



Agenda

SUMMARY COMMITTEE

Thursday, January 5, 2012 - 11:00am

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL
- B. APPROVAL OF AGENDA
- C. APPROVAL OF MINUTES – December 1, 2011
- D. OLD BUSINESS
- 1. **Case #2011-116. 460 Camino de las Animas Lot Split.** Joseph Karnes, Sommer, Karnes & Associates, LLP, agent for Theodora H. Portago, requests plat approval to divide approximately 1.37 acres into two residential lots. The property is located off Camino Atalaya, between Camino de las Animas and Camino Monte Vista, and is zoned RC-5 (Residential Compound - 5 dwelling units per acre). (William Lamboy, Case Manager) **(POSTPONED FROM DECEMBER 1, 2011)**
- E. NEW BUSINESS
- 1. **Case #2011-117. Pendergrass Lot Split.** Robert K. Riecken, Southwest Mountain Surveys, agent for Richard D. Pendergrass, requests plat approval to divide approximately 1.001 acres into two residential lots. The property is located between Agua Fria Street and Montañño Street and is zoned R-5 (Residential-5 dwelling units per acre). (William Lamboy, Case Manager) **(POSTPONED FROM DECEMBER 1, 2011) (TO BE POSTPONED TO FEBRUARY 2, 2012)**
- 2. **Case #2011-122. Stone Ridge Lot 4 Lot Split.** James W. Siebert, of James W. Siebert & Associates, Inc., Agent for Mel and Hillary Skolnik, requests plat approval to divide approximately 2.79 acres into two residential lots. The property is located at 2358 Via Colibris, in Phase III of the Annexation, and is zoned R-1 (Residential – 1 dwelling unit per acre). (William Lamboy, Case Manager)
- 3. **Case #2011-123. Santa Fe Animal Shelter and Humane Society, Inc. Lot Split.** Philip B. Wiegel, Del Rio Surveys, Inc., Agent for Santa Fe Animal Shelter and Humane Society, Inc., requests plat approval to divide approximately 0.68 acres into two lots. The property is located at 544 Canyon Road, and is zoned RC-8AC (Residential Compound – 8 dwelling units per acre / Arts & Crafts District Overlay) and is in the Downtown and Eastside Historic District Overlay. (William Lamboy, Case Manager)

4. **Case #2011-128. Moses & Tonya Sedillo Lot Split.** Dolores Vigil, Liaison Planning Services, Agent for Moses & Tonya Sedillo, requests plat approval to divide approximately 2.5 acres into two lots. The property is located at 71 Mutt Nelson Road, in Phase II of the Annexation, and is zoned R-1 (Residential-1 dwelling unit per acre). (William Lamboy, Case Manager)

F. BUSINESS FROM THE FLOOR

G. STAFF COMMUNICATIONS

H. MATTERS FROM THE COMMITTEE

I. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Summary Committee are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from postponement by a motion and vote of the Summary Committee.
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Summary Committee meeting. This agenda is subject to change at the discretion of the Summary Committee.
- 3) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and 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 special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

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SUMMARY COMMITTEE
January 5, 2012

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**MINUTES OF THE MEETING
OF THE CITY OF SANTA FE
SUMMARY COMMITTEE
January 5, 2012**

A regular meeting of the City of Santa Fe Summary Committee, was called to order by Tom Spray, Chair, on January 5, 2012, at approximately 11:00 a.m., in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Tom Spray, Chair
Commissioner Angela Schackel-Bordegary
Commissioner Michael Harris

OTHERS PRESENT:

Tamara Baer, Current Planning Division
William Lamboy, Current Planning Division
Melessia Helberg, Stenographer

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

B. APPROVAL OF AGENDA

Ms. Baer said the Applicant in the first case under new business, Case #2011-117, the Pendergrass Lot Split, has requested postponement of this case to the meeting of February 2, 2012.

Ms. Baer said Item #3 under New Business, Case #2011-123 was withdrawn by the Applicant.

MOTION: Commissioner Harris moved, seconded by Commissioner Schackel-Bordegary, to approve the Agenda as amended.

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

C. APPROVAL OF MINUTES – December 1, 2011

Commissioner Schackel-Bordegary noted language on page 2, paragraph 1, provides that the City isn't accepting any dedications, and asked how it is determined when the City is not accepting dedications, and how do we know, or does this come up case by case.

