

**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:** May 27, 2015

**TO:** Board of County Commissioners

**FROM:** Mathew Martinez, Development Review Specialist *MM*

**VIA:** Katherine Miller, County Manager  
Penny Ellis-Green, Growth Management Director *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor *WD*

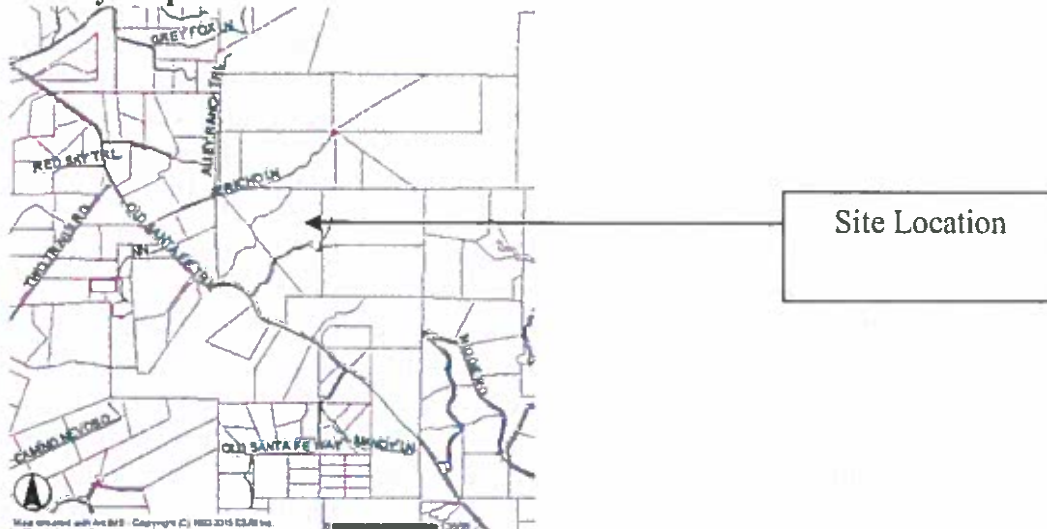
**FILE REF.:** CDRC CASE # V 15-5070 Jennifer Farquhar Variance

**ISSUE:**

Jennifer Farquhar, Applicant, requests a variance of Article III § 10 (Lot Size Requirements) of Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code (Code) to allow a Land Division of 11.34 acres into two lots.

The property is located at 21 Piedras Negras, within the vicinity of Old Santa Fe Trail, within Section 21, Township 16 North, Range 10 East, (Commission District 4).

**Vicinity Map:**



## **SUMMARY:**

**On April 16, 2015, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend denial of the Applicant's request. The motion passed by unanimous [6-0] vote.**

The subject lot is part of the Vista Piedras Negras Subdivision which was created in 1980 and is recognized as a legal lot of record. There is currently a residence (2,770 sq. ft.), where the Applicant resides, and an accessory structure (Studio/shed)(200 Sq. Ft.) on the property.

The Property was obtained in 1979, by Richard L. Farquhar and transferred via Quitclaim Deed to the Richard L. and Jennifer Farquhar Revocable Trust on May 3, 2000, which was filed in book 1763, pages 925-926 in the Santa Fe County Clerk's Office. Jennifer Farquhar became the Sole Trustee, of the Property by warranty deed which was recorded as Instrument # 1595214 in the Santa Fe County Clerk's records dated March 30 2010. (Exhibit 2)

The Applicant requests a variance of Article III § 10 (Lot Size Requirements) of the Code to allow a Land Division of 11.34 acres into two lots. She has not specified whether they will be split equally. The Applicant states that her and her husband intended to split the property in order to build on the lower portion of the property for their retirement. The Applicant asserts that neighboring properties on Piedras Negras are all between 5-6 acres a piece, making their lot the largest in the area. The Applicant claims that the lower half of the property is more accessible than the upper 5 to 6 acres where the existing home is located. The Applicants existing home has a long driveway and the access from the driveway and carport to the residence requires a walk up stairs or long walkway with a steep change in elevation. The Applicant further states that since her husband passed away 8 years ago, it is difficult raising their son as a single mother living on a property where the elevation affects driving to and from their home when there is snow. The Applicant also states that it is difficult to haul firewood and groceries up to the residence. The Applicant claims that she needs to sell the existing residence for both physical and financial reasons.

