

DRAFT

subject to approval

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

October 16, 2014

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Frank Katz, on the above-cited date at approximately 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Frank Katz
Phil Anaya
Bette Booth
Louie Gonzalez

Member(s) Excused:

Dan Drobnis, Chair
Susan Martin, Vice Chair
Manuel Roybal

Staff Present:

Wayne Dalton, Building & Services Supervisor
Jose Larrañaga, Development Review Specialist
Rachel Brown, Deputy County Attorney
Vicente Archuleta, Development Review Specialist
Mathew Martinez, Development Review Specialist
Buster Patty, Fire Marshal

Following motion by Member Booth and second by Member Gonzales, Frank Katz was unanimously elected acting chair.

III. APPROVAL OF AGENDA

Ms. Lucero noted the cases that were listed as tabled on the agenda, items C and D and stated Case G, the Rio Santa Fe Business park was also tabled at the request of the applicant. Additionally, staff is recommending that the item I, the Romero Park improvements be heard first.

Member Anaya moved approval and Member Booth seconded. The motion carried unanimously.

V. APPROVAL OF MINUTES: August 21, 2014

Upon motion by Member Anaya and second by Member Booth the minutes were unanimously approved as submitted.

VI. NEW BUSINESS

- I. CDRC CASE # FDP 14-5280 Romero Park Improvements Phase I. Santa Fe County, Applicant, requests Final Development Plan approval to allow improvements to the existing park, formerly known as Agua Fria Park. The property is located on Caja del Rio Grant Road (County Road 62), within § 31, Township 17 North, Range 9 East, (Commission District 2)**

Mr. Larrañaga read the case caption and gave the staff report as follows:

“Romero Park, formerly known as Agua Fria Park, is within the Traditional Village of Agua Fria. The Park encompasses 68 acres of Public Land along the north side of the Santa Fe River. Romero Park is identified as a Community Park in the 2000 Santa Fe County Open Land and Trails Plan. The Park serves both adjacent Agua Fria Village residents and the community at large.

“The Applicant is requesting Final Development Plan to allow improvements to Romero Park. The proposed improvements consists of: a shade structure and family picnic area at the existing restroom/concession building; an expanded plaza; a play area for 3-5 year olds; a playground for 5-12 year olds; a community lawn; rearrangement of existing parking to create 30 basecourse parking spaces; new access basecourse drive and pathways.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Final Development Plan: the facility will provide a community service to the County; the use is compatible with existing development; the use is compatible with development permitted under the Code; the Application is in compliance with the County General Plan and Code; the Application satisfies the submittal requirements set forth in the Land Development Code.

“The review comments from state agencies and County staff have established findings that this Application, for Final Development Plan, is in compliance with state requirements, Article III, § 8, Other Development and Article V § 7.2 Final Development Plan of the County Land Development Code.”

Mr. Larrañaga indicated staff was recommending approval of Final Development Plan to allow improvements to Romero Park, Phase I, subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Final Development Plan.
2. Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.

Colleen Baker, County Open Space Division, stood for questions.

Member Anaya asked why the project had to come before the CDRC. Ms. Lucero stated this is a request for development plan approval and these are ruled on by the CDRC; they can't be done administratively.

Member Booth commended staff on the participatory process that involved many stakeholders.

There was no one from the public wishing to comment.

Member Anaya moved approval of CDRC Case #FDP 14-5280 with staff conditions. Member Booth seconded and the motion passed by unanimous [4-0] voice vote.

- A. CDRC CASE # MIS 14-5360 Mark Martineau Accessory Structure. Mark Martineau, Applicant, requests approval to allow a 2,184 square foot accessory structure on 15.03 acres to be utilized as a garage/storage building. The property is located at 22 Ranchos Cañoncito, off Ojo de la Vaca Road, within § 14, Township 15 North, Range 10 East (Commission District 4)**

Mathew Martinez read the case caption and staff report as follows:

“On March 11, 1997, the Board of County Commissioners adopted Ordinance No. 1997-4 which states that the CDRC is required to review for approval any accessory structure which is greater than 2,000 square feet.

“The Applicant requests approval to construct an accessory structure totaling 2,184 square feet to be utilized as a garage/storage building. The purpose of the structure is to store and protect the Applicant’s recreational vehicles, sports equipment, and personal vehicles. The proposed structure is steel-framed, and will be constructed on a concrete slab. There is currently a residence on the property.”

Mr. Martinez stated staff recommended approval of an accessory structure totaling 2,184 square feet to be utilized as a garage/storage building subject to following conditions:

1. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance No. 2003-6 Water Harvesting.
2. The structure shall not be utilized for commercial use.
3. The height of the accessory structure shall not exceed 24 feet.

Karl Sommer, agent and legal counsel for the applicant indicated they agree with the conditions of approval.

Member Booth asked if the structure will be visible and if the neighbors have been consulted.

Mr. Sommer stated it will be visible from some other properties. The notice has been posted prominently and no feedback has been received.

Member Anaya pointed out a discrepancy between the 2,184 square feet requested and the 2,600 square feet he calculated from the plans.

Duly sworn, Mark Martineau explained there is a covered porch on the side that accounts for the difference.

Ms. Lucero stated the request should include the roofed area. She clarified this is not a variance request; accessory structures over 2,000 have to come before the CDRC.

A discussion ensued regarding whether a change to the request could be made, given what's in the plans is evident.

Mr. Sommer suggested approving the case for the amount originally requested and the applicant can return next month for further approval.

Ms. Brown said the notice stated 2,100 square feet. However, the neighbors were aware input was being requested on an accessory structure in excess of 2,000 square feet. She said she would prefer renoticing, although "it is not a clear decision."

Member Anaya moved to table and Member Booth seconded. The tabling motion tied 2-2 with Member Anaya and Member Booth voting in favor and Member Gonzales and Chair Katz voting against.

There was no one wishing to speak about the case.

Offering to approve the request as submitted with the applicant returning for approval of the portal, Member Gonzales moved approval and Chair Katz seconded. That motion tied 2-2 with Member Gonzales and Chair Katz voting in favor and Member Anaya and Member Booth voting against.

The case will return for further review.

B. CDRC CASE # S 12-5452 Cielo Colorado Estates Final Plat and Development Plan. Cielo Colorado LLC., Applicant, James W. Siebert, Agent, request Final Plat and Development Plan approval for Phase 1 (Lots 11-16) consisting of 6 lots of the Cielo Colorado Estates 24-lot residential subdivision on Tract 15A-2 of the Eldorado at Santa Fe Subdivision consisting of 246.30 acres more or less. The property is located on the east side of US 285, off Camino Acote, within §§ 20, 21 and 22, Township 15 North, Range 10 East (Commission District 4)

Vicente Archuleta read the caption and gave the staff report as follows:

“In 1995, a Master Plan for Cielo Colorado was approved by the BCC. The Master Plan included 91 lots with an average density of 3.79 acres on 344.58 acres. Twenty-five of the 91 proposed lots were platted in 1995. An amended Master Plan eliminating four lots totaling 12.5 acres was recorded in 2000. In 2002 the Master Plan was vacated to allow the platting of larger lots at the east end of Tract 15A-2. This Application includes the remainder of the property that has not been platted within Tract 15A-2.

“On July 18, 2013, the County Development Review Committee recommended approval of the Applicant’s request for Master Plan approval for a 24-lot residential subdivision. The CDRC also approved two cul-de-sacs to exceed 500 feet in length.

“On September 10, 2013, the Board of County Commissioners approved the request for Master Plan approval for a 24-lot residential subdivision on 246.30 acres.

“On April 8, 2014, the Board of County Commissioners approved a request for Preliminary Development Plan and Plat approval for 24 lots on 246.30 acres within tract 15A-2 of the Eldorado at Santa Fe Subdivision in conformance with the approved Master Plan and a Variance of Ordinance No. 2008-10 to allow access through a 100-year floodplain without an all-weather crossing.

“The Applicants now request Final Plat and Development Plan approval for Phase 1 consisting of 6 lots of the 24 lots on 246.30 acres within tract 15A-2 of the Eldorado at Santa Fe Subdivision in conformance with the approved Master Plan which was to be developed in 4 phases. Lot sizes will range from 8.72 acres to 14.89 acres.

“Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for Final Development Plan and Plat approval for Phase 1.”

Mr. Archuleta said the Application for Final Plat and Development Plan approval is in conformance with the previously approved Master Plan and Preliminary Plat and Development Plan and with all Code requirements. Therefore, staff recommends approval of the request for Final Plat and Development Plan subject to the following conditions:

1. The Final Plat and Development Plan must be recorded with the County Clerk's office.
2. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Plat recordation as per Article V, § 9.9 of the Land Development Code.
3. The Affordable Housing Agreement must be, reviewed and approved by the BCC prior to plat recordation of Phase 1.
4. ~~The affordable lots shall be reasonably dispersed within the project as per Ordinance No. 2006-2. The Applicant will be required to relocate one of the affordable housing lots and designate the new location of the affordable lot with the final Plat submittal for Phase 2. [Deleted at staff report]~~

Duly sworn, Jim Siebert, agent, said this was the third time the project had been before the CDRC. There have been six meetings with the neighbors and they have approved the project as being presented. He said the applicants are in agreement with the conditions.

There was no one from the public wishing to speak.

Member Anaya moved to approve CDRC Case #S 12-5452 with staff conditions. Member Booth seconded and the motion carried without opposition [4-0].

- C. **CDRC Case #Z 06-5033 Village at Galisteo Basin Preserve. TABLED**
- D. **CDRC Case #V Vincent Mastrantoni/Webb Garrison Variance. TABLED**
- E. **CDRC CASE # V 14-5300 Cathy and Chris Stoia Variance. Cathy and Chris Stoia, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 12.87 acres into two lots. The property is located at 20 La Barbaria Road, within § 17, Township 16 North, Range 10 East (Commission District 4)**

Wayne Dalton read the caption and staff report:

“The subject lot is recognized as a non-conforming lot. There is currently a residence and an accessory structure on the property. The residence on the property is recognized as legal non-conforming and was constructed in 1974. On December 11, 2012, the Applicants were granted a variance of height and placed an addition onto the existing residence. The Applicants now wish to divide their property into two lots: One lot consisting of a 5.06 acre and one lot consisting of 7.81 acres.

“The minimum lot size in this area is 20 acres with 0.25 acre-foot water restrictions. Lot size can be further reduced with proven water availability. On August 6, 2013, the Applicants applied for a Summary Review Subdivision to create two lots and submitted a geohydrological report for review. It was determined by the County Hydrologist that the information submitted in the report was outdated and insufficient. Therefore, the geohydrological report did not provide adequate water to divide the land, and the Application was denied.

“The Applicants state, they have stalled their Application in hopes the Sustainable Land Development Code would take effect. The Application would be in conformance with the proposed SLDC, where the property falls within the Residential Fringe Zoning District and will be subject to minimum lot sizes of one dwelling per five acres. The Applicant further states that the proposed 5.08-acre lot and 7.81-acre lot are larger than most lots in the surrounding area and will not be out of character with existing densities in the area. Lot sizes range from 1.55 acres to 7.87 acres within the immediate area.”

Mr. Dalton stated staff was recommending denial of a variance of Article III, § 10 (Lot Size Requirements) to allow a Land Division of 12.87 acres into two lots. If the decision of the CDRC is to recommend approval of the Applicants’ request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (As per Article III, § 10.2.2 and Ordinance No. 2008-05).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Further Division of either tract is prohibited; this shall be noted on the plat. (As per Article III, § 10)
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

Acting as agent for the applicants, Bryan Berg was placed under oath. He distributed materials to the committee members (not provided for the record). He pointed out that approval of the SLDC is being delayed and the applicants would like to get earlier approval. He referred to an area map showing the parcel in question is the largest in the vicinity. He pointed out a lot-size precedent has already been set and the new zoning in the SLDC establishes the lot minimum at five acres. The well output on the current lot is 4 gpm, which is much better than the 5.9 gpm on his lot which serves five homes. He said the water levels depend more on drought conditions than on usage.

Mr. Berg reviewed the County Hydrologist’s report and concluded there was little leeway allowed and she had a grudge against this project. He said if five-acre lots are

allowed there would be no way to enforce geohydrological standards vis-à-vis a 100-year water supply under the property. He said Santa Fe's growth is inevitable.

Duly sworn, Antonia Quast, business partner and friend of Ms. Stoia explained there were medical and financial hardships involved and it is the in community's best interest to have the Stoias not have to sell the whole property. The prospective buyer for the split off lot is her romantic partner who would adhere to design standards.

Member Anaya asked how far away the County's water system was from the property. Mr. Berg speculated that it wouldn't be in place for 50 years. Ms. Lucero said the closest point appears to be at Quail Run, around 3.5 to 4 miles away.

Member Gonzales asked if a condition could be placed prohibiting further lot splits. Mr. Dalton said that is already a condition.

Member Gonzales asked if there were two wells on the property as indicated on the plat. Mr. Berg said the previous owner, Dr. Kirk, had planned to divide and drilled a well on the other part of the property. Mr. Dalton said the first well probably has three acre-feet of water and the second one acre-foot. Mr. Berg pointed out that if both wells had water restrictions they would be using much less water than what is currently allowed.

Under oath, Paula Tackett referred to her letter [*Exhibit 1*] and stated she lived in the area. She understood Dr. Kirk drilled the second well as backup. She said she has to keep lowering the pump in her well. "Water is an issue."

Member Anaya asked Ms. Tackett if she had a storage tank. She said she has a small pressure tank.

There was no one else from the public wishing to speak and Mr. Berg read from a report indicating that the decline in water levels were due to climate issues and that recharge is possible.

Member Gonzales suggested adding a condition to the effect that if one or the other of the wells on the property goes dry.

Chair Katz asked about the mention of using the house as a vacation rental, and Mr. Berg said whether the Stoias or someone else was staying there the water use would be the same.

Chair Katz noted that the zoning of five acres specified in the SLDC implies staff has satisfied themselves that is the appropriate size, but it appears that decision is not final at this point.

Land Use Administrator Penny Ellis-Green said staff was given direction by the BCC to hold off on the SLDC amendments and zoning map to allow major portions of the code to be written. This will allow issues and problems in the zoning to be worked out

and will allow community overlays to be sorted out. Responding to a question by Member Booth She said there is no overlay contemplated for the area in question, but all zoning is in abeyance. September 2015 would probably be the earliest the SLDC would be ready so until that time the old code is still in effect.

Noting progress needs to proceed and change is good, Member Anaya moved to approve CDRC Case #14-5300 with staff conditions and with the additional condition:

5. There will be a shared well agreement in the case one of the wells fails, with water restrictions of 0.25 acre-foot per residence per year. This is to be noted on the plat.

Member Gonzales seconded. The motion tied by a 2-2 voice vote with Member Anaya and Member Gonzales voting in favor and Member Booth and Chair Katz voting against.

Member Booth explained her vote saying going from 20-acre minimum to five was too much. She noted that the argument that the lowering of the water table was due to climate was not a compelling argument, given that the projections are for the climate to get drier and hotter.

Ms. Brown clarified that the case will come back when the full panel is present.

- F. **CDRC CASE # V 14-5270 Madeleine Wells and Mary O'Brien Variance.**
Madeline Wells and Mary O'Brien, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 6.195 acres. The property is located at 30 Sibley Road, within the vicinity of Cañoncito, within § 13, Township 15 North, Range 10 East, (Commission District 4)

Mr. Dalton read the case caption and the staff report as follows:

“The subject lot was created in 1993, by way of a land division, approved by the Land Use Administrator, and is recognized as a legal lot of record. In 1995, by warranty deed, Maria O'Brien transferred to Madeline Wells an undivided half interest in the subject property. There is currently a residence, an abandoned structure, and two storage sheds located on the property. The abandoned structure is non-habitable, and the current habitable residence is 1,425 square feet.

“The Applicants request a variance of Article III, § 10 to allow two dwelling units on 6.195 acres. The Applicants state when they initially purchased the property in 1993, both structures existed. Since the purchase of the property, the structure across the creek has been abandoned and is no longer accessible due to lack of all-weather access and the structure is non-habitable. The proposed new structure will not be located across the river and will have all-weather access. The Applicants state they purchased the property together with the intention of constructing a second dwelling so they both have homes they could reside in. Their request is to

replace the abandoned second dwelling with a habitable dwelling. There are several properties with similar lot sizes and multiple dwellings and accessory structures in the immediate area.”

Mr. Dalton stated staff was recommending denial of a variance of Article III, §10 (Lot Size Requirements) of the Land Development Code. If the decision of the CDRC is to recommend approval of the Applicant’s request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling. (As per Article II, § 2).
3. The Applicant shall provide an updated liquid waste permit for both homes from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv)).
4. The placement of additional dwelling units or Division of land is prohibited on the property. (As per Article III, § 10).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).
6. The Applicant shall remove the abandon structure on the property prior to Development Permit issuance. (As per Ordinance No. 2009-11).

There were no questions of staff and Madeline Wells was placed under the oath. She indicated that when she purchased half of the property the intent was to improve both dwellings. However, only one was remodeled and the other was abandoned due to FEMA floodplain issues and creek bed erosion. The plan is now to build a second, accessible structure elsewhere on the lot. She pointed out the planned location on the west side of Sibley Road.

Chair Katz asked if anyone had ever lived in the now abandoned structure. Ms. Wells said there was a tenant until 1995 and she lived there until moving away in 2007. Since that time the creek bed has dropped substantially.

There was no one in the audience wishing to provide input.

Member Anaya asked if they were planning to drill another well. Ms. Wells said there is currently a well that produces approximately 10 gpm with a depth to water of 240 feet. Member Anaya asked when the second dwelling was built. Ms. Wells said they couldn’t find any records relating when it was built. Ms. Lucero said research found no permits issued prior to 2005; at that point the County issued a permit for an addition to the main structure.

Member Booth moved to deny. The motion failed for lack of a second.

Member Anaya moved to approve CDRC Case #V 14-5270 with staff conditions and Member Gonzales seconded. The motion carried 3-1 with Member Booth casting the nay vote.

Chair Katz said he was persuaded by the fact that there had been two houses on the property for many years.

H. CDRC CASE # PDP/FDP 14-5011 31 Bonanza Creek Road. Leslie Moody and Mitchell Ackerman, Applicants, JenkinsGavin, Agents, request Preliminary and Final Development Plan approval to allow a Bed and Breakfast within an existing residence on 9.94 acres. The property is located on the west side of Highway 14 off Bonanza Creek Road (County Road 45), within § 26, Township 15 North, Range 8 East (Commission District 5)

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

“On May 13, 2014, the Board of County Commissioners approved Master Plan Zoning to allow a bed and breakfast within an existing residence on 9.94 acres. The following conditions of approval were imposed on the Master Plan, by the BCC: The Applicant shall comply with all review agency comments and conditions; The Master Plan with appropriate signatures shall be recorded with the County Clerk; Only two kitchens shall be allowed on the site in keeping with the non-conforming status of the site: The Preliminary and Final Development Plan shall be submitted promptly after 90 days of data collection on actual water use is obtained; The Final Development Plan shall be submitted to the County Development Review Committee accompanied by a staff report; The Applicant shall provide water rights if the proposed water use for the bed and breakfast exceeds 3 acre-feet of water per year.

