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:

June 18, 2015

TO:

County Development Review Committee

FROM:

Mathew Martinez, Development Review Specialist

VIA:

Penny Ellis-Green, Growth Management Director 12

Vicki Lucero, Building and Development Services Manager

Wayne Dalton, Building and Development Services Supervisor

FILE REF.: CDRC CASE # V 15-5110 Marta and Dolores Perez Variance

ISSUE:

Marta and Dolores Perez, Applicants, request a variance of Ordinance 1996-10, the Santa Fe County Land Development Code (the Code), as amended by Santa Fe County Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow a Land Division of 2.5 acres into two lots; each lot consisting of 1.25 acres.

The property is located within the Traditional Historic Community of La Cienega at 19 B Las Estrellas, within Section 27, Township 16 North, Range 8 East, (Commission District 3).



SUMMARY:

The subject lot was created in 1990, by way of Family Transfer and is recognized as a legal lot of record. There is currently a single family residence (1400 sq. ft.) which was permitted in 2005 and two storage buildings on the property. The Applicants are sisters and have owned and lived on the property since December 16, 1994.

The Applicants request a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow a Land Division of 2.5 acres into two lots; each lot consisting of 1.25 acres. The Applicants state they own the subject lot jointly and are requesting a Land Division so that both Applicants will own their own equal share and would no longer have a shared payment on the property.

Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4.2, (Basin Zone), which this property falls under states:

Maximum density in the Basin Zone shall be ten acres per one dwelling unit (10 acres). With proof of 100 year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants (See Attachment 1), the maximum density may be increased to one dwelling unit 2.5 acres. Density adjustments above one dwelling unit per 10 acres must follow requirements outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended, along with all requirements outlined in this ordinance. The maximum density shall not be increased even when community water and sewer systems are provided except where density transfer is used to protect sensitive lands or preserve community assets as described in Section 6.6 and gross density is maintained.

Article II, § 3 (Variances) of the 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."

The owners of the Property Marta Perez and Dolores Perez, acquired the Property by warranty deed recorded in book # 1123 page #167 in the Santa Fe County Clerk's records dated December 16, 1994. (Exhibit 2)

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 May 21, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on May 21, 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)

This Application was submitted on April 4, 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 Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow a Land Division of 2.5 acres into two lots; each lot consisting of 1.25 acres.

GROWTH MANAGEMENT AREA:

SDA-2

HYDROLOGIC ZONE:

The property is located within the Traditional Historic Community of La Cienega Basin Hydrologic Zone. Minimum lot size in this area is 10 acres per dwelling unit. Lot size can be reduced to 2.5 acres per dwelling unit with proof of 100 year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants. Currently the lot is restricted to 0.25 acre feet per year.

FIRE PROTECTION:

The property is located in the La Cienega Fire District. The County Fire Marshal has reviewed this request and asserts the Applicant shall provide a 20' access from Las Estrellas to the first entrance to the property. Plans shall be submitted to this office for approval which meets the minimum County standards for the fire apparatus access roads with in this type of proposed development. Access road shall be county approved all-weather driving surface of minimum 6" compacted basecourse or equivalent.

Minimum gate width shall be 14' wide for a single residence 20' for multiple residences and an unobstructed vertical clearance of 13'6" (Exhibit 9).

WATER SUPPLY:

Shared Domestic Well (Permit # RG 60253)

LIQUID WASTE:

Conventional Septic System (Permit # SF 950006)

VARIANCES:

Yes

AGENCY REVIEW:

Agency:
Fire Prevention

Recommendation:
Approved with Conditions

STAFF RECOMMENDATION:

Denial of a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow a Land Division of 2.5 acres into two lots; each lot consisting of 1.25 acres.

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

- 1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
- 2. A Plat of Survey meeting all Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
- 3. Future division of either tract is prohibited: this shall be noted on the plat. (As per Article III, § 10).
- 4. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).
- 5. These conditions are conditions precedent to granting of the variance. If the Applicants fail to comply with any conditions set forth above within the time period provided, the variance will never come into effect and shall be denied.

