

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: November 19, 2015

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*

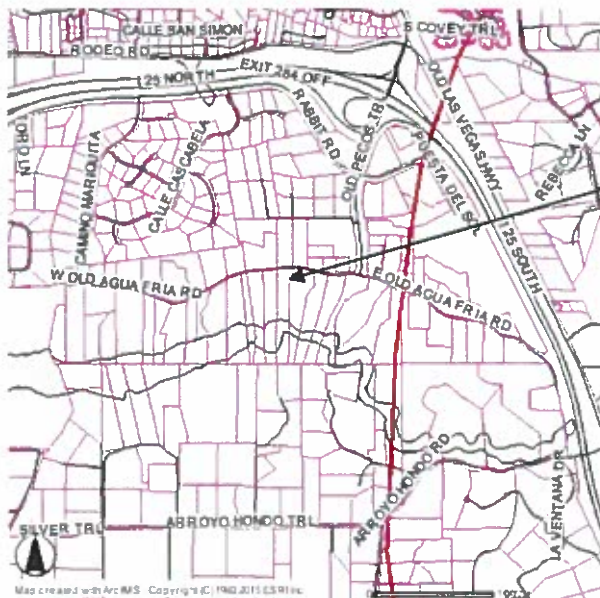
FILE REF.: CDRC CASE # V 15-5260 Preston and Carolyn Reed Variance

ISSUE:

Preston and Carolyn Reed, Applicants, Joseph M. Karnes (Sommer, Karnes & Associates, LLP), Agent, request a variance of Article III, § 10, Lot Size Requirements, of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code) to allow two dwelling units on 7.98 acres.

The property is located at 24 West Old Agua Fria Road, within Section 12, Township 16 North, Range 9 East, (Commission District 4).

Vicinity Map:



Site Location

NBB-1

SUMMARY:

The owners of the Property, Preston and Carolyn Reed, acquired the Property, by warranty deed recorded as instrument # 1752122 in the Santa Fe County Clerk's records dated December 2, 2014. (Exhibit 2)

The subject lot, owned by the Applicants, was created in 1990, and is recognized as a legal lot of record. There are currently two dwelling units on the property, which is 7.98 acres. The Applicants reside in the main dwelling unit (2,744sq. ft.). The second unit is a garage/guesthouse which consists of a 1,089 sq. ft. Garage and 933 sq. ft. of livable guesthouse area totaling 2,022 sq. ft.

On July 1, 2015, the Applicants applied for a development permit for a P.V. solar system. At the time of inspection, Code Enforcement discovered the property exceeded density requirements. Staff has found no evidence of a permit being issued for the garage; however, staff was able to locate a permit for a garage extension (permit # 99-1131) where the guesthouse is located. The permit has no evidence which indicates a second dwelling unit being approved on the property. Staff has determined the permit was only approved for an addition to the garage.

The Applicants state that a prior owner constructed a single family dwelling unit and a guest house on the property in the 1990's. The Applicants further state that they purchased the property in 2014, believing that all necessary permits had been issued for the two longstanding structures on the property. The Applicants also mention that in an effort to avoid the hardship which would result from enforcement of the current code, the Applicants are requesting a variance to allow the existing guest house to remain in its existing condition.

Article II, § 3, Variances, of the 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.

Article II, Section 3.1 concludes that, "[i]n 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."

Article II, Section 3.2 states, "[i]n no case shall any variation or modification be more than a minimum easing of the requirements."

Notice requirements were met as per Article II § 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on October 29, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on October 29, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners. (Exhibit 3)

NBB-2

This Application was submitted on August 24, 2015.

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, of the Code to allow two dwelling units on 7.9 acres.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

HYDROLOGIC ZONE: Basin Fringe Hydrologic Zone. Minimum lot size per Code is 50 acres per dwelling unit. Lot size can be reduced to 12.5 acres per dwelling unit with signed and recorded water restrictions. Currently the property has no water restrictions.

FIRE PROTECTION: Hondo Fire District.

WATER SUPPLY: Domestic Well for the 7.98 acre parcel with the two dwelling units sharing the well.

LIQUID WASTE: Two Conventional Septic Systems, one for each dwelling.

VARIANCES: Variance of Article III, § 10, Lot Size Requirements, to allow two dwelling units on 7.98 acres.

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	Fire Prevention Division	Approval

STAFF RECOMMENDATION: Denial of a variance of Article III, § 10, Lot Size Requirements, of the Land Development Code to allow two dwelling units on 7.9 acres.

