

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

**Anna Hansen**  
Commissioner, District 2

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



**Anna T. Hamilton**  
Commissioner, District 4

**Ed Moreno**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** November 6, 2017

**TO:** Santa Fe County Planning Commission

**FROM:** John Lovato, Sr. Development Review Specialist

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

**FILE REF.:** CASE # APP 17-5300 Pita Lujan Revocable Trust Appeal

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**ISSUE:**

Pita V. Lujan Revocable Trust, Appellant, Joseph Karnes, Agent, requests an appeal to the Santa Fe County Planning Commission, Appealing the Santa Fe County Land Use Administrators decision to approve an 8' fence (permit #17-481). The property is 0.372 acres and located at 1063 State Road 503 within Section 17, Township 20 North, Range 10 East, Commission District 1. SDA-2

**Vicinity Map:**



Site Location

## SUMMARY:

On September 11, 2017, a permit was issued to Florinda Vigil to place an 8' wooden fence along her northern property boundary. The Applicant was made aware that an Application was filed to appeal the proposed fence. The Application for an Appeal was submitted on September 13, 2017, within the five (5) days allowed by Chapter 4, Section 4.5.2 of the SLDC.

The Appellants agent states, "On behalf of the Appellant, owner of the land at 1035 State Road 503, which is adjacent to the Vigil property, this constitutes an appeal of the application to construct an 8- foot tall wooden fence in the vicinity of the common property line." The Appellants agent further states, "The basis of the appeal is that the fence is proposed to be located within the Lujan property. The Applicant has no right to construct a fence on the Lujan property and the County has no power to approve such a fence."

Staff response: The basis in which the Applicants are appealing the Santa Fe County Land Use Administrators decision is off a Plat entitled The Plat of Boundary Survey for Floraida Vigil and Sabino S. Vigil and Andrella T. Vigil (Book 815, Page 6). This Plat contains a Public notice which states The Santa Fe County Land Use Administrator has not reviewed this plat of survey before its filing in the office of the County Clerk. The plat states, This plat is not being filed for the purpose of creating a subdivision or new lots, altering the boundaries of any existing lots or for the purpose of "development" as defined in the Santa Fe County Land Development Code, Extraterritorial Zoning Ordinance or Extraterritorial Subdivision regulations. This statement does not in any way represent official County approval of this plat. Therefore, the plat does not prove legal lot of record. (Exhibit 4)

In 1981, the Santa Fe County Land Development Code became effective and governed all development occurring in Santa Fe County. Any land division, subdivision, family transfer, or other exemption required a plat to be recorded and approved by Santa Fe County. If a lot was created prior to 1981, then a plat or deed which was recorded prior to 1981, is considered a legal lot of record.

Staff has reviewed plat entitled "Proper survey of Santo Domingo de Cundiyo Grant" as recorded on March 15, 1976, in the records of the Santa Fe County Clerk as Document # 385,704 (Exhibit 3). This was the plat that the County used as basis for approving the permit as it demonstrates legal lot of record. However, both the Public Notice plat and Legal Lot of Record plat show the same boundaries and the fence is located within the property boundary and is not encroaching on the Appellants property. The permit was also reviewed under Chapter 7.4.1 (General Access and Easements) and was found to be in conformance with the requirements and in conformance with Chapter 7.7 Fences and walls as the height and material of the fence meet Code criteria. Therefore, a permit was issued.

The applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9 (SLDC), which govern this Application are the following

Chapter 4.5.2, Appeals of an Administrative Decision of the Administrator. (Exhibit 7)

Notice requirements were met as per Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC. In advance of a hearing on the Application, the Applicant provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for fifteen days on the property, beginning on October 31, 2017. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on November 1, 2017, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record.

This Appeal was submitted on September 13, 2017, within the five (5) days allowed by Chapter 4, Section 4.5.2 of the SLDC. (Exhibit 7)

**RECOMMENDATION:**

Chapter 4.5.2, states, "An aggrieved person with standing may appeal the decision of the Administrator to approve, deny or approve with conditions an application to the Planning Commission."

Staff recommends upholding the Santa Fe County Land Use Administrator's decision. The permit as approved was based on the 1976 survey plat which established the property boundaries. The proposed fence is located within the Applicant's property along the property line.

**EXHIBITS:**

1. Letter of Appeal
2. Aerial of Site
3. Plat (Legal Lot of record)
4. Public Notice Plat
5. Plans
6. Development Order
7. Chapter 4.5.2 (Appeal of LUA)
8. Chapter 4.5.1 Applicability
9. Notice

# SOMMER KARNES & ASSOCIATES LLP

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Santa Fe, New Mexico 87504-2476

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johnf@sommerkarnes.com  
Of Counsel

September 13, 2017

VIA Hand Delivery and Email

Vicki Lucero, Senior Planner  
102 Grant Street  
Santa Fe, NM 87501

**Re: Appeal of Administrative Decision – Permit # 17-481  
1063 NM State Road 503, Cundiyo, NM (the “Vigil Property”)  
Appellant: Pita V. Lujan, Trustee of the Pita V. Lujan Revocable Trust**

Dear Vicki:

On behalf of the Appellant, owner of the land at 1065 State Road 503 (the “Lujan Property”), which is adjacent to the Vigil Property, this letter constitutes an appeal of the application to construct an 8-foot tall wooden fence in the vicinity of the common property line. Pursuant to a telephone call from Erika in Growth Management, the permit was issued on September 11, 2015 and this appeal is timely based on SLDC section 4.5.2.

The basis of the appeal is that the fence is proposed to be located within the Lujan Property. The Applicant has no right to construct a fence on the Lujan Property and the County has no power to approve such a fence.

The Plat of Boundary Survey (Book 815, Page 6, the “Armijo Survey”) includes the following Note of surveyor Paul Armijo addressing the common property line: “Ms. Floraida Vigil provided a deed dated January 1, 1921 which describes in Spanish the property and house conveyed from L. Vigil and G. Chavez to Esquipula Vigil. Floraida Vigil stated to me the intent of this 1921 deed was to include the property and house as shown hereon. Floraida Vigil does not believe the lot line passes through the house as shown on the 1976 survey filed in Plat Book 45, Page 3.”

