

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:** August 26, 2015

**TO:** Board of County Commissioners

**FROM:** Miguel "Mike" Romero, Development Review Specialist Sr. *MR*

**VIA:** Katherine Miller, County Manager *KL 9-1-15*  
Penny Ellis-Green, Growth Management Director  
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:

On July 16, 2015, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval with staff conditions, of the Applicant's request by a unanimous 6-0 vote.

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). As part of that approval, the Applicant was required to install a retention pond on the property. 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.

During the CDRC meeting, Committee member Katz remarked that if the main residence were on community water, the amount of land required in order to place a third dwelling unit would be significantly less, and would bring the land area much closer to the necessary acreage. Mr. Tercero asserted if the water system (AFCWS) offered membership, he would be willing to connect to the water system (AFCWS). Currently the main residence is connected to City of Santa Fe Sewer and is utilizing a private well. The Applicant has since provided correspondence from the Agua Fria Community Water System (AFCWS), dated August 10, 2015, acknowledging that water will be made available for the Applicant. With all three dwelling units on Community Water and City Sewer, the Applicant will now be lacking approximately 1600 sq. ft. in order to meet density requirements to allow a third residence.

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.**

**On July 16, 2015, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval with staff conditions, of the Applicants request by a unanimous 6-0 vote.**

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.

**WATER SUPPLY:**

The main residence is served by a private well, however, the Applicant has stated that he is willing to connect to the Agua Fria Water System (AFCWS). 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), and has provided a letter of commitment for this connection. The Applicant has provided a letter of commitment for the third dwelling unit.

**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:**

<u>Agency:</u>	<u>Recommendation:</u>
Fire Prevention	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 a variance of Article V, Section 8.2.1c (Local Roads) of the Code.**

If the decision of the BCC is to approve 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).
5. The Applicant shall provide proof that the main residence is connected to the Agua Fria Community Water System prior

to issuance of the Development Permit for the third dwelling unit.

6. The Applicant shall provide a Road Plan showing proposed improvements to Paseo De Tercero for review and approval. The road must be built out to 20' in width, where possible, and must include pull outs as determined by the County Fire Marshal. All road improvements must be constructed prior to the issuance of the building permit for the third dwelling unit.

**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
14. July 16, 2015, CDRC Minutes

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.

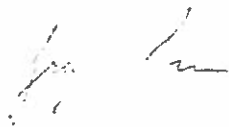
At present, we have a home on 1/3 of this property and have a single wide mobile home on 1/3. We would like to prepare the remaining property to place a mobile home for needed income and for future use for our children.

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.

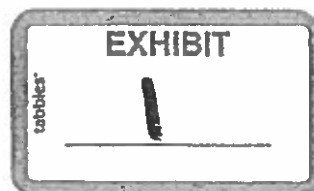
In addition, I am requesting a variance of the standards described in Article 5, Section 8.2.1c. titled "Local Roads", of the County code. Due to preexisting conditions I am unable to comply with this specification.

Thank you for your consideration to this matter.

Sincerely,



Jude Tercero  
Ph: 505-604-1353



## 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 obtained. 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.

<b>Village of Agua Fria Zoning District</b>																
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	Rear
	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	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

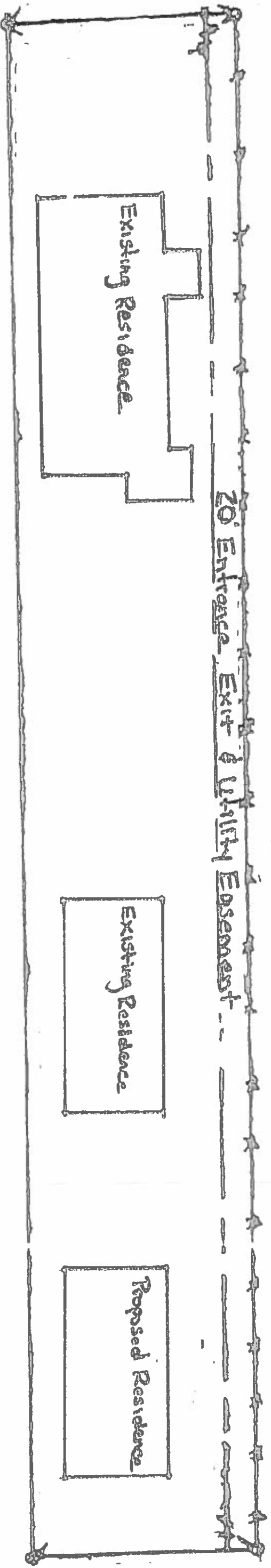
A local subcollector road has two (2) twelve (12) foot driving lanes, serves 31 to 60 dwelling units or lots, and carries an average daily traffic volume of 301 to 600 vehicles with a minimum right-of-way of fifty (50) feet. A local subcollector road has a six (6) inch minimum surface thickness of crushed 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

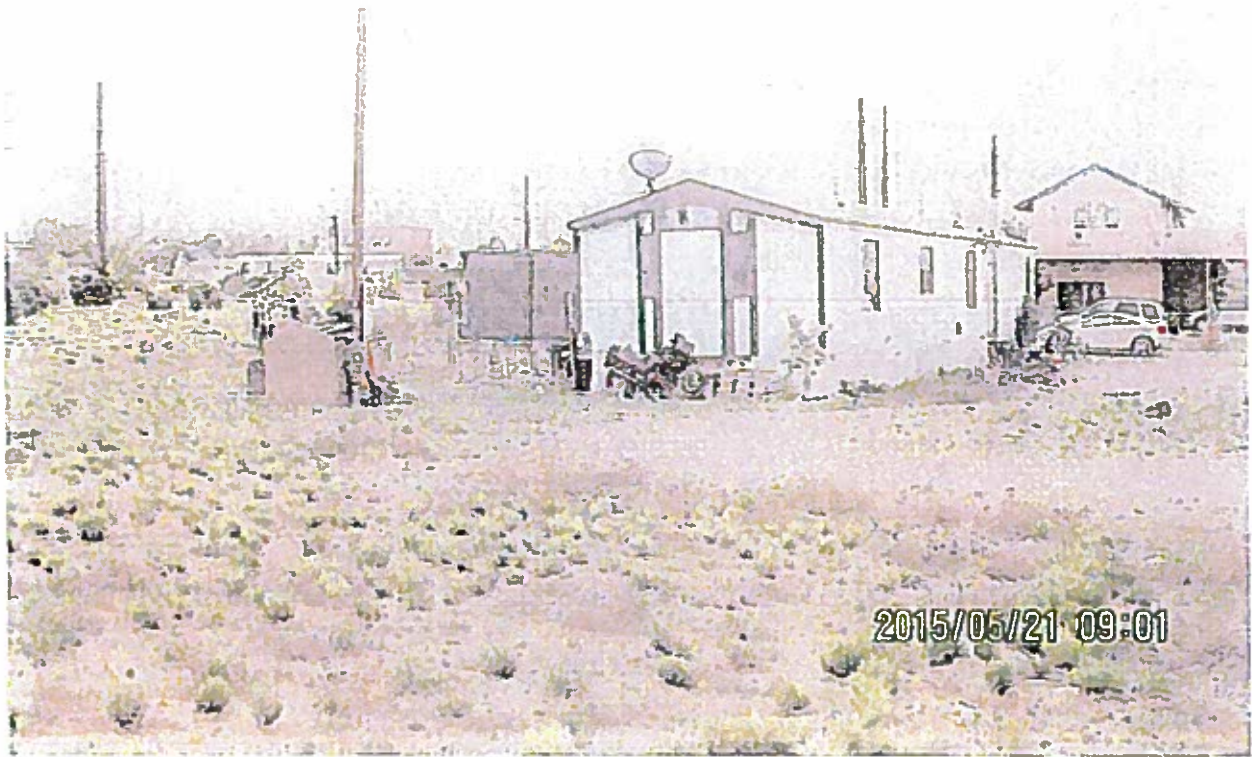




Jude Tercero  
2293 Paseo De Tercero  
Santa Fe, NM



Jude Tercero  
2293 Pasco De Tercero  
Santa Fe, NM



Jude Tercero  
2293 Paseo De Tercero  
Santa Fe, NM





FAMILY TRANSFER  
PLAT SURVEY  
FOR  
ELIGIO M. TERCERO

LYING AND BEING SITUATE IN SMALL HOLDING  
CLAIM #427 SECTION 5 & 32, T.16 & 17N. R.9E.,  
N.M.P.M. COUNTY OF SANTA FE, STATE OF NEW  
MEXICO.

