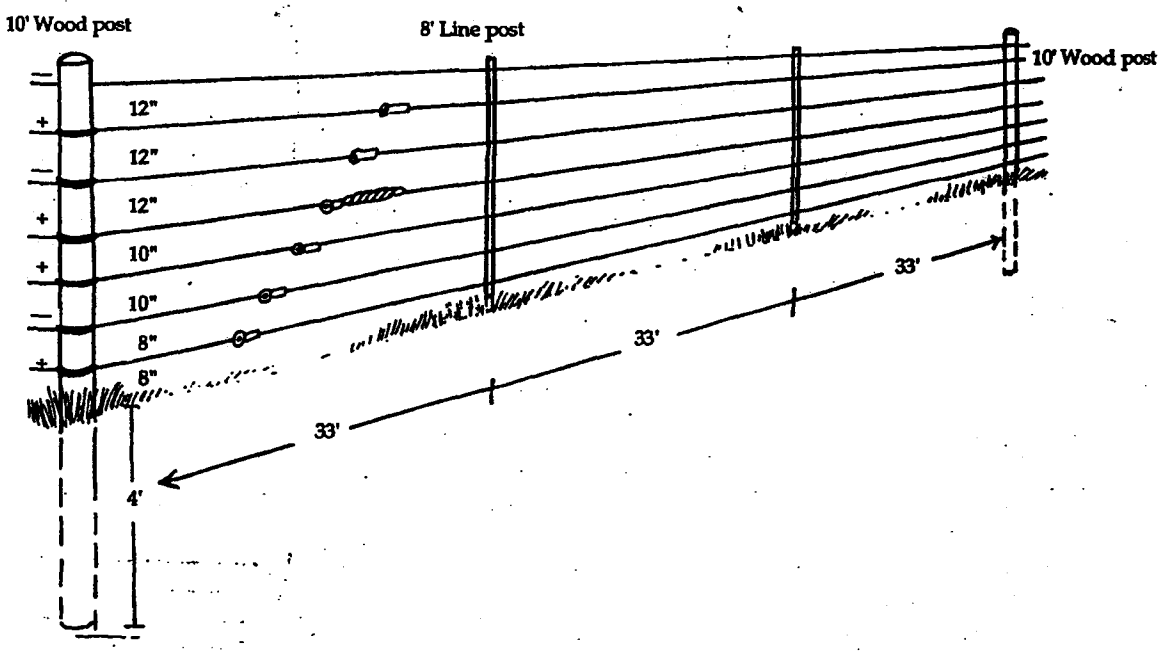


Fig. 9. The seven-wire vertical deer fence.

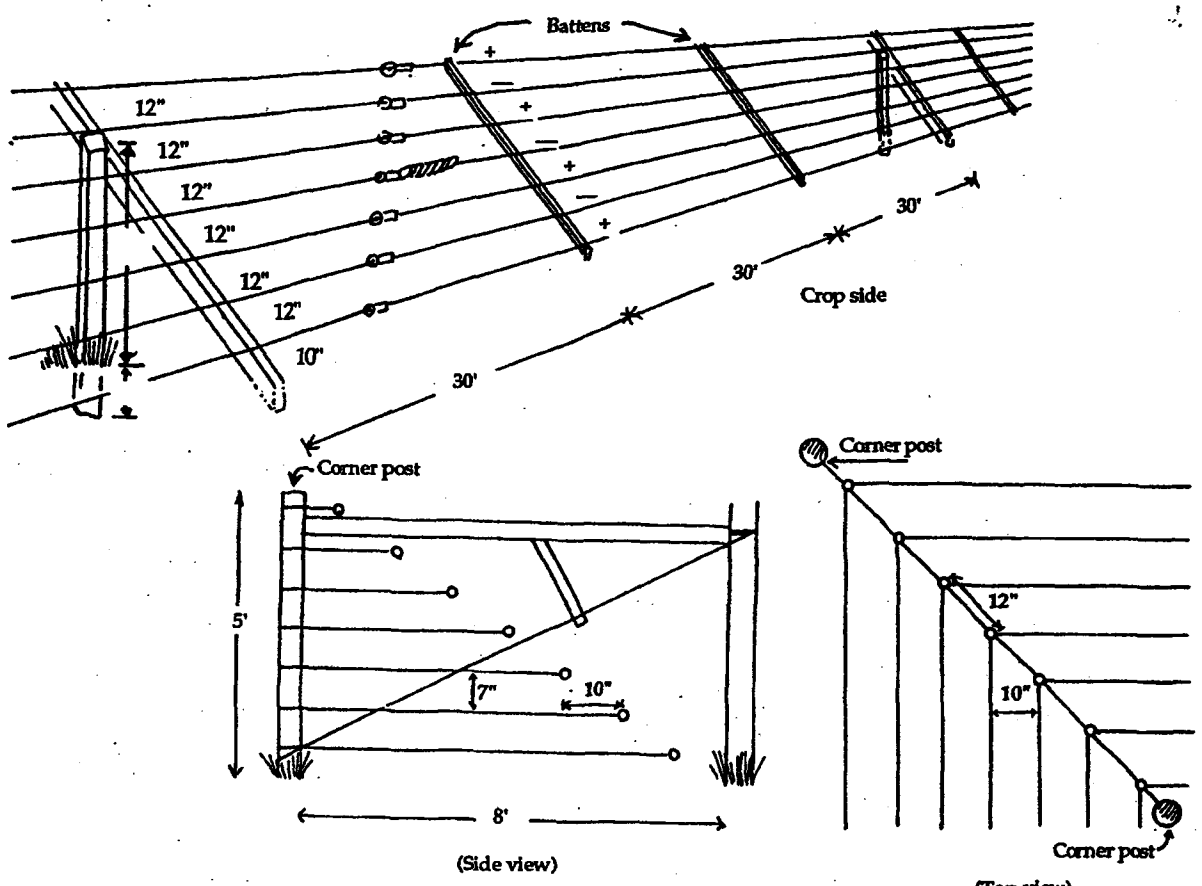


Fig. 10. The slanted seven-wire deer fence.

the wire at 33-foot (10-m) intervals.

(4) Attach a wire to insulators at 8 inches (20 cm) above ground level and apply 150 to 250 pounds (68 to 113 kg) of tension.

(5) Attach the remaining wires to insulators at the spacing indicated in figure 9 and apply 150 to 250 pounds (68 to 113 kg) of tension.

(6) Connect the second, fourth, fifth, and seventh wires from the top, to the positive (+) post of a well-grounded, low-impedence fence charger.

(7) Connect the top, third, and sixth wires directly to ground. The top wire should be negative for lightning protection.

(8) Clear and maintain a 6- to 12-foot (1.8- to 3.6-m) open area outside the fence so deer can see the fence.

Maintenance includes weekly fence inspection and voltage checks.

Slanted Seven-Wire Deer Fence. This fence is used where high deer pressures threaten moderate-to-large sized orchards, nurseries and other high-value crops. It presents a physical and psychological barrier to deer because of its electric shock and three-dimensional nature. Cost, excluding labor, is about $0.75 to $2 per linear foot ($2 to $5.50/m).

To build a slanted seven-wire deer fence (Fig. 10), follow the steps below.

(1) Set rigid, swing corner assemblies where necessary, (see the section on fence construction—rigid brace assemblies [Fig. 14]).

(2) String 12 1/2-gauge (0.26-cm) high-tensile wire around the corner assemblies and apply light tension.

(3) Set angle braces along the wire at 90-foot (27-m) intervals.

(4) Attach a wire at the 10-inch (25-cm) position and apply 150 pounds (68 kg) of tension.

(5) Attach the remaining wires at 12-inch (30-cm) intervals and apply 150 pounds (68 kg) of tension.

(6) Place fence battens at 30-foot (9-m) intervals.

(7) Connect the top, third, fifth, and bottom wires to the positive (+) post of a well-grounded, low-impedence fence charger.

(8) Connect the second, fourth, and sixth wires from the top directly to ground.

(9) Clear and maintain a 6- to 12-foot (1.8- to 3.6-m) area outside the fence so deer can see it.

Maintenance includes weekly inspection and voltage checks.

Permanent Woven-Wire Fencing

Woven-wire fences are used for year-round protection of high-value crops subject to high deer pressures. These fences are expensive and difficult to construct, but easy to maintain. Before

high-tensile electric fencing, woven-wire fences were used most often to protect orchards or nurseries where the high crop value, perennial nature of damage, acreage, and 20-year life span of the fences justified the initial costs. Cost, excluding labor, is about $2 to $4 per linear foot ($5.50 to $11/m). The high cost has resulted in reduced use of woven-wire fences.

To build a deer-proof woven-wire fence (Fig. 11), follow the steps below.

(1) Set rigid corner assemblies where necessary (see the section on Fence Construction—Rigid brace assemblies [Fig. 14]).

(2) String a light wire between two corners and apply light tension.

(3) Set 16-foot (4.9-m) posts along the wire at 40-foot (12-m) intervals, to a depth of 4 to 6 feet (1.2 to 1.8 m).

(4) Roll out an 8-foot (2.4-m) roll of high-tensile woven wire along the line posts. Attach one end at ground level to a corner post with steel staples.

(5) Apply 100 pounds (45 kg) of tension to the wire with a vehicle or fence strainers and attach the wire to line and corner posts with steel staples.

(6) Repeat steps 4 and 5 as necessary around the perimeter of the fence.

(7) Attach two strands of high-tensile smooth wire to the top of the fence to raise the height of the entire fence to 9 to 10 feet (2.7 to 3 m).

Minimal maintenance is required. Inspect for locations where deer can crawl under the fence.

Fencing Tips

Materials. Do not buy cheap materials to reduce costs. This will only reduce the effectiveness and life span of the fence. We recommend using:

(1) Round fiberglass or treated wood posts.

(2) High-quality galvanized wire and steel components. For high-tensile fences, use 11- to 14-gauge (0.31- to 0.21-cm) wire (minimum tensile strength of 200,000 pounds [90,000 kg] and a minimum breaking strength of 1,800 pounds [810 kg]), tension springs, and in-line tensioners.

(3) Compression sleeves for splicing wires and making electrical connections.

(4) Lightning arresters and diverters to protect chargers.

(5) High-quality fence chargers. Chargers must be approved by Underwriters Laboratories (UL) or the Canadian Standards Association (CSA). We highly recommend 110-volt chargers. Six- and 12-volt chargers require battery recharging every 2 to 4 weeks. Use solar panels in remote areas to charge batteries continuously. For high-tensile fences, use high-voltage, low-impedence chargers only (3,000 to 5,000 volts and current pulse duration of at most 1/1,000 second).

(6) Gates. There is no universal gate design because of the many different fence types. Gates should be electrified, well-insulated, and practical for the type of farming operation. Gates range from single strands of electrified wire with gate handles to electrified panel or tubular gates (Fig. 12).

Fence Construction. Fences must be properly constructed—do not deviate from fence construction guidelines.

(1) Prepare fencelines before construction. It is easier and less expensive to install and maintain fences on clear, level runs. Minimize corners to increase strength and reduce costs.

(2) Ensure that the electrical system is well grounded at the fence charger and every 1/2 mile (880 m) of fenceline. To ground high-tensile fences, drive four to six ground

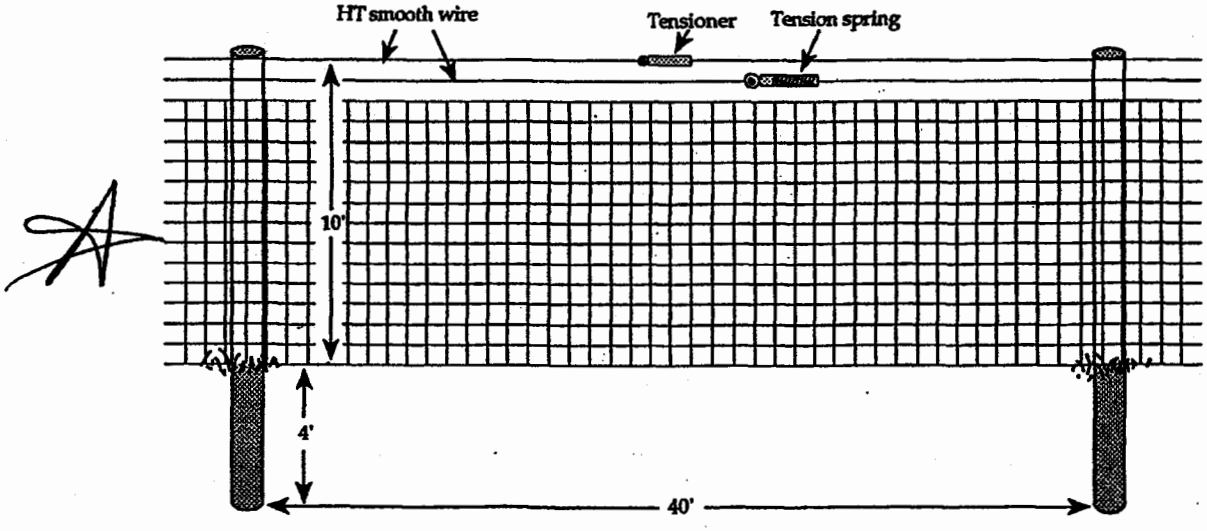


Fig. 11. The deer-proof, woven-wire fence.

