

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: July 16, 2015

TO: County Development Review Committee

FROM: Miguel "Mike" Romero, Development Review Specialist Sr. *(ME)*

VIA: Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

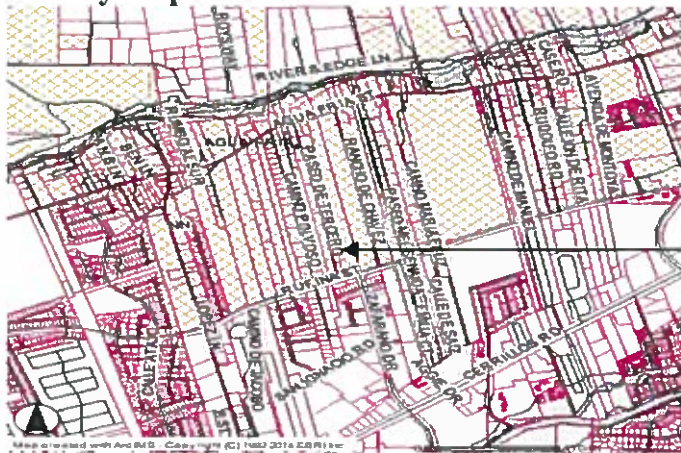
FILE REF.: CDRC CASE # V 15-5150 Jude Tercero Variance

ISSUE:

Jude Tercero, Applicant, Maria Cerquera, Agent, request a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and Dimension Standards), to allow three dwelling units on 0.962 acres. This request also includes a variance of Article V, Section 8.2.1c (Local Roads), of the Land Development Code, as Paseo De Tercero which services the property does not meet local road standards consisting of two ten foot driving lanes, a minimum right-of-way of fifty feet and an all-weather driving surface.

The property is located within the Traditional Community of Agua Fria, at 2293 Paseo De Tercero within Section 5, Township 16 North, Range 9 East, (Commission District 2).

Vicinity Map:



Site Location

SUMMARY:

The subject lot was created in 1991, by way of Family Transfer and is recognized as a legal lot of record. The Applicant has provided proof of ownership of the property by providing a warranty deed which was recorded in the County Clerk's Office on June 23, 1998, in Book 227, Page 048. There are currently two dwelling units on the subject property. The main residence was constructed after 1992 (permit#94-1335), which is approximately 2,500 sq. ft., and is served by City of Santa Fe Sewer and a private well. The second dwelling unit was permitted in 2012 (permit#12-442), which is approximately 1,440 sq. ft. and is served by City of Santa Fe Sewer and the Agua Fria Community Water System (AFCWS). The proposed third dwelling unit would be served by City of Santa Fe Sewer and Agua Fria Community Water System (AFCWS). Currently, the Applicant rents both dwelling units for additional income.

The Applicant requests a variance of the Agua Fria Ordinance, Section 10.6 (Density and Dimension Standards), to allow three dwelling units on 0.962 acres. In the Traditional Community of Agua Fria, minimum lot size per Code is 0.75 acres per dwelling unit. Lot size can be further reduced to 0.33 acres per dwelling unit with Community Water and Community Sewer. For construction of one to four dwelling units Article III Section 2.4.1, states that the Applicant must provide submittals for new construction, and meet standards as applicable and as required in Article V, Section 8, Subdivision Design Standards. The Applicant also requests a variance of Article V, Section 8.2.1c (Local Roads), of the Code. The road Paseo De Tercero, which services the property, fails to meet local road standards, which require two ten-foot driving lanes, a minimum right-of-way of fifty feet and an all-weather driving surface. Currently Paseo De Tercero does not meet these standards because it is a sixteen (16') foot wide dirt road with a twenty (20') foot entrance, and the exit and utility easement is eight-hundred and seventeen (817') feet from Rufina to the end of the Applicant's property line. Paseo De Tercero can be accessed through Rufina or by Agua Fria Road.

The Applicant asserts these variances are needed in order to develop the remaining portion of the property. The Applicant intends to place an additional home on the property both to provide additional income and to give to their children when they meet adulthood. The Applicant intends to give each child a dwelling unit at that time. The property is lacking approximately .448 acres in order to meet Code requirements.

Article II, Section 3 (Variances) of the County Code states: [W]here in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance. This Section goes on to state, [I]n no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

This Application was submitted on May 12, 2015

The Applicant has provided notice in accordance with Article II, Section 2.4.2 of the Code by providing notice in the New Mexican, which was published on June 25, 2015. The Applicant has also provided certified mail receipts (dated June 23, 2015) and certification of posting acknowledgement that the public notice has been posted for 21 days on the property.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.

APPROVAL SOUGHT: Approval of a variance of The Agua Fria Ordinance, Section 10.6 (Density and Dimension Standards), to allow three dwelling units on 0.962 acres and a variance of Article V, Section 8.2.1c (Local Roads) of the Code for Paseo De Tercero which services the property and does not meet local road standards.

