

**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 15, 2015

**TO:** Board of County Commissioners

**FROM:** John M. Salazar, Development Review Specialist Sr. *JMS*

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

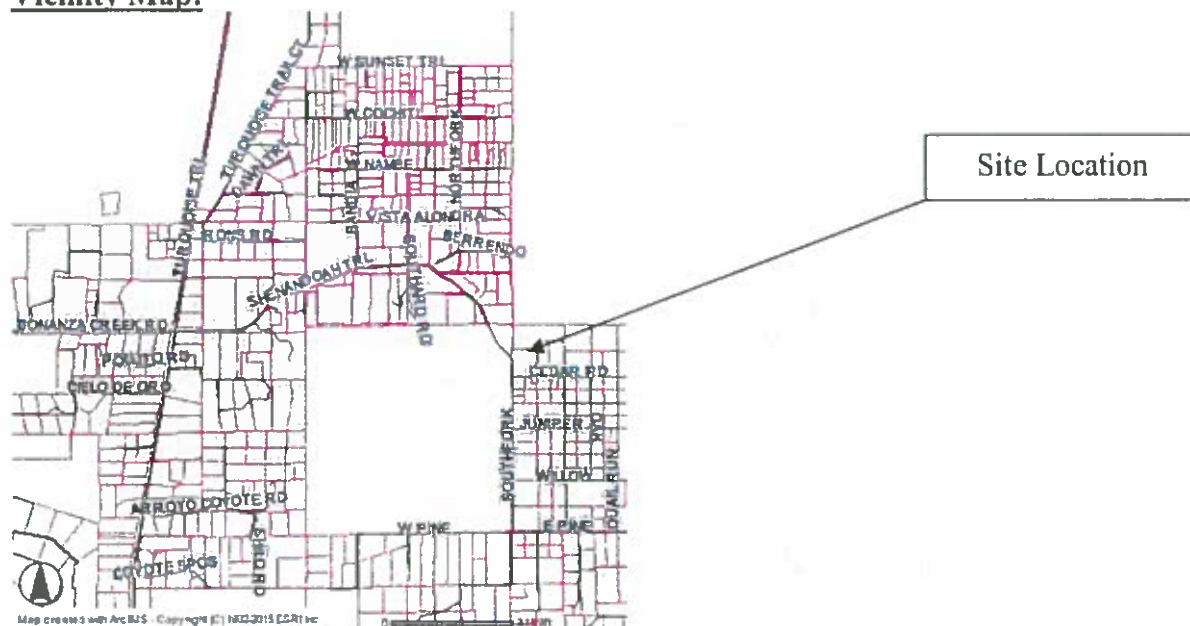
**FILE REF.:** CDRC CASE # V 14-5130 Juan Gonzalez Variance

**ISSUE:**

Juan Gonzalez, Applicant, requests a variance of Article III, § 10 (Lot Size Requirements) of the Santa Fe County Land Development Code and Ordinance No. 1996-10 (Code) to allow two dwelling units on 10.07 acres.

The property is located at 59 B South Fork, within Section 31, Township 15 North, Range 9 East, (Commission District 5). (The Property)

**Vicinity Map:**



## **SUMMARY:**

On April 16, 2015, the County Development Review Committee (CDRC) met and recommended approval of the variance to allow two dwelling units on 10.07-acres by a unanimous vote, 6-0. (Exhibit 7 April 16, 2015 CDRC Minutes)

The Property is a legal non-conforming lot created before 1981. The current configuration was created in 1998, through a lot line adjustment and is recognized as a legal lot of record with 0.25-acre feet water restrictions. Currently, a 2,240 square foot residence and a barn are permitted on the property. The Property is located within the Basin Fringe Zone. Article III, § 10.2 (Lot Size Requirements) lists the minimum lot size as 50-acres. The Maximum Allowable Adjustment allows a lot size of 12.5-acres with water restrictions. The lot is already smaller than the Code requires for a single dwelling unit.

The Applicant requests the variance because the additional residence is needed to help family members who have fallen on hard economic times. Also, the Applicant mentions he was going to wait until the Sustainable Land Development Code was adopted so he could build an accessory dwelling unit on the property, however, with the delays for the new code's adoption; he can no longer wait. Thus, is before you requesting a variance. The Applicant proposes to convert the existing 1,986 square foot barn into a dwelling unit. This conversion creates two dwelling units which does not meet minimum lot size requirements set forth in Article III, § 10 ( Lot Size Requirements) of the Code nor would the request meet the requirements for accessory dwelling units as set forth within the SLDC.

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 condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified."

Juan and Lucille Gonzalez acquired the Property with the house and barn already on site, by warranty deed recorded in book # 1566, page #662-663 in the Santa Fe County Clerk's records dated March 17, 1998. (Exhibit 5)

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 are also contained in the record for all adjacent property owners. (Exhibit 6)

**This Application was submitted on February 13, 2015.**

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

**APPROVAL SOUGHT:** Approval of a variance of Article III, §10 (Lot Size Requirements) of the Code allowing two dwelling units on 10.07 acres.

**GROWTH**

**MANAGEMENT AREA:** El Centro, SDA-2

**HYDROLOGIC ZONE:** Basin Fringe Hydrologic Zone. Minimum lot size per Code is 50 acres per dwelling unit. Lot size can be reduced to 12.5 acres per dwelling unit with signed and recorded water restrictions. (Article III, §10.2)

**FIRE PROTECTION:** Turquoise Trail Fire District.

**WATER SUPPLY:** Domestic well for the 10.07 acre parcel with 0.25-acre foot per year water restrictions.

**LIQUID WASTE:** Conventional Septic System.

**VARIANCES:** Yes

<b>AGENCY REVIEW:</b>	<u>Agency</u>	<u>Recommendation</u>
	Fire Prevention Division	Not received

**STAFF RECOMMENDATION:** Denial of a variance of Article III, §10 (Lot Size Requirements) of the Code.

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 home. A water meter shall be installed for each home. 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 at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Division for the proposed dwelling unit (As per Article II, § 2).
3. Both dwelling units shall share the existing driveway.
4. The placement of additional dwelling units or further division of land is prohibited on the property (As per Article III, § 10).

5. The Applicant shall provide an updated liquid waste permit for the proposed dwelling unit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1(a)iv).
6. The Applicant shall comply with all Fire Prevention Division requirements at the time of Development Permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

**EXHIBITS:**

1. Letter of request
2. Article III, §10 (Lot Size Requirements)
3. Article II, § 3 (Variances)
4. Aerial of site and surrounding area
5. Warranty Deeds
6. Site Plan
7. April 16, 2015 CDRC Minutes
8. 1998 Lot Line Adjustment Plat
9. Recorded Water Restrictions
10. Septic Permit
11. Proof of Noticing
12. Vicinity Map
13. Development Permit Application

Juan & Lucille Gonzalez  
59b South Fork  
Santa Fe, NM 87508  
(505) 660-6328

February 12, 2015

Building and Development Services, Santa Fe County  
102 Grant Ave  
Santa Fe, NM 87501-2061

RE: Variance – Detailed Letter of Intent

Dear Sir or Madam:

The intent of this letter is to provide a detailed explanation for why a variance should be allowed to afford relief from the strict letter of the ordinance requirements. Applicants, Juan and Lucille Gonzalez, are requesting a variance to the ordinance that mandates the lot size requirements and are seeking permission to convert an existing barn structure into an additional dwelling on their ten-acre lot.