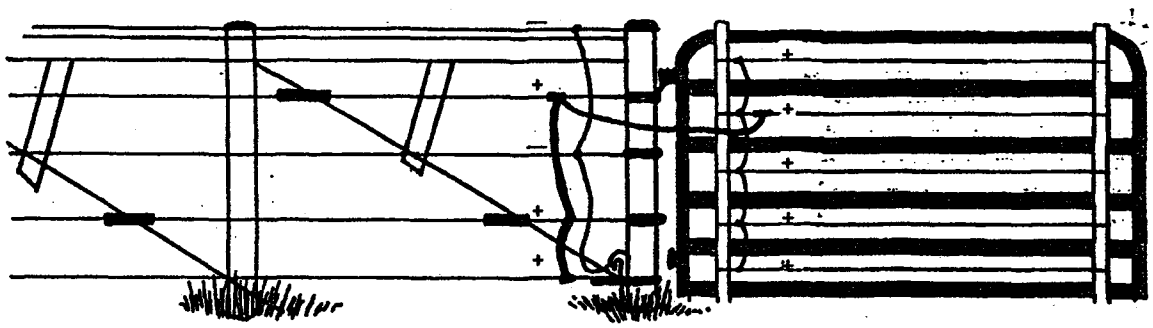


Fig. 12. Fence with electrified gate.

rods 5 to 6 feet (1.5 to 1.8 m) deep and 6 feet (1.8 m) apart. Connect the ground post of the fence charger and the negative (-) wires of the fence to the grounding system (Fig. 13).

(3) The wiring system in figure 13 illustrates a positive-negative fence. Such a design is especially useful with dry or frozen ground. A fence with all positive (hot) wires may be advantageous under general crop and soil moisture conditions. Consult with a fencing contractor or expert for the best choice for your needs.

(4) Install the grounding systems and fence charger before fence construction. Energize completed parts of the fence when you are not working on the fence to gain early protection.

(5) Rigid brace assemblies—corners, ends, and gates—make up the backbone of all high-tensile fence systems (Fig. 14). They must be entirely rigid, constructed of the best materials, and strictly conform to design guidelines. The single-span brace assembly is the basis of all high-tensile strainer assemblies, regardless of location in the fence or fence design. This basic design is then modified to create double-"H" braces, swing corners, and gate ends.

(6) Allow wires to slide freely through insulators on fence posts. Fence flexibility is necessary to endure frequent temperature changes, deer hits, and obstructions.

(7) Identify an electric fence with warning signs (Fig. 15) that are affixed at 300-foot (90-m) intervals or less.

Maintenance. Regular inspection and maintenance are necessary to ensure the effective operation and longevity of most fences.

(1) Control vegetation near fences by mowing or applying herbicides to avoid excessive fence grounding by weeds.

(2) On slopes or highly erodible soils, maintain a good sod cover

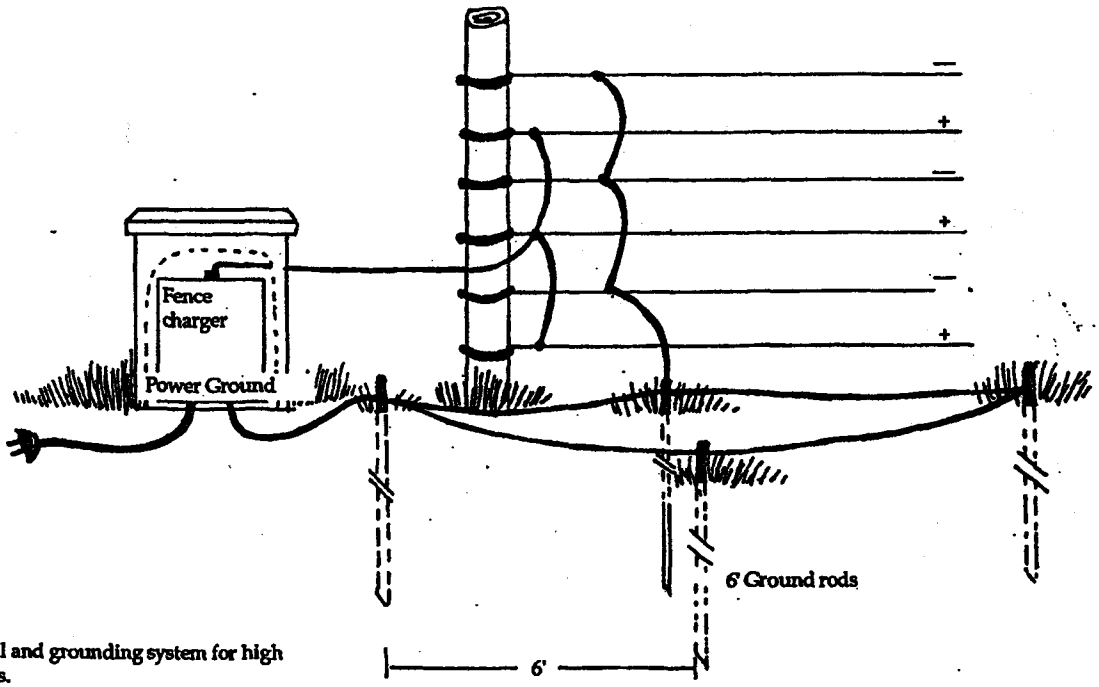


Fig. 13. Electrical and grounding system for high tensile fences.

deer damage. Table 1 provides a list of plants, ranked by susceptibility to deer damage. This list, developed by researchers at Cornell University, is applicable for most eastern and northern states. A similar list with a western emphasis was produced by Cummings et al. (1980).

Harvest crops as early as possible to reduce the period of vulnerability to deer. Plant susceptible crops as far from wooded cover as possible to reduce the potential for severe damage. Habitat modification is not recommended. Destruction of wooded or brushy cover in hopes of reducing deer use would destroy valuable habitat for other wildlife. Also, since deer forage over a large area it is unlikely that all available deer cover would be on a farmer's or rancher's land.

Lure crops have been planted to attract deer away from highways and crop fields where deer traditionally caused damage. Their effectiveness has been variable and concern has been raised that an artificial food source may eventually increase deer densities and resultant problems. Specific recommendations are not yet available regarding plant selection, timing, and proximity of lure crops.

Contraception

Promising research on the use of chemosterilants and immunocontraception to reduce or eliminate reproduction is underway. Specificity, efficacy, and delivery of contraceptive agents, however, continue to be problems. The use of contraception for herd control will be best suited to urban parks, refuges, and other discrete areas. It is unlikely that contraception can or will be applied in rural/agricultural landscapes.

Frightening

One of the keys to success with frightening devices and repellents is to take action at the first sign of a problem. It is difficult to break the movements or behavioral patterns of deer once they have been established. Also, use frightening devices and repellents at those times when crops are most susceptible to damage, for example, the silking to tasseling stages for field corn or the blossom stage for soybeans.

Gas exploders set to detonate at regular intervals are the most commonly used frightening devices for deer. They can be purchased for $200 to $500 from several commercial sources (see **Supplies and Materials**). The devices are sometimes available on loan from wildlife refuges or agencies as they are frequently used to control waterfowl damage. To maximize the effectiveness of exploders, move them every few days and stagger the firing sequence. Otherwise, the deer quickly become accustomed to the regular pattern. The noise level can be increased by raising exploders off the ground. Motion-activated firing mechanisms are now being explored to increase the effectiveness of exploders. Success depends on many factors and can range from good to poor. A dog on a long run or restricted by an electronic invisible fence system can keep deer out of a limited area, but care and feeding of the dog can be time-consuming. Free-running dogs are not advisable and may be illegal.

Shell crackers, fireworks, and gunfire can provide quick but temporary relief from deer damage. Equip mobile units with pyrotechnics, spotlights, and two-way radios. Patrol farm perimeters and field roads at dusk and throughout the night during times of the year when crops are most susceptible to damage. Such tactics cannot be relied on for an entire growing season.

Repellents

Repellents are best suited for use in orchards, gardens, and on ornamental plants. High cost, limitations on use, and variable effectiveness make most repellents impractical on row crops, pastures, or other large areas. Success with repellents is measured in the reduction, not total elimination, of damage.

Repellents are described by mode of actions as "contact" or "area." Contact repellents, which are applied directly to the plants, repel by taste. They are most effective when applied to trees and shrubs during the dormant period. New growth that appears after treatment is unprotected. Contact repellents may reduce the palatability of forage crops and should not be used on plant parts destined for human consumption. Hinder® is an exception in that it can be applied directly on edible crops.

Area repellents are applied near the plants to be protected and repel deer by odor alone. They are usually less effective than contact repellents but can be used in perimeter applications and some situations where contact repellents cannot.

During the winter or dormant season, apply contact repellents on a dry day when temperatures are above freezing. Treat young trees completely. It will be more economical to treat only the terminal growth of older trees. Be sure to treat to a height of 6 feet (1.8 m) above expected maximum snow depth. During the growing season, apply contact repellents at about half the concentration recommended for winter use.

The effectiveness of repellents will depend on several factors. Rainfall will dissipate some repellents, so reapplication may be necessary after a rain. Some repellents do not weather well even in the absence of rainfall. Deer's hunger and the availability of other more palatable food will have a great effect on success. In times of food stress, deer are likely to ignore either taste or odor repellents. When using a commercial preparation, follow the manufacturer's instructions. Don't overlook new preparations or imaginative ways to use old ones. The following discussion of common repellents is incomplete and provided only as a survey of the wide range of repellent formulations available. The repellents are grouped by active ingredient. Trade names and sample labels for some products are provided in the Supplies and Materials section.

Deer-Away® Big Game Repellent *(37% putrescent whole egg solids).* This contact (odor/taste) repellent has been used extensively in western conifer plantations and reported in field

studiesto be 85% to 100% effective. It is registered for use on fruit trees prior to flowering, as well as ornamental and Christmas trees. Apply it to all susceptible new growth and leaders. Applications weather well and are effective for 2 to 6 months. One gallon (3.8 l) of liquid or 1 pound (0.45 kg) of powder costs about $32 and covers 400, 3-inch (7.6-cm) saplings or 75, 4-foot (1.2-m) evergreens.

***Hinder®** (15% ammonium soaps of higher fatty acids).* This area repellent is one of the few registered for use on edible crops. You can apply it directly to vegetable and field crops, forages, ornamentals, and fruit trees. Its effectiveness is usually limited to 2 to 4 weeks but varies because of weather and application technique. Reapplication may be necessary after heavy rains. For small fields and orchards, you can treat the entire area. For larger areas, apply an 8- to 15-foot (2.4- to 4.6-m) band around the perimeter of the field. Apply at temperatures above 32°F (0° C). Four gallons (15.2 l) of liquid cost about $80, and when mixed with 100 gallons (380 l) of water will cover 1 acre (0.4 ha). Hinder is compatible for use with most pesticides.

***Thiram** (7% to 42% tetramethylthiuram disulfide).* Thiram, a fungicide that acts as a contact (taste) deer repellent, is sold under several trade names—Bonide Rabbit-Deer Repellent®, Nott's Chew-Not, and Gustafson 42-S®, among others. It is most often used on dormant trees and shrubs. A liquid formulation is sprayed or painted on individual trees. Although Thiram itself does not weather well, adhesives such as Vapor Gard® can be added to increase its resistance to weathering. Thiram-based repellents also protect trees against rabbit and mouse damage. Two gallons (7.6 l) of 42% Thiram cost about $50 and when mixed with 100 gallons (380 l) of water will cover 1 acre (0.4 ha). Cost varies with the concentration of Thiram in the product.