227148

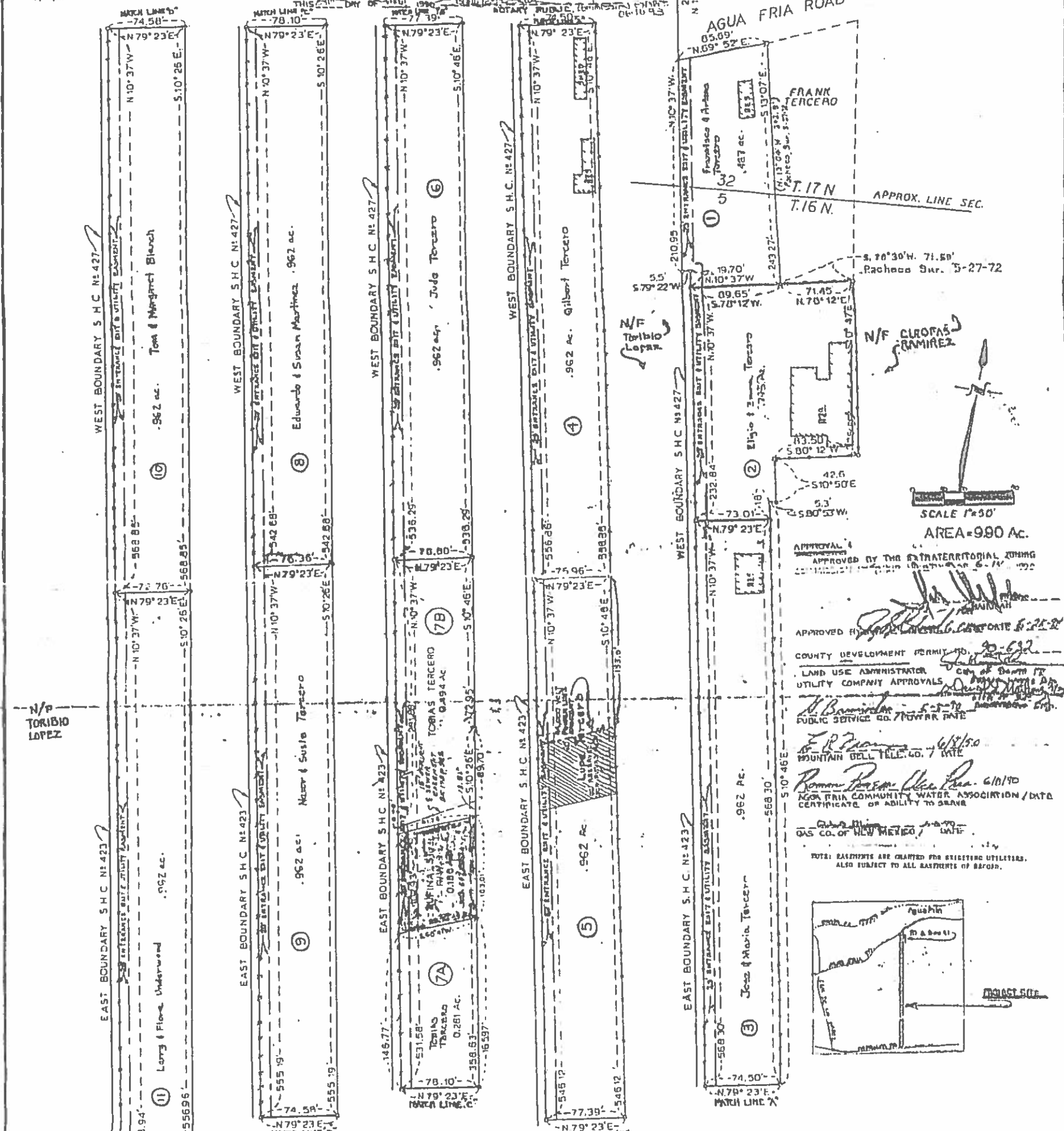
KNOW ALL MEN BY THESE PRESENTS:

THAT ELIGIO TERCERO AND EMILIA TERCERO HAVE  
CAUSED TO BE DIVIDED 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* *Emilia Tercero*  
ELIGIO TERCERO EMILIA TERCERO

STATE OF NEW MEXICO )  
COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME  
THIS 10th DAY OF MAY, 1972, AT SANTA FE, NEW MEXICO, BY THE  
SIGNED PARTIES, IN MY PRESENCE AND IN THE PRESENCE OF OTHER  
WITNESSES.



AGUA FRIA ROAD

FRANK TERCERO

T.17N  
T.16N

APPROX. LINE SEC.

5.70'30"W. 71.50'  
Racheco Sur. 5-27-72

N/F CLORAS RAMIREZ

SCALE 1"=50'

AREA=990 Ac.

APPROVAL &  
APPROVED BY THE EXTRATERRITORIAL ZONING  
COMMISSION ON MAY 16, 1972

APPROVED BY THE CITY OF SANTA FE  
ON MAY 16, 1972

COUNTY DEVELOPMENT PERMIT NO. 20-692

LAND USE ADMINISTRATOR  
UTILITY COMPANY APPROVALS

Public Service Co. of New Mexico

Mountain Bell Tele. Co. 7/1/72

FOR FRIA COMMUNITY WATER ASSOCIATION / DATA  
CERTIFICATE OF ABILITY TO DRINK

GAS CO. OF NEW MEXICO / DATE

NOTE: EASEMENTS ARE GRANTED FOR EXISTING UTILITIES,  
ALSO SUBJECT TO ALL RESTRICTIONS 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 ANOTHER BUILDING AND OVER 100 SQUARE FT.  
• THE COUNTY WILL REQUIRE DOCUMENTATION THAT CITY WATER 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.R.C.F. 14-90-3 TORRENTS  
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.  
• INDICATES 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 TULLY SURVEY 33-P-73 DATED 8-21-55 (N 10° 31' W) EAST BOUNDARY OF S.H.C. # 423  
REFERENCED AND FILED 8-1-55 8-20-55 MISC.  
8-10-55 8-11-55 8-10-55 P-41 MISC.



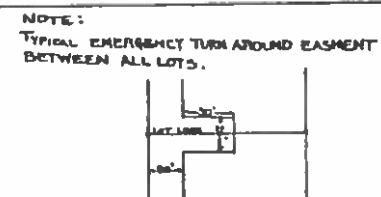
CERTIFICATE  
I HEREBY CERTIFY THAT THIS  
PLAT AND NOTES THEREON  
ARE A TRUE AND CORRECT  
COPY OF A SURVEY MADE BY  
ME ON MAY 27, 1972 AND APRIL  
16, 1975.

*Joseph A. Pacheco*  
JOSEPH A. PACHECO P.E. & L.S.  
3905 (1964 PACHECO ST. SANTA FE, N.M.)

I FURTHER CERTIFY THAT THIS PLAT AND  
SURVEY MEETS THE STANDARDS FOR PROFESSIONAL  
SURVEYORS PRACTICING IN THE STATE OF  
NEW MEXICO.