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 March 26, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on March 26, 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).

"Article III § 10 (Lot Size Requirements) states, minimum lot size in the Mountain Hydrologic Zone is 80 acres per dwelling unit. Lot sizes can be reduced to 20 acres per dwelling unit with signed and recorded water restrictions of 0.25 acre feet per year per dwelling unit." "Article II, § 3 (Variances) 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 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." **The variance criteria does not consider financial or medical reasons as extraordinary hardships**

Article II, § 3.2 (Variation or Modification) states: "in no case shall any variation or modification be more than a minimum easing of the requirements."

**This Application was submitted on February 12, 2015.**

**On April 16, 2015, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend denial of the Applicant's request.**

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

**APPROVAL SOUGHT:** Approval of a variance of Article III, § 10 (Lot Size Requirements) to allow a Land Division of 11.34 acres into two lots.

**GROWTH MANAGEMENT AREA:** SDA-2

**HYDROLOGIC ZONE:** Mountain Hydrologic Zone, minimum lot size is 80 acres per dwelling unit. Lot sizes can be reduced to 20 acres per dwelling unit with signed and recorded water restrictions. The request does not meet the minimum lot size requirements for this area.

**FIRE PROTECTION:** The property is located in the Hondo Fire District

The Applicant shall incorporate a turnaround area for emergency vehicle purposes onto their driveway in accordance with the requirements and dimensions of the Santa Fe County Fire Department. Driveway, turnouts and turarounds shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance or 13'6". Driveway shall have incorporated into it a turnaround area for

emergency vehicle purposes such as a K-type or hammer head type turnaround.

Since, the property is located within a "High Wildland-Urban Hazard Area" the Applicant shall comply with all applicable regulations within the Santa Fe County Ordinance 2001-11/EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas. It is recommended that the development have a vegetation management plan to establish fire-safe areas and to minimize the threat and occurrence of fire in the urban wildland interface areas. Also, highly recommended is the installation of an Automatic Fire Suppression system meeting NFPA 13 D requirements in any future construction.

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection for confirmation of compliance with all requirements.

**WATER SUPPLY:**

Domestic Well

**LIQUID WASTE:**

Conventional Septic System

**VARIANCES:**

To allow a Land Division of 11.34 acres into two lots.

**AGENCY REVIEW:**

Agency  
County Fire

Recommendation  
Approved with Conditions

**STAFF RECOMMENDATION:** Staff recommendation and the recommendation of the CDRC is for denial of the Applicant's request for a variance of Article III, § 10 (Lot Size Requirements) to allow a Land Division of 11.34 acres into two lots.

If the decision of the BCC is to approve this request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2).

2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (**As per Article III, § 2.4.2**).
3. Further Division of either tract is prohibited; this shall be noted on the plat (**As per Article III, § 10**)
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (**As per 1997 Fire Code and NFPA Life Safety Code**).

**EXHIBITS:**

1. April 16 2015 CDRC Minutes
2. Letter of request
3. Warranty Deed
4. Noticing
5. Article III, § 10 (Lot Size Requirements)
6. Article II, § 3 (Variances)
7. Site Photographs
8. Proposed Plat
9. Aerial of Site and Surrounding Area
10. Review Comments

~~Member Anaya moved to approved CDRC case V 15-5070 with the staff-imposed conditions. Member Gonzales seconded and the motion passed by unanimous [6-0] voice vote.~~

- D. CDRC CASE # V 15-5070 Jennifer Farquhar Variance. Jennifer Farquhar, Applicant, requests a variance of Article III § 10 (Lot Size Requirements) of Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code (Code) to allow a Land Division of 11.34 acres into two lots. The property is located at 21 Piedras Negras, within the vicinity of Old Santa Fe Trail, within Section 21, Township 16 North, Range 10 East, (Commission District 4)  
*[Exhibit 2: Farquhar-supplied lot divisions; Exhibit 3: Letter of opposition to request signed by Kate Fitz Gibbon, Andrew Hale, Vila Montoya, and John Andrews of Piedras Negras]*

Mr. Dalton read the case caption and presented the staff report as follows:

"The subject lot is part of the Vista Piedras Negras Subdivision which was created in 1980 and is recognized as a legal lot of record. There is currently a residence which is 2,770 square feet, where the Applicant resides, and an accessory structure which is 200 square feet on the property.