***Miller's Hot Sauce® Animal Repellent** (2.5% capsaicin).* This contact (taste) repellent is registered for use on ornamentals, Christmas trees, and fruit trees. Apply the repellent with a backpack or trigger sprayer to all susceptible new growth, such as leaders and young leaves. Do not apply to fruit-bearing plants after fruit set. Vegetable crops also can be protected if sprayed prior to the development of edible parts. Weatherability can be improved by adding an anti-transpirant such as Wilt-Pruf® or Vapor Gard®. Hot Sauce and Vapor Gard® cost about $80 and $30 per gallon (3.8 l) respectively. Eight ounces (240 ml) of Hot Sauce and two quarts (1.9 l) of anti-transpirant mixed with 100 gallons (380 l) of water will cover 1 acre (0.4 ha).

***Tankage** (putrefied meat scraps).* Tankage is a slaughterhouse by-product traditionally used as a deer repellent in orchards. It repels deer by smell, as will be readily apparent. To prepare containers for tankage, remove the tops from aluminum beverage cans, puncture the sides in the middle of the cans to allow for drainage and attach the cans to the ends of 4-foot (1.2 m) stakes. Drive the stakes into the ground, 1 foot (0.3 m) from every tree you want to protect or at 6-foot (1.8-m) intervals around the perimeter of a block. Place 1 cup (225 g) of tankage in each can. You can use mesh or cloth bags instead of cans. You may have to replace the containers periodically because fox or other animals pull them down occasionally. Tankage is available by bulk ($335 per ton [$302/mt]) or bag ($20 per 50 pounds [22.5 kg]). When prepared for hanging on stakes, it costs about $0.20 per 1 ounce (28 g) bag and 300 bags will cover 2 acres (0.8 ha).

***Ro-pel®** (benzyldiethyl [(2,6 xylylcarbamoyl) methyl] ammonium saccharide (0.065%), thymol (0.035%).* Ro-pel® is reported to repel deer with its extremely bitter taste. Apply Ro-pel® once each year to new growth. It is not recommended for use on edible crops. Spray at full strength on nursery and Christmas trees, ornamentals, and flowers. One gallon (3.8 l) costs $50 and covers about 1 acre (0.4 ha) of 8- to 10-foot (2.4- to 3.0-m) trees.

***Hair Bags** (human hair).* Human hair is an odor (area) repellent that costs very little but has not consistently repelled deer. Place two handfuls of hair in fine-mesh bags (onion bags, nylon stockings). Where severe damage occurs, hang hair bags on the outer branches of individual trees with no more than 3 feet (0.9 m) between individual bags. For larger areas, hang several bags, 3 feet (0.9 m) apart, from a fence or cord around the perimeter of the area to be protected. Attach the bags early in spring and replace them monthly through the growing season. You can get hair at local barber shops or salons.

Bar Soap. Recent studies and numerous testimonials have shown that ordinary bars of soap applied in the same manner as hair bags can reduce deer damage. Drill a hole in each bar and suspend it with a twist tie or soft cord. Each bar appears to protect a radius of about 1 yard (1 m). Any inexpensive brand of bar soap will work. Ready-to-use bars cost about $0.20 each.

Toxicants

No toxicants are registered for deer control. Poisoning of deer with any product for any reason is illegal and unlikely to be tolerated by the public.

Herd Reduction

Overall reduction in a state's deer population might reduce deer damage, but public opinion generally does not favor this approach. Damage may result from a few problem deer or at locations close to a winter deer yard or other exceptional habitat. Thus, a local reduction in deer population may be appropriate.

Live Capture

In special cases, such as city parks, refuges, or suburban neighborhoods, it may be necessary or desirable to capture deer alive and move them to other areas. Deer can be captured safely with rocket nets, drop-door box traps, or tranquilizer guns, but these techniques are expensive, time-consuming, and require the expertise

of professional wildlife biologists. Live capture and relocation is seldom a practical alternative unless delicate public relations problems mandate live removal as the only choice. During 1982, 15 deer were removed from a Milwaukee, Wisconsin nature area using chemical immobilization. Total cost was about $100 per deer but other more recent removal operations have been more expensive, up to $400 per deer or more. In addition to high costs, the survival of relocated deer is usually low. Live removal is seldom justified.

Shooting

Effective use of the legal deer season is probably the best way to control deer populations. By permitting hunting, landowners provide public access to a public resource while at the same time reducing deer damage problems. Because of the daily and seasonal movements of deer, only rarely does a single landowner control all the land a deer uses. As a result, neighboring landowners should cooperate. Landowners, the state wildlife agency, and local hunters should reach a consensus about a desirable population level for an area before deer are removed.

Mechanisms for managing deer population levels in a specific area already exist in most states. Either-sex seasons, increased bag limits, antlerless-only permits, special depredation seasons, and a variety of other management techniques have been used successfully to reduce deer numbers below levels achieved by traditional "bucks only" regulations.

Shooting permits issued by some states allow for removal of problem deer where they are causing damage during nonhunting season periods. Use of bait, spotlights, and rifles may increase success but techniques must be consistent with the specifications of the permits. In areas where shooting normally is prohibited, such as parks and densely populated areas, a skilled shooter under permit is probably preferable to costly attempts at live removal.

Economics of Damage and Control

A national survey conducted by USDA's National Agricultural Statistics Service in 1992 identified deer damage as the most widespread form of wildlife damage. Forty percent of the farmers reporting had experienced deer damage. No estimate exists of nationwide annual crop losses to deer, but damage estimates have been made for some states. In Wisconsin, a 1984 survey of farmers suggested minimum statewide deer damage of $36.7 million annually. A similar study in Pennsylvania estimated the annual crop loss at $16 to $30 million. The situation is similar in most agricultural states with moderate to high deer densities. Estimates by Hesselton and Hesselton (1982) suggest that the cost of deer-vehicle collisions may exceed $100 million each year in the United States and Canada. In fact, the cost of deer/vehicle collisions was estimated at $100 million in Wisconsin alone in 1990.

Deer also damage nurseries, landscape plantings, and timber regeneration. However, as established earlier, deer are a valuable public resource. Cost estimates for control techniques were presented with the appropriate techniques. A cost/benefit analysis is always advisable before initiating a control program.

Two additional economic aspects are worth consideration. One involves farmer tolerance for deer damage. Two summaries of social science research related to deer damage (Pomerantz et al. 1986, and Siemer and Decker 1991) demonstrated that a majority of farmers were willing to tolerate several hundred dollars in deer damage in exchange for the various benefits of having deer on their land. Thus "total damage" figures are misleading because only a small percentage of the farmers statewide or nationwide are suffering sufficient damage to warrant control or compensation.

The second economic consideration involves state-funded programs of subsidies for damage control materials or direct compensation for crop losses. Such programs can be very costly but are probably necessary where large deer herds are maintained in agricultural landscapes. As an example, the Wisconsin Wildlife Damage Program expended $2.25 million in 1992 for abatement materials, claims, and administration. The program is a collaborative effort of the Wisconsin Department of Natural Resources, USDA-APHIS-ADC, and Wisconsin counties and is very effective. Individual states vary greatly, however, in their degree of financial or technical assistance. Consult your state wildlife agency for information on compensation or cost-sharing programs. Also, many states have local publications on deer and deer damage–Pennsylvania, Wisconsin, Minnesota, Michigan, and New York, for example. Consult your local Extension office or state wildlife agency.

Acknowledgments

Figures 1 and 5 from Schwartz and Schwartz (1981).

Figure 2 by Charles W. Schwartz, published in Wallmo (1978), copyrighted by the Wildlife Management Institute and adapted by Emily Oseas Routman.

Figures 3 and 4 adapted from Burt and Grossenheider (1976) by Jill Sack Johnson.

Figures 6 through 15 are from Craven and Hygnstrom (1993), "Controlling Deer Damage in Wisconsin," University of Wisconsin Extension publication G3083.

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Climate: Animals at risk of extinction

Continued from Page A-1

change. The reports compile the latest research on what's happening on the ground in ecosystems, shifts that are linked to a changing climate along with other stresses. And they look at the impact those changes are likely to have on humans who depend on ecosystems for wood, food, clean water and recreation.

In the Southwest, one glaring impact is the increased size and intensity of wildfires. Wildfire season is starting earlier and lasting longer, according to fire managers. In New Mexico and Arizona, the two largest wildfires in both states' histories occurred in 2011, burning hundreds of thousands of acres, dozens of homes and more than 1,000 archaeological sites. Past forest management practices and drought set the stage for one of those massive fires, Las Conchas, in the Jemez Mountains near Los Alamos. Rainstorms after the wildfires caused flooding and erosion. Another wildfire in 2012 burned 224 homes or cabins near Ruidoso.

"Looking to the future, the national Research Council projects that for every 1 degree Centigrade warming across the West there will be a 2 to 6 fold increase in area burned by wildfire," the USGS report states.

Shifts in the populations, ranges and habits of bird, animal and plant species are another sign of climate change, according to the reports. Quaking aspen and northern spotted owls are both declining in New Mexico and Arizona, for example. Cutthroat trout populations in the Western U.S. are expected to take a dive by more than half as river temperatures climb and precipitation drops.

The environmental changes are leading to some dramatic social changes, such as "avian divorce" among usually monogamous black-bellied whistling ducks from Texas.

Three decades of data indicate 10 percent to 19 percent of aquatic and land species in New Mexico are vulnerable to extinction due to climate change and other pressures.

Increased development near public lands, more competition for resources and altered forest ecosystems due to climate change are a few of the findings in the report released by the U.S. Forest Service. The report looks at existing trends and predictions for forest conditions through 2060.

Both reports say tough choices are ahead for policymakers and land managers on how best to help ecosystems and communities that depend on them adapt to mounting pressures.

CLIMATE CHANGE REPORTS

Key points from new reports on climate change, biodiversity, water and natural resources:

- Climate change adds to existing stress on wildlife and ecosystems from development, degraded habitat, disease, pests, pollution and extraction.
- Climate change is causing plant and wildlife species to shift their ranges and distribution more quickly than previously thought.
- Changes in ecosystems coupled with more extreme weather events lead to increased pollutants washing downstream and overwhelming water systems.
- Annual water yield is projected to decrease more than 16 percent in the West in the next four decades.
- Vulnerability of the U.S. water supply, especially in the West, will increase. Decreased precipitation and higher temperatures in New Mexico and elsewhere around the West will stress water supplies, agriculture and local economies.
- Snowmobiling and skiing will decline as climate change affects snowfall, impacting thousands of jobs.
- Water efficiency, water marketing and water trading will be key to resolving future shortages.
- Some wildlife and plant species will adjust and others will dramatically decline under several different likely climate change scenarios.
- Biodiversity in the U.S. will continue to decline.
- Types of trees in the forests will change and forest areas overall will decline after 2040. Tree canopy cover across all landscapes will be affected by climate change and housing development.
- Climate change impacts on water, forests, wildlife and soil have a direct impact on human health, recreation and economies.
- Adaptation strategies must be included in policymaking and resource management to help ecosystems on which humans depend.

SOURCE: "FUTURE OF AMERICA'S FORESTS AND RANGELANDS: FOREST SERVICE 2010 RESOURCES PLANNING ACT ASSESSMENT" AND THE "IMPACTS OF CLIMATE CHANGE ON BIODIVERSITY, ECOSYSTEMS AND ECOSYSTEM SERVICES" REPORT BY THE U.S. GEOLOGICAL SURVEY AND THE NATIONAL WILDLIFE FEDERATION AND ARIZONA STATE UNIVERSITY.

ON THE WEB

- The U.S. Forest Service report is available at http://treesearch.fs.fed.us/pubs/41976.
- The USGS report is at http://downloads.usgcrp.gov/nca/activities/biodiversity-ecosystems-and-ecosystem-services-technical-input.pdf

N.M. Dec 19, 2012

Feds study how to cope with change in climate

By Staci Matlock
The New Mexican

Two reports released Tuesday by federal agencies detail how the combined stresses of housing developments, invasive species, drought and climate change are affecting ecosystems, wildlife and the communities that depend on them.

The picture the reports paint isn't pretty. But both offer suggestions for what policymakers, land managers and people in general can do to adapt to the changes already under way.

For New Mexico, the reports predict a continuation of current trends — less precipitation as snow, less precipitation overall, rising temperatures, drier soil, difficulties with farming, and declines in bird, plant and wildlife species — all leading to economic losses.

These reports, one by the U.S. Forest Service and one by the U.S. Geological Survey in conjunction with the National Wildlife Federation and Arizona State University, don't address what's causing climate

Please see **CLIMATE**, *Page A-4*

Four sections, 28 pages
163rd year, No. 354
Publication No. 596-440

They're dying for your trash

Managing garbage is key to keeping N.M. bears alive

Bear season begins soon at a trash can or dumpster near you.

