

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 15-5031 Juan Franco Variance

ISSUE:

Juan Franco, 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 2.6 acres into two lots, each lot consisting of 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)

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 a 5-1 vote (Minutes Attached as Exhibit 1).

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

The owner of the property, Juan Franco, acquired the property by Warranty Deed recorded in book 2154, page 561 in the Santa Fe County Clerk's records dated June 20, 2002. (Exhibit 2) Mr. Franco has appointed Artemio Franco to represent him.

The Applicant requests a variance of Article III § 10 (Lot Size Requirements) of the Code 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.

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 Basin Hydrologic Zone is 10 acres per dwelling unit. Lot sizes can be reduced to 2.5 acres per dwelling unit with signed and recorded water restrictions of 0.25 acre feet per year per dwelling unit.

Article II, § 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 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.” 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 11, 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 2.6 acres into two lots.

GROWTH MANAGEMENT AREA: SDA-2

HYDROLOGIC ZONE: Basin Hydrologic Zone, minimum lot size is 2.5 acres per dwelling unit. The Application does not meet minimum lot size requirements for this type of request.

FIRE PROTECTION: The property is located in the La Cienega Fire District.

The Applicants shall comply with Article 1, Section 103.3.2 – New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practices and rulings of the Santa Fe County Fire Marshal.

Driveways shall meet the minimum County standards for fire apparatus access roads of a minimum 12’ wide all-weather driving surface and an unobstructed vertical clearance of 13’ 6” within this type of proposed development. If a gate is proposed it shall be minimum 14’ wide. The driveway shall not exceed 11% slope and shall have a minimum 28’ inside radius on curves.

There shall not be any building construction on the Lot on 88 Taylor Loop or future lots located within section 5, T.15 N., R.8 E., in the vicinity of the County of Santa Fe, State of New Mexico; without submitting application and plans that are approved by the Santa Fe County Fire Department.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic System

VARIANCES: To allow a Land division of 2.6 acres into two equal 1.3 acre lots.

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	County Fire	Approved with Conditions

STAFF RECOMMENDATION: Staff's recommendation and the recommendation of the CDRC was for denial of the Applicant's request for a variance of Article III, § 10 (Lot Size Requirements) to allow a Land Division of 2.6 acres into two equal 1.3 lots.

If the decision of the BCC is to approve 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).

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

~~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. Farguhar 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).



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).

Mr. Dalton said the minimum lot size in the area is 2.5 acres per dwelling unit. The applicant would be required to have 5 acres to conduct an administrative family transfer.

Previously sworn, Artemio Franco, agent for the applicant, stated that they want to pass the property to their children.

Duly sworn, Sylvia Raybon, a neighbor, said her only concern was water and asked whether there would be a shared well.

Mr. Dalton said while shared wells are encouraged by Santa Fe County he was unsure of the Applicant's intent. A condition could be added.

Mr. Franco said the Applicant was willing to drill an additional well if required.

Deputy County Attorney Brown confirmed that Artemio Franco was given power of attorney for the Applicant.

Member Booth moved to deny CDRC Case V 15-5031. Member Martinez seconded and the motion passed by majority [5-1] voice vote with Member Gonzales voting against.

~~F. BCC CASE # S 15-5050 Cienda Partners (Estancias Unit III) Preliminary and Final Plat and Development Plan Amendment. Cienda Partners, Applicant, Scott Hoeft, Agent, requests a Preliminary and Final Plat and Development Plan Amendment to sub-phase the previously approved Estancias Unit III residential subdivision (37 lots on 117 acres) into two phases. Phase 1 will consist of 23 lots and Phase 2 will consist of 14 lots. The property is located within the Las Campanas Subdivision, north of Las Campanas Drive at the Caja del Rio Intersection, within Sections 2 and 11, Township 17 North, Range 8 East (Commission District 2)~~

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

~~"On August 14, 2001, the BCC granted Preliminary and Final Plat and Development Plan approval for the Estancias at Las Campanas, formerly Tesoro Enclaves, which consisted of a 128-lot residential subdivision on 432 acres.~~

~~"On August 12, 2003, the BCC approved a Final Plat and Development Plan which was redesigned for 128 residential lots in three phases of development. Estancias Unit I consists of 24 lots, which was recorded in 2003, and Estancias~~