Such parol evidence does not control over The Santo Domingo de Cundiyo Grant Property Survey, which encompasses 50 tracts within the Grant (the “Grant Survey”). Mr. Armijo’s Plat of Survey recorded on March 18, 2017 was neither reviewed nor approved by Santa Fe County. Neither the Armijo Plat, nor the ha [redacted] added with the application are adequate



NBB-4

SOMMER, KARNES & ASSOCIATES, LLP

Vicki Lucero  
September 13, 2017  
Page 2 of 2

to determine the location of the common property line.

The controlling authority with respect to the common property line is the Grant Survey. Reliance by the County on the Armijo Survey would be misplaced and will implicate the County in any decision to approve construction of the proposed fence within the Lujan Property. The County did not either review or approve the Armijo Survey and neither it nor any of the materials submitted as part of the application accurately describe the common property line, along which the fence is proposed to be constructed.

Furthermore, the deed for the Vigil Property referenced on the Armijo Plat (Msc. Book 1482, page 272, attached as Exhibit A), references the Grant Survey as the legal description of the Vigil Property! The Armijo Survey references the Grant Survey and then alters the common property line shown and described on the Grant Survey based on nothing more than self-serving parol evidence provided by Floraida Vigil, which evidence is directly contrary to the Grant Survey.

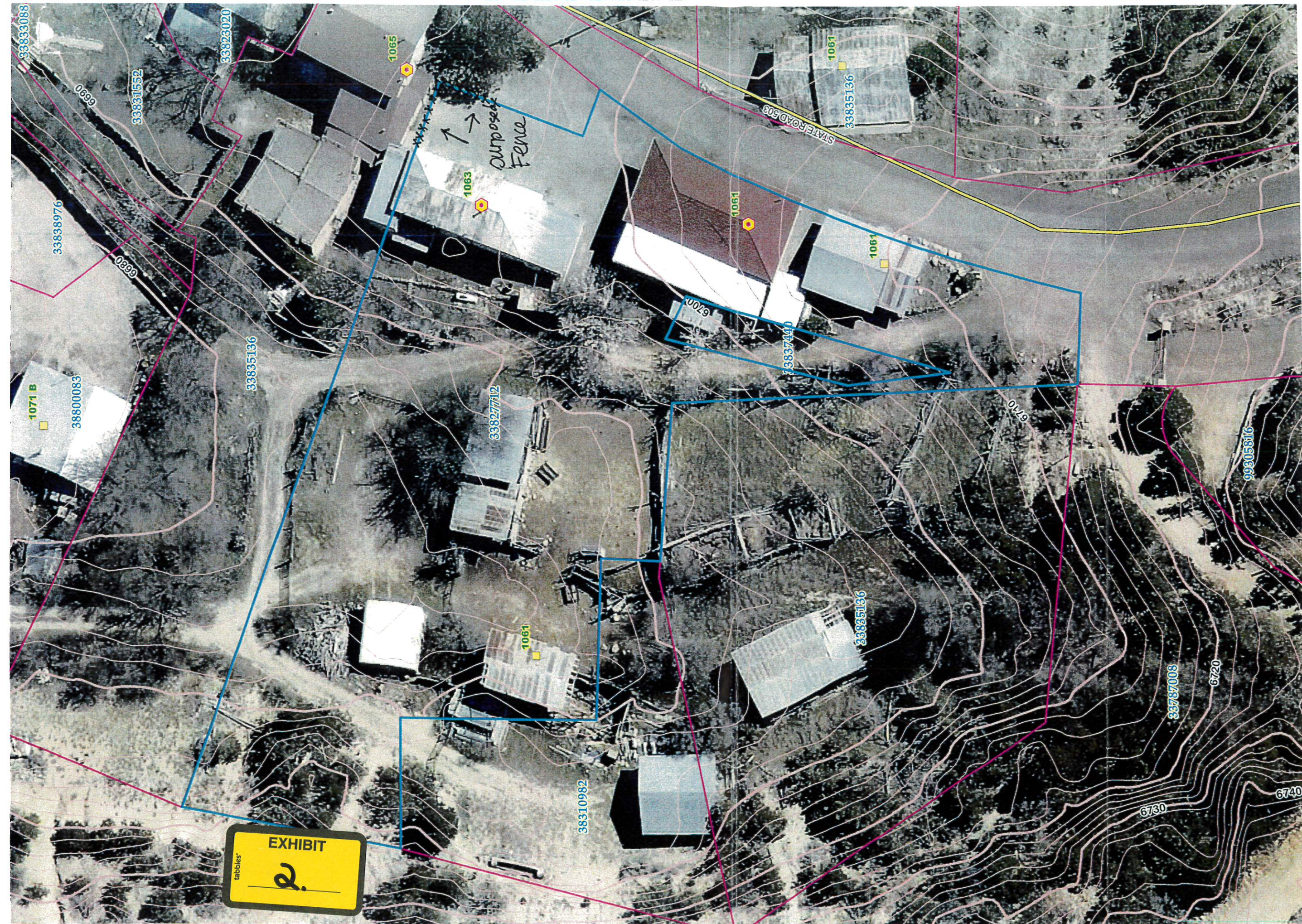
This appeal requests that the administrative decision to approve the application be reversed, and the decision denied. Please let me know when the hearing on this Appeal is scheduled.