Ms. Baer said, "The City will consider accepting road dedications of land that previously was not in the City when the roads are, first of all to City standards, and it's not a decision made by the Land Use Department. It's made by Public Works. And there is some discussion that has taken place in conjunction with both the Settlement Agreement and SPPAZO [Subdivision, Platting, Planning, And Zoning Ordinance], where certain roads were discussed and considered for acceptance by the City, and then others are determined on a case by case basis. In this case, it wasn't a general issue, in that it was simply a portion of a road and the City would never accept a portion of a road, rather than accepting the entirety of the road, so it wasn't even a consideration in the case that was before you. But, when it does come up, one of the requirements, the main requirement is that the road be to City standards before the City will consider accepting it for maintenance."

The following correction was made to the minutes:

Page 5, Paragraph 3, line 2, correct as follows: "... if mailings were ~~mailings~~...

MOTION: Commissioner Harris moved, seconded by Commissioner Schackel-Bordegary, to approve the minutes of the meeting of December 1, 2011, as amended.

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

D. OLD BUSINESS

1. **CASE #2011-116. 460 CAMINO DE LAS ANIMAS LOT SPLIT. JOSEPH KARNES, SOMMER, KARNES & ASSOCIATES, LLP, AGENT FOR THEODORA H. PORTAGO, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 1.37 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS LOCATED OFF CAMINO ATALAYA, BETWEEN CAMINO DE LAS ANIMAS AND CAMINO MONTE VISTA, AND IS ZONED RC-5 (RESIDENTIAL COMPOUND – 5 DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER). (Postponed from December 1, 2011)**

A Memorandum prepared December 19, 2011 for the Summary Committee Meeting of January 5, 2012, with attachments, to the Summary Committee, from Tamara Baer, Manager, Current Planning Division, is incorporated herewith to these minutes as Exhibit "1."

Staff Report

The staff report was presented by Tamara Baer, Current Planning Division, which is contained in Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

Ms. Baer noted she spoke with Brian Snyder, Public Utilities Department and Water Division Director, and he said it was the intent of the Water Division and the Utilities Department that such connections be made and if language as exists today and/or as it is amended in the Chapter 14 revisions is not sufficiently clear that he would be willing to take an amendment forward to Chapter 25 to make it clear that connection would be required in the future. She said Marcus Martinez, Assistant City Attorney, is in attendance today, and can answer any legal questions. She said, "In conclusion, if we do nothing at all, any development on the project would still be required to connect after March 1, 2012, because of the revisions which were adopted, and which I pointed out."

Conclusion: For all the reasons given above [in the Memorandum Exhibit "1"], the Land Use Department, supported by the Public Utilities Department and the Office of the City Attorney, support the conditions of approval for Case #2011-116, that new development on either of the lots created by the proposed lot split is required to connect to the City water system. If the Summary Committee does not approve this condition, new development after March 1, 2012 will nevertheless be required to connect to City water at the time of Building Permit application.

Questions from Commissioners

Chair Spray asked Ms. Baer if she is speaking about Condition #4.

Ms. Baer said, "I believe at the last meeting, we wished to clarify that condition, and the Memo in your packet is the same that was there before, but for purposes of going forward, we would say that the condition would be relative to new construction of either a primary or accessory dwelling unit on either of the newly created lots, and yes, it's number 4."

Chair Spray asked if that differs from the current number 4: "... prior to issuance of any construction permit for the lots."

Ms. Baer said, "I believed we discussed this last time, but rather than any construction, it was never our intent, if they wanted to come in and put in an additional bathroom or change the windows or do some grading, that was never the intent. The intent was that if a new dwelling unit, either primary or accessory were to be constructed, we would ask at that time that the connection to city service must be made."

Public Hearing

Presentation by the Applicant

Karl Sommer, Attorney for the Applicant, P.O. Box 2476, Santa Fe, NM 87504, as sworn. Mr. Sommer said since the last meeting they received the City's Memo that Ms. Baer has discussed. He said he wanted to point out two clarifications which he thinks are important for the Commissioners to know and understand, commenting he has a fundamental disagreement with one of the things. He said the other is to discuss the condition, as drafted, and offer a slight modification which he thinks would satisfy everyone's concerns here, i.e. the City's policy concerns related to the connection and the property owner's concern about the law being applied to them as written.