EXHIBITS:

- 1. Letter of request
- Warranty Deed
 Noticing
- 4. Ordinance No. 2002-9 § 6.4 (Zoning Density)5. Article II, § 3 (Variances)
- 6. Site Plan
- 7. Site Photographs8. Aerial of Site and Surrounding Area9. Review Comments



19 B las estrellas® Santa Fe, NM 87507 Phone: 505-690-6846 ® E-Mail: jasmine7js@aol.com

Date: April 8, 2015

To Whom It May Concerns:

The intent of this letter is to discuss the dividing of my property, 19 B Las Estrellas Santa Fe NM 87507. My sister and I, we would like to formally divide this property because she and I have shared equal parts in payment towards this property, now we would like to have officially our own parts of the property. Thank you for taking your time to review our case and for any other questions I can be reached at anytime.

Sincerely,

Marita Penez

[hanobienth, commen.]



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GEORGE P. BONKER and MARY LIDA BO	WKER, husband and wife as joint tenants 3197
	for consideration paid, grant
(MARTA PEREZ, a single woman	
and DOLORES PEREZ, a single wom	man, as joint tenants
whose address is	and the property parties and the second
Replat and Land Division for page 48 within Section 27, 1	vicion of Lot 1 from Amended Family Transfer r Richard Montoys, we recorded in Book 193. Tuenuhip 16 Morth, Range 8 East, W.H.P.M.*, , 1990 in Piet Book 213, page 8 wm Document
SUBJECT TO: Reservations, Restric	ctions and Engements of record,
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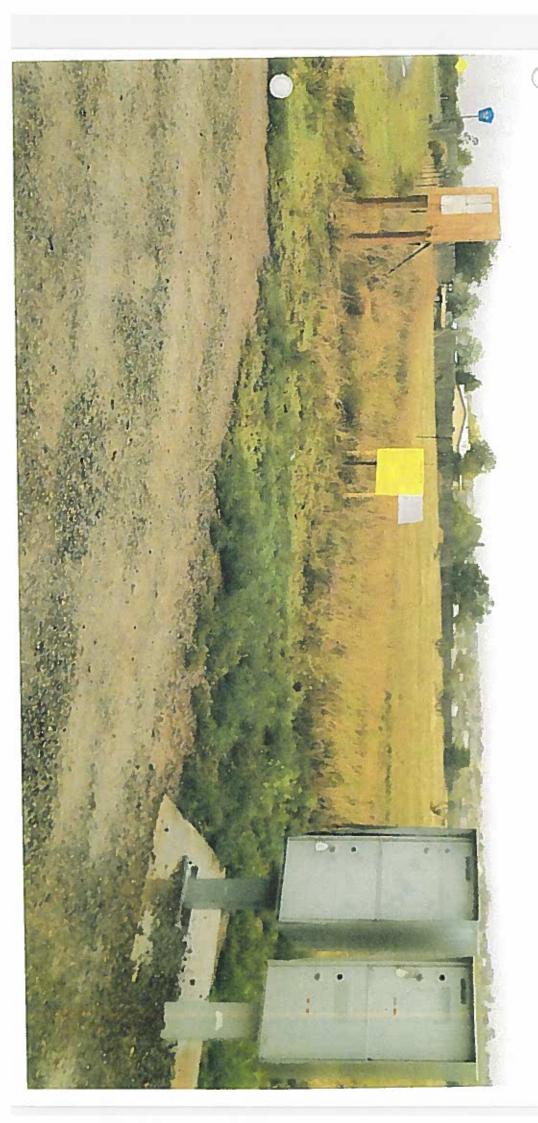
CERTIFICATION OF POSTING

I herby certify that the public notice posting regarding Land Development
Case # $\sqrt{15-5110}$ was posted for 21 days on the property beginning
The 21 day of Now.
Signature Penergy
*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 22^{nel} day of
May , 2015, By Marta Percz.
Notary Public
My Commission Expires:
OFFICIAL SEAL ERIKA GARCIA NOTARY PUBLIC STATE OF NEW MEXICO STATE OF NEW MEXICO

EXHIBIT



0



NBA-10

plan approval where such approval is required, at the time of adoption of this Ordinance, shall comply with this ordinance. This Ordinance and standards may be amended from time to time.

6.4 Zoning Density:

6.4.1 <u>Traditional Community Zoning District:</u>

Maximum density is three quarters of an acre per one dwelling unit (.75 acre). Density adjustments must follow requirements as outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended, along with all requirements outlined in this ordinance. The maximum density shall not be increased even when community water and sewer systems are provided except where density transfer is used to protect sensitive lands or preserve community assets as described in Section 6.6 and gross density is maintained. Note: the Traditional Community Zoning District is located within the Traditional Historic Community boundary but the .75 acre zoning density applies only in the Traditional Community Zoning District. See attached map b.), La Cienega Traditional Community Zoning District.