PLAT UPDATED 8-18-91 TO DERIVE  
RUPINA ST. & SEWER LINE EASEMENT  
J.P.S.  
*Joseph A. Pacheco* 23568

tabbles  
6  
EXHIBIT







SFA# 96040660

WARRANTY DEED

127G201

ELIGIO M. TERCERO and EMMA TERCERO, husband and wife

for consideration paid, grant (E)

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., 6.62 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., 78.60 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 (G) 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 8/3/97
Notary Public
J. Sedillo

ACKNOWLEDGEMENT FOR CORPORATION

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

This instrument was acknowledged before me on JUNE 3RD, 19 96, by

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
J. Sedillo



EXHIBIT

7








May 15, 2015



**Legend**

-  Main Road
-  Roads
-  Parcels
-  Address





- Legend**
- Main Road (thick black line)
  - Roads (thin black line)
  - Parcels (yellow outline)
  - Address (small circle)

145

0



# 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



**AGUA FRIA COMMUNITY WATER SYSTEM ASSOCIATION  
PO BOX 4966  
SANTA FE NM 87502  
505-490-2128**

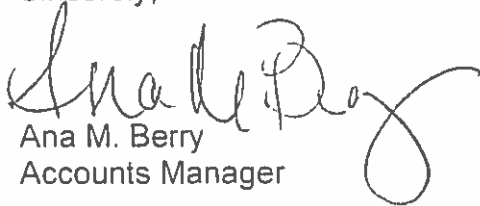
August 10, 2015

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 at 2293 Paseo de Tercero, Santa Fe NM 87507.

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

Sincerely,

  
Ana M. Berry  
Accounts Manager

August 10, 2015

Santa Fe County  
P.O. Box 276  
Santa Fe, NM 87504

To whom it may concern:

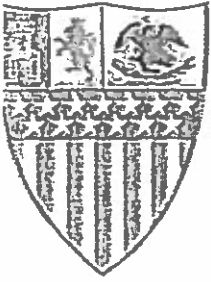
As per the County Development Review Committee meeting on July 16<sup>th</sup> 2015, I agree to hook up the original home, 2293 Paseo de Tercero, to the Agua Fria Community Water System in order to comply with code regulations.

Attached is a letter from the AFCWS acknowledging that they will make it available to the above address.

Sincerely,



Jude Tercero



# 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.






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 6<sup>th</sup> 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](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](http://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:



CERTIFICATION OF POSTING

I herby 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]  
Signature

\*Photo of posting must be provided with certification

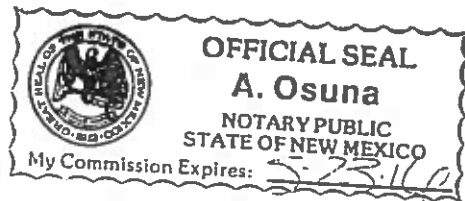
\*\*PLEASE NOTE: Public notice is to be posted on the most visible part of the  
property. Improper legal notice will result in re-posting for an additional 21  
days. It is the applicant's responsibility to ensure that the notice is on the  
property for the full 21 days.

STATE OF NEW MEXICO }  
  }  
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 19 day of  
JUNE, 2015, By A. Osuna

[Signature]  
Notary Public

My Commission Expires:  
5-23-16



# PUBLIC NOTICE

NOTICE TO THE PUBLIC  
REGARDING THE PROPOSED  
CONSTRUCTION OF A  
NEW BRIDGE OVER THE  
RIVER AT THE  
LOCATION SHOWN ON THE  
ATTACHED MAP.  
THE PROPOSED BRIDGE  
WILL BE APPROXIMATELY  
100 FEET LONG AND  
15 FEET WIDE.  
IT WILL BE CONSTRUCTED  
OF CONCRETE AND STEEL  
PIERS.  
THE BRIDGE WILL BE  
OPEN TO TRAFFIC  
WITHIN 90 DAYS OF  
COMPLETION OF  
CONSTRUCTION.  
IF YOU HAVE ANY  
QUESTIONS OR  
COMMENTS, PLEASE  
CONTACT THE  
ENGINEER AT THE  
ADDRESS LISTED  
BELOW.

Address:  
City:  
State:  
Zip:  
Phone:  
Fax:  
E-mail:  
Website:



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Post Office: 1102  
City: Houston, TX

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3827 West Loop West, Apt. 1102  
Houston, TX 77027

Sent by: **Dr. J. M. Garcia**  
3827 West Loop West, Apt. 1102  
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Houston, TX 77027

Sent by: **Dr. J. M. Garcia**  
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3827 West Loop West, Apt. 1102  
Houston, TX 77027

Sent by: **Dr. J. M. Garcia**  
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Postmark: 05/27  
Post Office: 1102  
City: Houston, TX

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3827 West Loop West, Apt. 1102  
Houston, TX 77027

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Henry P. Rostral  
 Commissioner, District 1

Miguel Chavez  
 Commissioner, District 2

Robert A. Anaya  
 Commissioner, District 3



Kathy Helian  
 Commissioner, District 4

Liz Stefancik  
 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"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input checked="" 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*

#### o 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  
Land Use  
Applicant  
District Chief Agua Fria  
File

V. APPROVAL OF MINUTES: June 18, 2015

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

VI. CONSENT AGENDA: Final Orders

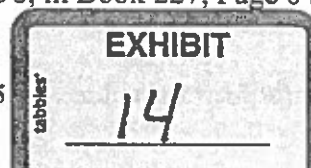
- A. CDRC CASE # APP 13-5062 Robert and Bernadette Anaya Appeal: Robert and Bernadette Anaya, Applicants, Joseph Karnes (Sommer, Karnes & Associates, LLP), Agent, are appealing the Land Use Administrator's decision to reject a submittal for Master Plan, Preliminary and Final Development Plan as it was deemed untimely. The property is located at 2253 Ben Lane, within Sections 31, Township 17 North, Range 9 East, (Commission District 2) Denied 6-0, Jose Larrañaga, Case Manager
- B. CDRC CASE # DP 15-5090 The Legacy at Santa Fe: PinPoint Equities, LLC, Applicant, JenkinsGavin, Agents, request Preliminary and Final Development Plan approval for an Assisted Living Facility on 6.78 ± acres within Phase I-A of Aldea de Santa Fe. The 66,476 square foot facility will contain 84 beds and will be constructed 33 feet 10 inches in height. The property is located at 34 Avenida Frijoles, North of 599, within Section 20, Township 17 North, Range 9 East, (Commission District 2) Approved 5-1, Jose Larrañaga, Case Manager

VII. NEW BUSINESS

- A. CDRC CASE # V 15-5150 Jude Tercero Variance: 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)

Mike Romero, Case Manager, presented the staff report as follows:

"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, which is approximately 2,500 square feet, and is served by City of Santa Fe sewer and a private well. The second dwelling unit was permitted in 2012, which is approximately 1,440 square feet and is served by City of Santa Fe Sewer and the Agua Fria Community Water System. The proposed dwelling unit would be served by City of Santa Fe sewer and Agua Fria Community Water System. Currently, the Applicant rents both dwelling units for additional income.

“The Applicant requests a variance of Ordinance No. 2007-2, Village of Agua Fria Traditional Community Zoning District, § 10.6, Density and Dimension Standards, to allow three dwelling units on 0.962 acres. Article III Section 2.4.1, state 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. This request also includes a variance of Article V, Section 8.2.1c of the Land Development Code. 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 50 feet an all-weather driving surface. Currently Paseo de Tercero is a 16-foot wide dirt road with a 20-foot entrance, exit and utility easement and is 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 states a variance is needed in order to develop the remaining portion of the property. The Applicant intends to place an additional home on the property to provide them with additional income until such time their three children are of age. The Applicant intends to give each child a dwelling unit at such time. The property is lacking approximately 1.41 acres in order to meet Code requirements.”

Mr. Romero stated that the Applicant has provided sufficient noticing by providing notice in *The New Mexican*, and provided certified mail receipts 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 and recommends denial of a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), § 10.6 (Density and Dimension Standards) to allow three dwelling units on 0.962 acres and Article V, Section 8.2.1c (Local Roads).

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 with 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).
5. [Additional condition added – See motion.]

