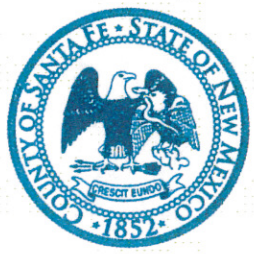


Daniel "Danny" Mayfield
Commissioner, District 1
Virginia Vigil
Commissioner, District 2
Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4
Liz Stefanics
Commissioner, District 5
Katherine Miller
County Manager

DATE: September 11, 2012
TO: Board of County Commissioners
FROM: Wayne Dalton, Building and Development Services Supervisor *WD*
VIA: Vicki Lucero, Building and Development Services Manager *VL*
Penny Ellis-Green, Interim Land Use Administrator *PEG*

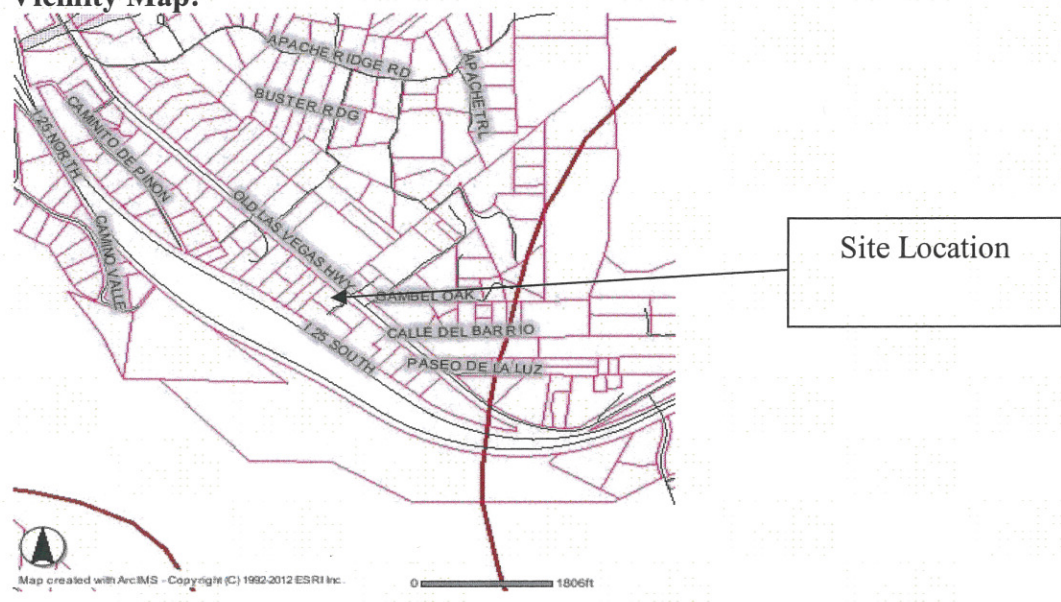
FILE REF.: CDRC CASE # V 12-5230 Joseph and Anna Garcia Variance

ISSUE:

Joseph & Anna Garcia, Applicant's, request a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Small Lot Family Transfer Land Division of 2.516 acres into two lots.

The property is located at 3 Avenida Pita, within Section 10, Township 15 North, Range 10 East, (Commission District 4).

Vicinity Map:



SUMMARY:

The Applicants request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow a Small Lot Family Transfer Land Division of 2.516 acres into two lots. The subject lot was created on February 11, 1985, under development permit number 85-96. There is currently one dwelling unit on the property.

The Applicants state, they are requesting a variance for many reasons. Their son and daughter-in-law were born and raised in Santa Fe where they received their education. They are both active members of the working community and their son is an active member in the Army National Guard. The Applicants would like to be able to share something that was worked hard for with their son, daughter-in-law and grandchildren. The Applicants further state their son and daughter-in-law pay high rent and live in an unsafe neighborhood and would like his daughter-in-law to live close, so they are looked after while his son is deployed and away on trainings. Furthermore, the Applicants state that they can help with childcare and later on in life will need assistance of their own.

Article II, § 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." **The variance criteria does not consider financial or medical reasons as extraordinary hardships**

This Application was submitted on May 2, 2012

On June 21, 2012, the CDRC met and acted on this case, the decision of the CDRC was tied at three votes to approve and three votes to deny. Under Commission Rules of Order the Application was automatically tabled until the next meeting (Minutes Attached as Exhibit 1).

On July 19, 2012, the CDRC met and acted on this case, the decision of the CDRC was to recommend approval of the Applicant's request by a 4-3 vote (Minutes Attached as Exhibit 2).