“The Applicants request Preliminary and Final Development Plan approval to allow an existing 5,580 square foot five-bedroom residence to operate as a bed and breakfast. There are two dwellings on the 9.94-acre site. A 4,561 square foot residence will be utilized by the Applicants as their primary residence and the second residence will be utilized as a five-bedroom bed and breakfast. The Applicants are not proposing any expansion of the existing structures as part of this Application.

“The Applicants have complied with the conditions of approval of the Master Plan: the Applicants have complied with all review agency comments and conditions, as illustrated in the proposed Final Development Plan drawings; the Master Plan was recorded with the County Clerk; the Final Development Plan drawings illustrate two kitchens; the Application for Preliminary and Final Development Plan was submitted in a timely manner; on May 1, 2014, the

Applicants installed a water meter on the existing well and 92 days of meter readings were recorded through July 31, 2014. The water use averaged 157.97 gallons per day, which calculates to 0.174 acre-feet per year.

“Building and Development Services staff have reviewed this project for compliance with pertinent code requirements and have found that the facts presented support the request for Preliminary and Final Development Plan: the Application is comprehensive in establishing the scope of the project; the Preliminary Development Plan substantially conforms to the approved Master Plan; the Final Development Plan conforms to the Preliminary Development Plan; the County Hydrologist has determined that the code requirements for water availability for Preliminary and Final Development Plan have been met; the Application satisfies the submittal requirements set forth in the Land Development Code.

“The review comments from State Agencies and County staff have established findings that this Application is in compliance with state requirements, Article V, § 7.1.3 Preliminary Development Plans, Article V, § 7.2 Final Development Plan and Article VII § 6 Water Supply, Table 7.4 of the Land Development Code.”

Mr. Larrañaga indicated staff is recommending conditional approval for preliminary and final development plan, to allow a bed and breakfast within an existing residence on 9.94 acres, subject to the following staff conditions:

1. The Applicants shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c.
2. Final Development Plan with appropriate signatures, shall be recorded with the County Clerk, as per Article V, § 7.2.
3. The Applicants shall submit documentation, verifying that well RG-31117 has been permitted for commercial use by the Office of the State Engineer Water Rights Division, prior to the recordation of the Final Development Plan.
4. The Applicants shall submit monthly meter readings, from Well RG-31117, to Santa Fe County and to the Office of the State Engineer.
5. The Applicants shall record water restrictive covenants restricting the water use to the property to 0.25 acre-feet per year.
6. A note shall be placed on the Final Development Plan, stating that: “If the total water usage exceeds 0.25 acre-foot per year (afy), submission of a geohydrologic report approved by the County Hydrologist demonstrating water availability as allowed by the Code, will be required.” In the event the geohydrologic report cannot support water availability above 0.25 afy, the Applicant shall take measures to meet the 0.25 afy, by reducing the amount of rooms to be utilized for the Bed and Breakfast and/or limit the months of operation. In the event that the Applicant cannot meet the water use requirement the Business license for the Bed and Breakfast may be rescinded.

Duly sworn, Jennifer Jenkins, agent for the project, stated the previous conditions have been met and the applicants are in agreement with all conditions.

Chair Katz asked if the meter readings were truly reflective of typical usage. Ms. Jenkins said this is the high season and there were a number of events held.

No one from the public wished to speak.

Member Booth move to approve CDRC Case #PDP/FDP 14-5011 with staff conditions. Member Anaya seconded and the motion carried unanimously [4-0]

VII. PETITIONS FROM THE FLOOR

None were offered.

VIII. COMMUNICATIONS FROM THE ATTORNEY

Ms. Brown introduced a new member of the Legal staff, attorney Andrea Salazar.

IX. COMMUNICATIONS FROM STAFF

The next meeting was scheduled for November 20, 2014.

X. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Acting Chair Katz declared this meeting adjourned at approximately 5:45 p.m.

Approved by:

Frank Katz, Acting Chair
CDRC

ATTEST TO:

COUNTY CLERK

Before me, this ____ day of _____, 2014.

My Commission Expires:

Notary Public

Submitted by:

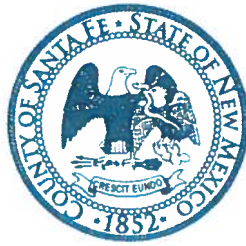
Debbie Doyle, Wordswork

County Development Review Committee: October 16, 2014

Daniel "Danny" Mayfield
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: November 20, 2014

TO: County Development Review Committee

FROM: John Lovato, Development Review Specialist Senior

VIA: Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

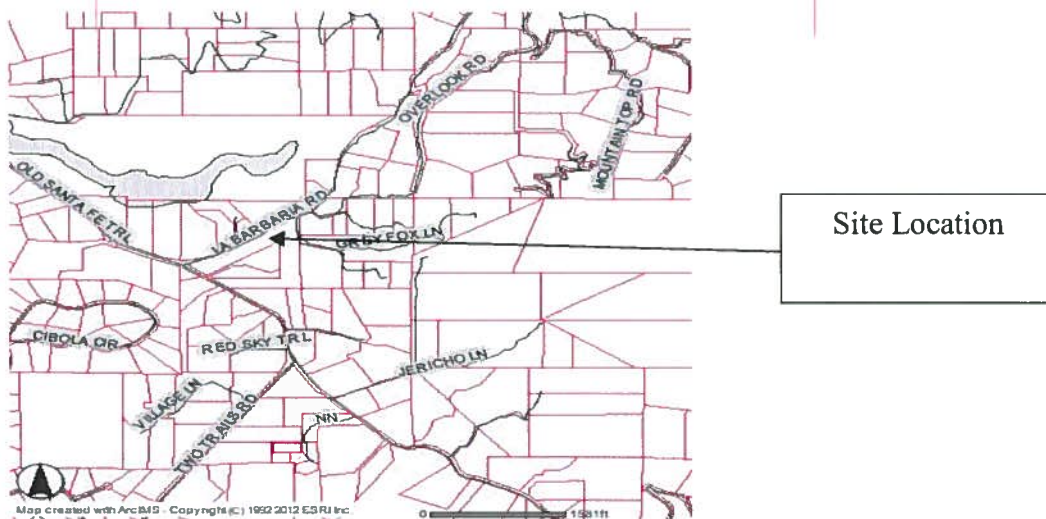
FILE REF.: CDRC CASE # V 14-5300 Cathy and Chris Stoia Variance

ISSUE:

Cathy and Chris Stoia, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 12.87 acres into two lots.

The property is located at 20 La Barbaria Road, within Section 17, Township 16 North, Range 10 East (Commission District 4).

Vicinity Map:



SUMMARY:

On October 16, 2014, the CDRC met and acted on this case. The decision of the CDRC ended in a tie vote with two Committee members voting in favor of the motion to approve the requested variance and two Committee members voting against the motion of the requested variance. Under Commission Rules of Order the Application is automatically tabled until the next meeting at which a greater number of members are present. **This case is now coming before the CDRC for vote only.**

EXHIBITS:

1. October 16, 2014 CDRC Minutes
2. October 16, 2014 CDRC report

Mr. Archuleta said the Application for Final Plat and Development Plan approval is in conformance with the previously approved Master Plan and Preliminary Plat and Development Plan and with all Code requirements. Therefore, staff recommends approval of the request for Final Plat and Development Plan subject to the following conditions:

1. The Final Plat and Development Plan must be recorded with the County Clerk's office.
2. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Plat recordation as per Article V, § 9.9 of the Land Development Code.
3. The Affordable Housing Agreement must be reviewed and approved by the BCC prior to plat recordation of Phase 1.
4. The affordable lots shall be reasonably dispersed within the project as per Ordinance No. 2006-2. The Applicant will be required to relocate one of the affordable housing lots and designate the new location of the affordable lot with the final Plat submittal for Phase 2. [Deleted at staff report]

Duly sworn, Jim Siebert, agent, said this was the third time the project had been before the CDRC. There have been six meetings with the neighbors and they have approved the project as being presented. He said the applicants are in agreement with the conditions.

There was no one from the public wishing to speak.

Member Anaya moved to approve CDRC Case #S 12-5452 with staff conditions. Member Booth seconded and the motion carried without opposition [4-0].

- C. **CDRC Case #Z 06-5033 Village at Galisteo Basin Preserve. TABLED**
- D. **CDRC Case #V Vincent Mastrantoni/Webb Garrison Variance. TABLED**
- E. **CDRC CASE # V 14-5300 Cathy and Chris Stoa Variance. Cathy and Chris Stoa, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 12.87 acres into two lots. The property is located at 20 La Barbaria Road, within § 17, Township 16 North, Range 10 East (Commission District 4)**

Wayne Dalton read the caption and staff report:

"The subject lot is recognized as a non-conforming lot. There is currently a residence and an accessory structure on the property. The residence on the property is recognized as legal non-conforming and was constructed in 1974. On December 11, 2012, the Applicants were granted a variance of height and placed an addition onto the existing residence. The Applicants now wish to divide their property into two lots: One lot consisting of a 5.06 acre and one lot consisting of 7.81 acres.



“The minimum lot size in this area is 20 acres with 0.25 acre-foot water restrictions. Lot size can be further reduced with proven water availability. On August 6, 2013, the Applicants applied for a Summary Review Subdivision to create two lots and submitted a geohydrological report for review. It was determined by the County Hydrologist that the information submitted in the report was outdated and insufficient. Therefore, the geohydrological report did not provide adequate water to divide the land, and the Application was denied.

“The Applicants state, they have stalled their Application in hopes the Sustainable Land Development Code would take effect. The Application would be in conformance with the proposed SLDC, where the property falls within the Residential Fringe Zoning District and will be subject to minimum lot sizes of one dwelling per five acres. The Applicant further states that the proposed 5.08-acre lot and 7.81-acre lot are larger than most lots in the surrounding area and will not be out of character with existing densities in the area. Lot sizes range from 1.55 acres to 7.87 acres within the immediate area.”

Mr. Dalton stated staff was recommending denial of a variance of Article III, § 10 (Lot Size Requirements) to allow a Land Division of 12.87 acres into two lots. If the decision of the CDRC is to recommend approval of the Applicants’ request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (As per Article III, § 10.2.2 and Ordinance No. 2008-05).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Further Division of either tract is prohibited; this shall be noted on the plat. (As per Article III, § 10)
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

Acting as agent for the applicants, Bryan Berg was placed under oath. He distributed materials to the committee members (not provided for the record). He pointed out that approval of the SLDC is being delayed and the applicants would like to get earlier approval. He referred to an area map showing the parcel in question is the largest in the vicinity. He pointed out a lot-size precedent has already been set and the new zoning in the SLDC establishes the lot minimum at five acres. The well output on the current lot is 4 gpm, which is much better than the 5.9 gpm on his lot which serves five homes. He said the water levels depend more on drought conditions than on usage.

Mr. Berg reviewed the County Hydrologist’s report and concluded there was little leeway allowed and she had a grudge against this project. He said if five-acre lots are

allowed there would be no way to enforce geohydrological standards vis-à-vis a 100-year water supply under the property. He said Santa Fe's growth is inevitable.

Duly sworn, Antonia Quast, business partner and friend of Ms. Stoia explained there were medical and financial hardships involved and it is the in community's best interest to have the Stoias not have to sell the whole property. The prospective buyer for the split off lot is her romantic partner who would adhere to design standards.

Member Anaya asked how far away the County's water system was from the property. Mr. Berg speculated that it wouldn't be in place for 50 years. Ms. Lucero said the closest point appears to be at Quail Run, around 3.5 to 4 miles away.

Member Gonzales asked if a condition could be placed prohibiting further lot splits. Mr. Dalton said that is already a condition.

Member Gonzales asked if there were two wells on the property as indicated on the plat. Mr. Berg said the previous owner, Dr. Kirk, had planned to divide and drilled a well on the other part of the property. Mr. Dalton said the first well probably has three acre-feet of water and the second one acre-foot. Mr. Berg pointed out that if both wells had water restrictions they would be using much less water than what is currently allowed.

Under oath, Paula Tackett referred to her letter [*Exhibit 1*] and stated she lived in the area. She understood Dr. Kirk drilled the second well as backup. She said she has to keep lowering the pump in her well. "Water is an issue."

Member Anaya asked Ms. Tackett if she had a storage tank. She said she has a small pressure tank.

There was no one else from the public wishing to speak and Mr. Berg read from a report indicating that the decline in water levels were due to climate issues and that recharge is possible.

Member Gonzales suggested adding a condition to the effect that if one or the other of the wells on the property goes dry.

Chair Katz asked about the mention of using the house as a vacation rental, and Mr. Berg said whether the Stoias or someone else was staying there the water use would be the same.

Chair Katz noted that the zoning of five acres specified in the SLDC implies staff has satisfied themselves that is the appropriate size, but it appears that decision is not final at this point.

Land Use Administrator Penny Ellis-Green said staff was given direction by the BCC to hold off on the SLDC amendments and zoning map to allow major portions of the code to be written. This will allow issues and problems in the zoning to be worked out

and will allow community overlays to be sorted out. Responding to a question by Member Booth She said there is no overlay contemplated for the area in question, but all zoning is in abeyance. September 2015 would probably be the earliest the SLDC would be ready so until that time the old code is still in effect.

Noting progress needs to proceed and change is good, Member Anaya moved to approve CDRC Case #14-5300 with staff conditions and with the additional condition:

5. There will be a shared well agreement in the case one of the wells fails, with water restrictions of 0.25 acre-foot per residence per year. This is to be noted on the plat.

Member Gonzales seconded. The motion tied by a 2-2 voice vote with Member Anaya and Member Gonzales voting in favor and Member Booth and Chair Katz voting against.

Member Booth explained her vote saying going from 20-acre minimum to five was too much. She noted that the argument that the lowering of the water table was due to climate was not a compelling argument, given that the projections are for the climate to get drier and hotter.

Ms. Brown clarified that the case will come back when the full panel is present.

F. ~~**CDRC CASE # V 14-5270 Madeleine Wells and Mary O'Brien Variance, Madeline Wells and Mary O'Brien, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 6.195 acres. The property is located at 30 Sibley Road, within the vicinity of Cañoncito, within § 13, Township 15 North, Range 10 East, (Commission District 4)**~~

Mr. Dalton read the case caption and the staff report as follows:

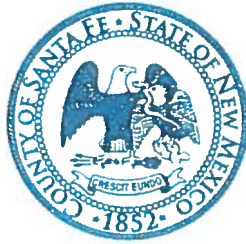
~~“The subject lot was created in 1993, by way of a land division, approved by the Land Use Administrator, and is recognized as a legal lot of record. In 1995, by warranty deed, Maria O'Brien transferred to Madeline Wells an undivided half interest in the subject property. There is currently a residence, an abandoned structure, and two storage sheds located on the property. The abandoned structure is non-habitable, and the current habitable residence is 1,425 square feet.~~

~~“The Applicants request a variance of Article III, § 10 to allow two dwelling units on 6.195 acres. The Applicants state when they initially purchased the property in 1993, both structures existed. Since the purchase of the property, the structure across the creek has been abandoned and is no longer accessible due to lack of all-weather access and the structure is non-habitable. The proposed new structure will not be located across the river and will have all-weather access. The Applicants state they purchased the property together with the intention of constructing a second dwelling so they both have homes they could reside in. Their request is to~~

Daniel "Danny" Mayfield
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: October 16, 2014

TO: County Development Review Committee

FROM: John Lovato, Development Review Specialist Senior

VIA: Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

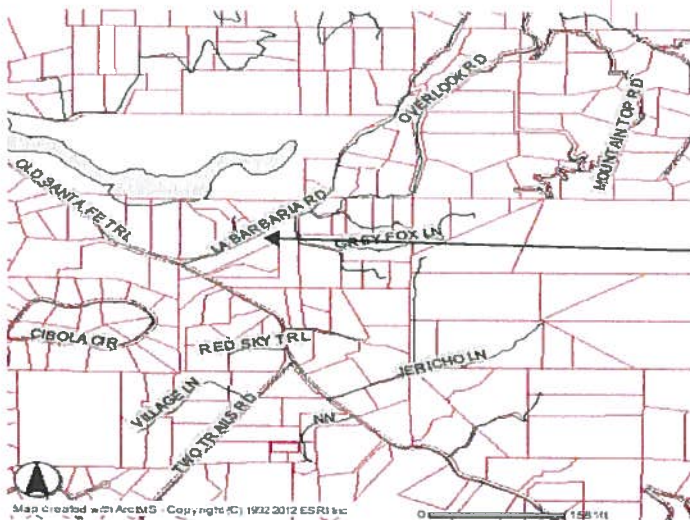
FILE REF.: CDRC CASE # V 14-5300 Cathy and Chris Stoia Variance

ISSUE:

Cathy and Chris Stoia, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 12.87 acres into two lots.

The property is located at 20 La Barbara Road, within Section 17, Township 16 North, Range 10 East (Commission District 4).

Vicinity Map:



102 Grant Avenue · P.O. Box 276
505-995



87504-0276 · 505-986-6200 · FAX:
ntynm.gov

OBA-7

SUMMARY:

The subject lot is recognized as a non-conforming lot. There is currently a residence and an accessory structure (shed) on the property. The residence on the property is recognized as legal non-conforming and was constructed in 1974. On December 11, 2012, the Applicants were granted a variance of height and placed an addition onto the existing residence. The Applicants now wish to divide their property into two lots: One lot consisting of a 5.06 acre and one lot consisting of 7.81 acres.

The minimum lot size in this area is 20 acres with 0.25 acre foot water restrictions. Lot size can be further reduced with proven water availability. On August 6, 2013, the Applicants applied for a Summary Review Subdivision to create two lots and submitted a Geohydrological report for review. It was determined by the County Hydrologist that the information submitted in the report was outdated and insufficient. Therefore, the Geohydrological report did not provide adequate water to divide the land, and the Application was denied.

The Applicants state, they have stalled their Application in hopes the Sustainable Land Development Code (SLDC) would take effect. The Application would be in conformance with the proposed SLDC, where the property falls within the Residential Fringe Zoning District and will be subject to minimum lot sizes of one dwelling per 5 acres. The Applicant further states that the proposed 5.08 acre lot and 7.81 acre lot are larger than most lots in the surrounding area and will not be out of character with existing densities in the area. Lot sizes range from 1.55 acres to 7.87 acres within the immediate area (Exhibit 7).

The Applicant claims, one parcel will have a high quality non-shared well which tested at 4 gallons per minute. According to the geohydrology report provided, the use of that well for an additional residence will have no effect on neighboring wells. All taxes on the property are current according to documentation provided by the Applicant. According to the Office of the State Engineer, the owner of the well on the property is William Keller the III, as permit #72-12-1 and allows up to 3 acre feet of water for the subject property. It appears the well was installed in 1972.