Duly sworn, Jude Tercero said he wants to place a mobile home on the property and was willing to hook up to community water.

Chair Katz remarked that if the main residence were on community water the necessary land would off by the size of desk. Mr. Tercero said if the water system offered the membership they would do that.

Member Anaya asked whether the homes on the property were manufactured and Mr. Tercero said they were as were most of the homes in the area.

Duly sworn, William Mee, 2073 Camino Samuel Montoya in Agua Fria Village, stated he was president of the Agua Fria Village Association and the Association is in support of the variance.

Mr. Mee said in the past the County had an Agua Fria Development Review Committee which served the community and County because of the committee's local knowledge. He discussed the history of the long narrow lots in the Village and the constant issue of driveways. Currently, the Association is working on a utility corridor plan and focused on the infrastructure for the lots.

Chair Katz thanked Mr. Mee and said his input on the Village was valued.

There were no other speakers on this case and the public hearing was closed.

Stating the application meets the requirements for the road variance, Member Gonzales moved to approve V 15-5150 with staff-imposed conditions. Member Anaya seconded.

Chair Katz' friendly amendment of an additional condition was accepted by the movant and second:

5. The original/main house is to be hooked up to the community water system when possible.

The motion as amended passed by unanimous voice vote.









**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:** August 25, 2015

**TO:** Board of County Commissioners

**FROM:** Vicente Archuleta, Development Review Team Leader *VA*

**VIA:** Katherine Miller, County Manager *KM 9.1.15*  
Penny Ellis-Green, Growth Management Director *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor *WD/or*

**FILE REF.:** CDRC CASE # V 15-5160 Susan Stokes Variance

**ISSUE:**

Susan Stokes, Applicant, requests a variance of Ordinance No. 2007-02, Section 10.6, Village of Agua Fria Zoning District, Density and Dimensional Standards, to allow the creation of three (3) lots (Lot 1-1.642 acres, Lot 2-1.010 acres, and Lot 3-1.174 acres) on 3.826 acres, more or less, utilizing an on-site well and septic system rather than Community Water or Sewer. The property lies within the Agua Fria Low-Density Urban Zone (AFLDUZ) where the minimum lot size is 2.5 acres per dwelling with 0.25 acre foot water restrictions.

The property lies within the Village of Agua Fria Zoning District, at 4745 Rivers Edge Lane, within Section 32, Township 17 North, Range 9 East (Commission District 2).

**VICINITY MAP:**



Site Location

**SUMMARY:**

On July 16, 2015, the County Development Review Committee (CDRC) met and recommended approval to allow the creation of three (3) lots (Lot 1-1.642 acres, Lot 2-1.010 acres, and Lot 3-1.174 acres) on 3.826 acres, more or less, utilizing an on-site well and septic system rather than Community Water or Sewer subject to staff conditions by unanimous voice vote of 6-0 (Refer to July 16, 2015, CDRC Meeting Minutes as Exhibit "6").

In February of 2004, the Applicant was issued a permit for a second dwelling unit on her 4.972 acre lot. The Applicant was allowed to connect to the City of Santa Fe River trunk line via a 4 inch private sanitary sewer lateral subject to seven (7) conditions, which included the condition, "[i]f the property is ever subdivided, an 8 inch diameter sanitary sewer mainline extension will be required." (Refer to City of Santa Fe Sewer Letter as Exhibit "5")

On March 3, 2010, the Applicant submitted an application for a 4-lot Summary Review Subdivision (Lot 1-1.642 acres, Lot 2-1.010 acres, Lot 3-1.174 acres and Lot 4-1.146 acres) on 4.972 acres. The Application was reviewed and approved in 2011. Prior to recording the plat, the Applicant was required to provide an all-weather access road to all proposed lots, sign water restrictive covenants, provide a disclosure statement and submit a shared well agreement. The all-weather access road was constructed and inspected by County staff.

At the time the plat was approved in 2011, one of the conditions of approval for the lot sizes requested was, that the Applicant must connect to Community Services (either community water or community sewer) to be allowed the lot size that they were proposing (less than 2.5 acres). The Applicant agreed to the condition that they would connect to City sewer. This condition was noted on the plat. The plat along with the water restrictive covenants, disclosure statement and shared well agreement were then recorded on August 12, 2011.

The Applicant now requests a variance of Ordinance No. 2007-2, Section 10.6 to allow the creation of Lot 1, Lot 2 and Lot 3 without the requirement of connection to Community Services (water or sewer connections). Lot 4 is not included in the variance request as it is already connected to City of Santa Fe Sewer.

The Applicant is trying to sell Lot 1 (the lot furthest away from the sewer trunkline) and made a request to the Agua Fria Community Water Systems (AFCWS) for service. The AFCWS is unable to provide service to the property (Exhibit "3"). The Applicant then pursued connection to the City sewer system. The distance from Lot 1 to the City sewer line is approximately 825 feet and will require cleanouts every 100 feet. The Applicant submitted a cost estimate that has determined the cost of construction, permitting and connection. The estimate for a 4 inch sewer line is approximately 30,000 dollars and could increase with unexpected excavation or soil testing and with the 8 inch line that the City requires (Exhibit 4).

The Applicant states, "the substantial amount of additional work to connect to the City sewer due to this property's unique situation has made it impractical to develop the property."

The applicable Ordinances and requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) which governs this application are:

a. Ordinance No. 2007-2, Section 10.6(1), Village of Agua Fria Zoning District, Density and Dimensional Standards, states: 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.”

b. Ordinance No. 2007-2, Section 10.6(1) Density Table states: The property lies within the Village of Agua Fria Zoning District in the Agua Fria Low-Density Urban Zone (AFLDUZ). The minimum lot size in the AFLDUZ is 2.5 acres. Lot size may be reduced with Community water and sewer. With Community water or sewer, the lot size may be reduced to 1 acre per dwelling unit and with both sewer and water the lot size may be reduced to 0.5 acres per dwelling.

c. Article II, Section 3, Variances, of the 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, an applicant may file a written request for a variance. A development Review Committee may recommend to the [BCC] and the [BCC] may vary, modify or waive the requirements of the Code upon adequate proof that compliance with Code provisions at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety.

d. Article II, Section 3.1 of the Code concludes that, “[i]n no event shall a variance...be recommended by [the] Development Review Committee nor granted by the [BCC] if by doing so the purpose of the Code would be nullified”.

e. Article II, Section 3.1 of the Code states, “[i]n no case shall a variation or modification be more than a minimum easing of the requirements.”

Notice requirements were met as per Article II, Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on June 25, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on June 25, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners.

This Application was submitted on May 13, 2015.

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

The Applicant has stated that they could not afford to do the sewer line and the road at the time of platting the four (4) lot summary review subdivision, and the previous Land Use Administrator allowed them to record the plat without hooking existing homes up. The Applicant knew about the cost at plat approval but still agreed to the condition. The Applicant also knew that the size of the sewer line needed to be increased when they received their 2004 permit.

**APPROVAL SOUGHT:** Approval of a variance of Ordinance No. 2007-02, Section 10.6, Village of Agua Fria Zoning District, Density and Dimensional Standards, to allow the creation of three (3) lots (Lot 1-1.642 acres Lot 2-1.010 acres and Lot 3-1.174 acres) on  $\pm$  3.826, without Community Services (Water or Sewer or both).

**GROWTH MANAGEMENT AREA:** El Centro, SDA-2

**HYDROLOGIC ZONE:** The property lies within the Village of Agua Fria Zoning District, within the Agua Fria Low Density Urban Zone (AFLDUZ) Subdistrict. Minimum lot size in the AFLDUZ is 2.5 acres. Lot size can be reduced to 1.0 acre per dwelling unit with community water or sewer. Lot size may be further reduced to 0.50 acre per dwelling unit by connecting to both community water and sewer.

**FIRE PROTECTION:** Agua Fria Fire District - The Agua Fria Fire Station is located approximately 2 miles from the proposed project.