Sincerely,

  
Joseph M. Karnes

NBB-5





tabbies®  
**EXHIBIT**  
**2.**

**Parcels**  
 Elevation Isolines  
 7400 Foot Elevation  
 7800 Foot Elevation

**0.2 % Annual Chance Flood Hazard**  
 2012 Zone A (No BFEs Determined)  
 2012 Zone AE  
 2012 Floodways  
 2012 Zone AO  
 2012 Zone D

**Roads**  
 Incorporated Area

**Scale:**  
 1:360  
 1 inch represents 30 feet

**Feet**  
 20 10 0 20 40 60 80

**SITE PLAN**

**NBB-6**

**SANTA FE COUNTY**

Aerial Photography from 2017  
 Contour Interval 2 Feet (source: 2001)  
 North American Vertical Datum 1988

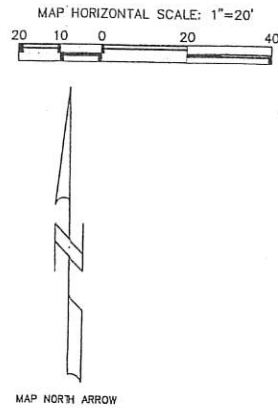
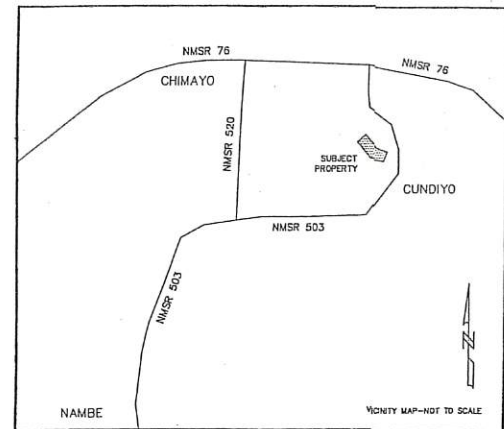
This information is for reference only.  
 Santa Fe County assumes no liability for  
 errors associated with the use of these data.  
 Users are solely responsible for  
 confirming data accuracy.

August 18, 2017









Plat of Boundary Survey prepared for  
 Floraica Vigil and Sabino S. Vigil and Andreita T. Vigil  
 BOUNDARY SURVEY OF TRACT 28 AND TRACT 29, LAST DESCRIBED ON SURVEY PLAT FILED IN  
 SANTA FE COUNTY CLERK PLAT BOOK 45, PAGE 3  
 TRACT 28 AND 29 WITHIN A PORTION OF THE SANTO DOMINGO DE CUNDIYO GRANT  
 PROJECTED SECTION 17, T20N, R10E, NMPM  
 TRACT 28 AND 29 LOCATED AT NO. 1061 AND 1063 STATE ROAD 503, IN THE VILLAGE OF CUNDIYO  
 COUNTY OF SANTA FE, STATE OF NEW MEXICO

815006

Document No. 1820070  
 COUNTY CLERK'S INSTRUMENT BLOCK  
 COUNTY OF SANTA FE, STATE OF NEW MEXICO  
 I hereby certify that this instrument was filed  
 for record on the 13th day of March, 2017  
 at 1:45 o'clock P.M. and was duly recorded in  
 Book 815, Page 60 of the Records of  
 Santa Fe County  
 Witness my Hand and Seal of Office  
 GERALDINE SALAZAR  
 County Clerk, Santa Fe County, New Mexico  
 Estrella Montoya  
 DEPUTY



**SANTA FE COUNTY PUBLIC NOTICE**

THE SANTA FE COUNTY LAND USE ADMINISTRATOR HAS NOT REVIEWED THIS PLAT OF SURVEY BEFORE ITS FILING IN THE OFFICE OF THE COUNTY CLERK. THIS PLAT IS NOT BEING FILED FOR THE PURPOSE OF CREATING A SUBDIVISION OR NEW LOTS, ALTERING THE BOUNDARIES OF ANY EXISTING LOTS OR FOR THE PURPOSE OF "DEVELOPMENT" AS DEFINED IN THE SANTA FE COUNTY LAND DEVELOPMENT CODE, EXTRATERRITORIAL ZONING ORDINANCE OR EXTRATERRITORIAL SUBDIVISION REGULATIONS. THIS STATEMENT DOES NOT IN ANYWAY REPRESENT OFFICIAL COUNTY APPROVAL OF THIS PLAT.

**DOCUMENTS OF REFERENCE**

NOTE: RECORDING DATA SHOWN BELOW REFERS TO RECORDING-FILING DATA ON DOCUMENTS OBTAINED FROM THE OFFICE OF SANTA FE COUNTY CLERK.

1. SURVEY ENTITLED "PROPERTY SURVEY SANTO DOMINGO DE CUNDIYO GRANT...", BY ROBERT B. STEPHENSON PE & NMPS-2093, DATED MARCH 15, 1976, IN PLAT BOOK 45, PAGE 004, AS DOCUMENT NO. 385, 704.
2. SURVEY ENTITLED "BOUNDARY SURVEY REQUESTED BY PITA V. LUJAN...", BY CLOYE R. VIGIL NMPS NO. 12658, FILED ON MAY 20, 2011, IN PLAT BOOK 732, PAGE 016, AS DOCUMENT NO. 1635,437.
3. WARRANTY DEED, LOT 29, ESQUIPULA C. VIGIL TO FLORAICA VIGIL, FILED ON APRIL 22, 1998, IN MISC. BOOK 1482, PAGE 272, AS DOCUMENT 1021,030.
4. WARRANTY DEED, FLORAICA VIGIL TO SABINO S. VIGIL AND ANDREITA T. VIGIL, FILED ON JUNE 25, 1998, IN MISC. BOOK 1508, PAGE 103, AS DOCUMENT 1029,949.
5. WARRANTY DEED, ESQUIPULA VIGIL AND FRANCISQUITA TRUJILLO DE VIGIL TO SABINO S. VIGIL, FILED ON FEBRUARY 9, 1983, IN MISC. BOOK 456, PAGE 455, AS DOCUMENT 510,316.
6. WARRANTY DEED, FLORAICA VIGIL TO SABINO S. VIGIL AND ANDREITA T. VIGIL, FILED ON MAY 17, 1999, IN MISC. BOOK 1615, PAGE 618, AS DOCUMENT 1065,762.
7. WARRANTY DEED WRITTEN IN SPANISH. L. VIGIL AND G. CHAVEZ TO ESQUIPULA VIGIL, DATED JANUARY 1, 1924.

