

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

June 18, 2015

I. This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Vice Chair Susan Martin, on the above-cited date at approximately 4:55 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

II. & III. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

- Susan Martin, Vice Chair
- Bette Booth
- Leroy Lopez
- Rena Gray

Member(s) Excused:

- Frank Katz, Chair
- Phil Anaya
- Louie Gonzales

Staff Present:

- Wayne Dalton, Building & Services Supervisor
- Vicki Lucero, Building & Services Manager
- John Lovato, Development Review Specialist
- Mathew Martinez, Development Review Specialist
- Jose Larrañaga, Development Review Team Leader
- Penny Ellis-Green, Land Use Administrator
- Rachel Brown, Deputy County Attorney
- Andrea Salazar, Assistant County Attorney
- John Salazar, Development Review Specialist
- Buster Patty, Fire Marshal

IV. APPROVAL OF AGENDA

Vicki Lucero noted that the Ace Towing Development Plan, Case # V 09-5471, had been withdrawn. The agenda was approved by consensus.

V. APPROVAL OF MINUTES: May 21, 2015

Member Booth moved to approve the May minutes as submitted. Member Lopez seconded and the motion passed by unanimous voice vote.

VI. NEW BUSINESS

- A. **CDRC CASE # V 15-5110 Marta and Dolores Perez Variance. Marta and Dolores Perez, Applicants, Request a Variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to Allow a Land Division of 2.5 Acres into Two Lots; Each Lot Consisting of 1.25 Acres. The Property is Located Within the Traditional Historic Community of La Cienega at 19 B Las Estrellas, Within Section 27, Township 16 North, Range 8 East, (Commission District 3) [Exhibit 1: Letter of Opposition]**

Chair Martin noted there was a translator present. Mathew Martinez read the case caption and gave the staff report as follows:

“Marta and Dolores Perez, applicants, request a variance of Ordinance No. 1996-10, the Santa Fe County Land Development Code as amended by Santa Fe County Ordinance No. 2002-9, La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District, Section 6.4, Zoning Density to allow a land division of 2.5 acres into two lots; each lot consisting of 1.25 acres. The property is located within the Traditional Historic Community of La Cienega at 19 B Las Estrellas, within Section 27, Township 16 North, Range 8 East, Commission District 3.

“The subject lot was created in 1990 by way of family transfer and is recognized as a legal lot of record. There is currently a single-family residence, 1,400 square feet, which was permitted in 2005, and two storage buildings on the property. The applicants are sisters and have owned and lived on the property since December 16, 1994. The applicants request a variance to allow a land division of 2.5 acres into two lots, each lot consisting of 1.25 acres. The applicants state they own the subject lot jointly and are requesting a land division so that both applicants will own their own equal share and would no longer have a shared payment on the property.”

Mr. Martinez stated staff was recommending denial of a variance of Ordinance 2009-2, La Cienega and La Cieneguilla Traditional Planning Area, and La Cienega Traditional Community Zoning District, Section 6.4, Zoning Densities, to allow a land division of 2.5 acres into two lots, each lot consisting of 1.2 acres. If the decision of the CDRC is to approve the request staff recommends imposition of five conditions.

The applicants, Marta and Dolores Perez were placed under oath and stated they had nothing to add.

Member Lopez asked if they were in agreement with staff recommendations. They said they were.

Duly sworn, Paul Murray representing the La Cienega Valley Association spoke in opposition. He indicated that the area now has over 400 homes that have not had to meet State or County subdivision requirements. He said this “backdoor development” has been done without regard to traffic, wastewater, water or roads which has affected the area’s water resources, including aquifers, springs and acequias. He pointed out the proposed Sustainable Land Development Code will not permit this type of land division in the future.

Member Booth asked if a guesthouse would be permitted under the new SLDC. Mr. Martinez said this is in the residential estate area which would allow only one dwelling per 2.5 acres. Ms. Lucero said an accessory dwelling would be allowed under certain criteria but further division would not be allowed.

Member Booth moved to deny CDRC Case #V 15-5110 and Member Lopez seconded. The motion passed by unanimous [4-0] show of hands vote.

VI. B. CDRC CASE # V 15-5120 Cynthia Carter Variance. Cynthia Carter, Applicant, Requests a Variance of Article III, § 10 (Lot Size Requirements) of Santa Fe County Ordinance 1996-10, the Land Development Code (Code), to Allow Two Dwelling Units on 1.458 Acres. The Property is Located at 17 Cloudstone Drive, Within the Vicinity of Old Santa Fe Trail, Within Section 6, Township 16 North, Range 10 East, (Commission District 4)

John Lovato read the case caption and staff report as follows:

“On September 13, 2007, the Extraterritorial Zoning Commission approved a small lot family transfer land division of a 2.918-acre lot into two equal 1.45-acre lots creating two legal lots of record. The applicant acquired one of the lots in 2013. Currently on the property there is a 1,400 square foot residence which is served by an onsite well and septic system. The applicant requests a variance of Article III, Subsection 10, Lot Size Requirements of the Code to allow two dwelling units on 1.45 acres. The applicant would like to build a 700-square foot guesthouse with a separate septic system on the property. The applicant asserts that she can no longer afford her mortgage and does not want to lose her property. She states that if she is able to build a guest house to live in she can rent the main house.

“In the applicant’s letter she addresses that the Sustainable Land Development Code is expected to be implemented within the next few months which would allow for a guesthouse. Further, the applicant requests the variance rather than wait for the rising interest rates. She would like to start building before the start of winter.”

