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MEMORANDUM

To: Janice Biletnikoff, ACIP

From: Victoria Dalton, NM Land Solutions LLC.

Date: May 28, 2025

Re: Case 2024-9460 & 2024-9461

1. Contact the City Wastewater Division to confirm in writing the status of system capacity and the ability of the existing infrastructure to accommodate the additional impacts of the proposed C-2 zoning at the subject property. Have you verified Parks, Police/Fire/EMT, Santa Fe Public Schools, and Public Works (i.e., streets) that each of the systems and services currently have ample capacity to absorb the impacts of the uses allowed within a C-2 zone district? The existence or availability of infrastructure and services in the vicinity is not sufficient assurance of adequate system capacity for new impacts that would result from the proposal. Explain how each system or service can or cannot accommodate the anticipated increment of added impacts. If the impacts of the proposed rezoning cannot be accommodated by the existing infrastructure and public facilities, the City may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies (see § 14-3.5(D)).

Response: *There are currently fourteen (14) existing manufactured homes on the subject property(s). A private sewer line on the property is connected to the existing city manholes allowing current wastewater service to the existing residential development. Prior to redevelopment of the property, the existing sewer line will be required to be upgraded and extended into the property to serve future development, which in turn will be dedicated to the City. Furthermore, the city wastewater Division authorized construction and installation of two*

additional sewer manholes with stub outs to serve future development (Please see attached City Wastewater letter).

The installation of the manholes was proposed during utility construction of the adjacent development in order to prevent reopening of the utility trench.

An email dated 1/2/2024 was sent to City Wastewater including a phone call with Mr. Sergio Valora, Engineer Associate with the City Wastewater Division, confirming the request to provide a statement regarding capacity of the City of Santa Fe sewer system.

Review from City parks and City traffic both confirm there are no issues with the proposed General Plan Amendment and Rezoning Request.

Additionally, a Traffic Impact Analysis (TIA) will be required at the time of development. The TIA for a specific development will determine the size and intensity of future development based on whether Agua Fria Street has capacity to be further upgraded from its current standards. All required on-site and off-site road improvements will be required with future development and not at this point or with the subject request.

Police/Fire/EMT, currently provide services to the subject properties which includes the existing residential manufactured home park. The permitted uses within the C-2 district are no more intense than which currently exists, due to much of the surrounding area having already been rezoned since the 2009 City/County annexation.

Correspondence is with the Santa Fe Public Schools in not required unless the development is determined to be residential in nature and should be reserved for future developments once the property is granted approval for rezoning.

2. Describe the water rights associated with the well that would be transferred to the City upon redevelopment.

Response: *There are two (2) existing domestic wells on the property, each of which allow the diversion of 3.00 ac/ft/yr for a total of 6.00-acre feet.*

At the time of redevelopment, connection to city water is required. The City water division can allow future use of the well for irrigation purposes or require capping the wells as may be required.

If the water rights associated with the existing wells are sufficient to offset the future water budget/water use, then said water rights would be transferred to the city water bank for future development / future uses.

3. Based on the required criteria: wherever applicable, cite the specific themes and policies of the General Plan (by name and/or number) that will be advanced or complied with by the amendment and rezoning proposal.

Response: *This item was addressed on page 7 of the Development Report and also within the overall General Plan Amendment and Rezoning Report previously submitted November 15, 2024.*

Below are the specific themes from chapter 3-1 of the 1999 General Plan as referenced on page 7 of the previous report:

- ***Job Creation and Economic Development:*** *The proposed amendment facilitates the creation of both construction-related jobs and long-term employment opportunities through the development of commercial spaces. This is consistent with the General Plan's economic development objectives / goals, which emphasize creating jobs and promoting balanced economic growth within the city.*
- ***Transportation and Mobility:*** *The proposed development also aligns with the General Plan's transportation targets by enhancing connectivity and providing alternative transportation options. The property's adjacency to the Santa Fe River Greenway Trail, which accommodates both pedestrians and cyclists, supports the General Plan's vision for expanding and improving the city's pedestrian and bike infrastructure. The Greenway Trail connects key parts of the city, contributing to the city's transportation and mobility policies.*
- ***Infrastructure and Public Services:*** *The proposed amendment is consistent with the General Plan's goals related to expanding / improving infrastructure, and public services. Although the existing mobile home park is currently served by a domestic well, redevelopment of the property will require connection to city water, ensuring that the development aligns with the city's water infrastructure policies.*

The new sewer system, which will be installed to meet city standards and maintained by the city after one year, is also consistent with the General Plan's commitment to ensuring adequate, sustainable public services and infrastructure to support growth.

