

**Henry P. Roybal**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** March 19, 2015

**TO:** County Development Review Committee

**FROM:** Miguel "Mike" Romero, Senior Development Review Spec. *MTR*

**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 15-5000 Victor Duran Density Variance**

**ISSUE:**

Victor Duran, Applicant, 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 Cieneguilla at 18 Calle Lisa, Within Section 7, Township 16, North, Range 7 East (Commission District 3)

**Vicinity Map:**



## **SUMMARY:**

The subject property, Lot C4 is part of the Vista Land Subdivision, which was created in 1974, and is recognized as a legal lot of record. The Applicant has provided proof of ownership of the property by providing a Warranty Deed which was recorded in the County Clerk's Office June 21, 1977 Book 349 Page 442. Currently the Applicant and his wife reside in the main dwelling unit (2,300 sq. ft.), and the Applicant's son and wife reside in the second dwelling unit ( 1,200 sq. ft.).

The Applicant has stated that a liquid waste system was permitted and installed on the property in 1979 when the residence was constructed. The Applicant has provided an ariel photograph taken in 1981 that illustrates the residence on the property. However, the New Mexico Environment Department (NMED) has no record of the liquid waste system being permitted. Since that time the Applicant has obtained two new septic permits from NMED (SF150014) and (SF150015) to modify the existing liquid waste systems for both the main residence and for the second dwelling unit.

On November 18, 2014, the Building and Development Services Division received a complaint regarding a potential density violation on the subject property. On November 20, 2014, Code Enforcement conducted an inspection on the property. At that time the Applicant was issued a Notice of Violation for Unpermitted Development and Junk Vehicles. The Applicant has stated that in 1995 he converted his garage (permitted in 1988) into a dwelling unit to help provide 24 hour care for his elderly Great Aunt. Since the passing of his Great Aunt the Applicant has allowed his son and his family to reside in the second dwelling unit.

The Applicant states a variance is needed in order to keep the second dwelling unit. The Applicant's wish is to have his elderly father reside in the second dwelling unit along with his son and daughter-in-law to help provide care for his father.

Section 6.25.2 (Review of Applications Requesting Increased Zoning Density) of Ordinance No. 2002-9 states "when examining requests for increases in zoning density, all applicable review bodies shall consider the proposed development's impact on factors such as but not limited to traffic, schools, water, liquid waste, and infrastructure as part of the development review process. It is appropriate requests for increases in zoning density to be denied in the Planning Area if the reviewing body determines that there is a reasonable expectation, based on the evidence presented, that the development would negatively impact the community and/or surrounding neighbors.

An increase in density from one dwelling unit per 10 acres to two dwelling units per 2.5 acres would set a precedent that could negatively impact the community and neighboring properties due to potential water quality issues from the increase in liquid waste disposal and an, overall increase in water use. Increased density would also increase traffic and could create a health safety issue due to the lack of fire protection in the area.

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 criterion does not consider financial or medical reasons as extraordinary hardship.**

**This Application was submitted on January 9, 2015.**

The Applicant has provided sufficient noticing by providing notice in the New Mexican, which was published on February 26, 2015. The Applicant has also provided certified mail receipts (dated February 24, 2015) and certification of posting acknowledgement that the public notice has been posted for 21 days on the property.

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

**APPROVAL SOUGHT:** Approval of a Variance of 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 2.50 acres.

**GROWTH MANAGEMENT AREA: SDA-2**

**HYDROLOGIC ZONE:** The property is located within the Traditional Historic Community of La Cieneguilla Basin Hydrologic Zone and Basin Fringe. Minimum lot size in the Basin Zone is 10 acres per dwelling unit and in the Basin Fringe is 50 acres per dwelling unit. Basin Zone Lot size can be reduced to 2.5 acres per dwelling unit with proof of 100 year water supply through a geohydrology reconnaissance report, and adoption of water use covenants and Basin Fringe lot size can be reduced to 12.5 acres with proof of 100 year water supply through a geohydrology reconnaissance report, and adoption of water use covenants.

**FIRE PROTECTION:** La Cienega Fire District.

**WATER SUPPLY:** Domestic well

**LIQUID WASTE:** Conventional Septic System permitted for the main residence and a Conventional Septic System permitted for the second dwelling unit.

**VARIANCES:** Yes

**AGENCY REVIEW:** Agency: Fire Prevention Recommendation: Approval

**STAFF RECOMMENDATION: Denial of 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.**

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

1. Water use shall be restricted to 0.25 acre feet per year per dwelling unit. A water meter shall be installed for each home within ninety (90) days of recording the order granting the variance. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office at the time of submission for a Development Permit (As per Article III Section 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a Development Permit from the Building and Development Services Division for second dwelling unit within ninety (90) days of recording the final order granting the variance. (As per Article II, Section 2). The placement of additional dwelling units of Division of Land is prohibited on the property. (As per Ordinance No. 2002-9, Section 6.4) (Zoning Density).
3. All Junk Vehicles must be removed from the property within ninety (90) days of recording the final order granting the variance. (As per Ordinance 1993-6).
4. 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).
5. These conditions are precedent to granting of the variance. If the Applicant fails to comply with any conditions set forth above within the time periods provided, the variance shall be denied.

**EXHIBITS:**

1. Letter of request
2. Ordinance No. 2002-9 Section 6.4 (Zoning Density)
3. Article II, Section 3 (Variances)
4. Site Plan
5. Site Photographs
6. Recorded Survey Plat
7. Recorded Warranty Deeds
8. Aerials of Site and Surrounding Area
9. 1981 Aerial Photograph
10. Public Noticing
11. Fire Prevention Letter
12. Letter of Opposition

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1-7-15  
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To Santa Fe County officials, I Victor a. Duran reside @ 18 Calle Lisa in Santa Fe county. On July 19, 1988 I applied for a building permit for a garage structure & completed in February of 1980. I used it for my vehicles part of space for storage, until 1995. I encountered some problems with my Great Aunt who was @ the time approximately 95 years of age and unfortunately got very weak and was placed in the facility called La Residencia. Me and my family had a very close relationship with our aunt and it was very hard to see her so frail. We had no idea how long her stay would be there or if she would gain her health back and be able to leave the care facility @ some time or not. When she was admitted to La Residencia two of my aunts nieces didn't waste any time and took over her residence saying we had 24 hrs. to remove anything we wanted from the house. They did this unbelievable act under a term called an irrevocable trust. The lawyer they had was a very well educated lawyer that knew all the tricks and then some. So after about 3 months that my aunt stayed @ La Residencia, She was going to be released & we didn't know what to do because of what had just happened with her home. We had to come up with something fast & this is where the idea came up of making a place for her to live, out of my garage. We worked out a plan on how things could be arranged & commenced to transform the garage into her home. We had to do this because my aunt had no money & I couldn't afford to place her in another home. My aunt couldn't claim any assistance because on paper she still owned property. The cost then was @ \$3000.00 a month without any extras included. This was just unthinkable. With some help and will power from all involved we transformed my garage into my aunts home, where she could have care close by and be comfortable. It was very hard for her to understand what happened to her home & it took months to get her to understand a little of what took place. So here we are requesting a variance to be able to keep the converted garage as a guest house. My aunt lived to be 99 ½ years of age. Since then we have used it for family in need again & again. Times have been very hard for everyone and the benefit of having this home to lean on in time of need has been a blessing. My father is now 86 & is in not able to care for himself totally on his own so now between family we are planning on rotating a month or more @ a time and this guest house will save a lot of expense. I included a copy of the Vista Land subdivision covenants and I think that when the application was presented to the county for review, these had to have been in place as were all other papers concerning the Vista Land Subdivision. As you look through these recorded documents, you will see two highlighted paragraphs letters "A" & "F" mention covenants regarding a guest house or a studio. When I bought my lot here @ 18 Calle Lisa, I did so because of what the covenants state concerning another dwelling. I am a law abiding citizen, a veteran of Vietnam & I did what I did in converting my garage in order to survive a hardship. I did not intend to break any rules or laws. Because I had the building I thought I could use it as I needed it. I am now working with a licensed company that does septic inspections to satisfy the environmental dept. I will get everything in order that needs to be concerned with to the liking of Santa Fe County. I appreciate your consideration with my request. If there other questions I will provide answers. I thank you for your time and consideration with my request. Sincerely, Victor A Duran