January 7, 2015

RE: Letter of Intent for variance on lot split for 88 Taylor Loop, Santa Fe, NM

To Whom It May Concern:

I am submitting the required documentation to request a variance for a lot split at 88 Taylor Loop, Santa Fe. Lot size is 2.6 acres, and are requesting to split in equal lot sizes of 1.3 acres each. This lot split is requested in order to plan for our children's future as a property family transfer. After a 16-year relationship and 9 year marriage my wife and I have grown apart and are planning a possible divorce if our differences cannot be resolved. From this marriage we were blessed with two beautiful children, currently a 6-year old girl and a 4-year old boy. Our intent is to split the lot and place one of the halves to my wife's name and the other half to remain under my name, and eventually pass down each lot to our two children once they become of age so they may have an affordable home site once they become young adults. We are attempting to be responsible parents and ask of your help to provide for our children's future well being by approving the requested variance, so they may become responsible citizens and an asset to the community.

Thank you for your consideration of this request



Juan D. Franco
francojuand@gmail.com



WARRANTY DEED

2154561

LAWRENCE R. DALE, a married man as his sole & separate property
for consideration paid, grant

to JUAN DE DIOS FRANCO, a single man

whose address is 13250 EMILY RD #224
DALLAS, TX 75240

the following described real estate in SANTA FE County, New Mexico:

All that certain tract of land lying and being situate within section 5, T15N, R8E, N.M.P.M. and being more particularly described as follows, to wit:

Begin at a point on the southeasterly line of the tract herein described from whence the section corner common to sections 4, 5, 8 and 9, T15N, R8E, bears S0°46'52"W, 2619.18 feet.

From said point of beginning thence S57°43'W, 443.43 feet to the southwest corner; thence on a curve along a 50 foot wide road easement whose chord is N26°39'57"W, 252.46 feet, radius 646.18 feet and length of 254.09 feet to a point on the southerly R/W of U.S Hwy 85; thence N52°04'09"E, 392.16 feet to the northeast corner; thence S37°55'51"E, 304.25 feet to the point and place of beginning.

SUBJECT TO: Restrictions, reservations and/or easements of record.



COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 25th day of June, 2002
at 11:30 AM in Book 2154
page 561 of the records of
Santa Fe County

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Rebecca Bustamante
Deputy

with warranty covenants.

WITNESS my hand and seal this 20th day of June, 2002

Lawrence R. Dale (Seal)
LAWRENCE R. DALE

(Seal)

(Seal)

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF ~~California~~ **NEW MEXICO**

COUNTY OF ~~San Bernardino~~ **Santa Fe**

This instrument was acknowledged before me on

June 24th 2002

by LAWRENCE R. DALE

My commission expires June 12, 2005
(Seal)

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF SANTA FE

This instrument was acknowledged before me on

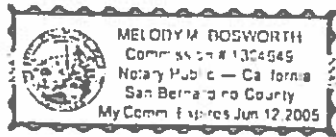
20

by

a corporation, on behalf of said corporation

My commission expires:

FOR RECORDER'S USE ONLY



EXHIBIT

3.

9

CERTIFICATION OF POSTING

I hereby certify that the public notice posting regarding Land Development

Case # V15-5031 was posted for 21 days on the property beginning

The 20th day of March
2015. **

Artemio Franco
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.

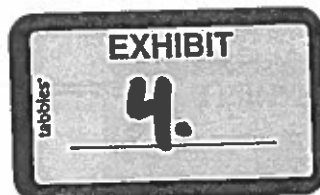
STATE OF NEW MEXICO }
 }
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 20th day of
March, 2015, By Artemio Franco.

Laura Hernandez
Notary Public

My Commission Expires:

February 11, 2019





PUBLIC NOTICE

Notice is hereby given that an application has been filed with Santa Fe County for a VARIANCE of ARTICLE III, SECTION 16 (16) (a) REQUIREMENTS OF THE LAND DEVELOPMENT CODE TO ALLOW A TRAIL DIVISION (4' to 16' PER 1/2 INCH TWO 10'S).