The Applicant provided receipts for mailing notices before the CDRC and BCC by certified mail on September 24, 2014. It appears that all noticing requirements of the Code were met. Noticing in the legal section of the Santa Fe New Mexican occurred on September 23 and 25, 2014 as evidence by the clipping of that publication in the file and the affidavit of publication provided by the New Mexican. A certification of posting and photographs of the posting were provided by the Applicant.

Article II, § 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This

Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified." **The variance criteria does not consider financial or medical reasons as extraordinary hardships**

This Application was submitted on August 8, 2014.

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 Article III, § 10 (Lot Size Requirements) to allow a Land Division of 12.87 acres into two lots.

GROWTH MANAGEMENT AREA: SDA-2

HYDROLOGIC ZONE: Mountain Hydrologic Zone. The minimum lot size is 80 acres per dwelling unit. Lot sizes can be reduced to 20 acres per dwelling unit with signed and recorded water restrictions. The request does not meet the minimum lot size requirements for this area.

FIRE PROTECTION: Hondo Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic System

VARIANCES: Yes

AGENCY REVIEW:	<u>Agency</u> County Fire	<u>Recommendation</u> Conditional Approval
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STAFF RECOMMENDATION: Denial of a variance of Article III, § 10 (Lot Size Requirements) to allow a Land Division of 12.87 acres into two lots.

If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year.

Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2008-05).

2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Further Division of either tract is prohibited; this shall be noted on the plat. (As per Article III, § 10)
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

EXHIBITS:

1. Letter of request
2. Article III, § 10 (Lot Size Requirements)
3. Article II, § 3 (Variances)
4. Letters of Opposition
5. Site Photographs
6. Proposed Plat
7. Aerial of Site and Surrounding Area
8. Review Comments

Permits Santa Fe

13 OLD ROAD, SANTA FE, NEW MEXICO 87540
www.permitsantafe.com

August 6, 2014
Santa Fe County Land Use
102 Grant Avenue
Santa Fe, NM 87501

RE: Variance for lot split of 20 LaBarbaria Road.

Dear Land Use staff,

The applicants, Cathy and Christopher Stoia, seek a variance to subdivide their current 13 acre parcel into two parcels. The resulting subdivision would result in one parcel of approximately 8 acres (with an existing dwelling), and one adjoining undeveloped parcel of approximately 5 acres.

The Stoias have stalled this application for several months in hopes that the proposed Santa Fe County Sustainable Land Development Code (SLDC) would be approved and in effect. When the SLDC does eventually go into effect, the subject property (20 LaBarbaria) will then be in the area designated as "Residential Fringe" and will therefore be subject to minimum lot sizes of 1 dwelling per 5 acres. The proposed variance is therefore essentially a pleading by the applicants to proceed with a lot subdivision that is clearly in keeping with the intent of the proposed SLDC.

The proposed six acre parcel has a high quality, non-shared well that will convey with the property, This well has tested at 4 gallons per minute. An attached Geohydrology report authored by Watershed West summarizes an extensive study of many local wells, known local geology, and documented aquifer levels in the area. This report concludes that: drought patterns (not development) have had the only measurable impact on well water levels in the neighborhood, that the proposed development will have zero drawdown effect on neighboring wells, and that eventual residential development on this parcel will not measurably impact the long-term viability of the aquifer which serves the neighborhood and beyond. Please see sections 7, 8 and 9 of the Geohydrology report for this information.

As to the general nature of this proposed subdivision of land at 20 LaBarbaria Road, the proposed 5 and 8 acre parcels will not be out of character with existing development densities in the neighborhood, other than that the proposed parcels would still be larger than what is currently existing and typical in the neighborhood. An attached map and spread-sheet clearly demonstrate that when the acreages of 23 surrounding parcels is averaged, the result is an average local acreage of only 3.376 acres. The proposed new parcels will be within the intent of the proposed SLDC, and will contribute to less urban sprawl by allowing increased density in an area that is closer to our urban center.

Thank you for your consideration in these matters.

Sincerely,



Bryan Berg

Agent/Owners Representative



OBA-11

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

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

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

SECTION 10 - LOT SIZE REQUIREMENTS

10.1 Relationship of Lot Sizes to Water Policies

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



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

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

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

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

BASIN FRINGE ZONE: Same as Basin Zone.

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

MOUNTAIN ZONE: Same as Homestead Zone.

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

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

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

10.2 Calculation of Minimum Lot Size

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

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

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

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

Where:

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

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

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

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

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

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

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

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

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

10.2.2 Calculation of Use

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

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

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

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

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

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

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

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

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

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

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

a. Standard Values of Water Availability

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

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

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

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

b. Adjustments for Water Conservation

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

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

10.3 Exceptions to Minimum Lot Size Requirements

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

10.3.1 Metropolitan Area - Community Water Systems

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

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

10.3.2 Agricultural Areas

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

10.3.3 Traditional Communities

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

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

10.3.4 Urban Areas

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

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

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

10.4 Density Transfer

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

SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

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

2.5 Zoning

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

2.6 Subdivisions

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

2.7 Other Requirements

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

SECTION 3 - VARIANCES

3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

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

3.3 Granting Variances and Modifications

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

3.4 Height Variance in Airport Zones

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



1 October 2014

Santa Fe County Growth Management/Land Use Administrator
and Santa Fe
County Development Review Committee
PO Box 276
Santa Fe, NM 87504-0276

RE: Variance Request to Sub-divide a 13-acre property at 20 La Barbaria Road
CDRC Case # V14-5300

Dear Land Use Administrator and CDRC Members:

I am writing to request that the County deny the referenced Development Permit Variance Request. When a similar variance request, at this same property [20 La Barbaria Road], was under consideration in September of 2013 [V-13-3064], I spoke with the County and was informed that the County [Norman Lagasse] had asked for more information on the hydrology at this property, along with related information. Subsequently, SF County staff DENIED this permit based upon the hydrology report submitted - the data did not support the requested variance.

It is my understanding, after talking to County Staff [John Lovato] on September 30, 2014, that the property owner has submitted exactly the same hydrology report submitted last year to support this new variance request. The county and CDRC must deny this permit because the hydrology data is no different this year than it was last year and the variance was denied previously.

PLEASE DENY THIS VARIANCE REQUEST - WE LIVE IN A FRAGILE AREA WITH WATER RESOURCES DETERIORATING. New information about water availability and the fragile nature of the water in the La Barbaria Canyon area includes the following anecdotal information:

- Two Close-By Properties [Both On Roy Crawford Lane The Next Road Up From La Barbaria Road] Have Just This Year Had Water Wells That Went Dry And Have Had To Drill Deeper Just To Get Water For Home Use.
- Further Up La Barbaria Canyon We Know At Least 12 Homes That Were On Shared Wells - All Wells Went Dry And A New Well Had To Be Drilled. Legal Action Was Involved And The Result Of Both The Well Drilling And The Legal Actions Cost Each Property Owner Prohibitive Amounts Of Money.
- In La Barbaria Canyon, We All Share The Same Water Sources And We Simply Cannot Continue To Allow More Homes Than Can Be Supported By The Available Water.

In summary, I am requesting, as a directly adjacent neighbor, that you deny this variance to "sub-divide" this 12+ acre property into 2 6+ acre properties because:

#1- The WATER supply, availability, and quality in this part of the county is FAR TOO PRECARIOUS and un-predictable for the County - particularly in light of the SLDC that has already been adopted and the "zoning map" that is close to adoption - to grant this variance request. It would be outrageous and inconsistent with the current County position on land development for the County to grant this right of sub-division based on water and sustainability alone. The lack of a common area-wide sewer system to handle household waste in the this part of the County means that the only viable means of household waste management remains



OBA-19

individual septic systems for residential properties. We KNOW from reports by SF County staff that this very neighborhood has HUGH problems with water quality being compromised and severely damaged by existing septic systems.

#2- This is an area that has had a 20-acre minimum lots size for years and despite the fact that we await the adoption of a new land use code for the County MANY of the existing residents in the La Barbaria Canyon area have not been allowed to sub-divide their property into smaller than 20-acre plots and have not been given the benefit of a land-split provision never intended for the new owners of this property [as noted below]. The County and CDRC must fully enforce the land use code and regulations currently in force.

#3 - The current property owners purchased this property about one year ago and moved from out of state into Santa Fe County. This is NOT A PROPERTY OWNER who should be allowed to take advantage of the "family land split" provisions of the current code. There is NO JUSTIFICATION for letting a brand new property owner, who was fully aware of the current code, to be granted a land-split based upon the specific provisions allowing such splits in the old SF County Code. New owners, without any history of long-term family held property, should NOT be benefitting from a provision in the Code that gave preferences to long-held family plots to split lots for the exclusive use of other family members. Indeed, as we all know the concept of "family land splits" - which has been SO ABUSED over the past two decades, is one of the MAJOR REVISIONS/CHANGES SF COUNTY STAFF are recommending by eliminating this provision in the new SLDC.

#4 - Further erosion of the visual quality of the foothills area in this part of the County. If this variance is granted, once again the unique visual qualities of the La Barbaria Canyon area will be further eroded by more homes of a greater density than is currently allowed. The precedent of allowing for any lot split simply for the promise of "economic" gain by the current owners - in order to sell the 2nd plot - is unfair and further impacts all the surrounding residents - for the benefit of only one resident. The previous variance that SF County granted - allowing the building to be higher than the code permits - has already produced an un-intended negative visual impact across the entire area. The house sticks out like a sore thumb! for miles around.

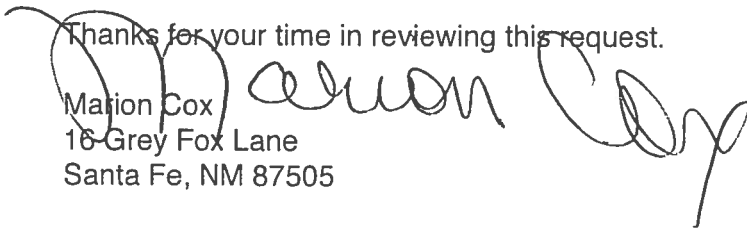
I know that Santa Fe County Staff, and the CDRC members, understand and support the principles and on-the-ground realities of what is necessary to implement a truly "sustainable" land development code. I am therefore, HOPEFUL that the CDRC will support the previous County Staff recommendation to deny this variance request [the same as was presented in 2013] and will decide to DENY this lot split variance request.

PLEASE ACT RESPONSIBLY as our County Staff - as residents of the County, we count on staff to make the tough decisions and do the right thing

PLEASE DENY THIS PERMIT.

Thanks for your time in reviewing this request.

Majon Cox
16 Grey Fox Lane
Santa Fe, NM 87505



Alison Keogh / Robert Mang
6, Placita Lorenzo
Santa Fe, NM 87505

October 6, 2014

County Land Use Administration Office
PO Box 276
Santa Fe, NM 87504

CDRC CASE # V 14-5300

Attn: John Lovato

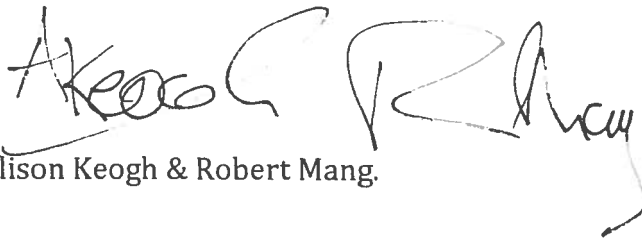
Concerning the above case # we are submitting our comments regarding the request for a variance to allow a lot split.

We do **not** support this variance request due to the following criteria;

- 1 Increased water consumption on an aquifer which is all ready stressed. Flow rates in the neighborhood have decreased.
- 2 Fire hazard – increased risk.
- 3 Inter-urban wildlife interface will be further compromised.
- 4 Preservation of the night sky.
- 5 Increased traffic – ingress and ingress onto presumably La Barbaria Rd.

Currently the owners are using 20, La Barbaria as a vaction rental through various on line sites, airbnb and flipkey under the title Casa Que Pasa. If the lot is split and developed this will increase the potential for another vacation rental. There is less ability to control all of the above criteria when transient renters are not responsible and not sensitive to the fragile nature of this environment.

Sincerely,



Alison Keogh & Robert Mang.



tabbles
EXHIBIT
5.

OBA-22



Daniel "Danny Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review

Date	October 2, 2014		
Project Name	Stoia, Cathy & Chris		
Project Location	20 La Barbara Road T16; R10; S17 "Extreme Wildland-Urban Hazard Area"		
Description	Variance for lot split (density)	Case Manager	John Lovato
Applicant Name	Chris & Cathy Stoia	County Case #	14-5300
Applicant Address	20 La Barbara Road Santa Fe, NM 87508	Fire District	Hondo
Applicant Phone	505-603-1066		
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 checked="" type="checkbox"/>	Variance <input checked="" type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
			Inspection <input checked="" type="checkbox"/>
			Lot Split <input checked="" type="checkbox"/>
Project Status:	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input 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 (Note underlined items):

Summary of Review

- Per plat notes: New driveway/roadway access from La Barbara Road is subject to approval by the County Public Works Director and Fire Marshall. (page #2)
- Per plat notes: Development permits for building construction will not be issued until required improvements for road emergency turn around are completed and approved by staff. (page #2)
- This driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves. (page #3)
- This development's location is rated within an "Extreme Wildland-Urban Hazard Area" and shall comply with all applicable regulations... (page #3)



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

- **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 plat notes: New driveway/roadway access from La Barbaria Road is subject to approval by the County Public Works Director and Fire Marshal.

Development permits for building construction will not be issued until required improvements for road emergency turn around are completed and approved by staff.

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Driveway, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".

The driveway for any proposed building site shall incorporate a turnaround area for emergency vehicle purposes such as a cul-de-sac or K-type or hammerhead type turnaround conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department.

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Section 901.4.5 Street or Road Signs (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

This driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

Fire Protection Systems

Automatic Fire Protection/Suppression

Due to the location of the proposed development/residence and the lack of a pressurized hydrant or water storage (draft hydrant) system in this area, for life safety and property protection this office highly *recommends* the installation of an Automatic Fire Suppression system meeting NFPA 13D requirements on any new construction. Assistance in details and information are available from the Fire Prevention Division.

Urban-Wildland Interface

SFC Ordinance 2001-11, Urban Wildland Interface Code

This development's location is rated within an "Extreme Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas.

- **Building Materials**

Buildings and structures located within urban wildland interface areas, not including accessory structures, shall be constructed in accordance with the Fire Code, the Building Code and the Urban Wildland Interface Code.

▪ **Location/Addressing/Access**

Per SFC 2001-11/EZA 2001-04, addressing shall comply with Santa Fe County Rural addressing requirements.

Per SFC 2001-11 / EZA 2001-04 Chapter 4, Section 3.2 Roads and Driveways; Access roads, driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions of the Fire Code and the Land Development Code. Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development.

▪ **Vegetation Management**

It is recommended that the development also have a vegetation management plan to establish fire-safe areas and to minimize the threat and occurrence of fire in the urban wildland interface areas. Assistance in details and information are available through the Fire Prevention Division

General Requirements/Comments

▪ **Inspections/Acceptance Tests**

Prior to acceptance and upon completion of permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

▪ **Permits**

As required

Final Status

Recommendation for Development Plan approval with the above conditions applied.

Tim Gilmore, Inspector


Code Enforcement Official

10 2-14
Date

Through: David Sperling, Chief

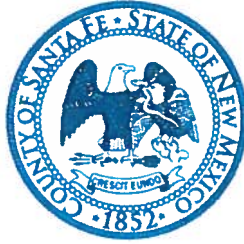
File: DevRev/H/Stoia/100214

Cy: Buster Patty, Fire Marshal
John Lovato, Land Use
Applicant
BC & Regional Lts
District Chief
File

Daniel "Danny" Mayfield
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 November 20, 2014

TO: County Development Review Committee

FROM: Mathew Martinez, Development Review Specialist *HEA*

VIA: Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

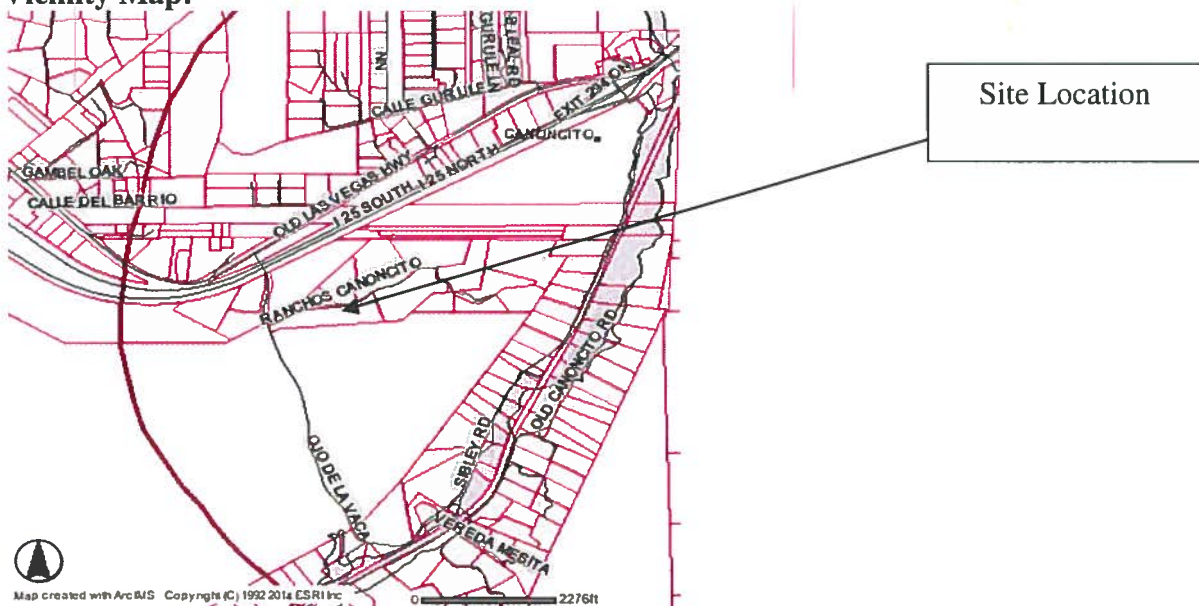
FILE REF.: CDRC CASE # MIS 14-5360 Mark Martineau Accessory Structure.

ISSUE:

Mark Martineau, Applicant, requests approval to allow an accessory structure greater than 2,000 square feet on 15.03 acres to be utilized as a garage/storage building.

The property is located at 22 Ranchos Canoncito, off of Ojo De La Vaca Rd, within Section 14, Township 15 North, Range 10 East, (Commission District 4).