To make this a safe spring and summer for bears and humans, the New Mexico Department of Game and Fish is encouraging the public to manage their trash properly.

"Everyone needs to keep their trash in an enclosed container stored in a secure building," said Rick Winslow, large carnivore biologist for the department. "Only put your trash out on the morning it will be collected and hauled away."

Every year, bears that come into towns searching for food are caught and relocated or killed by department employees. Bears are killed when conservation officers determine the bears are a threat to public safety. Bears that regularly feed on garbage can lose their fear of humans and consider humans as a source of food. This year, the department will increase its efforts to eliminate trash-habituated bears.

"This is potentially a very dangerous situation," Winslow said. "If people care about bears and their own safety, they won't let this happen."

Populations of bears

Department of Game and Fish file photo

Coexisting with black bears

If you enjoy New Mexico's state animal, the black bear, here are some ways to keep them alive and you safe:

Bears at home

• **Garbage:** Store your garbage in airtight containers inside a garage or a sturdy shed, or in an approved bear-resistant receptacle.

• **No food in the tent:** Keep your tent and sleeping bag free of all food smells and toiletry items -- even toothpaste. Change your clothes and store the ones you wore while cooking outside

cooler and cooking utensils in a secure place, preferably in a bear-proof container. Vehicles or hard-sided camp trailers usually are secure, but bears have been known to break in anyway.

[illegible] significantly in New Mexico. In 1925, just prior to bears being protected as game animals, a conservative estimate of the bears on U.S. Forest Service land was 660 animals. Today, the statewide estimate exceeds [illegible] bears.

Last summer was particularly difficult for New Mexico's bears. The [illegible] previous winter's [illegible] snowfall and cold that lingered late into a dry spring that was topped off with a late killing frost. Buds, leaves and flowers were victims of the frost, [illegible] [illegible] [illegible] fall [illegible] areas, leaving less food for bears to stock up on before denning and less available forage in the spring after emerging from their dens.

With more snow this winter [illegible] it's still too early to predict how [illegible] for bears will fare. The Department [illegible] bear problems in some areas, particularly where [illegible] leave food available [illegible].

Intentionally or unintentionally, feeding bears is illegal. Anyone found guilty of creating a nuisance bear by feeding it can be fined up to $500. Worse, feeding a bear usually results in the bear's death. When a bear becomes conditioned to humans and their food, the bear almost always ends up dead, killed by the Department or a citizen defending their property.

To illustrate the problem trash creates for bears and bear managers, the Department produced a short documentary about bears and trash in the City of Raton. Screenings of "The Modern Black Bear: Born Wild, Raised on Trash" will be shown around the state at times and sites to be announced soon on the Department's website, www.wildlife.state.nm.us.

[illegible] that can attract bears. Put the garbage out the morning of a scheduled pickup, not the night before.

• **Pet food:** Feed your pets indoors. Don't leave pet food outside. Store it in a sturdy building or the garage. Make sure your garage door is closed at night.

• **Barbecues:** Keep barbecues clean and free of grease. Store them in the garage or a sturdy shed.

• **Birdfeeders:** Hang bird feeders out of reach of bears, not on your porch or from the house [illegible] night.

• **Fruit trees:** Plant fruit trees away from your house, and pick fruit as it ripens. Spoiled fruit that falls to the ground should be removed because the odor is a powerful bear attractant.

• **Compost piles:** Keep compost piles away from your house. Don't put meat, fish, other pungent scraps or fragrant fruits such as melons on your compost pile. Add lime to reduce odors and accelerate decomposition.

• **Talk to neighbors:** Bear problems are community problems. Make sure your neighbors know about bear behavior and how to avoid encounters.

Bears in camp

• **Garbage in, garbage out:** Keep your camp clean and store food and garbage in bear-proof containers if possible. If not, suspend food, coolers and garbage from a tree at least 10 feet off the ground and 4 feet out from the tree trunk. Do not bury or burn your trash.

• **Stow your cooler, pots and pans:** Keep your [illegible]

• **Don't cook where you sleep:** Your cooking area should be a good distance — some say at least 100 yards — from where you sleep, if possible.

Close encounters

What would you do if you suddenly came face-to-face with a black bear on the trail or in your back yard?

• **Don't run!** If you come across a bear, stay calm and slowly back away while continuing to face the animal and avoiding direct eye contact. Pick up small children so they don't panic and run, which can trigger the animals' instinct to chase.

• **Travel in groups:** There is strength in numbers, and most bears and lions will respect that and leave the area.

• **Make yourself big:** Hold out your arms and spread your jacket so the bear doesn't consider you its prey. Don't kneel or bend over, which could trigger an attack.

• **Back away:** If the bear has not seen you, slowly back away while making noise so it knows you are there. If it still approaches, stand tall, yell, rattle pots and pans or whistle. If you are on a trail, step off on the downhill side and give the animal room to pass.

• **Don't mess with mama:** Never, ever, get between a mother and her cubs or kittens.

• **Never offer food:** Offering food to a bear is inviting it to stick around. When it's done with your friendly offering, it may consider having you for dessert.

• **If you are attacked:** Fight back aggressively, using anything you can reach as a weapon. Do not play dead.

Burns could be hunting hot spots as deer, elk seek out new growth

By Ross Morgan

Every year we see several fires in our forests, but they haven't been quite as intense as the past two years. Fire is a very important management tool when it comes to the management of wildlife habitats and the ecosystem as a whole. However, fires such as the Las Conchas Fire in the Jemez Mountains also can damage habitat by causing erosion problems.

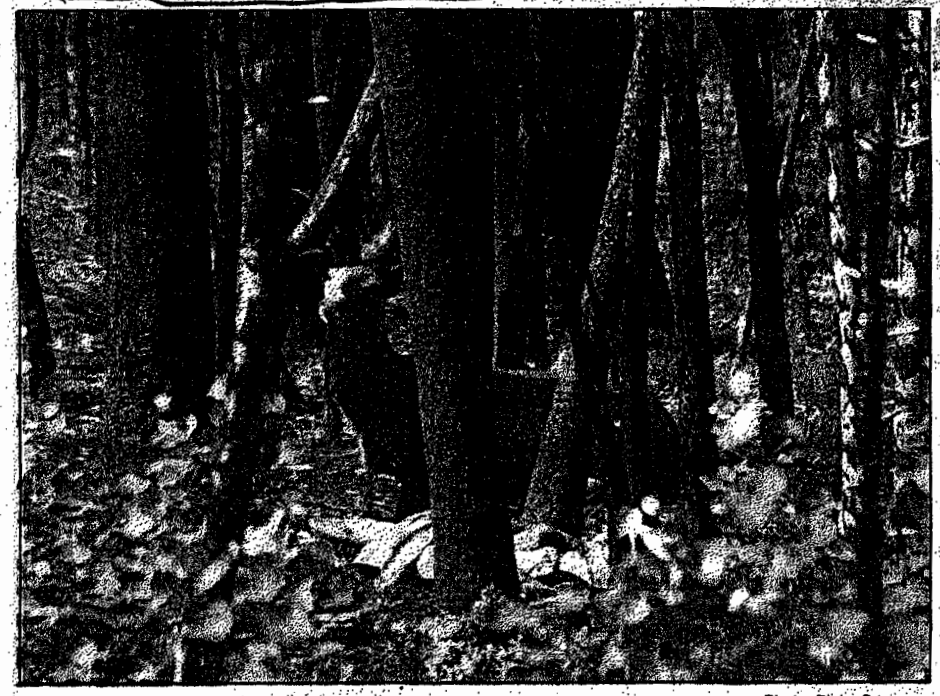
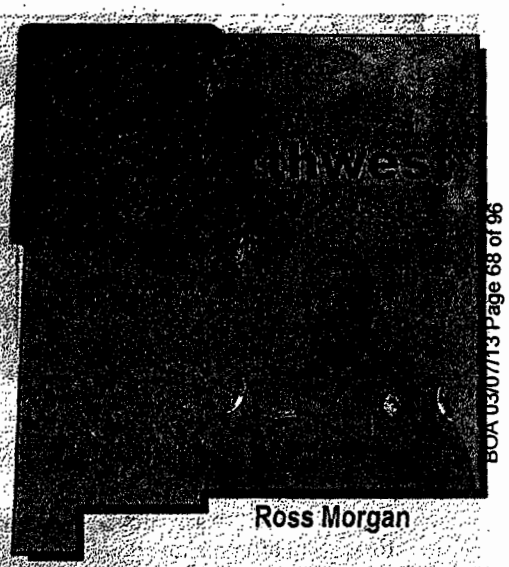


Photo: Blake Swanson

A mule deer munches on aspen sprouts in an area burned by the Las Conchas Fire in the Jemez Mountains.



Ross Morgan

Last year's Las Conchas fire burned more than 155,000 acres, but that doesn't mean the whole area was reduced to a wasteland. In fact, as soon as the fire was contained the Burned Area Emergency Response team was reseeding about 5,200 acres with a mixture of grasses to help stabilize the soil.

Hunters may think the reseeded areas are the best places to scout and hunt, but that's not always the case. Although these reseeded areas will hold wildlife once they are re-established, the areas where the fire moved through a little slower and cooler will be more desirable areas to hunt, as they tend to support more deer and elk. This is mainly due to the quicker recovery time for grasses and forbs because the fire didn't burn hot enough to make the ground sterile.

One species of tree will provide good forage for deer and elk, even though deer are mainly browsers and elk grazers. Following a timber harvest or fire, deer and elk will gather to feed on the new shoots of quaking aspen growing along the root system of a parent tree.

Hunters in fire areas need to pay close attention to burned trees and ground stability. Trees can fall with a breath of wind, sometimes without warning. Fires also can create unseen cavities in the ground by burning root systems. A hunter's or firefighter's weight can be all it takes to make the ground collapse underneath them.

If you were lucky enough to draw an elk or deer license in the Jemez Mountains or another part of the state where a fire might have moved through, don't be discouraged. Use the burn areas as a starting point when you head out on a scouting or hunting trip. Just because an area was burned doesn't mean the deer and elk left the area. Even if they left during the fire, they most likely returned once the fire was gone. Those areas may even attract more wildlife seeking out the new plants as the forest regenerates.

Ross Morgan is the Department of Game and Fish public information officer for the Northwest Area. He can be reached in Albuquerque at (505) 222-4707 or ross.morgan@state.nm.us.

Summer rain helps southwestern deer, elk

Turkey

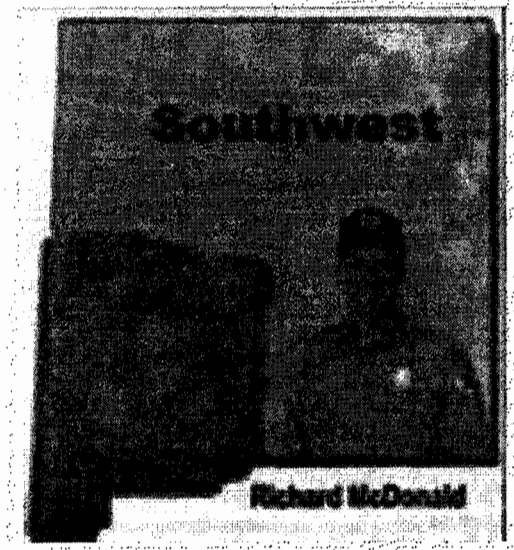
Fall is in the air, and hunting season is under way for some New Mexico hunters. Others are beginning to gather their gear and plan their quest for a deer, elk, turkey or bear.

The hunting forecast looks very good in southwestern New Mexico this year. The region experienced some good winter moisture along with summer rains that resulted in plenty of food for wildlife. Here's some advice from Department of Game and Fish experts:

Elk

Magdalena District Officer Storm Usery says Unit 13 elk hunters should focus on the northwest portion of the unit in the BLM country that borders the reservation. Hunters also may find good hunting in the Cibola National Forest, focusing either in the Datil, Gallinas, or Bear Mountains north of Magdalena.

Antler growth is back to Gila standards this year, and recent fires have



the fringes of the burns for elk feeding on the new growth. Don't forget to look at scrapes, rubs, and wallows.

In unit 17, hunters should look for bulls in the high country with tougher terrain. Usery suggests the Whittington and Apache Kid wilderness areas.

Deer

Unit 13 deer hunters should get away from roads and look to water sources for pockets of deer. Still hunting and glassing can be productive in the unit.

