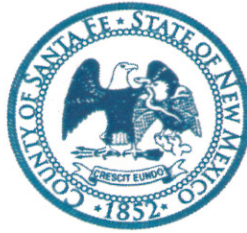


Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: October 11, 2011

TO: Board of County Commissioners

FROM: Wayne Dalton, Building and Development Services Supervisor *WD*

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

FILE REF: CDRC CASE # V 11-5210 Edwin & Francesca Lemus Variance

ISSUE:

Edwin & Francesca Lemus, Applicant's, Santa Fe County Open Space and Trails, (Colleen Baker), Agent, request a variance of Ordinance # 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow a land division of 1.534 acres into two lots; one lot consisting of 1.050 acres and one lot consisting of 0.483 acres.

The property is located off Agua Fria Street, at 1994 Vereda San Antonio, within Section 32, Township 17 North, Range 9 East, (Commission District 2).

SUMMARY

On August 18, 2011, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request for a variance by a unanimous 4-0 vote (Refer to Meeting Minutes Attached as Exhibit "A").

The Applicant's requests a variance of Ordinance # 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow a land division of 1.534 acres into two lots; one lot consisting of 1.050 acres (Tract A-1) and one lot consisting of 0.483 acres (Tract A-2). There is currently a residence, and a shell of an old detached single car garage and a conventional septic system on the property. The property is served by an on-site well which serves the existing dwelling unit. The property is located within the Village of Agua Fria Traditional Community Zoning District (AFTCZD). Ordinance # 2007-2 states the minimum lot size in this area is 0.75 acres per dwelling unit. Lot size can be reduced to 0.33 acres with both community water and sewer.

The proposed land division would divide the current 1.534 acre parcel. The Applicant would retain 1.050 acres (Tract A-1) with all existing structures and the Santa Fe County Open Space and Trails Program would purchase the remaining 0.483 acres (Tract A-2) encompassing the Santa Fe River floodplain.

The Applicant states the proposed land division is solely for the purpose of creating public open space along the Santa Fe River. The land division will not be recorded until and unless the purchase of (Tract A-2) is completed by the County. The proposed (Tract A-2) will be used exclusively for open space, river restoration, habitat enhancements, public trails and related amenities such as benches and drinking fountains.

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

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

REQUIRED ACTION:

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

RECOMMENDATION:

Staff has reviewed this Application and has found the following facts **to support** this submittal: Ordinance # 2007-2 states the density in this area (AFTCZD) is 0.75 acres per dwelling unit; the portion of the property being divided below the minimum lot size (Tract A-2) will be used exclusively for open space amenities and cannot be developed; the land division would preserve distinctive natural features such as the Santa Fe River, and primary open space corridors; and clustering of structures is encouraged to preserve natural open space areas as stipulated within Ordinance # 2007-2; therefore staff recommends **approval** of the Applicants request subject to the following conditions:

1. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.

2. Water use shall be restricted to 0.25 acre feet per year for (Tract A-1). A Water meter shall be installed on the existing home; this shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
3. No further division of (Tract A-2) shall be permitted. This shall be noted on the Plat.
4. (Tract A-2) shall be designated as open space, development other than open space amenities on this lot is prohibited, this shall be noted on the Plat.

ATTACHMENTS:

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

- E. **CDRC CASE # V 11-5210 Edwin & Francesca Lemus Variance. Edwin & Francesca Lemus, Applicant's, Santa Fe County Open Space and Trails, (Colleen Baker), Agent, Request a Variance of Ordinance # 2007-2, (Village of Agua Fria Zoning District), Section 10.6 to Allow a Land Division of 1.534 Acres Into Two Lots; One Lot Consisting of 1.050 Acres and One Lot Consisting of 0.483 Acres. The Property is Located Off Agua Fria Street, at 1994 Vereda San Antonio, within Section 32, Township 17 North, Range 9 East, (Commission District 2) Wayne Dalton, Case Manager [Exhibit 3: Letter of Opposition]**

Mr. Dalton gave the following staff report:

“The Applicants request a variance of Ordinance # 2007-2, Section 10.6 to allow a land division of 1.534 acres into two lots; one lot consisting of 1.050 acres and one lot consisting of 0.483 acres. There is currently a residence, and a shell of an old detached single car garage and a conventional septic system on the property. The property is served by an on-site well which serves the existing dwelling unit. The property is located within the Village of Agua Fria Traditional Community Zoning District. Ordinance # 2007-2 states the minimum lot size in this area is 0.75 acres per dwelling unit. Lot size can be reduced to 0.33 acres with both community water and sewer.