Vicinity Map:



OBB-1

SUMMARY:

On March 11, 1997, the Board of County Commissioners adopted Ordinance No. 1997-4 which states that the CDRC is required to review for approval, any accessory structure which is greater than 2,000 square feet.

The Applicant requests approval for a 2,600 square foot accessory structure to be utilized as a garage/storage building. The purpose of the structure is to store and protect the Applicants recreational vehicles, sports equipment, and personal vehicles. The proposed structure is steel framed, and will be constructed on a concrete slab. There is currently a residence on the property.

This Application was submitted on September 5, 2014.

On October 16, 2014, the County Development Review Committee (CDRC) met and acted on this case. During the meeting it was discovered that there was a discrepancy in the square footage on the plans (2600 sq.ft.) versus the written request submitted by the Applicant (2,184 sq.ft.). The decision of the CDRC was to table this case for clarification of the discrepancy. The Applicant has submitted a letter requesting a 2600 sq. ft. accessory structure as depicted on the proposed plans. (CDRC minutes attached as exhibit 1)

Growth Management staff has reviewed this Application and has found the following facts to support this Application: Ordinance No. 1997-4 states residential uses and accessory structures are allowed anywhere in the County provided all of the requirements of the Code are met; the accessory structure is incidental and subordinate to the principal use; an accessory structure includes, an office/art studio/workshop, garage or carport for storage of personal vehicles, utility or storage sheds, a stable or barn, or greenhouse; the structure meets the requirements of Ordinance No. 1997-4.

APPROVAL SOUGHT: Approval of an accessory structure greater than 2000 square feet to be utilized as a garage/storage building

GROWTH MANAGEMENT AREA: SDA-3

HYDROLOGIC ZONE: Basin Zone, minimum lot size per Code is 10 acres per dwelling unit. Lot size can be reduced to 2.5 acres per dwelling with signed and recorded water restrictions. There are currently water restrictions on the property.

FIRE PROTECTION: Hondo.

WATER SUPPLY: Domestic Well

033-2

LIQUID WASTE: Conventional Septic System

VARIANCES: No

AGENCY REVIEW: Agency: Fire Prevention Recommendation: Comments not received

STAFF RECOMMENDATION: **Approval of an accessory structure greater than 2000 square feet to be utilized as a garage/storage building subject to following conditions:**

1. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance No. 2003-6 Water Harvesting.
2. The structure shall not be utilized for commercial use.
3. The height of the accessory structure shall not exceed 24 feet.

EXHIBITS:

1. CDRC October 16, 2014 minutes
2. Letter of request
3. Structural Drawings
4. Site Plan
5. Aerial of Site and Surrounding Area
6. Site Photo
7. Ordinance 1997-4 (Accessory Structures)

Mr. Larrañaga indicated staff was recommending approval of Final Development Plan to allow improvements to Romero Park, Phase I, subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Final Development Plan.
2. Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.

Colleen Baker, County Open Space Division, stood for questions.

Member Anaya asked why the project had to come before the CDRC. Ms. Lucero stated this is a request for development plan approval and these are ruled on by the CDRC; they can't be done administratively.

Member Booth commended staff on the participatory process that involved many stakeholders.

There was no one from the public wishing to comment.

Member Anaya moved approval of CDRC Case #FDP 14-5280 with staff conditions. Member Booth seconded and the motion passed by unanimous [4-0] voice vote.

- ↳
- A. **CDRC CASE # MIS 14-5360 Mark Martineau Accessory Structure. Mark Martineau, Applicant, requests approval to allow a 2,184 square foot accessory structure on 15.03 acres to be utilized as a garage/storage building. The property is located at 22 Ranchos Cañoncito, off Ojo de la Vaca Road, within § 14, Township 15 North, Range 10 East (Commission District 4)**

Mathew Martinez read the case caption and staff report as follows:

“On March 11, 1997, the Board of County Commissioners adopted Ordinance No. 1997-4 which states that the CDRC is required to review for approval any accessory structure which is greater than 2,000 square feet.

“The Applicant requests approval to construct an accessory structure totaling 2,184 square feet to be utilized as a garage/storage building. The purpose of the structure is to store and protect the Applicant’s recreational vehicles, sports equipment, and personal vehicles. The proposed structure is steel-framed, and will be constructed on a concrete slab. There is currently a residence on the property.”

Mr. Martinez stated staff recommended approval of an accessory structure totaling 2,184 square feet to be utilized as a garage/storage building subject to following conditions:



OBB-4

1. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance No. 2003-6 Water Harvesting.
2. The structure shall not be utilized for commercial use.
3. The height of the accessory structure shall not exceed 24 feet.

Karl Sommer, agent and legal counsel for the applicant indicated they agree with the conditions of approval.

Member Booth asked if the structure will be visible and if the neighbors have been consulted.

Mr. Sommer stated it will be visible from some other properties. The notice has been posted prominently and no feedback has been received.

Member Anaya pointed out a discrepancy between the 2,184 square feet requested and the 2,600 square feet he calculated from the plans.

Duly sworn, Mark Martineau explained there is a covered porch on the side that accounts for the difference.

Ms. Lucero stated the request should include the roofed area. She clarified this is not a variance request; accessory structures over 2,000 have to come before the CDRC.

A discussion ensued regarding whether a change to the request could be made, given what's in the plans is evident.

Mr. Sommer suggested approving the case for the amount originally requested and the applicant can return next month for further approval.

Ms. Brown said the notice stated 2,100 square feet. However, the neighbors were aware input was being requested on an accessory structure in excess of 2,000 square feet. She said she would prefer renoticing, although "it is not a clear decision."

Member Anaya moved to table and Member Booth seconded. The tabling motion tied 2-2 with Member Anaya and Member Booth voting in favor and Member Gonzales and Chair Katz voting against.

There was no one wishing to speak about the case.

Offering to approve the request as submitted with the applicant returning for approval of the portal, Member Gonzales moved approval and Chair Katz seconded. That motion tied 2-2 with Member Gonzales and Chair Katz voting in favor and Member Anaya and Member Booth voting against.

The case will return for further review.

SOMMER, KARNES & ASSOCIATES, LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

200 West Marcy Street, Suite 139
Santa Fe, New Mexico 87501

Telephone:(505)989.3800

Facsimile:(505)982.1745

Karl H. Sommer, Attorney at Law
khs@sommer-assoc.com

Joseph M. Karnes, Attorney at Law
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal
mld@sommer-assoc.com

James R. Hawley, Attorney at Law
jrh@sommer-assoc.com
Of Counsel
Licensed in New Mexico and California

October 20, 2014

VIA E-MAIL to memartinez@santafecountynm.gov

Mr. Matt Martinez
Santa Fe County Land Use Department
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: Amended Martineau Application for An Accessory Structure in Excess of 2,000 Square Feet, 22 Ranchos Cañoncito, Santa Fe, New Mexico

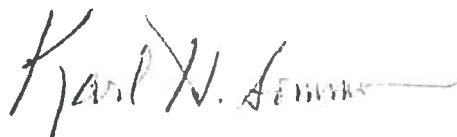
Dear Matt:

This letter will confirm that we are amending the referenced application to allow for a structure of 2,600 feet. All other aspects of the application are the same.

We will pick up the notice for posting this Wednesday. I understand that we will be heard on the November 20, 2014, CDRC meeting.

Please confirm that is anything more I need to provide you at this point.

Sincerely,



Karl H. Sommer

cc: Mark J. Martineau



OBB-6

SOMMER KARNES & ASSOCIATES LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

200 West Marcy Street, Suite 133
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800
Facsimile: (505) 982.1745

Karl H. Sommer, Attorney at Law
khs@sommer-assoc.com
Joseph M. Karnes, Attorney at Law
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal
mld@sommer-assoc.com

James R. Hawley, Attorney at Law
Of Counsel
Licensed in New Mexico and California
jrh@sommer-assoc.com

September 5, 2014

VIA HAND DELIVERY

Mr. John Lovato
Development Review Specialist
Santa Fe County Land Use Department
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: Martineau Application for An Accessory Structure in Excess of 2,000 Square Feet
22 Ranchos Cañoncito, Santa Fe, New Mexico

Dear John:

This firm represents Mr. Mark J. Martineau, who owns the property located at 22 Ranchos Cañoncito, Santa Fe New Mexico. Mr. Martineau desires to construct and install a 2,184 sq. ft. accessory garage/outbuilding. The purpose of the garage is to store and protect Mr. Martineau's recreational vehicles, sports equipment, and his personal vehicles.

I enclose herewith the following documents:

1. The executed Application Form/Development Permit Application;
2. A Site plan showing a bird's eye view of the property and all of the current improvements;
3. A plan set for the garage/outbuilding with elevations and floor plans;
4. A copy of the Warranty Deed from Ms. Ellen Pierpont King in favor of Mr. Martineau, recorded in the records of Santa Fe County Clerk on August 7, 2009, as Instrument No. 1573268;
5. The recorded plat of survey showing Lot 1-A as legal lot of record approved by the Santa Fe County Land-Use Administrator on July 7, 2009, and recorded in the records of the Santa Fe County Clerk on July 10, 2009 in Plat Book 705, Page 012;



0BB-7

SOMMER KARNES & ASSOCIATES LLP

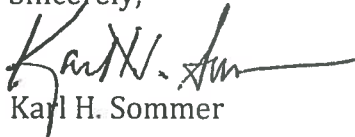
Mr. John Lovato
September 5, 2014
Page 2 of 2

6. A copy of the existing septic permit for the property;
7. A copy of the well permit for the property;
8. A copy of the proof of taxes paid for the property;
9. A copy of the vicinity map showing the relative location of the property.

Please let me know if there is anything more I need to provide you at this point.

I understand this matter will be heard by the County Development Review Committee on October 16, 2014. Please let me know when I can pick up the poster to be posted on the property.

Sincerely,



Karl H. Sommer

cc: Mark J. Martineau

OB3-8

GENERAL NOTES AND SPECIFICATIONS

- The materials and labor shown on these plans that are provided by Cleary Building Corp. are limited to those materials and labor as defined by the Cleary Building Corp. contract. Additional materials or accessories that are not being provided by Cleary Building Corp. may be shown on plans for contract or building code compliance.
- This building is designed in accordance with the following codes and specifications:
 - 2009 International Residential Code (IRC)
 - 2003 Edition of National Design Specifications for Wood Construction

Building Gross Square Footage: 2600 Sq. Ft.

Building Design Loads:

- Design Truss Load: 34 PSF Total Load
- Design Snow Load: 20 PSF Ground Snow Load (Pg)
- Design Wind Speed: 90 MPH (Exp C)
- Seismic Use Group: I
- Seismic Design Category: D
- Maximum Considered Earthquake Ground Motion for 0.2 Second Spectral Response (S_{0.2}): 47.1%g
- Maximum Considered Earthquake Ground Motion for 1.0 Second Spectral Response (S_{1.0}): 14.3%g

Floor Deck Design Loads: 40 PSF LL + 10 PSF DL

BUILDING LOCATION

22 RANCHOS CAJONITO
 SANJA FE, NM 87508
 COUNTY: SANJA FE
 BUILDING USAGE: PRIVATE GARAGE

NOTE:
 This building, as depicted, must be constructed 5 feet or more from any and all lot lines and 10 feet or more from any other buildings on the same lot. See IRC 2009 code and/or the local building official for exceptions.

NOTE:
 This document, as presented and sealed, is not intended to be, nor should it be construed as such, a complete building design. This represents only the structural design of the "outer shell" of the building. It should be noted that neither Cleary Building Corp. nor the designer, have investigated the soil conditions of the building site and the bearings and foundation designs, where shown, are based on prescriptive bearing values. The client or general contractor is encouraged to contact with other professional engineers or architects for the design of the interior layout, electrical, mechanical, plumbing, and site work and to contact the local building official to determine if he will require a soils investigation report. If any of the footings are to be placed on fill material, the client is encouraged to engage a professional engineer to test the soil for assurance that the fill material has a bearing capacity equal to or greater than the presumed value used in the building design. If a concrete floor will be included, the design of the concrete floor is not part of these plans, nor is it intended to be. If shown, the concrete floor is only depicted to show its location with respect to other components of the building. The client or general contractor is encouraged to contract with other professional engineers or architects for the design of the concrete floor and its subgrade.

I hereby certify the engineering document was prepared by me or under my direct personal supervision and that I am a Licensed Professional Engineer under the laws of the State of New Mexico.

Signature: *Matthew B. Lowinger*
 Matthew B. Lowinger
 Printed or Typed Name
 My license renewal date is December 31, 2014.
 Pages covered by this seal: Pages 1-12

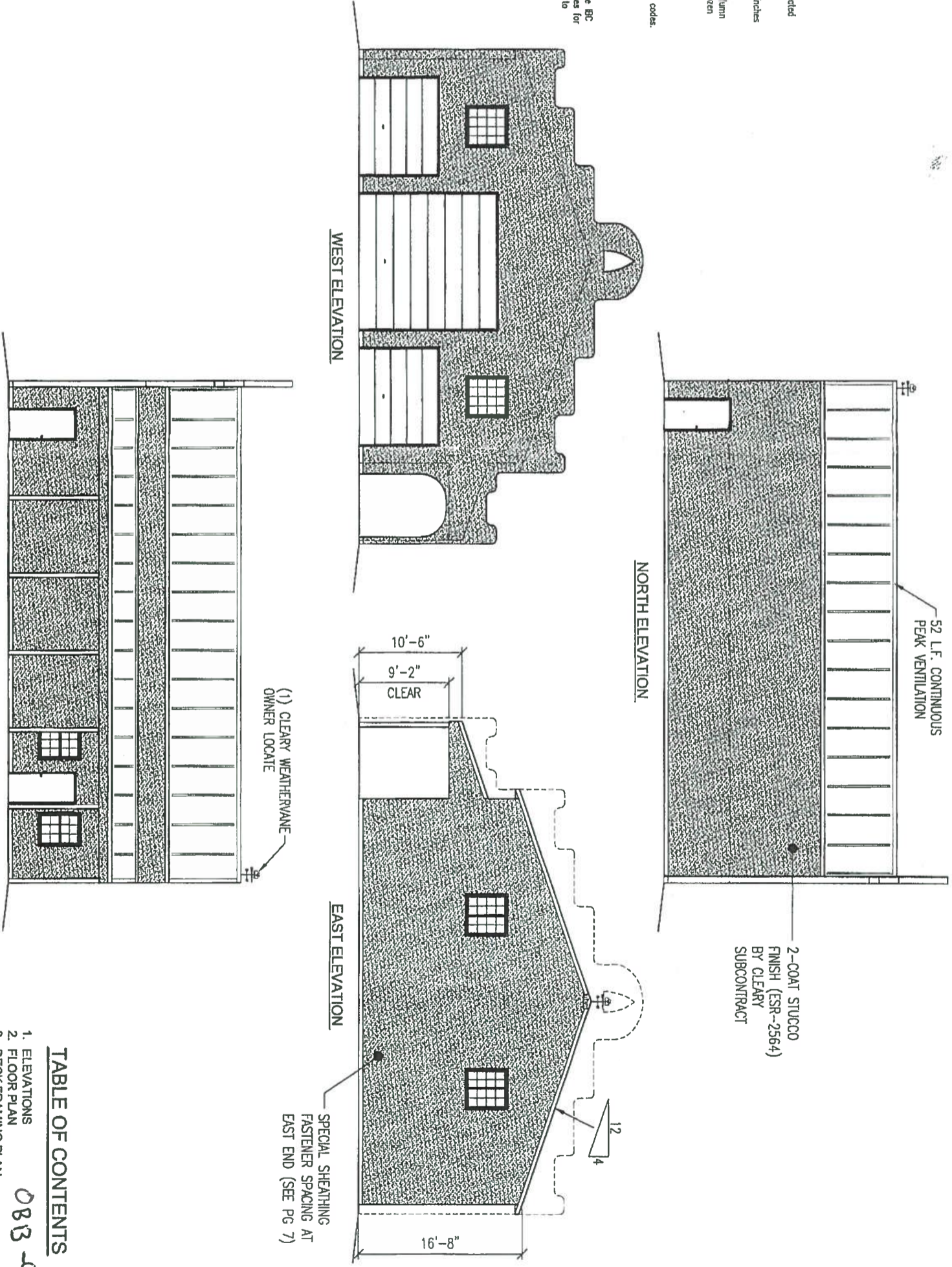


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- ELEVATIONS
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- DECK FRAMING PLAN
- TYPICAL SECTION "A"
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- TYPICAL SECTION "C"
- TYPICAL SECTION "D"
- TYPICAL SECTION "E"
- STITCH SCREW DETAILS
- WEST ENDWALL FRAMING DETAILS
- DIAPHRAGM ACTION DETAILS
- TRUSS DIAGRAMS

DBB-9

DATE:	1/9/14	
DRAWN BY:	A. JORENBY	
SCALE:	NONE	
SALES SPECIALIST:	HERRON	
	PUEBLO WEST	
REVISIONS:		
NO.	DATE	BY
1		
2		
3		

MARTINEAU, MARK
 42'x52'x16'-8" COMMERCIAL
 ELEVATIONS

CLEARY BUILDING CORP.
 190 PAQU STREET
 P.O. BOX 930220
 VERONA, WI 53593
 (800) 373-5590

JOB NO.
 2013106605

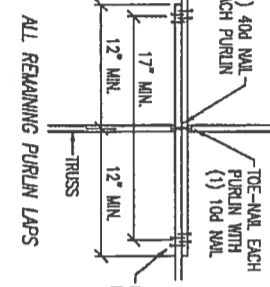
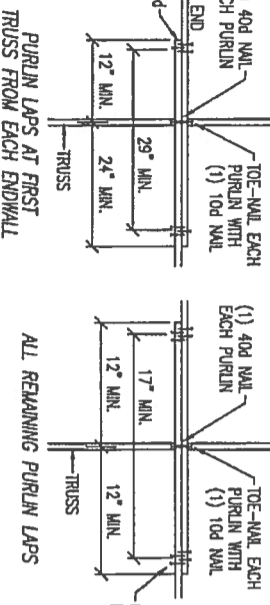
SHEET
 1 OF 12