6.4.2 Basin Zone:

Maximum density in the Basin Zone shall be ten acres per one dwelling unit (10 acres). With proof of 100 year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants (See Attachment 1), the maximum density may be increased to one dwelling unit per 2.5 acres. Density adjustments above one dwelling unit per 10 acres must follow requirements as outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended, along with all requirements outlined in this ordinance. The maximum density shall not be increased even when community water and sewer systems are provided except where density transfer is used to protect sensitive lands or preserve community assets as described in Section 6.6 and gross density is maintained.

6.4.3 Basin Fringe Zone:

Maximum density in the Basin Fringe Zone shall be fifty acres per one dwelling unit (50 acres). With proof of 100 year water supply through a geohydrologic reconnaissance report, and application of water use covenants (See Attachment 1), the maximum density may be increased to one dwelling unit per 12.5 acres. If an adequate 100 year supply of water, and no impairment to neighboring wells, is proven by an on-site geohydrological well test, land may be further divided to a maximum of 2.5 acres per dwelling unit. Density adjustments above one dwelling unit per 50 acres must follow requirements as outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended, along with all requirements outlined in this ordinance. The maximum density shall not be increased even when community water and sewer systems are provided except where density transfer is used to protect sensitive lands or preserve community assets as described in Section 6.6 and gross density is maintained.

6.4.4 Homestead Zone:

Maximum density in the Homestead Zone shall be one hundred and sixty acres per one dwelling unit (160 acres). With proof of 100 year water supply through a geohydrologic reconnaissance report, and application of water use covenants (See Attachment 1), the maximum density may be increased to one dwelling unit per 40 acres. If an adequate 100 year supply of water, and no impairment to neighboring wells, is proven by an on-site geohydrological well test, land may be further divided to a minimum of 2.5 acres per



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.

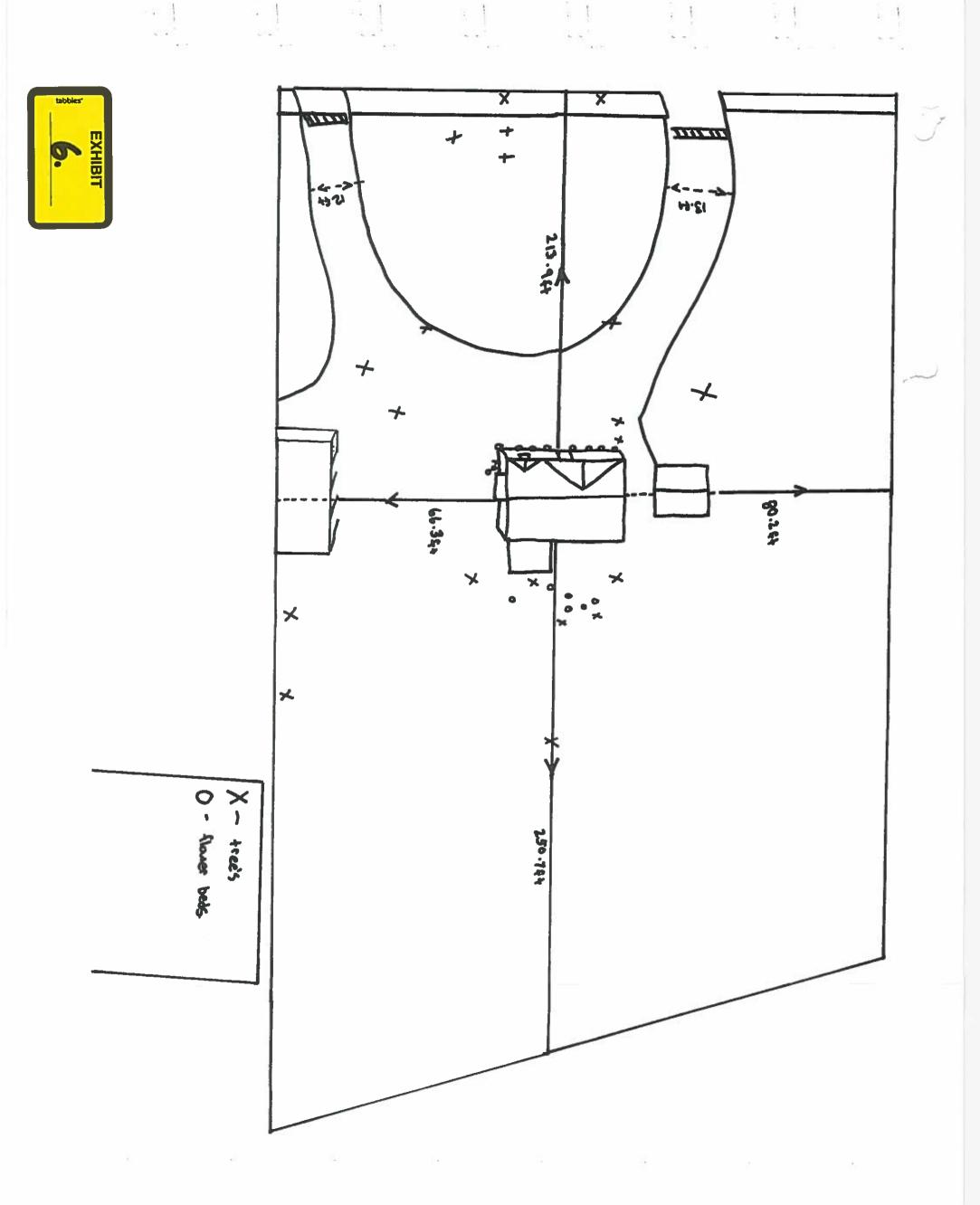
3.3 Granting Variances and Modifications