Name of Applicant: JUAN FRANCO
Address of Request: 883 TAYLOR LOOP
Legal Description: Section 4, Township 15 NORTH, Range 81 WEST, NMPM Santa Fe County, New Mexico.
A PUBLIC HEARING will be held at the Old Santa Fe County Courthouse, corner of Palace and Grant Avenues, Santa Fe, New Mexico on the 16th day of APRIL 2015 at 4pm before the CIRC & ON THE 9th DAY OF JUNE 2015 AT 6pm BEFORE THE BCC.
Further information can be obtained by contacting the Land Use Department, P.O. Box 276, Santa Fe, NM 87504. Phone: (505) 996-2245. Development Permit #: 15-5031.



PUBLIC NOTICE

Notice is hereby given that an application has been filed with Santa Fe County for a VARIANCE of ARTICLE III, SECTION 16 (16) (a) REQUIREMENTS OF THE LAND DEVELOPMENT CODE TO ALLOW A TRAIL DIVISION (4' to 16' PER 1/2 INCH TWO 10'S).

Name of Applicant: JUAN FRANCO
Address of Request: 883 TAYLOR LOOP
Legal Description: Section 4, Township 15 NORTH, Range 81 WEST, NMPM Santa Fe County, New Mexico.
A PUBLIC HEARING will be held at the Old Santa Fe County Courthouse, corner of Palace and Grant Avenues, Santa Fe, New Mexico on the 16th day of APRIL 2015 at 4pm before the CIRC & ON THE 9th DAY OF JUNE 2015 AT 6pm BEFORE THE BCC.
Further information can be obtained by contacting the Land Use Department, P.O. Box 276, Santa Fe, NM 87504. Phone: (505) 996-2245. Development Permit #: 15-5031.

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

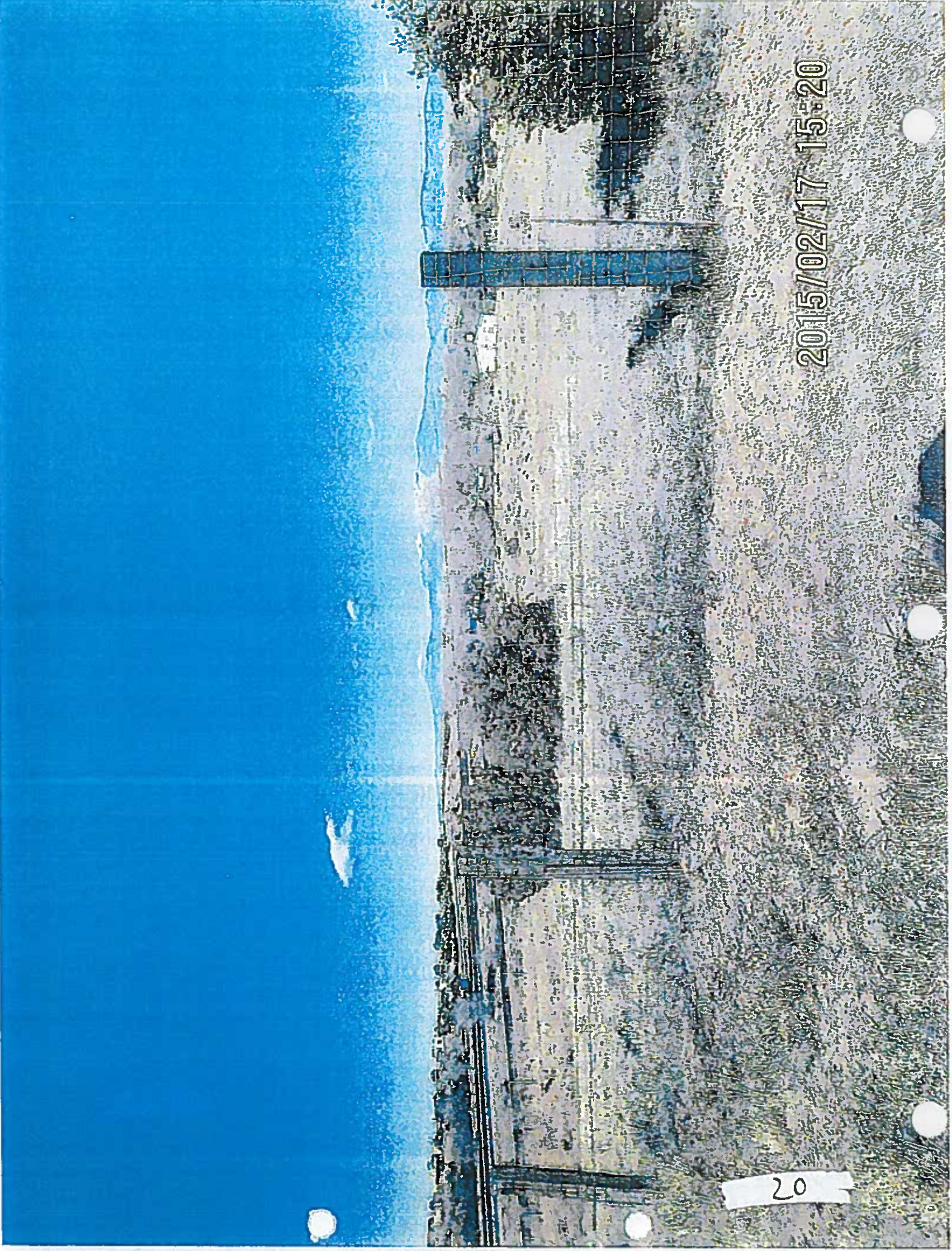
All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the

