

DATE: January 17, 2013

TO: County Development Review Committee

FROM: John Lovato, Development Review Specialist Sr.

VIA: Penny Ellis-Green, Land Use Administrator
Vicki Lucero, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

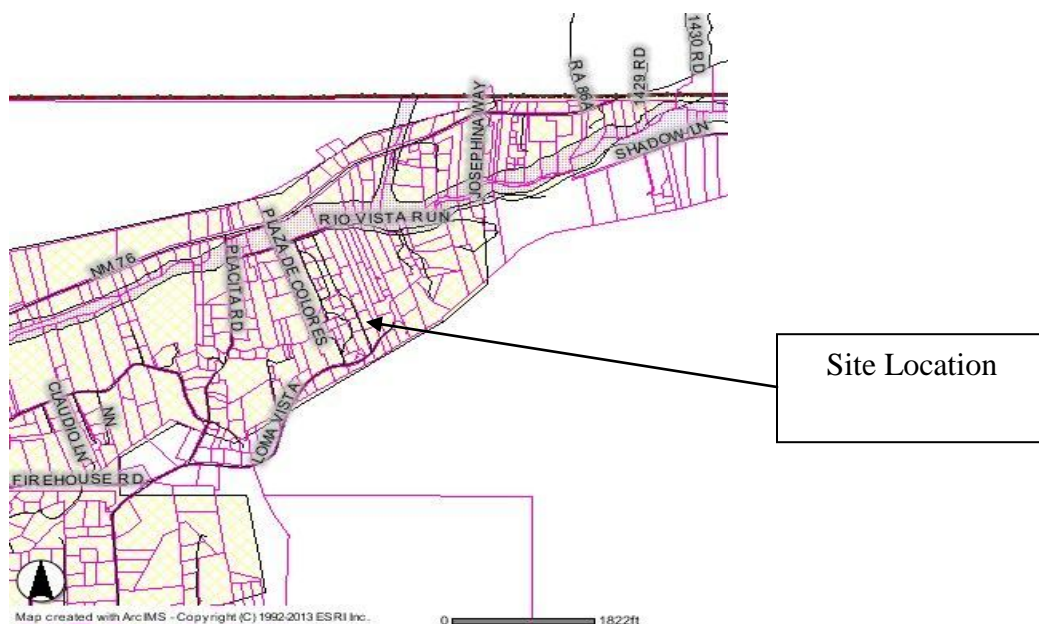
FILE REF.: CDRC CASE # MIS 12-5440 Perla Rascon Legal Lot Recognition

ISSUE:

Perla Rascon, Applicant, requests the recognition of a 0.95 acre parcel as a legal lot of record.

The property is located at 65B Loma Vista Road, in the vicinity of La Puebla, within Section 4, Township 20 North, Range 9 East, (Commission District 1).

Vicinity Map:



SUMMARY:

The Applicant requests the recognition of a 0.95 acre parcel as a legal lot of record. The property is currently vacant.

An aerial photograph taken in 1992 shows an existing residence and two sheds on the property. An aerial taken in 2005, shows the same three structures that are located on the subject property. There is a permit associated with the address of 65B Loma Vista under permit (#96-1674) for an addition to a mobile home. However, after conducting an inspection of the property, staff has found the property to be vacant.

Taxes have been paid on the 0.95 acre portion of property since 1986 and the Applicant has submitted deeds dating back to 1984. It appears the 0.95 acre lot was created through deed as depicted on the Warranty Deed recorded on April 23, 1984, (Warranty Deed Attached as Exhibit 4).

Article II, § 4, subsection 4.4.2 of the Santa Fe County Land Development Code states; “If the Applicant has evidence which does not include a notarized document, the evidence shall be submitted to the appropriate Development Review Committee. The Development Review Committee shall determine if the evidence establishes the existence of the lot prior to the effective date of the Code.” Thus, the CDRC may recognize non-notarized deeds or plats as proof of legal lot.

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. The Applicant has not provided sufficient documentation that the 0.95 acre parcel was in existence prior to 1981, so recognition as a legal lot is not substantiated. Without recognition as a legal lot of record, the Applicant will be unable to obtain any type of development permit from Santa Fe County.

APPROVAL SOUGHT: Recognition of a 0.95 acre parcel as a legal lot of record;
Approval from Article II, §4.4

GROWTH MANAGEMENT AREA: El Norte, SDA-2

HYDROLOGIC ZONE: Traditional Community of La Puebla, minimum lot size per Code is 0.75 acres per dwelling unit.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional System

VARIANCES: No

AGENCY REVIEW: None

STAFF RECOMMENDATION: Denial for Approval of a 0.95 parcel as a Legal Lot of Record.

EXHIBITS:

1. Letter of request
2. Article II, §4.4
3. Warranty Deeds
4. Permit from 1996
5. Site Photograph
6. Aerial of Site and Surrounding Area