Village of Corrales
Planning & Zoning Department
4324 Corrales Road, Corrales, New Mexico 87048
Phone: (505) 897-0502 / Fax: (505) 897-7217

PLANNING AND ZONING COMMISSION
Date of Meeting: Wednesday, June 17, 2020, 6:30 PM
Location of Meeting: TELECONFERENCE

DRAFT AGENDA

This will be a Teleconference Planning and Zoning Commission meeting. The public is allowed to join. You will be allowed to join the meeting until 6:35 pm. The meeting link is https://us02web.zoom.us/j/84630776405. Those without internet access or a computer microphone may also phone into the meeting at 1-669-900-6833. The meeting ID is 846 3077 6405#. Please email Laurie Stout at LStout@corrales-nm.org if you wish to speak during the meeting, so we can acknowledge you and have you sworn in when that agenda item is heard.

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

V. CORRALEÑOS PUBLIC FORUM (Comment on items not otherwise on Agenda – 3- Minute limit)

VI. PUBLIC HEARING ITEMS

SUB 19-03 (Final Plat). Applicant and property owner (trustee) Joseph Cuellar requests Final Plat approval to subdivide two existing adjacent MRGCD Tracts (98-A-1-B-2 and 99-B-1) totaling 4.2882-acres. Proposed Lots 1, 2, 3 and 4 of “Lands of Cuellar” subdivision will each be one acre. The property is between Old Church Road and Loma Larga, and south of Entrada de los Martinez.

SUB 20-02 (Preliminary Plat). Applicant and property owner (trustee) Claudia Miller and Jennie Stonecipher of Dehier Surveying are requesting Preliminary Plat approval to create a 4-lot subdivision
“Lands of Pete and Patricia Smith” from approximately 4.3-acre Tract 107D-1-A-1-B, Map 18. This property includes the site addresses of 294 Old Church Road, 266 Old Church Road, and 2 Sandy Lane. The platting action will also dedicate the adjoining portion of Old Church Road (an additional approximately .3-acres) to the Village of Corrales.

VAR 20-01. (Variance) Applicant John McCandless of Tract A-1, Lands of Mary Jane Rose, site address 215 Coyote Trail, is requesting a Variance to 10’ side setback for an existing shop building that is 8’ from the side property line.

VII. OTHER BUSINESS
   Election of Officers

VIII. PZA REPORT

IX. COMMISSIONERS FORUM

X. NEXT HEARINGS: July 1, 2020 and July 15, 2020

XI. ADJOURNMENT

Laurie Stout, Planning and Zoning Administrator

5-23-2020

Date
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<tr>
<th>Applications</th>
<th>Applicant 30-day notice</th>
<th>Public comment 15-day notice</th>
<th>Public comment due 30 days prior</th>
<th>Complete Applicant Submittal</th>
<th>Hearing date 40 days prior</th>
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2020 REGULAR MEETING SCHEDULE
SUB 19-03 (Final Plat), Lands of Cuellar, Staff Summary

Applicant Joseph Cuellar (property owner and trustee) of 3615 Gun Club Rd. SW, Albuquerque, is requesting Final Plat approval to subdivide two existing adjacent MRGCD Tracts (98-A-1-B-2 and 99-B-1) in Corrales totaling 4.2882 acres. This property is zoned A-1, Agricultural and Rural Residential and the two existing Tracts stretch east of Loma Largato to Old Church Road, south of Entrada de los Martinez. Proposed Lot 1 contains one existing dwelling unit and some outbuildings. Proposed Lots 1, 2, 3 and 4 of “Lands of Cuellar” subdivision will each be the required one-acre minimum lot size.