NBA-6

1 plan approval where such approval is required, at the time of adoption of this Ordinance, shall  
2 comply with this ordinance. This Ordinance and standards may be amended from time to time.

3  
4 **6.4 Zoning Density:**

5 **6.4.1 Traditional Community Zoning District:**

6 Maximum density is three quarters of an acre per one dwelling unit (.75 acre). Density  
7 adjustments must follow requirements as outlined in Article III, Section 10 and Article  
8 VII, Section 6 of the Code, as amended, along with all requirements outlined in this  
9 ordinance. The maximum density shall not be increased even when community water and  
10 sewer systems are provided except where density transfer is used to protect sensitive  
11 lands or preserve community assets as described in Section 6.6 and gross density is  
12 maintained. Note: the Traditional Community Zoning District is located within the  
13 Traditional Historic Community boundary but the .75 acre zoning density applies only in  
14 the Traditional Community Zoning District. See attached map b.), *La Cienega*  
15 *Traditional Community Zoning District.*

16 **6.4.2 Basin Zone:**

17 Maximum density in the Basin Zone shall be ten acres per one dwelling unit (10 acres).  
18 With proof of 100 year water supply through a geohydrologic reconnaissance report, and  
19 adoption of water use covenants (See Attachment 1), the maximum density may be  
20 increased to one dwelling unit per 2.5 acres. Density adjustments above one dwelling unit  
21 per 10 acres must follow requirements as outlined in Article III, Section 10 and Article  
22 VII, Section 6 of the Code, as amended, along with all requirements outlined in this  
23 ordinance. The maximum density shall not be increased even when community water and  
24 sewer systems are provided except where density transfer is used to protect sensitive  
25 lands or preserve community assets as described in Section 6.6 and gross density is  
26 maintained.

27 **6.4.3 Basin Fringe Zone:**

28 Maximum density in the Basin Fringe Zone shall be fifty acres per one dwelling unit (50  
29 acres). With proof of 100 year water supply through a geohydrologic reconnaissance  
30 report, and application of water use covenants (See Attachment 1), the maximum density  
31 may be increased to one dwelling unit per 12.5 acres. If an adequate 100 year supply of  
32 water, and no impairment to neighboring wells, is proven by an on-site geohydrological  
33 well test, land may be further divided to a maximum of 2.5 acres per dwelling unit.  
34 Density adjustments above one dwelling unit per 50 acres must follow requirements as  
35 outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended,  
36 along with all requirements outlined in this ordinance. The maximum density shall not be  
37 increased even when community water and sewer systems are provided except where  
38 density transfer is used to protect sensitive lands or preserve community assets as  
39 described in Section 6.6 and gross density is maintained.

40 **6.4.4 Homestead Zone:**

41 Maximum density in the Homestead Zone shall be one hundred and sixty acres per one  
42 dwelling unit (160 acres). With proof of 100 year water supply through a geohydrologic  
43 reconnaissance report, and application of water use covenants (See Attachment 1), the  
44 maximum density may be increased to one dwelling unit per 40 acres. If an adequate 100  
45 year supply of water, and no impairment to neighboring wells, is proven by an on-site  
46 geohydrological well test, land may be further divided to a minimum of 2.5 acres per



NBA-7



**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



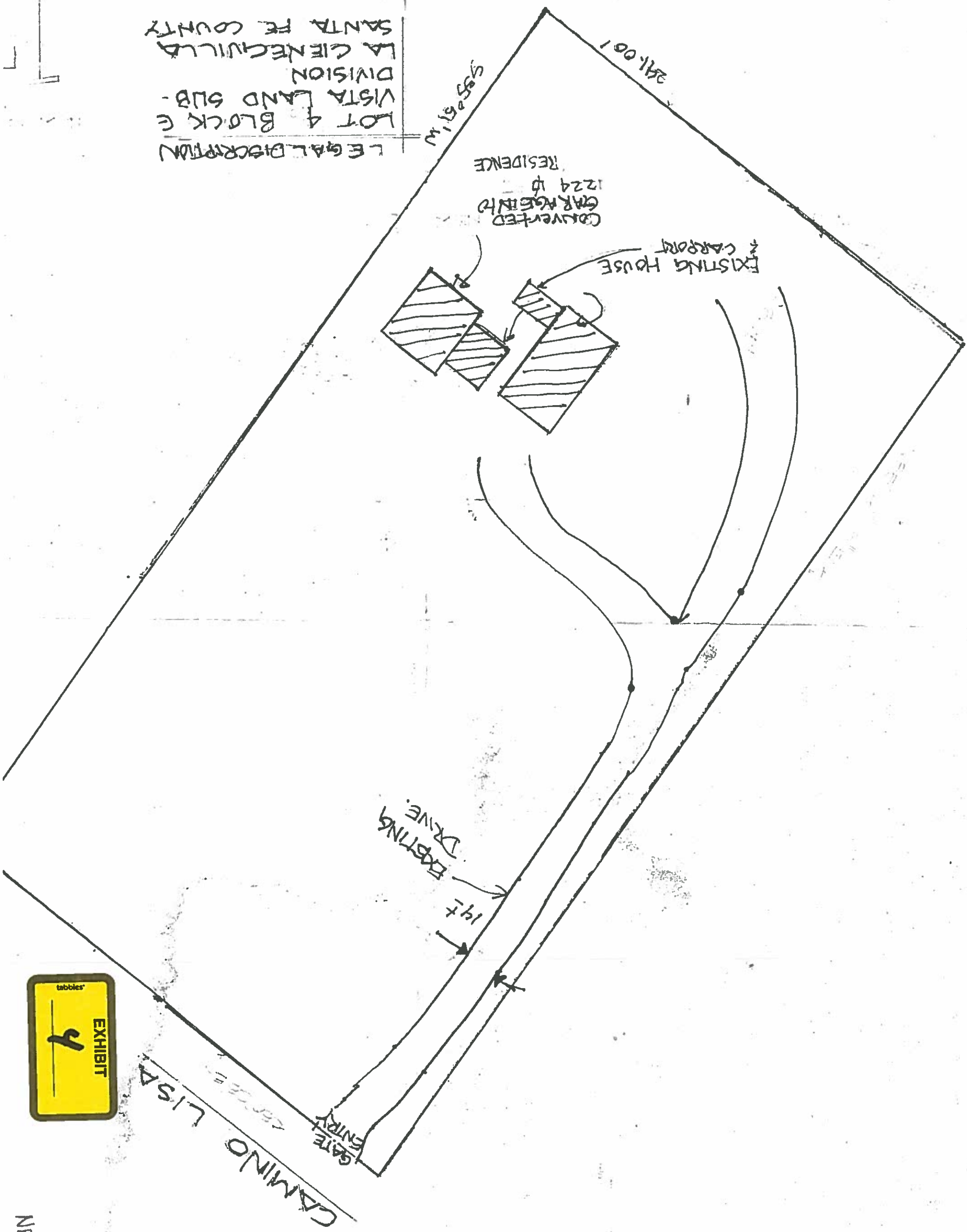


SCALE 1" = 40'