Due to the location of the lots and lack of pressurized hydrant or water storage (draft hydrant) system within 1,000 feet, it is highly recommended that an Automatic Fire Suppression System meeting NFPA 13D requirements be installed.

**WATER SUPPLY:** Domestic Well.

**LIQUID WASTE:** Currently there is a dwelling unit on Lot 3 and Lot 4. The dwelling on Lot 4 is currently serviced by the City of Santa Fe via a 4 inch sewer line. Lot 3 is currently on an on-site septic system and Lot 1 and 2 are currently vacant.

**STAFF RECOMMENDATION:** Staff recommends denial of the variance of Ordinance No. 2007-02, Section 10.6 Village of Agua Fria Zoning District, Density and Dimensional Standards to allow the creation of three (3) lots on  $\pm$  3.826 acres, without Community Services (Water and Sewer).

The decision of the CDRC was to recommend approval, subject to the following condition:

1. The Applicant must amend the Plat of Survey to remove the condition stating: "These lots are subject to using the City of Santa Fe Sewer System. No individual waste water system shall be allowed" and the Applicant shall submit the plat with the new language for Staff review and record in the County Clerk's office.

**EXHIBITS:**

1. Letter of Request
2. Plat of Survey
3. Agua Fria Community Water Systems Letter
4. Sewer Line Estimate
5. City of Santa Fe Sewer Letter
6. July 16, 2015 CDRC Meeting Minutes
7. Letter of Support
8. Aerial Photo of Site

**FROM:**

Susan J. Stokes  
4747 Rivers Edge Lane  
Santa Fe, NM 87507

**TO:**

Santa Fe County - Land Use  
Building and Development Services

**Development Permit Application  
Letter of Intent**

**RE:** Subdivision for Susan J. Stokes  
Lots 1, 2, 3, 4  
Tract 1, Section 32, T17N, R9E N.M.P.M.  
Santa Fe County, NM

This Variance is a request to deviate from the required connection to the City of Santa Fe Sewer System to individual conventional septic system for any new construction in the above subdivision.

Pursuant to Santa Fe County Ordinance No 2007-2 new construction in this subdivision may connect to community water and use a standard septic system. Community water is not available to this property. (See Exhibit A letter from Water Association.) However, the lots are subject to certain water restrictions which are part of the covenants for the Tract and will apply to all new construction on the property. (See Exhibit B with this Letter of Intent.) All owners will comply with the water restrictions and covenants for any new construction.

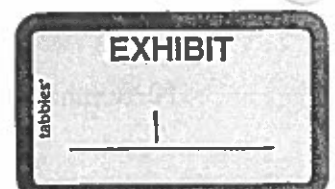
The topography of the land will allow only one residence on each lot. The building sites have been indicated by the County at one site per lot. This is in compliance with the intent of Ordinance No 2007-2 to control population density in the area.

It should be noted that the shared well is more than 200 feet from the proposed septic system location. The majority of the properties in this area have septic systems.

In addition, a road was constructed in 2011 with the required emergency turn-around, and in compliance with all County specifications, providing access to Lots 1 and 2 as part of the subdivision process.

All of the above is stated to show that the owner has made a good-faith effort to comply with all County requirements for the subdivision.

At this time the owner desires to develop Lot 1 and has pursued connecting to the City sewer system. The topography of the property includes 825' of sewer line from the building site to the sewer location, clean outs every 100', stepping as needed to accommodate the slope/incline of the property, and other engineering. The additional work to install the connection would require substantially more trenching and ground disturbing activities than the alternative septic systems. The proposed sewer lines would also have to cross natural drainages and culvert systems.



An estimate from Richardson's Excavating, LLC, is provided with this Letter of Intent as Exhibit C. The total is \$30,000.00 with provisional notes – not included items: soil testing, hard excavating, bedrock hammering or rock removal. These could reasonably impact the estimated total.

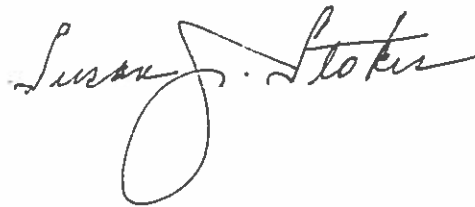
Based on the extensive planning and research that has been done to evaluate meeting the requirement to connect to the City sewer, it has become clear that meeting the requirement is cost prohibitive and has potential for substantially greater environmental impact.

This variance was on the agenda of the May 4, 2015, meeting of the Agua Fria Village Association. After discussion, the Association voted to support the variance request. (See Exhibit D letter from Agua Fria Village Association.)

The substantial amount of additional work to connect to the City sewer due to this property's unique situation has made it impractical to develop the property. In view of the above, the owner submits this letter of intent as part of the variance process to change the plat requirement from City sewer connection to conventional and accepted septic systems for new construction on the subdivision.

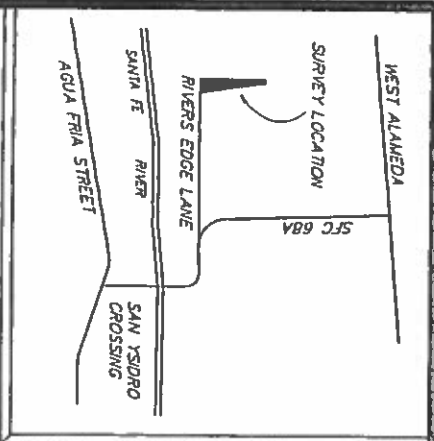
Respectfully submitted by Susan J. Stokes

Dated: May 11, 2015

A handwritten signature in cursive script that reads "Susan J. Stokes". The signature is written in black ink and is positioned to the right of the typed name.







**AFFIDAVIT**  
 THE FOREGOING SURVEY AND LAND DIVISION WERE MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. EASEMENTS ARE HEREBY GRANTED HEREON WHERE LABELED GRANTED THIS INSTRUMENT. THE UNDERSIGNED OWNERS HEREBY PLAN AND PLATING JURISDICTION OF SANTA FE COUNTY.

SUSAN J. STOKES DATE July 14, 2011

STATE OF NEW MEXICO  
 COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF July 2011

Notary Public  
 Phillip B. Weigel, Commission Expires 25 February, 2014



**LINE COURSE TABLE**

LINE	DIRECTION	DISTANCE
L1	S 257°40' W	187.69
L2	S 42°30' W	50.37
L3	N 02°13'37" W	67.54
L4	N 02°13'37" W	67.54
L5	N 42°36'33" E	68.99

**CURVE COURSE TABLE**

CHIRK	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	48.00	48.00	42.34	N 58°54'57" W	89°12'23"

**PUBLIC UTILITY EASEMENTS**

- NEW MEXICO GAS COMPANY for installation, maintenance and service of natural gas public utility easements shown on the plat are granted for the common and joint use of:
- NEW MEXICO GAS COMPANY for installation, maintenance and service of natural gas natural gas and other equipment and facilities reasonably necessary to provide natural gas.
- CABLE TELEVISION COMPANY OF NEW MEXICO for the installation, maintenance, and service of cable television, television, and other communication services, including but not limited to cable TV service.
- CABLE TV for the installation, maintenance and service of each land, cable and other related equipment and facilities reasonably necessary to provide cable TV services.

