

Eldorado Community Improvement Association, Inc.
Architectural Committee Meeting Minutes of August 13th, 2019 DRAFT 1

TIME AND PLACE:

The bi-monthly meeting of the ECIA Architecture Committee was held on Tuesday August 13th, 2019 at 7 PM at the Community Center.

CALL TO ORDER: The meeting was called to order at 7:01 PM.

DESIGNATION OF QUORUM:

Attending the meeting were members: Co-Chair Gary Moran, Casey Cronin, Steve Taratula, Larry Ward, Nina Harrison and Mark Hiatt. Board Liaison, Bernardo Monserrat, and Staff Representative, Mark Young. A quorum was established for this meeting.

Announcements:

1. Mark Young announced that the meeting was being recorded.

RESIDENTS:

There were 15 residents attending the meeting and two guests.

Consent Agenda Approvals:

<u>Address:</u>	<u>Resident</u>	<u>Nature of Project:</u>	<u>Details:</u>
29 Aventura Road	Karen Rhodes	Restucco	Complaint Color
2 Dulce Road	James Salas	Restucco	Compliant color
70 Encantado Loop	THERESE Callahan	Restucco	Compliant color
4 Duende Road	Nancy Lehaupt	White Roof	No visibility
9 Dovela Place	Charles King	Restucco	Complaint Color
66 Ave. De Compadres	Lee Onstott	Restucco	Complaint Color

NEW BUSINESS:

1. **UBL #3-08-25, Karl Wolff, 27 Cuesta Road**, with plans for Low profile roof mount solar array. These plans were approved with the stipulation that the resident shall contact the ECIA, at the time of racking installation, to verify that the system is as planned.
2. **UBL# 1-17-17, Jenn Anderson, 5 Birla Court**, with plans for a new Home. These plans were approved with the stipulations: as follows:
 - a. All exterior lights shall be downward shielded.
 - b. Applicant shall provide roof reflectivity rating to ECIA to confirm that the LRV is 40 or less.

3. **UBL #1-59-20, Bonnie Hoffman, 6 Antigua Road**, with plans for a low profile roof mount solar array. These plans were approved with the stipulation that the resident shall contact the ECIA, at the time of racking installation, to verify that the system is as planned
4. **UBL# 3-18-44, Robert and Joan Turley, 12 Melado Drive**, with plans for a wood post and wire fence expansion. These plans were approved with no stipulations.
5. **UBL #1-28-11, Isabel Coleman, 10 Cerrado Drive** with plans for a wood post and wire fence. These plans were approved with no stipulations.
6. **UBL #2-21-27, Ted Freedman, 4 Herrada Way**, with a request for approval for a greenhouse added without ECIA approval. These plans were approved with no stipulations.
7. **UBL# 2-21-53, Bernardo Monserrat, 37 Herrada Road**, with approval request for existing Portals and fences. These structures were approved with no stipulations, due to the fact that they are all compliant structures.
8. **UBL# 3-51-01, James and Celese Baca, 1 Esquina Road**, with plans for an all wood Ramada that will be 11 x 16 x 9 feet tall. These plans were approved with no stipulations.
9. **UBL # 3-22-37, Johanna Parker, 134 Verano Loop**, with plans for a wood Fence. These plans were approved with the stipulation that the applicant was to stake out the property line and the propose fence so that the ECIA can come to verify that there are no setback encroachments. Additionally the stringers shall be on the inside of the fence.
10. **UBL #1-39-24, Carol Sanguinetti, 1 Domingo Place**, with a variance request for fence in 20 foot setback. After discussions the Committee agreed that the applicant could locate the coyote fence on top of the existing wall, that had already had a variance granted, and that it could not exceed 6 feet in height, and the stringers would have to be on the inside of the fence. The committee also agreed that should the applicant want to increase the height of the existing wall that they could do so as long as the stucco matches the color of the home.
11. **UBL #2-27-09, Merle Martell, 24 Monterey Road**, with plans for a CMU / Block and stucco wall with metal gate. These plans were approved with the stipulation that the stucco color of the wall shall match the color of the home.
12. **UBL#3-22-05, Mindy Voyles, 70 Verano Loop**, with plans for a new wood post and wire fence with compliant wire with 2' x 4" rectangular fence pattern. These plans were approved with no stipulations.
13. **UBL# 3-34-20, Robert Miller, 3 Juego Road**. With plans for a Wood post and wire fence. These plans were approved with no stipulations.
14. **UBL# 1-08-11, Andrea Davis. 33 Camerada Road**, with plans for an all wood Ramada. The committee voted to approve these plans with the stipulation that the resident shall contact the ECIA, once the project area is staked out to ensure that the setback is respected.
15. **UBL# 2-16-14, Stephanie Carter, 2 Frasco Terrace**, with plans for a Coyote Fenced enclosure. The committee voted to approved these plans with the stipulations as follows:
 - a. That the resident shall contact the ECIA, once the project area is staked out to ensure that the setback is respected.

b. Stringers shall be on the inside of the fence. .