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 home. 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 Division for the second dwelling unit. (As per Article II, § 2)
3. The placement of additional dwelling units is prohibited on the property and shall be noted on the plat. (As per Article III, § 10 and Article III, § 2.4.1a.1(a)iv)
4. The Applicant shall comply with all Fire Prevention Division requirements at the time of Development Permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

EXHIBITS:

1. Letter of request
2. Warranty Deed
3. Noticing
4. Garage permit # 99-1131
5. Article III, §10 (Lot Size Requirements)
6. Article II, § 3 (Variances)
7. Site Photo
8. Review Agency Comments
9. Aerial of site and surrounding area
10. Floor Plans
11. Site Plan

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

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mld@sommer-assoc.com

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

August 24, 2015

Matthew Martinez
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

Re: Application for Lot Density Variance
Preston & Carolyn Reed
24 Old Agua Fria Road West (the "Property")

Dear Mr. Martinez:

On behalf of property owners Preston and Carolyn Reed, the attached application requests approval of a density variance to allow for two dwelling units to remain on the Property, as they have existed for over 15 years.

The Property is located within the Metro Basin Fringe Zone, where the minimum lot size (with water conservation adjustments) is 5 acres. The Property is 7.98 acres in size.

A prior owner construction a single family dwelling unit and a guest house with a bathroom and kitchen on the Property in the 1990's. The Reeds purchased the Property in 2014, believing that all necessary permits had been issued for the two longstanding structures on the Property. While applying for County approvals for solar electricity infrastructure, the Reeds learned that County staff was unable to locate any permit relating to the guest house. Despite a diligent search of County records, no permit has been located.

If the Property was 2.02 acres larger, the Reeds could have two dwellings on the Property as of right. Also, under the Sustainable Land Development Code, the Reeds will be able to maintain the guest house as an accessory dwelling unit on the Property, given that the existing main house is 2,744 SF and the guest house is 933 SF in size. However, the SLDC is not yet in effect.

In an effort to avoid the hardship that would result from enforcement of the existing Land Development Code against the property, including financial hardship and the hardship resulting to the Reeds from the condition of the Property and its structures at the time they purchased, over which they have no control, the Reeds request that the County approved a density variance to allow the existing guest house to remain in its existing condition. The County has approved such variances for smaller properties that require a variance of greater scope than that needed for the



NBB-5

SOMMER, KARNES & ASSOCIATES, LLP

Santa Fe County Growth Management Department

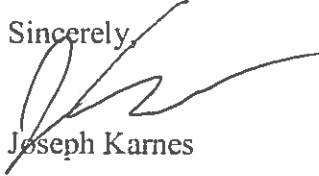
August 24, 2015

Page 2 of 2

Property and respectfully request approval of their request.

Please let me know if any additional information is needed.

Sincerely,



Joseph Karnes

Attachments:

Plat

Deed

Drawings showing square footage of main house and guest house

NBB-6



Return To:
 Fidelity National Title of New Mexico, Inc
 300 Paseo De Peralta, Suite 101
 Santa Fe, NM 87501

COUNTY OF SANTA FE	WARRANTY DEED
STATE OF NEW MEXICO	PAGES: 1
I Hereby Certify That This Instrument Was Filed for Record On The 2ND Day Of December, A.D., 2014 at 04:16:21 PM And Was Duly Recorded as Instrument # 1752122 Of The Records Of Santa Fe County	
Deputy - EFMARTINEZ	Witness My Hand And Seal Of Office Geraldine Salazar County Clerk, Santa Fe, NM

GF# FT000169221-NM21

c - Recorded 1752122 12/02/14 SFC

WARRANTY DEED

David T. Holland and Elizabeth M. Holland, Co-Trustees of the The David T. Holland and Elizabeth Martin Holland Revocable Trust dated June 28, 2011

for consideration paid, grant to

Preston A. Reed and Carolyn S. Reed, husband and wife

whose address is 38 Highland Rd., South Hampton, NH 03827 the following described real estate in Santa Fe County, New Mexico

Tract C, as shown on plat entitled "Lands of Dave and Christina Holland...within Section 12, T16N, R9E and the Sebastian De Vargas Grant..." filed in the office of the County Clerk, Santa Fe county, New Mexico on February 23, 1990 in Plat Book 206, Page 051, as Document No. 700101.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2014, and subsequent years.

Witness our hands and seals this 2nd day of December, 2014

The David T. Holland and Elizabeth Martin Holland
 Revocable Trust dated June 28, 2011

BY: [Signature]
 David T. Holland, Trustee

BY: [Signature]
 Elizabeth M. Holland, Trustee

STATE OF NEW MEXICO

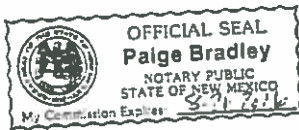
COUNTY OF SANTA FE

This instrument was acknowledged before me this 2nd day of December, 2014 by David T. Holland and Elizabeth M. Holland, Co-Trustees of the David T. Holland and Elizabeth Martin Hollan Revocable Trust, dated June 28, 2011.