**SUPPLEMENTAL CERTIFICATION**

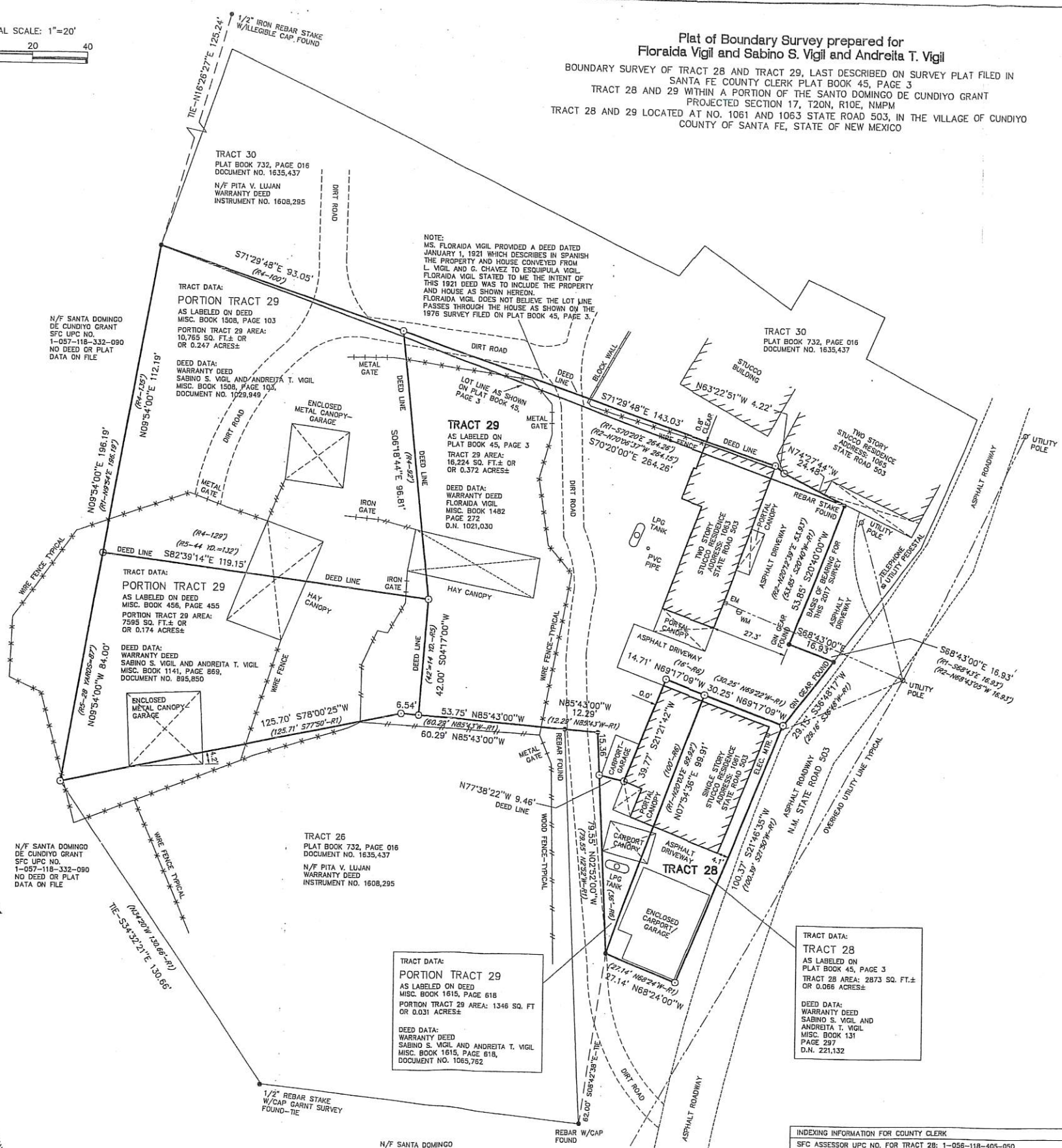
1. FURTHER CERTIFY AS TO THE EXISTENCE OF THE FOLLOWING ON THE DATE OF THIS FIELD SURVEY:  
 EVIDENCE OF RIGHTS OF WAY, OLD HIGHWAYS OR ABANDONED ROADS, LANES, TRAILS OR DRIVEWAYS, SEWER DRAINS, WATER, GAS OR OIL PIPELINES OR CROSSING SUBJECT PREMISES:  
 GRAVEL DRIVEWAY RIGHT OF WAY CROSSES TRACT 29 TO ACCESS TRACT 30. (SEE MAP).
2. SPRINGS, STREAMS, RIVERS, PONDS OR LAKES LOCATED, BORDERING ON OR THROUGH SUBJECT PREMISES:  
 NONE VISIBLE.
3. EVIDENCE OF CEMETERIES OR FAMILY BURIAL GROUNDS LOCATED ON SUBJECT PREMISES:  
 NONE VISIBLE.
4. OVERHEAD UTILITY POLES, ANCHORS, PEDESTALS, WIRES OR LINES OVERHANGING OR CROSSING SUBJECT PREMISES AND SERVING OTHER PREMISES:  
 OVERHEAD UTILITY LINES AND POLES LOCATED ON AND CROSSING TRACT 29. UTILITY PEDESTAL LOCATED ON LOCATED OFF TRACT 29. ELECTRIC METERS AND LPG TANKS SERVE THE SUBJECT HOUSES. (SEE MAP).
5. JOINT DRIVEWAYS OR WALKWAYS, JOINT GARAGES, PARTY WALLS OR RIGHTS OF SUPPORT, STEPS OR ROOFS IN COMMON OR JOINT GARAGES:  
 APPARENT JOINT USE GRAVEL DRIVEWAY SERVES AS ACCESS BETWEEN SUBJECT TRACT 29 AND ADJACENT TRACT 30. (SEE MAP AT RIGHT).
6. APPARENT ENCROACHMENTS OF BUILDINGS, PROJECTIONS, CORNICES OR SIGNS AFFIXED THERETO, FENCES OR OTHERS INDICATIONS OF OCCUPANCY APPEAR TO ENCROACH UPON OR OVERHANG SUBJECT PROPERTY:  
 NONE VISIBLE.
7. SPECIFIC PHYSICAL EVIDENCE OF BOUNDARY LINES ON ALL SIDES:  
 SURVEY MONUMENT STAKES FOUND AS NOTED ON THE MAP AT RIGHT.
8. IS THE PROPERTY IMPROVED? IF STRUCTURE APPEARS TO ENCROACH OR APPEARS TO VIOLATE SETBACK LINES:  
 THE SUBJECT PROPERTY IS IMPROVED. SETBACK DATA IS NOT AVAILABLE TO ME AT THIS DATE.
9. INDICATIONS OF RECENT BUILDING CONSTRUCTION, ALTERATIONS OR REPAIRS:  
 NONE VISIBLE.
10. APPROXIMATE DISTANCES OF STRUCTURES FROM AT LEAST TWO LOT LINES MUST BE SHOWN:  
 PLEASE SEE ATTACHED SHEET NO. 2.