PLOT PLAN



LEGAL DESCRIPTION  
LOT 4 BLOCK E  
VISTA LAND SUB-  
DIVISION  
LA CIENEGUILLA  
SANTA FE COUNTY



NBA-9



NBA-10



NBA-11





NBA-12



NBA-13



# VISTA LAND SUBDIVISION SHEET 1 OF 2

13°30' Magnetic  
Declination (1952)



T.1GN.  
R.8E.  
Sec.8

Sec.17

Tie to intersection of Sec.8 & Sec.17  
West Boundary of Granaguita Grant

N 82°31' W  
1552.0'

### 20' DRAINAGE EASTMENTS

ARROYO 'A'	ARROYO 'B'	ARROYO 'C'
a-b N69°01'E 208'	a-b N39°24'E 100'	a-b N83°44'E 190'
b-c S82°38'E 73'	b-c N18°36'W 120'	b-c N62°41'E 580'
c-d N83°38'E 183'	c-d N18°54'E 140'	c-d N11°16'E 275'
d-e N53°20'E 183'	d-e N18°24'E 150'	d-e N18°25'E 157'
e-f S51°53'E 128'	e-f N18°54'E 125'	e-f N51°00'E 195'
f-g N44°22'E 132'	f-g S73°26'E 2500'	f-g N29°47'E 308'
g-h S59°34'E 355'		g-h N81°23'E 310'
h-i S63°02'E 308'		Channel change Lot 3, Block 10
i-j S87°30'E 51'		e-i S31°35'E 100'
j-k S51°14'E 48'		
k-l S84°37'E 131'		
l-m S78°01'E 298'		
m-n N75°32'E 149'		
n-o S80°12'E 100'		
o-p N20°37'E 68'		
p-q S87°41'E 142'		
q-r N72°19'E 325'		
Branch to S.E.		
m-s S38°00'E 120'		
s-t S 49°33'E 388'		

CO. OF SANTA FE  
STATE OF NEW MEXICO

I hereby certify that the above is a true and correct copy of the original as recorded in the County Clerk's Office of Santa Fe County, N.M., and was duly recorded to book 35, page 10 of the records of Santa Fe County.

Witness my Hand and Seal of Office  
CAROLINA E. GONZALES  
County Clerk, Santa Fe County, N.M.

1952

Scale: 1" = 200'