**PURPOSE OF THE REQUEST:**

We the applicants, Juan and Lucille Gonzalez are seeking permission to build an additional dwelling on our ten-acre lot in order to make room for our family, which has outgrown our current dwelling. Over the last few years and as a direct result of the poor economy on a national and local level, most of the members of our family have been forced to move back home. As a result there are more people living in the dwelling than was originally anticipated. Currently, four out of five of our children have moved back home because they cannot secure employment that pays enough to maintain their own households. In addition to the four children there are also two grandchildren that frequently stay at our dwelling for extended periods of time. As a result of the somewhat sudden influx of bodies living in one home, individuals are sleeping in common areas of the home such as the living room on couches and blow-up air mattresses. Even though our children are currently trying to find steady employment, the likelihood of them moving out in the near future is minimal.

In addition to taking care of grandkids, Lucille is also the primary caregiver to her sister, who was recently diagnosed with Cirrhosis of the liver. There is an inherent danger in her staying at the current dwelling, as she requires constant care and her own space.

Building a new dwelling in close proximity to our current dwelling will allow us the parents, Juan and Lucille Gonzalez, the opportunity to live close to our growing family while still maintaining some privacy and maintaining our own lifestyles while



NBB-5

still assisting our children in allowing them to live in the home that they grew up in. It will also provide quiet, and safe space for Lucille's ailing sister.

Over the last few months to a year we have been waiting for the adoption of the county zoning map with the anticipation that our property would be zoned for an additional dwelling. We are no longer in a position to wait as we have hardships that can only be alleviated by the building of a second dwelling. There is existing precedent for allowing two dwellings on lots that are similar to ours in this area of the county.

**OUR VARIANCE REQUEST:**

We respectfully request permission to build an additional dwelling on our ten acre lot located at 59b South Fork, Santa Fe NM 87508. The additional dwelling is simply necessary to accommodate a growing family in an economy where full-time, well-paying jobs are not readily obtainable. There is no immediate financial gain in building this home and we do not seek to build it for any reason other than personal and family use. Our neighbors have been informed about our intent to convert our existing barn into a home and they have no objections. Our variance request is not intended in any way to imply that there are flaws in the zoning ordinances and we are not seeking to alleviate mere personal problems or inconveniences. Instead, we are suggesting that there exist individual hardships that can be alleviated by converting an existing structure into a home.

Respectfully submitted,

Juan Gonzalez

A handwritten signature in dark ink, appearing to read 'Lucille Gonzalez', written over the printed name.

Lucille Gonzalez

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.

11.2 Criteria

The following criteria may be used to determine the density of a development which imports water:

- 11.2.1 Traffic Generation. The amount of traffic generated by the proposed activity shall not at any time impede traffic flow, cause a public road to operate at over capacity, nor contribute to excessive air pollution. The Code Administrator may refer an application to the New Mexico Environmental Improvement Division for their comments on the impact of additional development upon air quality.
- 11.2.2 Energy Consumption. Proposed development which is not near employment or shopping facilities shall serve to minimize commuting and shopping trips by such methods as reducing density, provision of employment and shopping in the proposed development, and provision of mass transit facilities.
- 11.2.3 Provision by Local Government of Public Facilities and Services. The proposed development shall not cause undue burden to the local government in the provision of public facilities and services.
- 11.2.4 Compatibility with Adjoining Residences. The proposed development shall be of a character and density that will not be intrusive to the adjoining residential areas as they now exist or may develop as permitted by the Development Code. The development:
  - a. Shall correlate with the residential life style of adjoining residences as expressed in intensity of use and size of structures;
  - b. Shall provide a sense of the open space of rural areas that corresponds to adjoining locations; and
  - c. Shall generate corresponding amounts of vehicular traffic.

**2.5 Zoning**

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

**2.6 Subdivisions**

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

**2.7 Other Requirements**

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

**SECTION 3 - VARIANCES****3.1 Proposed Development**

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

**3.2 Variation or Modification**

In no case shall any variation or modification be more than a minimum easing of the requirements.

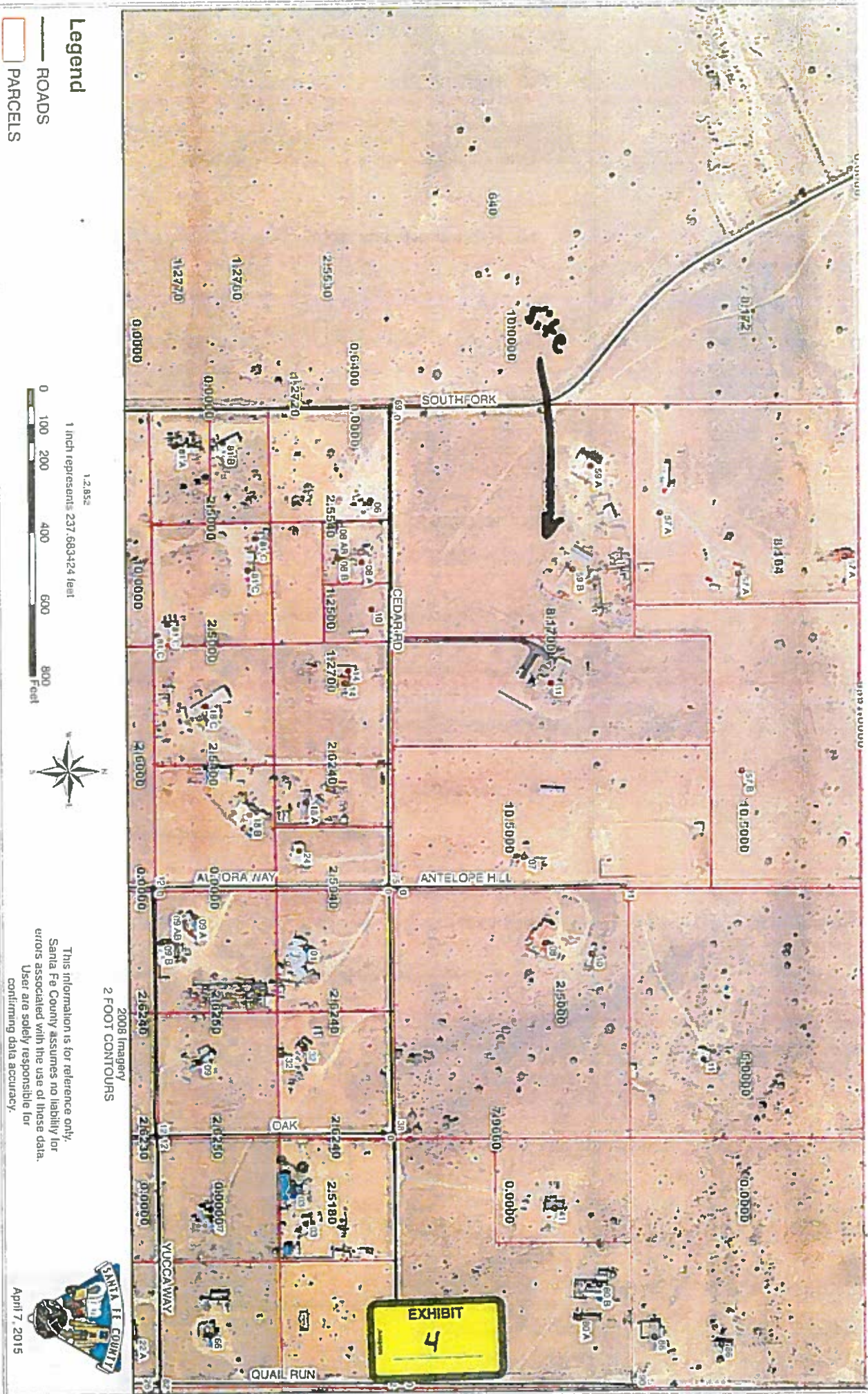
**3.3 Granting Variances and Modifications**