GROWTH MANAGEMENT AREA: SDA-2

HYDROLOGIC ZONE: Traditional Community of Agua Fria, minimum lot size per Code is 0.75 acres per dwelling unit. Lot size can further reduced to 0.33 acres per dwelling unit with Community Water and Community Sewer.

FIRE PROTECTION: Santa Fe County Fire Marshal reviewed this Application and recommended denial per the 1997 Uniform Fire Code Section 902-Fire Department Access 902.2.2.1 Dimensions: Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches, Paseo De Tercero does not meet these requirements. The CDRC/BCC cannot grant variances to the Uniform Fire Code.

WATER SUPPLY: The main residence is served by a private well. The second dwelling unit is served by the Agua Fria Community Water System (AFCWS). The proposed dwelling unit will be served by Agua Fria Community Water System (AFCWS). The Applicant has received a letter of commitment.

LIQUID WASTE: All existing dwelling units are served by City of Santa Fe Sewer System. The proposed dwelling unit

will also be served by City of Santa Fe Sewer System. The Applicant has received a letter of commitment.

VARIANCES:

Variances of The Agua Fria Ordinance, Section 10.6 (Density and Dimension Standards), to allow three dwelling units on 0.962 acres and Article V, Section 8.2.1c (Local Roads), to allow an existing sixteen (16') foot dirt driving surface within a twenty (20') foot easement.

AGENCY REVIEW:

Agency:
Fire Prevention

Recommendation:
Denial

STAFF RECOMMENDATION:

Denial of a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and Dimension Standards) to allow three dwelling units on 0.962 acres and of Article V, Section 8.2.1c (Local Roads) of the Code.

If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. The Applicant shall comply will all applicable water conservation measures. (As per **Ordinance No. 2002-13**).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per **Article II, Section 2**).
3. The placement of additional dwelling units is prohibited on the property. (As per **Ordinance No. 2007-2, Section 10.6**).
4. The Applicant shall comply with all Fire Code requirements and Fire Prevention Division requirements at the time of Development Permit Application. (As per **1997 Fire Code and NFPA Life Safety Code**).

EXHIBITS:

1. Letter of request
2. Ordinance No. 2007-2 Section 10.6 (Density and Dimension Standards)
3. Article V, Section 8.2.1c (Local Roads)
4. Site Plan
5. Site Photographs
6. Recorded Survey Plat
7. Recorded Warranty Deed
8. Aerial of Site and Surrounding Area
9. Letter from Agua Fria Community Water System (AFCWS)
10. Letter from City of Santa Fe Waste Water Division
11. Letter from Agua Fria Village Association
12. Public Noticing
13. Fire Prevention Letter

May 27, 2015

Santa Fe County
P.O. Box 276
Santa Fe, NM87504

To whom it may concern:

It is our intent to ask the County of Santa Fe to allow us a variance for a third unit on our property in the Village of Agua Fria. The regulations require three units per one acre. The piece of property, left to us by our parents, is just shy at .962 acres. This lot is .038 acres shy of the required one acre. Granting this variance will constitute a minimal easing of the lot size requirement.

At present, we have a home on 1/3 of this property and have a single wide mobile home on 1/3. We would like to prepare the remaining property to place a mobile home for needed income and for future use for our children.

We have access to Agua Fria Community water and City sewer. We ask that you consider this variance being that it would not interfere with our neighbors or community.

In addition, I am requesting a variance of the standards described in Article 5, Section 8.2.1c. titled "Local Roads", of the County code. Due to preexisting conditions I am unable to comply with this specification.

Thank you for your consideration to this matter.

Sincerely,



Jude Tercero
Ph: 505-604-1353



NBA-6

10.6 Density and Dimensional Standards

The following table illustrates the dimensional standards that apply in the Village of Agua Fria Zoning District. Measurements and exceptions to the standards of this schedule are listed in the table notes.

Commentary: The density and dimensional standards set forth in this section are not a guarantee that stated development density and intensities can be attained. Other factors—water and other public facility availability, infrastructure capacity, building layout, physical limitations, and parking configuration to name a few—may have the effect of limiting development intensity more than the stated standards.

Village of Agua Fria Zoning District															
Sub districts	Minimum Lot Area/Principal Use (acres) (1)							Max. Coverage (%)	Max. Height (ft)			Min. Setbacks (ft) (2)			
	Base Density/Intensity		Water Cons.	Long Term Water	Community Services				Residential Uses	Non-residential Uses	Residential Uses		Non Res Uses	Front & Street Side	Interior Side
	Res Uses	Non Res Uses			Water	Sewer	Both W&S	SF			MF				
	AFTCZD	.75	.75			.75	.75	0.33		40	24	24	24	0	5
AFLDUZ	2.5	2.5			1	1	0.5		20	24	24	24	0	20	20

Notes:

(1) Where adequate water is available, minimum lot area may be reduced by employing water conservation measures and reducing water use. Further reductions may be achieved by submitting proof of adequate long term water availability, connecting to community water, community sewer or both (W&S), all in accordance with Article III, Section 10, Lot Size Requirements of the Code or, such additional density bonus and lot size provisions of County Ordinance 2006-02, Affordable Housing.