COLUMNS:	COLUMN SIZE:	HOLE DEPTH:	HOLE DIAMETER:	FOOTING SIZE:	NUMBER OF COLUMNS REQUIRED:
(A) SIDEWALL	3-PLY 2x6x22'-0"	6'-2"	20 3/8"	10'x20" POURED CONCRETE (SEE NOTE)	5
(B) SIDEWALL	3-PLY 2x6x22'-0"	6'-4"	24 3/8"	12'x24" POURED CONCRETE (SEE NOTE)	7
(C) CORNER	3-PLY 2x6x22'-0"	5'-6"	18 3/8"	4'x14 3/8" PRECAST CONCRETE FOOTING	2
(D) ENDWALL	3-PLY 2x6x27'-4"	5'-6"	18 3/8"	4'x14 3/8" PRECAST CONCRETE FOOTING	2
(E) ENDWALL	3-PLY 2x6x27'-4"	5'-6"	18 3/8"	4'x14 3/8" PRECAST CONCRETE FOOTING	2
(F) ENDWALL	3-PLY 2x6x29'-0"	5'-6"	18 3/8"	4'x14 3/8" PRECAST CONCRETE FOOTING	1
(G) FULL LENGTH	3-PLY 2x6x12'-0"	5'-6"	20 3/8"	10'x20" POURED CONCRETE (SEE NOTE)	2
(H) FULL LENGTH	3-PLY 2x6x12'-0"	5'-6"	20 3/8"	10'x20" POURED CONCRETE (SEE NOTE)	1
(I) FULL LENGTH	3-PLY 2x6x25'-3"	5'-6"	18 3/8"	4'x14 3/8" PRECAST CONCRETE FOOTING	4
(J) ENDWALL	3-PLY 2x6x29'-4"	5'-6"	18 3/8"	4'x14 3/8" PRECAST CONCRETE FOOTING	2
(K) ENDWALL	3-PLY 2x6x16'-0"	5'-8"	18 3/8"	4'x14 3/8" PRECAST CONCRETE FOOTING	4
(L) SIDEWALL	3-PLY 2x6x16'-0"	5'-8"	18 3/8"	4'x14 3/8" PRECAST CONCRETE FOOTING	5
(M) CORNER	3-PLY 2x6x16'-0"	5'-8"	18 3/8"	4'x14 3/8" PRECAST CONCRETE FOOTING	1
(N) CORNER	3-PLY 2x6x18'-0"	4'-9"	18 3/8"	4'x14 3/8" PRECAST CONCRETE FOOTING	1

NOTE:
 18 TOTAL BAGS OF SACKCRETE REQUIRED FOR COLUMN ANCHORAGE

NOTE:
 150 Gals. CONCRETE NEEDED FOR POURED FOOTINGS

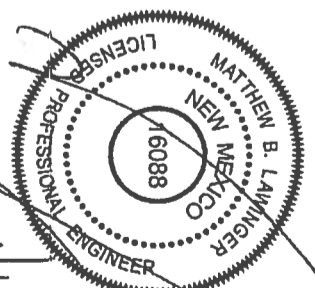
CONSTRUCTION FOREMAN NOTE:
 BE SURE TO MAINTAIN THE OVERALL LAP DISTANCE AND THE SPACING FROM PURLIN END TO CENTER OF TRUSS AS SHOWN



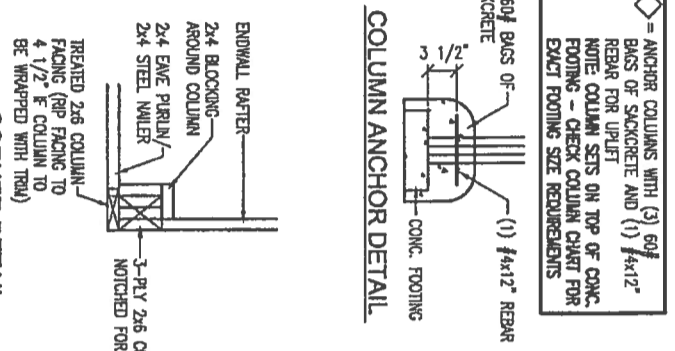
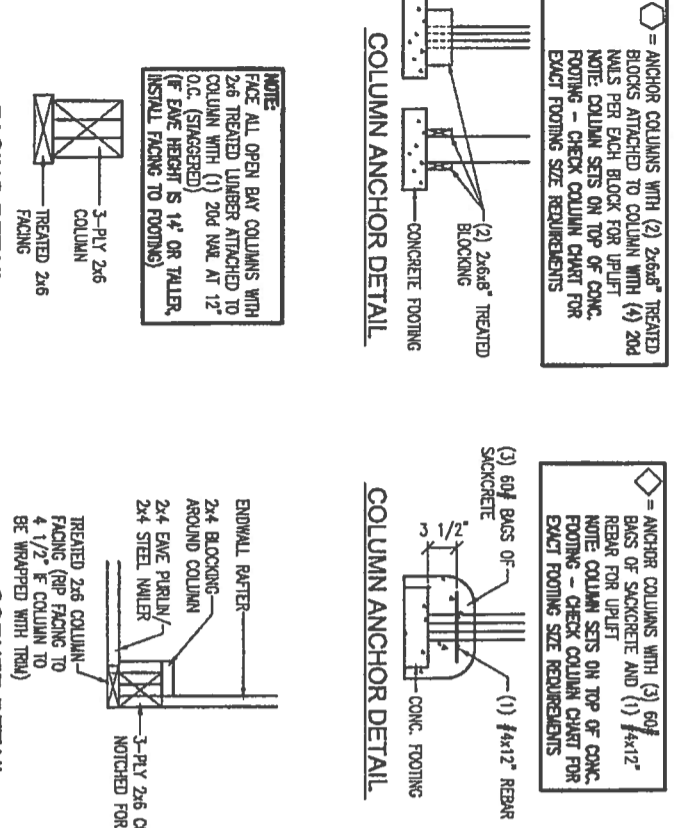
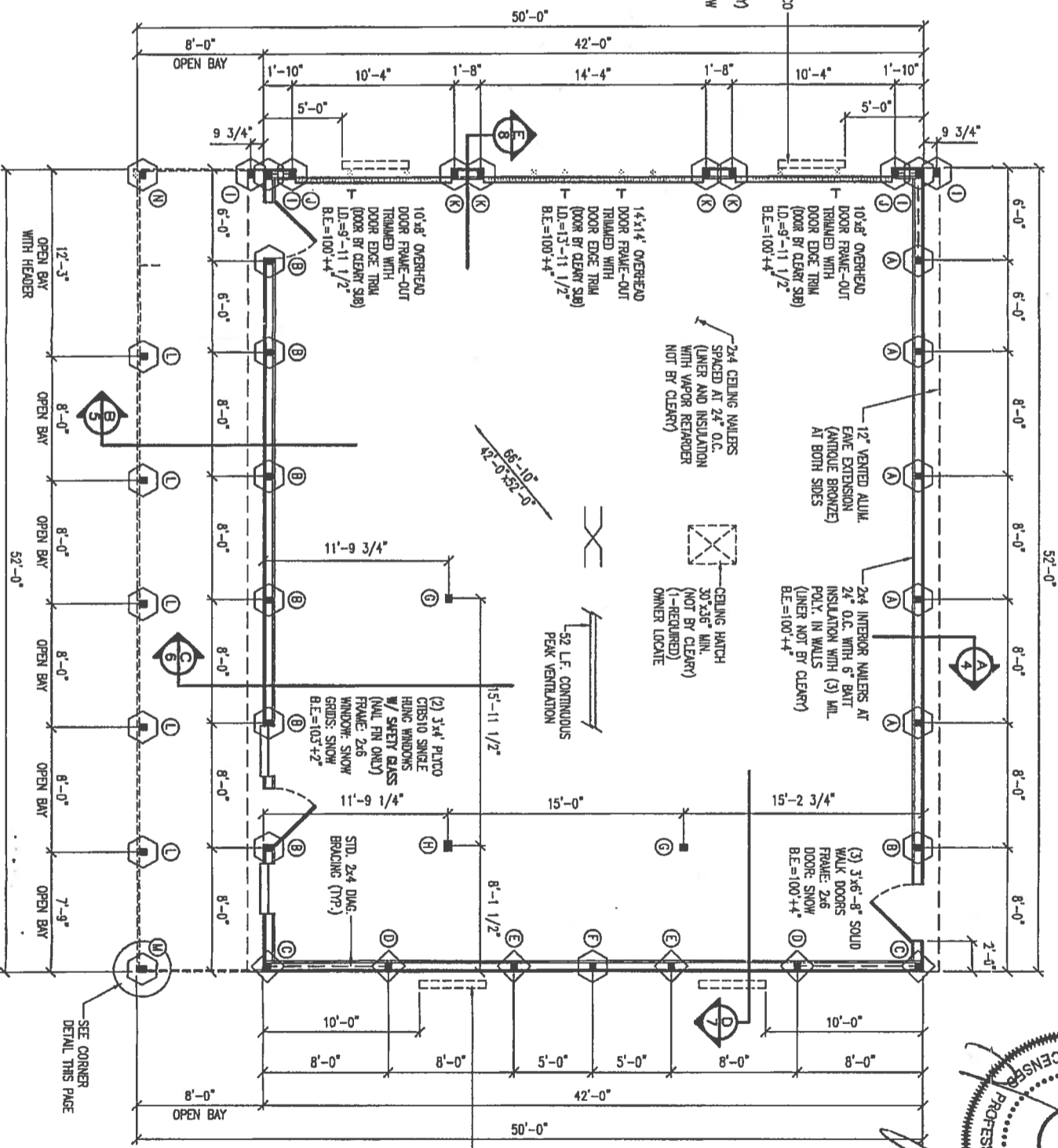
(2) 4x4 PLIXO
 CRIBS/40 FIXED LINE WINDOWS (WALL FR. ONLY)
 FRAME: 2x6
 WINDOW: SNOW
 GROSS: SNOW
 B.E.=111+0

- NOTES:**
- FIELD VERIFY ALL DOOR AND WINDOW ROUGH OPENING SIZES PRIOR TO INSTALLING FRAME-OUTS
 - ATTACH ALL ROOF, SIDE, END AND GABLE STEEL WITH PAINTED SCREWS
 - ENDWALL COLUMNS ARE 3-PLY TO THE BUILDING CEILING HEIGHT AND SINGLE PLY FROM THERE TO THE ROOF PLANE
 - 2x6 JACKBRACING AT ENDWALL COLUMNS
 - SEE DETAIL PAGE 11
 - 2x4 PURLIN BLOCKING AT ENDWALL TRUSSES
- SEE DETAIL PAGE 11

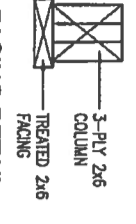
STEEL COLORS:	NOTES:	BUILDING ACCESSORIES:
ROOF: ANTIQUE BRONZE SIDES: 1/2" CDX PLYWOOD GABLES: 1/2" CDX PLYWOOD SLIDE DOORS: --- TRIM: ANTIQUE BRONZE ACCENTS: --- WAINSCOTING: ---	MARK: SET BY SALES SPECIALIST WALK DOORS: (3) 3068 WINDOWS: (2) 3040 (4) 4040 EAVELETTE: --- RIDGELITE: --- VENTS: 52 L.F. PEAK VENTILATION ROOF PITCH: 4/12	(1) CLEARLY WEATHERVANE (OWNER LOCATE) ATTACH ROOF STEEL TO PURLINS WITH PAINTED SCREWS IN PAN AREA 6" BATT INSULATION WITH (3) MIL. POLY. IN WALLS



11714 NORTH



NOTE:
 FACE ALL OPEN BAY COLUMNS WITH 2x6 TREATED LUMBER ATTACHED TO COLUMN WITH (1) 20d NAIL AT 12" O.C. (STAGGERED)
 (IF EAVE HEIGHT IS 14' OR TALLER, INSTALL FACING TO FOOTING)



NOTE:
 ENDWALL BATTER: 2x4 BLOTTING AROUND COLUMN
 2x4 EAVE PURLIN
 2x4 STEEL WALKER
 TREATED 2x6 COLUMN-FACING (RIP FACING TO 4 1/2" E COLUMN TO BE WRAPPED WITH TRIM)

CRS-10

CLEARBY BUILDING CORP.
 190 PAOLI STREET
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 VERONA, WI 53593
 (800) 373-5550

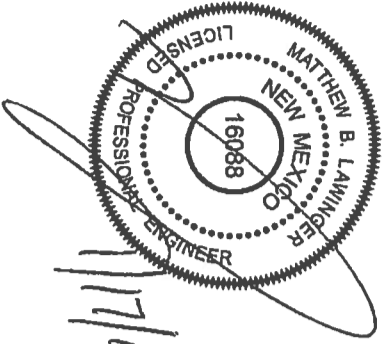
JOB NO. 2013106605

SHEET 2 OF 12

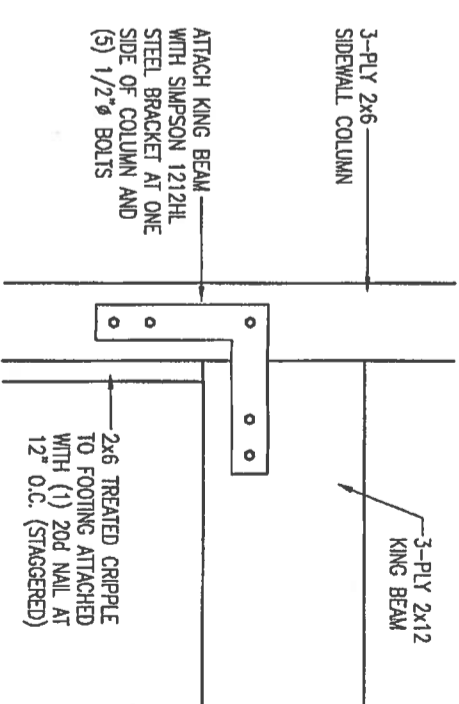
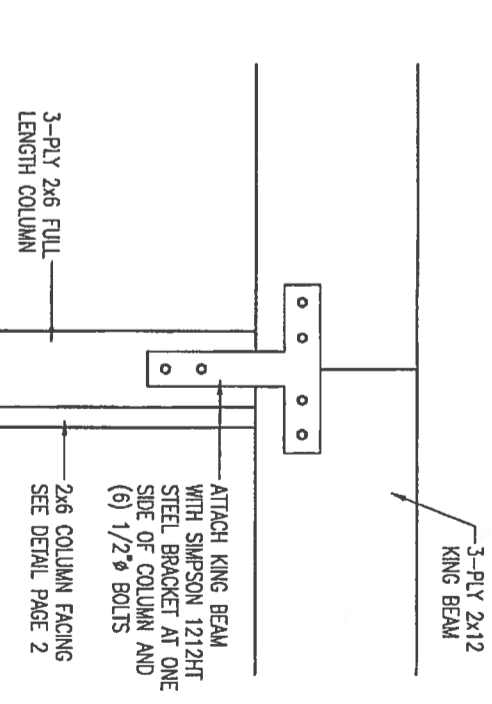
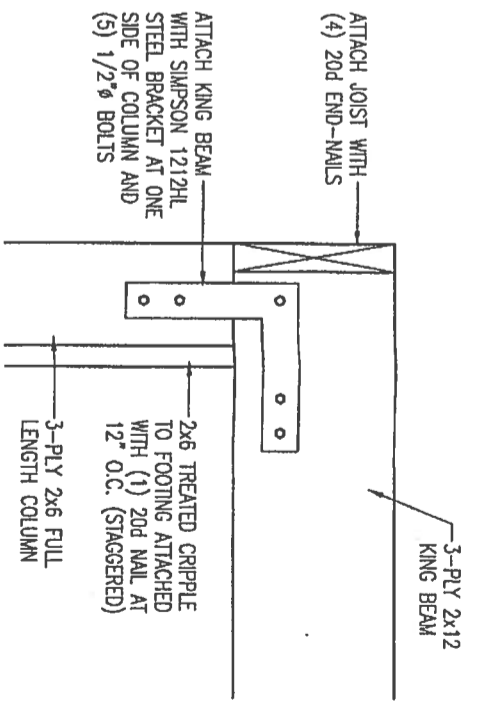
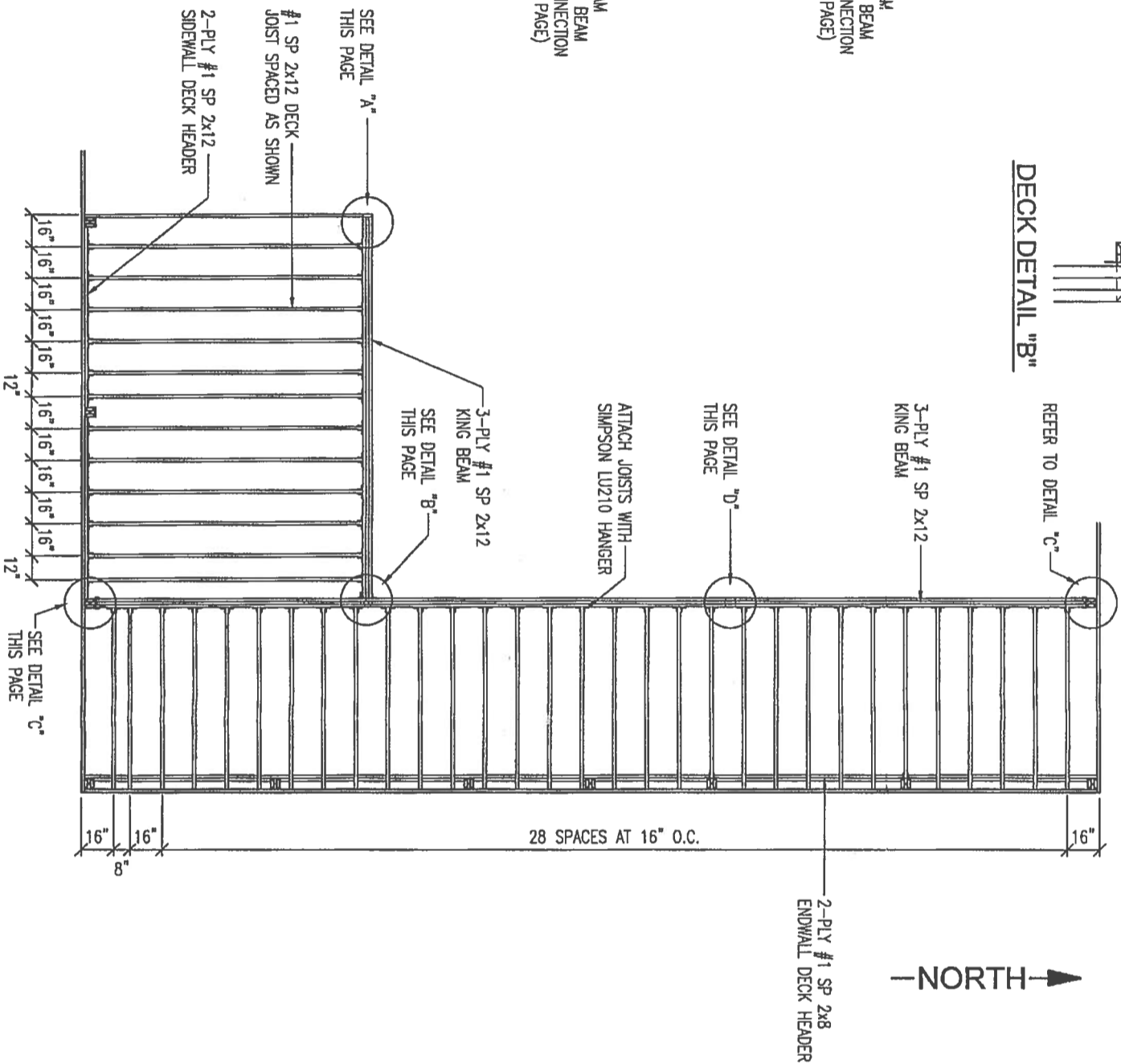
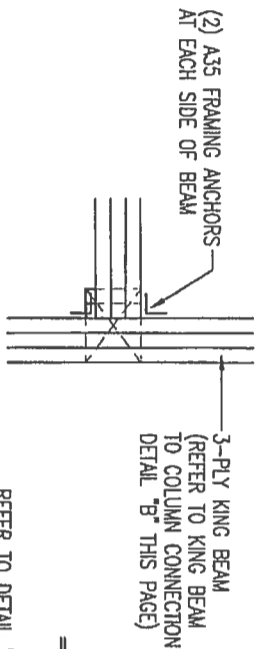
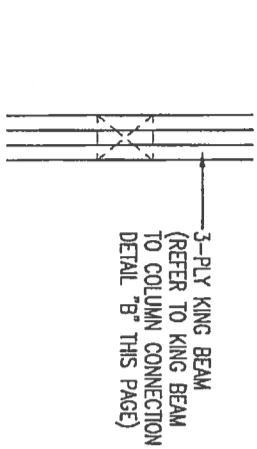
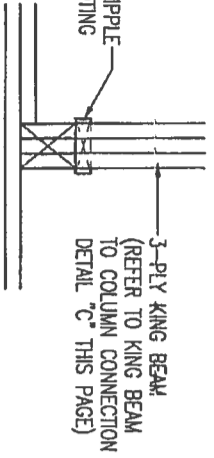
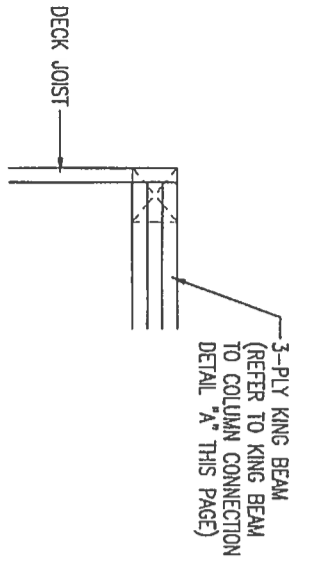
MARTINEAU, MARK
 42'x52'x16'-8" COMMERCIAL
 FLOOR PLAN