History/Background: At the Preliminary Plat hearing in April of 2019, the Planning and Zoning Commission approved the preliminary plat of this subdivision, subject to certain conditions:

1. A request for engineered design and construction detail for the easement road providing access off Entrada de los Martinez, including cul-de-sac turnaround, irrigation ditch crossing and the continued access to Lots 1, 2, and 3. (Provided here).
2. Formal MRGCD approval to use the Corrales Main Canal ditch bank to access proposed Lot 1. The delay in the Commission seeing this Final Plat was due to Mr. Cuellar’s efforts to secure such access—which was not forthcoming. Although the home on the property has been accessed via the ditch bank for many years, MRGCD denied the request. Fortunately, proposed Lot 1 can be accessed via the easement. The applicant’s engineer revised the drawings to show such access, and relocated the cul-de-sac at the request of the Fire Chief, and those updated engineering drawings are included in your materials.
3. Easement clarification. I met with the property owners to the north, whose land contains the 25’ easement that accesses Mr. Cuellar’s land. They are aware of its existence and how it will be used. The easement was filed with Sandoval County in 1984 and is valid.
4. Approval of the road by the Fire Chief. Chief Martinez has a copy of the engineered drawings, and will inspect the road upon construction. Chief Martinez will be in attendance at the Planning and Zoning meeting to discuss and answer any questions.

(A Variance to side setback for a 50+ year old outbuilding on the south side of the property was approved by the Commission in April of 2019.)

Access: Proposed Lot 4 fronts Old Church Road and will be accessed from it. Proposed Lots 1, 2 and 3 will be accessed from the north, off Entrada de los Martinez, a public right-of-way, via the 25” private easement. Where this easement meets proposed Lot 2, the plat grants a turnaround cul-de-sac easement and continues the 25-foot width road and utility easement to the borders of both proposed Lots 1 and 3. This access serves three 1-acre lots, and the width is adequate per Village ordinance 18-81.

General: The Village engineer and I walked the property and lot corners are properly marked with rebar and cap. (See Steve Grollman email dated January 31st. Chief Martinez can address his comments regarding the road construction.)

The well/septic site plan submitted with the preliminary plat has not changed. This property is east of the Main Canal and contains a slope of 1% or less. (Note #9 on plat).

Summary: I advised Mr. Cuellar that a good course of action would be to build the road before submitting this Final Plat. He has elected to submit the Final Plat application tonight. Village of Corrales language pertaining to required improvements and “in lieu of” options, is below:
In Village Code, 18-87 Final Plat (d) (1) Required improvements:

(a) Any improvements required by this article have been constructed in a satisfactory manner...
(b) In lieu of such prior construction, the subdivider has filed with the Village Clerk a duly executed performance bond...(this road is private, and the Village does not wish to be the default builder of a private road, potentially assuming some liability—even if a bond were posted.)
(c) The developer has presented copies of signed contracts containing adequate financial assurance to the Village providing for installation of public improvements...(again, this is a private road.)
(d) The developer has entered into an agreement or contract with the Village providing for the installation of improvements...(typically for public infrastructure).

Since “Camino Cuellar” is a private road, Mr. Cuellar has signed documentation acknowledging that the road must be built, engineer-certified and approved before this plat can be signed and filed, and these tasks completed within one year of Commission approval, if given. (See document signed February 24, 2020.)

18-87 (d) (2) (e) Action if proposed Final Plat is not satisfactory. If upon conclusion of the hearing under Subsection (b) of this section the Commission shall find that such final plat does not satisfy the requirements of this article, the Commission may:

(1) Approve the plat with conditions that must be met prior to the signature of the chair and secretary of the Commission and the Mayor and Village Clerk;
(2) Deny the application for final plat approval; or
(3) Postpone taking action on the application (for the purpose of obtaining corrections to the plat or for receiving additional information as requested by the Commission), for a maximum of two times.

Certified letters were sent timely (May 26, 2020).

Recommendation: Approval of SUB 19-03 may be given with the conditions (along with any other conditions that the Commission may deem necessary) that the private road must be built, an as-built certification of the road then be provided by applicant’s engineer, and approval of the road and irrigation ditch crossing by the Fire Chief before this plat will be signed and filed. If the above conditions are not met within 365 calendar days of Commission approval, the plat will be null and the applicant must resubmit a new Final Plat application.