4. Concept plans are not actionable items on the agenda. Future conceptual development (such as the undergrounding of utilities, removal of mobile homes and soil stockpiles, or the potential provision of affordable housing) cannot be considered by the Land Use staff or the decision makers in analyzing the rezoning request unless they are included in the current application as a development plan or master plan. The analysis for the rezoning is strictly limited to the proposal to change from one zone district to another. Discussion of future development plans that are not part of the current request cannot be used to respond to the Code criteria. Please only include the elements that are part of the current request. Please revise or submit the report and/or include a master plan to accompany the rezoning application.

Response: *The applicant/owner has contacted PNM to allow for the relocation of the PNM Power poles. Prior correspondence with land use staff indicated that relocation of the poles would be required to be relocated underground. The underground of the electric facilities is not a conceptual in nature. Mr Boylan intent is to remove the existing power pole encroachments in order to prepare the property for future development. Furthermore, Mr. Boylan along with NM Land Solutions LLC., has met with PNM to start the process, however PNM cannot design the request until a specific use has been contemplated*

The stockpile has been in existence for quite some time and the property owner has been working with City wastewater and Land Use Engineer to accept a permit to allow for the construction of two manholes at which point the dirt from the stockpile will be used to bury the trenches. The existing mobile home park is legal non-conforming, and the homes are older model mobile homes none of which are on permanent foundation. Once a future development permit for redevelopment is submitted, compliance with Chapter 14 will be required, which in turn will require removal of the mobile homes therefore this is not a conceptual in nature and will take place, it is the timing that is unknown.

The affordable housing element has been removed from the overall report and is resubmitted with this letter since that is indeed conceptual as it is unknown whether the project will entail residential development.

A Masterplan is not warranted at this time due to there being no anticipated phasing of the area once rezoning is authorized. The discussion / references to future development were added for informational purposes only and were not intended to acquire any approvals other than the subject rezoning and general plan amendment request.

5. In Appendix D (“Warranty Deeds”), Tract D and Tract A-1 have cover sheets that state the following documents are warranty deeds; however, the deeds that follow are both quitclaim deeds. Do warranty deeds exist for these parcels? Please revise the Appendix D cover sheet as well as the Tract D and Tract A-1 cover sheets to reflect the correct type of conveyance

documents attached thereto. Quit Claim deeds can only be accepted in conjunction with a chain of title to prove equitable interest that existed within the transfer.

Appendix D has been revised to include the correct warranty deeds. The deed for Tract A-1 and Tract D will not have matching metes and bounds as the deed and legal lot of record plat was drafted prior to the purchase of a portion of the property's by Santa Fe County for the River Trail project. Appendix D, includes the deeds to the county which describes the current configuration of the lots.

6. Please note that rezoning requests require public notice by Certified Mail to property owners within 100 feet of the subject property. Refer to § 14-3.1(H) for details on rezoning request public notice requirements.

Response: *NM Land Solutions is aware of this requirement and has no issues with sending certified notices to the property adjoiners within one hundred feet of the subject property*

B. Initial DRT Review Summary

Your Rezoning application has been reviewed by the City's Development Review Team (DRT) and the following necessary revisions have been identified:

1. Dee Beingessner [Land Use/Terrain Management/City Engineer] – One issue identified: Soil Stockpile without a permit and appropriate sediment control is a violation of City Code and must be remedied before new plat or development can be approved; see attached DRT response letter.

Response: *The subject stockpile has been in existence prior to the annexation of the property into the city limits. A permit application to allow the stockpile to remain on the property has been submitted and is pending approval. The stockpile will eventually be used for future construction.*

2. Leah Yngve [MPO] – No issues were identified with the General Plan amendment and Rezoning request; see attached DRT response letter.

3. Leroy Pacheco [Traffic] - No issues were identified with the General Plan amendment and Rezoning request; see attached DRT response letter. When the subject property is redeveloped, a traffic study will be required.

4. Zoe Isaacson [Parks] - No issues were identified with the General Plan amendment and Rezoning request; see attached DRT response letter.

5. Clinton Peterson [Water Engineering] – No issues were identified with the Rezoning request; see attached DRT response letter. Additional plan information, such as an approved Water Plan and an Agreement to Construct and Dedicate (ACD), will be required at the time of Development Plan application for any new water and fire infrastructure. This DRT reviewer also notes that each lot shall be served by separate City water service at the time of development. Regarding the existing domestic well onsite, this reviewer required that the Applicant work with CoSFW Engineering before Water Plan approval to ensure that no cross-connection occurs between the domestic well system and the public water system.

Response: *At the time of development, waterline plans will be submitted to the COSFW for review and further discussion of future use or transfer of existing water rights from the subject wells.*