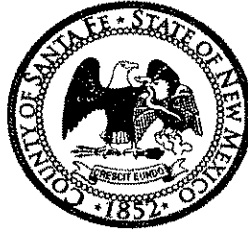


Danny Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** September 13, 2011

**TO:** Board of County Commissioners

**FROM:** Wayne Dalton, Building and Development Services Supervisor *WD*

**VIA:** Jack Kolkmeier, Land Use Administrator *JK*  
Shelley Cobau, Building and Development Services Manager *SC*

**FILE REF:** CDRC CASE # V 11-5180 John Robertson Variance

---

### ISSUE:

John Robertson, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a second dwelling unit on 10.17 acres. The property is located off Highway 14 at 35 North Fork, within Section 25, Township 15 North, Range 8 East, (Commission District 5).

### SUMMARY

On August 18, 2011, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request for a variance by a unanimous 4-0 vote (Refer to Meeting Minutes Attached as Exhibit "A").

The Applicant requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a second dwelling unit on 10.17 acres. The property is located within the Basin Fringe Hydrologic Zone. Article III, Section 10 requires the minimum lot size in this area to be 50-acres per dwelling unit. Lot size may be further reduced to 12.5 acres if the Applicant proposes to utilize water conservation measures. An Applicant proposing such restrictions must prepare a water conservation report pursuant to Section 6.6 of Article VII. There is currently a residence, a barn, an outdoor riding arena, and conventional septic system on the property. The property is served by an on-site well which serves the existing residence on the property.

The Applicant states he wishes to place a second home on the property for his ex-wife in order for her to assist him with his health and physical conditions. The Applicant is deaf and has very poor balance causing him to fall and is also asthmatic and has Chronic Obstructive Pulmonary Disease, also known as COPD, which causes frequent bronchitis infections and occasional asthma attacks requiring emergency care. The Applicant further states the variance is needed in order for his daughter to be closer to her mother on a daily basis and due to his ex-wife being unemployed and no longer able to afford rent for a space within a mobile home park she currently resides in.

Article II Section 3 (Variances) of the County Code states: "Where 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 "In 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."

**REQUIRED ACTION:**

The BCC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions or modifications or to table for further analysis of this request.

**RECOMMENDATION:**

Staff has reviewed this application and has found the following facts **to deny** this submittal: Article III, Section 10 (Lot Size Requirements) of the Land Development Code states: the minimum lot size in this area is 50-acres per dwelling unit; the Applicants lot size is only 10.17 acres; the hardship described by the Applicant is not the type of variance hardship required by the Code; the Applicant has not justified a hardship which is contemplated by the Code; strict compliance with the requirements of the code would not result in extraordinary hardship to the Applicant; to allow further reduction of the Code density requirements would nullify the purpose of the Code therefore staff recommends **denial** of the Applicants request.

If the decision of the BCC is to approve the Applicant's request, staff recommends the following conditions be imposed;

1. A temporary permit will be issued for a period of five years to be approved for consecutive five-year periods by the CDRC. The Applicant at that time must prove the hardship still exists.

2. Water use shall be restricted to 0.25 acre feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office.
3. A shared well agreement shall be signed and recorded in the Office of the County Clerk.
4. The Applicant must obtain a development permit from the Building and Development Services Department for the second dwelling.
5. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
6. The placement of additional dwelling units on the property is prohibited.
7. The existing driveway will serve the proposed residence.

**ATTACHMENTS:**

- Exhibit "A"- CDRC Meeting Minutes
- Exhibit "B"- Letter of request
- Exhibit "C"- Article III, Section 10 (Lot Size Requirements)
- Exhibit "D"- Article II, Section 3 (Variances)
- Exhibit "E"- Site Plan
- Exhibit "F"- Photos of Site
- Exhibit "G"- Aerial of Site and Surrounding Area
- Exhibit "H"- Petition from Neighbors
- Exhibit "I" - Vicinity Map

**IV. APPROVAL OF MINUTES: June 16, 2011 Regular Meeting Minutes**

Member Gonzales moved to approve the June minutes as submitted. Member Valdez seconded and the motion passed by unanimous voice vote with Member Anaya abstaining.

**VII. OLD BUSINESS**

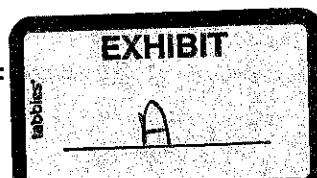
- B. CDRC CASE # V 11-5180 John Robertson Variance. John Robertson, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Second Dwelling Unit on 10.17 Acres. The Property is Located Off Highway 14 at 35 North Fork, within Section 25, Township 15 North, Range 8 East, (Commission District 5) Wayne Dalton, Case Manager**

Mr. Dalton gave the staff report as follows:

“The Applicant requests a variance of Article III, Section 10 of the Land Development Code to allow a second dwelling unit on 10.17 acres. The property is located within the Basin Fringe Hydrologic Zone. Article III, Section 10 requires the minimum lot size in this area to be 50 acres per dwelling unit. Lot size may be further reduced to 12.5 acres if the Applicant proposes to utilize water conservation measures. There is currently a residence, a barn, an outdoor riding arena, and conventional septic system on the property. The property is served by an on-site well which serves the existing residence on the property.

“The Applicant states he wishes to place a second home on the property for his ex-wife in order for her to assist him with his health and physical conditions. The Applicant is deaf and has very poor balance causing him to fall and is also asthmatic and has chronic obstructive pulmonary disease, also known as COPD, which causes frequent bronchitis infections and occasional asthma attacks requiring emergency care. The Applicant further states the variance is needed in order for his daughter to be closer to her mother on a daily basis and due to his ex-wife being unemployed and no longer able to afford rent for a space within a mobile home park she currently resides in.”