**SURVEYORS CERTIFICATION**

I, PAUL A. ARMIJO, CERTIFY THAT I AM NEW MEXICO LICENSED SURVEYOR NO. 13604, AND THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IS TO THE BEST OF MY KNOWLEDGE AND BELIEF IN ACCORDANCE WITH THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR PROFESSIONAL SURVEYORS.

I FURTHER CERTIFY THAT THIS SURVEY IS NOT IN VIOLATION OF THE NEW MEXICO SUBDIVISION ACT AND THAT THIS PLAT OF AN EXISTING TRACT OR TRACTS.

Paul A. Armijo MARCH 13, 2017  
 PAUL A. ARMIJO, N.M.P.S. NO. 13604



**SURVEYORS NOTES**

1. THE SUBJECT TRACT 28 AND 29 WERE DESCRIBED ON SURVEY OF THE CUNDIYO COMMUNITY BY R. STEPHENSON IN 1976. MS. FLORAICA VIGIL AND MR. SABINO VIGIL HAVE LIVED AT THESE HOUSES FOR DECADES PRECEDING THE 1976 SURVEY. MS. FLORAICA VIGIL PROVIDED A 1924 DEED THAT SHE STATES INTENDED FOR HER PROPERTY LINE TO RUN CLEAR OF HER HOUSE AS SHOWN ON THIS 2017 SURVEY. MS. F. VIGIL HAS ALSO DEEDED PORTIONS OF HER PROPERTY TO HER BROTHER SABINO VIGIL AS SHOWN AND LABELED ON THE DEEDS NOTED HEREON. MR. S. VIGIL AND MS. DIRECTED ME AS TO THE INTENDED LOCATION OF THE DEED LINES AS SHOWN ON THIS 2017 SURVEY.
2. SFC ASSESSOR UPC NO. FOR TRACT 28: 1-056-118-405-050. SFC ASSESSOR UPC NO. FOR TRACT 29: 1-056-118-376-064.
3. DATA SHOWN ON ADJOINING PROPERTIES IS BACKGROUND OR INFORMATIONAL IN NATURE AND IS NOT A SURVEY OF THE ADJOINING PROPERTIES.
4. DATE OF FIELD SURVEY: JANUARY 15, 2017.
5. THIS PROPERTY IS SUBJECT TO ALL PERTINENT EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.
6. THE DATA WITHIN PARENTHESIS IS RECORD DATA TAKEN FROM THE REFERENCE DOCUMENT NOTED WITHIN SAID PARENTHESIS:  
 (R1-DATA) IS TAKEN FROM REFERENCE DOCUMENT NO. 1 AS NOTED HEREON.  
 (R2-DATA) IS TAKEN FROM REFERENCE DOCUMENT NO. 2 AS NOTED HEREON.  
 (R3-DATA) IS TAKEN FROM REFERENCE DOCUMENT NO. 3 AS NOTED HEREON.  
 (R4-DATA) IS TAKEN FROM REFERENCE DOCUMENT NO. 4 AS NOTED HEREON.  
 (R5-DATA) IS TAKEN FROM REFERENCE DOCUMENT NO. 5 AS NOTED HEREON.  
 (R6-DATA) IS TAKEN FROM REFERENCE DOCUMENT NO. 6 AS NOTED HEREON.  
 (R7-DATA) IS TAKEN FROM REFERENCE DOCUMENT NO. 7 AS NOTED HEREON.

**MAP LEGEND**

- - SURVEY MONUMENT FOUND
- - SURVEY MONUMENT SET
- - 1/2" REBAR STAKE W/CAP STAMPED ARMIJO-13604
- - RECORD SURVEY CORNER NO MONUMENT FOUND
- N/F - NOW OR FORMER PROPERTY OWNER
- - UTILITY POLE WITH GUY WIRE & ANCHOR & OVERHEAD UTILITY LINES
- - TELEPHONE UTILITY PEDESTAL
- △ - GAS METER
- - WATER METER
- - ELECTRIC METER
- - WOOD FENCE
- x--- - WIRE FENCE

TRACT DATA:  
 TRACT 28  
 AS LABELED ON PLAT BOOK 45, PAGE 3  
 TRACT 28 AREA: 2873 SQ. FT. ±  
 OR 0.066 ACRES ±  
 DEED DATA:  
 WARRANTY DEED  
 SABINO S. VIGIL AND  
 ANDREITA T. VIGIL  
 MISC. BOOK 131  
 PAGE 297  
 D.N. 221,132

TRACT DATA:  
 PORTION TRACT 29  
 AS LABELED ON DEED  
 MISC. BOOK 1615, PAGE 618  
 PORTION TRACT 29 AREA: 1346 SQ. FT.  
 OR 0.031 ACRES ±  
 DEED DATA:  
 WARRANTY DEED  
 SABINO S. VIGIL AND ANDREITA T. VIGIL  
 MISC. BOOK 1615, PAGE 618,  
 DOCUMENT NO. 1065,762

TRACT 26  
 PLAT BOOK 732, PAGE 016  
 DOCUMENT NO. 1635,437  
 N/F PITA V. LUJAN  
 WARRANTY DEED  
 INSTRUMENT NO. 1608,295