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

**3.4 Height Variance in Airport Zones**

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





# Legend

ROADS

PARCELS



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

MGR-15

WARRANTY DEED

1566662

Stephanie A. Ruvalo, an unmarried woman, for consideration paid, grants  
Juan Gonzalez and Lucille Gonzalez, husband and wife whose address is \_\_\_\_\_  
the following described real estate in Santa Fe County, New Mexico.

See Attached Schedule "A"

COUNTY OF SANTA FE 1049 627  
STATE OF NEW MEXICO )  
I hereby certify that this instrument was filed  
for record on the 17 day of Nov A.D.  
19 98, at 2:47 o'clock Pm  
and was duly recorded in book 1566  
page 662-663 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



Subject to: Reservations, restrictions and easements of record and taxes for the year 1998 and thereafter,  
with warranty covenants.

Witness my hand this 16th day of November, 1998

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Stephanie A. Ruvalo  
Stephanie A. Ruvalo

ACKNOWLEDGEMENT FOR NATURAL PERSONS:

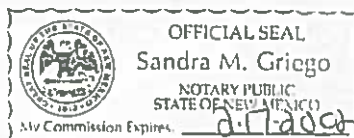
State of New Mexico )  
) SS.  
County of Santa Fe )

This instrument was acknowledged before me on the 16th day of November, 1998, by Stephanie A. Ruvalo

My commission expires: 2/17/2002

(Seal)

Sandra M. Griego  
Notary Public



NBB-16



File No. 09810317 SG

EXHIBIT "A"

1566663

Lot B, as shown on plat entitled "Lot Line Adjustment for Stephanie A. Ruvolo, NW1/4 NW1/4 Section 31, T.15N., R.9E., N.M.P.M...", filed in the office of the County Clerk, Santa Fe County, New Mexico on October 20, 1998, in Plat Book 397, page 044, as Document No. 1045,521.

9707135

SF 1 - SHORT FORM WARRANTY DEED (NEW MEXICO)

NEW MEXICO STATUTORY FORM

## WARRANTY DEED

Stephanie A. Ruvalo and Jake E. Ruvalo

for consideration paid, grant

to Stephanie A. Ruvalo

1399083

whose address is 59A Southfork

the following described real estate in Santa Fe County, New Mexico

NW1/4 of NW1/4 of Section 31, Twp. 15 North of Range 9 East N.M.P.M.  
Santa Fe County, New Mexico.

with warranty covenants

Witness my hand (S) and seal (S) this 28th day of July 1997



Jake E. Ruvalo

(Seal)

(Seal)

(Seal)

(Seal)

## ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF Santa Fe

This instrument was acknowledged before me on July 28th 1997

by Jake E. Ruvalo

My commission expires 01/09/99

(Seal) of Notary Public

## FOR RECORDER'S USE ONLY

COUNTY OF SANTA FE 97-936-158  
STATE OF NEW MEXICO

I hereby certify that this instrument was filed for  
recording on the day of July 1997 at  
11:40 o'clock a.m. and  
was duly recorded in Book 1392 page 83  
of the records of Santa Fe County.

Witness my hand and Seal of Office  
Arborea Plazas  
County Clerk, Santa Fe County, NM

Deputy



Bruce Berra

## ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

This instrument was acknowledged before me on

19

by

a corporation, on behalf of said corporation

My commission expires:

(Seal)

Notary Public

# WARRANTY DEED

346283

JAKE E. RUVOLO

to JAKE E. RUVOLO and STEPHANIE A. RUVOLO, husband and wife,  
as joint tenants

whose address is MADRID HIGHWAY P.O. BOX 5454 SANTA FE, NEW MEXICO

the following described real estate in

SANTA FE County, New Mexico

The Southeast 1/4 of the Northwest 1/4 of the Northwest 1/4  
of Section 31, T 15 N, R 9 E, N.M.P.M.

SUBJECT TO: RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD  
AND TAXES FOR 1977 AND SUBSEQUENT YEARS.

with warranty covenants.

WITNESS MY hand

and seal

this

30th

day of

March

1977.

(Seal)

JAKE E. RUVOLO

(Seal)

(Seal)

(Seal)

## ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF Santa Fe

The foregoing instrument was acknowledged before me this 30th day of March, 1977,  
by JAKE E. RUVOLO

My commission expires 7/19/77

(Seal)

## ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this

day of

by

Notary Public

(Date of Office)

(Name of Corporation Acknowledging)

corporation, on behalf of said corporation

My commission expires

(Seal)

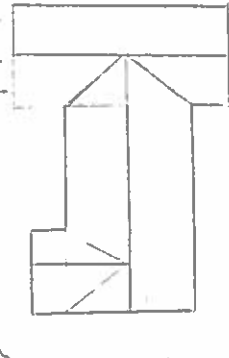


South Fork CR 44

South Fork

ENTRY GATE 10' wide

100' Road 40' wide



30' 3 3/4' 30' 3 3/4'

10.070 AC ±

593 SOUTH FORK

CEDAR



NBB-18

Kathy Brown, 83 Via Orilla Dorado, duly sworn, said the actual notice was regarding La Entrada Phase 1 for preliminary, final plat and the development plan amendment. The vicinity map from the certified letter shows the site commonly known as Phase 1B. Mr. Siebert said there are no changes in A; all the changes are within B.

There were no other speakers and the public hearing was closed.

Chair Katz asked who would maintain the buffer zones and Mr. Archuleta said Santa Fe County would.

Member Gonzales moved to approve CDRC Case S 15-5040, Univest-Rancho Viejo Preliminary and Final Plat and Development Plan Amendment with the staff-imposed conditions. Member Booth seconded and the motion passed by unanimous [6-0] voice vote.

**B. CDRC CASE # V 14-5130 Juan Gonzalez Variance. Juan Gonzalez, Applicant, requests a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 10.07 acres. The property is located at 59 B South Fork, within Section 31, Township 15 North, Range 9 East, (Commission District 5)**

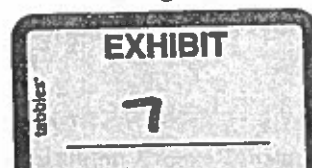
Case Manager John Salazar recited the case caption and provided the staff report as follows:

“The subject lot was created in 1998 through a lot line adjustment and is recognized as a legal lot of record. There is currently a residence and a barn on the property.