[Signature]
 Paige Bradley
 Notary Public

My Commission Expires: 8-31-2016

(SEAL)



Warranty Deed (4-99)
 FDNMC024.rdw



NBB-7

CERTIFICATION OF POSTING

I herby certify that the public notice posting regarding Land Development

Case # 15-5266 was posted ~~for 21 days~~ on the property beginning

The 26th day of October
2015. **



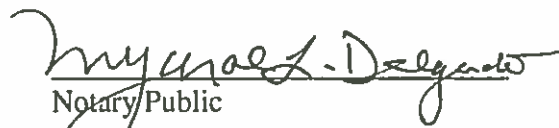
Signature

*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.

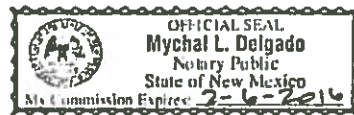
STATE OF NEW MEXICO }
 }
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 2^d day of
November, 2015, By Joseph Karnes.

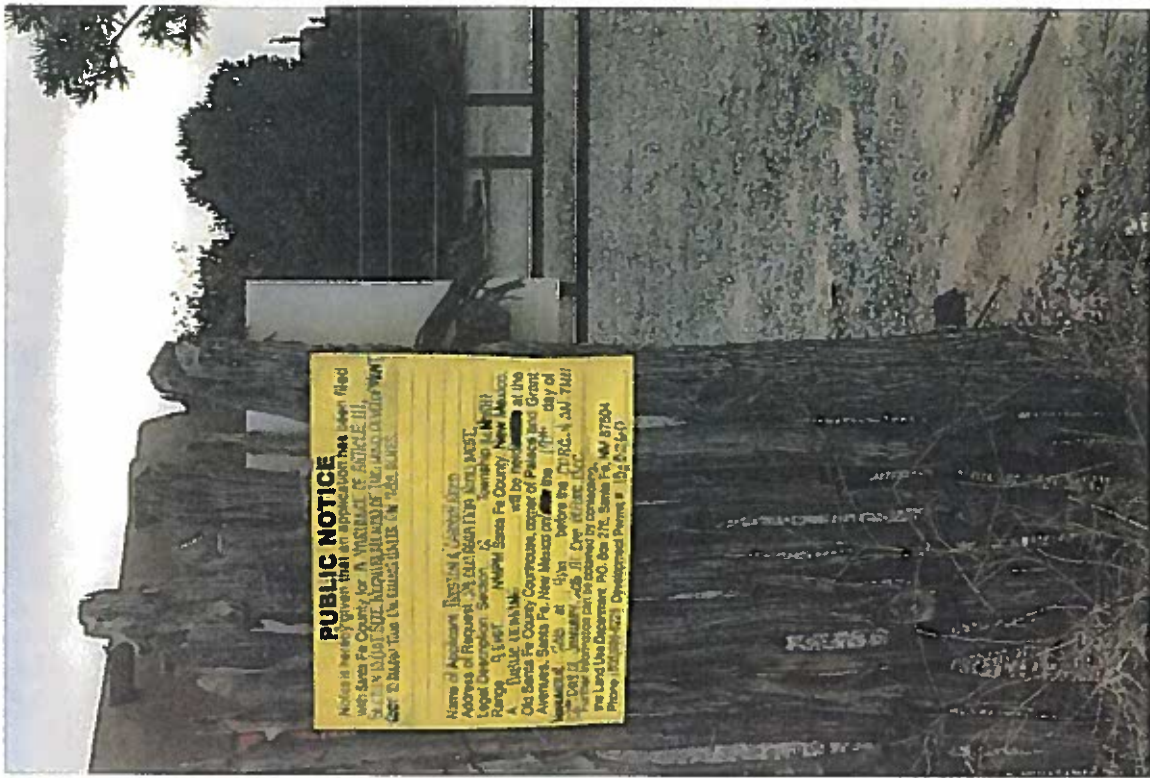


Notary Public

My Commission Expires:
2-6-2016



NBB-8



NBB-9

SANTA FE COUNTY

DEVELOPMENT PERMIT APPLICATION

CONTROL # 99-1131

APPLICATION DATE 7/8/99

ISSUE DATE _____

APPLICANT INFORMATION

OWNER NAME HOLLAND

DAVID

(LAST)

(FIRST)

(MIDDLE)

MAILING ADDRESS: 24 OLD AGUA FRIA RD WEST SANTA FE N.M. 87505

STREET OR P.O. NUMBER

CITY

STATE

ZIP

HOME PHONE (505) 988-1433

WORK PHONE (505) 984-8898

AGENT CONTRACTOR NAME: FAGLEY

JOHN

M

(LAST)

(FIRST)

(MIDDLE)

AGENT CONTRACTOR ADDRESS: 11 SAGE HILL DR

PLACITAS N.M. 87043

STREET OR P.O. NUMBER

CITY

STATE

AGENT HOME PHONE (505) 867-6788

WORK PHONE (Spine)

PROPERTY INFORMATION

COUNTY RURAL ADDRESS: 24 Old Agua Fria Rd. West. Santa Fe N.M. 87505

This address is identical to the Santa Fe County Rural Subdividing Dept. listing.