Mr. Dalton stated staff has reviewed this application and has found the following facts to deny this submittal: Article III, Section 10 of the Land Development Code states: the minimum lot size in this area is 50 acres per dwelling unit; the Applicant’s lot size is only 10.17 acres; the hardship described by the Applicant is not the type of variance hardship required by the Code; the Applicant has not justified a hardship which is contemplated by the Code; strict compliance with the requirements of the code would not result in extraordinary hardship to the Applicant; to allow further reduction of the Code density requirements would nullify the purpose of the Code therefore staff recommends denial of the Applicant’s request.



If the decision of the CDRC is to recommend approval, staff recommends the following conditions be imposed;

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office.
2. A shared well agreement shall be signed and recorded in the Office of the County Clerk.
3. The Applicant must obtain a development permit from the Building and Development Services Department for the second dwelling.
4. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
5. The placement of additional dwelling units on the property is prohibited.
6. The existing driveway will serve the proposed residence.

Chair DeAnda asked if the daughter currently lives with the applicant and the daughter indicated she did.

Member Gonzales asked how many lots under five acres there were in the area. Mr. Dalton referred to the aerial photograph which shows lots varying from less than ½-acre to ten acres; most of the lots have multiple structures.

Member Gonzales asked if this was in the Silverado Subdivision and Mr. Dalton stated it was in the North Fork area, which is a bit north of Silverado. In response to Member Gonzales's question on the water situation, Mr. Dalton said some wells have gone dry in the past in that area. Mr. Robertson's well log indicates he pumps five gpm.

Chair DeAnda asked how many of the smaller lots in the area actually have two dwelling units. Mr. Dalton said from the aerial photo it's hard to distinguish accessory structures from dwellings. Chair DeAnda asked if they were grandfathered in or approved. Mr. Dalton speculated many were legal non-conforming.

Member Gonzales asked if a site visit was done and Mr. Dalton said he visited the site and took photos.

Referring to the aerial photograph, Member Anaya determined that the large area was an outdoor riding arena, leaving a residence and a barn on the property.

Mr. Dalton explained the code's definition of hardship: "Where 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, "In 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."

Duly sworn, John Robertson indicated he understood why code was established. He moved to the property in 1985 and would now like his ex-wife to be able to live on the property to take care of him. He has a well and good drainage. He only has one tree and very few plants requiring water. Having grown up in New Mexico he understands the need to conserve water. He said his daughter is 17 years old.

Chair DeAnda asked if Mr. Robertson had considered any other options, such as improving his current house. Mr. Robertson said a room has been added on to his mobile home and a new roof, however, he is retired and does not have the money for extensive renovations. His ex-wife owns the mobile home which is a double-wide. It is approximately seven or eight years old.

There was no one from the public wishing to speak.

Chair DeAnda asked about the possibility of placing a second dwelling on the property on a temporary basis. Mr. Dalton said that has been done in the past for five-year periods with the possibility of extensions if the hardship still exists. Chair DeAnda said she was unsure whether the variance criteria had been met.

Stating the neighbors had expressed their support, Member Gonzales move to approve CDRC Case #V 11-5180 with staff conditions.

Chair DeAnda offered a friendly amendment that it be temporary for a period of five years.

Member Anaya seconded the motion and the friendly amendment.

The motion carried by unanimous 4-0 voice vote.

Mr. Dalton noted that the case is scheduled to be heard by the Board of County Commissioners on September 13<sup>th</sup>.

~~C. **CDRC CASE # V 11-5200 Jesus Garcia-Solis Variance. Jesus Garcia-Solis, Applicant, Requests a Variance of Ordinance # 2002-9, (La Cienega/La Cienega Traditional Community Zoning District), Section 6.4.1.00 Allow a Second Dwelling Unit on 2.53 Acres. The Property is Located in the Vallecita de Gracia Subdivision, off Los Pinos Road (County Road 54) at 1 Corte Gracia, within Sections 22, 27, & 28, Township 16 North, Range 8 East, (Commission District 3) Wayne Dalton, Case Manager**~~

~~Mr. Dalton gave the following staff report:~~

~~“The Applicant requests to allow a second dwelling unit on 2.53 acres. There is currently a residence and conventional septic system on the property. The property is served by a shallow well system which serves five additional lots. The property is located in the Traditional Historic Community, within the B-1 Zone. Ordinance #2002-9 requires the minimum lot size in this area as 10 acres per dwelling unit. With~~

To:

From: John Robertson  
35 North Fork  
Santa Fe, New Mexico 87508

Subject: Placement of Double Wide Mobile Home on my property

I wish to place my ex wife's double wide mobile home on my property for the following reasons:

1. So my daughter can have her mother close by on a daily basis.
2. My ex wife can keep an eye on me to be sure I am safe and to assist me due to some of my health and physical situations. I happen to be deaf and have very poor balance causing me to fall. Also, I am asthmatic and have Chronic Obstructive Pulmonary Disease (COPD) which causes frequent bronchitis infection and occasional asthma attacks requiring emergency care.
3. My ex wife no longer has a job to help with paying for rental space at a mobile home park and has to move her home out of the park.

We strive to conserve water by not having trees and lawn to water. I plan to place the home near my house with an already installed septic tank and water line. I plan to install a water meter to monitor water usage as requested by the state engineer water resources dept. I have a permit to allow for two homes. The residences will be in the middle of the 10 acre property. All seven neighbors have signed a petition in support of placing an additional home on the lot.

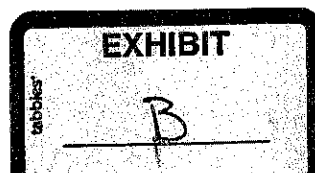
Myself and my ex wife Elizabeth Schorr thank you in allowing us to petition your respective committees to allow us to place an additional home on my property.

Thank you for your consideration and time.

Respectfully,

Johnny Robertson

Elizabeth Schorr



TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	1 per 1 employee plus per 200 sq. ft.
Restaurants, Bars	1 per 1 employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.
Small Scale Centers, Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History. 1980 Comp. 1980-6. Section 9, Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

## SECTION 10 - LOT SIZE REQUIREMENTS

### 10.1 Relationship of Lot Sizes to Water Policies

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.