“The Applicant states the additional residence is needed in order to help family members who have fallen on hard economic times. The Applicant also mentions that he was going to wait until the Sustainable Land Development Code was adopted in order to place an accessory dwelling unit on the property, however, with the delays that have taken place for its adoption he can no longer wait and thus, is requesting a variance. The Applicant is proposing to convert the existing barn on his property into a dwelling unit. This would create two units which does not meet minimum lot size requirements set forth in Article III, Section 10 of the Land Development Code. The lot is already smaller than the Code requires for a single dwelling unit. In that area it is 12.5 acres.”

Mr. Salazar said staff recommends denial of a variance of Article III Section 10; however, if the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each home. Annual water meter readings shall be submitted



to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).

2. The Applicant must obtain a development permit from the Building and Development Services Division for the proposed dwelling unit (As per Article II, § 2).
3. The placement of additional dwelling units is prohibited on the property (As per Article III, § 10).
4. The Applicant shall provide an updated liquid waste permit for the proposed dwelling unit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1(a)iv).
5. The Applicant shall comply with all Fire Prevention Division requirements at the time of Development Permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

Chair Katz asked how the enactment of the Sustainable Land Development Code would change the situation. Mr. Salazar stated that the applicant's property would be within a residential fringe area where the density would be one dwelling unit per 5 acres and thus allowed to have the two units. The SLDC also allows for accessory structures and a guesthouse would be allowed.

The applicant, Juan Gonzalez was placed under oath and said the staff report accurately reflects the request. They had hoped the zoning map would pass and their request could be handled administratively. Mr. Gonzalez confirmed that at this point he wants another house on the 10 acres.

In response to Member Anaya's question to why he couldn't wait for the passage of the zoning map, Mr. Gonzalez said that his sister in-law is ill and would be better served in a quiet home. The barn which is a block and wood structure would be converted to a house. Mr. Gonzalez said the property is served by a well and there have never been problems with it.

There was no one from the public wishing to speak to this case and the public hearing portion was closed.

Mr. Salazar confirmed that if approved the applicant will have two units on one 10-acre lot. If the lot were split in the future there would be one structure on each of the 5-acre lots.

Member Martin moved to approve CDRC #V 14-5130, Juan Gonzalez variance with the staff-imposed conditions. Member Anaya seconded and the motion passed by unanimous [6-0] voice vote.

**C. CDRC CASE # V 15-5080 Thomas Ketcheson Variance. Thomas Ketcheson, Applicant, requests a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and**



**DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR TRACT**

THIS DECLARATION is made in Santa Fe, New Mexico, this 15th day of October, 1998, by Stephanie A. Runolo, hereinafter for convenience referred to as the "Owner(s)".

**WITNESSED THAT**

WHEREAS, Stephanie A. Runolo is the owner of real property in Santa Fe County, New Mexico, which property includes Lot A containing 10.766 acres and Lot B containing 10.070 acres, more or less, according to the Plat of Survey entitled Stephanie A. Runolo referred to hereinafter as Article I and

WHEREAS, the Owners desire to provide for certain water conserving covenants and measures to preserve and maintain the single-family residential character and value of the property, and

WHEREAS, the Owners desire and intend that the owners, tenants, mortgagees, occupants and other persons hereinafter acquiring any interest in said property shall at all times enjoy the benefits of, and shall hold their interest subject to, the rights and restrictions hereinafter set forth, all of which are declared to be in furtherance of a plan for the proper and beneficial use of the property

NOW THEREFORE, the Owners declare, covenant, and agree as follows:

**ARTICLE I**

**Property Subject to this Declaration**

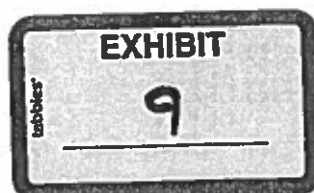
The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is legally described as Lots A and B containing a combined total of 40.8 acres, more or less, in Section 11, Township 15 North, Range 9 East, N.M.P.M., Santa Fe County, New Mexico, according to the Plat of Survey for Stephanie A. Runolo by Michael V. Trujillo, N.M.L.S. #12170, dated March 1, 1998, recorded 10-20, 1998, under reception No. 1045521, Plat Book 397, Page 044, in the records of Santa Fe County, New Mexico (the "Plat").

**ARTICLE II**

**Water Restrictive Covenants**

The following water restrictive covenants shall apply to the use and occupancy of Lots A and B on the plat:

- (A) Domestic water use is restricted to 11.64 acre-feet for Lot A and 11.25 acre-feet per year for Lot B as required by the Santa Fe County Land Development Code
- (B) Water conserving appliances shall be installed and used at the time of construction or replacement of appliances
- (C) Toilets shall be of a type designed for use of no more than 1.6 gallons per flush
- (D) Bathtubs and lavatory fixtures shall be fitted with faucets with a maximum capacity of 2.5 gallons per minute. Shower heads shall have a capacity of no more than 2.5 gallons per minute
- (E) Hot water pipes shall be insulated





(F) Evaporative coolers must circulate bleed-off water

(G) No more than one automatic dishwasher per dwelling may be used, provided it is a model designed to use no more than 1 1/2 gallons per cycle and it has a cycle adjustment which allows reduced amounts of water to be used for reduced loads

(H) No more than one automatic clothes washing machine per dwelling unit may be used, provided it is a model which uses no more than 4 1/2 gallons per cycle and which has a cycle or water level adjustments which permits reduced amounts of water to be used for reduced loads

(I) Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation is encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter such vegetation shall receive only minimal water as needed by each species

(J) Lawns of non-native grasses shall not exceed 8000 square feet per parcel and shall only be watered with rain water collected by means confined to the property or with recycled household gray water. Gray water systems shall meet the requirements of the New Mexico Construction Industries Division and the Uniform Plumbing Code

(K) Swimming pools, of a permanent or temporary nature, are not permitted. Temporary wading pools of a diameter not to exceed eight feet and a depth not to exceed one foot and covered spas are acceptable at each dwelling unit

(L) All wells on the property shall be metered with a Santa Fe County approved meter. Meter readings shall be recorded by the property owner annually within two weeks of January 1st. Meter readings shall be provided to Santa Fe County at their request. Proof of meter installation must be submitted with a Santa Fe County Development Building Permit application

### ARTICLE III

#### General Provisions

1.1 Duration, Covenants Running with the Land. The covenants of this Declaration shall run with and bind the land, shall inure to the benefit of and be enforceable by the owner of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns

1.2 Enforcement. Enforcement of these covenants and restrictions shall be by any owner of property as shown on the Plat in any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction or to restrain any such violation. Any failure by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. If an owner prevails in any action against any person or persons to enforce any provision hereof, the prevailing owner shall be entitled to recover from such person or persons his costs and reasonable attorney's fees

1.3 Severability. The invalidity or unenforceability of any covenant, restriction, term or other provision hereof as determined by a court of competent jurisdiction shall not impair or adversely affect the validity or enforceability of any other covenant, restriction, term or provision hereof, which shall be and remain valid and enforceable to the fullest extent permitted by law

1.4 Miscellaneous. This Declaration shall be governed by and interpreted under the laws of the State of New Mexico. This Declaration shall be binding upon each tract owner, his successors and assigns

1554051

IN WITNESS WHEREOF, the Owners have caused this Declaration to be signed  
as of the date first above written

Stephanie A. Ruvalo  
Stephanie A. Ruvalo

STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF SANTA FE )