Deer hunters in the Gila should focus on burn fringes and low-lying areas with good cover and browse. Look for heavily used trails leading to water sources and mountain mahogany and oak. Good areas include Turkey Creek, Indian Creek, Cherry Creek, Lookout Mountain, Little Walnut and Spring Canyon.

Unit 17 deer hunters should look to the Magdalena Mountains and areas including Jordan Canyon, Garcia Canyon, Mill Canyon and Hardy Ridge. Hunters also can find good concentrations of deer on the south end of the San Mateo Mountains, Springtime Canyon, Vicks Peak, Whitetail Canyon, Luna Park, San Mateo, and Pine and Post Canyons.

Unit 20 has some good deer habitat including rolling sand hills, mesquite covered draws, and let's not forget about the Caballo Mountains. Hunters should focus on brushy draws and fingers coming off of the Caballos. Hunters should consider working large pockets of mesquite adjacent to water sources in the flat areas.

Unit 21 had good winter moisture along with early summer rains. Antler growth and body size should be good. Hunters should focus on Tierra Blanca Canyon boundary down toward Hermosa. Try still hunting as pressure increases in this unit.

Bear

Bear hunters should concentrate on water tanks or canyon bottoms with bear sign close by. Look for rich stands of juniper berries and areas with good acorn crops. Hunters using hounds tend to be effective for large bears. Spot and stalk hunting, along with sitting dirt tanks can also prove to be beneficial.

Remember fall turkey season has changed to Nov. 1-30 to provide more hunters an opportunity to harvest a Thanksgiving turkey. The bag limit is any one turkey. If you hunted during the September 1-30 bow-only season and were unsuccessful, you can still hunt in November with any legal sporting arm.

Richard McDonald is the Department of Game and Fish public information officer for the Southwest Area. He can be reached in Las Cruces at (575) 532-2100 or richard.mcdonald@state.nm.us.

Photo: Dan Williams

Mule deer in southwestern New Mexico are looking healthy this year thanks to good winter and summer moisture.

What to Do if You Meet a Large Predator

There are no definite rules about what to do if you meet a large predator. In most cases, the animal will detect you first and will leave the area. Attacks are rare compared to the number of encounters. However, if you do encounter one, here are some suggestions. Remember: Every situation is different with respect to the animal, the terrain, and the person.

STAY CALM
If you see a predator that hasn't seen you, calmly leave the area. As you move away, talk out loud to let the animal know of your presence.

STOP
Back away slowly while facing the predator if you can do so safely. Avoid direct eye contact. Don't run as this might stimulate its instinct to chase and attack. Give it plenty of room to escape.

DO ALL YOU CAN TO APPEAR LARGER
Raise your arms and open your jacket if you are wearing one. If you have small children with you, protect them by picking them up so they don't panic and run.

NEVER APPROACH
Wild animals are unpredictable, however, they will usually avoid a confrontation unless pushed into one.

WATCH FOR YOUNG
Coming between a female and her young can be dangerous. If a young animal is nearby, try to move away from it, being alert for others that might be around.

CONVINCE IT YOU'RE NOT PREY
If the animal approaches closer or behaves aggressively, arm yourself with a large stick, throw rocks or sticks at it, speak louder and more firmly to it. Convince the predator that you are dominant and a danger to it.

FIGHT BACK
If a predator does attack, fight back aggressively. Use any possible objects such as rocks, sticks, backpacks, caps, jackets or even your bare hands.

Who Can You Call?

The New Mexico Department of Game and Fish is responsible for managing, conserving and protecting wildlife within the state. Your concerns about wildlife are our concerns as well.

If you have a potentially life-threatening situation with a large predator, or if an injury occurs, please contact the Department of Game and Fish, Monday through Friday, 8a.m. to 5 p.m., at the phone numbers listed below. After hours, contact the New Mexico State Police or your local Sheriff's Department. Sightings or encounters with large predators are not that uncommon and you are not required to report them.

Main Office
1 Wildlife Way
Santa Fe, NM 87507
(505) 476-8000

Northwest Area Office
3841 Midway Place NE
Albuquerque, NM 87109
(505) 222-4700

Southwest Area Office
2715 Northrise Drive
Las Cruces, NM 88011
(575) 532-2100

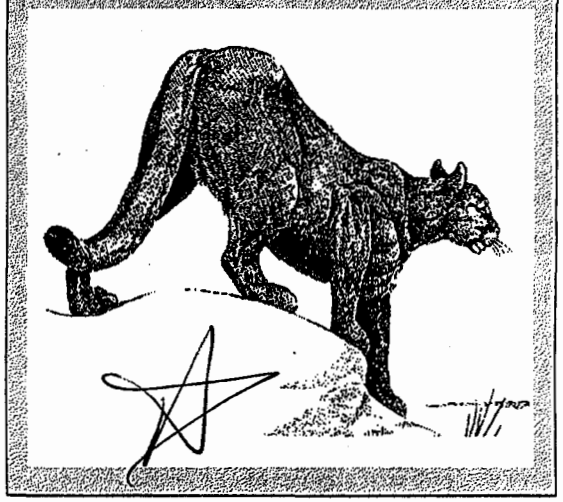
Northeast Area Office
215 York Canyon Road
Raton, NM 87740
(575) 445-2311

Southeast Area Office
1912 W. Second St.
Roswell, NM 88201
(575) 624-6135

NEW MEXICO GAME & FISH

www.wildlife.state.nm.us

LIVING WITH LARGE PREDATORS IN NEW MEXICO



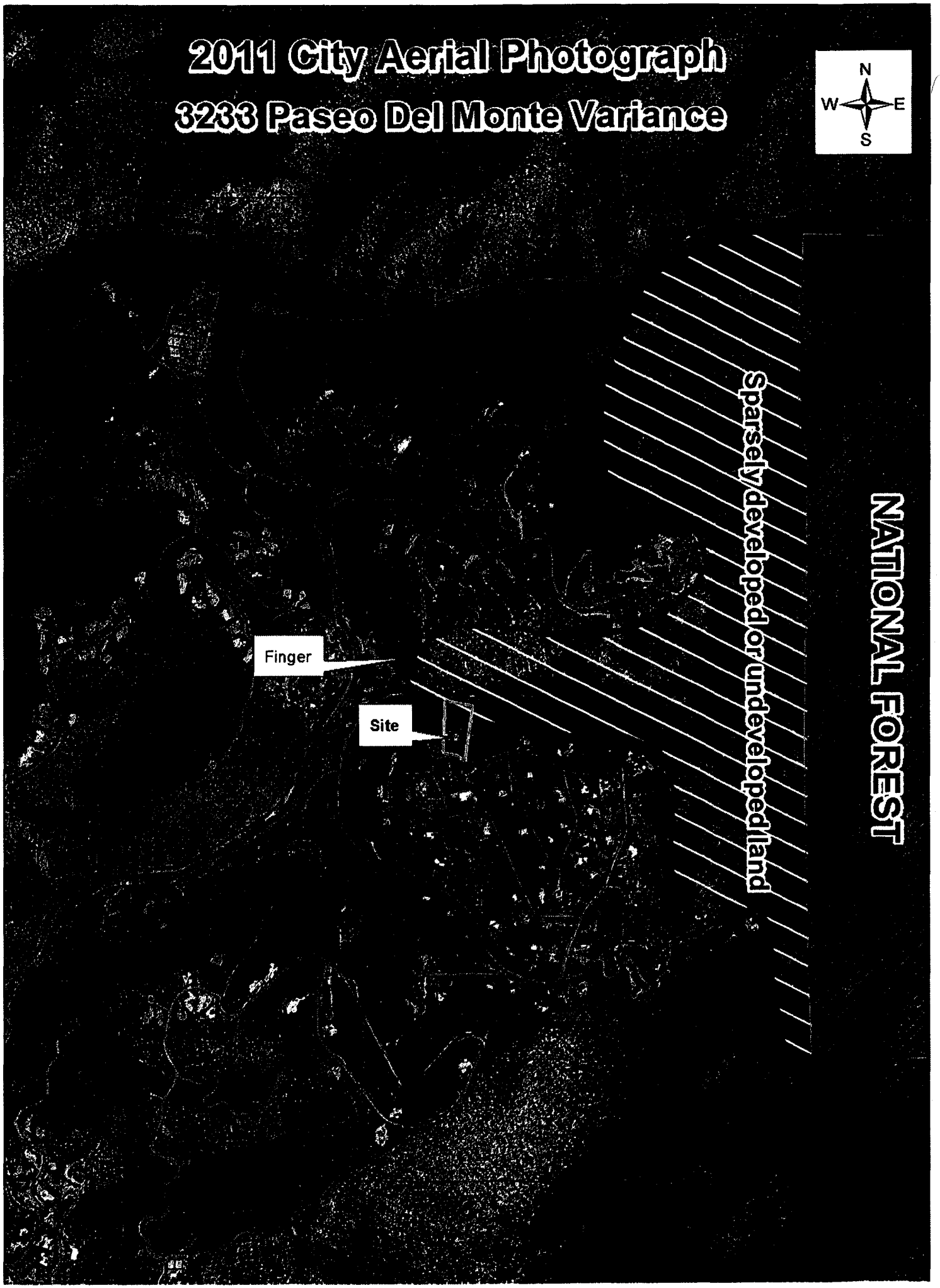
Large predators of New Mexico today are mountain lions, black bears, bobcats and coyotes. They are found throughout the state. These large, powerful predators have lived here for eons, feeding on the plentiful prey and playing an important role in the ecosystem.

You may live or recreate in habitats used by these predators. Large predators can at times be dangerous. However, with a better understanding of these magnificent and important animals, we can learn to coexist.

March 05, 2013
Board of Adjustment
Case # 2012-140
3233 PASEO DEL MONTE VARIANCE

EXHIBIT B

Aerial Photo


2011 City Aerial Photograph
3233 Paseo Del Monte Variance
N
W
E
S
NATIONAL FOREST
Sparsely developed or undeveloped land
Finger
Site

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March 05, 2013
Board of Adjustment
Case # 2012-140
3233 PASEO DEL MONTE VARIANCE

EXHIBIT C

National Forest Letter

DEPARTMENT OF GAME AND FISH
Wildlife Management Division
PO Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8038
Fax: (505) 476-8127

FAX

DATE: 2/19/13

NAME: DAN **FAX NUMBER:** 505 955-6829

SUBJECT:

COMMENTS:

NUMBER OF PAGES INCLUDING COVER SHEET: ____

SENDER'S NAME / PHONE NO.

X Donald Auer, Habitat Manager – 505-476-8034
_____ Cal Baca, Chief – 505-476-8038
_____ Grant Beauprez, Prairie Chicken Biologist – 575-763-1041
_____ Julie Cummings, A-PLUS Manager – 505-476-8042
_____ Rosan Duran, Financial Specialist – 505-476-8037
_____ Elise Goldstein, Bighorn Sheep Biologist – 505-476-8041
_____ Brandon Griffith, Depredation Specialist – 505-222-4721
_____ Barry Hale, Upland Game & Turkey Mgr. – 505-476-8040 or 505-286-7626
_____ Shirley Jenne, Administrative Secretary – 505-476-8038
_____ Stewart Liley, Elk Program Coordinator – 505-476-8039
_____ Kerry Mower, Wildlife Health/Disease Specialist – 505-476-8080
_____ Robert Osborn, E-Plus Coordinator – 505-476-8033
_____ Aaron Roberts, Open Gate Coordinator – 505-476-8043
_____ Kevin Rodden, Deer/Pronghorn Biologist – 575-532-2111
_____ Eric Rominger, Bighorn Sheep Biologist – 505-476-8045
_____ Darrel Weybright, Asst. Chief – 505-476-8032
_____ Rick Winslow, Bear/Cougar/Furbearer Biologist – 505-476-8046
_____ Vacant, Private Lands Programs Manager –
_____ Vacant, Avian Ecologist –
_____ Vacant, Game Bird Program Manager –
_____ Vacant, Asst. Chief of Private Lands Programs & Habitat –
_____ Vacant, Big Game Programs Mgr. –

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way
Santa Fe, NM 87507
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8008
Fax: (505) 476-8123

Visit our website at www.wildlife.state.nm.us
For information call: (888) 248-6866
To order free publications call: (800) 862-9310

February 19, 2013

Ramon Jose Lopez
3233 Paseo del Monte
Santa Fe, NM 87501

Re: Ramon Jose Lopez Property, 3233 Paseo del Monte

Mr. Lopez:

At your request, the New Mexico Department of Game and Fish (Department) sent our Wildlife Habitat Manager with our Wildlife Management Division to walk through your property at 3233 Paseo del Monte on January 28, 2013. He made the following observations:

- At least two small trails crossed the property through the pinon/juniper woodland below the developed part of the property (between the residence and Paseo de Iglesias). There was recent evidence of deer tracks and scat on these trails.
- Deer tracks and scat were also observed at several locations near the residence.
- There was evidence of browsing from ground level to approximately five feet above ground level on garden plants (including shrubs and trees) near the residence.