(2) Setbacks shall be measured from the property line or from the edge of the road easement where the property line is inside the road easement.



which schedule is on file at the Office of the Public Works Director and the Land Use Office.

8.1.12 Construction of roads or other required improvements may be phased according to a schedule that is part of an approved master or development plan.

8.1.13 Local roads shall be laid out so that their use by through traffic will be discouraged.

8.2 Road Design

Construction and design standards shall be according to sound engineering practice as follows:

8.2.1 Classification of Highways, Streets and Roads

8.2.1a Arterial Roads and Highways

A major arterial road or highway has from two to six driving lanes, may be divided with a median, and has sufficient additional right-of-way to provide for turning lanes and additional width at major intersections. Major arterials have an average daily traffic of more than 5000 vehicles and a minimum right-of-way of one hundred feet (100'). A minor arterial road has an average daily traffic of 2000 to 5000 vehicles, serves 200 to 1000 dwelling units or lots, and has a minimum right-of-way of sixty six (66) feet. Asphalt paving is required for major arterials at a minimum depth of five (5) inches and for minor arterials to a minimum depth of four (4) inches. Separated driving lanes or park-ways are encouraged. See Appendices A, B.1, B.2 and B.3 for further detail.

8.2.1b Collector Roads

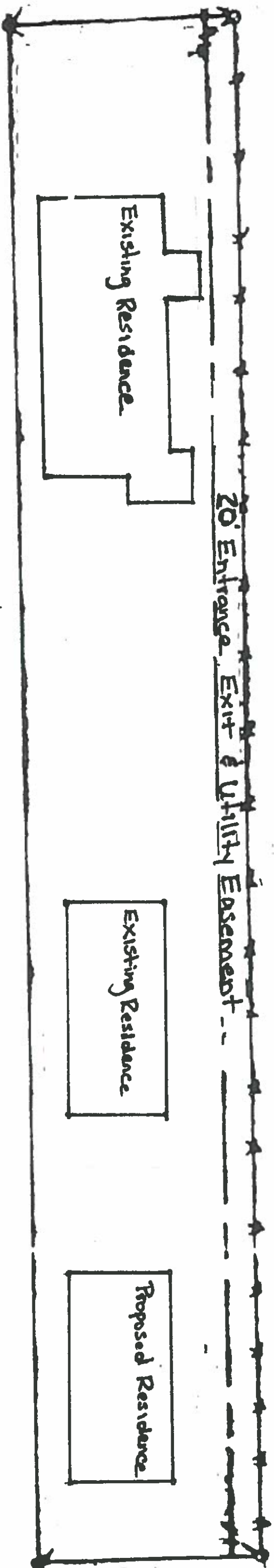
A collector road has two (2) twelve (12) foot driving lanes. It serves 61 to 199 dwelling units or lots and has an average daily traffic volume of 601 to 1999 vehicles and a minimum right-of-way of fifty (50) feet; paving shall achieve a minimum depth of three (3) inches. See Appendices A, B.1, B.2 and B.3.

8.2.1c Local Roads

A local subcollector road has two (2) twelve (12) foot driving lanes, serves 31 to 60 dwelling units or lots, and carries an average daily traffic volume of 301 to 600 vehicles with a minimum right-of-way of fifty (50) feet. A local subcollector road has a six (6) inch minimum surface thickness of crushed gravel base course material, provided it can be shown that such minimum thickness is adequate based on subgrade soil conditions; a plasticity index of eight (8) to twelve percent (12%) shall be provided. A local lane, place or cul-de-sac road serves 0 to 30 dwelling units or lots and carries an average daily traffic volume of 0 to 300 vehicles with two (2), ten (10) foot driving lanes with a minimum right-of-way of fifty (50) feet. Local lanes, places and cul-de-sac roads shall be constructed with the same sub-grade and base course specifications as the subcollector road. See also Appendices A, B.1, B.2 and B-3 and Section 8.3 of this Article.