On this 14 day of Oct, 1998, the foregoing instrument was  
acknowledged before me by the person(s) whose name(s) appear above

Susan McDowell  
Notary Public

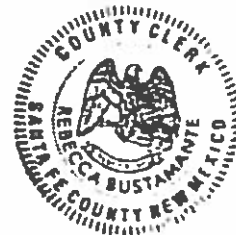
My commission expires 5.25.2000



APPROVED BY COUNTY CODE ADMINISTRATOR

Rudy Garcia  
RUDY GARCIA

COUNTY OF SANTA FE 1045 155 522  
STATE OF NEW MEXICO  
I hereby certify that this instrument was properly  
recorded on the 14th day of Oct 1998 at 9:22 o'clock AM and  
was duly recorded in book 1524 page 044  
of the records of Santa Fe County  
Witness my Hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, NM  
Rebecca Bustamante  
County Clerk





Construction Industries Division  
STATE OF NEW MEXICO  
Environmental Improvement Division

RECEIVED  
JAN 11 1989

PERMIT  
TO INSTALL OR MODIFY  
AN INDIVIDUAL LIQUID WASTE SYSTEM

EID Permit Number <b>SF890014</b>
CID Permit Number

SYSTEM OWNER'S NAME - Last, First and Middle <b>RUVOLO JAKE E</b>	HOME PHONE <b>4730044</b>	BUSINESS PHONE <b>4715401</b>
MAILING ADDRESS - Street/P.O. Box, City, State and Zip Code <b>RT 2 BOX 299-5 SANTA FE NM 87505</b>		
LOCATION OF SYSTEM - Street address, and directions to site if needed <b>SAME</b>		COUNTY <b>SANTA FE</b>
<b>Off 14 - Rds 44</b>	SUBDIVISION, block and lot	TOWNSHIP-RANGE-SECTION <b>R9E 15N</b>
INSTALLER'S NAME AND FIRM <b>OWNER AND J J GONZALES PLUMBING</b>		PHONE <b>4715406</b>
MAILING ADDRESS - Street/P.O. Box, City, State and Zip Code <b>RT 2 BOX 299-5 SANTA FE NM 87505</b>		
C.I.D. License Number and Certification <input type="checkbox"/> MM-1 <input type="checkbox"/> MM-98 <input type="checkbox"/> MS-1 <input type="checkbox"/> MS-3		

**DIRECTIONS:** Complete this form following the instructions on the reverse sides. Return to the Environmental Improvement Division (EID). EID will review your form for environmental items and sign the form. Take or mail your form to the closest Construction Industries Division (CID) plumbing inspector. CID will review the form for construction items and sign the form. After receiving a signed permit from both the EID and CID, install your system and call CID (and EID if requested) for a pre-cover up inspection.

I. BUILDING USE AND DESIGN FLOW

Residential: ☒ Single family, with 3 bedrooms ☐ Multiple family, with      units with      bedroom/unit

All Others:     

     specify type of establishment & no. and type of wastewater flow sizing units (see instructions)

Gallons per Day: Residential 375 (see instructions) All others      number of sizing units times flow per sizing unit

II. SITE INFORMATION

Water Sources: ☒ Off-site or ☐ On-site ☐ Public or ☒ Private ☐ Shared

Lot Size: 10 ACRES square feet or acres Note: Attach proof of plat date if claiming exemption from Table 2 (back of form)

Suitable Area: R. 1.9 ACRES square feet or acres ☐ Surface water ☐ Slopes over 15% ☐ Rock outcrops ☐ Irrigation

Depth from Surface to: Seasonal high water table 100' inches or feet Rock, caliche, or highly permeable material      inches or feet

Soil Type: (see instructions) ☐ Coarse sand or gravel ☐ Fine sand ☒ Sandy loam or sandy clay ☒ Clay with considerable sand or gravel ☒ Clay with small amount of sand or gravel

III. SYSTEM DESIGN

Treatment Unit: ☒ Septic tank ☐ Other - specify     

Size 1,000 capacity in gallons or gallons per day Manufacturer B-G-S OR MONTOM/NO.

Leaching Area: (see instructions) Trench or Bed 3' X 400' square feet width 3' X (length 50 (ft.) + 50 (ft.) +      (ft.) ) trench 1 trench 2 -trench 3 (etc.)

Other - specify      square feet =      specify type and dimensions (attach plans for alternative systems)

Depths: Gravel below drain pipe 12" inches or feet Ground surface to bottom of leaching area 3-3 1/2' inches or feet



## INSTRUCTIONS AND EXPLANATIONS

### I. Building Use and Design Flow

**Residential.** Check the appropriate box and indicate the maximum number of existing or future bedrooms. Underestimating may result in raw sewage backing up into your house, and will shorten the life of your drainfield.

**All Others.** Indicate whether the building is used as a bar, restaurant, store, etc. From Table 1 (back of this form) or another suitable source, indicate the number and type of sizing units that will be used to estimate the amount of wastewater your establishment will produce. For example, motels would use number of beds; schools would use students, etc.

**Gallons per Day - Residential.** Residential design flows are determined by assuming two people for each of the first two bedrooms, and one person for each additional bedroom, with each person contributing 75 gallons per day. For example, a three bedroom house or mobile home would produce 375 gallons per day. For multiple family units, determine the flow for each unit, then add the flows.

**Gallons per Day - All Others.** Multiply the number of sizing units, as determined above, by their flow rate (gallons per day); flow rates from Table 1 may be used. If sizing is by fixtures (such as faucets, toilets), refer to the Uniform Plumbing Code (UPC); for example, Tables 4-1, 4-2, 10-1. Where more than one disposal system is used, you must calculate and show the flow to each system.

### II. Site Information

**Water Source.** Check "off-site" if your water is from a source not on or within 100 feet of your lot. Check "on-site" if a drinking supply (e.g. well) is on or within 100 feet of your property. Indicate whether public or private. (A public supply serves at least 15 connections or 25 people at least 60 days during the year.) If private, indicate if shared.

**Lot Size.** Enter your lot size. Refer to Table 2 (back of form) to determine if your lot is large enough to accommodate your design flow. Proper lot sizes help prevent your wastewater from degrading ground water.

**Suitable Area.** Estimate the area that is suitable for wastewater disposal. Suitable area must meet setback requirements (Table 3) and must include room for a 100% expansion or replacement field. Show setbacks on your plot plan diagram, on page 2. If your lot contains surface water, slopes over 15%, rock outcrops or irrigated areas, check the appropriate boxes and consult with EID or CID to determine how to adapt your system to prevent contamination of surface water, flooding, surfacing of sewage, or other problems.

**Soil Depth.** To protect ground water, the Liquid Waste Disposal Regulations (LWDR) require at least four feet of suitable soil between the bottom of a private sewage disposal trench/absorption area and the seasonal high water table or bedrock, fractured rock or material with a percolation rate of less than one minute per inch. For areas where soil depth is a concern, you may be required to auger a hole to determine or verify adequate clearance.

**Soil Type.** The more slowly water percolates through the soil, the larger your leaching area will need to be to prevent sewage from surfacing in your yard. Estimate your soil type by augering or digging to the depth of your trench, bed or pit bottom, or at least three feet, and collect a handful of soil. Compare it to the descriptions below and check the appropriate box on this form. For "other" or unusual soil types, actual percolation rates should be determined; EID has a form with directions. Your County Extension Agent, EID environmentalist, or plumbing inspector may be able to help determine soil characteristics if you have difficulty.