“The proposed land division would divide the current 1.534-acre parcel. The Applicant would retain 1.050 acres, which would be Tract A-1 with all existing structures and the Santa Fe County Open Space and Trails Program would purchase the remaining 0.483 acres, which would be Tract A-2 encompassing the Santa Fe River floodplain. The Applicant states the proposed land division is solely for the purpose of creating public open space along the Santa Fe River. The land division will not be recorded until and unless the purchase of Tract A-2 is completed by the County. The proposed Tract A-2 will be used exclusively for open space, river restoration, habitat enhancements, public trails and related amenities such as benches and drinking fountains.

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

In giving the recommendation Mr. Dalton stated staff has reviewed this Application and has found the following facts to support this submittal: Ordinance # 2007-2 states the density in this area is 0.75 acres per dwelling unit; the portion of the property being divided below the minimum lot size (Tract A-2) will be used exclusively for open space amenities and cannot be developed; the land division would preserve distinctive natural features such as the Santa Fe River, and primary open space corridors; and clustering of structures is encouraged to preserve natural open space areas as stipulated within Ordinance # 2007-2; therefore staff recommends approval of the Applicants request subject to the following conditions:



1. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
2. Water use shall be restricted to ~~0.50~~ 0.25 acre-feet per year for (Tract A-1). A Water meter shall be installed on the existing home; this shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
[Modified at staff report]
3. No further division of (Tract A-2) shall be permitted. This shall be noted on the plat.
4. (Tract A-2) shall be designated as open space, development other than open space amenities on this lot is prohibited; this shall be noted on the Plat.

Referring to packet exhibits F and G, Chair DeAnda asked where the division would be. She determined the location of the floodplains.

Appearing for the Open Space Division Colleen Baker explained the County is working to establish an open space corridor along the Santa Fe River and this is supported by the Agua Fria Village Ordinance. This lot split is strictly towards that end.

Mr. Dalton stated he spoke with the writer of the letter of opposition and explained there would be no development on the property beyond open space amenities. He did not hear further from him. Chair DeAnda asked if any of the people mentioned in the letter are adjoining landowners and Mr. Dalton did not know.

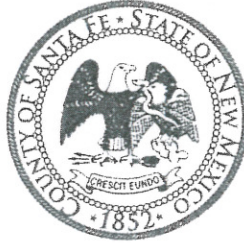
There was no one from the public wishing to speak.

Chair DeAnda moved to approve Case #V 11-5210 with staff conditions. Member Anaya seconded and the motion carried unanimously [4-0].

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Wayne Dalton
Permits and Enforcement Manager
Grown Management Department
Santa Fe County
Po Box 276
Santa Fe, NM 87501

July 8, 2011

Dear Mr. Dalton,

I am writing to request approval of a lot split of 1994 Vereda San Antonio to allow the Santa Fe County Open Space and Trails Program to purchase a portion of the property to create public open space along the Santa Fe River. The property is Tract A within SHC 581, Section 32, T 17 N., R 9 E., and is located on the south bank of the Santa Fe River off Agua Fria Rd. on Vereda San Antonio in Santa Fe County, NM, see enclosed plat and warranty deed.

The owners of the property, Edwin and Francesca Lemus, are willing to sell the portion of their property that borders the Santa Fe River to the County for open space and have provided a letter of consent for the Open Space and Trails Program to submit this application for a lot split of their property. Please see enclosed letter from the owners.

The property currently encompasses 1.534 acres in the Village of Agua Fria Traditional Community Zoning District. The minimum lot size in the Traditional Community Zone is one dwelling unit per .75 acres. The proposed lot split will create one lot that is 1.050 acres including an existing residence, and a second lot that is 0.483 acres and therefore will require a variance. The Village of Agua Fria Zoning District, Santa Fe County Ordinance No. 2007-2 supports preservation of the Santa Fe River as open space. Section 10-7 A. 2 states that "Developments must preserve distinctive natural features such as the Santa Fe River, and primary open space corridors."

There are two structures currently on the property; a 1,853 square foot house, and the shell of an old detached single car garage. The house is on a well and a septic system.



The proposed lot split divides the current 1.534 acre lot into two parcels. The owner will retain Tract A-1, 1.050 acres with all of the structures, see the enclosed draft plat of the lot split. The Open Space and Trails Program will purchase Tract A-2, 0.483 acres encompassing the Santa Fe River floodplain. The lot split is solely for the purpose of creating public open space along the Santa Fe River. The lot split will not be recorded until and unless the purchase by the County is completed. The proposed lot will be used exclusively for open space, river restoration, habitat enhancements, public trails and related amenities such as benches and drinking fountains. If appropriate a note will be put on the plat of the lot split identifying Tract A-2 as open space and restricting its use accordingly.