Mr. Sommer said he disagrees completely with the administrative gloss analysis in the Memorandum. He said the Commissioners are asked to interpret and apply ordinances a lot, which is the heart of its job in many cases. He said when the Commissioners apply a certain interpretation to existing Code, you interpretation actually becomes part of the Code, and you can't change that without a legislative act by the Commission. He said, "That's what administrative gloss is."

Mr. Sommer said, "What we have in this case is not administrative gloss. This is not an interpretation of existing language. There is no language in the Code that says you shall do this or not do that. What they're saying is the policy and the practice is to require that. The Code, and the Memo is clear, the Code does not require it. This is a policy and practice that they would like to have in the Code. That is not, under the case law, how administrative gloss applies. In fact, the cases say you have to be interpreting existing language and relating your interpretation of existing language must bear a reasonable relationship to the language in the Code. Here, what we're talking about is a policy that says, and it's not in the Code, you shall connect. That's what the objection was fundamentally."

Mr. Sommer continued, "And I disagree with the idea that the administrative gloss requires this. Why am I making this point. Because it's important for you all to understand how that works and not be under a misinterpretation that you can take a practice of the staff and make it Code because it's been a practice of the staff and call that administrative gloss. That's a misreading of the law and a misapplication of the law, and I would hate to see that become precedent at the City Planning Commission. It's moot in this case, because on March 1, 2012, a new Code has been adopted. The very thing we've talked about, a new Code, saying what will be required and what will not be required."

Mr. Sommer continued, "So, in this particular instance, Ms. Portago will not be doing anything between now and March 1 [2012]. Anything she does on these properties is going to be much later than that, so she will be subject to the new requirements. And the new requirements indicate that you have to comply with Chapter 25, with respect to the water and sewer. I couldn't find anything specifically in Chapter 25, but staff's position is that it requires connection. If it requires connection on March 1, then every argument we're talking about is moot, because it's now going to be the law."

Mr. Sommer continued, "So I would say that the condition is not properly imposed here. However, in two months, or less than two months, there will be a requirement for the connection. It is my understanding, based on my discussions with City staff and Mr. Martinez, that that connection does not require Ms. Portago to disconnect or cap her well or cease using it. With that understanding, with that clear understanding, the condition as we've got it, and as amended by Ms. Baer will work, so long as it says and it's clear that such connection to City services... it was already connected to sewer as we know... such connection to City services shall not require the disconnection or capping of the well on the property. And I think that's the understanding that Mr. Martinez has. That's the understanding that we have, and so, with the understanding, the condition as modified, and that one clarification would be acceptable to us and we could resolve that matter on this basis."

Mr. Sommer said Condition #4, as he now understands it, will read: "Neither resulting lot has a metered service connection. An Agreement for Metered Service(s) (AMS) contract with the City Water Division will be required prior to the issuance of any construction permit for the lots a new primary or accessory dwelling unit on either lot, and such connection shall not require the capping or disconnection of the well." He said, "I think this clarifies what we're talking about and if staff is okay with that clarification, we're okay with the condition."

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Commissioner Harris said this is a very interesting and fascinating case for him as a new Commissioner, and one he spent a fair amount of time on. He appreciates the work done by staff, Ms. Baer and Mr. Martinez, in trying to clarify some things. He said he isn't an attorney, but he did have a problem with the administrative gloss, and kept coming up with the phrase "glossing over" to see exactly how that would be applied, and he's glad we don't have to parse that one. He also agrees that he saw no discussion in Chapter 25 about the need to abandon the well. He said he thought he heard last month that there may be a practice requirement in the Water Division where they would, in effect try to get the Applicant for a building permit to abandon the well. He asked if Mr. Martinez can speak to this.

Marcos Martinez, Assistant City Attorney said, "Chapter 25 only regulates new domestic wells. Because this is a pre-existing domestic well, the Water Division would not attempt to regulate it or require them to cap or abandon their well. That is the Water Division's position, and my reading of that section of the Ordinance."