**Coarse sand or gravel** is made up almost entirely of particles at least twice as large as the period at the end of this sentence (0.5mm and up). Coarse sand is very gritty to touch, and water will pass through it almost instantly. If you fill your test hole with water until the soil is saturated and water backs up, the water level will drop an inch in less than five minutes. If the level drops an inch in one minute or less, it is not a suitable soil because it is not likely to prevent ground water pollution. An absorption area can be installed in such an area if at least four feet of soil below the drainfield trench/absorption area are replaced with a suitable soil, and the leaching area is sized accordingly.

**Fine (to medium) sand** has smaller grains than coarse sand but is still feels gritty. Particles are more likely to stick to your hands, though they can be brushed off. Sand box sand would be in this category. Water will pass at a rate of 6 to 15 minutes per inch.

**Sandy loam or sandy clay** is a well mixed soil, including particles of sand, clay and, in loam, humus or organic matter. Clay (like silt) is composed of extremely small particles. Sandy loam or sandy clay will hold a shape when compacted in your fist, but when dampened will not feel very sticky. This soil type would make good adobes if not too loamy. Water will pass more slowly than in fine sand (15 to 30 minutes per inch). If you filled a jar 1/3 with soil and the rest with water and shook the jar, the materials would gradually settle out separately so that you had about 1/2 sand and the rest clay, silt or humus.

**Clay with considerable sand or gravel** will usually be more sticky and less gritty than sandy loam or sandy clay. This soil type will contain more clay than sand (about 1/3 sand). Water will pass through this soil, but only very slowly (30 to 60 minutes per inch). Four to six inches of sand should be added to the bottom of the trench to prevent compaction.

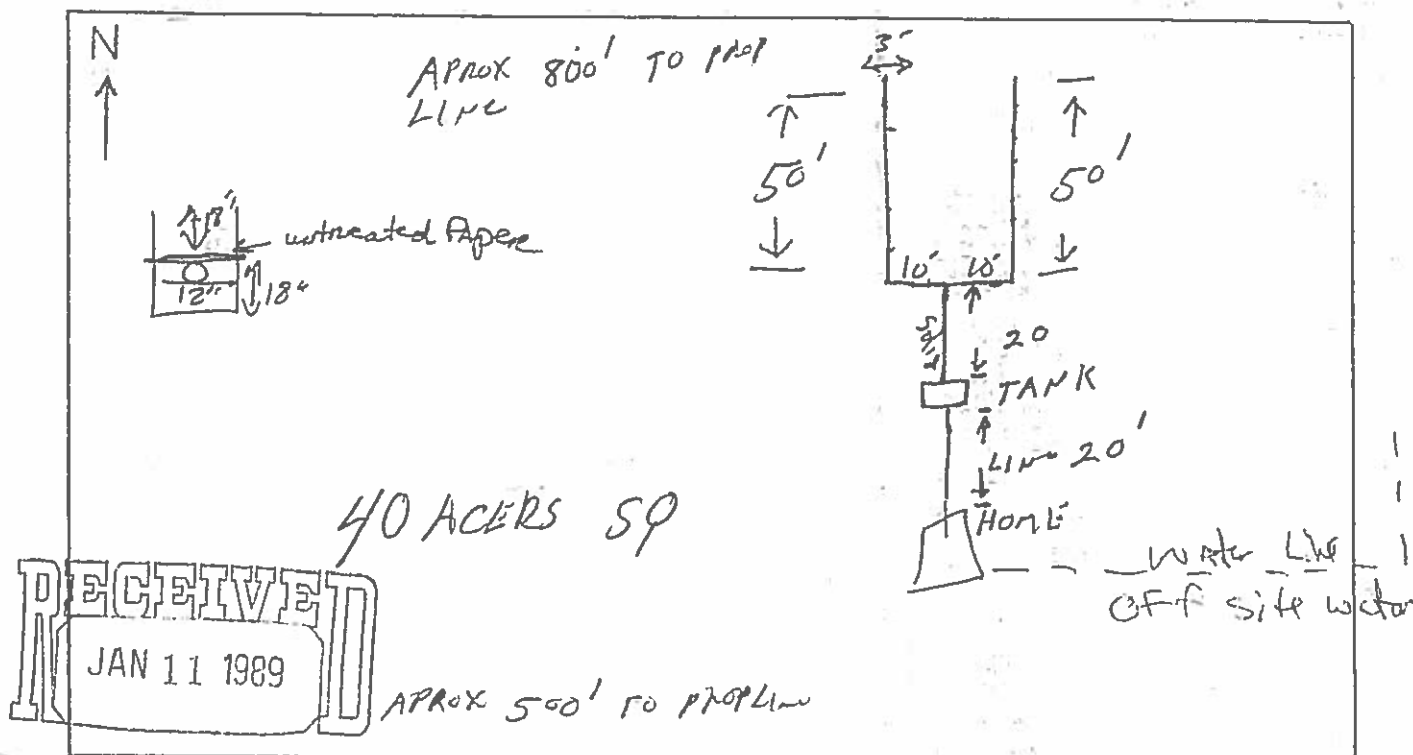
**Clay with a small amount of sand or gravel** is very sticky when wet, or very hard when dry. Water will pass so slowly (if at all) that you will: 1) need a huge disposal area; 2) need to replace the soil with better material; or 3) need a different kind of system.

### III. System Design

**Treatment Unit.** Septic tank size is determined by the number of bedrooms or fixture units (see Table 4), or if other sizing units are used, by multiplying gallons per day (if less than 1500) times 1.5, or 1125 gallons plus 0.75 times the gallons per day if the flow is over 1500 gpd.

**Leaching Area.** Square footage required may be determined from Table 4. Follow your soil type across to the appropriate column. For example, a fine sandy soil will require 250 square feet for a 3 bedroom house. To determine total required trench length in linear feet, divide the required square feet of leaching area by the trench width. For example, 250 feet divided by 2 feet (width of your backhoe) equals 125 feet. Trenches must be from 1.5 to 3 feet wide and no more than 100 feet long. Thus the 125 linear feet of trench could consist of, for example, a 75 and a 50 foot long trench. Drainpipe in the trench must be: level; at least 6 feet from pipe in an adjacent trench; underlain by at least 12 inches of gravel; and covered by at least 2 inches of gravel and 12 inches of earth. Install gravelless drainpipe according to manufacturer's instructions. (Note: If you did a percolation test to determine leaching area, use this formula: leaching area = gallons per day times the square root of the percolation rate times 0.32). Refer to the UPC for additional information.

- IV. **PLOT PLAN.** Diagram the liquid waste system (birdseye view). Show setback distances to any objects in Table 3. Include the following landmarks within 200 feet of the system:
- proposed and/or existing buildings, driveways, water lines and wells, other liquid waste systems, and space for a replacement field;
  - direction of groundwater movement, any surface water, irrigated areas, arroyos, rock outcrops or sloping area;
  - property lines and dimensions of the parcel where the system is to be located.