8.2.1d Cul-de-sacs

Cul-de-sacs (dead end roads) shall not be longer than five hundred (500) feet. At the closed end there shall be a turn around having a minimum driving surface radius of at least forty-two (42) feet for roads under 250 feet long and of at least fifty (50) feet for roads 250 feet and longer. A suitable alternative, such as a hammerhead turn around, may be acceptable if approved by the Code Administrator and the Fire Marshal. All turn around areas shall be designed to protect existing vegetation and steep terrain. There shall be a minimum right-of-



SITE PLAN



Jude Tercero
2293 Paseo De Tercero
Santa Fe, NM



NBA-10

Jude Tercero
2293 Paseo De Tercero
Santa Fe, NM



NBA-11

Jude Tercero
2293 Paseo De Tercero
Santa Fe, NM



NBA-12

FAMILY TRANSFER
PLAT OF SURVEY
FOR
ELIGIO M TERCERO

LYING AND BEING SITUATE IN SMALL HOLDING
CLAIM #427, SECTION 5 & 32, T16 & 17N, R9E,
N.M.P.M. COUNTY OF SANTA FE, STATE OF NEW
MEXICO.

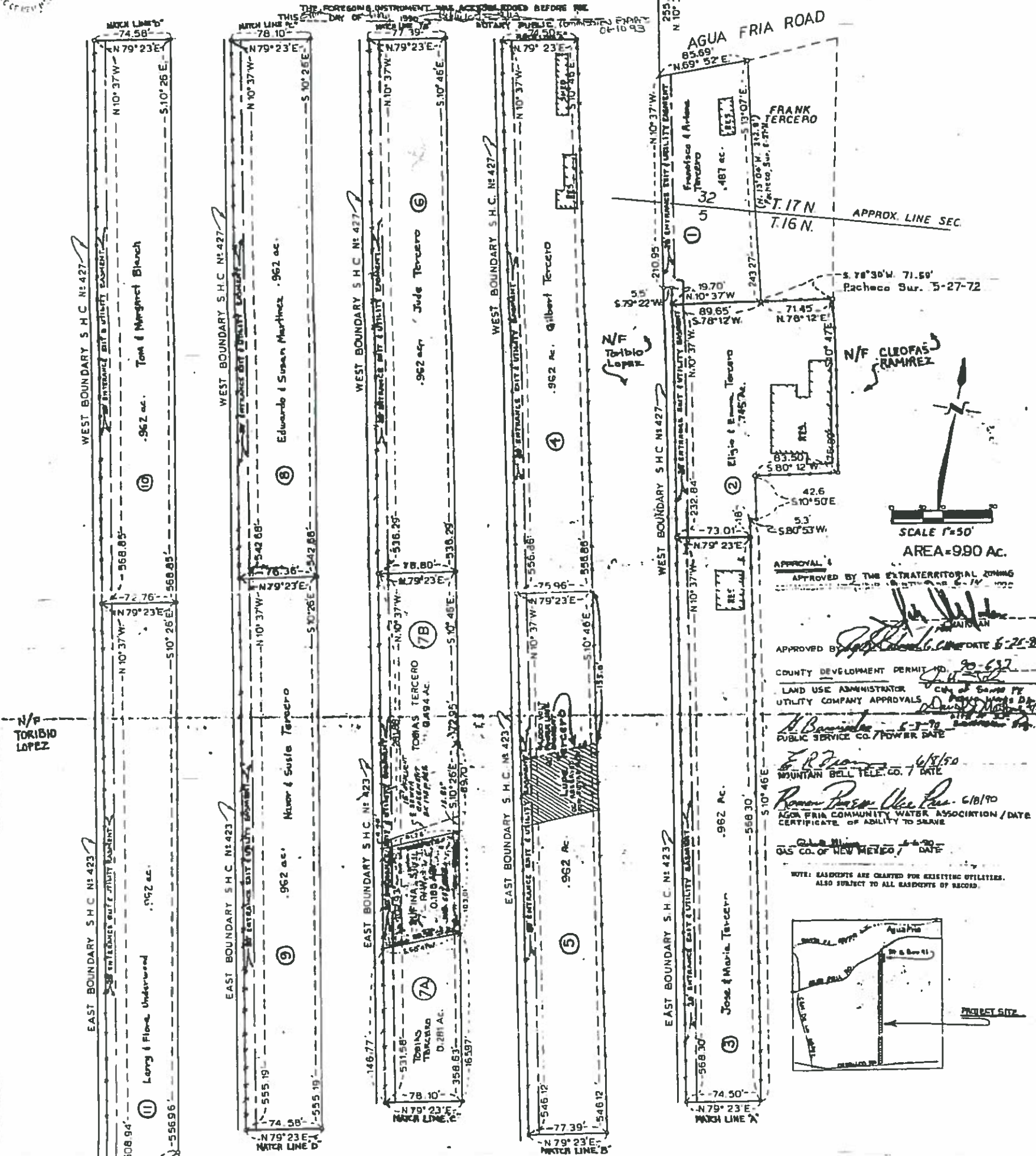
227148

KNOW ALL MEN BY THESE PRESENTS:

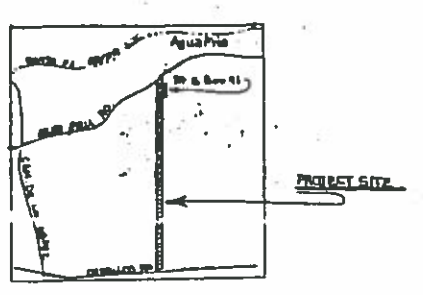
THAT ELIGIO TERCERO AND EMMA TERCERO HAVE
CAUSED TO BE DIVIDE THE LANDS SHOWN HEREON FOR THE PURPOSE
OF A FAMILY TRANSFER, LYING AND BEING SITUATE IN SANTA FE COUNTY
N.M. WITHIN THE PLANNING & PLATTING JURISDICTION OF THE CITY
AND COUNTY OF SANTA FE, NEW MEXICO, THE EASEMENTS ARE HEREBY
DEDICATED AS SHOWN AND THE DIVISION IS MADE IN ACCORDANCE WITH
THE DESIRES OF THE UNDERSIGNED OWNERS.

Eligio Tercero Emma Tercero
ELIGIO TERCERO EMMA TERCERO
STATE OF NEW MEXICO 155
COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS 10th DAY OF MAY 1996, PUBLICLY, IN THE PRESENCE OF
NOTARY PUBLIC (COMMENCED OFFICE)
OF 10-93



APPROVAL &
APPROVED BY THE EXTRATERRITORIAL ZONING
COMMISSION OF SANTA FE COUNTY ON 5-14-96
[Signature]
APPROVED BY *[Signature]* DATE 5-25-96
COUNTY DEVELOPMENT PERMIT NO. 90-632
LAND USE ADMINISTRATOR City of Santa Fe
UTILITY COMPANY APPROVALS
PUBLIC SERVICE CO. / POWER DATE
MOUNTAIN BELL TELE. CO. / DATE
AGUA FRIA COMMUNITY WATER ASSOCIATION / DATE
GAS CO. OF NEW MEXICO / DATE
NOTE: EASEMENTS ARE CHARGED FOR EXISTING UTILITIES.
ALSO SUBJECT TO ALL EASEMENTS OF RECORD.



NOTE:
- AT THE TIME OF COUNTY DEVELOPMENT PERMIT REQUEST THERE SHALL BE APPROVAL OF THE CITY FIRE DEPT. FOR ANY RESIDENCE LARGER THAN 5000 SQUARE FEET, OR ANY COMMERCIAL INSTITUTIONAL AND NON-RESIDENTIAL USE, OR ANY STRUCTURE WITHIN 50 FEET OF ANY OTHER BUILDING AND OVER 100 SQUARE FT.
- THE COUNTY WILL REQUIRE DOCUMENTATION THAT CITY SEWER AND COMMUNITY WATER WILL BE UTILIZED AT THE TIME A PERMIT FOR CONSTRUCTION IS REQUESTED FOR LOTS 7A AND 7B

NOTE:
1. THE FOLLOWING REQUIREMENTS ARE TO BE COMPLIED WITH AT THE TIME OF DEVELOPMENT PERMIT REQUEST.
S.P.C. 14-90-3. FORESLOPE
14-90-4 DRAINAGE
14-90-5 GRADING
14-90-6 EROSION.
SANTA FE CITY CODE PLAN REQUIREMENTS
2. ANY CONNECTION TO CITY SEWER REQUIRES APPROVAL BY CITY OF SANTA FE.

NOTES
- INDICATE REBARS FOUND AND USED.
- INDICATE 1/2" PIPE FOUND AND USED.
- INDICATE 5/8" REBAR SET THIS SURVEY MAINTENANCE OF THE ROADWAY EASEMENT IS THE RESPONSIBILITY OF THE USERS
ORIENTATION BASED ON TURLY SURVEY 35-P-13 DATED 8-27-95 PAGE 227
(N 10° 37' W) EAST BOUNDARY OF S.H.C. #423
REFERENCE: OLD FILED 8-5-65 9-263 P-364 MISC.
OLD FILED 9-14-25 9-108 P-43 MISC.



750 351
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for record on the 10th day of May 1996 at 10:37 AM of 1996 in book 227 and was duly recorded in book 227 of the records of Santa Fe County, New Mexico.
Witness my Hand and Seal of Office
Joaquin Arango
County Clerk, Santa Fe County, N.M.
[Signature]
Deputy

CERTIFICATE
I HEREBY CERTIFY THAT THIS PLAT AND NOTES THEREON ARE A TRUE AND CORRECT COPY OF A SURVEY MADE BY ME ON MAY 27, 1972 AND APRIL 18, 1975.
[Signature]
JOSEPH L. PACHECO P.E. & L.S.
3905 (1964 PACHECO ST. SANTA FE, N.M.) 81304
I FURTHER CERTIFY THAT THIS PLAT AND SURVEY MEETS THE STANDARDS FOR PROFESSIONAL SURVEYORS PRACTICING IN THE STATE OF NEW MEXICO.
PLAT UPDATED 9-18-91 TO DEFINE FURINA ST. & SEWER LINE EASEMENT
[Signature]
Joseph L. Pacheco P.E. & L.S.
#3308