N/F SANTA DOMINGO DE CUNDIYO GRANT  
 SFC UPC NO. 1-057-118-332-090  
 NO DEED OR PLAT DATA ON FILE

N/F SANTA DOMINGO DE CUNDIYO GRANT  
 SFC UPC NO. 1-057-118-332-090  
 NO DEED OR PLAT DATA ON FILE

INDEXING INFORMATION FOR COUNTY CLERK	
SFC ASSESSOR UPC NO. FOR TRACT 28: 1-056-118-405-050	SFC ASSESSOR UPC NO. FOR TRACT 29: 1-056-118-376-064
OWNER: FLORAICA VIGIL, DEED, MISC. BOOK 1482, PAGE 272 SABINO & ANDREITA VIGIL, DEED, MISC. BOOK 1615, PAGE 618	
LOCATION: TRACT 28 AND TRACT 29, PLAT BOOK 45, PAGE 3 WITHIN A PORTION OF THE SANTO DOMINGO DE CUNDIYO GRANT PROJECTED SECTION 17, T20N, R10E, NMPM TRACT 28 AND TRACT 29 ADDRESS: 1061 AND 1063 STATE ROAD 503 COMMUNITY OF CUNDIYO, COUNTY OF SANTA FE STATE OF NEW MEXICO	

ARMIJO SURVEYS INC.	
PAUL A. ARMIJO N.M.P.S. NO. 13604 P. O. BOX 24438, SANTA FE, NM 87502-9438 PH. (505) 471-1955 FAX. (505) 471-1925	
PLAT OF BOUNDARY SURVEY PREPARED FOR FLORAICA VIGIL AND SABINO S. VIGIL AND ANDREITA T. VIGIL	
DRAWN BY L.L.V.	DATE JAN. 2017
SURVEY NO. 1611VIGIL	SHEET NO. 1 OF 1

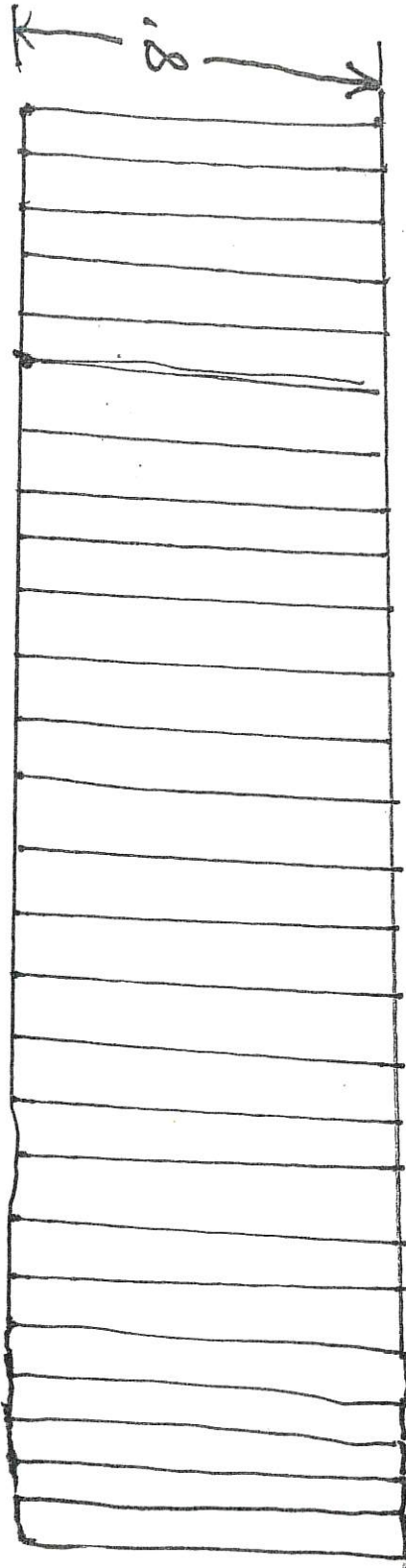
NBB-8



elevation

↑ N

← E



↓ S

← W



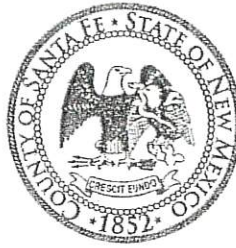
NBB-9



Henry P. Roybal  
Commissioner, District 1

Anna Hansen  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Anna T. Hamilton  
Commissioner, District 4

Ed Moreno  
Commissioner, District 5

Katherine Miller  
County Manager

September 8, 2017

Floraida Vigil  
1063 NM 503  
Cundiyo, NM 87522

RE: Permit # 17-481

Your permit application, #17-481 has been approved subject to the following conditions:

1. Construction shall be in accordance with the plans submitted.

Sincerely,

Paul Kavanaugh  
Building & Development Services Supervisor  
Santa Fe County Growth Management Department







**4.5.2. Appeals of an Administrative Decision of the Administrator.** An aggrieved person with standing may appeal the decision of the Administrator to approve, deny or approve with conditions an application to the Planning Commission. An appeal from a decision of the Administrator shall be filed in writing with the Administrator within five (5) working days of the date of the decision. If no appeal is filed within five (5) days, the decision of the Administrator shall be final and not subject to further appeal, review or reconsideration. The timely filing of an appeal shall stay further processing of the application unless the Administrator certifies to the Planning Commission that special circumstances exist.

**4.5.3. Appeals of Subdivision Decisions Under Summary Review.** Any person with standing who is or may be adversely affected by a decision approving or disapproving a final plat under summary review must appeal the decision to the Board within five (5) working days of the decision. The Board shall hear the appeal and shall render a final decision.

**4.5.4. Appeal of a Final Decision of the Planning Commission.** Any party with standing may appeal a final decision of the Planning Commission to the Board. The application seeking an appeal of a decision of the Planning Commission must be filed with the Administrator. An appeal from a decision of the Planning Commission must be filed within thirty (30) working days of the date of the decision and recordation of the final development order by the Planning Commission. The application shall be forwarded by the Administrator to the Board. The Administrator shall provide to the Board a copy of the record of the proceedings below of the decision appealed. The appeal shall be placed on the docket of the Board for consideration on the next available agenda. An appeal of the decision of the Planning Commission shall be reviewed *de novo* by the Board. The timely filing of an appeal shall stay further processing of the application unless the Board determines that special circumstances exist.

**4.5.5. Appeals of Board Decisions.** Any person aggrieved by a final decision of the Board pursuant to this section may appeal to District Court in accordance with NMSA 1978, § 39-3-1.1 (as amended) and Rule 1-074 NMRA.