PROPERTY LOCATION ID: D 26 D L 1 50 7 TAXES PAID: (Y) (N) A ACREAGE: 7.940

LEGAL DESCRIPTION - Township: T16 N Range: R9 E Section: 12 01 02 03

Subdivision: Tract "C" Lands of Carl + Patricia Turner etc.

Grant Claim _____ Unit: _____ Tract: _____ Block: _____ Lot: _____

DEED RECORDED AS - Deed Book 666 Page: 399

Date Recorded 12/4/89

PLAT RECORDED AS: Plat book 206 Page 051

Date Recorded 2/23/90

PROJECT INFORMATION

DESCRIPTION: Garage Extension PROJECT TYPE: BIP R-X

TOTAL NEW ROOFED AREA TO BE CONSTRUCTED: 597 Sq. Ft.

BUILDING MATERIAL: Adobe

PROJECT VALUATION (from appraisal): \$ 46,000 = EXISTING LOTS: _____

= EXISTING STRUCTURES: 2

TOTAL EXISTING BLDG. SQ. FT.: 4,500

EXISTING USE(S) Res & Garage

ALL OF THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

APPLICANT SIGNATURE John M. Fogley

DATE 7/8/99

1-054-095-320-083



NBB-10

**TO BE FILLED OUT BY LAND USE STAFF
REQUIRED SUBMITTALS, ZONING AND FEES CHECKLIST (for office use only)**

- | | | | |
|--|---|---|--|
| <input checked="" type="checkbox"/> WARRANTY REAL ESTATE | <input checked="" type="checkbox"/> SURVEY PLAT - 2 | <input checked="" type="checkbox"/> VICINITY MAP | <input type="checkbox"/> TERRAIN PLAN |
| <input checked="" type="checkbox"/> SITE PLAN - 4 COPIES | <input type="checkbox"/> FLOOR PLANS - 2 SET | <input checked="" type="checkbox"/> WALL SECTIONS - 2 SET | <input checked="" type="checkbox"/> ELEVATIONS - 3 set |
| <input type="checkbox"/> SEPTIC PERMIT | <input type="checkbox"/> SEWAGE PERMIT | <input type="checkbox"/> WATER METER PROOF | <input type="checkbox"/> WELL PERMIT |
| <input type="checkbox"/> LIGHTING PLAN | <input checked="" type="checkbox"/> <u>PCD</u> | <input type="checkbox"/> | <input type="checkbox"/> |

JURISDICTION: <u>EZ-2</u>	COMM. DISTR.: <u>Y</u>	HYDROLOGIC ZONE: <u>F</u>
MSRD: <u>N</u>	FEMA. PANEL: <u>233B</u>	TRAD. COMM. MAP: <u>NA</u>
METRO AREA: <u>Y</u>	FLOOD ZONE: <u>X</u>	HISTORIC ZONE: <u>N</u>
HIGHWAY: <u>N</u>	URBAN AREA: <u>N</u>	

Fire District: Hondo FIRE IMPACT FEE Code: LK

EXISTING CREDIT CALCULATION

EXISTING BUILDING	EXISTING NFPA RISK CLASS	EXISTING SQUARE FOOTAGE	CREDIT PER SQ. FT.	EXISTING USE CREDIT
BUILDING 1	7		x 0.275	-
BUILDING 2			x	-
TOTALS				

IMPACT FEE CALCULATION

BUILDING	NFPA RISK CLASS	ROOFED SQUARE FOOTAGE	FEE PER SQUARE FOOT	= IMPACT FEE	EXISTING USE CREDIT	PRE PAID CREDIT	TOTAL IMPACT FEE DUE
BUILDING 1	7	597	x 0.275		-	-	
BUILDING 2					-	-	
TOTALS							