NBA-13

SPAN 96040660

WARRANTY DEED

1276201

ELIGIO M. TERCERO and EMMA TERCERO, husband and wife

for consideration paid, grant (g)

to JUDE C. TERCERO and MARY E. TERCERO, husband and wife

whose address is

the following described real estate in SANTA FE County, New Mexico:

A certain tract or parcel of land and real estate lying and being situate within S.H.C. 427, Section 5, T. 16 N., R. 9 E., N.M.P.M., County of Santa Fe, State of New Mexico, and more particularly described as follows, to wit:

Beginning at the southwest corner of the tract herein described, from whence a U.S.G.L.O. Marked Stone for the southwest corner of S.H.C. 427 bears, S. 10° 37' E., 2807.24 feet; thence, S. 43° 10' W., 6.82 feet; thence, from said point and place of beginning, N. 10° 37' W., 536.29 feet; thence, N. 79° 23' E., 77.39 feet; thence, S. 10° 46' E., 536.29 feet; thence, S. 79° 23' W., 78.80 feet to the point and place of beginning. Being and intended to be lot 6 as shown on plat of survey prepared for Eligio M. Tercero, filed for record as Document No. 750,351, in Plat Book 227, page 048, records of Santa Fe County, New Mexico.

SUBJECT TO: Restrictions, reservations and/or easements of record.

with warranty covenants.

WITNESS our hand (s) and seal (s) this 3RD day of JUNE, 19 96.

Eligio M. Tercero (Seal) Emma Tercero (Seal)
ELIGIO M. TERCERO EMMA TERCERO

(Seal) (Seal)

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO)
) SS.
COUNTY OF SANTA FE)

This instrument was acknowledged before me on JUNE 3RD, 19 96, by ELIGIO M. TERCERO and EMMA TERCERO

My commission expires 8/31/97
Notary Public: Katherine T. O'Neil

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO)
) SS.
COUNTY OF SANTA FE)

This instrument was acknowledged before me on _____, 19 ____

by _____

(Title of Corporation Acknowledging)

(Title of said corporation.)

Notary Public

947-859
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for record on the 3RD day of JUNE, 1996, and to the records of Santa Fe County, New Mexico.
Notary Public: Katherine T. O'Neil



EXHIBIT
7



NBA-14



May 15, 2015



Legend

-  Main Road
-  Roads
-  Parcels
-  Address





875 ft from Rufina Street

2277

17 Ft

2292

2281

2293

2297

2297

3839

3839

2143

3859

ANTONIO




PASO DE TERCERO



May 15, 2015



Legend

-  Main Road
-  Roads
-  Parcels
-  Address

0

145



AFCWS

Agua Fria Community
Water Systems



P.O Box 4966 Santa Fe, NM. 87502-4966
Office (505) 474-4206 Fax (505) 474-4206

Ramon Romero-President, Rudy Martinez-Vice-president, Dion Montoya-Secretary, Gil Tercero-Treasurer, Henry Chavez,

June 16, 2015

Santa Fe County
Land Use Department
Santa Fe NM 87505

This is to acknowledge that the above stated community water association will make water available for Jude Tercero for a proposed dwelling at 2277 Paseo de Tercero Santa Fe NM 87507. The original parcel at 2293 is served by the family well and the parcel at 2281 has been served by the Agua Fria Community Water Association Since December 2012.

If any additional information is required, please feel free to call me at 505-490-2128.

Sincerely,


Ana M. Berry
Accounts Manager



NBA-17



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

Javier M. Gonzales, Mayor

Councilors:

Peter N. Ives, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

May 11, 2015

Mr. Jude Tercero
2293 Paseo De Tercero
Santa Fe, New Mexico 87507

Subject: Sewer Service for 2293 Paseo De Tercero

Dear Mr. Tercero:

The purpose of this letter is to confirm that the property at 2293 Paseo de Tercero has an active sewer account with the City of Santa Fe. Field inspection indicates that this property is served by an existing private sewer service line that connects to the City of Santa Fe public sewer system within Rufina Street. Any new structures added to the property at 2293 Paseo de Tercero that requires City sewer service shall connect to this existing private sewer service line. **It is noted that an additional separate private sewer service line extension that connects to the City's public sewer line in Rufina Street is not authorized to serve a new structure on the property. A public sewer mainline extension will be required if the existing private sewer service line does not have the capacity to serve any proposed new structure(s).**

Please note that each lot must be served through separate sewer service connections. Any future lot splits or sewer service connections for properties not referenced in this evaluation shall require review and approval by the Wastewater Management Division.