The Open Space and Trails Program is working to implement a long range plan to acquire land along the Santa Fe River to create a greenway of public open space and trails from downtown Santa Fe to the Waste Water Treatment Plant. The proposed lot split of 1994 Vereda San Antonio is necessary for the County to purchase this portion of the river.

Please call me if you have any questions or need additional information, (505) 992-9868.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colleen Baker', with a long horizontal flourish extending to the right.

Colleen Baker
Program Manager
Santa Fe County Open Space and Trails

SANTA FE COUNTY

Ordinance No. 2007 - 2

AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, AS AMENDED, TO ADD A NEW SECTION 10, VILLAGE OF AGUA FRIA ZONING DISTRICT

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS (AS AMENDED), IS HEREBY AMENDED TO ADD A NEW SECTION 10, AS FOLLOWS:

Sec. 10. VILLAGE OF AGUA FRIA ZONING DISTRICT

10.1 Applicability of Ordinance

- A. This Ordinance applies within the territory identified in Section 10.2 herein. The Santa Fe County Land Development Code, Ordinance 1996-10, (as amended) (herein referred to as "the Code") shall be applicable to all property within the Village of Agua Fria Zoning District, except those specifically set forth in this Ordinance.
- B. This Ordinance shall apply to an existing approved master plan and shall apply to an application for approval of a master plan, preliminary development plan or preliminary plat.

10.2 Location of Zoning District Boundaries

- A. The Village of Agua Fria Zoning District consists of all property within the area described on the Village of Agua Fria Zoning District Map (Attachment A).

10.3 Purpose

- A. The Village of Agua Fria Zoning District is intended to implement the planned land use goals, strategies and overall intent of the Village of Agua Fria Community Plan, Resolution 2006 - 116, adopted and approved by the Board of County Commissioners on June 11, 2006.
- B. The Village of Agua Fria Zoning District is intended, in part, to implement the planning policies of the Growth Management Plan's "Traditional and Contemporary Communities" land use designation.
- C. The Village of Agua Fria Zoning District Ordinance will be formally reviewed by a committee established by Santa Fe County Land Use Department at least once every five years. Santa Fe County Planning Division staff will provide support and help to coordinate the committee formation process. The review by the Agua Fria Committee may include recommendations to amend the plan and ordinance.



10.4 Village of Agua Fria Zoning Subdistricts Established

The following Village of Agua Fria Zoning Subdistricts are hereby established and approved for use in the Village of Agua Fria Zoning District:

Village of Agua Fria Zoning Subdistricts
Agua Fria Low-Density Urban Zone (AFLDUZ)
Agua Fria Traditional Community Zoning District (AFTCZD)

10.5 Village of Agua Fria Zoning District Use Table

A. Principal Uses

P Permitted Uses

A "P" indicates that a use is allowed by right in the subdistrict, in accordance with an administrative approval. Permitted uses are subject to all other applicable regulations of this Code. Application for a development permit is not required for agricultural, grazing and ranching uses as set forth in Article III, Section 1, Agriculture, Grazing and Ranching Uses.

C Conditional Uses

A "C" indicates that a use is allowed only if a Development Plan is reviewed and approved by the Agua Fria Development Review Committee (AFDRC), County Development Review Committee (CDRC) or applicable Local Development Review Committee (LDRC), in accordance with the applicable procedures of this Code. Conditional Uses are subject to all other applicable regulations of this Code.

S Special Uses

An "S" indicates that a use is allowed only if a Development Plan and Master Plan are reviewed and approved by the Board of County Commissioners, in accordance with the applicable procedures of this Code. Special Uses are subject to all other applicable regulations of this Code.

Uses Not Allowed

A blank cell (one without a "P", "C" or "S") indicates that a use type is not allowed in the subdistrict.

Uses Not Listed

B. Use Categories

(Section Reserved)

C. Accessory Uses

Accessory uses are subject to applicable provisions of the Code.

D. Temporary Uses

Temporary uses are subject to applicable provisions of the Code.

