

MINUTES OF THE
COUNTY/CITY
EXTRATERRITORIAL ZONING AUTHORITY

July 31, 2008

Santa Fe, New Mexico

This meeting of the Extraterritorial Zoning Authority was called to order on the above-cited date in Santa Fe County Commission Chambers, Old Santa Fe County Courthouse, Santa Fe, New Mexico at approximately 6:12 p.m. Neither the Authority Chair nor Vice Chair was present and Commissioner Montoya convened the meeting.

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

Members Present:

Commissioner Harry Montoya
Commissioner Paul Campos
Councilor Rosemary Romero
Councilor Miguel Chavez, Chair [6:20 arrival]

Member(s) Excused:

Commissioner Jack Sullivan

County Staff Present:

Shelley Cobau, County Review Department Director
Vicki Lucero, County Zoning Director
Jose Larrañaga, County Review Specialist
Steve Ross, County Attorney

APPROVAL OF THE AGENDA

Ms. Cobau pointed out that Consent Calendar item #3 under Findings of Fact, EZ Z/DP 08-4080, Sonlit Hills Christian Fellowship, was tabled.

Upon motion by Councilor Romero and second by Commissioner Campos the agenda was unanimously [3-0] approved as modified.

APPROVAL OF THE MINUTES: June 26, 2008

Commissioner Campos moved to approve the minutes as submitted. Councilor Romero seconded and the motion carried 3-0.

CONSENT CALENDAR

Findings of Fact:

Commissioner Campos moved to approve the consent agenda items 1, 2, 4, 5 and 6. His motion was seconded by Councilor Romero and passed by unanimous [3-0] voice vote.

- 1) **Finding of Fact: EZ Case # V 08-4000 David Collins Variance.** David Collins, Applicant, requested two variances of the Extraterritorial Zoning Ordinance, Mountain Special District standards; Section 9.8.C.5.b and Section 9.8.C.5.d (building height and number of building stories allowed). The property is located in the Landmark Area of the Mountain Special Review District at 3264 Paseo del Monte in Hyde Park Estates within Section 9, Township 17 North, Range 10 East (2-Mile EZ, District 1). **Approved 3-0**
- 2) **Finding of Fact: EZ Case # V 07-4440 Carris Variance.** Dean & Jim Carris, Applicants, Padilla & Associates, Agent, requested approval of a variance of Section 12.1 (Terrain Management) of the Extraterritorial Zoning Ordinance, to allow more than 50% of the residence to be constructed on slopes of 20%-30%. The property is located at 32 Paseo Vista, via Seton Village Road, within Section 19, Township 16 North, Range 10 East (2-Mile EZ, District 4). **Approved 3-0**
- 3) **Tabled**
- 4) **Finding of Fact: EZ Case # MIS 08-4170 Roberts Request.** Brian and Mary Roberts, Applicants requested approval of an addition and remodel exceeding 500 square feet within the Landmark Area in the Mountain Special Review District. Section 9.8.C, Mountain Special Review District (Development & Design Standards), of the Extraterritorial Zoning Ordinance requires that all development within the Landmark Area be reviewed by the EZA. The property is located at 55 Double Arrow Road South, in the Mountain Special Review District, within Sections 8, Township 16 North, Range 10 East, (2- Mile EZ, District 4). **Approved 3-0**
- 5) **Finding of Fact: EZ Case # V 07-4350 Lawrence Variance.** Suzanne Lawrence, Applicant, requested approval of variance of Section 12.1.C (Terrain Management Performance Standards), and variance of Section 9.8

(Mountain Special Review District) of the Extraterritorial Zoning Ordinance for approval of the following, height of retaining wall, disturbance of slopes of over 30% for a driveway, removal of significant trees, height of structure, disturbance of slopes greater than 30% for residence, more than 50% of structure footprint on slopes greater than 20% and removal of rock outcroppings. The property is located at 45 S. Quien Sabe, within the Los Cerros Subdivision, within Section 8, Township 16 North, Range 10 East, (2-Mile EZ, District 4). **Approved 3-0**

- 6) **Finding of Fact: EZ Case # DP 97-4524 Placita de la Tierra, Phase 2.** Santa Fe Planning Group (Scott Hoeft), agent for Placita de La Tierra, applicant re- requested Final Development Plan approval for retail, office, restaurant and personal services consisting of 43,389 sq. ft. on 12 acres in accordance with the approved Master Plan for a Neighborhood Center District. The property is located at the intersection at the intersection of Camino la Tierra and Arroyo Calabasas Road within the Two Mile Extraterritorial District, Sections 7 & 8, Township 17 North, Range 9 East (District 2). **Approved 5-0**

F) NEW BUSINESS

- 1) **EZ Case # V 08-4090 Romero Variance.** Pauline Romero, Applicant, Ramon Romero, Agent, request approval of a variance of Section 5.2.A (lot size requirements) of the Extraterritorial Zoning Ordinance to allow a Family Transfer Land Division of 0.75 acres into two lots. The property is located at 2233 Camino Polvoso, within Section 5, Township 16 North, Range 9 East, within the 2-Mile EZ/District 2

Commissioner Montoya read the case caption and Ms. Lucero, Development Review Team Leader, reviewed the staff report as follows:

“On June 12, 2008, the EZC met and acted on this case. The decision of the EZC was to recommend approval of the request subject to staff conditions. The applicant is requesting a variance of the lot size requirements of the Extraterritorial Zoning Ordinance in order to allow a family transfer land division of 0.75 acres into two lots.