EXHIBIT

III - 88



10.1.1 Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights

Applicants seeking a development permit may base their application on water rights authorized and permitted by the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico, (with the exception of water rights permitted under Section 75-11-1 NMSA 1953 or 75-12-1 NMSA 1978). The applicant shall provide evidence that he/she owns or has an option to purchase the permitted water rights in an amount adequate to meet the needs of the development as shown by Article VII, Section 6.6.2, Water Budgets and Conservation Covenants. Any development permit approved and issued by the County shall be expressly conditioned upon the applicant obtaining final non appealable order or final non appealable approval from the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico authorizing the change in use and change in point of diversion to meet the needs of the proposed development. The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.

10.1.2 Water Policies Governing Lot Sizes Where Developments Will Not Utilize Permitted Water Rights

BASIN ZONE: Minimum lot size shall be calculated based upon ground water storage only. Water that is in storage beneath the lot in the Basin Zone may be depleted over a 100-year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water without consideration of recharge of the ground water.

BASIN FRINGE ZONE: Same as Basin Zone.

HOMESTEAD ZONE: Minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 100 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 100 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead Zone minimum lot sizes based on storage in this zone would be larger than those based on recharge.

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE: For Basin and Basin Fringe zones within a Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed. Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.

METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE: For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not

both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

## 10.2 Calculation of Minimum Lot Size

Calculation of the minimum lot size under Section 10.1.2 shall be determined by the formula:

$$\frac{\text{Acre Feet}}{\text{Use (Year) x acres}}$$

Minimum Lot Size (Acres)=Water Available in acre feet per acre/year

$$\text{MLS} = \frac{U \times \text{acres}}{A}$$

Where:

MLS is the minimum lot size in acres; it is the size of a lot needed to supply anticipated water needs.

U is the anticipated water needs for the lot; it is the use of water which will occur from the intended development of the lot, measured in acre-feet per year. The standard values listed for A were derived using the procedures set forth in the water appendix of the Code. The standard value for U is set forth in Section 10.2.2. A is the amount of water available in the aquifers which are beneath the lot, measured in acre-feet per acre per year using recharge or storage as described in 10.1.2.

10.2.1 Standard Values for A and Adjustments. The standard values for A shall be as follows:

<u>BASIN ZONE:</u>	0.1 acre-feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.02 acre-feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre-feet per acre per year
<u>HOMESTEAD ZONE:</u>	.00625 acre-feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>BASIN ZONE:</u>	10 acres
<u>BASIN FRINGE ZONE:</u>	50 acres
<u>MOUNTAIN ZONE:</u>	80 acres
<u>HOMESTEAD ZONE:</u>	160 acres

The standard values of A may be adjusted if the applicant submits a hydrology report, either a detailed report (see Section 6.4 of Article VII), or a reconnaissance report (see Section 6.7 of Article VII). Values of A determined in such reports shall be reviewed by the County Hydrologist, who shall recommend to the Code Administrator whether or not

the value is reasonable, and if not, shall recommend a value appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1. However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

#### 10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development. The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall indicate the effect of each conservation measure of the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units; devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on in-coming water lines.

Any applicant who uses the application form as a basis for proposing conservation measures shall be allowed to reduce U in accordance with the effectiveness of the measures proposed. The maximum reduction in U which shall be considered achievable using this approach shall be a reduction of U to no less than 0.25 acre feet per year per dwelling unit. An applicant who proposes water conservation measures sufficient to reduce U to less than 0.25 acre feet per year per dwelling unit shall be required to prepare a water conservation report: See Section 6.6 of Article VII.

The actual value of U, and the minimum lot sizes which result, will depend on the conservation measures proposed by the applicant. In general, applicants who substantially restrict the use of irrigation (lawn and garden) water will be assumed to have a U of 0.5 acre feet per year per dwelling unit, while those who further restrict other types of water use will be assumed to require even less water. For reference purposes, the following lot sizes would be allowed if U is equal to 0.5 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	5 acres
<u>BASIN FRINGE ZONE:</u>	25 acres
<u>MOUNTAIN ZONE:</u>	40 acres
<u>HOMESTEAD ZONE:</u>	80 acres

For reference purposes, the following lot sizes would be allowed if U is equal to 0.25 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	12.5 acres
<u>MOUNTAIN ZONE:</u>	20 acres
<u>HOMESTEAD ZONE:</u>	40 acres

10.2.3 Special Standards for Calculation of Use for Small Scale Commercial Development

Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use. Applicants may use standardized values for A as set forth in Section 10.2.2, or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

Special standards which set forth limitations on water availability for metropolitan areas shown in Code Map 12, 14, and 15 are set forth in this Sub-section.

a. Standard Values of Water Availability

Because the policy for water management in Metropolitan areas allows for depletion of storage over a 40 year period, standard values for A are as follows:

<u>BASIN ZONE:</u>	.25 acre feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.05 acre feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>METRO BASIN ZONE:</u>	4 acres
<u>METRO BASIN FRINGE ZONE:</u>	20 acres
<u>METRO MOUNTAIN ZONE:</u>	80 acres

b. Adjustments for Water Conservation

For the division of land into four (4) or less lots, the minimum lot size may be adjusted using the procedures set forth in Section 10.2.2. For reference purposes, the minimum lot sizes which result if U = 0.25 acre feet per year per dwelling unit or commercial use are:

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	5 acres
<u>MOUNTAIN ZONE:</u>	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

The minimum lot sizes calculated under Sections 10.1 and 10.2 shall not apply to the areas described in this Section and the minimum lot size contained in this Section shall control.

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

<u>BASIN ZONE:</u>	1 acre
<u>BASIN FRINGE ZONE:</u>	2.5 acres
<u>MOUNTAIN ZONE:</u>	5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:

14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:

1 acre - Where community water or community liquid waste disposal systems are utilized.