Commentary: Use Standards must meet requirements outlined in the Santa Fe County Land Development Code, as amended. The Use Table, below, is organized into 5 major use groups: Residential Use, Public, Civic and Institutional Use, Retail, Service and Commercial Use, Industrial Use, and Open Use. Each major use group is further divided into specific uses. The use category system is based on common functional, product or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
Residential Use Categories				
Household Living	All household living not listed below	P	P	
	Single-family dwellings and manufactured homes	P	P	
	Two-family dwellings (duplexes)	P	P	
	Multi-family dwellings	C	S	
	Manufactured home communities and subdivisions	C	S	
	Mobile homes	P	P	
	Upper floor residential	P	P	
Group Living	All group living not listed below	C	S	
	Community residential homes (6 or fewer residents)	P	P	
	Community residential homes (7-14 residents)			
	Community residential homes (>14 residents)			
	Family compounds	P	P	
Public, Civic, and Institutional Use Categories				
Place of Worship	All places of worship	C	C	
Day Care	All day care not listed below (See also Sec. Accessory Home-based)	C	C	
	Day care (13 or more adults or children)	C	C	
Community Service	All community services not listed below	C	C	
	Community facilities	C	C	
	Libraries	C	C	
	Museums	C	C	
	Philanthropic institutions	C	C	
	Senior centers	C	C	
Educational Facilities	All educational facilities not listed below	C	C	
	Elementary schools	C	C	
	Middle or high schools	C	C	
	Colleges or universities	S	S	
	Business and vocational schools	S	S	
Government Facilities	All government facilities not listed below	C	C	
	Emergency services	P	P	
	Jail or prison	S		
	Post office	C	C	
Parks and Open Spaces	All parks and open space not listed below	C	C	
	Cemeteries, columbaria, mausoleums, memorial parks	C	C	
	Public parks	P	P	

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
Passenger Terminal	All passenger terminals not listed below	S	S	
	Airports			
	Airports or heliports, private			
Social Service Institutions	All social service institutions	S	S	
Utilities	Utilities not listed below	C	C	
	Major utilities	S	S	
	Minor utilities	C	C	
	Telecommunications facilities	C	C	
Retail, Service and Commercial Use Categories				
Entertainment Events, Major	All major entertainment events, not listed below			
	Fairgrounds	S	S	
Medical Services	All medical services not listed below	C	C	
	Hospitals	S	S	
	Medical and dental offices/clinics	C	C	
	Emergency medical offices	C	C	
Office	All offices not listed below			
	Offices (<5,000 square feet)	C	C	
	Offices (>5,000 to 50,000 square feet)			
	Office uses (>50,000 square feet)			
Parking, Commercial	All commercial parking lots and garages		S	
Transient Accommodations	All transient accommodations not listed below			
	Inns and bed and breakfasts (<7 units)	C	C	
	Inns and bed and breakfasts (7-12 units)	C	C	
	Hotels and motels (>12 units)			
	Resorts (with or without conference centers)	S	S	
Indoor Recreation	All indoor recreation not listed below	S	S	
	Adult entertainment			
	Convention or conference center	S	S	
	Private clubs and lodges (not-for-profit)	S	S	
	Entertainment and recreation, indoor		S	
Outdoor Recreation	All outdoor recreation not listed below			
	Golf courses	S	S	
	Recreational uses, outdoor	C	C	
	Outfitter and guide services	S	C	
	Racetracks, animal			
	Racetracks, motorized			
	Recreational vehicle park/campground	C	C	
	Riding academies and public stables	S	C	

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
Restaurants and Bars	Stadiums			
	All restaurants and bars not listed below			
	Restaurants (See also Home Restaurants)		C	
	Restaurant, serving beer, wine, or liquor		S	
Retail Sales and Service	Taverns and bars			
	All indoor retail sales and services not listed below			
	Art galleries or dealers	C	C	
	Appliance, bicycle, jewelry, shoe or watch repair		S	
	Convenience stores		S	
	Exercise or dance studios		C	
	Farmers Markets	C	C	
	Gasoline and fuel sales			
	Greenhouses or nursery, retail	C	C	
	Liquor stores			
	Outdoor markets			
	Personal service establishments	C	S	
	Retail establishments, indoor <5,000sf		S	
	Retail establishments, indoor >5,000sf to 50,000sf			
	Retail establishments, indoor >50,000			
Vehicle parts and accessories				
Video and DVD rental establishments	C	C		
Vehicle Sales and Service	Vehicle sales and service not listed below			
	Vehicle service, general		C	
	Vehicle service, intensive			
	Vehicle sales and leasing			
Storage	Storage not listed below			
	Mini-storage units		C	
Industrial Use Categories				
Industrial Sales and Service	Industrial sales and service not listed below		S	
	Arts and Crafts			
	Manufactured home sales and service			
	Building and Landscaping	S	C	
	Woodworking, including cabinet makers and furniture manufacturing	S	C	
Warehouse and Freight Movement	Warehouse and freight movement not listed below		S	
	Transport and shipping			
	Truck stops			