DATE: 1/9/14
DRAWN BY: A. JORENBY
SCALE: NONE
SALES SPECIALIST: HERRON
PUEBLO WEST

NO.	DATE	BY
1		
2		
3		



1/17/14



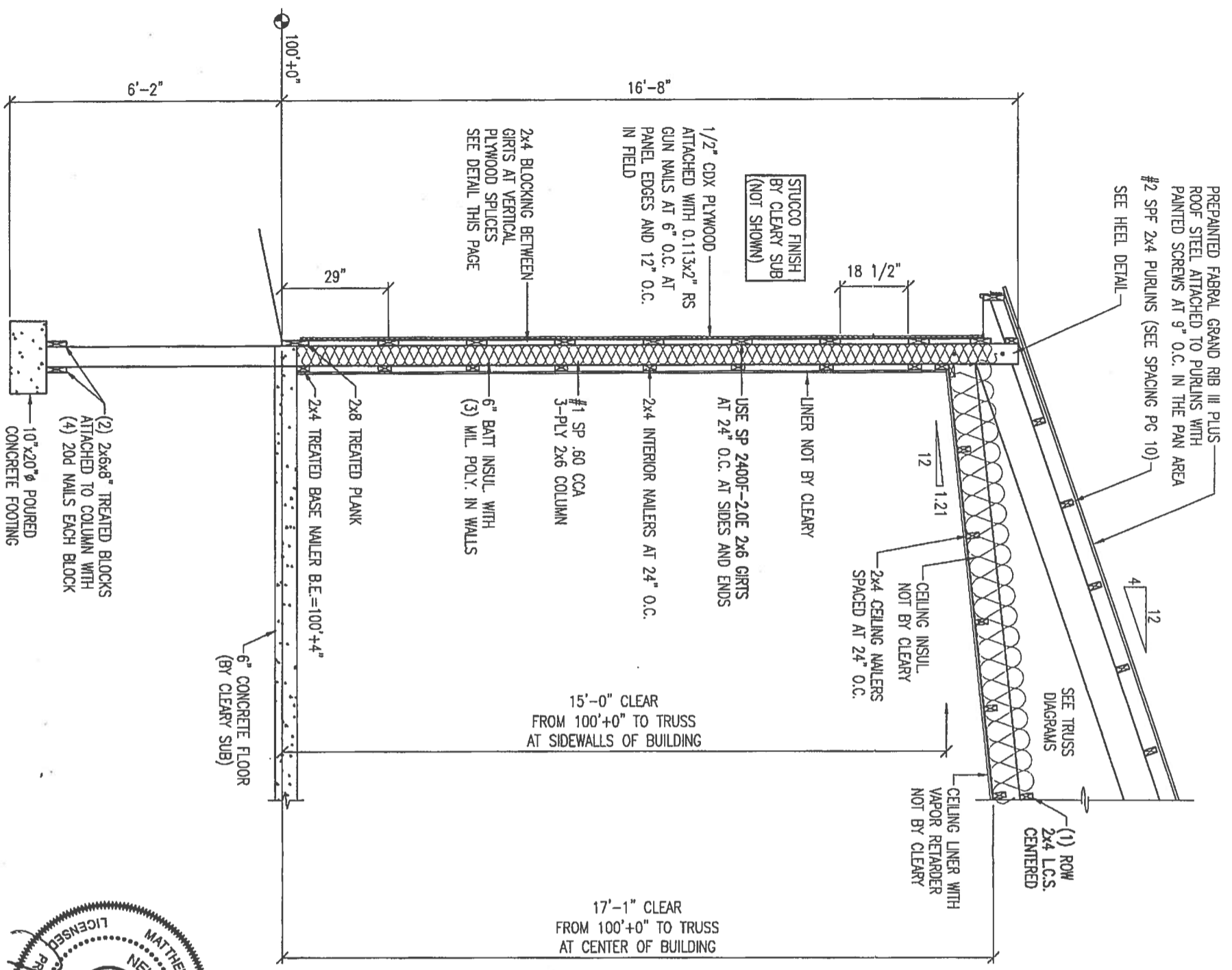
ORR-11

DATE:	1/9/14	
DRAWN BY:	A. JORENBY	
SCALE:	NONE	
SALES SPECIALIST:	HERRON PUERTO WEST	
REVISIONS:		
NO.	DATE	BY
1		
2		
3		

MARTINEAU, MARK
 42'x52'x16'-8" COMMERCIAL
 DECK FRAMING PLAN

CEARY BUILDING CORP.
 190 PAOLI STREET
 P.O. BOX 930220
 VERONA, WI 53593
 (800) 373-5550
 ceary/building.com

JOB NO. 2013106605
 SHEET 3 OF 12



PREPAINTED FABRAL GRAND RIB III PLUS
 ROOF STEEL ATTACHED TO PURLINS WITH
 PAINTED SCREWS AT 9" O.C. IN THE PAN AREA
 #2 SPF 2x4 PURLINS (SEE SPACING PG 10)
 SEE HEEL DETAIL

STUCCO FINISH
 BY CLEARLY SUB
 (NOT SHOWN)

1/2" CDX PLYWOOD
 ATTACHED WITH 0.113x2" RS
 GUN NAILS AT 6" O.C. AT
 PANEL EDGES AND 12" O.C.
 IN FIELD

2x4 BLOCKING BETWEEN
 GIRTS AT VERTICAL
 PLYWOOD SPLICES
 SEE DETAIL THIS PAGE

18 1/2"

LINER NOT BY CLEARLY

USE SP 2400F-2.0E 2x6 GIRTS
 AT 24" O.C. AT SIDES AND ENDS

2x4 INTERIOR NAILED AT 24" O.C.

#1 SP .60 CCA
 3-PLY 2x6 COLUMN

6" BATT INSUL. WITH
 (3) MIL. POLY. IN WALLS

2x8 TREATED PLANK

2x4 TREATED BASE NAILER B.E.=100'+4"

6" CONCRETE FLOOR
 (BY CLEARLY SUB)

15'-0" CLEAR
 FROM 100'+0" TO TRUSS
 AT SIDEWALLS OF BUILDING

17'-1" CLEAR
 FROM 100'+0" TO TRUSS
 AT CENTER OF BUILDING

CEILING INSUL.
 NOT BY CLEARLY
 2x4 CEILING NAILED
 SPACED AT 24" O.C.

CEILING LINER WITH
 VAPOR RETARDER
 NOT BY CLEARLY

(1) ROW
 2x4 L.C.S.
 CENTERED

SEE TRUSS
 DIAGRAMS

(2) 2x6x8" TREATED BLOCKS
 ATTACHED TO COLUMN WITH
 (4) 20d NAILS EACH BLOCK
 10"x20" POURED
 CONCRETE FOOTING

FOREMAN NOTE:
 SET ROOF STEEL TO EXTEND
 2" PAST FASCIA BOARD

12" VENTED ALUM.
 FANE EXTENSION
 (ANTIQUE BRONZE)
 AT BOTH SIDES

ATTACH TRUSS TO COLUMN
 WITH (2) 1/2"x5 1/2"
 BOLTS AND NAIL WITH
 (2) 20d NAILS PER BOLT

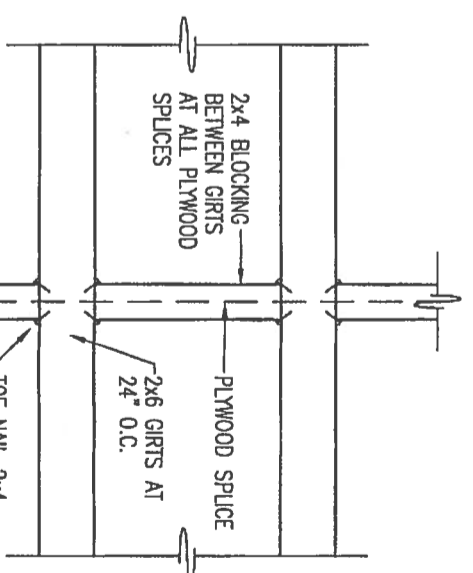
HEEL DETAIL

ADJUSTING BLOCK
 BETWEEN TRUSS HEEL
 AND CENTER PLY OF
 COLUMN TO BE FIELD
 CUT TO FIT

#1 SP .60 CCA
 3-PLY 2x6 COLUMN

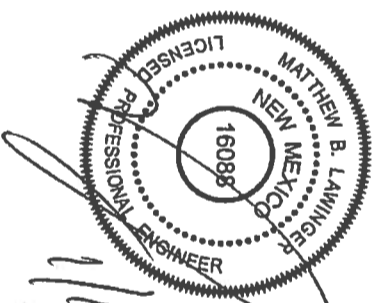
LINER NOT BY CLEARLY

CEILING LINER NOT BY CLEARLY



AT VERTICAL SPLICES

ORS-12



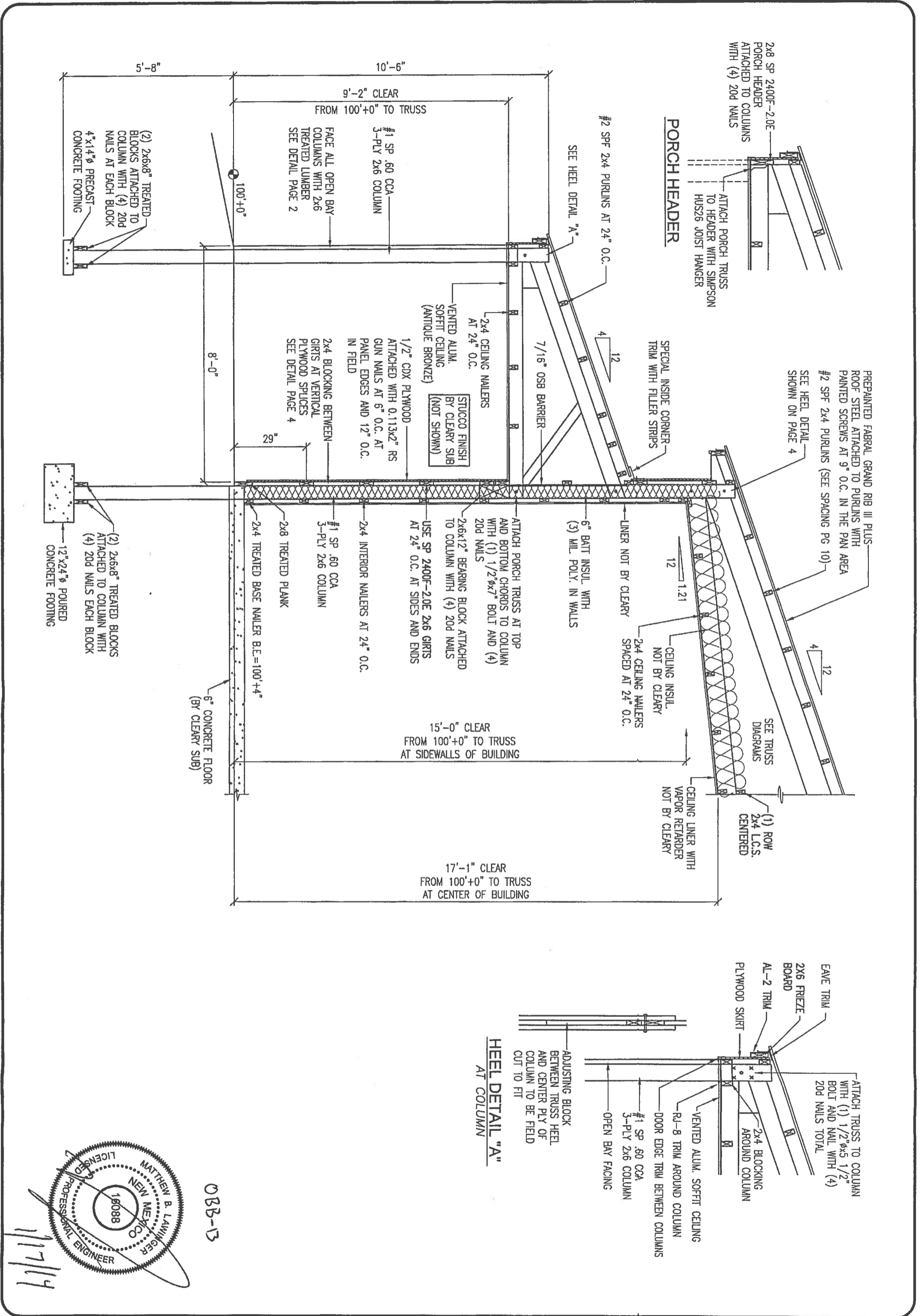
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DATE:	1/9/14	
DRAWN BY:	A. JORENBY	
SCALE:	NONE	
SALES SPECIALIST:	HERRON PUEBLO WEST	
REVISIONS:		
NO.	DATE	BY
1		
2		
3		

MARTINEAU, MARK
 42'x52'x16'-8" COMMERCIAL
 TYPICAL SECTION "A"

CLEARLY
 BUILDING CORP.
 ClearlyBuilding.com
 190 PAOLI STREET
 P.O. BOX 930220
 VERONA, WI 53593
 (800) 373-5590

JOB NO.
 2013106605
SHEET
 4 OF 12



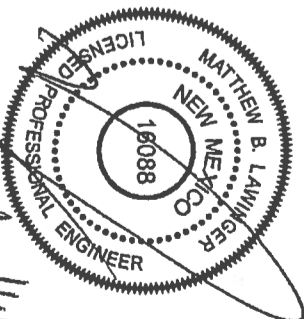
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DRAWN BY:	A. JORENBY	
SCALE:	NONE	
SALES SPECIALIST:	HERRON PUEBLO WEST	
REVISIONS:		
NO.	DATE	BY
1		
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3		

MARTINEAU, MARK
 42'x52'x16'-8" COMMERCIAL
 TYPICAL SECTION "B"

CLEARY BUILDING CORP.
 190 PAOLI STREET
 P.O. BOX 930220
 VERONA, WI 53593
 (800) 373-5550
 ClearyBuilding.com

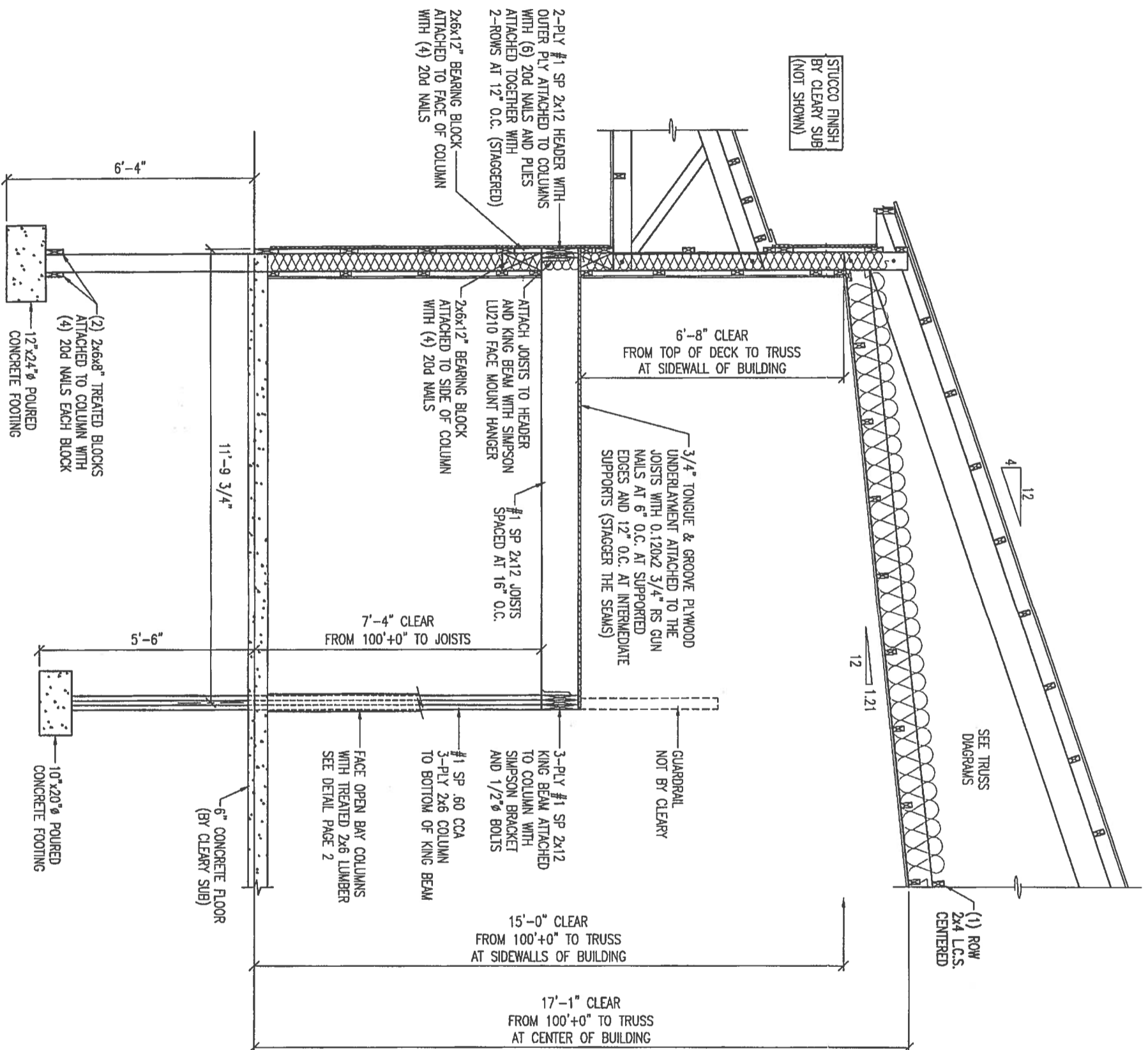
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SHEET 5 OF 12