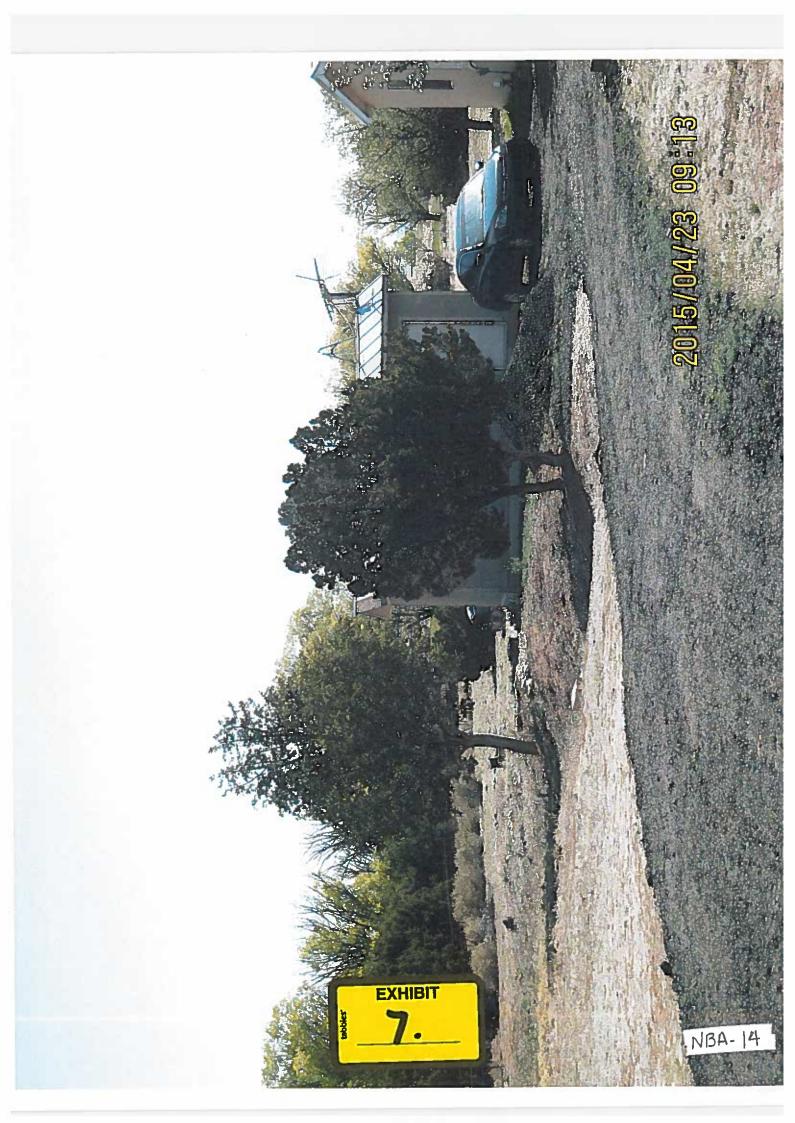
In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