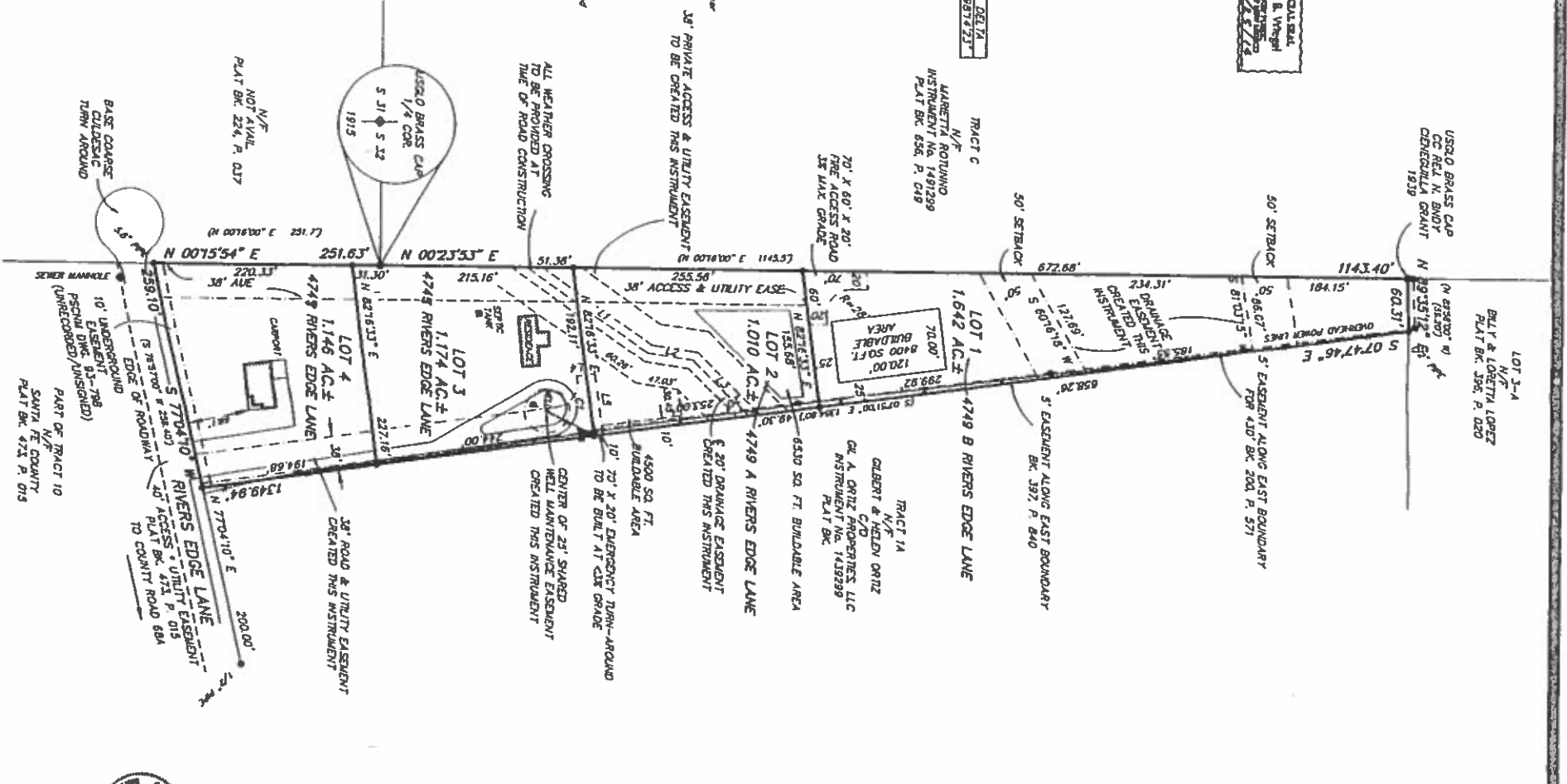
**NOTES**

- BASE OF BEHAVIOR FOR CONSERVATION OF THE WEST BOUNDARY OF SUBJECT PROPERTY BETWEEN TOWN AND COUNTRY BRASS CARS (N 80°31'57" E) WAS BY GEOLOGICAL LOCALITY.
- THIS SURVEY IS BASED ON A PLAT ENTITLED "TRACTS OF LAND IN SEC. 12, T. 17 N., R. 9 E., N.M.P.M., SAN YSIDRO FOR R.D. SURVEY, BY R.E. DE BOULI, P.E./P.S. 442, DATED FEB. 14, 1944, RECORDED IN PLAT BOOK 1, 442, ON MARCH 2, 1944. REFERENCES AND DISTANCES IN ( ) ARE FROM SAID PLAT.
- RENDERING DEED WARRANTY DEED FROM MICHAEL VA TO SUSAN J. STOKES, DATED 28 MARCH, 1988, RECORDED IN BOOK 681 AT PAGE 384, RECORDS OF SANTA FE COUNTY, N.M.

**CERTIFICATE**

I, Phillip B. Weigel, a duly registered Professional Surveyor in the State of New Mexico hereby certify that I conducted and am responsible for this survey, that the survey and plat represent an actual survey made in the field by me or under my direction, that it meets the Minimum Standards for Accuracy set forth in the Uniform Minimum Standards for Accuracy and that the information herein is true and correct to the best of my knowledge, information and belief.

Phillip B. Weigel  
 FIELD SURVEY  
 P.S. No. 9758  
 Santa Fe, N.M.  
 P.O. Box 22773



**SUMMARY REVIEW SUBDIVISION**  
 FOR  
**SUSAN J. STOKES**

CREATING LOTS 1, 2, 3, & 4, FROM  
 TRACT 1, SITUATE WITHIN SECTION 32,  
 T. 17 N., R. 9 E., N.M.P.M., SANTA FE COUNTY,  
 NEW MEXICO.

PURPOSE OF THIS PLAT IS TO CREATE  
 FOUR RESIDENTIAL LOTS.

735923

**SANTA FE COUNTY APPROVAL NOTES AND CONDITIONS**

APPROVALS

COUNTY LAND USE ADMINISTRATOR DATE 8-9-11  
 COUNTY TREASURER DATE 8-5-11

DEVELOPMENT PERMIT NO. 10-3023

THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATING JURISDICTION OF SANTA FE COUNTY.

MAINTENANCE OF PRIVATE ACCESS EASEMENTS, UTILITY EASEMENTS AND/OR PRIVATE EASEMENTS IS NOT THE RESPONSIBILITY OF SANTA FE COUNTY UNLESS DEPOSITED AND ACCEPTED FOR MAINTENANCE BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT AND THE BOARD OF COUNTY COMMISSIONERS.

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT OR BUILDING PERMITS. ALL STANDARD COUNTY PERMITS AND FEES MUST BE IN FULL PAYMENT PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY OR ANY FURTHER DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION. THE REQUIRED PERMITS, FEES, AND CONDITIONS FOR BUILDING CONSTRUCTION, TEMPORARY LANDSCAPE, AND DRAINAGE ARE COMPLETED AND APPROVED.

ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 100-00-0001, DATED JUNE 17, 2006, THIS PROPERTY LIES OUTSIDE THE UNITS OF THE 100 YEAR (1%) FLOODPLAIN, IN ZONE X. THIS DESIGNATION DOES NOT GUARANTEE THAT THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES. BUILDABLE AREAS ARE DEPICTED HEREON. THE BUILDABLE AREAS INDICATED HAVE SLOPES OF LESS THAN 15%.

THE TRACTS, PARCELS AND/OR LOTS SHOWN HEREON LIE OUTSIDE THE URBAN WILDLAND INTERFACE ZONE AS DEFINED BY THE SANTA FE COUNTY FIRE DEPARTMENT. THE SPREADSHEET AND/OR THE STORAGE MAY BE REQUIRED.

WATER USE AND/OR WELL WITHDRAWAL ON THESE TRACTS, PARCELS AND/OR LOTS SHOWN HEREON IS RESTRICTED BY CONDITIONS FILED IN THE OFFICE OF THE COUNTY CLERK AND 1, 2, 3 & 4 IS RESTRICTED TO 0.25 ACRE FEET PER DWELLING UNIT.

THE SUBDIVISION DISCLOSE STATEMENT REGARDING THE TRACTS, PARCELS AND/OR LOTS IS FILED IN THE OFFICE OF THE COUNTY CLERK AS INSTRUMENT NO. 1412473.

THE SHARED WELL AGREEMENT REGARDING THESE LOTS IS FILED IN THE OFFICE OF THE COUNTY CLERK AS INSTRUMENT NO. 1412474.