Use Categories	Specific Uses	A g u a F r i a Low-Density Urban Zone (AFLDUZ)	A g u a F r i a Traditional Community Zoning District (AFTCZD)	Use Standards
	Outdoor storage yards			
Waste-related Services	Waste-related services not listed below			
	Landfills			
	Recycling facilities			
Wholesale Trade	Wholesale trade not listed below		C	
	Equipment rental			
	Mail-order houses	C	C	
Heavy Industrial	All heavy industrial			
Resource Extraction	All resource extraction not listed below			
	Mining and extractive uses			
	Sand and gravel operations	S		
Open Use Categories				
Agriculture	All agriculture not listed below	P	P	
	Agriculture, grazing and ranching	P	P	
Agricultural Business	All agricultural business not listed below			
	Animal boarding or training (large animals)		C	
	Animal boarding, kennels, shelters (small animals)		S	
	Animal breeding (commercial) and development			
	Animal hospital or veterinarian (large animal)		S	
	Animal hospital or veterinarian (small animal)			
	Animal processing, packing, treating, and storage			
	Animal raising (commercial)		S	
	Dairy farm or milk processing plant, commercial			
	Greenhouse or nursery (wholesale)	C	S	
	Feed lot, commercial			
	Livestock auctions or stock yards			
	Livestock or poultry slaughtering or dressing			
	Processing of food and related products		C	
	Retail Sales of farm equipment and supplies			
	Packing house for fruits or vegetables		C	
Tree or sod farm, retail or wholesale	C	S		

→ 10.6 Density and Dimensional Standards

The following table illustrates the dimensional standards that apply in the Village of Agua Fria Zoning District. Measurements and exceptions to the standards of this schedule are listed in the table notes.

Commentary: The density and dimensional standards set forth in this section are not a guarantee that stated development density and intensities can be attained. Other factors—water and other public facility availability, infrastructure capacity, building layout, physical limitations, and parking configuration to name a few—may have the effect of limiting development intensity more than the stated standards.

Village of Agua Fria Zoning District															
Sub districts	Minimum Lot Area/Principal Use (acres) (1)							Max. Coverage (%)		Max. Height (ft)			Min. Setbacks (ft) (2)		
	Base Density/ Intensity		Water Cons.	Long Term Water	Community Services										
	Res Uses	Non Res Uses			Water	Sewer	Both W&S	SF	MF						
AFTCZD	.75	.75			.75	.75	0.33		40	24	24	24	0	5	5
AFLDUZ	2.5	2.5			1	1	0.5		20	24	24	24	0	20	20

Notes:

(1) Where adequate water is available, minimum lot area may be reduced by employing water conservation measures and reducing water use. Further reductions may be achieved by submitting proof of adequate long term water availability, connecting to community water, community sewer or both (W&S), all in accordance with Article III, Section 10, Lot Size Requirements of the Code or, such additional density bonus and lot size provisions of County Ordinance 2006-02, Affordable Housing.

(2) Setbacks shall be measured from the property line or from the edge of the road easement where the property line is inside the road easement.

10.7 Supplemental Use Regulations

The following standards shall apply to all new development in the Village of Agua Fria Zoning District:

- A. Preservation of Community Character
 - 1. Clustering of structures is encouraged to preserve natural open areas; and
 - 2. Developments must preserve distinctive natural features such as the Santa Fe River, and primary open space corridors.
- B. Non-Residential Standards
 - 1. Maximum Square Footage - Non-residential development may not exceed 5,000 square feet, with the exception of small grocery stores, which may request up to 10,000 square feet.
 - 2. Setbacks - Non-residential developments shall be set back no less than 25 feet from the property line of existing residential properties.
 - 3. Parking - No parking may be provided within 5 feet of property lines.
- C. Home Business

Home businesses, including but not limited to, retail shops, galleries, offices or restaurants, may be allowed as accessory uses to single-family dwellings and are a conditional use subject to the approval of a conditional use permit. A home business shall comply with the following:

 - 1. A Site Development Plan is required.
 - 2. Not more than 2,500 square feet shall be dedicated to the home business use.
 - 3. The owner of the business shall reside on-site.
 - 4. No more than 6 persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home business.
 - 5. The business shall not be disruptive of the residential character of the neighborhood.
 - 6. All outdoor storage shall be screened and there shall be no more than 1,000 square feet of such storage related to the home business.
 - 7. Home businesses may have a maximum of one sign.
 - 8. No equipment or process shall be used that significantly interferes with the existing use of property in the adjacent area.
 - 9. The business shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or other unhealthy or unsightly condition.
 - 10. The home business shall not create a traffic or parking problem.
 - 11. Off-street parking shall be required for employees, customers, and clients of the home business.
- D. Home Restaurants

Home Restaurants shall be permitted but shall comply with the requirements outlined in this Ordinance in addition to the following:

 - 1. Drive up or drive through shall not be allowed.
 - 2. Liquor sales are prohibited.
 - 3. Beer and wine sales are allowed provided that all applicable State requirements are met.