### CURVE DATA

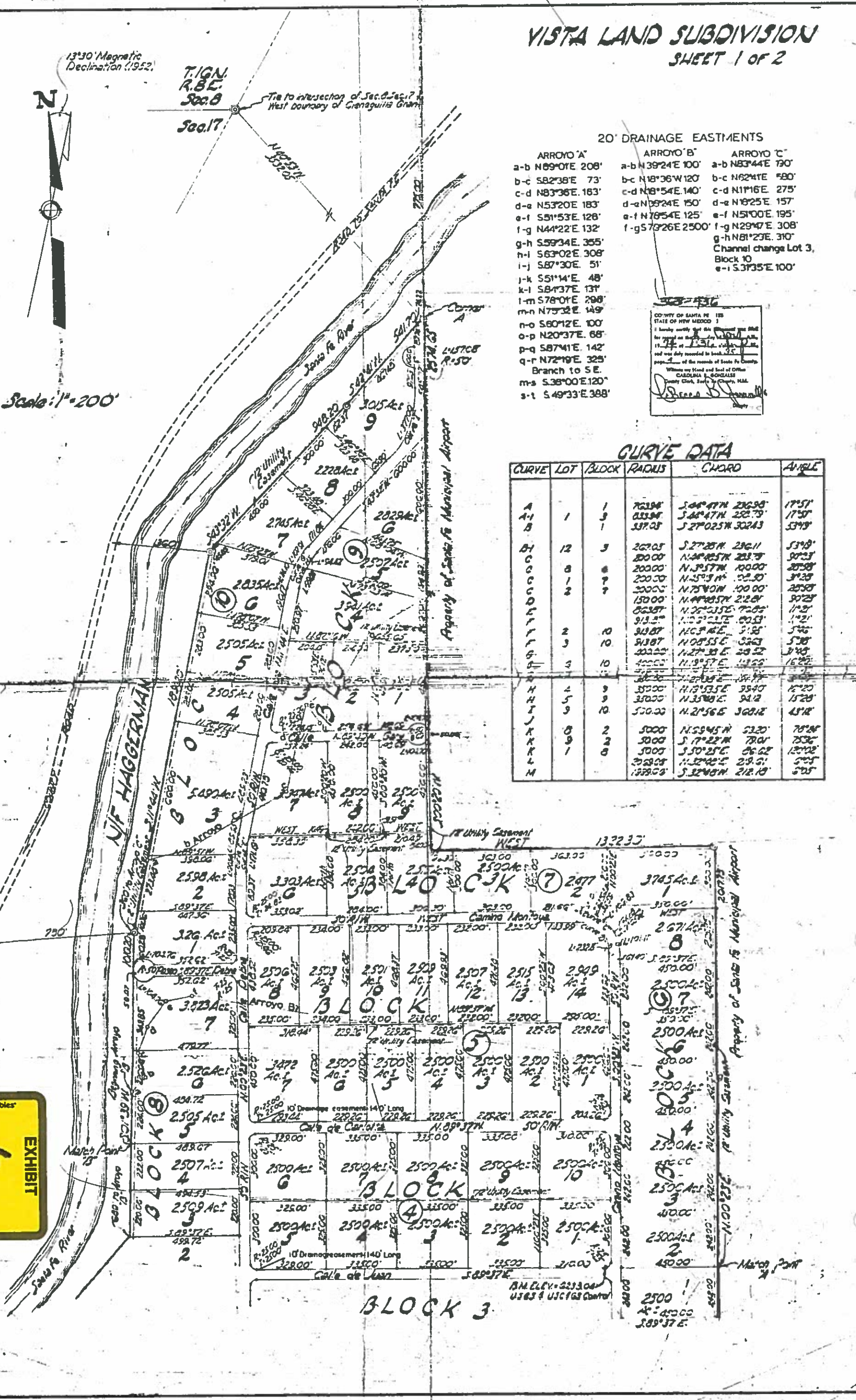
CURVE	LOT	BLOCK	RADIUS	CHORD	ANGLE
A	1	1	76394	S 44° 47' N 28698'	17° 51'
B	1	1	83394	S 44° 47' N 28698'	17° 51'
C	1	1	33708	S 27° 02' N 30243'	53° 19'
D	12	3	26705	S 27° 28' N 28611'	53° 18'
E	8	4	20000	N 34° 45' N 28379'	90° 23'
F	1	4	20000	N 35° 37' N 10000'	20° 58'
G	2	4	20000	N 35° 37' N 10000'	31° 33'
H	3	4	20000	N 75° 40' N 10000'	20° 58'
I	4	4	15000	N 44° 45' N 21201'	30° 28'
J	5	4	86387	N 26° 21' S 7200'	11° 21'
K	6	4	91327	N 25° 32' E 6053'	11° 21'
L	7	4	34387	N 63° 42' E 3138'	5° 26'
M	8	4	34387	N 63° 42' E 3138'	5° 26'
N	9	4	30322	N 27° 33' E 2852'	3° 45'
O	10	4	40000	N 19° 37' E 11222'	16° 22'
P	11	4	30322	N 27° 33' E 2852'	3° 45'
Q	12	4	30322	N 27° 33' E 2852'	3° 45'
R	13	4	30322	N 27° 33' E 2852'	3° 45'
S	14	4	30322	N 27° 33' E 2852'	3° 45'
T	15	4	30322	N 27° 33' E 2852'	3° 45'
U	16	4	30322	N 27° 33' E 2852'	3° 45'
V	17	4	30322	N 27° 33' E 2852'	3° 45'
W	18	4	30322	N 27° 33' E 2852'	3° 45'
X	19	4	30322	N 27° 33' E 2852'	3° 45'
Y	20	4	30322	N 27° 33' E 2852'	3° 45'
Z	21	4	30322	N 27° 33' E 2852'	3° 45'
AA	22	4	30322	N 27° 33' E 2852'	3° 45'
AB	23	4	30322	N 27° 33' E 2852'	3° 45'
AC	24	4	30322	N 27° 33' E 2852'	3° 45'
AD	25	4	30322	N 27° 33' E 2852'	3° 45'
AE	26	4	30322	N 27° 33' E 2852'	3° 45'
AF	27	4	30322	N 27° 33' E 2852'	3° 45'
AG	28	4	30322	N 27° 33' E 2852'	3° 45'
AH	29	4	30322	N 27° 33' E 2852'	3° 45'
AI	30	4	30322	N 27° 33' E 2852'	3° 45'
AJ	31	4	30322	N 27° 33' E 2852'	3° 45'
AK	32	4	30322	N 27° 33' E 2852'	3° 45'
AL	33	4	30322	N 27° 33' E 2852'	3° 45'
AM	34	4	30322	N 27° 33' E 2852'	3° 45'
AN	35	4	30322	N 27° 33' E 2852'	3° 45'
AO	36	4	30322	N 27° 33' E 2852'	3° 45'
AP	37	4	30322	N 27° 33' E 2852'	3° 45'
AQ	38	4	30322	N 27° 33' E 2852'	3° 45'
AR	39	4	30322	N 27° 33' E 2852'	3° 45'
AS	40	4	30322	N 27° 33' E 2852'	3° 45'
AT	41	4	30322	N 27° 33' E 2852'	3° 45'
AU	42	4	30322	N 27° 33' E 2852'	3° 45'
AV	43	4	30322	N 27° 33' E 2852'	3° 45'
AW	44	4	30322	N 27° 33' E 2852'	3° 45'
AX	45	4	30322	N 27° 33' E 2852'	3° 45'
AY	46	4	30322	N 27° 33' E 2852'	3° 45'
AZ	47	4	30322	N 27° 33' E 2852'	3° 45'
BA	48	4	30322	N 27° 33' E 2852'	3° 45'
BB	49	4	30322	N 27° 33' E 2852'	3° 45'
BC	50	4	30322	N 27° 33' E 2852'	3° 45'
BD	51	4	30322	N 27° 33' E 2852'	3° 45'
BE	52	4	30322	N 27° 33' E 2852'	3° 45'
BF	53	4	30322	N 27° 33' E 2852'	3° 45'
BG	54	4	30322	N 27° 33' E 2852'	3° 45'
BH	55	4	30322	N 27° 33' E 2852'	3° 45'
BI	56	4	30322	N 27° 33' E 2852'	3° 45'
BJ	57	4	30322	N 27° 33' E 2852'	3° 45'
BK	58	4	30322	N 27° 33' E 2852'	3° 45'
BL	59	4	30322	N 27° 33' E 2852'	3° 45'
BM	60	4	30322	N 27° 33' E 2852'	3° 45'
BN	61	4	30322	N 27° 33' E 2852'	3° 45'
BO	62	4	30322	N 27° 33' E 2852'	3° 45'
BP	63	4	30322	N 27° 33' E 2852'	3° 45'
BQ	64	4	30322	N 27° 33' E 2852'	3° 45'
BR	65	4	30322	N 27° 33' E 2852'	3° 45'
BS	66	4	30322	N 27° 33' E 2852'	3° 45'
BT	67	4	30322	N 27° 33' E 2852'	3° 45'
BU	68	4	30322	N 27° 33' E 2852'	3° 45'
BV	69	4	30322	N 27° 33' E 2852'	3° 45'
BW	70	4	30322	N 27° 33' E 2852'	3° 45'
BX	71	4	30322	N 27° 33' E 2852'	3° 45'
BY	72	4	30322	N 27° 33' E 2852'	3° 45'
BZ	73	4	30322	N 27° 33' E 2852'	3° 45'
CA	74	4	30322	N 27° 33' E 2852'	3° 45'
CB	75	4	30322	N 27° 33' E 2852'	3° 45'
CC	76	4	30322	N 27° 33' E 2852'	3° 45'
CD	77	4	30322	N 27° 33' E 2852'	3° 45'
CE	78	4	30322	N 27° 33' E 2852'	3° 45'
CF	79	4	30322	N 27° 33' E 2852'	3° 45'
CG	80	4	30322	N 27° 33' E 2852'	3° 45'
CH	81	4	30322	N 27° 33' E 2852'	3° 45'
CI	82	4	30322	N 27° 33' E 2852'	3° 45'
CJ	83	4	30322	N 27° 33' E 2852'	3° 45'
CK	84	4	30322	N 27° 33' E 2852'	3° 45'
CL	85	4	30322	N 27° 33' E 2852'	3° 45'
CM	86	4	30322	N 27° 33' E 2852'	3° 45'
CN	87	4	30322	N 27° 33' E 2852'	3° 45'
CO	88	4	30322	N 27° 33' E 2852'	3° 45'
CP	89	4	30322	N 27° 33' E 2852'	3° 45'
CQ	90	4	30322	N 27° 33' E 2852'	3° 45'
CR	91	4	30322	N 27° 33' E 2852'	3° 45'
CS	92	4	30322	N 27° 33' E 2852'	3° 45'
CT	93	4	30322	N 27° 33' E 2852'	3° 45'
CU	94	4	30322	N 27° 33' E 2852'	3° 45'
CV	95	4	30322	N 27° 33' E 2852'	3° 45'
CW	96	4	30322	N 27° 33' E 2852'	3° 45'
CX	97	4	30322	N 27° 33' E 2852'	3° 45'
CY	98	4	30322	N 27° 33' E 2852'	3° 45'
CZ	99	4	30322	N 27° 33' E 2852'	3° 45'
DA	100	4	30322	N 27° 33' E 2852'	3° 45'