"The Applicant requests a variance to allow a land division of 11.34 acres into two lots, she has not specified whether they will be split equally. The Applicant states that she and her husband intended to split the property in order to build on the lower portion of the property for their retirement. The Applicant asserts that neighboring properties on Piedras Negras are all between 5 to 6 acres apiece, making their lot the largest in the area. The Applicant claims that the lower half of the property is more accessible than the upper 5 to 6 acres where the existing home is located. The Applicant's existing home has a long driveway and the access from the driveway and carport to the residence requires a walk up the stairs or a long walkway with a steep change in elevation. The Applicant further states that since her husband passed away 8 years ago, it is difficult raising their son as a single mother living on a property where the elevation affects driving to and from their home when there is snow. The Applicant also states that it is difficult to haul firewood and groceries up to the residence. The Applicant claims that she needs to sell the existing residence for both physical and financial reasons."

Mr. Dalton said staff recommends denial of the Applicant's request for a variance to allow a Land Division of 11.34 acres into two lots. 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 lot. A water meter shall be installed for each lot. 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 (As per Article III, § 10.2.2).



2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Further Division of either tract is prohibited; this shall be noted on the plat (As per Article III, § 10)
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

Duly sworn, Applicant Jennifer Farquhar, said staff's report outlined her request. She said her husband and Jim Alley developed and split the property in the area in 1974 through 1978 before the ordinances cited by staff. She said she has been hiking in the property for 26 years since their home was built. Originally, they anticipated splitting the lot. She said it has been very difficult to sell the property and it may be easier to sell the main house with less acreage.

Ms. Farquhar said the Articles of Covenants, written by Mr. Alley and her husband, allows for tracts 1 and 2 to be divided to no less than 5 acres which her request would meet. Splitting the lot would allow her to reduce the price of the property and she hoped accelerate the sale. Ms. Farquhar said she is a single parent living on a nurse's salary. She referred to the elevation in the area and mentioned the ownership of the homes and properties in the area. Concern about her request has centered on exactly where the second home would be sited, and water. She noted that her husband provided easements to many of her neighbors. She failed to recognize how another home would impact the water in the area since a barn and horses using far more water would be permitted.

Duly sworn, Kate Fitz Gibbon, 31 Piedras Negras, said she was present with other area residents asking the CDRC to deny the variance request. Ms. Fitz Gibbon said she has been Ms. Farquhar's neighbor for more than 20 years and it was difficult to stand in opposition of the request. In the interest of the neighborhood and sustainability the request should be denied. The water issue is of great concern. Most of the properties are greater than 10 acres.

Ms. Fitz Gibbon said even if Ms. Farquhar does not build on the lower 5-acre parcel someone will. She said the area residents disagree with Ms. Farquhar's statement that one house will not make a difference in water. If the request were approved the other 10 acres lots could be split creating four more lots.

Ms. Fitz Gibbon said there is a visible decrease in water that can be seen in vegetation in the area. The springs that ran above the land have disappeared and the land is much drier than it was 20 years ago. The Fire Department has stated there are problems getting up the roads during the winter. One of the wells in the area has experienced diminished recovery.

Despite the short-term economic benefit to Ms. Farquhar, Ms. Fitz Gibbon said it would be a really bad idea for the landowners to violate the rules.

Duly sworn, John Andres, 30 Piedras Negras, said Ms. Fitz Gibbon stated the opponents' case. This is not a personal issue but instead an issue of water and property value. Without water, the value of his property will disappear.

Duly sworn, Artemio Franco, Santa Fe, suggested that to address the water issue a meter be placed on the well.

Returning to the podium, Ms. Farquhar disputed that her lot split would affect the water table of the homes below.

The public hearing was closed.

Member Anaya moved to deny the variance request for CDRC Case V 15-5070. Member Gonzales seconded and the motion passed by unanimous [6-0] voice vote.

**E. CDRC CASE # V 15-5031 Juan Franco Variance.** Juan Franco, Applicant, requests a variance of Article III § 10 (Lot Size Requirements) of the Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code (Code) to allow a Land Division of 2.6 acres into two lots; each lot will be 1.3 acres. The property is located at 88 Taylor Loop off the I-25 East Frontage Rd, within Section 5, Township 15 North, Range 8 East, (Commission District 5)

Mr. Dalton read the case caption and staff report as follows:

"The subject lot was created in 1977. The lot is recognized as a legal non-conforming lot of record and is currently vacant.