.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

## SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.

2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

→ SECTION 3 - VARIANCES ←

3.1 Proposed Development

Where 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 conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In 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.

3.2 Variation or Modification

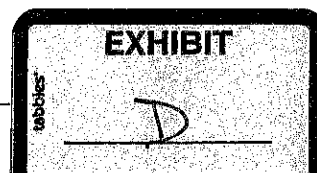
In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

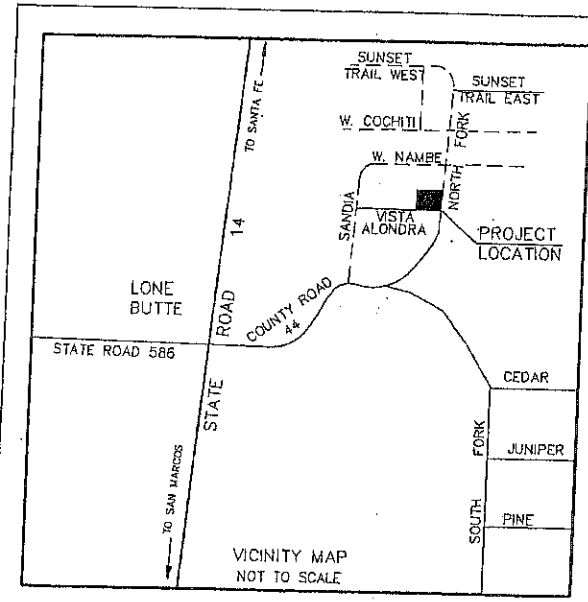
3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the

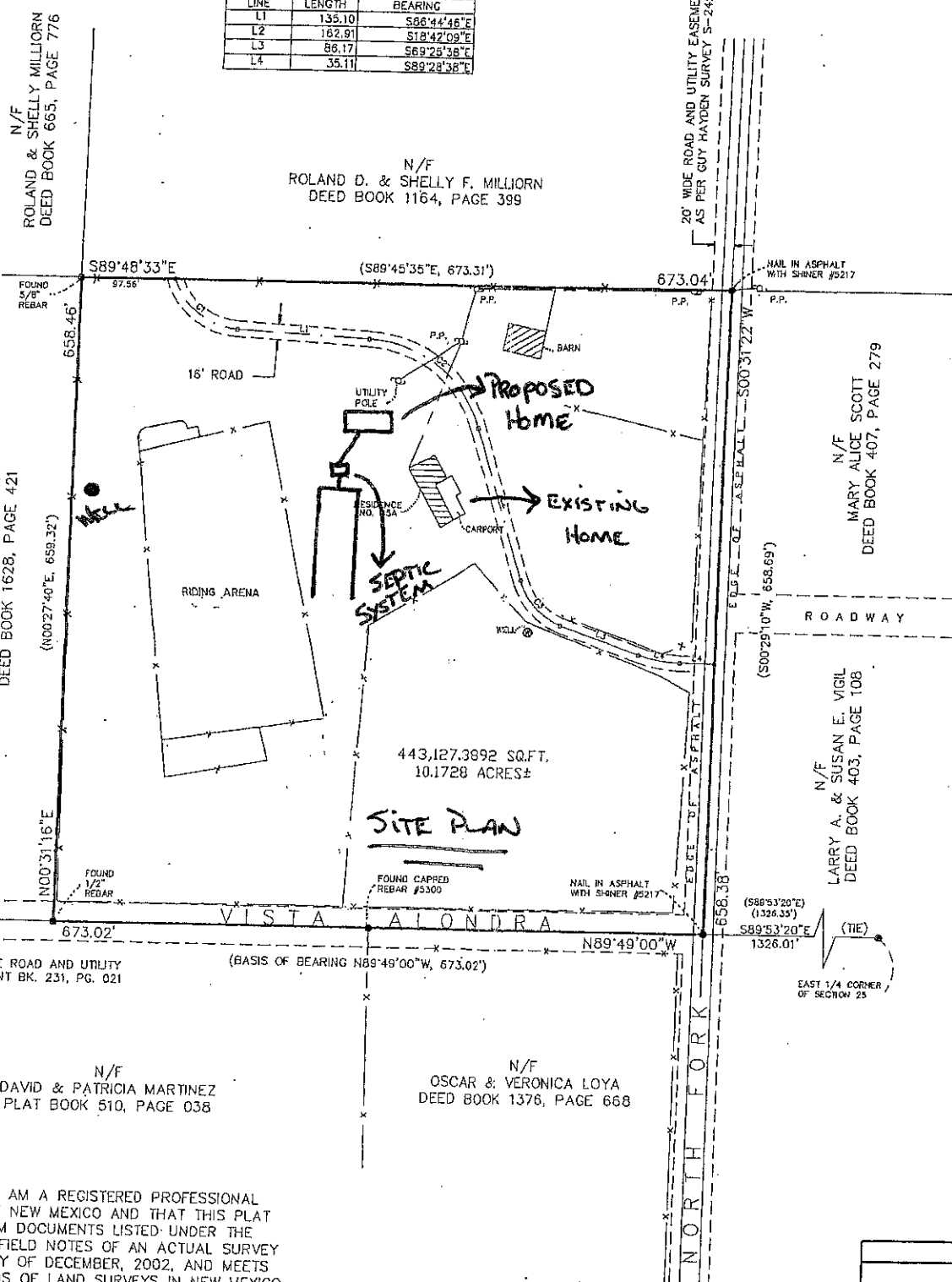
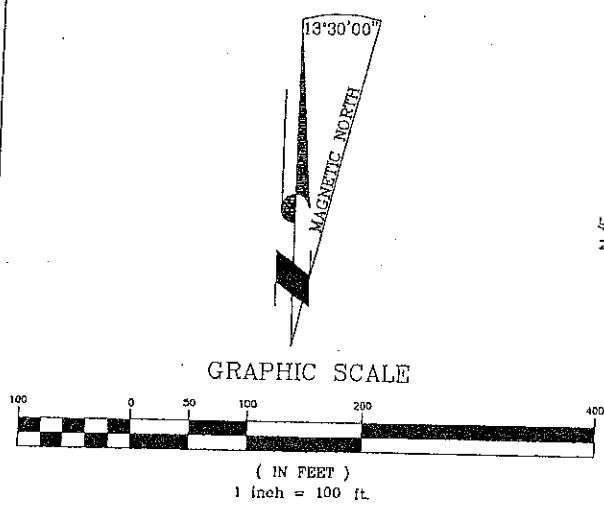