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 from Article III, §10 (Lot Size Requirements) of the Land Development Code to allow a Small Lot Family Transfer Land Division of 2.516 acres into two lots.

GROWTH MANAGEMENT AREA: Galisteo, SDA-2

HYDROLOGIC ZONE: Mountain Zone, minimum lot size per Code is 80 acres per dwelling unit. Lot size can be reduced to 20 acres per dwelling with signed and recorded water restrictions. Lot size can be further reduced to 10 acres via Small Lot Family Transfer. The request exceeds the minimum lot size requirement for this area.

FIRE PROTECTION: Eldorado Fire Department.

WATER SUPPLY: Domestic Well, with water restrictions of 0.25 acre foot per year.

LIQUID WASTE: Conventional Septic System

VARIANCES: Yes

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	County Fire	

STAFF RECOMMENDATION: **Denial of a variance from Article III, § 10 (Lot Size Requirements) of the Land Development Code.**

If the decision of the BCC is to approve the Applicant's request, staff recommends imposition of the following conditions:

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 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (**As per Article III, § 10.2.2 and 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, § 2**).
3. Further division of either tract is prohibited; this shall be noted on the Plat. Only one dwelling unit shall be permitted on each lot (**As per Article III, § 10**).

4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review (**As per 1997 Fire Code and NFPA Life Safety Code**).
5. All litter, debris and junk vehicles shall be removed from the property prior to Plat recordation (**As per Ordinance No. 1993-6 and 1993-11**).

EXHIBITS:

1. June 21, 2012, CDRC Meeting Minutes
2. July 19, 2012, CDRC Meeting Minutes
3. Letter of request
4. Article III, §10 (Lot Size Requirements)
5. Article II, § 3 (Variances)
6. Site Photographs
7. Site Plan
8. Aerial of Site and Surrounding Area
9. Fire Prevention Division Review Letter

Given all the ambiguities, Mr. Siebert asked that the Committee look at the merits of the request – that it is basically surrounded by commercial development, had been used as a tree nursery and retail nursery since 1975. Thompson Wells moved in after 2001.

Responding to a series of questions posed by Member Gonzales, Mr. Siebert offered the following information: There is a business license from 2007, Thompson Wells has been operating from the site since 2001 and there is a residence on the property that the Roybals do not live in. In regards to equipment on the property, Mr. Siebert said there is a mechanics shop on the property and equipment is generally parked at the operation site, not on the property.

Mr. Siebert said the property owner is drills and repairs wells.

There was no one in the public wishing to speak regarding this request.

Mr. Larrañaga said if approved the property would be eligible for zoning which occurs with the master plan. He indicated that Mr. Siebert has reviewed the conditions and staff has not received any concerns from area residents.

Mr. Katz moved to approve the variance with the condition imposed by staff. Mr. Anaya seconded and the motion passed by unanimous [6-0] voice vote.

- G. CDRC CASE # V 12-5230 Joseph and Anna Garcia Variance.**
Joseph & Anna Garcia, Applicant's, request a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Small Lot Family Transfer Land Division of 2.516 acres into two lots. The property is located at 3 Avenida Pita, within Section 10, Township 15 North, Range 10 East, (Commission District 4)
[This case is presented verbatim per staff request]

MR. DALTON: Thank you, Madam Chair. Joseph and Anna Garcia, applicants, request a variance of Article III, Section 10, Lot Size Requirements of the Land Development Code to allow a Small Lot Family Transfer Land Division of 2.516 acres into two lots. The property is located at 3 Avenida Pita, within Section 10, Township 15 North, Range 10 East, Commission District 4.

The applicants request a variance of the Land Development Code to allow a small lot family transfer of 2.516 acres into two lots. The subject lot was created on February 11, 1985, under development permit number 85-96. There is currently one dwelling unit on the property.

The Applicants state they are requesting a variance for many reasons. Their son and daughter-in-law were born and raised in Santa Fe where they received their education. They are both active members of the working community and their son is an active member in the Army National Guard. The Applicants would like to be able to share something that was worked hard for with their son, daughter-in-law and grandchildren. The Applicants further state their son and daughter-in-law pay high rent



and live in an unsafe neighborhood and would like his daughter-in-law to live close, so they are looked after while his son is deployed and away on trainings. Furthermore, the Applicants state that they can help with childcare and later on in life will need assistance of their own.