Mr. Lovato stated Growth Management staff has reviewed the applicant for compliance with pertinent code requirements and finds the project is not in compliance

with County criteria for this type of request and recommends denial of a variance of Article III, Subsection 10, Lot Size Requirements, of the code. If the decision of the CDRC is to recommend approval of the variance request staff recommends imposition of five conditions.

Duly sworn, Cynthia Carter stated she understood the code would be changing and she wanted to get a variance before interest rates go up on a mortgage. She indicated she was a person of integrity and cares about the environment. She is careful of water usage and does not feel another dwelling would impact water in the area since she uses catchment. Her plan is to rent out the main house and build and live in the guesthouse.

There was no one from the public wishing to speak.

Chair Martin asked if this project met the criteria for a guesthouse and Mr. Lovato said it did.

Member Booth asked if a septic variance would be required. Mr. Lovato said this is in conformance with that type of request. Ms. Lucero said the SLDC would allow for an accessory unit provided it meets the criteria set forth. However, a separate septic system does not meet the criteria and several other criteria have not been evaluated under the SLDC.

Member Booth moved to deny CDRC Case #V 15-5120. Member Lopez seconded and the motion carried by majority 3-1 vote with Member Gray casting the vote against denial.

VI. C. CDRC Case #V 09-5471, Aces Towing Final Development Plan Amendment. WITHDRAWN

VI. D. PETITIONS FROM THE FLOOR

None were offered.

VI. E. COMMUNICATIONS FROM THE COMMITTEE

None were presented.

VI. F. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

VI. G. MATTERS FROM LAND USE STAFF

An update on the disposition of CDRC cases by the BCC was distributed.

VI. H. NEXT MEETING

The next meeting was scheduled for July 14, 2015.

VI. I. ADJOURNMENT

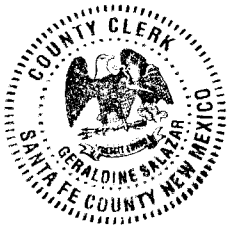
Having completed the agenda and with no further business to come before this Committee, Vice Chair Martin declared this meeting adjourned at approximately 5:15 p.m.

Approved by:

Susan Martin
Susan Martin, Vice Chair
CDRC

Submitted by:

Debbie Doyle, Wordswork
Debbie Doyle, Wordswork

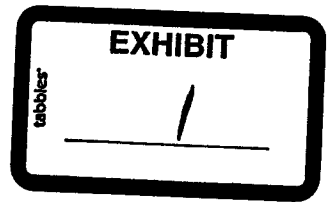


ATTEST:
Geraldine Salazar
GERALDINE SALAZAR
COUNTY CLERK

7-16-2015



COUNTY OF SANTA FE) CDRC MINUTES
STATE OF NEW MEXICO) ss PAGES: 7
I Hereby Certify That This Instrument Was Filed for
Record On The 17TH Day Of July, 2015 at 09:55:29 AM
and Was Duly Recorded as Instrument # 1769770
of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy *Anna Hernandez* County Clerk, Santa Fe, NM



La Cienega Valley Association
PO Box 23554
Santa Fe, New Mexico 87502
Preserving Our Rural Way of Life

June 15, 2015

Matthew Martinez, Case Manager
Santa Fe County Growth Management Department
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: CDRC CASE # V 15-5110 Marta and Dolores Perez Variance

Dear Mr. Martinez,

The La Cienega Valley Association (LCVA) has reviewed the request being made in "CDRC CASE # V 15-5110 Marta and Dolores Perez Variance". In looking into the request the LCVA Board found no circumstances to warrant a variance request to the established Zoning Density to allow a land division of 2.5 acres into two lots in a region of already diminished water resources.

The Santa Fe Growth Management Department and the Santa Fe County Development Review Committee need to fully understand that these types of variance and other associated lot split requests in an area, with unique and sensitive geological aquifer features, cannot continue.

Point of fact: Over the last 15-20 years County approved lot split and variance requests in the Los Pinos, Las Estrellas and racetrack area has a created a subdivision of over 400 homes without having to meet any of the State or County subdivision requirements. This back door development has been accomplished without any regard to water, waste water, road or traffic planning and has resulted in a direct impact to the headwaters of the springs that feed our unique spring-fed ponds and wetlands throughout the area and has had a dramatic effect on the centuries-old Acequia de La Cienega.

The Acequia has seen their historical flow of water diminished by almost 60% over last 40 years. The LCVA understands and realizes there other factors affecting this diminishment that include drought and large City and County water users but none has had a more direct impact on our area water sources than the proliferation of domestic wells in Upper La Cienega. The proliferation of domestic wells coupled with the County's inability to enforce domestic well water usage ordinances has resulted in homeowners using water they have no right to. This in turn has allowed some residents to overplant their landscapes, create small farms and establish horse operations ignorant of, or with willful disregard to, the impact on the La Cienega and La Cieneguilla springs and water sources.

S F C C L E R K R E C O R D E D 0 7 / 1 7 / 2 0 1 5

While the LCVA understands and appreciates the applicants interest in dividing their land to accommodate a family member but it cannot be done at the expense of continuing to impact an overly stressed and inadequately managed aquifer. The LCVA is also aware that the future Sustainable Land Development Code, as currently proposed, will not permit this type of land division in the future. The LCVA feels this must to be taken into consideration as the CDRC reviews this application.

The LCVA respectfully requests that the CDRC and County Commission deny this variance request. This is the appropriate and necessary action for protecting and preserving our community's rich agricultural history and maintaining the rural nature of La Cieneguilla and La Cienega.

Sincerely,

Carl Dickens, President
La Cienega Valley Association