- V. **APPLICATION.** The foregoing information is correct and true to the best of my knowledge. I understand that the issuing of the permit does not relieve me from the responsibilities of complying with all applicable provisions of the New Mexico Uniform Plumbing Code and the New Mexico Liquid Waste Disposal Regulations.



OWNER



CONTRACTOR

Signature

Date

01-11-89

- VI. **EID PERMIT.** A permit for construction of the liquid waste disposal system described herein is hereby:



GRANTED



GRANTED SUBJECT TO CONDITIONS



DENIED

EID Signature

Date

1-11-89

**CONDITIONS.** Failure to meet the conditions of this section invalidates the permit, and is subject to enforcement.

\*Call for an installation inspection by EID prior to system cover-up if the following box is checked ☐. Phone No. \_\_\_\_\_

- VII. **CID PERMIT.** A permit for construction of the liquid waste disposal system described herein is hereby:



GRANTED



GRANTED SUBJECT TO CONDITIONS



DENIED

CID Signature

Date

**CONDITIONS.** Failure to meet the conditions of this section invalidates the permit, and is subject to enforcement.

- VIII. **INSPECTION.** The private sewage disposal system described herein ☐ meets ☐ does not meet the design and construction requirements of the Construction Industry Commission's New Mexico Uniform Plumbing Code.

CID Signature

Title

Date

TABLE 1. ESTIMATED WASTEWATER FLOW RATES

Because of the many variables encountered, it is not possible to set absolute values for waste/sewage flow rates for all situations. The designer should evaluate each situation and, if figures in this Table need modification, they should be made with the concurrence of the Administrative Authority.

TYPE OF OCCUPANCY	UNIT GALLONS (liters) PER DAY
1. Airports	15 (56.8) per employee 5 (18.9) per passenger
2. Auto washers	Check with equipment manufacturer
3. Bowling alleys (snack bar only)	75 (283.9) per lane
4. Camps:	
Campground with central comfort station	35 (132.5) per person
with flush toilets, no showers	25 (94.6) per person
Day camps (no meals served)	15 (56.8) per person
Summer and seasonal	50 (189.3) per person
5. Churches (Sanctuary)	5 (18.9) per seat
with kitchen waste	7 (25.5) per seat
6. Dance halls	5 (18.9) per person
7. Factories:	
No showers	25 (94.6) per employee
With showers	35 (132.5) per employee
Cafeteria, add	5 (18.9) per employee
8. Hospitals	25 (94.6) per bed
Kitchen waste only	25 (94.6) per bed
Laundry waste only	40 (151.4) per bed
9. Hotels (no kitchen waste)	60 (227.1) per bed (2 person)
10. Institutions (residential)	75 (283.9) per person
Nursing home	125 (473.1) per person
Rest home	125 (473.1) per person
11. Laundries, self-service (minimum 10 hours per day)	50 (189.3) per wash cycle
Commercial	Per manufacturer's specifications
12. Motel with kitchen	50 (189.3) per bed space
13. Offices	60 (227.1) per bed space
14. Parks:	
picnic parks (toilets only)	20 (75.7) per parking space
recreational vehicles—without water hook-up	75 (283.9) per space
with water and sewer hook-up	100 (378.5) per space
15. Restaurants—cafeterias	20 (75.7) per employee
toilet	7 (25.5) per customer
kitchen waste	6 (22.7) per meal
add for garbage disposal	1 (3.8) per meal
add for cocktail lounge	2 (7.6) per customer
kitchen waste—disposable service	2 (7.6) per meal
16. Schools—Staff and office	20 (75.7) per person
Elementary students	15 (56.8) per person
Intermediate and high	20 (75.7) per student
with gym and showers, add	5 (18.9) per student
with cafeteria, add	3 (11.4) per student
Boarding, total waste	100 (378.5) per person
17. Service station, toilets	1000 (3785) for 1st bay
	500 (1892.5) for each additional bay
18. Stores	20 (75.7) per employee
public restrooms, add	1 (3.8) per 10 sq. ft. (9 m <sup>2</sup> ) floor space
19. Swimming pools, public	10 (37.9) per person
20. Theaters, auditoriums	5 (18.9) per seat
drive-in	10 (37.9) per space

TABLE 2. MINIMUM REQUIRED LOT SIZES

There are no minimum lot size requirements for lots platted (surveyed and recorded) prior to Nov. 1, 1973; however, new or modified systems on such lots smaller than 0.33 acres shall not exceed a total design flow of 375 gallons per day. On any and all lots, modifications which exceed a total design flow of 375 gallons per day or the original design flow must meet present lot size requirements. For lots platted prior to 11/9/85, you must attach verifiable documentation of the date your lot was platted, if present requirements will not be met. Lot size = acres. Design flow = gallons per day.

PLAT DATE:	11/1/73 to 9/7/79	9/7/79 to 3/1/80	3/1/80 to 11/9/85	11/9/85 to PRESENT
	Soil Group* Lot Size	Design Flow Lot Size	Design Flow Lot Size	Design Flow Lot Size
OFF-SITE WATER	A 0.5 B 0.75 C 1.00 D **	0-1000 0.5 1000-1500 1.0 1501-2000 1.25	0-375 0.33 376-1000 0.5 1000-1500 1.0 1501-2000 1.25	0-375 0.33 376-750 0.5 751-1125 1.0 1126-1500 1.25 1501-2000 1.75
ON-SITE WATER	A 0.75 B 1.00 C 1.25 D **	0-1000 0.75 1000-1500 1.25 1501-2000 1.70	0-1000 0.75 1000-1500 1.25 1501-2000 1.70	0-375 0.75 376-750 1.50 751-1125 2.00 1126-1500 2.75 1501-2000 3.50

- \* Refer to September 14, 1973 EID Regulations Governing Individual Liquid Waste Disposal.  
\*\* No on-site disposal to soil allowed.

TABLE 3. MINIMUM SETBACK AND CLEARANCE REQUIREMENTS

FROM:	TO: Sewer Line	Septic Tank*	Disposal Field	Seepage Pit
Property line	clear	5 ft.	5 ft.	8 ft.
Building or structure	2 ft.	5 ft.	8 ft.	8 ft.
Trees	-	10 ft.	-	10 ft.
Distribution box	-	-	5 ft.	5 ft.
Disposal field	-	5 ft.	4 ft.***	5 ft.
Seepage pit	-	5 ft.	5 ft.	12 ft.
Drinking Water line				
Private	1 ft.	5 ft.	5 ft.	5 ft.
Public	10 ft.	10 ft.	10 ft.	10 ft.
Drinking Water source/well				
Private	50 ft.	50 ft.	100 ft.	100 ft.
Public	50 ft.	100 ft.	200 ft.	200 ft.
Lined canals	-	10 ft.**	10 ft.**	10 ft.**
Unlined canals/arroyos	-	15 ft.**	25 ft.**	25 ft.**
Other watercourses and lakes	-	50 ft.	100 ft.	100 ft.
Bedrock, fractured rock, seasonal water table	-	-	4 ft. to trench bottom***	4 ft. to trench bottom

- \* Applies to privy pits, enclosed systems and other treatment units.  
\*\* Plus depth of channel.  
\*\*\* Unlined privy pits and evapotranspiration overflows shall provide clearance of at least two feet.  
\*\*\*\* Plus 2 feet for each additional foot of depth in excess of one foot below drain line.