**4.6. NOTICE.**

**4.6.1. Generally.** The notice requirements for each application are prescribed in the Subsections of this chapter and by state law.

**4.6.2. Notice of Hearing.** Notice of a public hearing to be conducted by the Hearing Officer, Planning Commission, or the Board, shall be provided as described in the resolution adopted by the Board pursuant to the Open Meetings Act. Public hearings shall be conducted according to the Board's rules of order. The name of the applicant and agent if any shall be stated in the notice.

**4.6.3. General Notice of Applications Requiring a Public Hearing.** All applications not requiring specific notice under subsequent sections shall provide the following notice:

**4.6.3.1. Newspaper.** Notice of hearing shall be published by the applicant in a newspaper of general circulation at least fifteen days (15) prior to the date of the hearing. The Administrator shall provide the form of the notice to the applicant.

**4.6.3.2. First Class Mail.** Notice of the public hearing shall be mailed by the applicant by first class mail at least fifteen days (15) prior to the date of the hearing to the owners, as shown by the records of the County Assessor, of lots or of land within 500 feet of the subject property, excluding public right of ways. The Administrator shall provide the form of the notice to the





for review and final action to the Planning Commission or the Board. Consistent with Chapter 12 herein, all final actions on applications for approval shall contain a finding as to whether the application addresses the adequacy of public facilities and services associated with the proposed development. Failure to meet the adequate public facilities and services requirements in Chapter 12, either because both the proposed development is located in a sustainable development area other than SDA-1 and adequate public facilities are not available, or because a level of service is not met, may result in an application being denied.

**4.4.10. Review and Final Action by the Planning Commission or the Board.** Upon receipt of a complete application and appropriate recommendation of the Administrator or the Hearing Officer, the Planning Commission or the Board shall review the application for compliance with the SLDC and other applicable law. Following completion of the review and following a public hearing on the application, the Planning Commission or the Board, as applicable, may take final action, make the appropriate recommendation or take other appropriate action.

**4.4.11. Conditions.** In acting upon an application, the decision-making body shall be authorized to impose such conditions upon the application as allowed by law and as may be necessary to reduce or minimize any potential adverse impact upon other property in the area or to carry out the general purpose and intent of the SLDC, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact.

**4.4.12. Notice of Decision by the Administrator.** Written notice of a final decision of the Administrator to approve an application or approve an application with conditions shall constitute the issuance of the permit. Written notice of a final decision of the Administrator to deny an application shall be provided to the Applicant and a copy shall be filed in the office of the Administrator. If an Application has not been approved, the specific reasons for disapproval shall be indicated in the written notice.

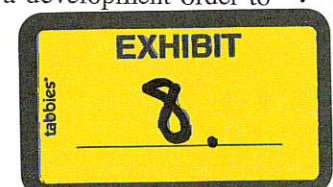
**4.4.13. Notice of Decision by the Planning Commission or The Board; Findings of Fact, Conclusions of Law.** Written notice of a final decision of the Planning Commission or the Board to approve, or approve with conditions, an application which can be in the form of a development order, shall constitute the issuance of the permit. Staff or the Hearing Officer, where one is used, shall prepare findings of fact and conclusions of law as required by NMSA 1978, § 39-3-1.1 to document final action taken on each application. Such findings and conclusions shall be approved by the decision-making body and filed with the County Clerk.

**4.4.14. Reapplication.** After final action by the Administrator or abandonment of an application, another application shall not be filed within two years of the date of final action, or abandonment unless the new application is materially different from the prior application (e.g., a new use, a substantial decrease in proposed density and/or intensity) or unless there has been a material change to either the facts or law governing the application. After final action denying an application by the Planning Commission or the Board, another application shall only be filed if there is a material change to either the facts or law governing the application

**4.4.15. Withdrawal; Subsequent Applications.** An application may be withdrawn by the applicant at any time. However, if an applicant withdraws the application after a public hearing has been noticed in compliance with the SLDC and state law, an application requesting substantially the same use on all or part of the same described land shall not be considered or reconsidered within twelve (12) months of withdrawal.

#### 4.5. APPEALS.

**4.5.1. Applicability.** Any aggrieved person with standing may appeal a development order to the Planning Commission or Board, as designated in this chapter.



NBB-12

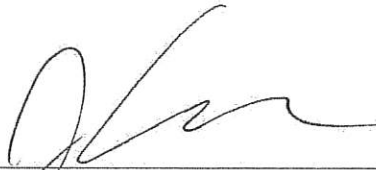


CERTIFICATION OF POSTING

I hereby certify that the public notice posting regarding the Sustainable Land Development Code.

Case # App 17-5300 was posted for 15 days on the property beginning

The 31<sup>ST</sup> day of October  
2017. \*\*

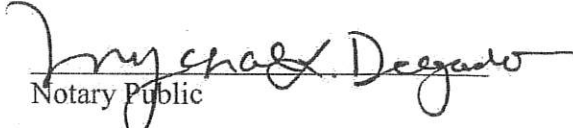
  
\_\_\_\_\_  
Signature

\*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 15 days. It is the applicant's responsibility to ensure that the notice is on the property for the full 15 days.

STATE OF NEW MEXICO }  
  }  
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of  
November, 2017, By Joseph M. Kanner.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
2-8-2020



NBB-13



# SANTA FE NEW MEXICAN

Founded 1849

SOMMER KARNs AND ASSOCIATES.  
PO BOX 2476  
SANTA FE, NM 87504

ACCOUNT: 1724  
AD NUMBER: 0000212583  
LEGAL NO 83411 P.O. #:  
1 TIME(S) 79.80  
AFFIDAVIT 20.00  
TAX 7.46  
TOTAL 97.26

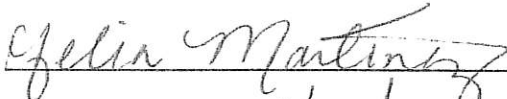
## AFFIDAVIT OF PUBLICATION

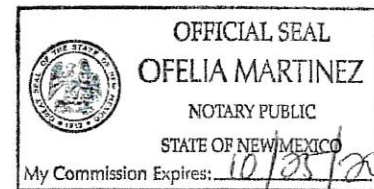
STATE OF NEW MEXICO  
COUNTY OF SANTA FE