If you should have any questions or need additional information, please feel free to contact us at the Wildlife Management Division at 505-476-8038.

Sincerely,

Darrel Weybright
Assistant Chief, Wildlife Management Division

City of Santa Fe, New Mexico

memo

DATE: February 11, 2013 for the March 05, 2013 Board of Adjustment Meeting

TO: Board of Adjustment

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

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

1541 S. ST. FRANCIS SUITE D SPECIAL USE PERMIT

Case #2013-09. 1541 S. St. Francis Suite D Special Use Permit. Sue McKelvey, DVM, Applicant, requests a special use permit to allow veterinary use at 1541 S. St. Francis Suite D. The property is zoned C-1 Office and Related Commercial District. (Dan Esquibel, Case Manager)

RECOMMENDATIONS

The Land Use Department recommends **APPROVAL.**

I. APPLICATION SUMMARY

The property was developed for office use in the mid-1990s and consisted of two structures now in condominium ownership. It is zoned C-1 Office and Related Commercial District. The applicant is a Doctor of Veterinary Medicine and is proposing to occupy Suite D, consisting of 1404 square feet, to open a new practice for the treatment of small animals as a Veterinary Rehabilitation Facility. Chapter 14-6.1-1 "*Table of Permitted Uses*" identifies "*Veterinary establishments, pet grooming*" as permitted uses in C-1 Districts. However, a Special Use Permit is required *"if located within 200 feet, excluding rights-of-way, of residentially-zoned property"*. The property is located adjacent to an R-3 Zoned District.

II. APPROVAL CRITERIA

14-3.6(D)(1) identifies the necessary findings to grant a special use permit listed below:

(a) that the land use board has the authority under the section of Chapter 14 described in the application to grant a special use permit;

Exhibit "3"

(b) that granting the special use permit does not adversely affect the public interest, *and*

Applicant Response
Granting this special use permit will not adversely affect the public interest. The proposed facility will be professional, quiet, with low foot and vehicle traffic. The office has been vacant for many months, and having an active tenant will boost the Santa Fe economy and add viability to the surrounding offices.

Staff Response
The total square footage on the property comprises 7,760± square feet of existing office use. Pursuant to Exhibit "A" Table 14-8.6-1 "Parking and Loading Requirement", required parking numbers are calculated at 1 parking space per every 350 square feet of net leasable space or 22 required parking spaces. The required parking for the proposed use intensifies the parking calculation ratio to 1 space for every 200 square feet of net leasable space. This increases the total number of required parking spaces for the office complex to 25 parking spaces. Existing parking on the property comprises 31parking spaces. Existing landscaping includes numerous of trees and shrubs planted throughout the property. No detrimental effects to public interest have been identified.

(c) that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.

Applicant Response
The use is compatible with and adaptable to the surrounding buildings, structures and use of the abutting properties and other properties in the vicinity. There are 3 offices adjacent to 1541 S. St. Francis, housing a law office, Property Management Company and Insurance Office. The professional and generally quiet nature of this facility will fit in with existing businesses.

Staff Response
Veterinary establishments are a permitted use in a C-1 Zoned District. The building was constructed in the mid-1990s and includes 8 foot high wall along the west property line that separates the office development from the R-3 Zoned District. The applicant will not include as part of the use any outdoor storage of animals. The Land Use Department finds that the use and associated building are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.

III. ENN

An Early Neighborhood Notification meeting was conducted on January 29, 2013 at the Lafarge Library. There were 5 persons in attendance, including the applicant and Land Use Staff. The applicant stated in the meeting that the proposed use will not include outdoor storage of animals. No concerns were raised by the attendees and the meeting concluded at 7:00 PM with support for the use.

III. CONCLUSION

In sum, the impacts of the proposed Veterinary use will not adversely affect the public interest or intensify existing conditions.

IV. EXHIBITS

Exhibit A - ENN and correspondence

Exhibit B- Applicant's Data

Exhibit C- Vicinity Map

Exhibit D- Special Use Permit boundaries

Packet Attachment -Plans and Maps

March 05, 2013
Board of Adjustment
Case # 2013-09

1514 S. ST. FRANCIS SUITE D SPECIAL USE PERMIT

EXHIBIT A

ENN

City of Santa Fe
Land Use Department
Early Neighborhood Notification
Meeting Notes

Project Name	Special Use Permit
Project Location	1514 S. St. Francis Suite D
Project Description	Requests a special use permit to allow veterinary use.
Applicant / Owner	Sue McKelvey, DVM
Agent	N/A
Pre-App Meeting Date	N/A
ENN Meeting Date	1/29/13
ENN Meeting Location	Oliver La Farge Branch Library, 1730 Llano Street
Application Type	Special Use Permit
Land Use Staff	Dan Esquibel
Other Staff	None
Attendance	5

Notes/Comments:
The ENN meeting began at 6:00 PM. A total of 5 people were in attendance including the applicant and Land Use Staff. There were a series of questions and answers. The applicant advised the attending neighbors that no outside storage of animals will occur. No concerns were raised about the use. The meeting ended at 7:00 PM with the applicant receiving positive feedback for the use from the attending neighbors.

TUES 1/29/13

BOUNCE BACK INTEGRATIVE VETERINARY REHABILITATION
ENN SIGN IN

① Melissa Puckett 1442 B South St Francis
② Bill Dimmett 930-8124
③ Christa Rudd 577-8175

Applicant Information

Project Name: **Veterinary Rehabilitation Facility**

Name: **McKelvey** (*Last*) **Sue** (*First*) **W** (*M.I.*)

Address: **1715 Medio St** (*Street Address*) (*Suite/Unit #*)

Santa Fe (*City*) **NM** (*State*) **87501** (*ZIP Code*)

Phone: **505-670-9571** E-mail Address: **smckelveydvm@yahoo.com**

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS ***For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails N/A***

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT ***For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc. N/A***

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN ***For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed. N/A***

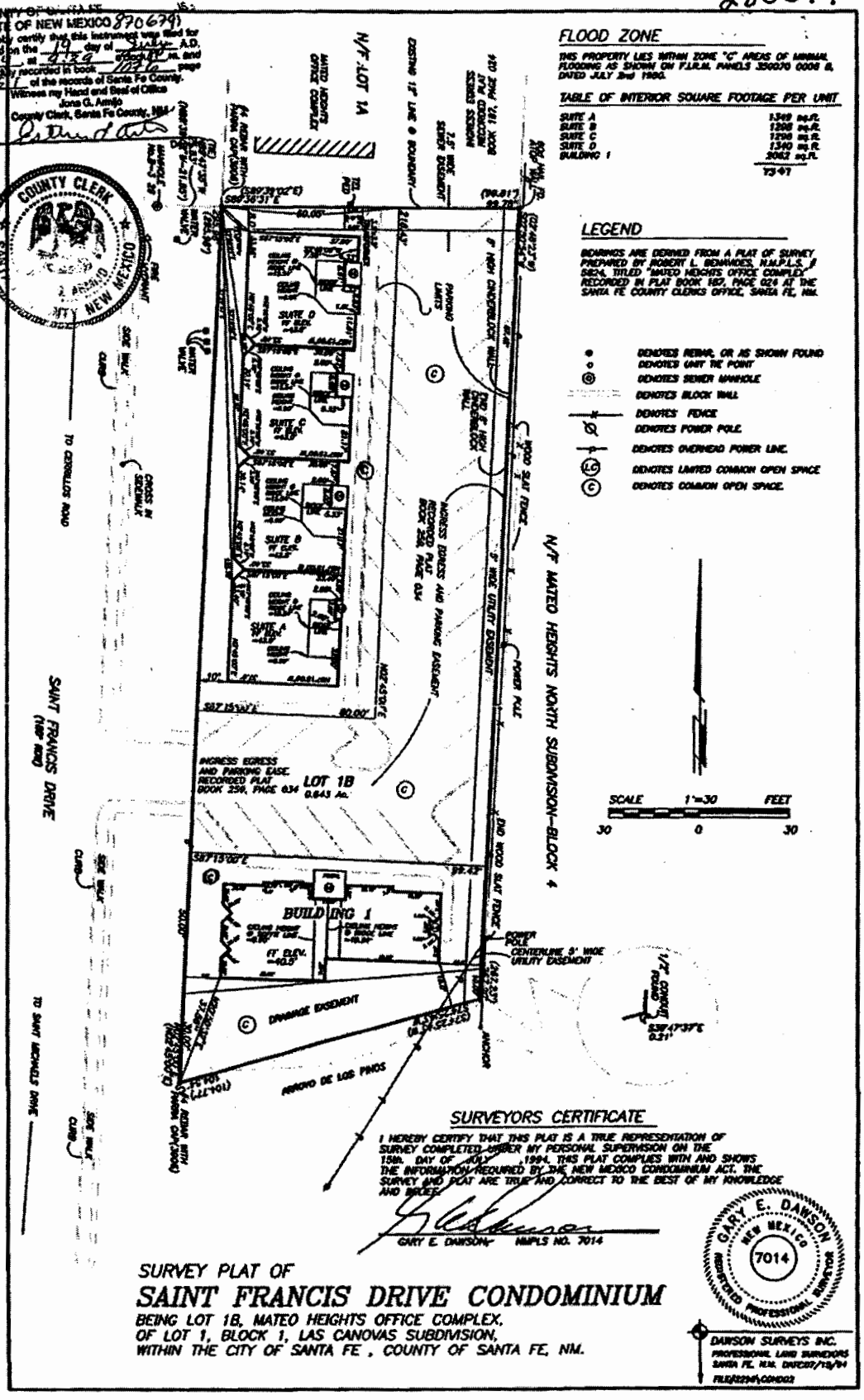
(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN ***For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met. N/A***
(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES ***For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails. N/A***
(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE ***For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses. My business will employ 3 people (including myself), initially.***
(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space. N/A***
(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES ***For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services. N/A***

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS ***For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies. N/A***
(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS ***For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design. N/A***
(k) EFFECT ON SANTA FE'S URBAN FORM ***For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers. N/A***
(l) ADDITIONAL COMMENTS (optional)

280019

STATE OF NEW MEXICO 870679
I hereby certify that this instrument was filed for record on the 19 day of July A.D. 19 94 at 4:39 o'clock PM. and was duly recorded in book 1026 page 281 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, NM

COUNTY CLERK SANTA FE COUNTY NEW MEXICO



FLOOD ZONE

THIS PROPERTY LIES WITHIN ZONE "C" AREAS OF MINIMAL FLOODING AS SHOWN ON F.I.R.M. PANELS 350070 0008 B, DATED JULY 2nd 1980.

TABLE OF INTERIOR SQUARE FOOTAGE PER UNIT

SUITE A	1349 sq.ft.
SUITE B & C	1398 sq.ft.
SUITE C	1398 sq.ft.
SUITE D	1340 sq.ft.
BUILDING 1	6962 sq.ft.
	13497

LEGEND

BEARINGS ARE DERIVED FROM A PLAT OF SURVEY PREPARED BY ROBERT L. BENAVIDES, N.M.P.L.S. # 5834, TITLED "MATEO HEIGHTS OFFICE COMPLEX" RECORDED IN PLAT BOOK 167, PAGE 024 AT THE SANTA FE COUNTY CLERKS OFFICE, SANTA FE, NM.