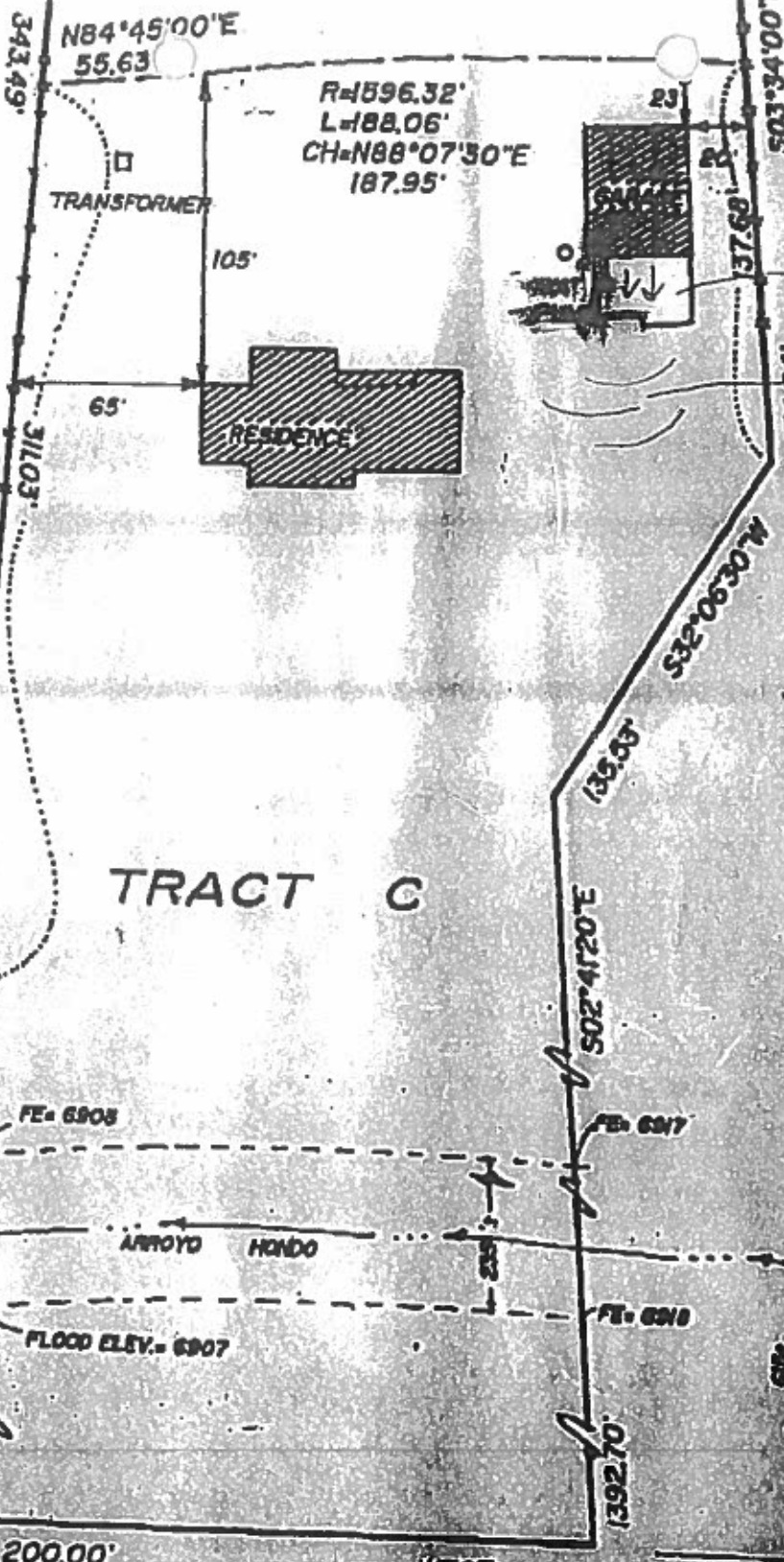
PERMIT FEE DISTRIBUTION

AMOUNT OF FEES	TYPES OF FEE
\$ <u>152</u>	APPLICATION FEE (AJ)
\$ <u>2982</u>	BUILDING PERMIT (AC)
\$	FIRE & RESCUE IMPACT FEE (See coding above)
\$	ROAD CUT PERMIT (BU)
\$	
\$	TOTALS

CONFORMS TO DENSITY REQUIREMENTS: Y MEETS CODE REQUIREMENTS: Y
 REVIEWED BY: VA APPLICATION STATUS: _____
 COMMUNITY REVIEW DATE: _____

STAFF COMMENTS: Imis OK, DWOK. 600ft³ min retention pond required. 07-13-99 VA
NBB-11

OLD AGUA FRIA ROAD



Addition
 run
 terrace
 ponding
 (pre
 well more
 than 600'
 along with
 landsc

TRACT C

NOTES: SURVEYOR'S INSPECTION REPORT FOR
 DAVE AND CHRISTINA HOLLAND.
 ALL IMPROVEMENTS ARE WITHIN THE
 NORTH HALF.
 PORTION OF SOUTH HALF OF THIS
 PROPERTY IS WITHIN THE 100 YEAR
 FLOOD PLANE, AS INDICATED ON SHEET
 FE-6910.