Commissioner Harris said, "This is a little bit more restrictive. And when I look at Rule 18 for Exhibit A, for instance, and I look at Rule 18 B, and the first condition, Rule 18 as you probably remember deals with a separate meter required. A is Separate Meter Required - New Application for Service. B is Separate Meter Required - Building Permit Applications. And basically it says there are 3 instances where a building permit application will drive a separate meter. And the first one actually says... well number 2 is Dwelling Unit according to 25-1.1, and you probably know that definition for Dwelling Unit. But, actually number 1 says, 'Additions or remodeling of existing structures that disturbs greater than 1,000 square feet of land area, or have a valuation over \$80,000.' So it seems to me, by saying that a building permit application for a new dwelling unit, primary or accessory, is a little bit broader than what Rule #18 says. That seems to say very clearly that additions or remodeling, that those two would apply. Can you speak to that Mr. Martinez or Ms. Baer, either one."

Mr. Martinez said, "Well, I agree with your reading of Chapter 18... well Rule and Regulation 18 under Chapter 25. I can't speak to the history of practice in the land development, land use. Staff can speak to that. But I think what the Memo attempts to do is just to show a general regulation in this area. I agree with how you read and interpreted Rule 18, that it may not be as broad as the condition as described here. But, I think the revisions to Chapter 14 clarify all of that, and that will be forthcoming in March."

Commissioner Harris asked, "In your opinion, can the committee impose a condition that really is, by broadening it to just a new primary dwelling or accessory, can we do that rather than going strictly by the regulation or Rule 18. Is that within our purview."

Mr. Martinez said, "You know, again, I'm not as familiar with the Land Use Development Code. Staff is familiar with the policy and practice of the Land Use Development Code and how they've applied the connections to water service in the past. I believe there is sufficient general regulation in this area, and this is probably where Mr. Sommer and staff disagree, to provide a basis for this Committee and the Council to impose this condition. And, although it's not specific in this area, I think that all of the general rules that Ms. Baer has outlined sufficiently provide guidance for this Committee. I think the New Mexico Statutes generally describing regulation of water use in the City, the general provision of the regulation of domestic wells, not the specific ones for drilling new domestic well, the Rule 18 requirements and then the policy and practice. I think together they provide a web of regulation that the City has employed in the past and would be applied in this case. But again, I think the changes to Chapter 14 have clarified any ambiguity in the Code or any lack of specificity in the Code."

Commissioner Harris said, "But Rule 18, as you know, is in Chapter 25, so it would still stand, I would think. But perhaps... Mr. Sommer do you have something you want to add."

Mr. Sommer said, "I have no objection. I believe I understand your point Mr. Harris, clearly, and I would have no problem with just making it consistent with the Code so there wouldn't be any ambiguity. I understand your point to be that this condition seems to make it more lax than the existing Code, and I agree with you that it probably does, and I don't want to create any confusion for Ms. Portago. If she walks in here tomorrow she has to comply with Rule 18."

Mr. Sommer said, "So we have no objection to the Condition [#4] reading, " Neither resulting lot has a metered service connection. An Agreement for Metered Service(s) (AMS) contract with the City Water Division will be required prior to the issuance of any construction permit for the lots, as required by Chapter 25, for a new primary or accessory dwelling unit on either lot, and such connection shall not require the capping or disconnection of the well. He said, "This complies with what you're talking about and it says 'you've got to comply with the law, and I'm fine with that. I don't want there to be any confusion, because it just costs more money to get by that confusion. And again, I don't read the Code to say they will be required to disconnect, they just have to have metered service. So I don't have a problem with that and it does clarify the point that you are making, and her plans will be to comply with that any way."

Commissioner Harris asked Ms. Baer to comment.

Ms. Baer said if we are changing to make it as required by Chapter 25, she would also add "and add Chapter 14," so that it reads: "Neither resulting lot has a metered service connection. An Agreement for Metered Service(s) (AMS) contract with the City Water Division will be required prior to the issuance of any construction permit for the lots, as required by Chapter 25 and Chapter 14, for a new primary or accessory dwelling unit on either lot, and such connection shall not require the capping or disconnection of the well.