tabbles

**6**

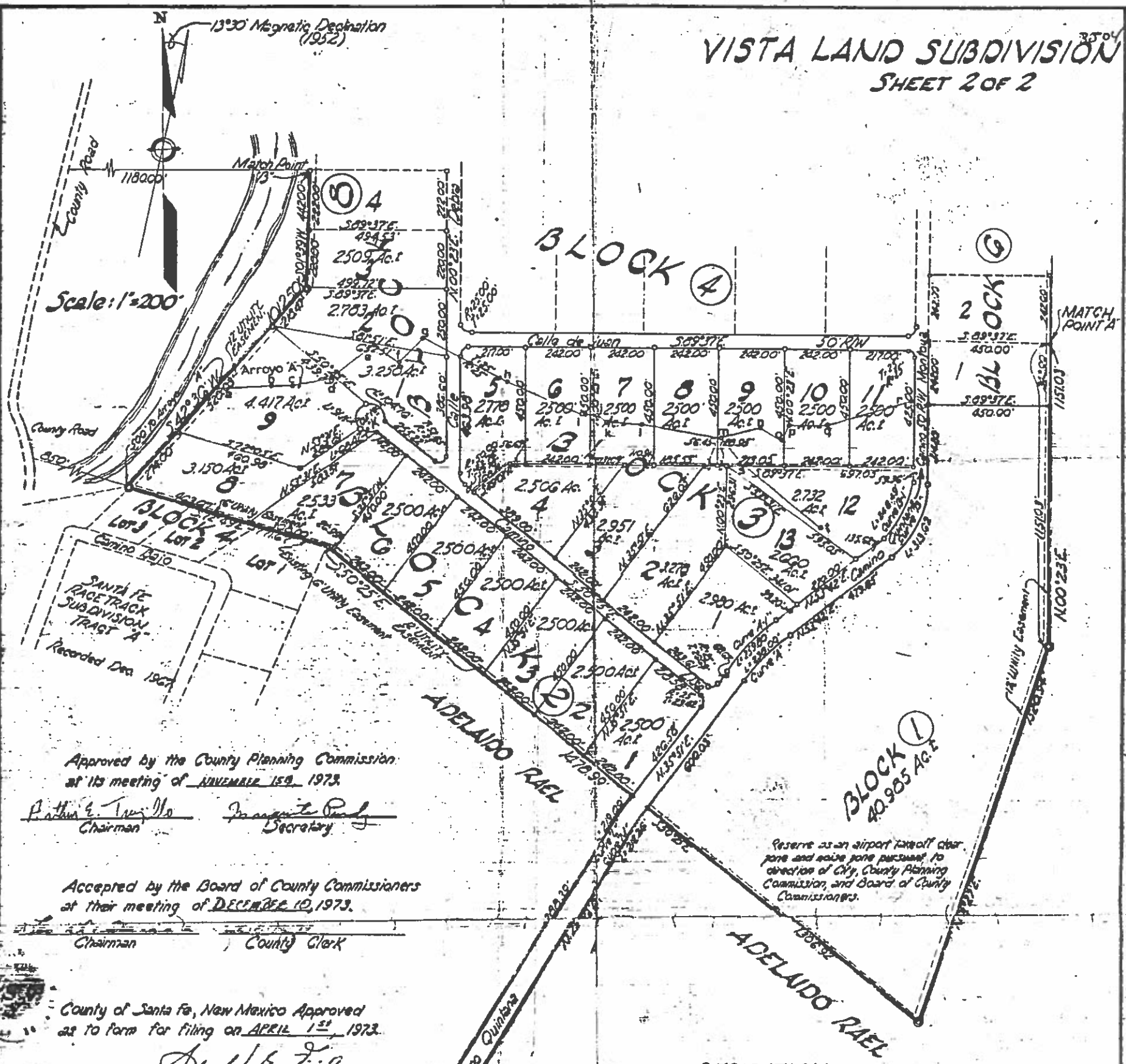
**EXHIBIT**

NBA-14  
SHEET 1





VISTA LAND SUBDIVISION  
SHEET 2 OF 2



Approved by the County Planning Commission  
at its meeting of NOVEMBER 15<sup>th</sup>, 1973.

Arthur E. Trujillo Chairman  
Francisco Quintero Secretary

Accepted by the Board of County Commissioners  
at their meeting of DECEMBER 10<sup>th</sup>, 1973.

Chairman County Clerk

County of Santa Fe, New Mexico Approved  
as to form for filing on APRIL 1<sup>st</sup>, 1973.

Donald E. Lutz  
County Surveyor

Reserve as an airport taxi-off ramp  
and taxi-off ramp pursuant to  
direction of City, County Planning  
Commission, and Board of County  
Commissioners.

**CERTIFICATE**

I certify that the plat and  
description appearing hereon  
were made from field notes  
taken under my supervision  
and direction and that the  
same truly represent, to  
the best of my knowledge  
and belief, the properties  
as herein described.

Joe A. Trujillo March 10, 1972  
N.M.L.S.A. 3853

CITY OF SANTA FE, NEW MEXICO

Approved by CITY ENGINEER Francisco Quintero  
Approved by CITY PLANNER Francisco Quintero

Approved by the CITY PLANNING COMMISSION at its  
meeting of NOVEMBER 15<sup>th</sup>, 1973.  
Arthur E. Trujillo Chairman  
Francisco Quintero Secretary

STATE OF NEW MEXICO) ss  
COUNTY OF SANTA FE)

My Commission expires October 28, 1975

Attest RP Montoya  
Secretary

B.R. Quintana  
President  
Vista Land Co.

The foregoing instrument was acknowledged before me  
this 20th day of March, 1972, by B.R. Quintana  
President of Vista Land Co., a New Mexico  
Corporation, on behalf of said corporation.

Antonia B. Martinez  
Notary Public

**AFFIDAVIT**

I hereby certify that this subdivision lies inside the planning and platting jurisdiction of the City of Santa Fe, New Mexico.

Attest Francisco Quintero  
Secretary

B.R. Quintana  
President  
Vista Land Co.

Subscribed and sworn to before me this 20th day of  
March, 1972 by B.R. Quintana President of Vista  
Land Co.

Antonia B. Martinez  
Notary Public

**UTILITY COMPANIES**

Anthony W. With B. Gonzalez Edith L. Jones  
Mountain States Telephone Public Service Co. Southern Utah Gas Co.  
of New Mexico

STATE OF NEW MEXICO) ss  
COUNTY OF SANTA FE)

My Commission expires October 28, 1975

NBA-15

WARRANTY DEED (Joint Tenants)

349442

VISTA LAND COMPANY, A New Mexico Corporation

to Victor A. Duran for consideration paid, grant

whose address is P. O. Box 2605

Santa Fe, New Mexico 87501

and Geraldine R. Duran, his wife

whose address is P. O. Box 2605

Santa Fe, New Mexico 87501

as joint tenants the following described real estate in Santa Fe County, New Mexico:

Lot 4, Block 2 of the VISTA LAND SUBDIVISION recorded 2 April 1974 as Document Number 363436 in the Office of The Santa Fe County Clerk in Santa Fe, New Mexico.

Subject to Reservations, Restrictions and Easements of Record.



404,361

STATE OF NEW MEXICO )
COUNTY OF SANTA FE )SS
Witness My Hand and Seal of Office
DANNY ORTIZ
County Clerk, Santa Fe County, N.M.