NBB-12

SIR-90-36

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

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

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









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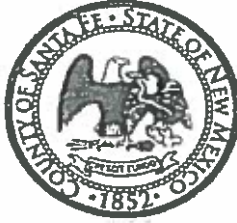
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NBB-22

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefaniak
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

Date	10/9/2015		
Project Name	Preston & Carolyn Reed		
Project Location	24 Old Agua Fria Rd West		
Description	Density Variance to allow existing guest house to remain	Case Manager	Matt Martinez
Applicant Name	Preston & Carolyn Reed	County Case #	15-5260
Applicant Address	38 Highland Rd South Hampton, VT 03827	Fire District	Hondo
Applicant Phone			
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 type="checkbox"/>	Variance <input checked="" type="checkbox"/>	Hydrant Acceptance <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.



- **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.

Driveway meets the minimum County standards for fire apparatus access roads of a minimum 15' wide all-weather driving surface as shown on plan.

- **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.

- **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 does 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.

- **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

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.

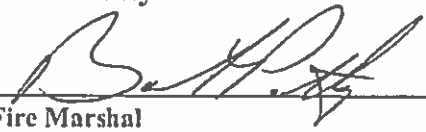
▪ **Permits**

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Buster Patty



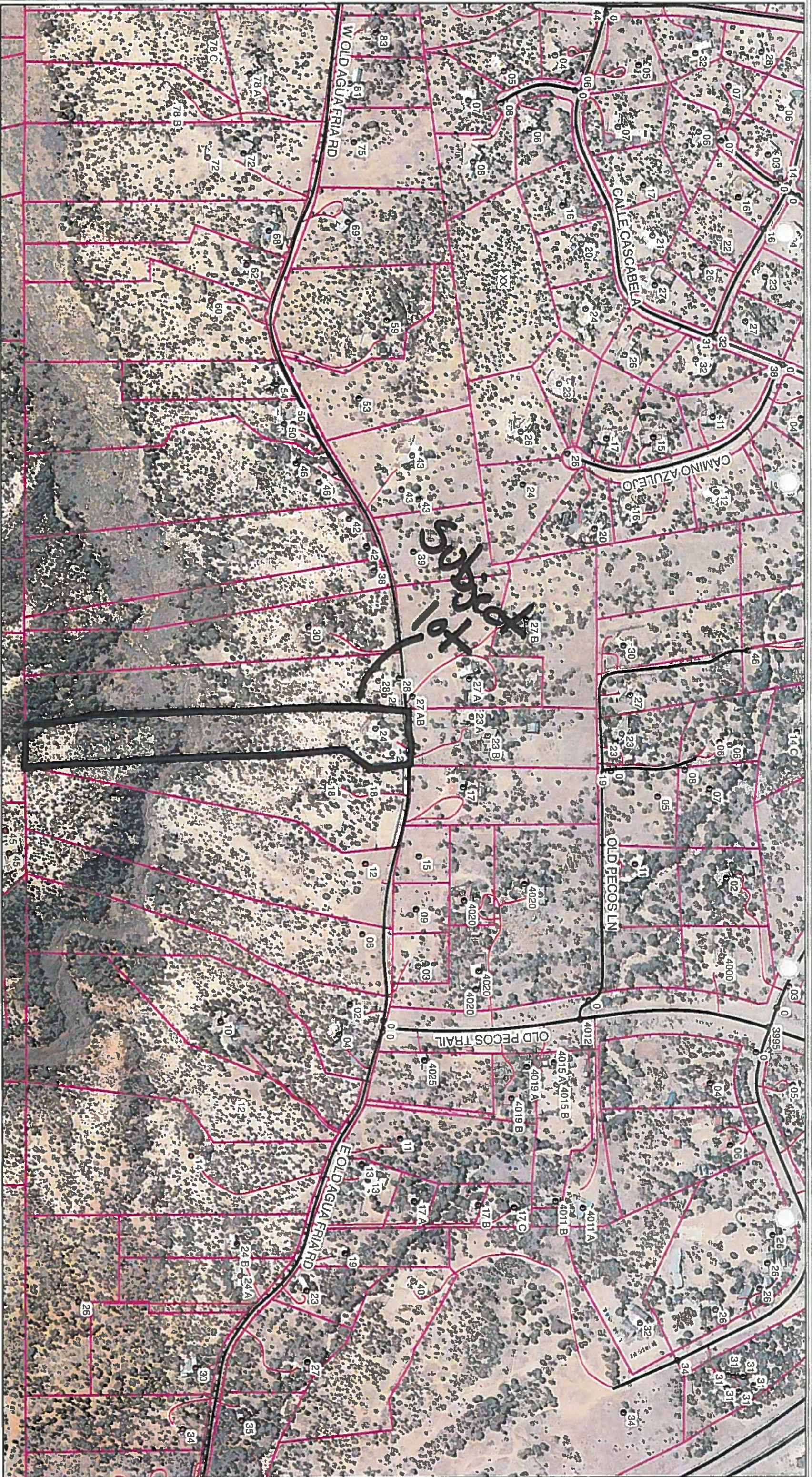
Fire Marshal

10-9-15
Date

Through: David Sperling, Chief

File: DevRev/Honda/Preston & Carolyn Reed/10 915

Cy: Matt Martinez, Land Use
Applicant
File

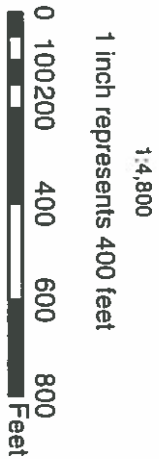


- Legend**
- ROADS
 - DRIVEWAYS
 - PARCELS

tabbles®

EXHIBIT

9.



2014 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.