Commissioner Harris said as he reads the portion dealing with water conservation, as he understands it, when a water emergency is declared that all users must comply, whether tied into the City water system or a domestic well user, and Mr. Martinez said this is correct.

Commissioner Harris said it would seem appropriate to require the well to be metered, and asked Mr. Martinez, Mr. Sommer and Ms. Baer to comment. He doesn't believe the well should be abandoned, but he believes it should be metered.

Mr. Martinez said he has no objection to that type of condition. He said, "I believe that domestic wells under State law are already required to be metered, and to report that metering to the Office of the State Engineer on an annual basis. So, we could piggy-pack on that type of reporting."

Commissioner Harris asked if the well under discussion is metered.

Mr. Sommer said he thinks this well is old enough that it's not metered. He said, "Let me address the issue specifically as to your suggested condition in terms of being metered. We have no problem with metering the well and separately metering the uses on the lots. And the reason I say that is because, if Ms. Portago follows through on her plans, she will be selling one of this lots and there will be a well agreement, and that well agreement will require separate metering because we want to make sure somebody isn't violating the rights vis a vis one another. So the condition for separate metering is okay with us. We will do that anyway, as a part of our well agreement. But again, you've made the point clear this is not to be capped, it's to be metered, and you comply with the Code with water conservation. The

metering helps ensure that compliance and it also helps the parties ensure their compliance vis a vis one another. So it's not a condition we object to, and I think it's a good idea. This well is not metered."

Commissioner Bordegary Schackel-Bordegary said she is satisfied with what she's learned and what has been discussed today. She said, "Just to note, because this was a lengthy discussion at the last meeting, this case helped me to sort through and learn about the City's and the State's jurisdiction over wells and I've since done that. Since I work for the State Engineer, I ought to work on this stuff, and it's cases like this that have helped me to see how it happens on the ground. That notwithstanding, this is a unique case. So, no I appreciate the work we've all done to get here, and until, and unless the State law is changed that requires the New Mexico State Engineer "shall grant a permit for a domestic well," we'll be stuck with interpreting and exercising the different authorities that municipalities or entities choose to have and have under State law to regulate for use in our State.

Chair Spray asked Ms. Baer to read the Revised Condition #4. He wants to be sure the Committee and public understand very clearly what changes we would propose to make.

Ms. Baer said she would read it the way it was proposed by Mr. Sommer and see if the Committee likes it: "Revised Condition #4. Neither resulting lot has a metered service connection. An Agreement for Metered Service(s) (AMS) contract with the City Water Division will be required prior to the issuance of any construction permit for the lots, as required by City Code, for a new primary or accessory dwelling unit on either lot, and such connection shall not require the capping or disconnection of the well.

Commissioner Harris proposed adding an Additional Condition #8: "Upon recordation of the Lot Split, the Applicant shall install a meter at her own expense on the existing well."

Chair Spray asked if the Applicant has an issue with any of the conditions of approval.

Mr. Sommer said, I understand Condition #8 will say, "At the time of the recordation of the Lot Split Plat, the Application shall be required to install a meter on the well at her expense." He said they are okay with that condition of approval.

Commissioner Schackel Bordegary said, "In conferring with my colleagues at the Water Rights Division, District One at the State Engineer's Office, it was a good information exchange, they suggested I ask whether the GIS shape files for the newly annexed areas have been provided to the State Engineer so this would relate more to the previous meeting case for the newly annexed areas."

Ms. Baer said she follow up with the GIS staff and said she will pass that information to the contact person at the State Engineer's Office and make sure this happens.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to approve Case #2011-166, 470 Camino de las Animas Lot Split, with all conditions of approval as recommended by staff, with the modifications made at today's meeting to Condition # 4, and with the additional condition proposed by Mr. Harris.

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

E. NEW BUSINESS

1. **CASE #2011-117. PENDERGRASS LOT SPLIT. ROBERT K. RIECKEN, SOUTHWEST MOUNTAIN SURVEYS, AGENT FOR RICHARD D. PENDERGRASS, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 1,001 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND MONTANO STREET AND IS ZONED R-5 (RESIDENTIAL –5 DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER). (Postponed from December 1, 2011) (To be postponed to February 2, 2012)**

A Memorandum prepared December 28, 2011 for the Summary Committee Meeting of January 5, 2012, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "2."