TABLE 4. MINIMUM SEPTIC TANK SIZE AND LEACHING AREA (See the UPC for situations not covered by this table.)

	Single Family:	0-2 bedrooms	3 bedrooms	4 bedrooms	5-6 bedrooms
	Multiple Family*:	-	-	2 units	3 units
	Fixture Units:	15 or less	16-20	21-25	26-33
Minimum Septic Tank Size:		750 gallons	1000 gallons	1200 gallons	1500 gallons
Minimum Leaching Area**:					
Coarse sand or gravel		150 sq. feet	200 sq. feet	240 sq. feet	300 sq. feet
Fine sand		188 sq. feet	250 sq. feet	300 sq. feet	375 sq. feet
Sandy loam or sandy clay		300 sq. feet	400 sq. feet	480 sq. feet	600 sq. feet
Clay w/considerable sand or gravel		675 sq. feet	900 sq. feet	1080 sq. feet	1350 sq. feet
Clay w/small amount of sand or gravel		900 sq. feet	1200 sq. feet	1440 sq. feet	1800 sq. feet

- \* For one bedroom units, add 150 gallons for each additional bedroom.  
\*\* The UPC requires that the area for leaching beds be at least 50% greater than for trenches. For deep trenches, side wall area in excess of the required 12 inches, and not to exceed 36 inches, below the leach line may be added to the trench bottom area when computing minimum leaching area.

# SANTA FE NEW MEXICAN

Founded 1849

GONZALEZ, LUCILLE  
59 B SOUTH FORK  
SANTA FE, NM 87508

ACCOUNT: 21493  
AD NUMBER: 0000114701  
LEGAL NO 98160 P.O. #:  
1 TIME(S) 74.90  
AFFIDAVIT 10.00  
TAX 6.95  
TOTAL 91.85

## AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

I, W. Barnard, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No 98160 a copy of which is hereto attached was published in said newspaper 1 day(s) between 03/26/2015 and 03/26/2015 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 26th day of March, 2015 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

/s/

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 26th day of March, 2015

Notary

Commission Expires:

MAY 25, 2015



EXHIBIT

11

SantaFeNewMexican.com

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THE SANTA FE  
**NEW MEXICAN**  
Founded 1849

LEGAL # 98160

CDRC CASE # V 14-5130

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held to consider a request by Juan Gonzalez, Applicant, for variance of Article III, 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 10.07 acres. The Property is located at 5918 South Fork, within Section 31, Township 15 North, Range 9 East, (Commission

Continued...

District 5).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 16th day of April 2015, at 4 p.m. on a petition to the County Development Review Committee and on the 9th day of June 2015, at 5 p.m. on a petition to the Board of County Commissioners.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action. All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Published in The Santa Fe New Mexican on March 26, 2015



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*1254/12*

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BUILDING AND DEVELOPMENT SERVICES AND  
SANTA FE COUNTY FIRE PREVENTION DIVISION  
DEVELOPMENT PERMIT APPLICATION



Applicant Name: (Present &/or Former Names) Gonzalez, Juan Development Permit Number 14-5130 Project Manager/Type/Date Received John S. Var 2/13/15

Development Fees Paid ☒ Y ☐ N Amount:                      Fire Impact Fee Paid ☐ Y ☒ N Amount:                      Total Fees Paid:                     

Additional Fire Inspections will be charged a minimum \$25.00 fee. \$75.00

For official use only

Type of Development Permit:  
(Indicate all that apply)

☐ Master Plan ☐ Prelim. Plan ☐ Final Plan ☐ Family Transfer ☐ Driveway ☐ Lot Line Adj. ☐ Land Div. ☐ Accessory Structure

☐ Residential Bldg. Plan ☐ Commercial Bldg. Plan ☐ Res. Sub. ☐ Com. Sub. ☐ Sprinkler/Alarm ☐ Mobile Home Other                     

Wildland Hazard Rating: ☐ Moderate ☐ High ☐ Very High ☐ Extreme ☐ N/A Fire District                     

Fire Protection Water Source: ☐ Fire Hydrant ☐ Draft Hydrant ☐ Pond ☐ Other                      Driveway length:                      Width:                     

PROPERTY OWNER INFORMATION: First Name: JUAN Last Name: GONZALEZ

Mailing Address: 59 B SOUTH FORK Zip: 87503

Rural address of Project:                      Zip:                     

Written Directions to Project Site: TAKE HWY 14 SOUTH - TO CTY RD 45 (LEFT)  
SHERANDON TR (CTY RD 45) GO TO THE SPLIT RD  
NORTH FORK & SOUTH FORK KEEP GOING ON SOUTH FORK LOT  
ON CORNER OF SOUTH FORK & CEDAR ST - Gate Code N/A

Cell Phone: (505) 660-6328 Home Phone: (505) 473-4839 Email address: juan.gonzalez@probuilt.com

Contractor / Company Name:                      Address:                     

Cell Phone: ( )                      Work Phone ( )                      Contractor's License #                     

PROJECT DESCRIPTION: Variance of Density

Section: 31 Township: 15 Range: 9 Commission District: 3 Parcel ID: 990000408

I PC Number:                      Plat Book: 397 Page 141 Date Recorded: 10/20/98

Warranty Deed Instrument #: 1019, 627 Date Recorded: 11/1/98 Subdivision Name:                     

Acreage: 10.07 Estimated Completion Date:                      Valuation:                     

Proposed Number of Dwellings Onsite: 1 Existing: 1 Total: 1

Proposed Number of Lots Onsite: 1 Existing: 1 Total: 1

Proposed Roofed Area Sq. Ft.: 2,900 Existing Roofed Area Sq. Ft.: 3,680 Total Roofed Area Sq. Ft.:                     

Lot Number: 59B Phase:                      Affordable Unit: ☐ Yes ☒ No All Weather Access: ☒ Yes ☐ No (\*Access improvements required)

County Road: ☐ Yes\* ☐ No (Access Permit DPH required) Legal Access: ☒ Yes ☐ No

FEMA 100-year floodplain: ☐ Yes\* ☒ No Zone                      Panel Number:                      D (\*Floodplain Dev. Permit required)

NMED Septic Permit: ☒ Yes ☐ No Community Sewer System ☐ Yes ☒ No Water Restrictions: ☐ Yes\* ☒ No Book 539 Page 041-05

Shared Well: ☐ Yes\* ☒ No \*Share Agreement Inst. #                      Well Meter Reading:                     

Well Permit #                      Well Meter Serial Number:                      Meter Type                      Unit of Measure:                     

Community Water System: ☐ Yes\* ☒ No (\*Water Service Letter Required) Cistern Required: ☐ Yes ☒ No Rainbarrels Required: ☐ Yes ☒ No

Proof of Taxes: ☒ Yes ☐ No Hydrologic Zone: ☐ Basin ☐ B. Fringe ☐ Homestead ☐ Mountain ☐ Traditional ☐ Metro ☐ Geohydro Req'd ☐ TIA Req'd

Owner Acknowledgment or Authorized Representative: Signature: [Signature] Date: 2/13/15

By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.

Type of Permit Issued:                      Date:                     

Approved By:                      Date:                     

Redlines ☐ Yes ☒ No Inspections Conducted:                      Final Certificate of Completion ☐ Yes ☒ No