"The Applicant requests a variance to allow a Land Division of 2.6 acres into two lots, dividing the 2.6-acre parcel into two equal 1.3-acre lots. The Applicant states, that the variance is in order to plan for his children's future. The Applicant further articulates that after 9 years of marriage that he and his wife have grown apart and may divorce but they intend to divide the property and place one parcel in his wife's name and the other parcel in his own name in order to eventually pass down each lot to their two children once they become adults. The Applicant also states that this would provide his children with an affordable place to live in the future."

Mr. Dalton said staff recommends denial of the Applicant's request for a variance of Article III, Section 10 to allow a Land Division of 2.6 acres into two equal 1.3 lots. 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 lot. A water meter shall be installed for each lot. 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 (As per Article III, § 10.2.2).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).

January 20, 2015

Jennifer P. Farquhar  
21 Piedras Negras  
Santa Fe, NM 87505

To Whom It May Concern,

I am requesting to subdivide Tract 2 of Vista Piedras Negras , as shown on plat filed in the Office of the County Clerk, Santa Fe County, New Mexico, on January 29,1980, in Plat Book 76, page 11, as Document No. 452.953. My husband purchased this land in 1978 I believe and wrote Covenants or Restrictions for Vista de Piedras Negras June 30<sup>th</sup>, 1978 with James B. Alley, Jr.

My home sits in the upper 5 to 6 acres of the total 11.346 acres of my lot. The lot across from mine has a home on 6 acres. The two lots below mine have homes on about 5 acres each. My husband and I always intended to split our 11 acres so as to build on the lower five acres for our retirement. It is a more level area with a short and more accessible driveway possibility than the upper 5 to 6 acres around our existing home. Our existing home has a long driveway and the access from the driveway and carport to the house requires stairs or a long walkway with quite a change in elevation. Our lot is 11.346 acres and is the largest of the eight lots on Piedras Negras. If some of the other lots are 5 and 6 acres, it seems that my lot could be split into a 5 and a 6 acre lot.

Since my husband, Richard L Farquhar passed away 8 years ago, I am now getting older and raising our son as a single Mom. It is difficult living at such an elevation from driveway to house including driving in and out of our home when there is snow. My son is afraid to learn to drive and negotiate our driveway and road particularly in the winter. Hauling firewood and groceries is getting more difficult.

I need to sell our present home in the upper 5-6 acres for physical and financial reasons. I could also sell the lower 5 acres separately to help my financial situation since my husband's death. I need to get the most financial return out of my home and land as I have a substantial mortgage still on the house. Of course if I could sell the house on 5 to 6 acres and keep the "lower five acres" would be wonderful!



I have a well which could supply water to both lots. Thomas Lujan says I have an excellent well with good pressure and could easily supply water to both lots if divided. The well is located down the driveway not far from my existing house and would be easy to run a line to the "lower lot".

Please consider my request to split or subdivide my lot to assure my son's and my financial future.

Sincerely,

Jennifer Farquhar

### WARRANTY DEED

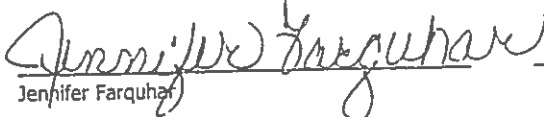
Jennifer Farquhar, Sole Trustee of the Richard L. and Jennifer Farquhar Revocable Trust u/t/a/d 5-3-00, for consideration paid, grant(s) to Jennifer P. Farquhar, an unmarried woman whose address is 21 Piedras Negras, Santa Fe NM, the following described real estate in Santa Fe County, New Mexico:

Tract 2, Vista De Piedras Negras, as shown on plat filed in the office of the County Clerk, Santa Fe County, New Mexico on January 29, 1979, in Plat Book 76, Page 11, as Document No. 452,953.

Subject to patent reservations, restrictions, and easements of record and taxes for the year 2010 and subsequent years.

with warranty covenants.

WITNESS my/our hand(s) and seal(s) this Thirtieth day of March, 2010.

  
Jennifer Farquhar

#### Individual Capacity

State of New Mexico )

) §

County of Santa Fe )

This instrument was acknowledged before me on March 30, 2010, by Jennifer Farquhar, sole trustee.