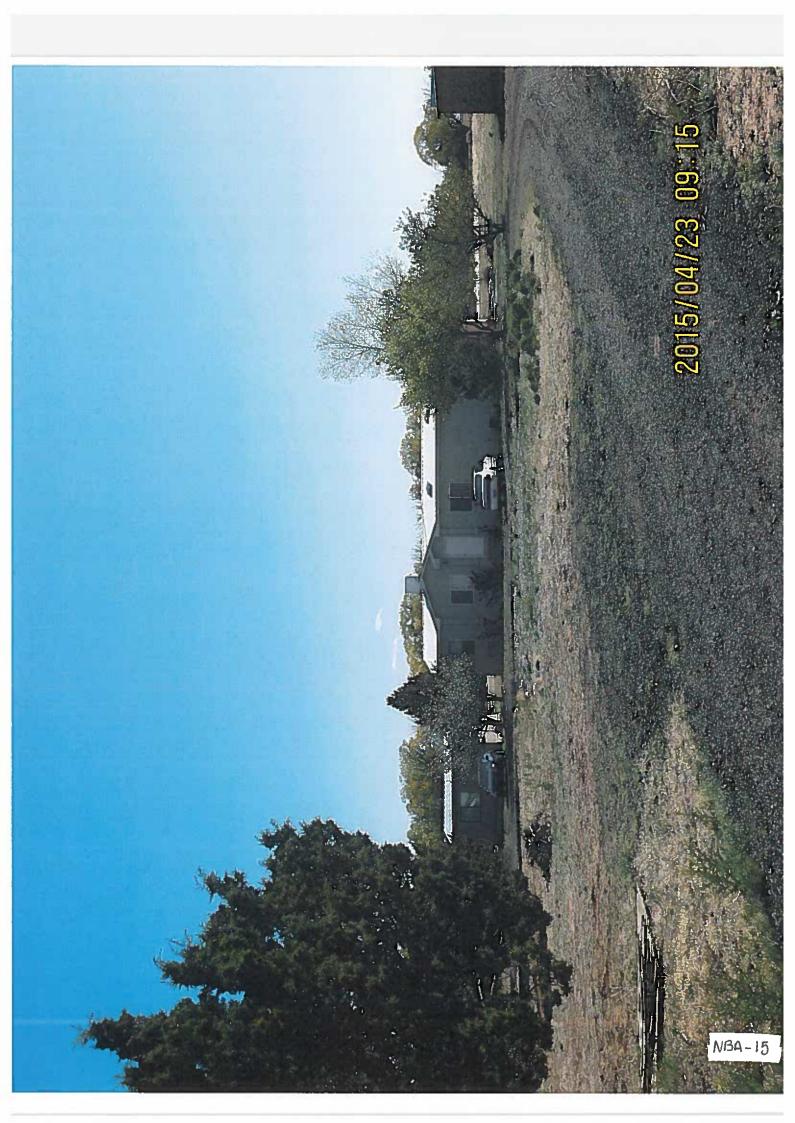
3.4 Height Variance in Airport Zones

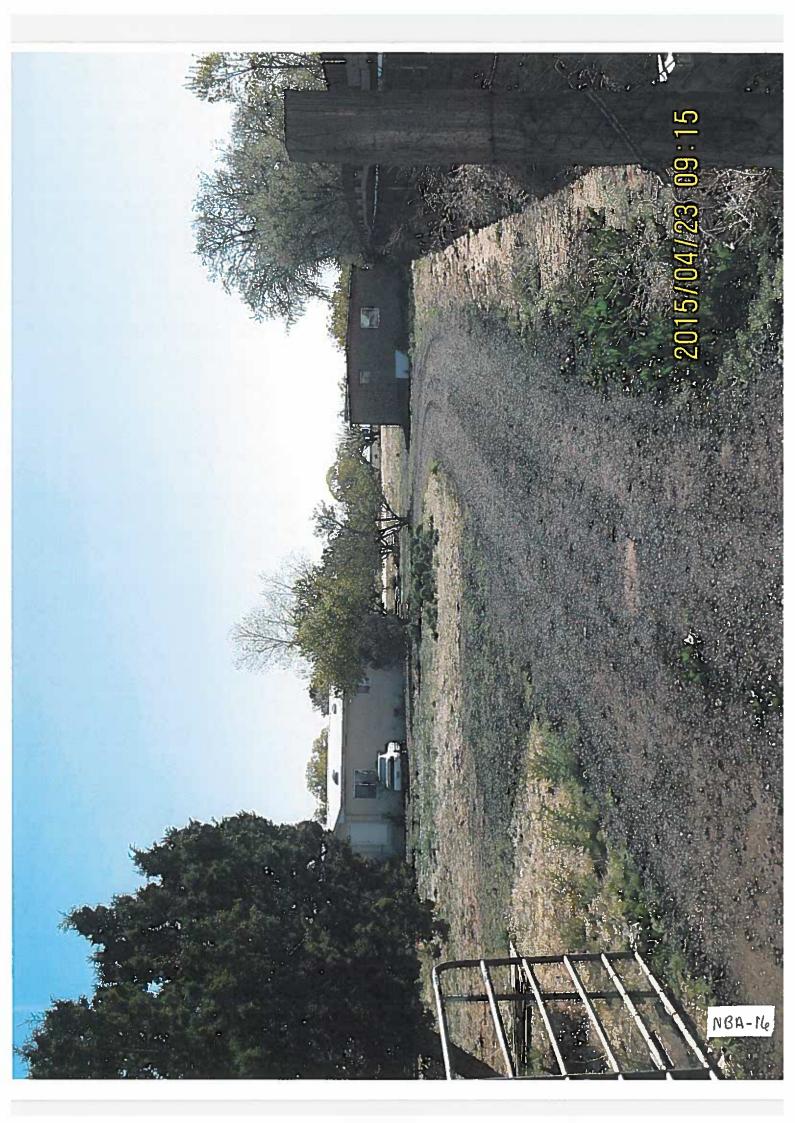
All height variance requests for land located with approach, Transitional. Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied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