NBB-26



September 11, 2015

SKETCH/AREA TABLE ADDENDUM

SUBJECT

Property Address 24 Old Agua Fria Road West

City Santa Fe

County Santa Fe

State NM

Zip 87505

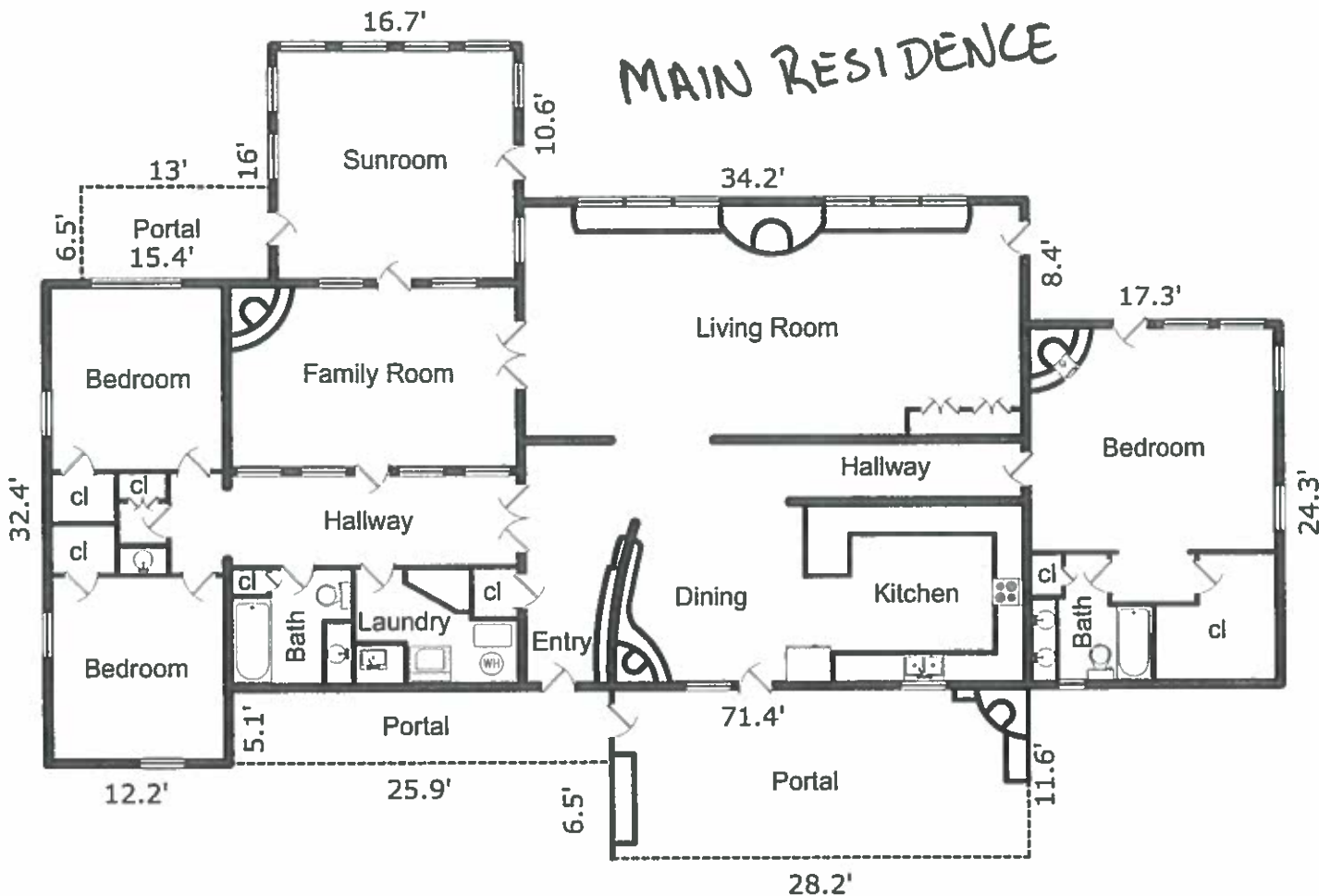
Borrower n/a

Lender/Client Preston Reed

Appraiser Name Anthony Gonzales

Appr Address 404 Brunn School Road, Bldg. B, Santa Fe, NM

IMPROVEMENTS SKETCH



Scale: 1" = 12'

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GLA1	First Floor	2744.48	2744.48
P/P	Entry Portal	459.21	
	Portal	84.37	543.58

LIVING AREA BREAKDOWN

Breakdown		Subtotals
First Floor		
5.1 x	12.2	62.22
83.6 x	24.3	2031.48
3.0 x	66.3	198.90
10.6 x	16.7	177.02
5.4 x	50.9	274.86



NBB-27

Net LIVABLE Area

(rounded)

2744

5 Items

(rounded)

2744

SKETCH/AREA TABLE ADDENDUM

SUBJECT

Property Address 24 Old Agua Fria Road West