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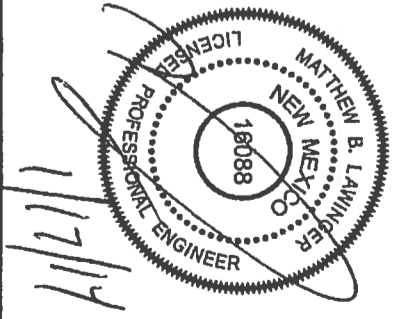
1/17/14



STUCCO FINISH
 BY CLEARLY SUB
 (NOT SHOWN)

(1) ROW
 2x4 L.C.S.
 CENTERED

088-14



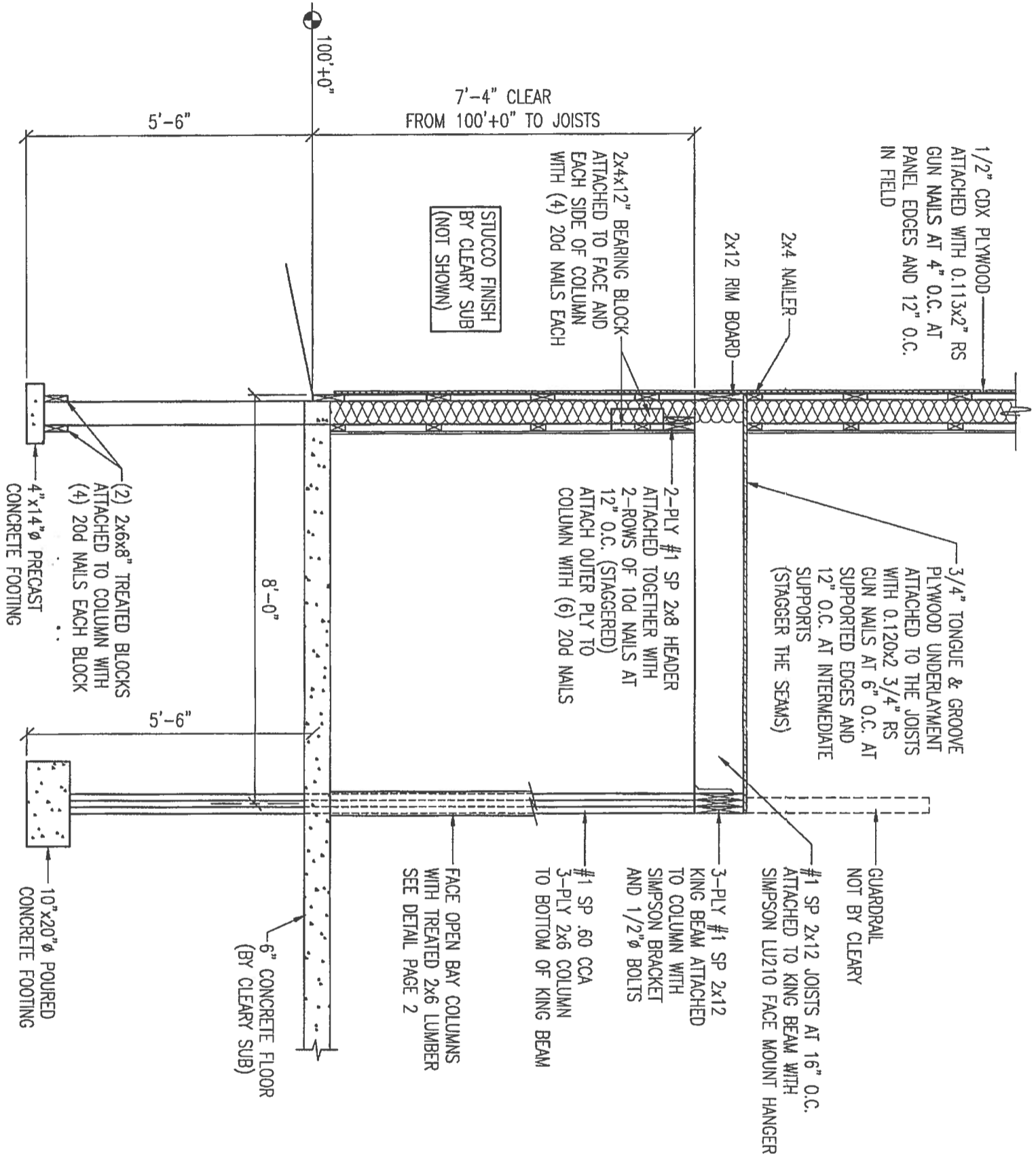
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SCALE:	NONE	
SALES SPECIALIST:	HERRON PUEBLO WEST	
REVISIONS:		
NO.	DATE	BY
1		
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MARTINEAU, MARK
 42'x52'x16'-8" COMMERCIAL
 TYPICAL SECTION "C"

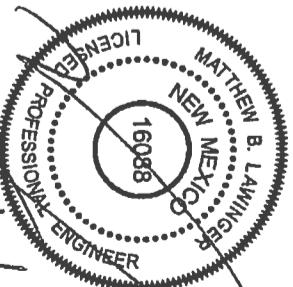
CLEARLY BUILDING CORP.
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 VERONA, WI 53593
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JOB NO.
 2013106605

SHEET
 6 OF 12



023-15



1/17/14

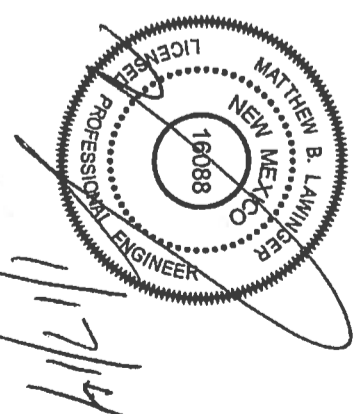
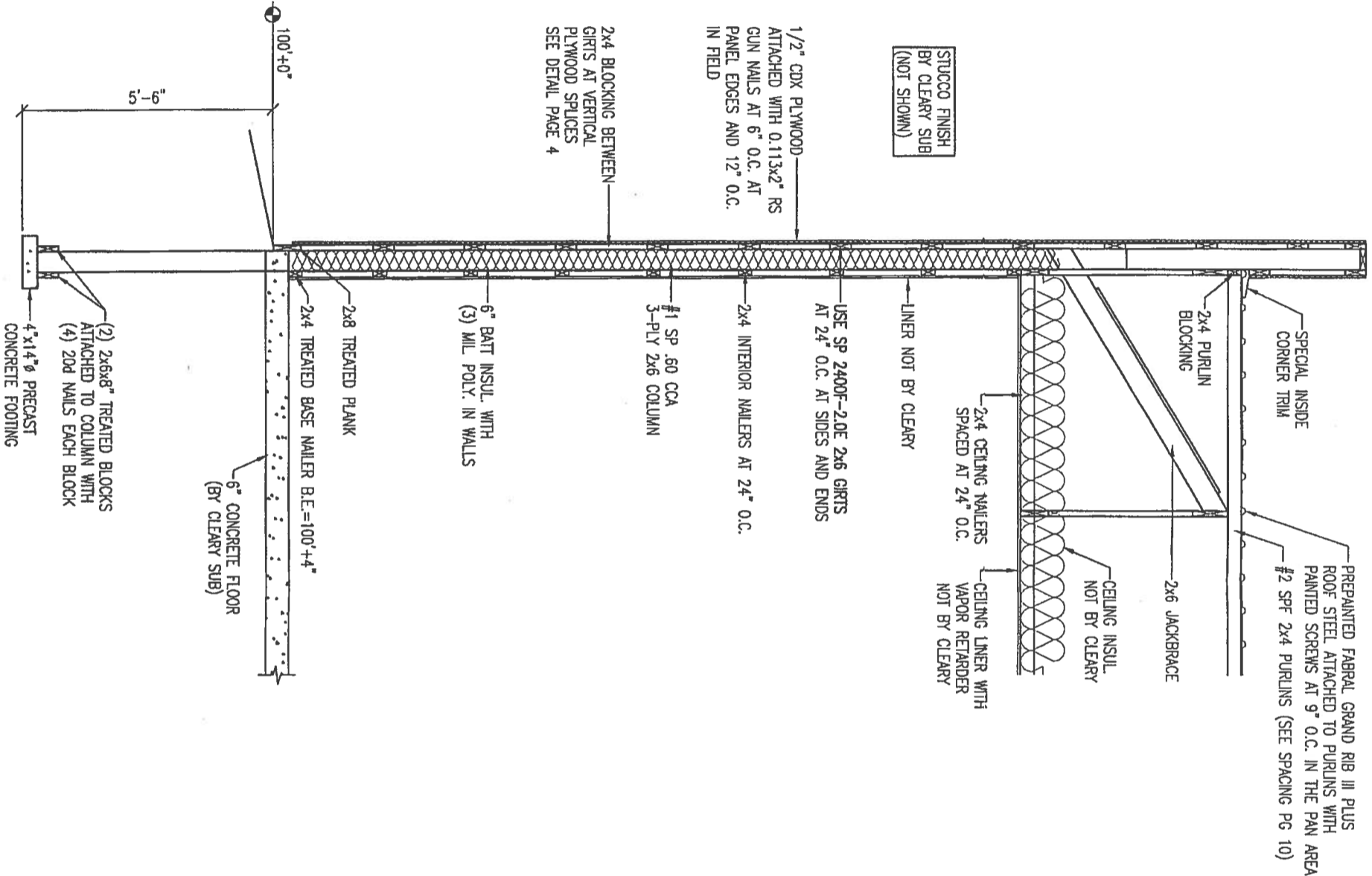
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DRAWN BY:	A. JORENBY	
SCALE:	NONE	
SALES SPECIALIST:	HERRON PUEBLO WEST	
REVISIONS:		
NO.	DATE	BY
1		
2		
3		

MARTINEAU, MARK
 42'x52'x16'-8" COMMERCIAL
 TYPICAL SECTION "D"

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 190 PAUL STREET
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 ClearyBuilding.com

JOB NO.
 2013106605

SHEET
 7 OF 12



CRB-16

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 190 PAOLI STREET
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 VERONA, WI 53593
 (800) 373-3350

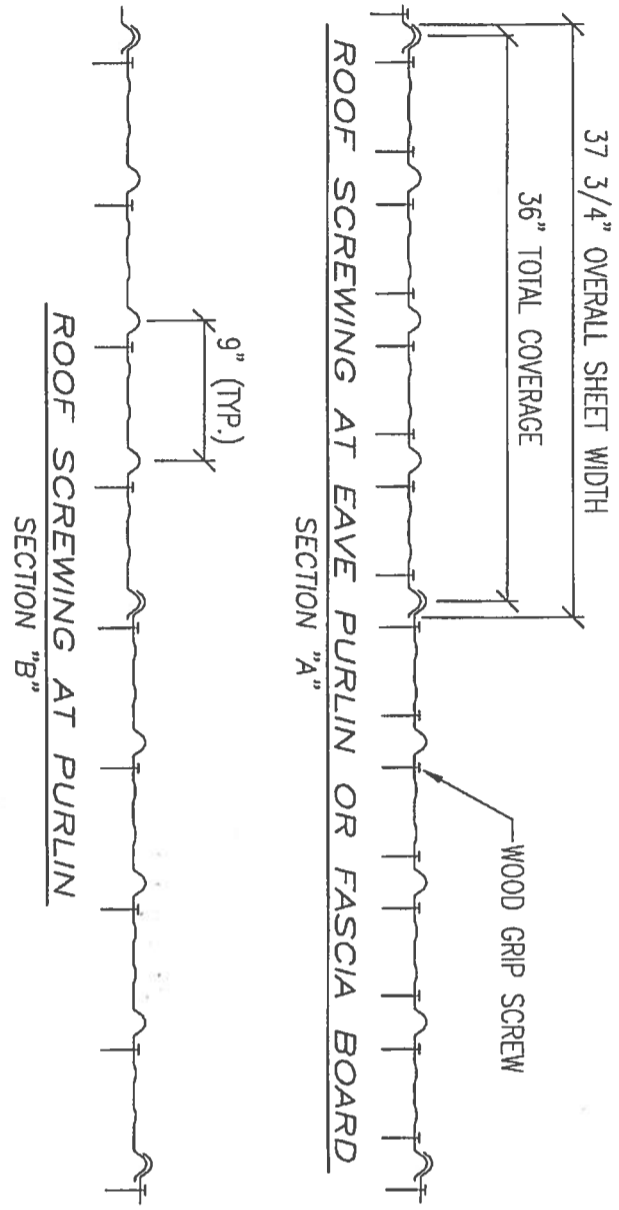
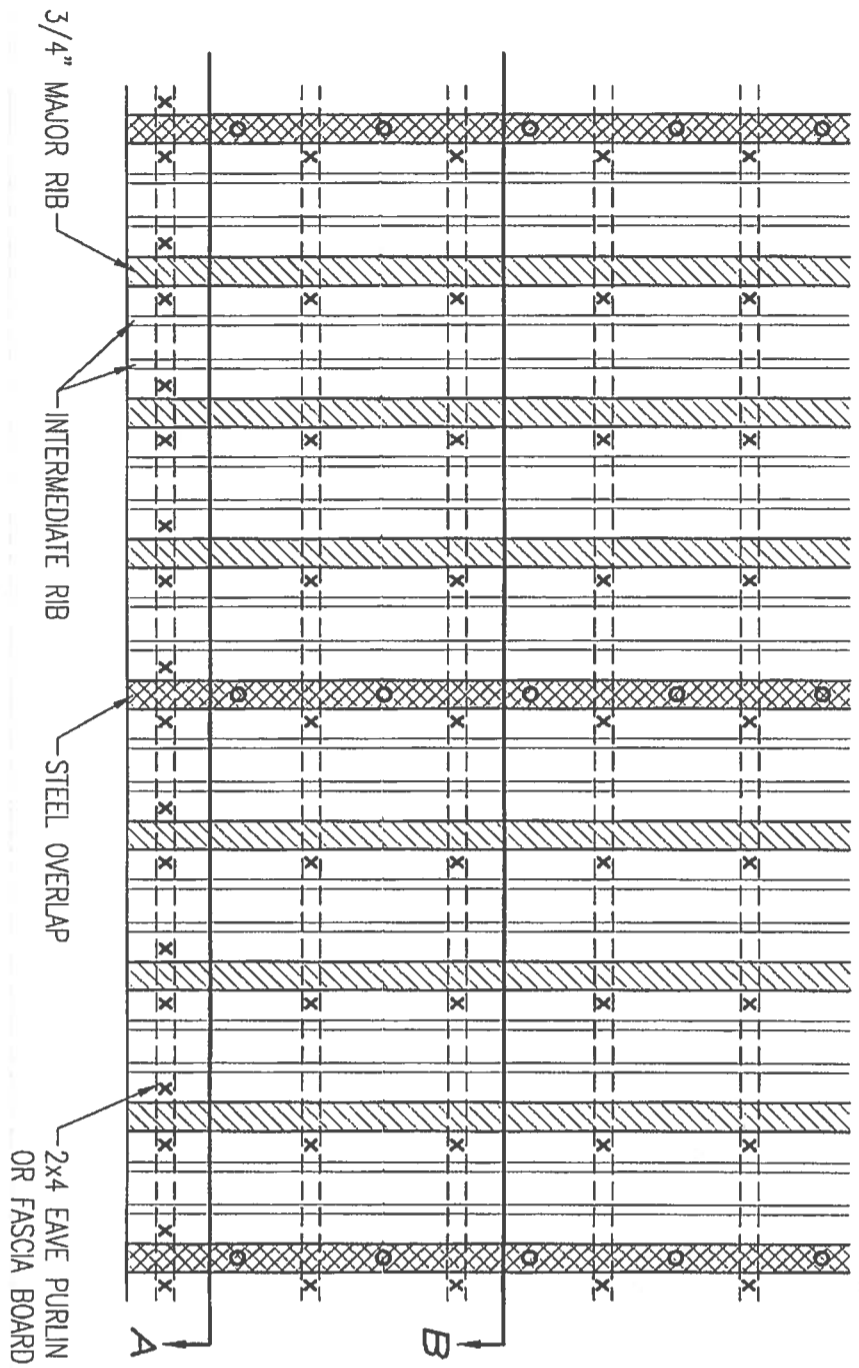
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 2013106605

SHEET
 8 OF 12

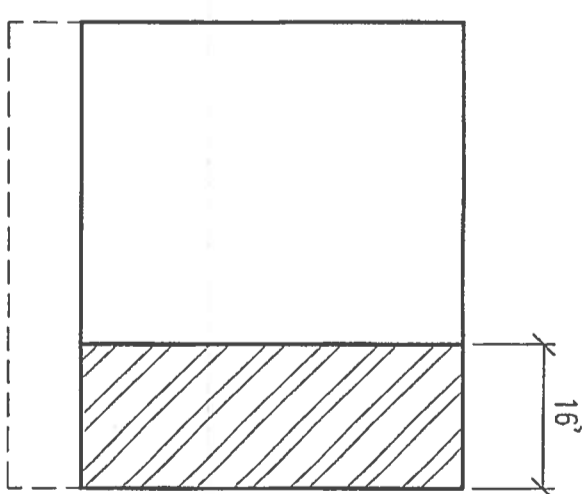
MARTINEAU, MARK
 42'x52'x16'-8" COMMERCIAL

TYPICAL SECTION "E"

DATE:	1/9/14	
DRAWN BY:	A. JORENBY	
SCALE:	NONE	
SALES SPECIALIST:	HERRON PUEBLO WEST	
REVISIONS:		
NO.	DATE	BY
1	---	---
2	---	---
3	---	---

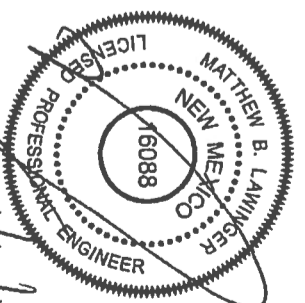


CONSTRUCTION FORMAN NOTE:
 STITCH SCREW TO NEXT STEEL LAP
 BEYOND REQUIRED DISTANCE FROM
 ENDWALL OF BUILDING



 = STITCH SCREW AREA AT 24" O.C.