- DENOTES REBAR, OR AS SHOWN FOUND
- DENOTES UNIT TIE POINT
- DENOTES SEWER MANHOLE
- DENOTES BLOCK WALL
- DENOTES FENCE
- DENOTES POWER POLE
- DENOTES OVERHEAD POWER LINE
- DENOTES LIMITED COMMON OPEN SPACE
- DENOTES COMMON OPEN SPACE

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF SURVEY COMPLETED UNDER MY PERSONAL SUPERVISION ON THE 15th DAY OF JULY 1994. THIS PLAT COMPLIES WITH AND SHOWS THE INFORMATION REQUIRED BY THE NEW MEXICO CONDOMINIUM ACT. THE SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GARY E. DAWSON NMPLS NO. 7014

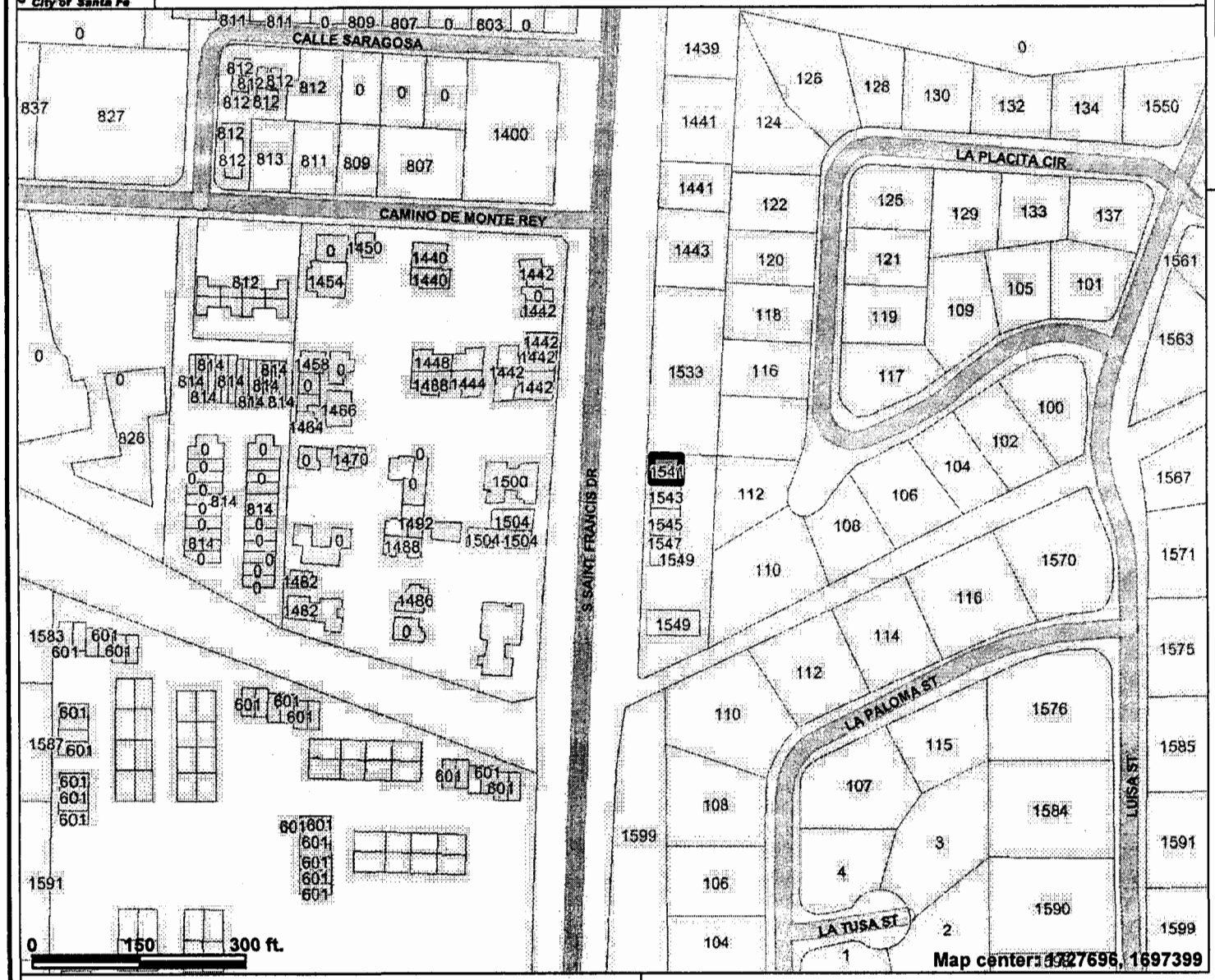
GARY E. DAWSON NEW MEXICO 7014 REGISTERED PROFESSIONAL SURVEYOR

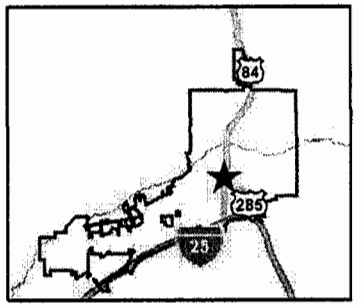
SURVEY PLAT OF
SAINT FRANCIS DRIVE CONDOMINIUM

BEING LOT 1B, MATEO HEIGHTS OFFICE COMPLEX, OF LOT 1, BLOCK 1, LAS CANOVAS SUBDIVISION, WITHIN THE CITY OF SANTA FE, COUNTY OF SANTA FE, NM.

DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
SANTA FE, N.M. DATE 07/15/94
FILE 2294\CONDO2

1541 S. St. Francis Drive - Vicinity Map





Legend

- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets

Scale: 1:2,569

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.

March 05, 2013
Board of Adjustment
Case # 2013-09

1514 S. ST. FRANCIS SUITE D SPECIAL USE PERMIT

EXHIBIT B

APPLICANT'S DATA

Letter of Application

Bounce Back Integrative Veterinary Rehabilitation LLC
1541 S. St. Francis Dr.
Santa Fe, NM 87505
www.bouncebackvetrehab.com
505-983-6912

Dear Board Members,
Please accept this application for a Special Use Permit to allow the office at 1541 S. St. Francis Dr. to be used for a Veterinary Rehabilitation Facility. The property is zoned C1 and veterinary use is permitted. An ENN was necessary because of the proximity of the San Mateo Heights North Subdivision to the office.

After sending out the notices for the ENN meeting, I received 2 phone calls from neighbors, both of whom called to show support for the project. There were general interest questions about what a veterinary rehabilitation facility is. At the ENN meeting 3 neighbors showed up, all of whom were there to show support for the project. No objections or concerns were brought up in the phone calls or at the meeting.

Bounce Back Integrative Veterinary Rehabilitation will be a small facility dedicated to improving the human-animal bond through increased mobility and decreased pain of small animals. Bounce Back Integrative Rehabilitation will have no outside kennels, and no animals will ever be housed overnight. The presence of this clinic should not have a negative impact on the immediate or surrounding area.

There are 3 parking spaces directly in front of the office and 4 directly across the parking lot from the office. There are a total of 26 parking spaces surrounding the 4 offices in the condominium complex. The landscaping is ample and mature in the complex. The office will comply with all current updates to the city code, including delineating 1 Handicapped Parking space directly in front of the office, and assuring that there are bike racks to accommodate 10 bikes.

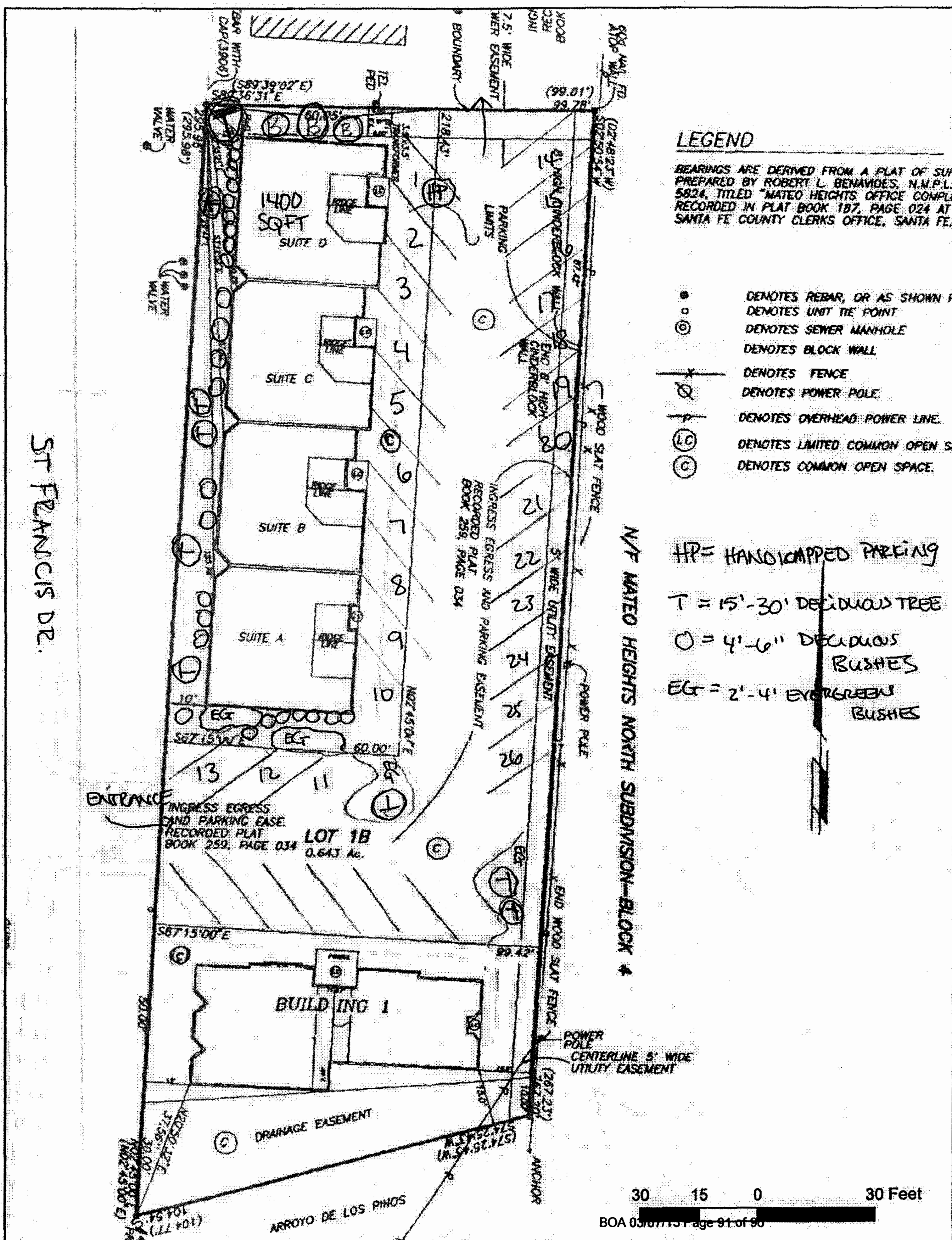
Thank you for reviewing this application. It is our hope that it will be approved at the Board of Adjustment meeting on March 5, 2013.

Sincerely,
Sue McKelvey, DVM
Owner, Bounce Back Integrative Veterinary Rehabilitation LLC.

Special Use Permit Approval Criteria

Granting this special use permit will not adversely affect the public interest. The proposed facility will be professional, quiet, with low foot and vehicle traffic. The office has been vacant for many months, and having an active tenant will boost the Santa Fe economy and add viability to the surrounding offices.

The use is compatible with and adaptable to the surrounding buildings, structures and use of the abutting properties and other properties in the vicinity. There are 3 offices adjacent to 1541 S. St. Francis, housing a law office, Property Management Company and Insurance Office. The professional and generally quiet nature of this facility will fit in with existing businesses.