EXHIBIT
7.

19

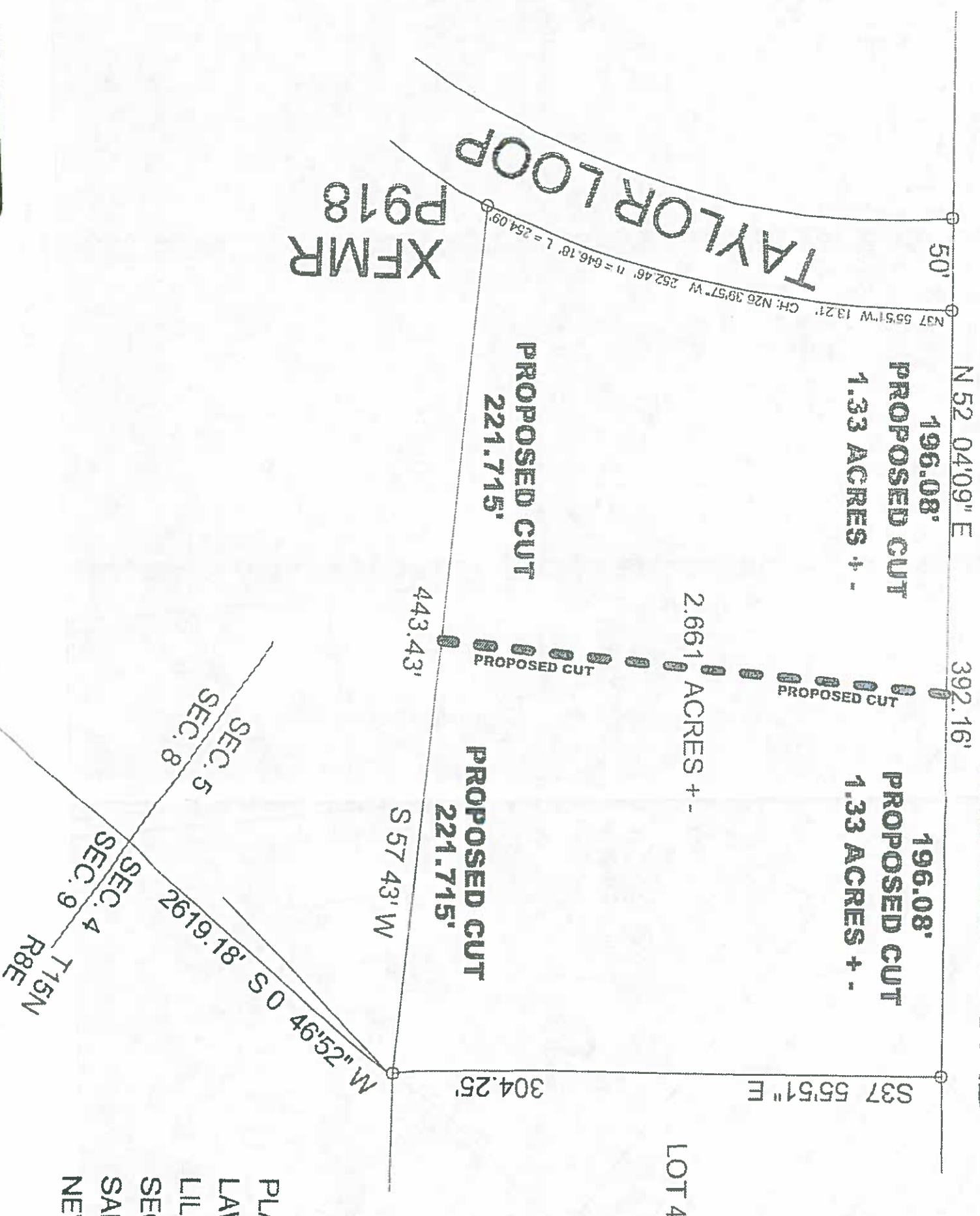
2015/02/17 15:20





2015/02/17 15:20

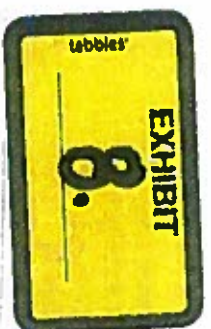
U.S. 85 EAST FRONTAGE ROAD

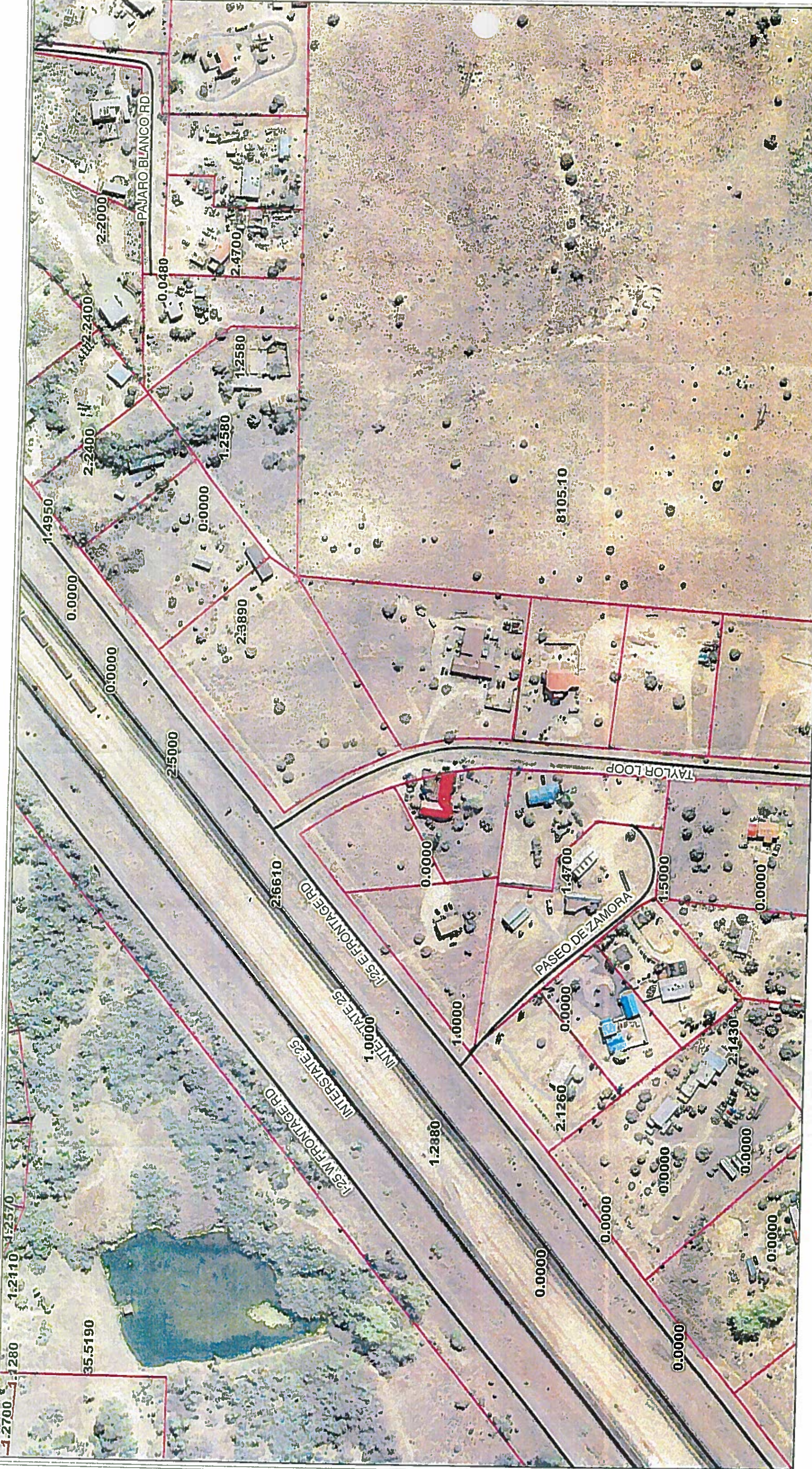


PLAT OF SURVEY FOR
LAWRENCE R. &
LILLY M. DALE
SECTION 5, T15N, R8E
SANTA FE COUNTY,
NEW MEXICO

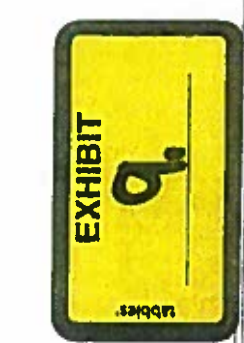
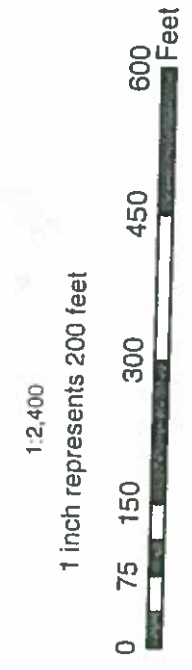
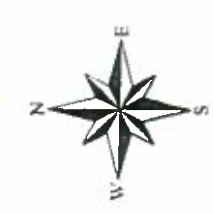
SITE PLAN

Scale: 1/64" = 1'-0"





2008 Imagery
2 FOOT CONTOURS



- Legend**
- ROADS
 - PARCELS

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.

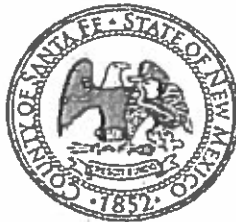


April 7, 2015

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	3/10/2015		
Project Name	Franco, Juan		
Project Location	88 Taylor Loop		
Description	Lot Size Variance	Case Manager	Mathew Martinez
Applicant Name	Juan Franco	County Case #	15-5031
Applicant Address	8 Star Ct Santa Fe, NM 87507	Fire District	La Cienega
Applicant Phone	972-357-0406		