My commission expires: 2/28/11

  
Notary Public

#### Representative Capacity

State of New Mexico )

) §

County of Santa Fe )



This instrument was acknowledged before me on March 30, 2010, by as of , a NM , on behalf of said .

My commission expires:

Notary Public

(Seal)



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) §

WARRANTY DEED  
PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 5TH Day Of April, 2010 at 02:43:54 PM And Was Duly Recorded as Instrument # 1595214 Of The Records Of Santa Fe County

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



CERTIFICATION OF POSTING

I hereby certify that the public notice posting regarding Land Development

Case # V15-5070 was posted for 21 days on the property beginning

The 20<sup>th</sup> day of March  
2015. \*\*

Jennifer P. Farquhar  
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.

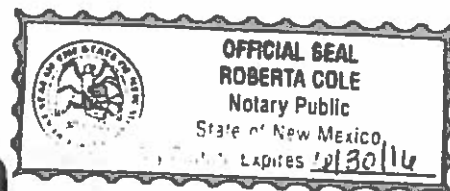
STATE OF NEW MEXICO    )  
  )  
COUNTY OF SANTA FE    )

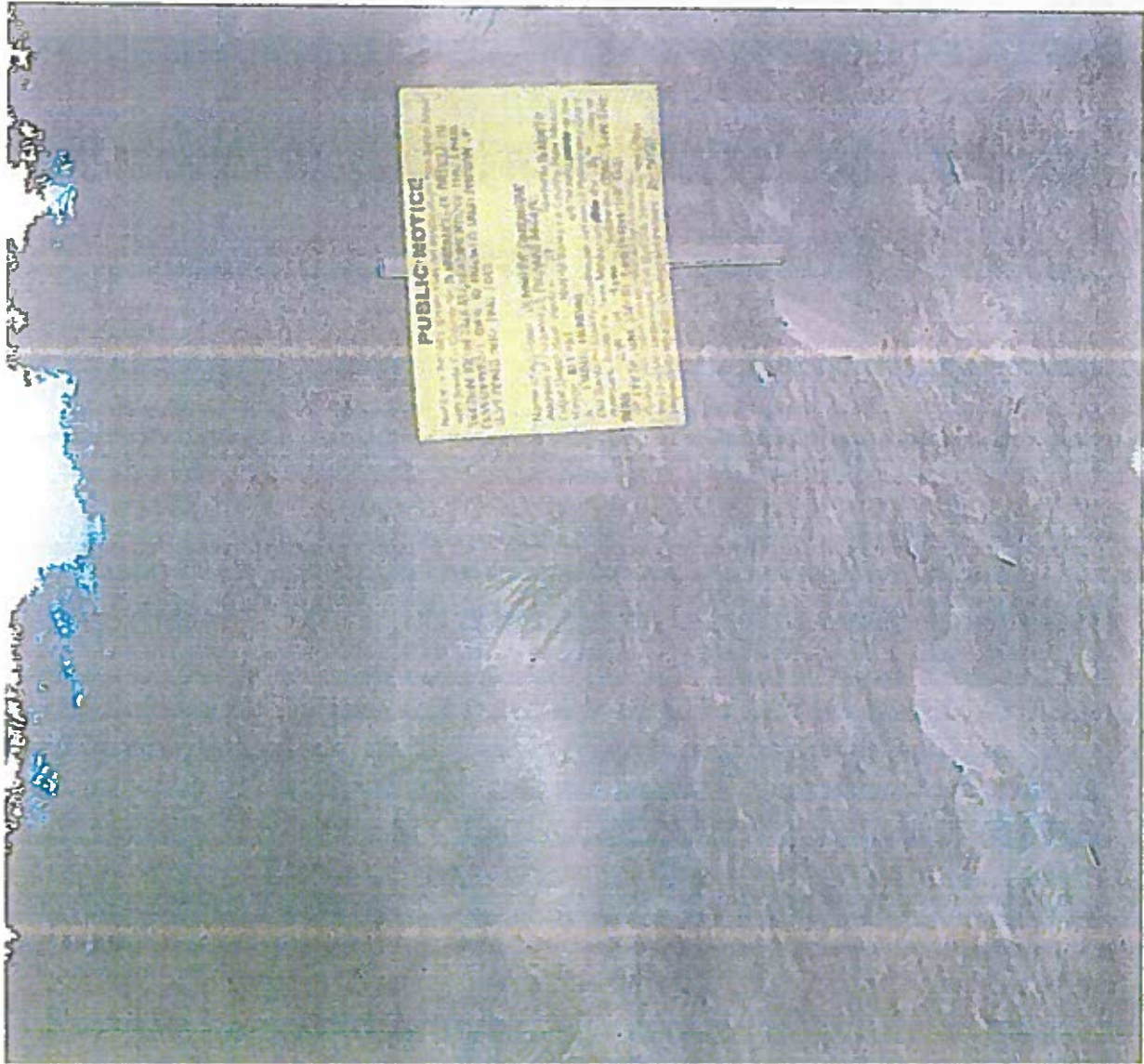
The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of  
March, 2015, By Jennifer P. Farquhar.