This item is postponed to the Summary Committee meeting of February 2, 2012.

2. **CASE #2011-122. STONE RIDGE LOT 4 LOT SPLIT. JAMES W. SIEBERT, OF JAMES W. SIEBERT & ASSOCIATES, INC., AGENT FOR MEL AND HILLARY SKOLNIK, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 2.79 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT 2358 VIA COLIBRIS, IN PHASE III OF THE ANNEXATION, AND IS ZONED R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared November 20, 2011 for the Summary Committee Meeting of January 5, 2012, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

An aerial photograph of the subject site, entered for the record by William Lamboy, is incorporated herewith to these minutes as Exhibit "4."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibits "3" and "4." Please see Exhibits #3 and #4 for specifics of this presentation.

Recommendation: The Land Use Department recommends Approval with the Conditions of Approval as outlined in this Report [Exhibit "3"].

Public Hearing

Jim Siebert, 915 Mercer, Agent for the Applicant, was sworn. He said the Applicant owns the home adjacent to this lot. He said the Applicant can't attend today because he has Multiple Sclerosis and is afraid to leave the house. He said the Applicant has tried to sell the lot, but has found, given the value of the land, it is much easier to sell two parcels at a lesser cost, which is one of the reasons for the lot split.

Speaking to the Request

There was no one peaking for or against this request.

The Public Testimony Portion of the Public Hearing was closed

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to approve Case #2011-122, the Stone Ridge Lot 4 Lot Split, with all conditions of approval as recommended by staff

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

3. **CASE #2011-123. SANTA FE ANIMAL SHELTER AND HUMANE SOCIETY, INC., LOT SPLIT. PHILIP B. WIEGEL, DEL RIO SURVEYS, INC., AGENT FOR SANTA FE ANIMAL SHELTER AND HUMANE SOCIETY, INC., REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 0.68 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT 544 CANYON ROAD, AND IS ZONED RC-8AC (RESIDENTIAL COMPOUND – 8 DWELLING UNITS PER ACRE/ARTS & CRAFTS DISTRICT OVERLAY) AND IS IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT OVERLAY. (WILLIAM LAMBOY, CASE MANAGER)**

This case was withdrawn by the Applicant.

4. **CASE #2011-128. MOSES & TONYA SEDILLO LOT SPLIT. DOLORES VIGIL, LIAISON PLANNING SERVICES, AGENT FOR MORES & TONYA SEDILLO, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 2.5 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT 71 MUTT NELSON ROAD IN PHASE II OF THE ANNEXATION, AND IS ZONED R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared November 20, 2011 for the Summary Committee Meeting of January 5, 2012, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

An aerial photograph of the subject site, entered for the record by William Lamboy, is incorporated herewith to these minutes as Exhibit "6."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibits "5" and "6." Please see Exhibits "5" and "6" for specifics of this presentation.

Recommendation: The Land Use Department recommends Approval with the conditions of approval as outlined in this report [Exhibit "5"].

Public Hearing

Dolores Vigil, Liaison Planning Agent for the Applicant, P.O. Box 1835, Santa Fe, NM 87504, was sworn. Ms. Vigil said she would stand for any questions.

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 Harris moved, seconded by Commissioner Schackel-Bordegary, to approve Case #2011-128, Moses & Tonya Sedillo Lot Split, with all conditions of approval as recommended by staff.

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

F. BUSINESS FROM THE FLOOR

There was no business from the floor.

G. STAFF COMMUNICATIONS

There were no staff communications.

H. MATTERS FROM THE COMMITTEE

There were no matters from the Committee.

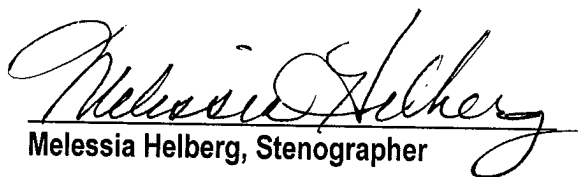
G. ADJOURNMENT

There was no further business to come before the Committee.

MOTION: Commissioner Harris moved, seconded by Commissioner Schackel-Bordegary, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at 11:45 a.m..

Tom Spray, Chair



Melessia Helberg, Stenographer