A copy of a draft “Road and Gate Maintenance Agreement” was received and is in the packet. A note should also be added to the Plat “Notes, #10” that maintenance of the gate and roads that lead onto Entrada de los Martinez are the responsibility of the owners of Lots 1, 2, and 3. The maintenance agreement itself cannot be filed with the County, of course, until those lots are sold and the owners have signed.

Alternatively, the Commission may choose to deny the Final Plat and ask the applicant to satisfy all Preliminary Plat conditions prior to submitting a new Final Plat application, or approve the Final Plat as submitted.

Laurie Stout, Planning and Zoning Administrator

Date

5-24-2020
**Village of Corrales**  
Planning and Zoning Department

**FINAL PLAT APPLICATION (Sec. 18-87)**

**APPLICANT INFORMATION**

<table>
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<tr>
<th>Applicant Name:</th>
<th>JOSEPH V. CUellar</th>
<th>Telephone:</th>
<th>505-235-6699</th>
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<tbody>
<tr>
<td>Mailing Address:</td>
<td>3615 Gun Club Rd Sw</td>
<td>Email:</td>
<td>MESADels605ABS12@Gmail</td>
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<tr>
<td>Name of Subdivision:</td>
<td>LANDS OF CUellar</td>
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<td>Descriptive Information:</td>
<td>TR 98 A-1 B2 &amp; Tr 99 - B1 # 18</td>
<td>Lot Number/Tract Number:</td>
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<td>Acreage of Site:</td>
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<td>Present Number of Lots:</td>
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<td>Land Owner(s):</td>
<td>JOSEPH V. CUellar &amp; Shirley Alchubata</td>
<td>Proposed Number of Lots:</td>
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<td>Signature of Land Owner(s):</td>
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<td>Telephone Number:</td>
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<td>15 November, 2019</td>
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<td>Relationship of Applicant to Land Owner(s):</td>
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<td>Name/Address of Land Planner:</td>
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<tr>
<td>Name/Address of Engineer:</td>
<td>Miller Engineering Co., 3500 Comanche F-11, NM</td>
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<tr>
<td>Name/Address of Surveyor:</td>
<td>Terra Land Survey, LLC, P.O. Box 2532, Corrales, NM 87048</td>
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<td>Preliminary Plat Approval Date:</td>
<td>April SUB-19-03 (Final)</td>
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**Signature of Applicant:**

Date: 15 Nov, 2019
GENERAL INFORMATION

FEES: Six hundred and fifty dollars ($650) plus two hundred dollars ($200) per lot, due at time of application submittal. Cost of Certified mailing and public notice will be invoiced to the applicant. Re-submittals due to errors or incomplete information are $1,000.

DEADLINE FOR SUBMISSION: A minimum of forty (40) days prior to anticipated P&Z hearing. Four (4) copies shall be 24" by 36"; upon statement from the Administrator that application is complete, ten (10) copies shall be 11" by 17" format and an electronic copy (PDF format) is required with EACH submittal.

REQUIREMENTS: per attached checklist.

OFFICE USE ONLY

Date Received: 12-10-19  Received By:  
File No.: SUB 19-03 (Final)
Amount Paid: $1,450.00  Credit Card Number:
Cash  Check #: 294724  Receipt Number: 17175
Credit

Completed Application Acceptance Date: 2-24-2020  Date of Hearing: 
Developer Invoiced for Legal Notice: 3-1-2020  Paid: $ 

□  Approved: Filing Fee Paid: $ Date:  
□  Approved with Conditions: 

□  Denied: Date

Findings of Facts and Conclusions of Law:
Amended Final Plat Required to Demonstrate Compliance with Orders of the Commission: __________
Amended Final Plat Submitting, Reviewed and Approved for Signatures: ________________________________ Date

Final Plat Recorded at Sandoval County: ________________________________ Date

Requirements for Final Plat Application: Sec. 18-87(c)

The final plat shall be in conformity with the requirements of applicable State statutes and shall be an accurate drawing designating specifically the land so laid out, and particularly describing the portions thereof to be dedicated for public use. Such final plat shall be drawn in black ink to a scale of not more than 100 feet to the inch from an accurate survey. It shall contain one or more sheets of dimensions not exceeding 24 inches by 36 inches. If more than two sheets are submitted, an index sheet of the same dimensions shall be attached showing the entire subdivision on one sheet and the component areas on the remaining sheet.