Recommendation: Staff recommends denial of a variance from Article III, Section 10 of the Land Development Code. If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, condition number two really doesn't apply to this case but I do have a condition that should be applied to this case. And that condition should read: [see condition two]

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 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant shall submit a plat of survey to the Building And Development Services Department in accordance of all Code requirement (As per Article II, subsection 2.4.28)
- ~~2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).~~
3. Further division of either tract is prohibited; this shall be noted on the Plat. Only one dwelling unit shall be permitted on each lot (As per Article III, § 10).
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review (As per 1997 Fire Code and NFPA Life Safety Code).
5. All litter, debris and junk vehicles shall be removed from the property prior to Plat recordation (As per Ordinance No. 1993-6 and 1993-11).

CHAIR DeANDA: So you've amended the conditions. Any questions of staff? No. Is the applicant present? Why don't you come forward and be sworn in.

[Duly sworn, Joseph and Anna Garcia testified as follows]

CHAIR DeANDA: Would you like to make a presentation?

JOSEPH GARCIA: Yes, Madam Chair and Board members.

CHAIR DeANDA: Please could you speak closer to the mike?

MR. GARCIA: Okay. We're requesting a variance so that we can – my wife and I have a small house on 2.5 acres. We live on approximately ¼ of an acre, on one end of it leaving over 2 acres vacate. And we'd like to request a variance because where my son and his family currently live they've been burglarized several times, they've been – they've had their vehicles vandalized. They live in a trailer court and my son, of course, is in the military and get deployed for long periods of time and for security for his family and other reasons that's why we're requesting this variance.

He'll eventually inherit the property. He was raised on the property and that's about what I have to say.

CHAIR DeANDA: Did you want to add anything?

MS. GARCIA: No.

CHAIR DeANDA: Thank you. Any questions from the Committee to the applicant? No. Then this is a public hearing. I'll see if there is anyone here to speak in favor or in opposition. Is there anyone here to speak in favor of the applicant's request? [No one responded.] Anyone here to speak in opposition to it? [No one responded.]

No, then I'm going to close it and bring it back to the Committee. Did you have something Mr. Anaya?

MEMBER ANAYA: Sorry, my mike was off. The subject property is 2.516 and not the adjacent property but the property just across from it are 1.25, so by them being allowed to – are they asking to divide the property in half, exactly in half?

MR. GARCIA: Yes.

MEMBER ANAYA: With no easement between the two?

MR. GARCIA: No, it will loop one end of our property throughout the area it's our property that has the easements.

MEMBER ANAYA: So you probably won't know this answer, but I'm going to ask it anyhow. You're probably going to get netted about 1.25 acres per each one if you just cut it in half; is that correct?

MR. GARCIA: Yes.

MEMBER ANAYA: Thank you.

CHAIR DeANDA: No one else has a question? Mr. Dalton, I understand your recommendation is based on the fact that the minimum lot size in this particular zone is 80 acres per dwelling unit and you can reduce it to 20 acres per dwelling unit with signed and recorded plat restrictions and you can reduce it further to 10 acres via a small lot family transfer. So my question is how did we end up with a 2.516-acre lot in this district in this zone?

MR. DALTON: Madam Chair, the original subdivision was called the Miller Subdivision and that was created in 1984. There was 13 lots created and they were all 5 acres lots and one 7 acre lot. In 1984 or '85 this lot was created. I don't know how this lot was recreated. Regulations may have been different back in 1985. But this lot is well below the minimum lot size for today's criteria.

CHAIR DeANDA: Okay, thank you. Did you understand what he just explained to us?

MR. GARCIA: Yes.

MS. GARCIA: Yes.

CHAIR DeANDA: You realize that that has to do with the minimum lot –

MS. GARCIA: Yes, but our neighbors across the street have a 1-acre lot, 1.25 or something.

MR. GARCIA: When we purchased it there was about all the 13 lots were 2.5-acre lots and we purchased it as 2.5. All that happened before that actually we don't really know.

CHAIR DeANDA: So you don't have any other history on it other than when you purchased it and the size of the lot?

MR. GARCIA: Yes.

CHAIR DeANDA: Thank you. Any other questions from the Committee? Is there a motion?

MEMBER ANAYA: Madam Chair.

CHAIR DeANDA: Mr. Anaya.

MEMBER ANAYA: Madam Chair, I'd like to make a recommendation, a motion to approve the family lot transfer with recommendations from the staff.

CHAIR DeANDA: Is there a second to the motion?

MEMBER VALDEZ: I second.