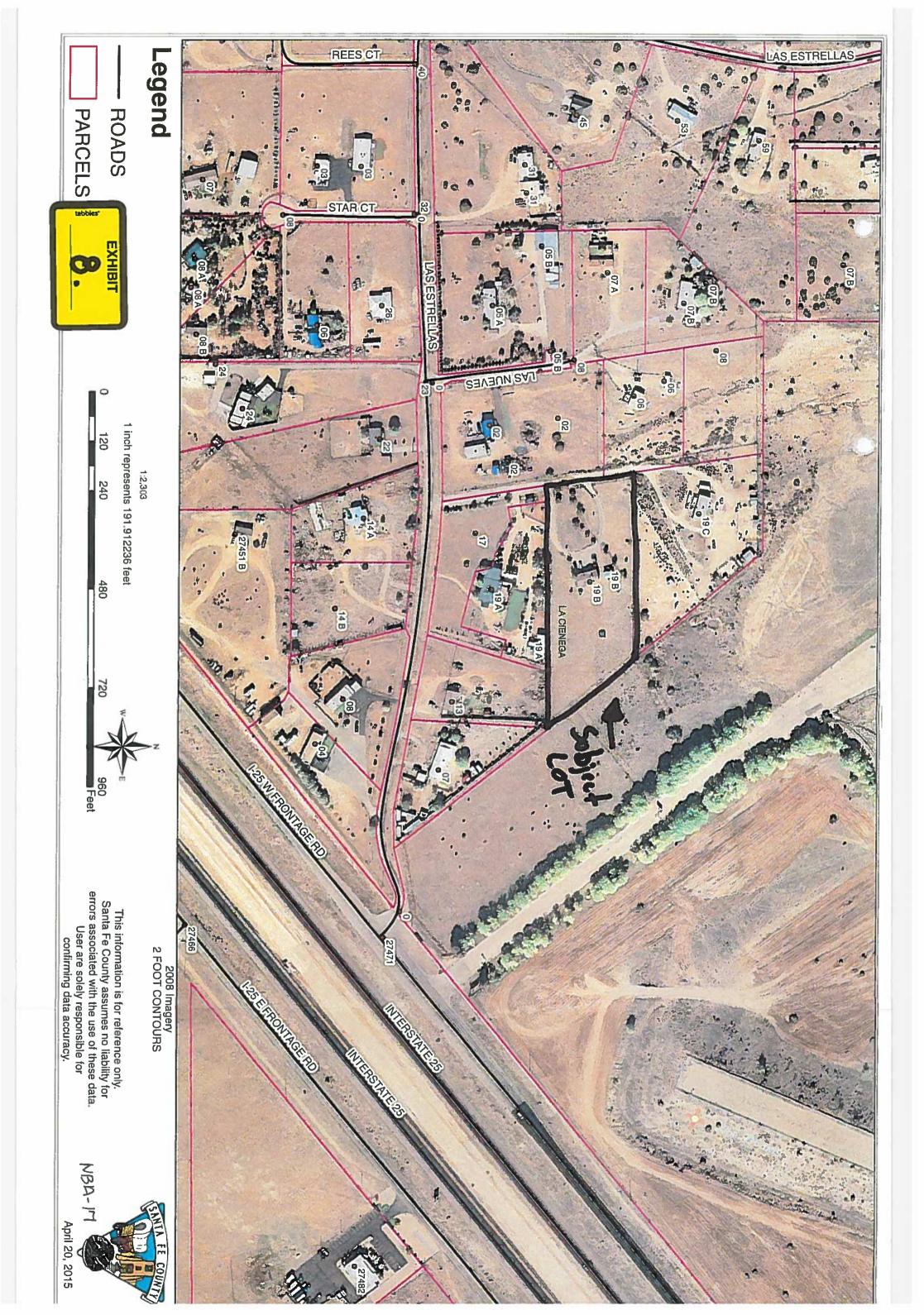












Henry P. Roybal

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	04-29-2015					
Project Name	Marta & Dolores Perez					
Project Location	19B Las Estrellas, Santa Fe, New	Mexico 87507				
Description	Minimum Lot Size Variance		Case Manager	M. Martinez		
Applicant Name	Marta & Dolores Perez		County Case #	V15-5110		
Applicant Address	19B Las Estrellas		Fire District	La Cienega		
	Santa Fe, New Mexico 87507					
Applicant Phone	505-690-8646					
	Commercial Residential	Sprinklers 🗌	Hydrant Ac	ceptance 🗌		
Review Type	Master Plan Preliminary	Final 🗌	Inspection 🗵	Lot Split 🗵		
	Wildland ⊠ Variance ⊠]				
Project Status	Approved	Conditions 🛛 De	nial 🗌			

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: See underlined area.

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.

There shall be a 14' wide driveway to each residence or a shared 20' wide driveway to each lot location then a 14' wide driveway to residence. Plans shall be submitted to this office for approval that meets the

35 Camino Justicia

www.santafecountyfire.org

minimum County standards for fire apparatus access roads within this type of proposed development.

Driveway shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 14'wide for a single residence 20' for multiple residences and an unobstructed vertical clearance of 13'6".

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.

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

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

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.

There are no slopes greater than 11%.

Restricted Access/Gates/Security Systems

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

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

Fire Protection Systems

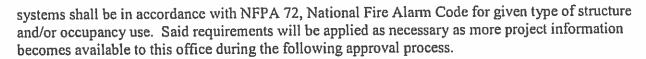
Automatic Fire Protection/Suppression