- E. Nonconforming Uses
Notwithstanding the provisions of Article II, Section 4 or Article III, Section 4.2.4 of the Code, as amended, nonconforming legal uses which have previously been expanded under the Code shall not be allowed further expansion.
- F. Additional requirements for all development
Requests for development shall be evaluated for compliance with all applicable provisions of the Code. Any conflicts between development requirements set forth in this ordinance and the Code shall be resolved in favor of the requirements of this ordinance.

10.8 District Standards

- A. Water
 1. All new residential land divisions and subdivisions using ground water from a domestic well shall limit water consumption to .25 acre-feet of water per year per dwelling unit and appropriate restrictions to this effect shall be imposed during the approval process.
- B. Wastewater
 1. Existing residential or non-residential uses whose parcel boundary is within 200 feet of a public sanitary sewer line that can be accessed by gravity flow shall connect to that line.
 2. When property in the planning area is divided, whether by rezoning, variance, family transfer or otherwise, the applicant shall furnish complete and accurate documentation to the County that demonstrates that facilities are in compliance with all New Mexico Environment Department regulations and that all necessary permits have been obtained.

10.9 Special Community Notice and Procedural Requirements

- A. Posting
In addition to County Code requirements, notice of pending applications for land divisions, family transfers, subdivisions, rezoning, home businesses, non-residential uses or other applications requiring committee review, shall be prominently posted and maintained in a manner most visible to community and adjacent neighbors.
- B. Pre-application Review
In addition to County Code requirements, applicants for any subdivision with 5 or more lots, or non-residential development shall hold a pre-application meeting in the community to present the development concept and gather public comments and concerns about the development.
 1. The applicant shall publish notice of the time, place and purpose of the meeting in a newspaper of general circulation in the community and shall mail notice to neighborhood organizations within the Village of Agua Fria that are on the list of neighborhood associations maintained by the Santa Fe County Land Use Department, and to all property owners within 100 feet (excluding rights-of-way) of the subject property. The property shall be posted as set forth above.
 2. The applicant shall record the meeting proceedings and submit a written record to the County along with the application for development.

PASSED, ADOPTED AND APPROVED this 13 day of March, 2007, by the Santa Fe County Board of County Commissioners.

Virginia Vigil
Virginia Vigil, Chairwoman

ATTEST:
Valerie Espinoza
Valerie Espinoza, County Clerk



APPROVED AS TO LEGAL FORM:

Stephen C. Ross
Stephen C. Ross, County Attorney

CERTIFICATE OF FILING

I, Valerie Espinoza, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2007 - 2, was filed in my office on the 5th day of March, 2007, in Instrument No. 1477602.

SANTA FE COUNTY CLERK

Valerie Espinoza
VALERIE ESPINOZA



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 11

I Hereby Certify That This Instrument Was Filed for Record On The 5TH Day Of April, A D., 2007 at 08:29 And Was Duly Recorded as Instrument # 1477602 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy Marcella Valerie Espinoza
County Clerk, Santa Fe, NM

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 of 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





8/8/2011

Edwin and Francesca Lemus

#1994 Vereda San Antonio





8/8/2011

Edwin and Francesca Lemus

#1994 Vereda San Antonio



8/8/2011

Edwin and Francesca Lemus

#1994 Vereda San Antonio

DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED BORROWERS HAVE CAUSED TO BE DEDICATED THOSE LANDS SHOWN HEREON IN ACCORDANCE WITH THE DESIRES OF SAID BORROWERS AND IN ACCORDANCE WITH THE DESIRES OF SAID CREDITORS AND SAID CREDITORS HAVE CAUSED TO BE DEDICATED THOSE LANDS SHOWN HEREON IN ACCORDANCE WITH THE DESIRES OF SAID BORROWERS AND IN ACCORDANCE WITH THE DESIRES OF SAID CREDITORS.

EDUARDO ALBERTO & FRANCISCA FORNISE-LEMUS

STATE OF NEW MEXICO JSS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY LEAN SHIMBACH, THIS _____ DAY OF _____ 20____

NOTARY PUBLIC _____ W/ COMMISSION EXPIRES _____

SANTA FE COUNTY APPROVALS, NOTES AND CONDITIONS

THE LANDS SHOWN HEREON ARE WITHIN THE PLANNING AND PLATING JURISDICTION OF SANTA FE COUNTY.