Additionally, Wastewater utility expansion charges (UEC) for sanitary sewer shall apply.

\\WW-SVR-1\WasteWater1\$\Engl
TERs\2293 Paseo de Tecero-Jude



Availability Statements (TER)2015

NBA-18

This statement of availability applies exclusively to the property described above. This document verifies that at the time it was issued sufficient capacity was available in the receiving line. It does not guarantee capacity through the life of the sanitary sewer. Any zoning or conceptual changes made to the development area will require our re-evaluation of the sanitary sewer availability and our re-issuing of this statement. This technical evaluation report will be valid for a period of one year from the date of issue date.

You may contact me at 955-4637 if you have any questions.

Sincerely,



Stan Holland, PE
Wastewater Management Division

cc: File
Doug Flores

Agua Fria Village Association

2073 Camino Samuel Montoya
Santa Fe, NM 87507



July 7, 2015

Penny Ellis-Green, County Land Use Administrator
Santa Fe County
P.O. Box 276
Santa Fe, N.M. 87504-0276

Dear Ms. Ellis-Green:

The Agua Fria Village Association (AFVA), on behalf of the Agua Fria Village Traditional Historic Community (THC), has published in its monthly newsletter the variance for Case #V-15-5150 Jude Tercero at 2293 Paseo De Tercero, just off Agua Fria Street.

Mr. Jude Tercero has applied for a variance requesting to have three dwelling units on his property of 0.962 acres, which are almost the necessary 0.999 acres, when the subject property has community sewer and water. We discussed this variance at our July 6th meeting and see no problem with an approval.

The other components of the variance: variance of the road standards to allow the existing 16-foot wide dirt driveway (Code requires two ten-foot driving lanes) to serve all 3 homes and a reduction of a minimum right of way of fifty feet (measured from existing buildings of other family members to the road); have been the subject of much discussion in our recent Community Planning meetings for updating the Agua Fria Community Plan (http://www.santafecountynm.gov/userfiles/Planning_Update_2014/Adopted_VillageofAguaFriaCommunityPlan7-2006.pdf). These Code requirements are often difficult to adhere to in our County's 33 traditional communities.

The AFVA feels that the variances should be approved.

Sincerely,

William Henry Mee, President AFVA
(505) 473-3160
WilliamHenryMee@aol.com

Email CC:

COUNTY OF SANTA FE:
Santa Fe County
P.O. Box 276
Santa Fe, N.M. 87504-0276



pengreen@co.santa-fe.nm.us, Miguel Romero miromero@santafecountynm.gov,
Commissioner Miguel Chavez , mchavez@co.santa-fe.nm.us,
Tessa Jo Mascarenas, Constituent Services Liaison, tjmascarenas@santafecountynm.gov,

AGUA FRIA ASSOCIATION MEMBERS:

Charlie Gonzales, Vice President, cdGonzales@comcast.net,

The newspapers of **New Mexico** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Santa Fe
Printed In: Santa Fe New Mexican
Printed On: 2015/06/25

Legal # 98639

NOTICE OF
PUBLIC HEARING

Notice is hereby given that a public hearing will be held to consider a request by Jude Tercero, Applicant, for a variance of Ordinance No. 2007-2, (village of Agua Fria Zoning District), Section 10.6 (Density and Dimension Standards), to allow three dwelling units on 0.962 acres. This request also includes a variance of Article V, Section 8.2.1c (Local Roads), of the Land Development Code, as Paseo de Tercero which services the property does not meet local road standards consisting of two ten foot driving lanes, a minimum right-of-way of fifty feet and an all-weather driving surface.

The property is located within the Traditional Community of Agua Fria at 2293 Paseo De Tercero, within Section 5, Township 16, North, Range 9 East (Commission District 2).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa fe, New Mexico on the 16th day of July 2015, at 4:00 p.m. on a petition to the County Development Review Committee and on September 8, 2015, at 5:00 p.m. before the Board of County Commissioners.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action. All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Published in The Santa Fe New Mexican on June 25, 2015.

Public Notice ID:




NBA-22

CERTIFICATION OF POSTING

I hereby certify that the public notice posting regarding Land Development

Case # V15-5150 was posted for 21 days on the property beginning

The 19 day of June. **



Signature

*Photo of posting must be provided with certification

**PLEASE NOTE: Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 21 days. It is the applicant's responsibility to ensure that the notice is on the property for the full 21 days.