The motion tied with a 3-3 vote as follows: Voting for were Members Anaya, Gonzales and Valdez. Voting against were Member DeAnda, Katz and Drobnis.

CHAIR DeANDA: We have a tie vote: 3 to 3 which means that, Mr. Dalton, it comes back to the next meeting.

MR. DALTON: Madam Chair, that is correct. That means this case is automatically tabled until the next meeting.

CHAIR DeANDA: We have someone who is absent today so that person will likely be here and we'll be able to resolve the tie. Thank you.

~~**CDRC CASE # MP/PDP/FDP 12-5210 Ravens Ridge Bed and Breakfast: Phyllis Johnson, Applicant, requests Master Plan Zoning, Preliminary and Final Development Plan approval for a Bed and Breakfast within an existing residence on 2.78 acres. The property is located at 22 B Ravens Ridge Road, within Sections 17 & 18, Township 16 North, Range 10 East, (Commission District 4)**~~

Mr. Larrañaga recited the case caption and provided staff report as follows:

~~“The Applicant requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow an existing residence to operate as a Bed and Breakfast. There will not be any structural changes to the 6,500 square foot residence. The request is to utilize three of the four bedrooms for the Bed and Breakfast. The Applicant is not proposing any expansion for the use on the 2.78-acre site. The Applicant states: ‘this request is to offer overnight lodging and breakfast for visitors coming into the Santa Fe area. Three bedrooms would be used for this purpose.’~~

- VII. A. **CDRC CASE # V 12-5130 Joseph & Anna Garcia Variance.** Joseph & Anna Garcia, Applicants, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Small Lot Family Transfer Land Division of 2.5 Acres Into Two Lots. The Property is Located at 3 Avenida Pita, within Section 10, Township 15 North, Range 10 East, Commission District 4 (VOTE AND DELIBERATION ONLY)

Mr. Dalton stated: "On June 21, 2012, the CDRC met and acted on this case. The decision of the CDRC was tied at three votes to approve and three votes to deny. Under Commission Rules of Order the Application is automatically tabled until the next meeting. This case is now coming before the CDRC for deliberation and vote only.

Upon taking the vote, members Anaya, Gonzales, Valdez and Chair DeAnda voted in favor of approval and members Drobni, Katz and Martin against.

- VIII. C. **CDRC CASE # V 12-5060 Jay Shapiro Variance.** Jay Shapiro, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 10.21 Acres. The Property is Located at 94 Cloudstone Drive, within Section 5, Township 16 North, Range 10 East, (Commission District 4). Vicki Lucero, Case Manager. (TABLED)

- ~~VIII. D. **CDRC CASE # V 12-5250 Carla Cavalier Variance.** Carla Cavalier Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Family Transfer Land Division of 25 Acres into Three 8.30 Acre Lots. The Property is Located at 25 Sandoval Lane, in the Vicinity of Edgewood, within Section 11, Township 11 North, Range 7 East, (Commission District 3)~~

~~The staff report was read by Mr. Dalton as follows:~~

~~"There are currently two dwelling units, a garage and workshop on the property. The Applicant's sister resides in one dwelling and the other is vacant. The Applicant intends to divide the property into three tracts, one tract would have two dwelling units and the other two tracts would be vacant. If this Application is approved, the vacant dwelling will have to be removed from Tract 3. Staff can find no evidence of permits for the two dwelling units, garage or workshop.~~

~~"The Applicant states her father has owned the property since 1978, and now would like to divide the property equally between his three children in order to provide them with their own parcel of land.~~



I am Joseph C. Garcia, residing at 3 Avenida Pita, Santa Fe NM. My son Jose C. Garcia and I are requesting a family transfer of the previously mentioned 2.5 acre land in Santa Fe County. We would like to split the land I own equally. My wife Anna and I currently utilize only about ¼ of this and would like to have the opportunity to share some with our son and his family. There are many reasons why this would be beneficial to my wife and I as well as to my son and his family.

Jose and his wife Andrea were both born and raised in Santa Fe. They successfully completed their educations in Santa Fe, and have become working, active members of their community as adults. Andrea is currently employed with a financial institution in Santa Fe and my son Jose is in active duty with the local Army National Guard. They are raising three children in the city of Santa Fe and already have the eldest child attending public school.

Jose and Andrea are currently renting a small space in a mobile home park just off of Airport Road. This neighborhood has proven to be unsafe for my son, his wife and children. They have experienced vehicle vandalism and had their home broken into on more than one occasion. Being active in the military Jose is required to spend lengthy amounts of time away from home. We believe that it would be safe for Andrea and the children to be closer to us during these times.

