

MEMORANDUM

DATE: April 21, 2011

TO: County Development Review Committee

FROM: Wayne Dalton, Building and Development Services Supervisor

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

FILE REF: CDRC CASE # V 11-5090 Suzanne Teng Variance

ISSUE:

Suzanne Teng, Applicant, Santa Fe County Open Space and Trails, (Colleen Baker), Agent, requests a variance of Ordinance # 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow a land division of 2.55 acres into two lots; one lot consisting of 1.51 acres and one lot consisting of 1.04 acres and to allow two dwelling units on 1.51 acres.

The property is located at 1673 Camino McMillin, West of Siler Road, within Section 32, Township 17 North, Range 9 East, (Commission District 2).

SUMMARY

The Applicant requests a variance of Ordinance # 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow a land division of 2.55 acres into two lots; one lot consisting of 1.51 acres (Lot 5-A) and one lot consisting of 1.04 acres (Lot 5-B) and to allow two dwelling units on 1.51 acres (Lot 5-A). There is currently a residence, guest house, RV garage, a detached two car garage and two conventional septic systems on the property. The property is served by an on-site well which serves the two existing dwelling units. The property is located within the Village of Agua Fria Low Density Urban Zone (AFLDUZ). Ordinance # 2007-2 states the minimum lot size in this area is 2.5 acres per dwelling unit. Lot size can be reduced to 1 acre with community water or sewer and can be further reduced to 0.5 acres with both community water and sewer.

The proposed land division would divide the current 2.55 acre parcel. The Applicant would retain 1.51 acres (Lot 5-A) with all existing structures and the Santa Fe County Open Space and Trails Program would purchase the remaining 1.04 acres (Lot 5-B) encompassing the Santa Fe River floodplain.

The Applicant states the proposed land division is solely for the purpose of creating public open space along the Santa Fe River. The land division will not be recorded until and unless the purchase of (Lot 5-B) is completed by the County. The proposed (Lot 5-B) will be used exclusively for open space, river restoration, habitat enhancements, public trails and related amenities such as benches and drinking fountains. There is also a historic windmill on (Lot 5-B) that the Open Space and Trails Program plans to improve and maintain.

The Applicant also states that the Open Space and Trails Program is working to implement a long range plan to acquire land along the Santa Fe River in order to create a greenway of public open space and trails from downtown Santa Fe to the Waste Water Treatment Plant. The proposed land division is necessary for the County to purchase this portion of the river.

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

REQUIRED ACTION:

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

RECOMMENDATION:

Staff has reviewed this Application and has found the following facts **to support** this submittal: Ordinance # 2007-2 states the density in this area (AFLDUZ) is 2.5 acres per dwelling unit; however density on this property was established prior to the adoption of Ordinance # 2007-2; density in this area prior to the adoption of Ordinance # 2007-2 was 0.75 acres per dwelling unit; the land division would preserve distinctive natural features such as the Santa Fe River, and primary open space corridors; and clustering of structures is encouraged to preserve natural open space areas as stipulated within Ordinance # 2007-2; therefore staff recommends **approval** of the Applicants request subject to the following conditions:

1. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
2. Water use shall be restricted to 0.50 acre feet per year for (Lot 5-A). Water meters shall be installed on both homes this shall be noted on the Plat. 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.
3. No further division of either tract shall be permitted. This shall be noted on the Plat.
4. Prior to Plat recordation, the Applicant shall submit documentation from the City of Santa Fe granting an ingress and egress easement across the City owned parcel in order to provide legal access to (Lot 5-A).
5. (Lot 5-B) shall be designated as open space, development other than open space amenities on this lot is prohibited, this shall be noted on the Plat.
6. The Applicant shall connect to community water and sewer when it becomes available within 200 feet of the property line.
7. The Applicant shall provide updated liquid waste permits from the New Mexico Environment Department prior to Plat recordation.

ATTACHMENTS:

- Exhibit "A"- Letter of request
Exhibit "B"- Ordinance # 2007-2 (Village of Agua Fria Zoning District)
Exhibit "C"- Article II, Section 3 (Variances)
Exhibit "D"- Photos of Site
Exhibit "E"- Proposed Plat of Survey
Exhibit "F"- Aerial of Site and Surrounding Area
Exhibit "G"- Vicinity Map