SANTA FE COUNTY PUBLIC NOTICE

THE SANTA FE COUNTY LAND USE ADMINISTRATOR HAS NOT REVIEWED THIS PLAT BEFORE IT'S FILING IN THE OFFICE OF THE COUNTY CLERK. THIS PLAT IS NOT BEING FILED FOR THE PURPOSE OF CREATING A SUBDIVISION OR NEW LOTS, ALTERING THE BOUNDARIES OF ANY EXISTING LOTS OR FOR THE PURPOSE OF "DEVELOPMENT" AS DEFINED IN THE SANTA FE COUNTY LAND DEVELOPMENT CODE, EXTRATERRITORIAL ZONING ORDINANCE OR EXTRATERRITORIAL SUBDIVISION REGULATIONS. THIS STATEMENT DOES NOT IN ANYWAY REPRESENT OFFICIAL COUNTY APPROVAL OF THIS PLAT. NO EXCEPTIONS WILL BE GRANTED.



CURVE TABLE and LINE TABLE with columns for CURVE, RADIUS, LENGTH, TANGENT, CHORD, BEARING, DELTA, and LINE LENGTH.



LEGEND

- Denotes points found and used
Denotes points set, capped rebar
Denotes U.S.G.L.O. brass cap
Denotes power pole
Denotes wire fence line
Denotes Guy Hayden survey bearings and distances

REFERENCE DOCUMENTS:

PLAT OF SURVEY COMPLETED BY GUY D. HAYDEN P.S. NO. 4070, DATED JUNE 9, 1976, ENTITLED "SW1/4 NE1/4 IN SECTION 25, T15N, R8E, NMPM SANTA FE COUNTY, NEW MEXICO", AS DRAWING NO. S-245/76.



STATE OF NEW MEXICO COUNTY OF SANTA FE ) SS 1230-738

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 3 DAY OF NOV A.D. 2002 AT 10:10 O'CLOCK A.M. AND WAS DULY RECORDED IN PLAT BOOK 518 PAGE 002 OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.

WITNESS MY HAND AND SEAL OF OFFICE REBECCA BUSTAMANTE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO

SANTA FE COUNTY MAP PARCEL CODE NO. 1-048-086-360-290

INDEXING INFORMATION FOR COUNTY CLERK

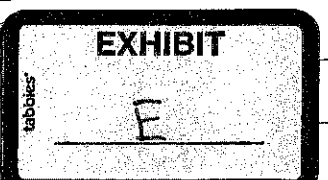
BOUNDARY SURVEY FOR JOHN M. ROBERTSON #35 A & B NORTH FORK WITHIN SE1/4 SW1/4 NE1/4, SECTION 25, T.15N., R.8E., NEW MEXICO PRINCIPLE MERIDIAN COUNTY OF SANTA FE, STATE OF NEW MEXICO

SURVEYOR CERTIFICATE

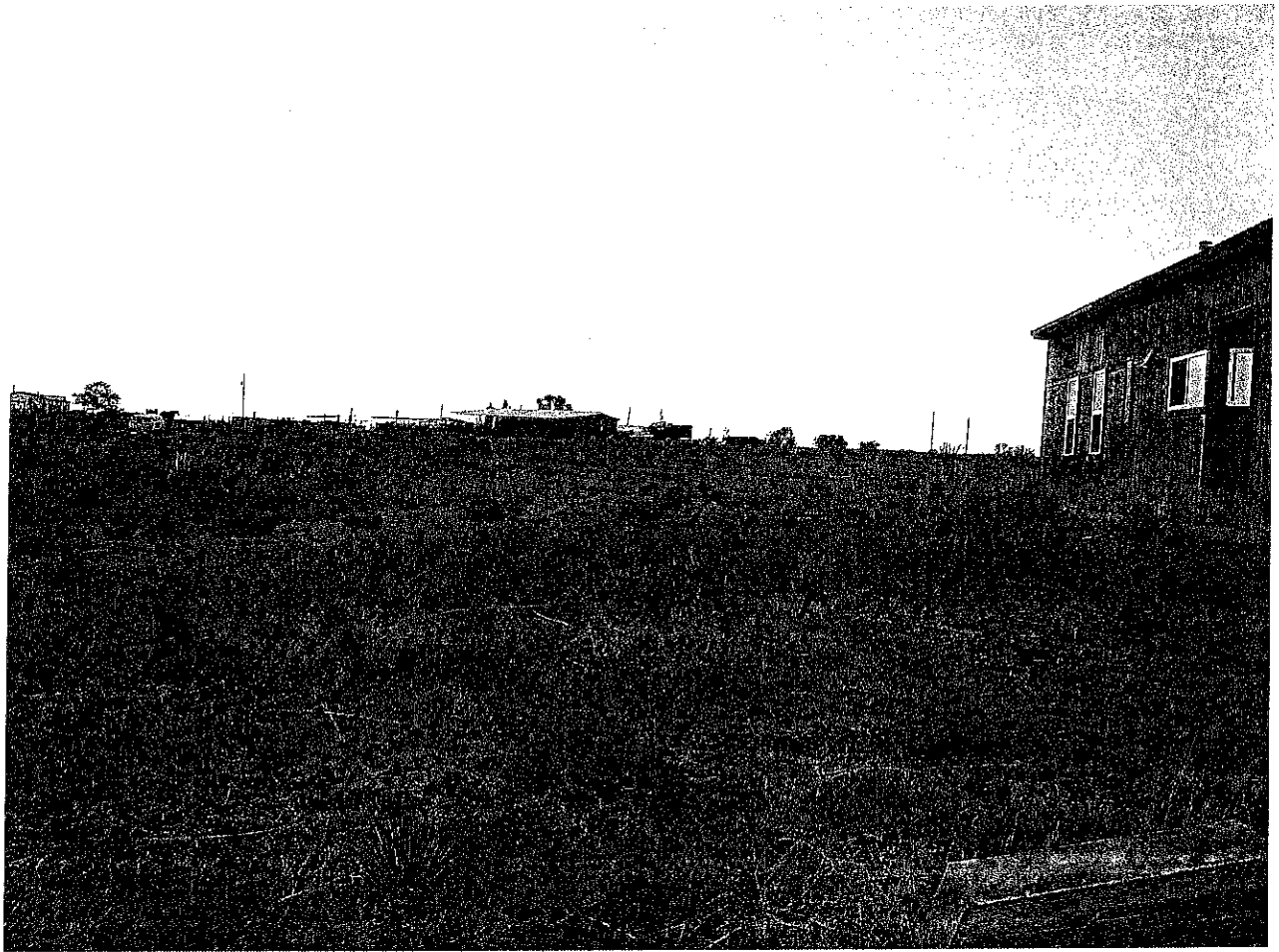
I, CIPRIANO MARTINEZ, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO AND THAT THIS PLAT AND THE NOTES HEREON WERE PREPARED FROM DOCUMENTS LISTED UNDER THE HEADING "REFERENCE DOCUMENTS" AND FROM FIELD NOTES OF AN ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE 2ND DAY OF DECEMBER, 2002, AND MEETS THE MINIMUM REQUIREMENTS OF THE STANDARDS OF LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Cipriano Martinez P.S. NO. 3995 1221-A ST. FRANCIS DR., SA (505) 982-8442