“The property is located in the Santa Fe Urban area where minimum lot size is 2.5 acres. If either community water or sewer are utilized the minimum lot size would be 1 acre, and if both community water and sewer were being utilized the minimum lot size would go down to 0.5 acres. A family transfer would allow the minimum lot size to go down to 1.25 acres.

“The property currently has two existing residences and an existing shared well. Both residences are currently connected to the City of Santa Fe sewer system.

City water service is not available within 200 feet of the property. The applicant states that she wishes to divide the property into two lots, with one house on each lot in order to give a lot to each of her two daughters.

“The applicant’s agent states that the 2 dwellings have been on the property since before 1981. This would render them legal non-conforming. A pre-1981 aerial photograph from 1978 shows that there were two structures on the property at that time.

The applicant has responded to the variance review criteria and staff too has responded. [Variance response on file with Land Use Department]. The EZA must have positive findings of fact that each of the variance criteria as set forth in Section 3.7.B of the EZO has been satisfied to grant the requested variance.”

Ms. Lucero stated that it is staff’s position that the property contains a legal non-conforming status for two dwelling units. Allowing the applicant to divide the lot into two lots will not change the density on the property. Both houses are connected to City sewer, therefore, eliminating the need for onsite septic systems which could cause water contamination. The proposed request is in conformance with the variance review criteria. Staff’s recommendation and the decision of the EZC was to recommend approval subject to the following conditions:

1. The applicant must return to the EZC for plat approval.
2. Each lot will be subject to water restrictions of 0.25 acre-feet per lot per year. Water restrictive covenants shall be recorded with the plat. A water meter must be installed at each lot and annual water meter readings must be submitted to the County.
3. The applicant shall connect to the City water system when it is available within 200 feet of the property. This shall be noted on the plat.

There were no questions of staff and the applicant was invited to speak.

Duly sworn, Ramon Romero, 2257 Camino Polvoso, said he was in agreement with the staff conditions.

Under oath, Alfredo Urban, an owner of property on Camino Polvoso currently residing in Albuquerque said he was present to learn about the process. He said he spoke to the applicant and supports his rights to divide his property.

There were no other speakers on this case.

Councilor Romero moved for approval with the staff-imposed conditions. Commissioner Campos seconded.

Observing that family land divisions can lead to poorly maintained roadways, Councilor Romero asked the applicant to discuss the condition of Camino Polvoso. Mr. Romero said his father began splitting this property in 1977 and there is a recorded document dating back to that time which commits the neighbors on the west and east side

to participate in the road maintenance. The Romero family donated the majority of the easement from Agua Fria back to Cerrillos Road. “Sadly, the people on the west side have never taken initiative to help the Romero family maintain the road,” stated Mr. Romero.

Mr. Romero said as a diesel mechanic/operator he has been the sole maintainer of the road for the past 30 years. He lamented that getting the neighbors to participate/contribute would require attaching a lien on their properties, and he was not interested in instigating an internal battle. He estimated his personal investment in the road at over \$80,000.

Mr. Romero said the problem with road maintenance is prevalent throughout Santa Fe County and especially within the Village of Agua Fria. Maintenance is particularly difficult on private property road – Camino Polvoso is private.

Councilor Chavez arrived at this point and asked whether Polvoso was on both sides of Rufina. Mr. Romero responded in the affirmative and said the south side of Rufina, where the subject property is, has a few residents and the road is in better shape in that area. Since Centex/Jeff Branch purchased land out there, Camino Polvoso dead-ends 1200 feet behind Lowe’s.

Councilor Chavez said he hoped the road improvements could be accomplished.

Mr. Romero pointed out that the road is easily accessible for fire and EMS services.

In response to Councilor Chavez’ comment regarding annexation, Mr. Romero said he expects that Centex will build out the area creating more congestion and that his family will sell their property. He said the requested lot split enables his mother to give a lot to each of his sisters.

The motion passed by unanimous [4-0] voice vote.

PETITIONS FROM THE FLOOR

None were presented.

COMMUNICATIONS FROM THE AUTHORITY

Councilor Chavez apologized for his late arrival.

COMMUNICATIONS FROM THE ATTORNEY

None were presented.

MATTERS FROM LAND USE STAFF

None was presented.

ADJOURNMENT

Having completed the business before the Authority, Commissioner Montoya declared the meeting adjourned at approximately 6:30 p.m.

Approved by:

Harry Montoya, Commissioner
Extraterritorial Zoning Authority

ATTEST:

Before me, this _____ day of _____, 2008.

My commission expires:

Respectfully submitted:

Karen Farrell, Wordswork

D R A F T

subject to approval