MAINTENANCE OF ACCESS EASEMENTS, UTILITY EASEMENTS AND/OR PRIVATE ROADWAYS IS NOT THE RESPONSIBILITY OF SANTA FE COUNTY UNLESS ACKNOWLEDGED AND APPROVED BY SANTA FE COUNTY COMMISSIONERS.

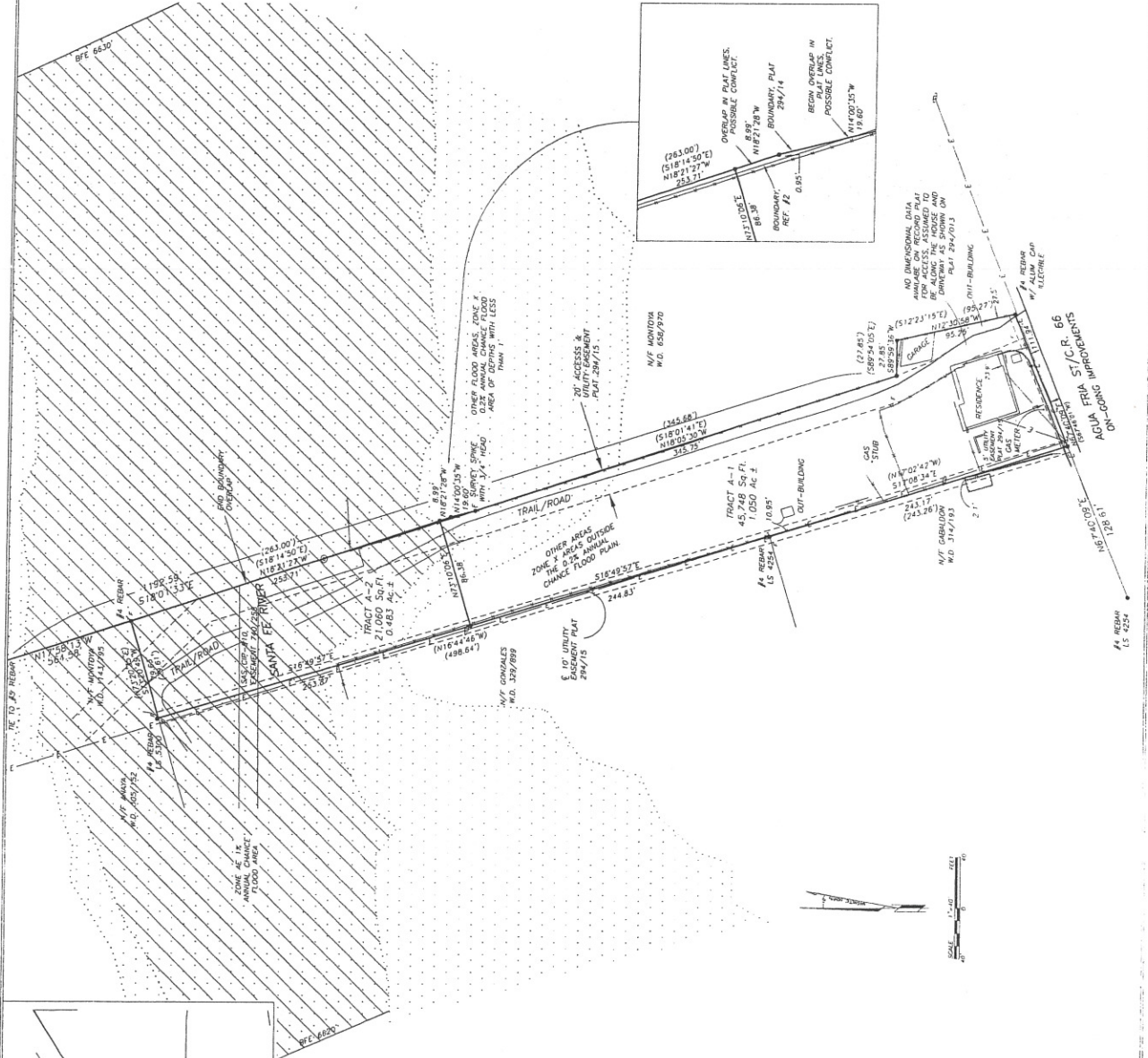
THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY PARTIAL DEVELOPMENT INCLUDING BUILDING PERMITS, ALL STANDARD COUNTY PERMITS AND FEES DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION, CONSTRUCTION ACTIVITY OF ANY KIND, DEVELOPMENT PERMITS FOR ROADS, FIRE PROTECTION, TRENCH MANAGEMENT, AND DAMAGE TO UTILITIES, ETC. AND APPROVED.