I, S. Jaramillo, 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, San Miguel, and Los Alamos, 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 83411 a copy of which is hereto attached was published in said newspaper 1 day(s) between 11/01/2017 and 11/01/2017 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 1st day of November, 2017 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

/s/   
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 1st day of November, 2017

Notary   
Commission Expires: 10/25/20



NBB-14



# SANTA FE + NEW MEXICAN

Founded 1849

LEGAL #83411

**CASE #App 17-5300  
App Pita V Lujan  
Revocable Trust  
Appeal.**

**NOTICE OF PUBLIC  
HEARING**

Notice is hereby given that a public hearing will be held to consider a request by Peta V. Lujan Revocable Trust, Appellant, Joseph Karnes, Agent, for an appeal to the Santa Fe County Planning Commission, Appealing the Santa Fe County Land use Administrators decision to approve an 8' fence (permit #17-481). The property is 0.372 acres and located at 1063 State Road 503 within, Section 17, Township 20 North, Range 10 East, Commission District 1.

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on November 16, 2017, at 4 p.m. on a petition to the Santa Fe County Planning Commission.

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

Continued...

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

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

Published in the Santa Fe New Mexican on November 1, 2017.



SANTO DOMINGO DE CUNDIYO  
GRANT  
HC 80 BOX 40  
CHIMAYO, NM 87522

TRUJILLO, GILBERT  
2 CAMINO DEL MOLINO  
CHIMAYO, NM 87522

TRUJILLO, GILBERT  
HCR 80 BOX 7  
CHIMAYO, NM 87522

SULLIVAN, PATRICK & JOYCE  
6 C CAMINO DEL MOLINO  
CUNDIYO, NM 87522

KANIA, PAUL K  
1067 NM 503  
CUNDIYO, NM 87522

MONTOYA, CONSUELO S  
(REVOCABLE TRUST)  
9 CAMINO DEL MOLINO  
CHIMAYO, NM 87522

VIGIL, STEVE  
1068 NM 503  
CUNDIYO, NM 87522

VIGIL, CONSUELO  
1069 A NM 503  
CUNDIYO, NM 87522

VIGIL, ALEX R  
1073 NM 503  
CUNDIYO, NM 87522

VIGIL, FLORAIDA  
1063 NM 503  
CUNDIYO, NM 87522

KANIA, PAUL K  
1067 B NM 503  
CUNDIYO, NM 87522

VIGIL, MARTINA O  
1077 B NM 503  
CUNDIYO, NM 87522

KANIA, PAUL  
1067 C NM 503  
CUNDIYO, NM 87522

LUJAN, PITA V  
1065 NM 503  
CUNDIYO, NM 87522

VIGIL, ANDREITA T & SABINO S  
HCR 80 BOX 2  
CHIMAYO, NM 87522

HALL, G. EMLLEN  
1069 B NM 503  
CUNDIYO, NM 87522

VIGIL, CONSUELO  
1074 NM 503  
CUNDIYO, NM 87522

VIGIL, TONY & TINA  
1071 B NM 503  
CUNDIYO, NM 87522

STODGEL, JOSEPH S  
5 CAMINO DEL MOLINO  
CHIMAYO, NM 87522

ENGELMAN, NAOMI  
10 CAMINO DEL MOLINO  
CUNDIYO, NM 87522

HALL, G. EMLLEN  
1 CAMINO DEL MOLINO  
CUNDIYO, NM 87522

JOHNSON, DOUG & RUTH  
6 AB CAMINO DEL MOLINO  
CUNDIYO, NM 87522

VIGIL, STEVEN T  
9 CUNDIYO  
CHIMAYO, NM 87522

PNC MORTGAGE  
3232 NEWMARK DR  
MIAMISBURG, OH 45342-5421

MOLT, REBECCA  
18892 N 92ND WAY  
SCOTTSDALE, AZ 85255

VIGIL, TONY S  
1071 C NM 503  
CUNDIYO, NM 87522

SALAZAR, ADRIAN J  
4 JOSE SIMON DR  
CUNDIYO, NM 87522

VIGIL, AMELIA  
4 JOSE SIMON DR  
CUNDIYO, NM 87522

CHANG, RICHARD E & BERTHA  
M  
3 OJITOS DE CUNDIYO  
CUNDIYO, NM 87522

CHANG, RICHARD E & BERTHA  
M  
6 OJITOS DE CUNDIYO  
CUNDIYO, NM 87522

NBB-16



VIGIL, EDWARD R &  
BERNADETTE P  
1057 NM 503  
CUNDIYO, NM 87522

VIGIL, ROBERT & THERESA  
3 JOSE SIMON DR  
CUNDIYO, NM 87522

VIGIL, AMELIA V  
1 JOSE SIMON DR  
CHIMAYO, NM 87522

CHANG, RICHARD E JR  
7 A OJITOS DE CUNDIYO  
CHIMAYO, NM 87522

NBB-17





NBB-18



**PUBLIC NOTICE**

Notice is hereby given that an application has been filed with Santa Fe County for an APPEAL TO THE SANTA FE COUNTY COMMISSION APPEALING THE SANTA FE COUNTY LAND USE ADMINISTRATIONS DECISION TO APPROVE AN 8' (800') FENCE (PERMIT #17-18)

Name of Applicant: **MARLUCE REVENABLE TRUST**  
Address of Request: **1005 Santa Fe Blvd, Santa Fe, NM 87504**  
Legal Description: **Section 11, Township 20 North, Range 10 West, NMPM Santa Fe County, New Mexico**  
A. PUBLIC HEARING will be held at the Old Santa Fe County Courthouse corner of Palacios and Grant Avenues, Santa Fe, New Mexico on the 16<sup>th</sup> day of **NOVEMBER** 2017, at 4:00 PM, before the **SANTA FE COUNTY PLANNING COMMISSION**.  
Further information can be obtained by contacting the Land Use Department, P.O. Box 276, Santa Fe, NM 87504. Phone: (505) 956-6225. Development Permit # **17-5800**