OSB-17



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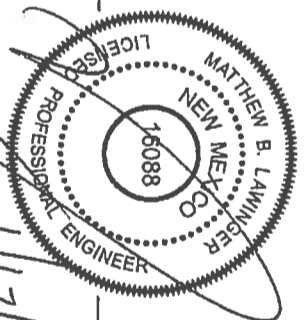
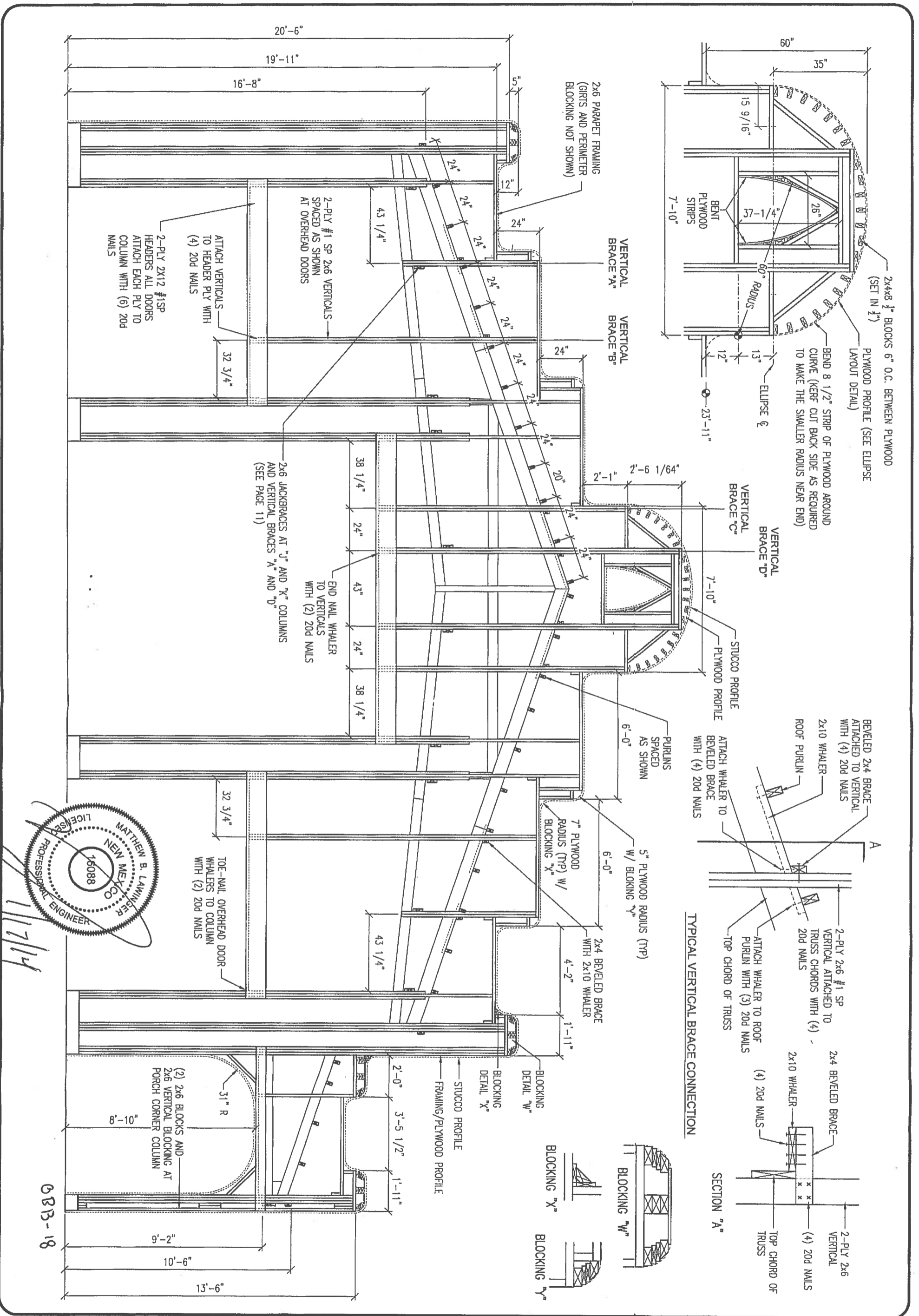
JOB NO.
 2013106605

SHEET
 9 OF 12

MARTINEAU, MARK
 42'x52'x16'-8" COMMERCIAL

STITCH SCREW DETAILS

DATE:	1/9/14	
DRAWN BY:	A. JORENBY	
SCALE:	NONE	
SALES SPECIALIST:	HERRON PUEBLO WEST	
REVISIONS:		
NO.	DATE	BY
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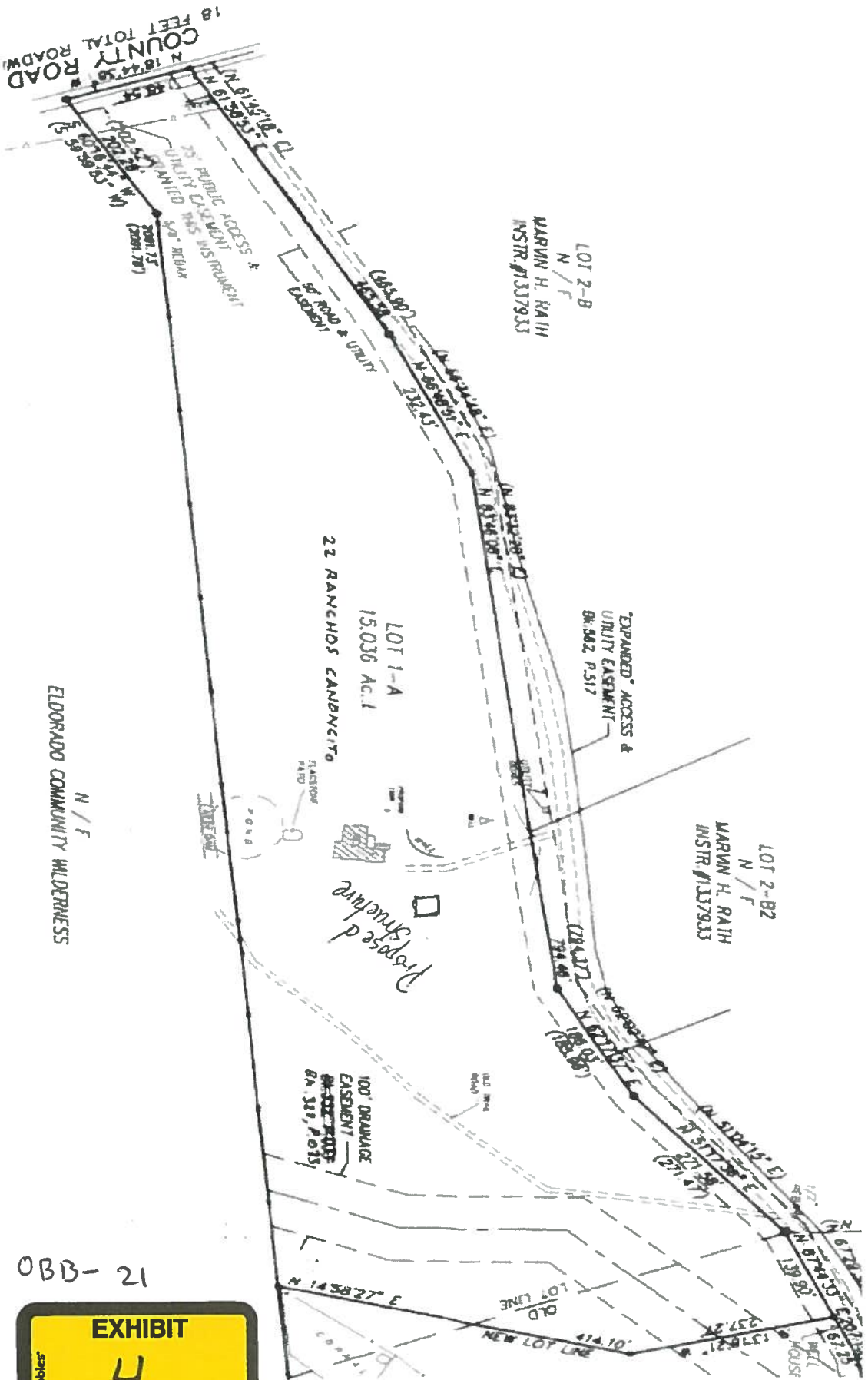
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DRAWN BY:	A. JORENBY	
SCALE:	NONE	
SALES SPECIALIST:	HERRON	
REVISIONS:	PUERTO WEST	
NO.	DATE	BY
1		
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MARTINEAU, MARK
 42'x52'x16'-8" COMMERCIAL
FRAMING DETAILS

CTEARY BUILDING CORP.
 ClearyBuilding.com
 190 PAUL STREET
 P.O. BOX 930220
 VERONA, WI 53593
 (800) 373-5550

JOB NO.
 2013106605

SHEET
 10 OF 12



OBB-21

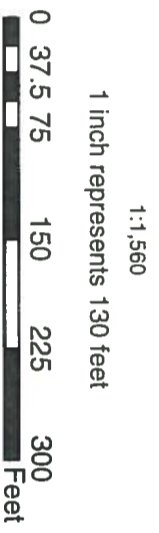
tabbles[®] EXHIBIT 4



Legend

-  ROADS
-  DRIVEWAYS
-  PARCELS

ORB-22



Word Imagery
2 FOOT CONTOURS

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Santa Fe County assumes no liability for
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User are solely responsible for
confirming data accuracy.

tabbles

EXHIBIT

5.



September 9, 201



2014/09/25 09:03

0BB-23

EXHIBIT

6

tabbles

1356822

SANTA FE COUNTY

Ordinance No. 1997 - 4

An Ordinance Amending The Santa Fe County Land Development Code To Clarify The Definition Of Accessory Structure And To Add Language That Allows Accessory Structures In Residential Areas

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

The Board of County Commissioners of Santa Fe County hereby amends Articles II, III and X of the Santa Fe County Land Development Code to add the following language:

Article X , Section 1 - Definitions of Words and Phrases used in the Code

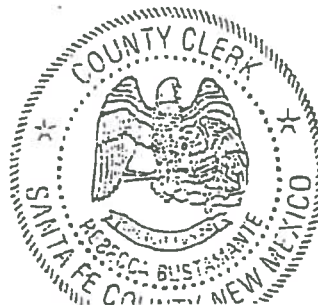
Accessory structure - a structure which is incidental and subordinate to the principal use or structure and shall:

- a. not be used as a dwelling or designed such that it could be converted into a dwelling (i.e., kitchen/cooking facilities, showers, bathtubs, bedrooms);
- b. be non-commercial, except for approved home occupations;
- c. be served by utilities from the principal dwelling, except as otherwise permitted by the Land Use Administrator;
- d. use a shared driveway with the principal dwelling or as otherwise approved by the Land Use Administrator; and
- e. be operated and maintained for the benefit or convenience of the occupants to the principal dwelling.

An accessory structure includes, but is not limited to an office/art studio/workshop, garage or carport for storage of personal vehicles, utility or storage sheds, a stable or barn, or a greenhouse.

COUNTY OF SANTA FE)
STATE OF NEW MEXICO 977 1777
I hereby certify that this instrument was filed
for record on the 21 day of March A.D.
19 97 at 8:37 o'clock A m
and was duly recorded in book 1356
page 822 - 823 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.



03B-24

Article II, Section 2.3.1 Administrative Decisions

1356823

xix. Accessory structures which are 2,000 square feet or less in size. An accessory structure greater than 2,000 square feet shall be submitted with a site plan to the CDRC for approval.

Article III, Section 2 - Residential Uses

2.1 Location of Residential Uses

Residential uses *and accessory structures, as defined herein*, are allowed anywhere in the County provided all of the requirements of the Code are met.

APPROVED, ADOPTED AND PASSED this 11th day of March, 1997, by the Santa Fe County Board of County Commissioners.

Richard D. Anaya
RICHARD D. ANAYA, CHAIRMAN

ATTEST:

Rebecca Bustamante
REBECCA BUSTAMANTE
COUNTY CLERK

APPROVED AS TO FORM:

Steven Kopelman
STEVEN KOPELMAN
COUNTY ATTORNEY



CERTIFICATE OF FILING

I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 1997 - 04, was filed in my office on the 21st day of March, 1997, in book Number 1356 at Page 822 - 823.

SANTA FE COUNTY CLERK

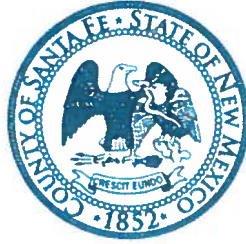
Rebecca Bustamante
REBECCA BUSTAMANTE

OBB-25

Daniel "Danny" Mayfield
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: November 20, 2014

TO: County Development Review Committee

FROM: Mathew Martinez, Development Review Specialist *MM*

VIA: Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # V 14-5340 Luis and Isela Rodriguez Variance

ISSUE:

Luis and Isela Rodriguez, Applicants, request a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow two dwelling units on 2.5 acres

The property is located within the Traditional Historic Community of La Cienega at 92 Camino Montoya, within Section 20, Township 16 North, Range 8 East, (Commission District 3).

SUMMARY:

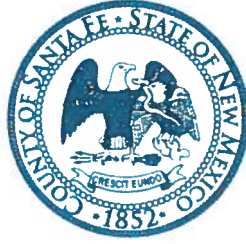
This case is tabled due to insufficient noticing.

NBA - 1

Daniel "Danny" Mayfield
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: November 20, 2014

TO: County Development Review Committee

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

VIA: Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # V 14-5330 Francisco and Arlene Tercero

ISSUE:

Francisco and Arlene Tercero, Applicants, request a variance of Ordinance No. 2007-2 Village of Agua Fria Zoning District), Section 10.6 (Density and Dimensional Standards) to allow a Family Transfer of 1.53 acres into two lots; Both lots consisting of 0.75 acres +/-.

The property is located at 1645 Calle de Quiquido, within Section 32, Township 17, North, Range 9 East, (Commission District 2).

Vicinity Map:



SUMMARY:

The subject lot was created in 1985, via Division of Land, and is recognized as a legal lot of record. Currently there is a residence on the property which was permitted by Santa Fe County as (Permit# 99-1369), that the Applicants son and his family reside in. The Applicants wish to give their son the portion of the property that he resides on and the other lot will be given to the Applicant's other child. The Applicants request a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and Dimensional Standards) to allow a Family Transfer of 1.53 acres into two (2) lots; both lots consisting of 0.75 acres +/- . The Applicants state a variance is needed in order to leave their children with a piece of property of their own.

The minimum lot size in this area is 2.5 acres with 0.25 acre foot water restrictions (Ordinance No. 2007-2 Village of Agua Fria Zoning District, Section 10.6 Density and Dimensional Standards). According to the Office of the State Engineer, the owner of the well on the property is Francisco and Arlene Tercero (Permit RG-64227), which was approved on December 4, 1998. The well permit provides the maximum amount of water that may be appropriated under this permit is 3 acre-feet in any year. At this time the subject property has no water restrictions.

Article II, § 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified." **The variance criteria does not consider financial or medical reasons as extraordinary hardships**

This Application was submitted on September 2, 2014.

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

GROWTH MANAGEMENT AREA: SDA-2

HYDROLOGIC ZONE: Agua Fria Low Density Urban Zone (AFLDUZ), minimum lot size in this area is 2.5 acres per dwelling unit with water restrictions. Lot size can be reduced to 1 acre with community water or community sewer. Lot size can be further reduced 0.5 with community water and community sewer. The request does not meet the minimum lot size requirement for this area. However, the lot would meet lot size requirements with community water and sewer.

FIRE PROTECTION: Agua Fria Fire District.

WATER SUPPLY: Domestic Well; the closest Santa Fe County waterline is approximately 2000 feet from the Applicants lot.

LIQUID WASTE: Conventional Septic System; the closest sewer line (City line) is approximately 2000 feet from the Applicants lot.

VARIANCES: Yes/Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and Dimensional Standards).

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	Fire Prevention Division	Approved with Conditions

STAFF RECOMMENDATION: **Denial of a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and Dimensional Standards).**

If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office **(As per Article III, § 10.2.2).**
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval **(As per Article III, § 2.4.2).**
3. Further division of either tract is prohibited; unless all lots are served by community water and sewer. This shall be noted on the plat **(As Per Article III, Section 10).**
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review **(As per 1997 Fire Code and 1997 Life Safety Code).**

EXHIBITS:

1. Letter of Request
2. Ordinance No. 2007-2 (Village of Agua Fria Zoning District),
Section 10.6 (Density and Dimensional Standards).
3. Site Photographs
4. Site Plan/Plat
5. Aerial of Site and Surrounding Area
6. Letter of Support

**Francisco and Arlene Tercero
11 Apache Ridge Road
Santa Fe, New Mexico 87505**

September 2, 2014

Mike Romero
Santa Fe County Senior Development Specialists

Dear Mike,

This letter is to inform you of our desire to apply for a variances on the property we want to divide and gain approval from the county to proceed with a small lot family transfer. One variance is to be able to divide the 1.53 acre parcel into two $\frac{3}{4}$ acre lots.

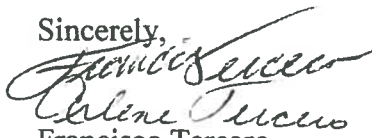
The property is located on West Alameda in the Traditional Historic Village of Agua Fria. The address is 1645 Calle de Quiquido.

The property has a double-wide mobile home on a foundation since November of 1999. We have a gas line set up to accept a second meter, electricity and a well already on this property. The home has a septic waste system approved by the county in 1999 for the existing dwelling as well. The property has the potential to place one other home if the land can be divided. We have eight children and have had the desire to leave each one with a piece of property.

We have asked Armijo Surveys to act as our representative on this. We are available to answer any questions any time and will make ourselves available at the CDRC and the BCC meetings to answer any questions you may have for us.

Thank you for your assistance on this matter. If you have further questions, we can be reached by e-mail or cell phone: arlenetercero@yahoo.com cell #577-7195
franciscotercero@aol.com cell #577-2910

Sincerely,


Francisco Tercero
Arlene Tercero



NBB 5

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 attained. 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

Village of Agua Fria Zoning District																	
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												
	Res Uses	Non Res Uses			Water	Sewer	Both W&S	Residential Uses	Non- residential Uses	Residential Uses		Non Res Uses	Front & Street Side	Interior Side	Rear		
											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.



NBB6