STATE OF NEW MEXICO }
 }
COUNTY OF SANTA FE }

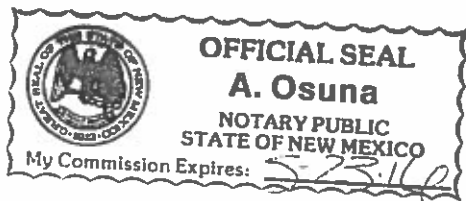
The foregoing instrument was acknowledged before me this 22 day of

JUNE, 2015, By A. Osuna



Notary Public

My Commission Expires:
5-23-16



ASEO DE TERCERO

PUBLIC NOTICE
 Notice is hereby given that an application has been filed with Santa Fe County for A VARIANCE OF ORDINANCE NO. 2001-2 (ORDINANCE OF 2001 FOR ZONING DISTRICT) SECTION 10.6 (DENSITY & COMMERCIAL STANDARDS) FOR THREE DWELLING UNITS ON 0.912 ACRES. THIS REQUEST ALSO INCLUDES A VARIANCE OF ARTICLE V, SECTION 10.2.12 (LOCAL ROAD) OF THE LAND DEVELOPMENT CODE, AS APPLIED TO PROPERTY WITH SERVICES THE PROPERTY DOES NOT MEET LOCAL RD REQUIREMENTS CONCERNING THE PROPERTY LOCATED AT THE CORNER OF NORTH 11th STREET AND RUSSELL DRIVE, A MINIMUM NAME OF APPLICANT: JUDE TERCERO
 Address of Request: 2213 AVENUE DE TERCERO
 Legal Description: Section 5
 Range 9E80T Township 14N North
 Range 9E80T NMPM Santa Fe County, New Mexico
 A PUBLIC HEARING will be held/heard at the Old Santa Fe County Courthouse, corner of Palace and Grant Avenues, Santa Fe, New Mexico on/with the 11th day of July, 2015, at 4pm before the CODE & ON
 JUL 9, 2015 AT 5PM BEFORE THE END
 Further information can be obtained by contacting the Land Use Department, P.O. Box 276 Santa Fe, NM 87504
 Phone: (505) 988-1225. Development Permit # 15-5150

NBA-25

PUBLIC NOTICE

Notice is hereby given that an application has been filed with Santa Fe County for a VARIANCE in CANTONMENT DISTRICT (VILLAGE OF RESERVE PARK ZONING DISTRICT) Section 16.0, GENERAL DIMENSION STANDARDS, to allow three (3) units of residential use. THIS REQUEST ALSO INCLUDES A VARIANCE OF ARTICLE 16.0.4.2 (LOCAL RENTALS) OF THE LAND MANAGEMENT AND PLANNING FEASIBILITY STUDY. THE APPLICANT DOES NOT BELIEVE THAT THE VARIANCE CONSIDERING THE PUBLIC INTERESTS, IS IN THE PUBLIC INTEREST OR THAT THE VARIANCE WILL BE IN THE PUBLIC INTEREST. THE APPLICANT DOES NOT BELIEVE THAT THE VARIANCE WILL BE IN THE PUBLIC INTEREST.

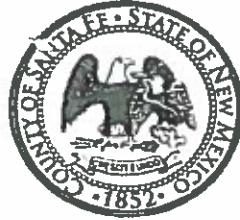
Name of Applicant: **JOHN WELLS**
 Address of Request: **221 S. LAUREL DR. #200**
 Legal Description: Section 2, Township 36N, Range 1N, East of Santa Fe County, New Mexico
 Range: **1 North**
 A PUBLIC HEARING will be held on **July 21, 2015**, at **Old Santa Fe County Avenues, Santa Fe, New Mexico**, at **10:00 AM**.
 Further information can be obtained by contacting the Land Use Department, Santa Fe County, New Mexico, at **505/986-6225**.



Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

Date	06/09/2015		
Project Name	Jude Tercero		
Project Location	2277 Paseo de Tercero, Santa Fe, New Mexico 87507		
Description	Variance of Density and local roads	Case Manager	M. Romero
Applicant Name	Jude Tercero	County Case #	V 15-5150
Applicant Address	2563 Withington Peak Drive NE Albuquerque, New Mexico 87144	Fire District	Agua Fria
Applicant Phone	505-604-1353		

Review Type	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>	Inspection <input checked="" type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input checked="" type="checkbox"/>		Lot Split <input type="checkbox"/>
Project Status	Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input checked="" type="checkbox"/>	

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated:

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

- **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.



Per the 1997 Uniform Fire Code Section 902 – Fire Department Access 902.2.2.1 Dimensions: Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

Per 2003 International Fire Code Section 503 Fire Apparatus Access Roads: 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads for fire apparatus and shall be surfaces so as to provide all-weather driving capabilities.

Paseo de Tercero does not meet the minimum requirements of the 1997 Uniform Fire Code and the 2003 International Fire Codes

General Requirements/Comments

Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Permits

As required

Final Status

Recommendation for a variance for road size V15-5150 Denied above conditions applied.

Renee Nix, Inspector

Renee Nix
Code Enforcement Official

6-9-15
Date

Through: Chief David Sperling

File: DEV/JudeTercero/060915/AF

Cy: Buster Patty, Fire Marshal *BP*
Land Use
Applicant
District Chief Agua Fria
File