(2) The final plat of the subdivision and accompanying documents shall show:

Completed Application Form and applicable fee. (please initial each)

1. Boundary lines with accurate distances and courses.

2. Correct legal description, which shall refer to permanent monuments, number of each lot in progression, and dimensions of the same. All property corners shall be set with rebar and cap, or other appropriate materials, and identified as such on the final plat.

3. Lines of all proposed streets and alleys with their widths and names.

4. Accurate outline of any portions of the property intended to be dedicated for public use or for the use of the owners of the lots fronting or adjacent to the land, together with dimensions of same.

5. Line of departure of one street from another.

6. Names and widths of adjoining streets and alleys abutting the subdivision drawn in dashed lines.

7. All lots designated by numbers or letters, and streets, avenues and other grounds designated by names, letters or numbers.

8. Building setback lines shown by narrow dashed lines, if required.

9. Location of all easements provided for public use, services or utilities.

10. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and other areas for public or private use.

11. Radii, arcs or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.

12. Location of all survey monuments and their descriptions.
13. Name of the subdivision and scale of the plat, north point, name of the owner or owners, name of subdividers and date.

14. Certificate of registered land surveyor attesting to the accuracy of the survey and the correct location of all monuments shown.

15. Certificate of licensed engineer attesting to the adequacy of, and in compliance with, engineering provisions and requirements.

16. Acknowledgement. Every plat shall contain a statement that the land being surveyed, and the streets, alleys, easements, drainageways and other public ways appearing on the plat are with the free consent and in accordance with the desire of the undersigned owner and proprietor of the land and are dedicated to the public use and shall be acknowledged by all fee simple owners and any contract sellers and purchasers.

17. Certification. A certification by a title or abstract company, or a duly authorized attorney, that there are no delinquent taxes, suits, actions at law, easements, restrictive covenants or rights-of-way affecting the property except those stated on the plat.

18. Affidavit. The plat shall also contain an affidavit by a registered land surveyor or registered engineer that the proposed subdivision does lie within the planning and platting jurisdiction of the Village.

19. Separately signed approval blocks with the names of each utility company involved, typed under the signature, along with the date of each signature. For lands east of the Main Canal, a signature and date of approval block shall be provided for the Middle Rio Grande Conservancy District.

20. Signature block (same as for Final Plat Subdivision):

This summary plat of subdivision is approved, but such approval does not constitute acceptance for maintenance purposes of any streets, alleys or other dedicated lands.

Chairman, Planning and Zoning Commission  Date

Secretary, Planning and Zoning Commission  Date

Mayor, Village of Corrales  Date

Village Clerk  Date
(d) Required improvements (final plat).

(1) Upon receipt of a final plat and prints thereof from the subdivider, the Planning and Zoning Administrator shall refer the final plat with such letter of transmittal to the Planning and Zoning Commission at its next regular session and shall report on the following:

a. Any improvements that may be required by this article have been constructed in a satisfactory manner in accordance with the minimum standards established by the Village as approved by the Village engineer.

b. In lieu of such prior construction, the subdivider has filed with the Village Clerk a duly executed performance bond with a financially qualified surety in an amount equal to 100 percent of the cost of the total public improvements and on all of the property abutting each such street or other locations within the subdivision.

c. The developer has presented copies of signed contracts containing adequate financial assurance to the Village providing for installation of public improvements which may be required in a satisfactory manner in accordance with the minimum standards established by the Village; such contracts shall be cancelable only upon disapproval of the plat by the Planning and Zoning Commission.

d. The developer has entered into an agreement or contract with the Village providing for the installation of such improvements and pledging the properties of the subdivision as guarantee that such improvements will be installed. Such contract may provide that the subdivider pay for such public improvements made pursuant to the contract with the Village on a block to block basis as the subdivision is developed, providing for payment for such improvements as constructed, and the release of lien placed up on such properties by the instrument of the Village. Payment to the Village for these purposes shall be made at the time of development even though the entire improvements, or a portion thereof, may be required to be deferred, and such money shall be held in escrow by the Village as a trust fund for such purposes.