M-905



John Robertson

#35 North Fork

7/8/2011







John Robertson

#35 North Fork

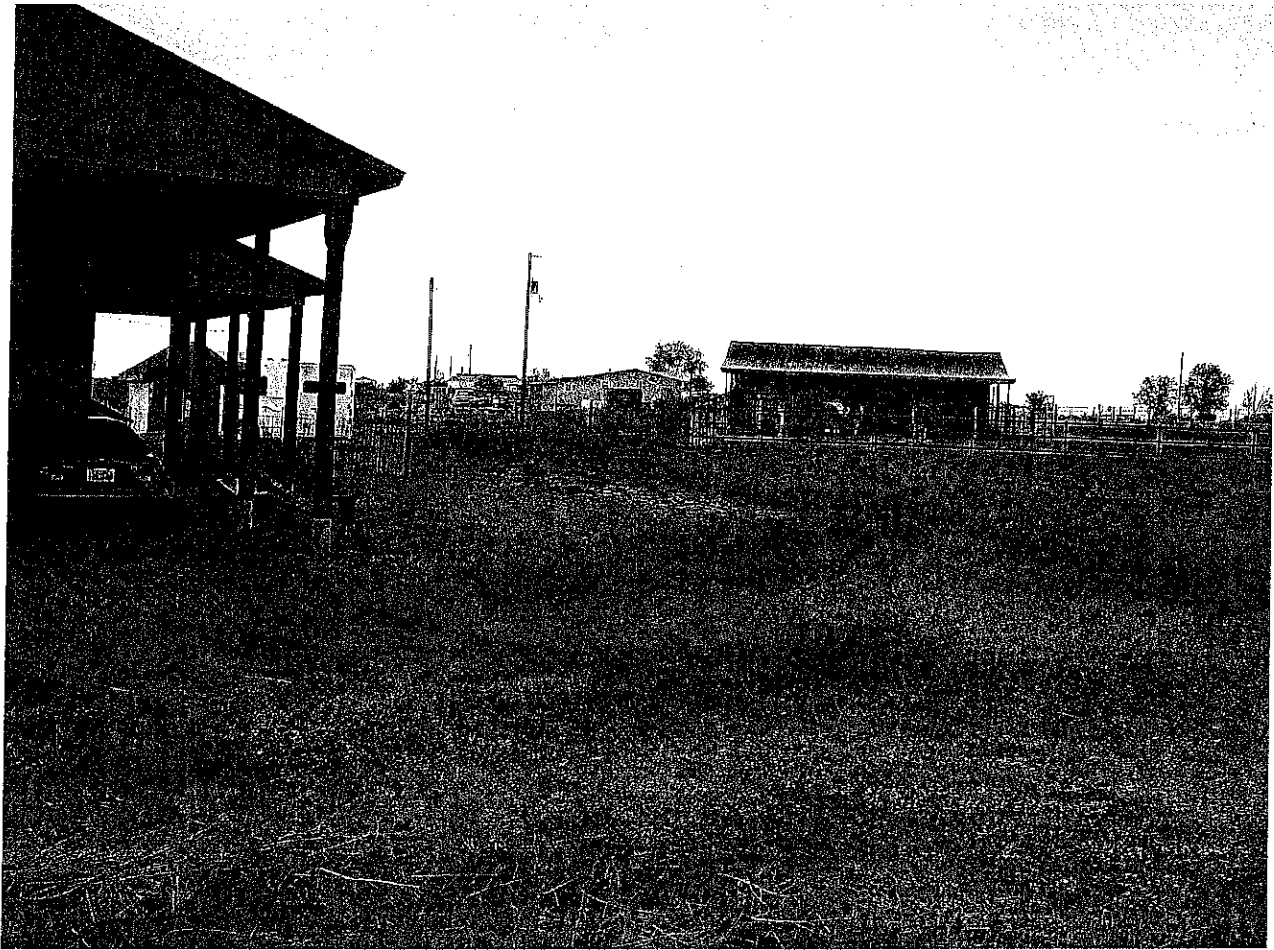
7/8/2011



John Robertson

#35 North Fork

7/8/2011



John Robertson

#35 North Fork

7/8/2011



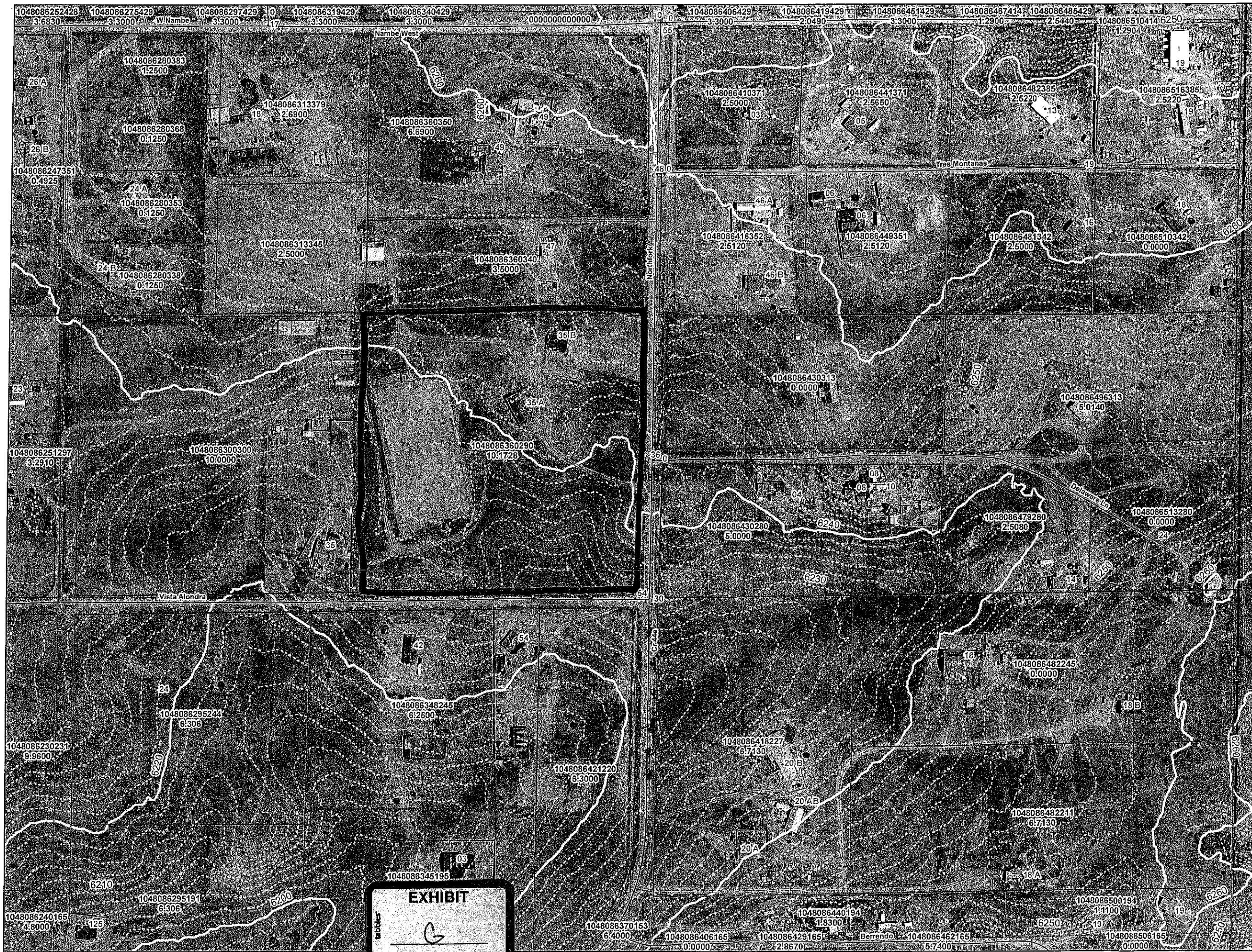
John Robertson

#35 North Fork

7/8/2011



# Map of Property in Santa Fe County



## Legend

- driveways
- Parcels 11/15/2010
- Section Lines

## 2011 FEMA Data

### Draft Fema Data 2011

- 0.2 PCT
- A
- AE
- AO; D; X

## 2008 FEMA Data

- 500 Year
- 100 Year

1:2,400

1 inch represents 200 feet



**WARNING:**  
Two (2) foot contour data sets are NOT SUITABLE FOR ENGINEERING WORK. These data are appropriate for PLANNING PURPOSES ONLY.

Orthophoto from 2008  
Contour Interval 2 Feet

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.



July 8, 2011

**EXHIBIT**  
G



PETITION for Santa Fe County \_\_\_\_\_, 20\_\_\_\_

To Santa Fe County Development Review Committee and to the Board of County Commissions: The undersigned, hereby petition this Development Review Committee and Board of County Commissions to approve certain property: 35 North Fork delineated on the recorded plat of \_\_\_\_\_, recorded in Plat Book \_\_\_\_\_, page \_\_\_\_\_ public records of Santa Fe County, New Mexico, described on the attached Exhibit "A", which is hereby made a part hereof by reference; that the petitioner would not inconvenience anyone for the same to be closed, that County, the right to create any easements upon said 35 North Fork property as may be necessary to further and/or preserve the public health, safety, and welfare, and that owner, John Robertson, will pay the expense of public notice of the hearing to determine the advisability of closing the same. WHEREFORE, the undersigned petitions this Committee and Board to call a public hearing at owner's expense to determine the viability of closing said 35 North Fork and that, upon such a hearing, this Committee and Board will determine that the same should be closed and adopt an appropriate Resolution in adding a mobile home the same, and accepting and claiming any right of Santa Fe County and the public in and to any land delineated on the recorded of said plat, except for the reservation of the right to any easements as may be found necessary, by the Committee and Board, to further and/or reserve the public health, safety, and welfare.