ACCORDING TO THE INFORMATION PROVIDED BY THE COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT DATED JUNE 17, 2008, EXCEPT THE FRONT PROPERTY LIES IN OTHER AREAS ZONE "A", OUTSIDE THE LIMITS OF THE 100-YEAR (1%) FLOODPLAIN, THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES.

UNLESS OTHERWISE SPECIFIED, THE REMAINING PARCEL WILL BE DETERMINED AT THE TIME OF BUILDING PERMITS, PARCELS, AND/OR LOTS SHOWN HEREON ARE OUTSIDE OF THE URBAN WILDLAND INTERFACE ZONE BY THE SANTA FE COUNTY FIRE DEPARTMENT.

THE LAND AND INTERESTS HEREON ARE FOR THE COUNTY CLERK -
 NON-RESIDENTIAL SUBDIVISION
 PREPARED FOR
SANTA FE COUNTY
 AND **EDWIN ALBERTO LEMUS & FRANCISCA FORNISE-LEMUS**
 OF TRACT 1
 (RECORDED IN PLAT BOOK 149, PAGE 01)
 WITHIN SECTION 16, T19N, R16E, N.M.P.M.
 SANTA FE COUNTY, NEW MEXICO
 THE PURPOSE OF THIS PLAT IS TO CREATE 1 NON-RESIDENTIAL TRACT FOR PUBLIC OPEN SPACE AND RECREATION

ORIGINAL TRACT & UPL: P1-000-091-382-268
 TAMSON SURVEYS, INC.
 2502 A CAMINO ENTRADA
 SANTA FE, N.M., 87507
 LICENSE #1388, DATE 3/31/2011



LEGEND

BORROWERS ARE REFERRED TO THE NEW MEXICO STATE PLANE SURVEY SYSTEM. ALL DISTANCES ARE GROUND LEVEL, REFERRED TO 6600' MEAN OCEAN LEVEL WITH A SCALE FACTOR OF 0.99998.

- DONOTES BEARS OR IS SHOWN PERMANENT
- DONOTES AREAS WITH DRAINAGE CAN BE SET UP UPON
- DONOTES CALCULATED POINT, NOT SET
- DONOTES UTILITY MARKERS
- DONOTES DETERMINED UTILITY PLATE

DONOTES BOUNDARY OF LANDS BELIEVE INTO IN THIS PLAT INFORMATION OUTSIDE OF THIS BOUNDARY IS FOR INFORMATION ONLY AND NOT PART OF THIS PLAT.

EXHIBIT F

tablets

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY COMPLETED UNDER MY PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE THE SURVEY AND PLAT IS CORRECT, TRUE AND MEET THE MINIMUM STANDARDS FOR SURVEYS IN NEW MEXICO.

DIEGO J. BARRONOS N.M.P.L.S. 1388

COUNTY OF SANTA FE, JSS
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____ DAY OF _____ 20____ AT _____ O'CLOCK _____ AND WAS DULY RECORDED IN BOOK _____ PAGE(S) _____ OF THE records of Santa Fe County.

Witness my Hand and Seal of office
 County Clerk, Santa Fe County, N.M.

Deputy

Map of Property in Santa Fe County

Legend

- driveways
- Minor Roads
- Major Roads
- Parcels_sde
- Section Lines

2011 FEMA Data Draft Fema Data 2011

- 0.2 PCT
- A
- AE
- AO; D; X

2008 FEMA Data

- 500 Year
- 100 Year

1:1,800

1 inch represents 150 feet



WARNING:
Two (2) foot contour data sets are NOT SUITABLE FOR ENGINEERING WORK. These data are appropriate for PLANNING PURPOSES ONLY.

Orthophoto from 2008
Contour Interval 2 Feet

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 10, 2011



EXHIBIT
G

DATE: August 15, 2011

TO: Santa Fe County Land Use Administrator

FROM: Tony Montoya Jr. *TM*
Damian Gabaldon *DG*
Helen M. Gabaldon *HG*
Charlie Gonzales *CG*
Mary Frances Gonzales *MG*

SUBJECT: CDRC CASE #VII -5210

We wish to object to the proposal to allow a Land Division as proposed in CDRC Case #V11-5210. We are already being exposed to gatherings that result in loud noise and congestion due to heavy traffic in and out of the property proposed for division. We feel this change will result in more of the same creating problems for persons who live close by and also the use of the incriminate road running through the property. As it is we live by the Agua Fria School and needless to say, this area is heavily congested with the increase of growth that the village has succumbed to.

RECEIVED AUG 17 2011

10:00 am

ALP