I hereby certify that this instrument was filed for record on the 21st day of June A.D. 1977 at 2:41 o'clock P.M. and was duly recorded in my book 249 page 47 in the records of Santa Fe county.

Manuel L. Williams DEPUTY



with warranty covenants. WITNESS OUR hands and seals this 17th day of June 1977

ATTEST: (Seal) VISTA LAND COMPANY (Seal)

Richard P. Montoya (Seal) Secretary By: Bennett J. Santana (Seal) President

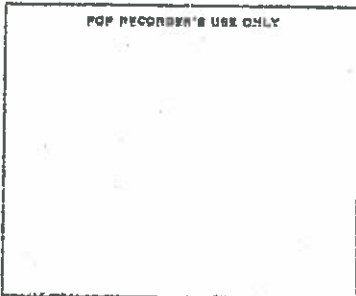
ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO )
COUNTY OF ) ss.

The foregoing instrument was acknowledged before me this day of 19

by (Name or Names of Person or Persons Acknowledging)

My commission expires: (Seal) Notary Public



ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO )
COUNTY OF SANTA FE ) ss.

The foregoing instrument was acknowledged before me this 17th day of June 1977

by: Barrate R. Quintana (Name of Officer) President Vista Land Company (Name of Corporation Acknowledging)

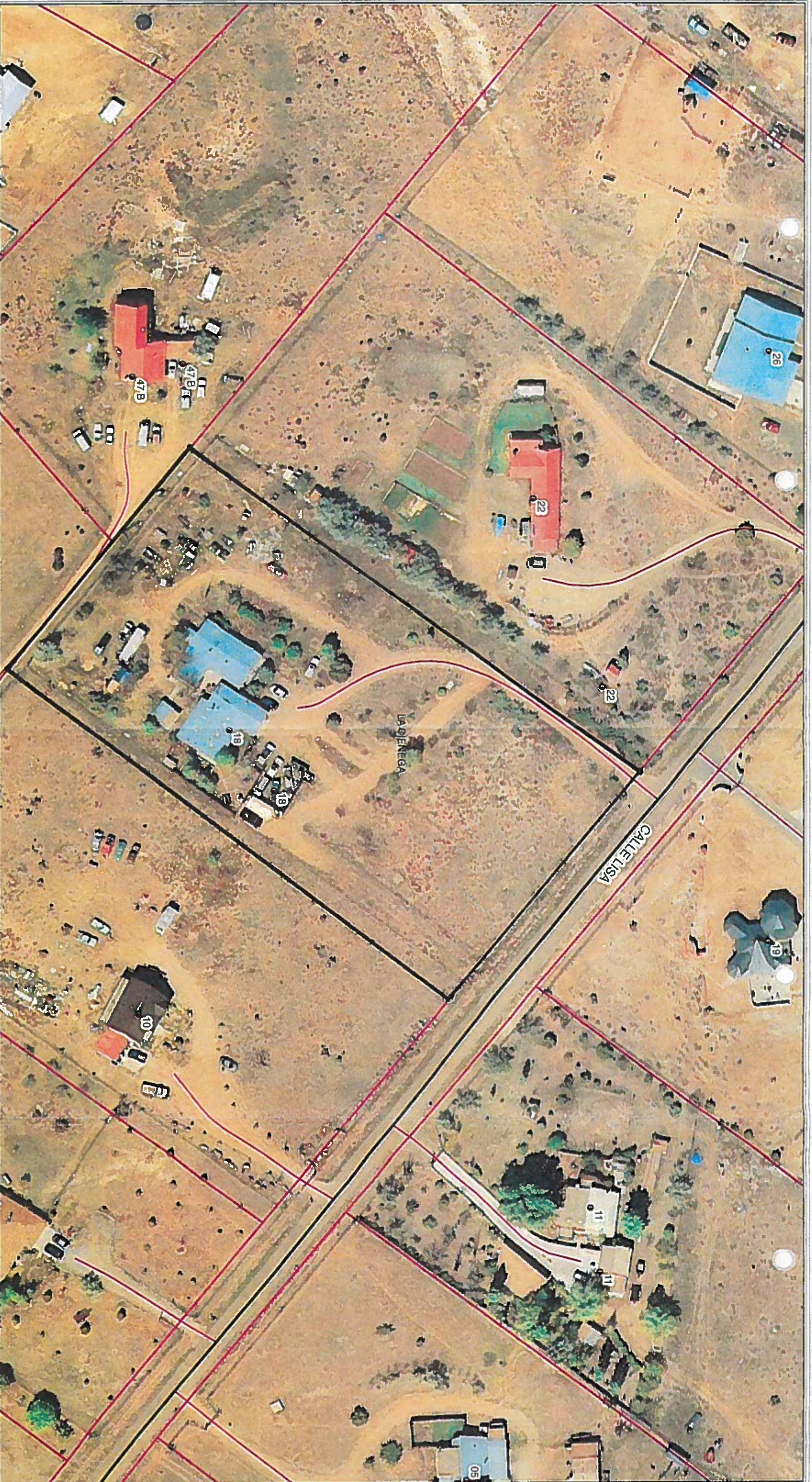
(Title of Officer) (State of Incorporation) corporation, on behalf of said corporation.

My commission expires: September 26, 1979



NBA-16





**Legend**

-  ROADS
-  DRIVEWAYS
-  PARCELS

1:900  
1 inch represents 75 feet



2008 Imagery  
2 FOOT CONTOURS

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of this data. User are solely responsible for confirming data accuracy.