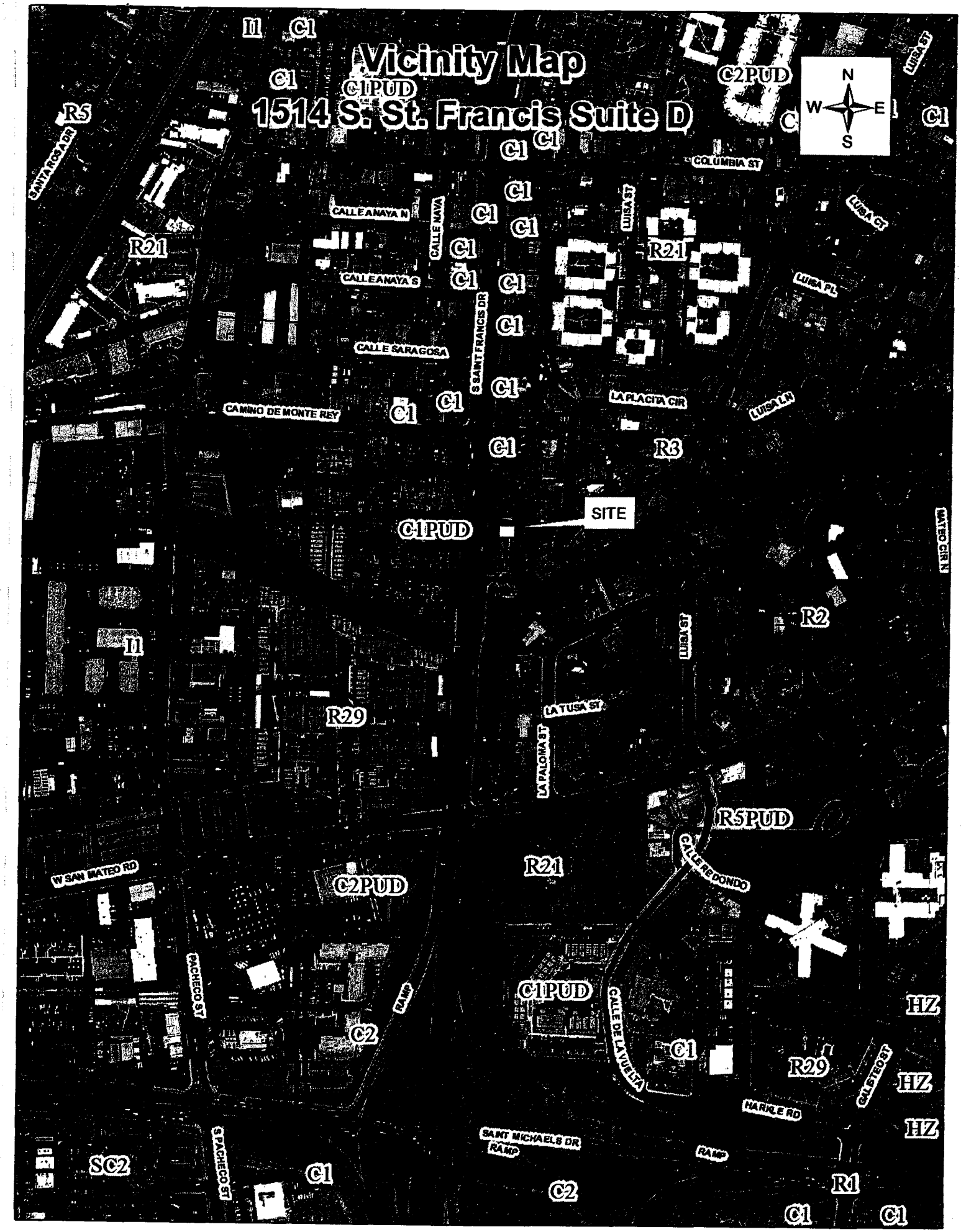

LEGEND
BEARINGS ARE DERIVED FROM A PLAT OF SUR
PREPARED BY ROBERT L. BENAVIDES, N.M.P.L.
5824, TITLED "MATEO HEIGHTS OFFICE COMPL
RECORDED IN PLAT BOOK 187, PAGE 024 AT
SANTA FE COUNTY CLERKS OFFICE, SANTA FE,
DENOTES REBAR, OR AS SHOWN
DENOTES UNIT TIE POINT
DENOTES SEWER MANHOLE
DENOTES BLOCK WALL
DENOTES FENCE
DENOTES POWER POLE
DENOTES OVERHEAD POWER LINE.
DENOTES LIMITED COMMON OPEN S
DENOTES COMMON OPEN SPACE.
HP= HANDICAPPED PARKING
T = 15'-30' DECIDUOUS TREE
O = 4'-6" DECIDUOUS BUSHES
EG = 2'-4' EVERGREEN BUSHES
ST FRANCIS DR.
N/F MATEO HEIGHTS NORTH SUBDIVISION—BLOCK 4
1400 SQFT
SUITE D
SUITE C
SUITE B
SUITE A
BUILDING 1
LOT 1B
0.643 Ac.
ENTRANCE
INGRESS EGRESS AND PARKING EASE. RECORDED PLAT BOOK 259, PAGE 034
INGRESS EGRESS AND PARKING EASEMENT RECORDED PLAT BOOK 259, PAGE 034
5' WIDE UTILITY EASEMENT
WOOD SLAT FENCE
END WOOD SLAT FENCE
POWER POLE
CENTERLINE 5' WIDE UTILITY EASEMENT
DRAINAGE EASEMENT
ARROYO DE LOS PINOS
ANCHOR
WATER VALVE
TEL PED
BOUNDARY
PARKING LIMITS
7.5' WIDE POWER EASEMENT
S87°15'00"E
S87°15'00"E
N02°45'00"E
60.00'
99.42'
(99.81')
99.78'
30 15 0 30 Feet

March 05, 2013
Board of Adjustment
Case # 2013-09

1514 S. ST. FRANCIS SUITE D SPECIAL USE PERMIT

EXHIBIT C

VICINITY MAP


Vicinity Map
1514 S. St. Francis Suite D
N
W
E
S
SITE
C1PUD
C2PUD
R5PUD
R21
R29
R3
R2
R1
C1
C2
SC2
I1
HZ
CALLE ANAYA N
CALLE ANAYA S
CALLE NAVA
CALLE SARAGOSA
S SAINT FRANCIS DR
CAMINO DE MONTE REY
SANTA ROSA DR
COLUMBIA ST
LUISA ST
LUISA CT
LUISA PL
LUISA LN
LA PLACITA CIR
LA TUSA ST
LA PALOMA ST
CALLE REDONDO
CALLE DE LA VUELTA
HARKLE RD
SAINT MICHAELS DR
RAMP
W SAN MATEO RD
PACHECO ST
MATEO CIR N
CRESTED ST

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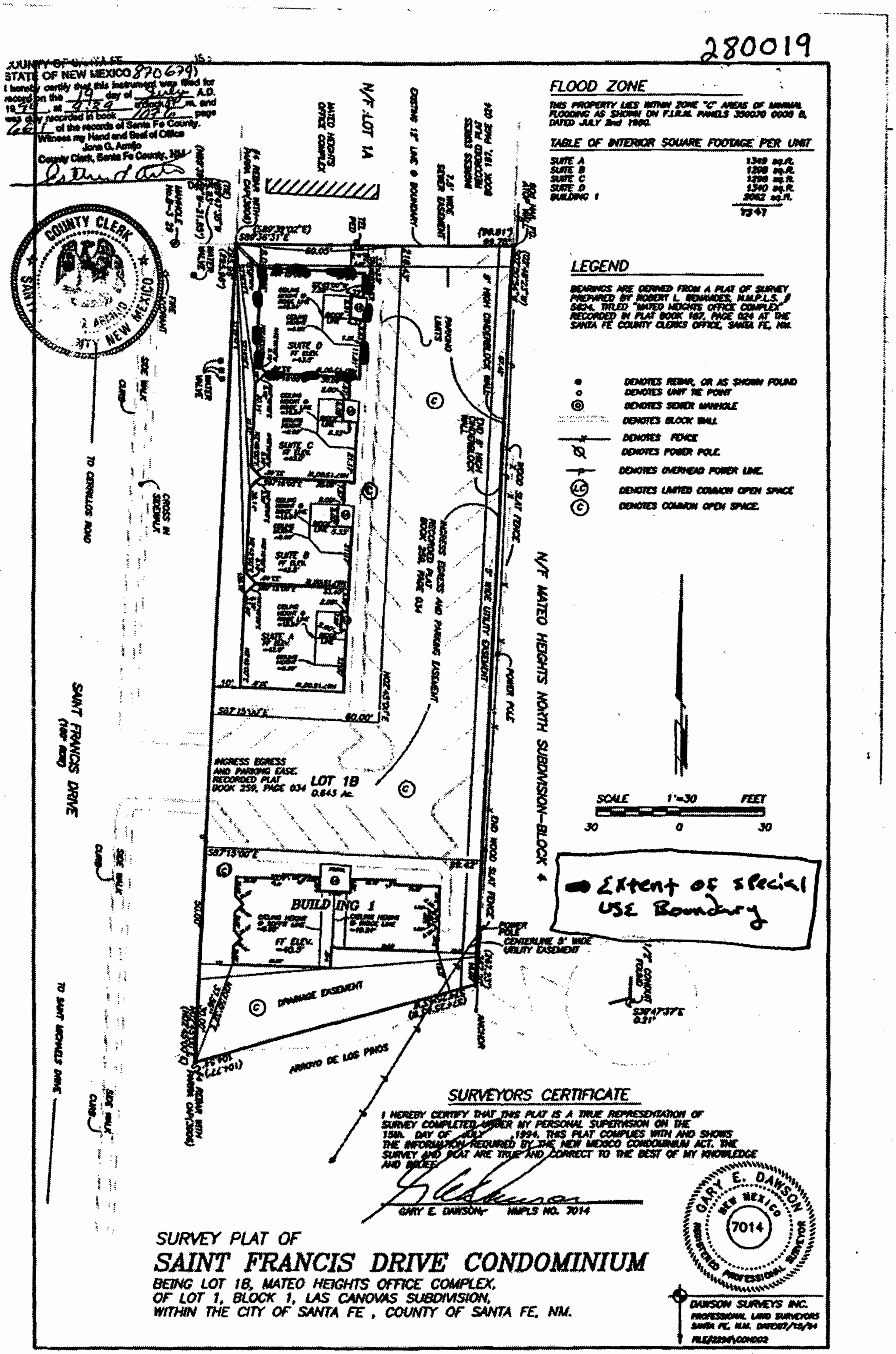
March 05, 2013
Board of Adjustment
Case # 2013-09

1514 S. ST. FRANCIS SUITE D SPECIAL USE PERMIT

EXHIBIT D

SPECIAL USE PERMIT BOUNDARIES

280019


COUNTY OF SANTA FE
STATE OF NEW MEXICO 870679
I hereby certify that this instrument was filed for record on the 19 day of July A.D. 1994 at 2:29 o'clock P.m. and was duly recorded in book 1026 page 661 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, NM
COUNTY CLERK
FLOOD ZONE
THIS PROPERTY LIES WITHIN ZONE "C" AREAS OF MINIMAL FLOODING AS SHOWN ON F.I.R.M. PANELS 350070 0008 B, DATED JULY 2nd 1980.
TABLE OF INTERIOR SQUARE FOOTAGE PER UNIT
SUITE A 1349 sq.ft.
SUITE B 1298 sq.ft.
SUITE C 1298 sq.ft.
SUITE D 1340 sq.ft.
BUILDING 1 2062 sq.ft.
7347
LEGEND
BEARINGS ARE DERIVED FROM A PLAT OF SURVEY PREPARED BY ROBERT L. BENAVIDES, N.M.P.L.S. # 6824, TITLED "MATEO HEIGHTS OFFICE COMPLEX" RECORDED IN PLAT BOOK 187, PAGE 024 AT THE SANTA FE COUNTY CLERKS OFFICE, SANTA FE, NM.
DENOTES REBAR, OR AS SHOWN FOUND
DENOTES UNIT TIE POINT
DENOTES SEWER MANHOLE
DENOTES BLOCK WALL
DENOTES FENCE
DENOTES POWER POLE
DENOTES OVERHEAD POWER LINE
DENOTES LIMITED COMMON OPEN SPACE
DENOTES COMMON OPEN SPACE
N/F LOT 1A
MATEO HEIGHTS OFFICE COMPLEX
N/F MATEO HEIGHTS NORTH SUBDIVISION–BLOCK 4
SUITE D
SUITE C
SUITE B
SUITE A
LOT 1B
0.645 Ac.
BUILDING 1
INGRESS EGRESS AND PARKING EASE. RECORDED PLAT BOOK 359, PAGE 034
INGRESS EGRESS AND PARKING EASEMENT RECORDED PLAT BOOK 359, PAGE 034
DRAINAGE EASEMENT
ARROYO DE LOS PINOS
SAINT FRANCIS DRIVE
TO CERRILLOS ROAD
TO SAINT MICHAELS DRIVE
SIDE WALK
CURB
CENTERLINE 5' WIDE UTILITY EASEMENT
POWER POLE
SCALE 1"=30 FEET
30 0 30
Extent of special USE Boundary
SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF SURVEY COMPLETED UNDER MY PERSONAL SUPERVISION ON THE 15th. DAY OF JULY, 1994. THIS PLAT COMPLIES WITH AND SHOWS THE INFORMATION REQUIRED BY THE NEW MEXICO CONDOMINIUM ACT. THE SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
GARY E. DAWSON NMPLS NO. 7014
GARY E. DAWSON NEW MEXICO 7014 REGISTERED PROFESSIONAL SURVEYOR
SURVEY PLAT OF
SAINT FRANCIS DRIVE CONDOMINIUM
BEING LOT 1B, MATEO HEIGHTS OFFICE COMPLEX, OF LOT 1, BLOCK 1, LAS CANOVAS SUBDIVISION, WITHIN THE CITY OF SANTA FE, COUNTY OF SANTA FE, NM.
DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
SANTA FE, N.M.