This office highly recommends the installation of an automatic fire suppression system as per 1997 Uniform Fire Code, Article 10 Section 1003.2.1 and the Building Code as adopted by the State of New Mexico and/or County of Santa Fe. Required automatic fire suppression systems shall be in accordance with NFPA 13 and 13D Standard for automatic fire suppression systems. It is recommended that the homeowner contact their insurance carrier to find their minimum requirements.

Fire Alarm/Notification Systems

Automatic Fire Protection Alarm systems are highly recommended per 1997 Uniform Fire and Building Codes as adopted by the State of New Mexico and/or the County of Santa Fe. Required Fire Alarm

Official Submittal Review 2 of 4



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.

Portable fire extinguishers are highly recommended to be installed in occupancies and locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

Life Safety

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

Urban-Wildland Interface

SFC Ordinance 2001-11, Urban Wildland Interface Code

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

Building Materials

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

Location/Addressing/Access

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

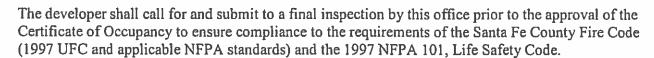
Per SFC 2001-11 / EZA 2001-04 Chapter 4, Section 3.2 Roads and Driveways; Access roads, driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions of the Fire Code and the Land Development Code. Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development.

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.

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4-29-15 Date

Permits

As required

Final Status

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

Renee, Nix, Inspector

Code Enforcement Official

Through: Chief David Sperling

File: DEV/MartaDoloresPerez/042915/LC

Cy: Buster Patty, Fire Marshal

Land Use

Applicant
District Chief La Cienega

File