**SPECIAL BUILDING PERMIT CONDITIONS**

THE INSTALLATION OF AN AUTOMATIC FIRE SUPPRESSION SYSTEM FOR ALL HOMES ON ALL LOTS IS HIGHLY RECOMMENDED.

THESE LOTS ARE SUBJECT TO USING THE CITY OF SANTA FE SENIOR SYSTEM. NO INDIVIDUAL WASTE WATER SYSTEM SHALL BE ALLOWED.

THE PARCELS, LOTS OR TRACTS PLATTED HEREON ARE SUBJECT TO ARTICLE 14, SECTION 3 AND ORDINANCE 2008-10 AS WELL AS PERTINENT COUNTY CODE AND ORDINANCES AT THE TIME OF DEVELOPMENT.

THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FEE AND RESOLVE IMPACT FEES AT THE TIME OF APPLICATION FOR DEVELOPMENT PERMITS.

NEW DRIVEWAY ACCESS FROM RIVERS EDGE ROAD IS SUBJECT TO APPROVAL BY THE COUNTY PUBLIC WORKS DIRECTOR.

DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED APPROVEMENTS FOR ROAD AND EMERGENCY TURN-AROUND ARE COMPLETED AND APPROVED BY STAFF.

COUNTY OF SANTA FE  
 STATE OF NEW MEXICO

1642473



tabbles

**EXHIBIT**

2



# 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,

April 17, 2015

Susan Stokes  
4745-4749-B Rivers Edge Lane  
Santa Fe NM 87507

Dear Ms. Stokes,

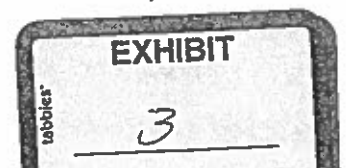
This letter is in response to the verbal request that you made to the association concerning water service to your property at 4745-4749-B Rivers Edge Lane in Santa Fe NM.

Unfortunately, we will not be able to service your property at this time nor do we anticipate extending our water service to that area in the future.

Thank you for your interest in our association.

Sincerely,

  
Ana M. Berry  
Accounts Manager



# Richardson's Excavating, LLC

Richardson's Excavating, LLC

PO Box 861  
Tesuque, NM 87574

(505)455-2293  
marsha@richardsonexcav.com  
http://richardsonexcav.com

## Estimate

Date	Estimate No.
10/07/2014	1098
Exp. Date	

Address

Susan Stockes  
4749B Rivers Edge Lane  
Santa Fe, NM 87507

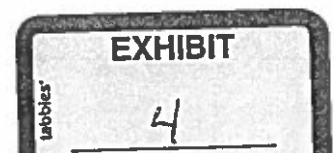
Activity	Quantity	Rate	Amount
<ul style="list-style-type: none"> <li>Please review and circle the one you choose and re-email back to me please. 50% down and 50% at completion of work plus tax.</li> <li>Option A. Install a septic system for a three bedroom house, 1000 gallon septic tank and 750 square feet of drain field as pipe and gravel. All city and NMED permits included. \$7,500.00 plus tax.</li> <li>Option B. Install 825' feet of sewer line from the house site to Rivers Edge Lane, clean outs every 100' stepping as needed stopping at Rivers Edge Road a sewer tie will be needed here. \$10,312.50.</li> <li>Sewer tie in lateral see Note*. \$6,250.00.</li> <li>Usage fee to the city for tie in depending on the size of the house \$3,500.00, but this may vary \$2,500.00 to \$5,000.00.</li> <li>Safety trenching, traffic control, street permit, signage safety, and safety box for deep trenching \$4,950.00.</li> <li>NOTE* Sewer is past 14' may require a soil engineer to design safety boxing and trench shoring is extra charge.</li> <li>All usage fees and permit fees are due up front and if a soil engineer is needed there will be an extra charge for him along with any of his charges.</li> </ul>			0.00
<b>Total</b>			<b>\$0.00</b>

**Bid Does Not Include:**

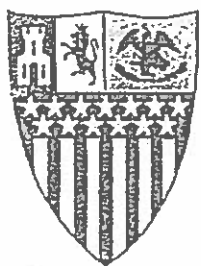
-Soil Testing, Hard Excavating, Bedrock Hammering or Rock Removal.  
NOTE: We are not responsible for utilities under 12" or owner owned utilities. We do not accept any contracts with retainage. All past due accounts will be assessed a 2% per month and an annual service charge of 24%. Some contracts are subject to a fuel access charge. Building site work final sub grades is to be +/- 1". bench mark and shooting of

Accepted By \_\_\_\_\_

Accepted Date \_\_\_\_\_



File



# City of Santa Fe, New Mexico

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

Larry A. Delgado, *Mayor*  
Jim Romero, *City Manager*

*Councilors:*

- Carol Robertson-Lopez, Mayor Pro Tem, Dist. 4
- Patti J. Bushee, Dist. 1
- David Pfeffer, Dist. 1
- Karen Heldmeyer, Dist. 2
- Rebecca Wurzburger, Dist. 2
- Miguel M. Chavez, Dist. 3
- David Coss, Dist. 3
- Matthew E. Ortiz, Dist. 4

January 15, 2004

Ms. Susan J. Stokes  
PO Box 8911  
Santa Fe, New Mexico 87504

Dear Ms. Stokes:

Pursuant to Technical Review Team (TRT) letter dated October 6, 2003, one sewer service connection for the property at 4745 Rivers Edge Lane was approved by the city of Santa Fe's public utilities committee (PUC) and the City Council on January 14, 2004. Connection to the sanitary sewer mainline shall be accomplished in accordance with the following requirements:

1. A 4" private sanitary sewer lateral from the property shall connect to the city SF River trunk line located within a graveled driveway south of the property.
2. Connection shall be made at a manhole. If a manhole exists adjacent to the property, connection of the 4" lateral shall be made to the existing manhole. If a manhole doesn't exist, a new manhole shall be constructed in accordance with city standards. Connection of the 4" lateral shall be made to the new manhole.
3. Locking manhole cover is required for the manhole.
4. Final inspection of the manhole shall be requested. Contact Douglas Flores at 955-4613 to request the final manhole inspection.
5. Utility expansion fees shall be paid (UEC form enclosed) in accordance with Ordinance with 2003-26. Contact Leroy Catanach at 955-6661.
6. If the property is ever subdivided, an 8" diameter sanitary sewer mainline extension will be required.
7. Comply with all other applicable building permit fees/requirements.

Please contact me 955-4650, if you have any questions.

Sincerely,

Qustandi Kassisieh  
Wastewater Management Director

/jbb

C:\WINNT\Profiles\User\Personal\JOE BISANITARY SEWER FILES\TRT Letters\TRT 2nd Review  
4745 Rivers Edge - Susan Stokes.doc

"Committed to our community, and making a difference"



- B. **CDRC CASE # V 15-5160 Susan Stokes Variance.** Susan Stokes, Applicant, requests a variance of Ordinance No. 2007-02, Section 10.6 (Village of Agua Fria Zoning District, Density and Dimensional Standards) to allow the creation of three (3) lots (Lot 1, 1.642 acres, Lot 2, 1.010 acres, and Lot 3, 1.174 acres) on 3.826 acres, more or less, utilizing an on-site well and septic system rather than Community Water or Sewer. The property lies within the Agua Fria Low-Density Urban Zone (AFLDUZ) where the minimum lot size is 2.5 acres per dwelling with .25 acre-feet water restrictions. The property lies within the Village of Agua Fria Zoning District, within Section 32, Township 17 North, Range 9 East (Commission District 2) at 4745 Rivers Edge Lane

Vicente Archuleta, Case Manager, presented the staff report as follows:

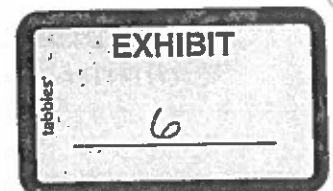
“In February of 2004, the Applicant was issued a permit for a second dwelling unit on her 4.972-acre lot. The Applicant was allowed to connect to the City of Santa Fe trunk line via a 4 inch private sanitary sewer lateral subject to seven conditions, which included the condition, “[i]f the property is ever subdivided, an 8 inch diameter sanitary sewer mainline extension will be required.”