Roberta Cole  
Notary Public

My Commission Expires:

6/30/16





ON ROAD Piedras Negras



my driveway at Piedras Negras

| 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 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





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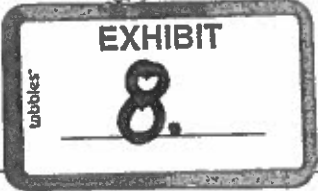
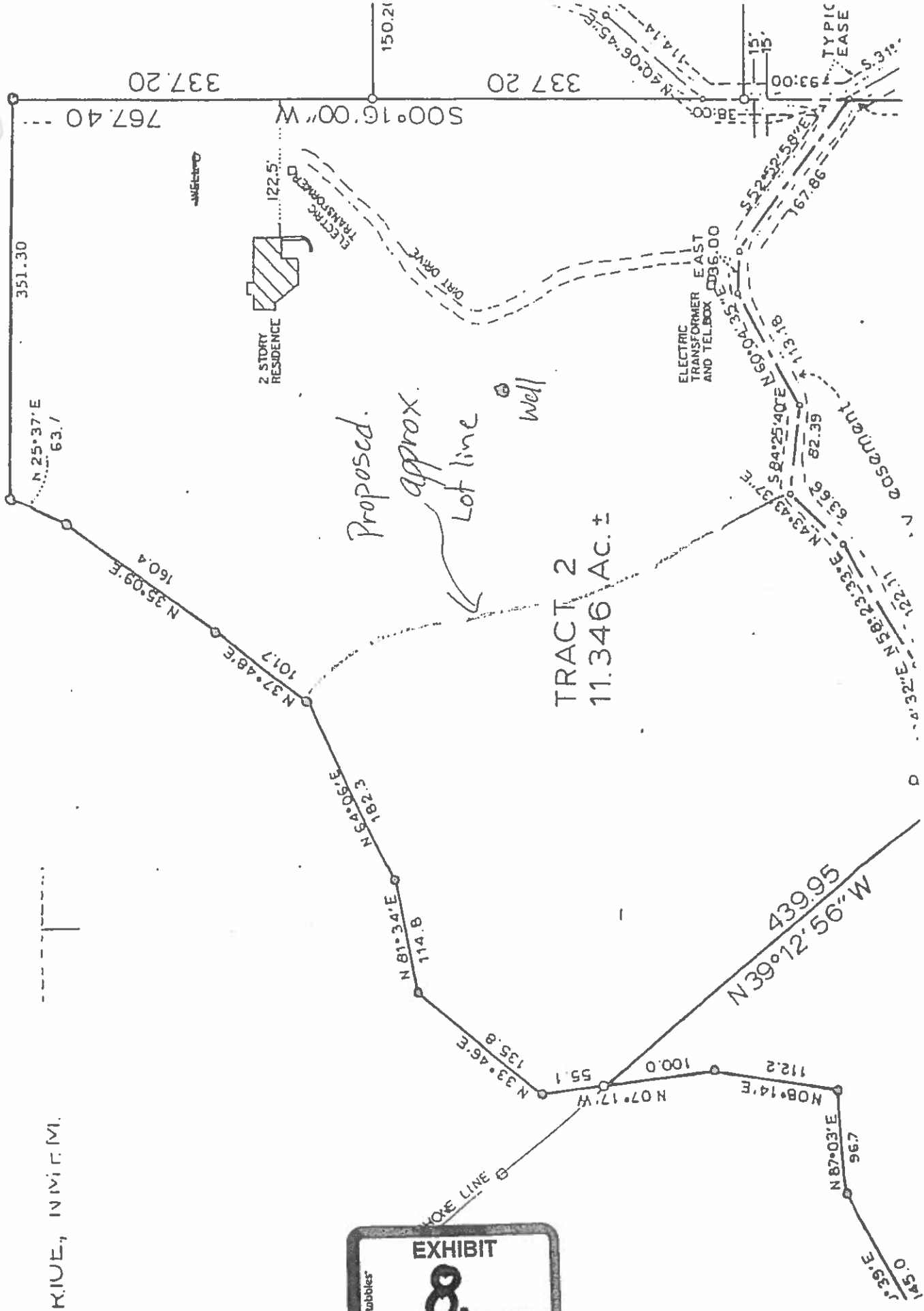
EXHIBIT  
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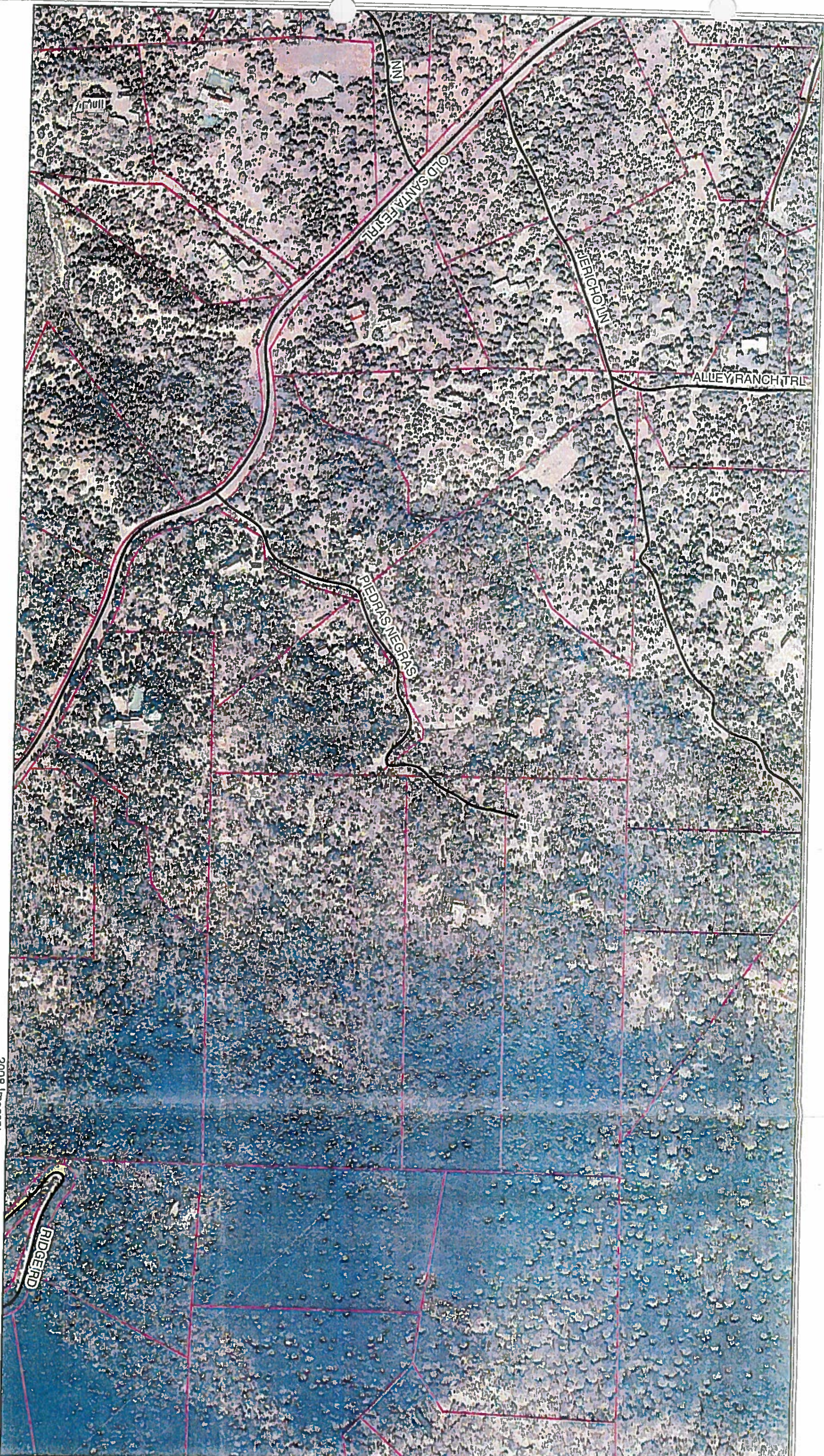


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RIVER, IN VIEW.