City Santa Fe

County Santa Fe

State NM

Zip 87505

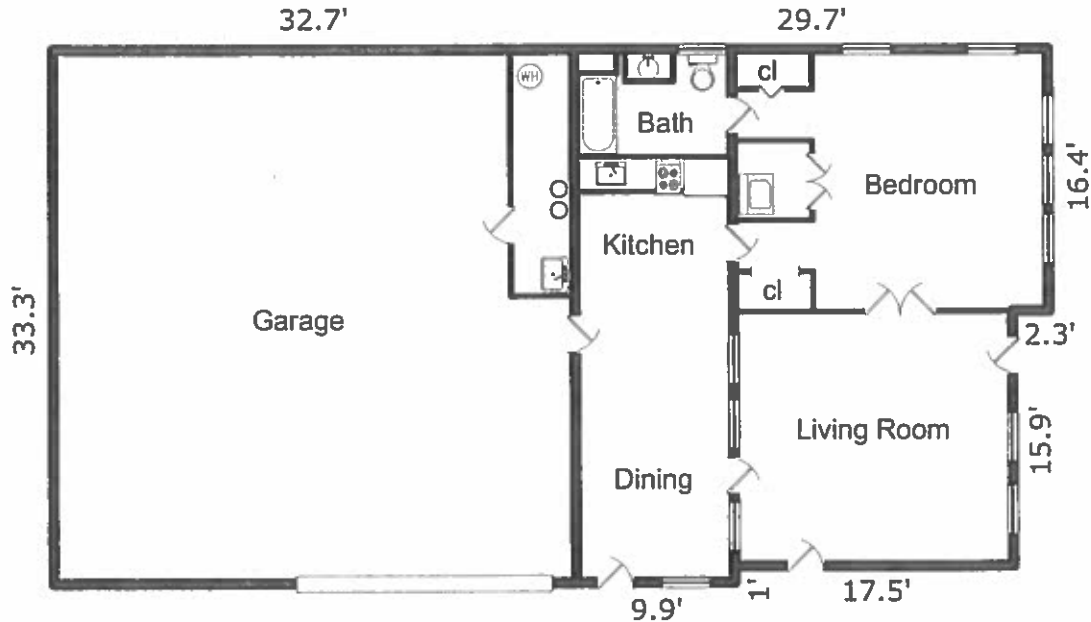
Borrower n/a

Lender/Client Preston Reed

Appraiser Name Anthony Gonzales

Appr Address 404 Brunn School Road, Bldg. B, Santa Fe, NM

GUEST HOUSE/GARAGE



IMPROVEMENTS SKETCH

Scale: 1" = 12'

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GLA1	Guest House	932.64	932.64
GAR	Garage	1088.91	1088.91

LIVING AREA BREAKDOWN

Breakdown		Subtotals
Guest House		
29.7	x 16.4	487.08
15.9	x 27.4	435.66
1.0	x 9.9	9.90

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Net LIVABLE Area

(rounded)

933

3 Items

(rounded)

933

OLD AGUA FRIA RD

FENCE

MAIN RESIDENCE

GARAGE/
GUEST HOUSE

GUEST HOUSE

WALL

SITE PLAN

NTS.



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