16. **UBL# 1-34-03.Jennifer McLarney, 17 Mimosa Road**, with plans for a coyote fence. The committee voted to approved these plans with the stipulations as follows:

a. Stringers shall be on the inside of the fence. .

17. **UBL#1-12-03, Tracey James, 50 Encantado Road**, with plans for a 6 foot tall CMU wall. These plans were approved with no stipulations.

18. **UBL# 3-01-07, DQR Property Mgmt., 14 Bosque Loop**, with plans for a new portal. These plans were approved with no stipulations.

19. **UBL# 2-22-22, Robert Ayers, 22 Esquila Road** with a variance request for existing screening fence to be moved to be moved inside the 20 foot side setback from utility easement, as well as plans for adding two new screening fences that do not require a variance,. The Committee approved of the two screening fences on the north side of the property, as there are no issues of compliance. The Committee is also recommending approval of the variance request to move the existing fences from the 10 foot utility easement, and into the 20 foot side setback. The justification for this recommendation is that to require these screening fences to be moved outside of the 20 foot side setback would interfere with the existing driveway circulation. Additionally these fences are required for RV screening, so they are important to have there.

Other Business:

1. Accessory Dwelling Units (ADU's): Special Board Chair Katherine Mortimer reported that there had been. Reviewed by the ECIA Attorney and that that this opinion was now posted on the Eldorado Website, and is attached to these minutes. At this time we are awaiting the ADU Committee being populated by the Board.
2. Staff representative, Mark Young reported that the next meeting would be on August 29th at 7 PM.

FINAL ORDER OF BUSINESS:

There was no further business.

The meeting was adjourned at 9:00 PM

Submitted By:

Mark Young, Staff Representative

Accessory Dwelling Units in Eldorado at Santa Fe

The possibility of permitting accessory dwelling units (ADUs), commonly known as guest houses, in the Eldorado at Santa Fe subdivision could not even be considered until recently. The old Santa Fe County land use code used to clearly prohibit the construction and maintenance of ADUs on lots located in Eldorado. However, section 10.4 of the new Santa Fe County Sustainable Land Development Code (the “Code”) may permit the development of such units. This description of issues concerning ADUs is intended to provide a broad overview as to whether ADUs are permitted under Eldorado’s Covenants. It does not address whether ADUs are permitted in Eldorado under the Code.

There is no provision in the Covenants that directly addresses the permissibility of ADUs in Eldorado. Article II, Section 1 of the Covenants limits the permissible structures “on any residential lot” to “single family dwellings” and “accessory buildings such as studios, garages, greenhouses, recreational facilities and storage sheds.” This language could be interpreted to permit more than one single family dwelling on a lot as the plural form – “dwellings” – is used to describe what can be placed “on any residential lot.” Section 1 also includes a list of acceptable accessory buildings, but the use of the phrase “such as” indicates that the list is not exclusive and is intended to provide examples of acceptable accessory buildings. There may be types of accessory buildings permissible under the Covenants that are not included on this list.

As a rule, courts in New Mexico resolve ambiguities in covenants in favor of the free use of property. They do not read restrictions into covenants that are not expressly stated. The Eldorado Covenants do not expressly restrict ADUs in Eldorado. Therefore, it seems likely that a court could find that ADUs are permissible under the Covenants. This conclusion is reinforced by the fact that it is not uncommon in Santa Fe County for residential lots to have casitas as well as principal residences located on a single lot. Since the list of permitted accessory buildings in the Covenants is not an exclusive list, a court might find that an ADU is the type of accessory building that residents of Eldorado expect as one aspect of the free use of a residential lot.

Under the Covenants as currently written, if ADUs are permitted in Eldorado, owners of the lots on which such units are located would be permitted to rent both the principal dwelling unit and/or the ADU. Both long-term and short-term rental of the units would be allowed. The Code does not restrict these types of rentals, and there is nothing in the Covenants at present to prohibit such use. In addition, the New Mexico Court of Appeals has ruled that a covenant restricting the use of lots in a subdivision to single-family residential purposes did not prohibit a lot owner from renting his residence to others for a minimum of three nights. Accordingly, in order to prohibit or regulate the long-term or short-term rental of principal dwelling units and/or ADUs, the Covenants would need to be amended to expressly prohibit or regulate such use.