Considering that both parents work out of the house, my wife and I are willing and grateful for the opportunity to provide child care for the children. Where we reside there is school transportation available for the children from elementary all through high school. I am retired from the federal government and would be available to meet the children at the bus stop and care for them until their parents are home from work.

My wife and I are aging, and the benefits it would provide to us are profound. Anna and I are no longer in the best of health and it would benefit us to have him near to provide assistance with caring and maintaining our land and home. It is also very important that he be closer in the event of an emergency. He has attained many skills in the military that could be of use if need be.

There are many reasons that we should be allowed to share our land with our son. The health, safety and financial benefits are clear. We would like to help raise our grandchildren and be comfortable in the knowledge that we are close by if any of them need us. The expenses of living in a mobile home park can be burdensome and wasteful. My son and his wife intend to spend their lives here in Santa Fe and I believe that they should be allowed to share the land that we spent our lives and hard earned money caring for.



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

4

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





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SITE PLAN

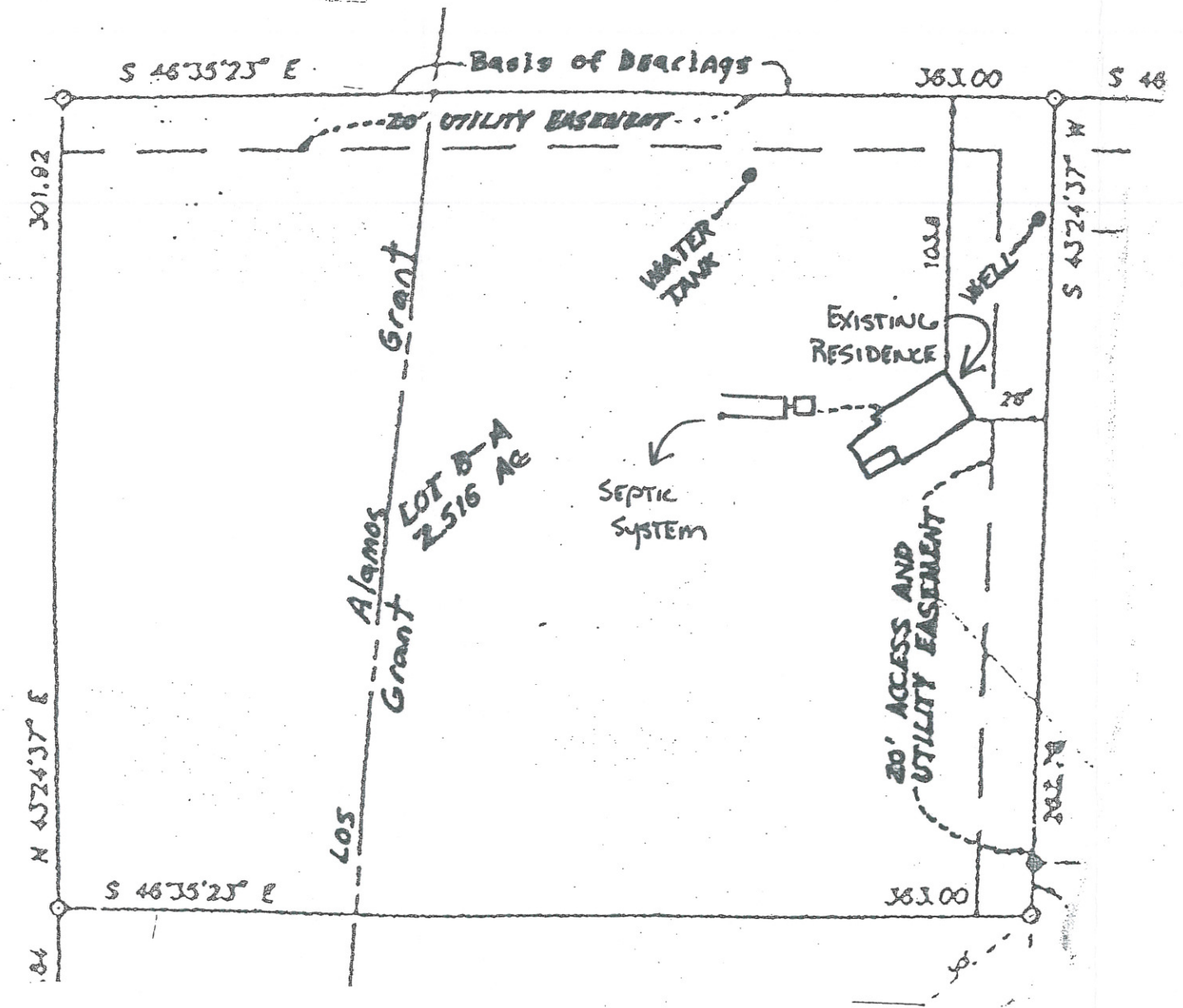


EXHIBIT
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Map of Property in Santa Fe County

Legend

- driveways
- Minor Roads
- Major Roads
- Parcels_sde
- 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.