D Shelly Lilly  
Ronnie Milliron 47 North Fork, SF, NM 87508 - 4/16/11  
Petitioner address: city, state, zip Date

LARRY VIGIL #8 Delaware hwy 8-18-11  
Petitioner address: city, state, zip Date

Geo C. & Angela L Ferrer 35 Vista Alondra 4-18-11  
Petitioner address: city, state, zip Date

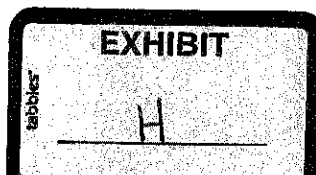
Cristina Salazar 54 Vista Alondra 4/18/11  
Petitioner address: city, state, zip Date

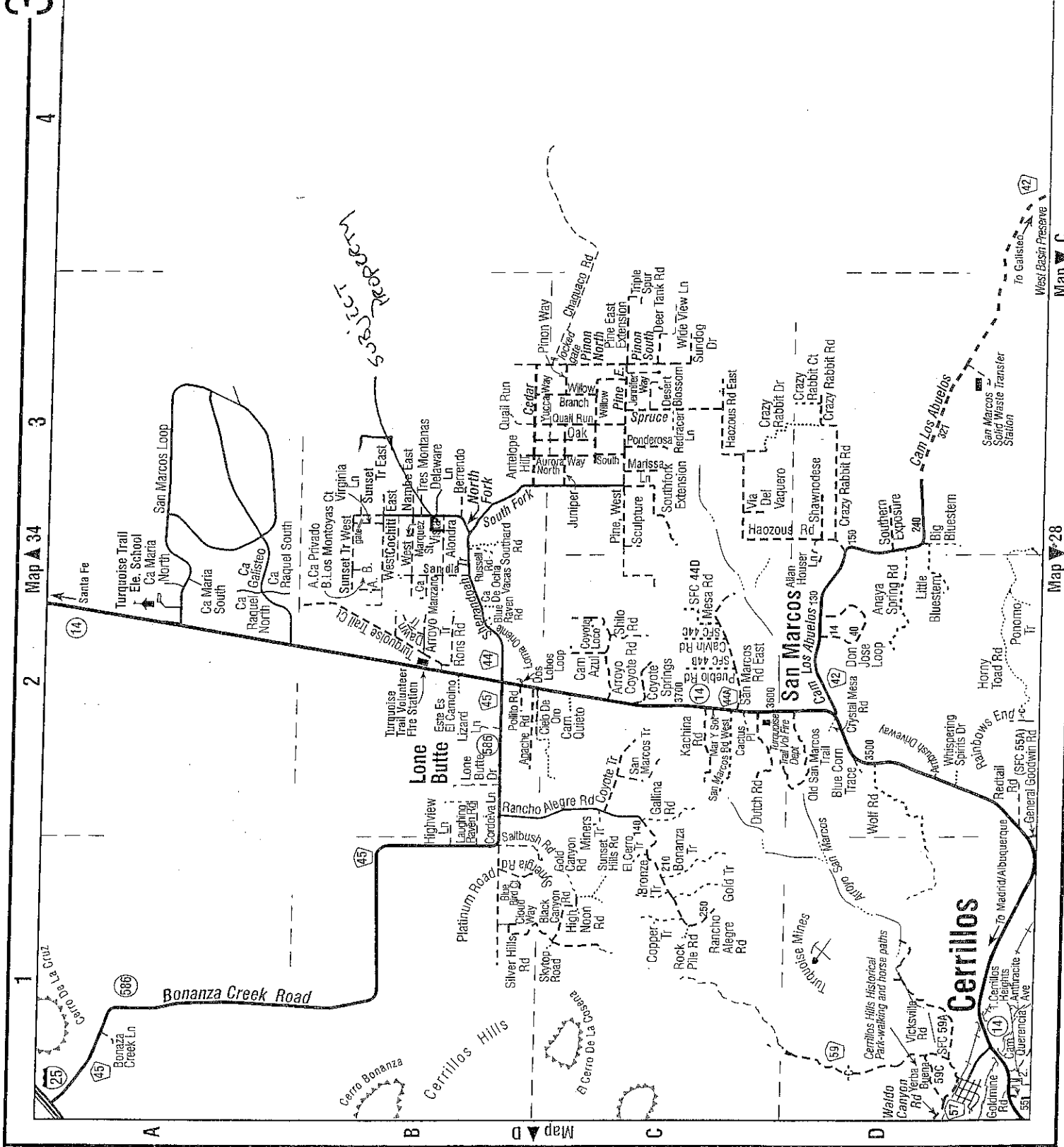
Jose Mendiaz 42 VISTA Alondra 4-18-2011  
Petitioner address: city, state, zip Date

Dave Collins #2 Delaware hwy 4-18-11  
Petitioner address: city, state, zip Date

Lina Hernandez 4 Tres Montanas Santa Fe NM 4-19-2011  
Michael Garcia 4 Tres Montanas Santa Fe NM. 4-19-11  
Petitioner address: city, state, zip Date

Property Owner: John Robertson 4 Tres Montanas  
Name address date phone #





To Galisteo West Basin Preserve

San Marcos Solid Waste Transfer Station

Cerillos

Cerillos Hills Historical Park-walking and horse paths

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

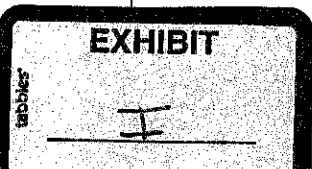
Walden Canyon

Walden Canyon

Walden Canyon

Walden Canyon

EXHIBIT



Turquoise Trail (14)