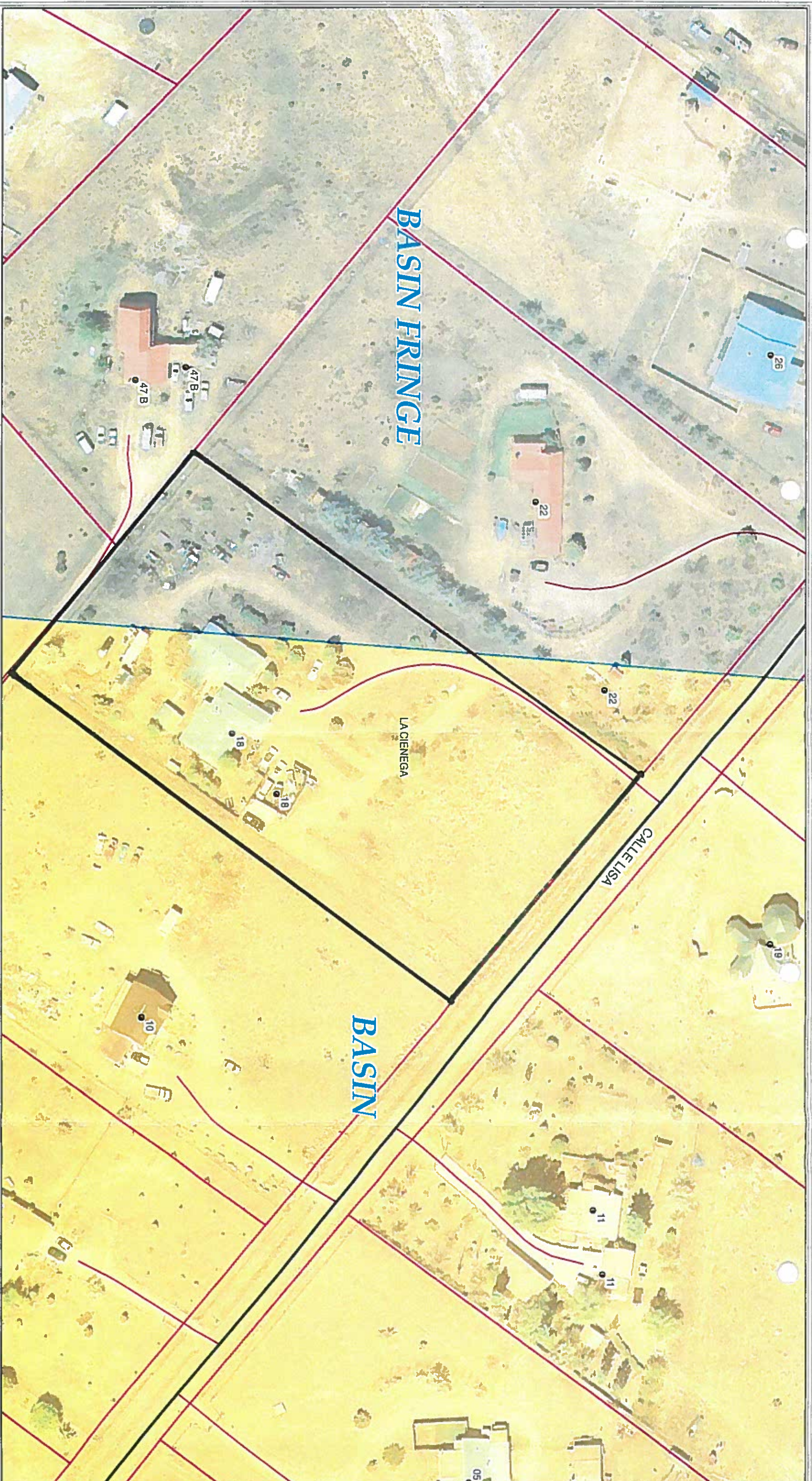


February 11, 2015









**Legend**

-  ROADS
-  DRIVEWAYS
-  PARCELS

1:900  
1 inch represents 75 feet



2008 Imagery  
2 FOOT CONTOURS

This information is for reference only.  
Santa Fe County assumes no liability for  
errors associated with the use of these data.  
User are solely responsible for  
confirming data accuracy.



February 11, 2015



EXHIBIT  
9

NEA-20





Calle Debra

Calle Lisa

#18 Calle Lisa

Camino Montoya

The newspapers of **New Mexico** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web ([www.PublicNoticeAds.com](http://www.PublicNoticeAds.com)), not scattered among thousands of government web pages.

**County:** Santa Fe  
**Printed In:** Santa Fe New Mexican  
**Printed On:** 2015/02/26

Legal# 98036

Notice is hereby given that a public hearing will be held to consider a request by Victor Duran, Applicant, for a variance of Ordinance No. 2002-9, (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional 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 Cieneguilla at 18 Calle Lisa, Within section 7, township 16, North, Range 8 East (Commission District 3).

A public hearing will be held in the County Commission Chambers of the Santa Fe, New Mexico on the 19th day of March 2015, at 4:00 p.m. on a petition to the County Development Review Committee and on May 12, 2015, at 5:00 p.m. before the Board of County Commissioners

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action.

All comments, questions and objections to the proposal may be submitted to the County Land use Administrator in writing to P.O. Box 276 Santa Fe, N.M. 87504-0276; or presented in person at the hearing.

Published in the SantaLEGAL # 98035

STATE OF NEW MEXICO COUNTY OF Santa Fe  
FIRST JUDICIAL DISTRICT COURT

IN THE MATTER OF A PETITION FOR CHANGE OF NAME OF  
Amthony Andres Lopez-Apen, A CHILD

Case No.: D-61-CV-201500445

NOTICE OF CHANGE OF NAME

TAKE NOTICE that in accordance with the provisions of Sec. 40-8-1 through Sec. 40-8-3 NMSA 1978 et. seq. the Petitioner Andres Lopez Carmona will apply to the Honorable DAVID K. THOMSON, District Judge of the First Judicial District at the Santa Fe Judicial Complex, 225 Montezuma Ave., in Santa Fe, New Mexico at 1:45 p.m. on the 27th day of April, 2015 for an ORDER FOR CHANGE OF NAME of the child Amthony Andres Lopez-Apen to Anthony Andres Lopez-Apen

STEPHEN T. PACHECO,  
District Court Clerk  
By: Rachel Vannoy  
Deputy Court Clerk

Submitted by:  
Andres Lopez



NBA-22

CERTIFICATION OF POSTING

I herby certify that the public notice posting regarding Land Development  
Case # V/15-5000 was posted for 21 days on the property beginning  
The 26 day of FEBRUARY. \*\*

Victor Duran  
Signature

\*Photo of posting must be provided with certification

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

STATE OF NEW MEXICO }  
  }  
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of  
February, 2015, By Victor Duran.

E. Duran  
Notary Public

My Commission Expires:  
4/29/17



NBA-24

### PUBLIC NOTICE

Notice is hereby given that an application has been filed with Santa Fe County for a **WARRANT OF DEPORTANCE NO 2002-9 (LA CENEA & LA CENEA LUNA TRADITIONAL COMMUNITY PLANNING AREA & LA CENEA GOVERNMENTAL COMMUNITY ZONING DISTRICT SECTION 6.4 / ZONING DESIGNATION RUDOW TRADITIONAL UNITS ON 2.5 ACRES.**

Name of Applicant: **VICTOR DURAN**  
Address of Request: **1801 W. LISA**  
Legal Description: Section **1**  
Range **6 EAST** Township **16 NORTH**  
A **PUBLIC HEARING** will be held at the **Old Santa Fe County Courthouse** corner of Palace and Grant Avenues, Santa Fe, New Mexico on **the 19th** day of **March 2002** at **4pm** before the **CURR & ON THE** **Panel of Hear, 2002, RT 6, pm before the BCC**  
Further information can be obtained by contacting the Land Use Department, P.O. Box 276, Santa Fe, NM 87504  
Phone: (505)998-4225, Development Permit # **12-5000**





WELCOME TO  
LA CIENEGA  
PLEASE  
DRIVE SLOWLY

**WARNING**  
An eye is a precious organ. It can be damaged by chemicals, dust, and dirt. Always wear eye protection when working with chemicals or in dusty areas. **WASH YOUR EYES** if you get chemicals or dust in your eyes. **SEEK MEDICAL ATTENTION** immediately if you experience eye irritation or pain.

**WARNING**  
DANGER  
KEEP OFF

NO  
PETS  
OR  
VEHICLES

NBA-25



NBA-810



**Clear**reality

**PUBLIC NOTICE**

Notice is hereby given that an application has been filed with Santa Fe County for a VARIANCE OF ORDINANCE 2002-9/1A CENTEGA & LA CENEGUILLA. APPLICANT: COMMUNITY PLANNING AREA'S A CENEGUILLA (REDTOWNAL COMMUNITY ZONING DISTRICT) SECTION 6.4 (ZONING DENSITY) TO BUILD TWO DWELLING UNITS ON 2.9 ACRES. Name of Applicant: VICTOR DURAN. Address of Request: 18 CALE LISA. Legal Description: Section 71 Township 10 North Range 8 East.