“On March 3, 2010, the Applicant submitted an application for a 4-lot Summary Review Subdivision on 4.972 acres. The Application was reviewed and approved. Prior to recording the plat, the Applicant was required to provide an all-weather access road to all proposed lots, sign water restrictive covenants, provide a disclosure statement and submit a shared well agreement. The all-weather access road was constructed and inspected by County staff.

“The property lies within the Village of Agua Fria Zoning District in the Agua Fria Low-Density Urban Zone, AFLDUZ. The minimum lot size in the AFLDUZ is 2.5 acres. Lot size may be reduced with community water and sewer. With community water or sewer, the lot size may be reduced to 1 acre per dwelling unit and with both sewer and water the lot size may be reduced to 0.5 acres per dwelling.

“At the time the plat was approved in 2011, one of the conditions of approval for the lot sizes requested was, the Applicant must connect to community services, either community water or community sewer, to be allowed the lot size that they were proposing, less than 2.5 acres. The Applicant agreed to the condition that they would connect to City sewer. This condition was noted on the plat. The plat along with the water restrictive covenants, disclosure statement and shared well agreement were then recorded on August 12, 2011.

“The Applicant now requests a variance of Ordinance No. 2007-2, Section 10.6 to allow the creation of Lot 1, Lot 2 and Lot 3 without the requirement of connection



to community services. Lot 4 is not included in the variance request as it is already connected to City of Santa Fe Sewer.

“The Applicant is now trying to sell Lot 1, furthest lot away from the sewer trunk line, and made a request to the Agua Fria Community Water Systems for service. The AFCWS is unable to provide service to the property. The Applicant then pursued connection to the City sewer system. The distance from Lot 1 to the City sewer line is approximately 825 feet and will require cleanouts every 100 feet. The Applicant submitted a cost estimate that has determined the cost of construction, permitting and connection. The estimate is approximately \$30,000 and could increase with unexpected excavation or soil testing.

“The Applicant states, that the substantial amount of additional work to connect to the City sewer due to this property’s unique situation has made it impractical to develop the property.”

Mr. Archuleta referred to Ordinance No. 2007-2, Section 10.6(1), Village of Agua Fria Zoning District, Density and Dimensional Standards, which states: “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, 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.”

Staff recommends denial of the variance of Ordinance No. 2007-02, Section 10.6, Village of Agua Fria Zoning District, Density and Dimensional Standards, to allow the creation of three lots on + 3.826 acres, without community services (water and sewer). If the decision of the CDRC is to recommend approval, staff recommends the following condition be imposed:

1. The Applicant must amend the Plat of Survey to remove the condition stating: “These lots are subject to using the City of Santa Fe Sewer System. No individual wastewater system shall be allowed” and the Applicant shall submit the plat with the new language for Staff review and record in the County Clerk’s office

Duly sworn, the applicant, Susan Stokes, said at the time the 8-inch line requirement was placed on the property in 2004 the notion of subdividing never entered her mind. She met all conditions other than connecting to the City sewer. The access road cost \$20,000. She signed water restrictive covenants giving up 3.0 acre-feet, agreed to .25 acre-feet, put a road and well agreement in place. She said her life recently changed and she needs to develop and/or sell a portion of the property.

Ms. Stokes said it is not possible to market the property with the utility requirement. The Agua Fria planning committee is proposing a change to the zoning in her area allowing for a minimum 1 acre density with a shared well. She has already met that requirement and would be able to accomplish this without a variance. A density bonus within the overlay map being proposed would also deem her request possible

without a variance. The SLDC has a provision that if the County is not providing sewer services within the next five years the landowner developing a property in that area can be held harmless from the mandate of having to hook up to a community sewer line within 200 feet.

Ms. Stokes said the proposed changes attest to the fact it is unfair to require hooking up to utilities if the area does not have the services available.

Ms. Stokes identified the two buildings on her lot and said the aerial photo is out of date. One of the buildings that appears was a shop and is no longer there.

Returning to the microphone, Mr. Mee confirmed Ms. Stokes' statement that Agua Fria is working to update the community plan. Mr. Mee said he has been working some 36 years planning for the area and mentioned a resident that began asking for sewer connection 56 years ago.

Mr. Mee said Ms. Stokes' property contains some rolling hills which further exacerbates the cost of utilities. For a private individual to install utility lines is a very difficult, complex and time consuming task. He said the Association supports this variance.

Mr. Mee said the timetable for the inclusion of the Agua Fria Village plan, which was approved by the BCC, within the County's Sustainable Growth Management Plan is at this point an unknown.

In response to Member Anaya's question, Mr. Archuleta said the variance stays with the property.

Member Anaya moved to approve CDRC V 15-5160 with the staff-imposed condition. Member Booth seconded and the motion passed by unanimous voice vote.

- C. CDRC CASE # V/FDP 15-5170 Jacona Transfer Station Santa Fe County, Applicant, requests Final Development Plan approval to allow a facility to be utilized as a County Collection Center on 19.63 acres +. The Applicant's request also includes a variance of Ordinance No. 2002-6, Article III, Section 4.4.4(c) (Maximum Height) to allow the structure to exceed 24 feet in height, a variance of Ordinance No. 2000-01, Section 2.3.6.d.2, to allow retaining walls to exceed 10 feet in height and a variance of Article VII, Section, 3.4.1.1.c.1 (No Build Areas) to allow 5 isolated disturbances of 30 percent slope for access roads totaling 1,313 square feet of disturbance. The property is located off of Highway 502, within the Jacona Land Grant, within Section 15, Township 19 North, Range 8 East, (Commission District 1) [Exhibit 1: Santa Fe County Fire Department -Prevention Division review]**

Jose Larrañaga, case manager, presented the staff report as follows:



# Agua Fria Village Association

73 Camino Samuel Montoya  
Santa Fe, NM 87507



May 6, 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), voted at its May 4<sup>th</sup> meeting to support the variance for Susan Stokes of River's Edge Lane. This variance is to set aside the community sewer and water conditions placed on her five-acre tract when it was subdivided into four lots.

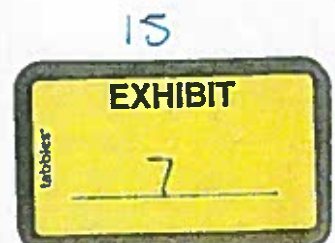
Ms. Stokes' land has some topographical challenges that will make it very expensive to serve the lots. The elevation changes and terrain erosion require special engineering, that the AFVA felt was too burdensome for the average individual. Further, the Agua Fria Community Water Association does not have any lines north of the Santa Fe River, so community water cannot be provided. The applicant has already given up the 3.0 acre feet annually on the existing well and converted it to a 0.25 AFA usage per lot. The special building permit condition Ms. Stokes is addressing in the variance request is that any new construction is subject to using the City of Santa Fe sewer system, and the plat also states no individual waste water system shall be allowed. The variance approval would allow for a septic tank.

As you know, Agua Fria is revising its Agua Fria Community Plan and we are addressing the inequity of having two zoning districts: the first being the Traditional Community Zoning District established in the 1980 Santa Fe County Land Use Code and renewed in the Agua Fria Community Plan which has a base density zoning of  $\frac{3}{4}$  acre with a minimum density of  $\frac{1}{3}$  acre when the lot has both community water and sewer; the second, being the 2  $\frac{1}{2}$  acre Santa Fe Urban Zone (Rural Residential Estate zoning) base density, with a minimum 1 acre density (the area where Ms. Stokes lives).

Thank you for consideration of this matter.

Sincerely,

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





site

EXHIBIT  
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