Review Type	Commercial <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Sprinklers <input type="checkbox"/> Hydrant Acceptance <input type="checkbox"/> Master Plan <input type="checkbox"/> Preliminary <input type="checkbox"/> Final <input type="checkbox"/> Inspection <input type="checkbox"/> Lot Split <input type="checkbox"/> Wildland <input type="checkbox"/> Variance <input checked="" type="checkbox"/>		
Project Status	Approved <input checked="" type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denial <input type="checkbox"/>		

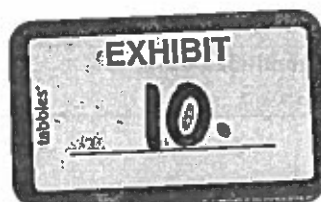
The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated.

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*



- **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Driveways shall meet the minimum County standards for fire apparatus access roads of a minimum 12' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development. If a gate is proposed it shall be minimum 14' wide.

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) The gradient for a fire apparatus access road shall not exceed the maximum approved.

The driveways shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

- **Fire Extinguishers**

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

General Requirements/Comments

- **Inspections/Acceptance Tests**

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

There shall not be any building construction on the Lot on 88 Taylor Loop or future lots located within section 5, T.15 N., R.8 E., in the vicinity of the County of Santa Fe, State of New Mexico; without submitting application and plans that are approved by the Santa Fe County Fire Department.

▪ Permits

As required

Final Status

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

Buster Patty,


Fire Marshal

3-10-15
Date

Through: David Sperling, Chief

File: DevRev/La Cienega/Franco, Juan/3.10.15

Cy: Mathew Martinez, Land Use
Applicant
File