**Legend**

ROADS

PARCELS



1:3,600  
1 inch represents 300 feet



2008 Imagery  
2 FOOT CONTOURS

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



April 7, 2015



Henry P. Roybal  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## Santa Fe County Fire Department Fire Prevention Division

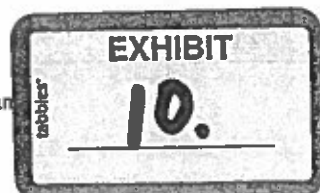
### Official Submittal Review

|                   |  |               |             |
|-------------------|--|---------------|-------------|
| Date              | March 25, 2015   |               |             |
| Project Name      | Farquhar, Jennifer   |               |             |
| Project Location  | 21 Piedras Negras "High Wildland-Urban Hazard Area"  |               |             |
| Description       | Lot split (variance of density)  | Case Manager  | M. Martinez |
| Applicant Name    | Jennifer Farquhar  | County Case # | 15-5070     |
| Applicant Address | 21 Piedras Negras<br>Santa Fe, NM 87505  | Fire District | Hondo       |
| Applicant Phone   | c 505-670-8238/h 505-988-2104  |               |             |
| Review Type       | Commercial <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Sprinklers <input type="checkbox"/> Hydrant Acceptance <input type="checkbox"/><br>Master Plan <input type="checkbox"/> Preliminary <input type="checkbox"/> Final <input checked="" type="checkbox"/> Inspection <input checked="" type="checkbox"/> Lot Split <input checked="" type="checkbox"/><br>Wildland <input checked="" type="checkbox"/> Variance <input checked="" type="checkbox"/> |               |             |
| Project Status    | Approved <input type="checkbox"/> Approved with Conditions <input checked="" 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 (*Note underlined items*):

#### Summary of Review

- As discussed with owner and as indicated on signed and dated photo, upon acceptance the driveway shall have incorporated into it a turnaround area for emergency vehicle purposes such as a K-type or hammerhead type turnaround conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department. (*page #2*)
- This development location is rated within a "High Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas. (*page #3*)
- Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes. (*page #4*)



## 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*

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Driveway, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".

As discussed with owner and as indicated on signed and dated photo, upon acceptance the driveway shall have incorporated into it a turnaround area for emergency vehicle purposes such as a K-type or hammerhead type turnaround conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department.

- **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.*

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process.

- **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.*

The maximum slope for a 14' wide driving surface shall not exceed 11% 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.*

To prevent the possibility of emergency responders being locked out, all future access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

## **Fire Protection Systems**

### **Automatic Fire Protection/Suppression**

Due to its location, for life safety and property protection this office *highly recommends* the installation of an Automatic Fire Suppression system meeting NFPA 13D requirements in any future construction. Assistance in details and information are available from the Fire Prevention Division.

## **Urban-Wildland Interface**

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

This development location is rated within a "High Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas.

- **Building Materials**

Buildings and structures located within urban wildland interface areas, not including accessory structures, shall be constructed in accordance with the Fire Code, the Building Code and the Urban Wildland Interface Code.

- **Location/Addressing/Access**

Per SFC 2001-11/EZA 2001-04, addressing shall comply with Santa Fe County Rural addressing requirements.

Per SFC 2001-11 / EZA 2001-04 Chapter 4, Section 3.2 Roads and Driveways: *Access roads, driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions*

Official Submittal Review

3 of 4

of the Fire Code and the Land Development Code. Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development.

- **Vegetation Management**

It is recommended that the development also have a vegetation management plan to establish fire-safe areas and to minimize the threat and occurrence of fire in the urban wildland interface areas. Assistance in details and information are available through the Fire Prevention Division

## **General Requirements/Comments**

- **Inspections/Acceptance Tests**

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

- **Permits**

As required

## **Final Status**

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

*Tim Gilmore, Inspector*

  
Code Enforcement Official

3-25-15  
Date

Through: David Sperling, Chief

File: DevRev/H/Farquhar'030315

Cy;     Buster Patty, Fire Marshal *BP*  
         Land Use  
         Applicant  
         District Chief  
         BC, Regional Lt.  
         File