May 29, 2012

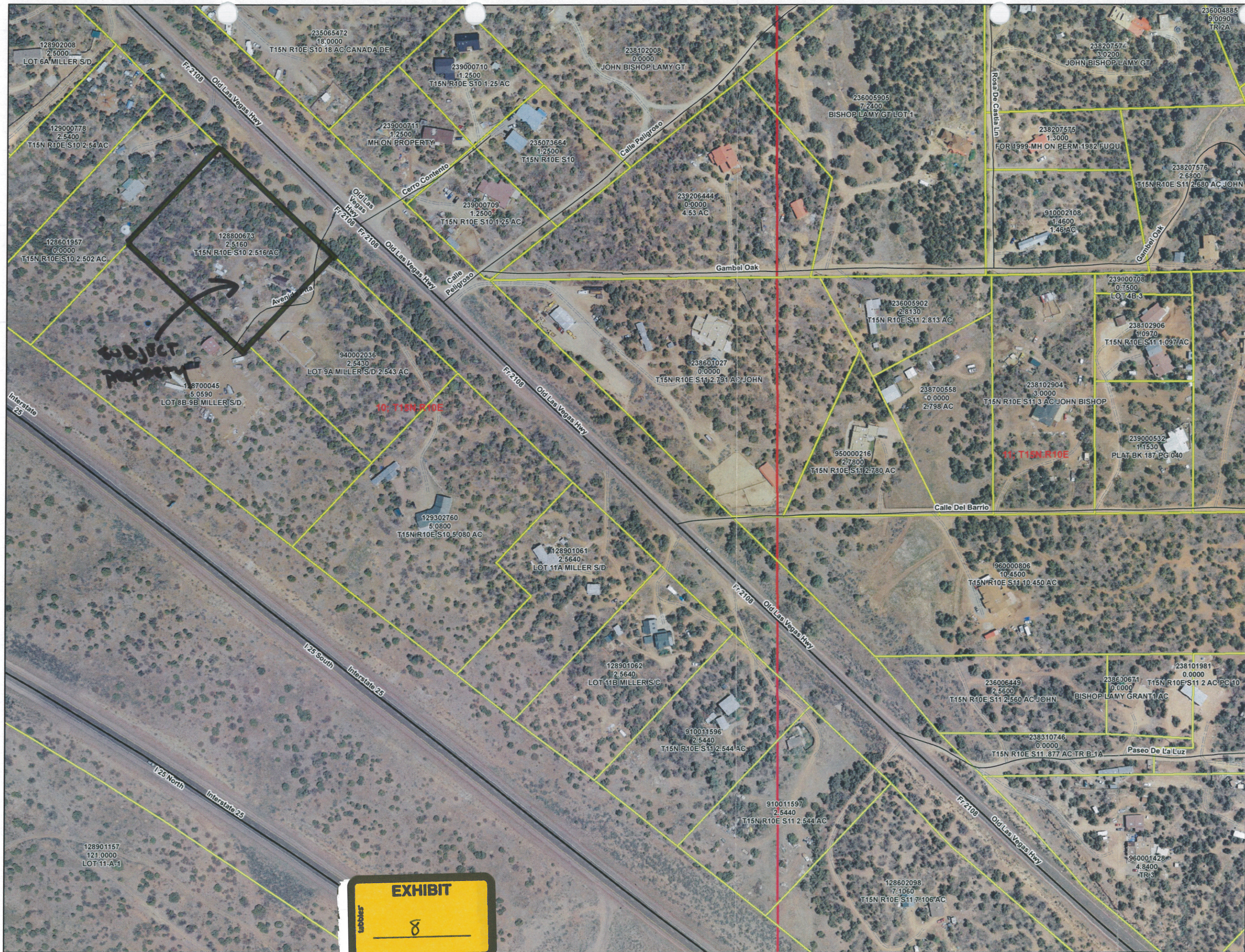


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