**PUBLIC HEARING**

A Public Hearing will be held at the Santa Fe County Courthouse corner of Palace and Government, Santa Fe, New Mexico on the 19th day of April 2015 at 4pm before the Code Audit and Planning Commission. Further information can be obtained by contacting the Land Use Department, P.O. Box 278, Santa Fe, New Mexico (505)966-0225. Development Permit # 10 0000.

Development Permit # 10 0000





**LEGAL# 98036**

Notice is hereby given that a public hearing will be held to consider a request by Victor Duran, Applicant, for a variance of Ordinance No. 2002-9, (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional 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 Cieneguilla at 18 Calle Lisa, Within section 7, township 16, North, Range 8 East (Commission District 3).

A public hearing will be held in the County Commission Chambers of the Santa Fe, New Mexico on the 19th day of March 2015, at 4:00 p.m.

Continued...

on a petition to the County Development Review Committee and on May 12, 2015, at 5:00 p.m. before the Board of County Commissioners

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action.

All comments, questions and objections to the proposal may be submitted to the County Land use Administrator in writing to P.O. Box 276 Santa Fe, N.M. 87504-0276; or presented in person at the hearing.

Published in the Sant Fe New Mexican on February 26 2015

*NBA-28*



VICTOR DURAN  
18 CALLE LASA  
SANTA FE, NM 87507

ACCOUNT: 21201  
AD Number: 00000110835  
Legal No. 98036  
(1) Times 52.30  
AFFIDAVIT 10.00  
TAX: 5.10  
TOTAL: 67.40

AFFIDAVIT OF PUBLICATION

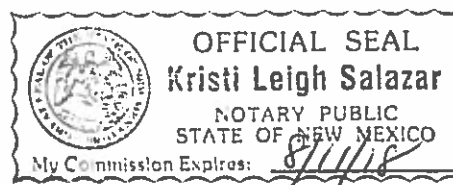
STATE OF NEW MEXICO  
COUNTY OF SANTA FE

I, W. Barnard, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, and Los Alamos, in the State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the legal No. 98036 copy of which is here to attached was published in said newspaper 1 day(s) between 02/26/2015 and 02/26/2015 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 26th day of February, 2015 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

/s/ [Signature]  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 25th day of February, 2015.

Notary [Signature]  
Commission Expires: August 11, 2018



NBA-29

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
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Postage	\$ 0.49	0500 03 Postmark Here
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Return Receipt Fee (Endorsement Required)	\$1.35	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.14</b>	

02/24/2015

Sent To *PHIL SANCHEZ*  
 Street, Apt. No., or PO Box No. *11 Calle Lisa*  
 City, State, ZIP+4 *SANTA Fe NM 87507*

PS Form 3800, August 2006 See Reverse for Instructions

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Return Receipt Fee (Endorsement Required)	\$1.35	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.14</b>	

02/24/2015

Sent To *MARGARET WILBARI*  
 Street, Apt. No., or PO Box No. *10 Calle Lisa*  
 City, State, ZIP+4 *SANTA Fe NM 87507*

PS Form 3800, August 2006 See Reverse for Instructions

**U.S. Postal Service™**  
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Certified Fee	\$3.30	
Return Receipt Fee (Endorsement Required)	\$1.35	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.14</b>	

02/24/2015

Sent To *DAN HADJIL*  
 Street, Apt. No., or PO Box No. *22 Calle Lisa*  
 City, State, ZIP+4 *SANTA Fe NM 87507*

PS Form 3800, August 2006 See Reverse for Instructions

Sent To *R. Ballester*  
 Street, Apt. No., or PO Box No. *19 Calle Lisa*  
 City, State, ZIP+4 *SANTA Fe NM 87507*

Postage	\$ 0.49	0500 03 Postmark Here
Certified Fee	\$3.30	
Return Receipt Fee (Endorsement Required)	\$1.35	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.14</b>	

02/24/2015

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Certified Fee	\$3.30	
Return Receipt Fee (Endorsement Required)	\$1.35	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.14</b>	

02/24/2015

**U.S. Postal Service™**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

SANTA FE NM 87502

Postage	\$ 0.49	0500 03 Postmark Here
Certified Fee	\$3.30	
Return Receipt Fee (Endorsement Required)	\$1.35	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.14</b>	

02/24/2015

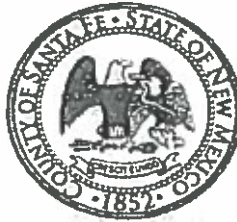
Sent To *LA CIENEGA VALLEY ASSOCIATION*  
 Street, Apt. No., or PO Box No. *PO BOX 23554*

7013 3020 0000 4636 3652

Henry P. Roybal  
 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 Submittal Review

Date	1/28/2015	
Project Name	Duran, Victor	
Project Location	18 Calle Lisa	
Description	Variance of Density	Case Manager John Lovato
Applicant Name	Victor Duran	County Case # 15-5000
Applicant Address	PO Box 15728 Santa Fe, NM 87592	Fire District La Cienega
Applicant Phone	505-690-0533	
Review Type	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>
	Wildland <input checked="" type="checkbox"/>	Variance <input checked="" type="checkbox"/>
	Sprinklers <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
	Final <input type="checkbox"/>	Inspection <input type="checkbox"/>
		Lot Split <input type="checkbox"/>
Project Status	Approved <input checked="" type="checkbox"/>	Approved with Conditions <input 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.**

#### 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.*



## Urban-Wildland Interface

*SFC Ordinance 2001-11, Urban Wildland Interface Code*

This development's location is rated within a "Moderate 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**

Optional.

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**

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

- **Permits**

As required



## Miguel Romero

---

**From:** Roger MORROW <santafeforestry@msn.com>  
**Sent:** Saturday, March 07, 2015 5:28 PM  
**To:** Miguel Romero  
**Subject:** FW: La Cienegilla Lot Split

---

**From:** [santafeforestry@msn.com](mailto:santafeforestry@msn.com)  
**To:** [pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov)  
**Subject:** La Cienegilla Lot Split  
**Date:** Mon, 2 Mar 2015 11:55:32 -0700

Dear Ms. Ellis-Green; my wife Lynn and I are long time residents of La Cienegilla and built our home here because of the rural aspect of the area. We have appreciated the tightness of this community due to the restrictions of available lots and the county rules depicting one family residence per each 2.5 acre lot. These regulations have made this a community where we know a large percentage of the current residents and we take care of each other and work together for our mutual benefits. Now it has been brought to my attention that a lot owner has petitioned the county to allow a split of his acreage to accommodate a second dwelling on that lot. I ask you, formally and please, to respect our current community status and to refuse this petition and all future requests to crowd our peaceful neighborhood. We appreciate all that the county has rendered to us in road services, law protection and the "traditional village" designation that has helped to keep this a very pleasant place to live. Thank you for all your efforts.

Sincerely yours,

Roger A. Morow

PS. Mr. Romero, the lot involved is at 18 Calle Lisa. A Mr. Archuleta informed me I should send this to you. Pretty soon everyone on the county payroll will hear from me if this keeps getting passed along. Where does the buck stop? My neighbors and I are a bit frustrated about this entire matter. Some of them think there is another attempt to move trailers into our community.