Section 18-89. Improvements.

The following improvement procedures will be required unless waived by the Planning and Zoning Commission:

(1) Completion of improvements. Plans for improvements shall be prepared by a qualified engineer registered in accordance with the laws of the State. The improvements listed in Subsection (2) of this section shall be installed pursuant to the method decided upon under section 18-87(d).

(2) Required improvements. The improvements to be installed shall include the following:

a. Permanent markers. All subdivision boundary corners shall be marked with a permanent monument. A permanent monument shall be deemed to be concrete with a minimum dimension of four inches, extending three feet below the surface of the ground, or steel pipe or rebar firmly imbedded in concrete which extends at least three feet below the surface of
the ground. Should conditions prohibit the placing of monuments on line, offset marking will be permitted, provided however, the offset courses and distances are shown on the plat. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the National Geodetic Survey (formerly U.S. Coast and Geodetic Survey) datum and accurately noted on the subdivision plat.

b. **Drainage.** Adequate provision shall be made for drainage of storm water. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low spot. No lot shall be platted to obstruct natural water flow. Storm water drainage shall not be permitted to combine with sanitary sewers. Lined drainage channels may be required and provided with required checks or be installed in concrete storm sewer conduit in accordance with the requirements noted in the master plan and as required by the Governing Body for storm sewers. Drainage structures must be placed on all arroyos where roads intersect them. Drainage structures shall be based on 1.25 inches of rain in one hour as the standard, and may be either of corrugated metal or concrete.

(3) **Additional improvement standards.** Additional standards for design, construction, specifications and inspection of street improvements, utilities, street name signs, and drainage facilities may be required by the Village. Such standards, rules and regulations shall be approved by the Governing Body and be on file in the Village Clerk’s office.

(4) **Completion of improvements.** No building permit for construction within the subdivision, except permits for construction of the improvements, shall be issued until all improvements have been completed to the satisfaction of the Village.
Laurie Stout

From: Stephen Grollman <SGrollman@whpacific.com>
Sent: Friday, January 31, 2020 7:16 AM
To: Laurie Stout
Subject: Cuellar Final Plat Comments for your review

Laurie,

The boundaries and areas of the Plat parcels are correct and the corners have been staked in the field.

I understand that the P & Z Commission stipulated that the Fire Chief must certify regarding the proposed site improvements submitted on a separate sheet.

My suggestions for his review, in addition to his concerns:

The material, width and cross-section of the proposed private roads and cul-de-sac

The material, diameter, length, end sections, and height of cover of the proposed culvert under the new roadway

Provision for continued maintenance of the improvements subsequent to his approval of the completed construction

Thanks,

SJG
Mr. Cuellar,

If the Final Plat for Lands of Cuellar is approved by the Village of Corrales Planning and Zoning Commission, please sign your acknowledgment and agreement that the Plat will not become effective (i.e. signed and filed with Sandoval County) until the following have occurred (this agreement may or may not be specifically stated as a condition by the Commission, and is separate from any additional conditions the Planning and Zoning Commission may impose):

Your private road as designed by Miller Engineering, entering the proposed subdivision from Entrada de los Martinez, and providing access to proposed Lots 1, 2 and 3, shall be fully constructed within one year (365 days from the Planning and Zoning Commission approval date). A certified “as-built” by your engineer must also be provided to the Village of Corrales within the one-year period, as well as approval of the road by the Corrales Fire Department, which was a condition of the Preliminary Plat.

If these conditions are not met within the year, the Final Plat shall become null and a new Final Plat application with all fees will be required, along with a new hearing before the Planning and Zoning Commission. If the conditions are met within the year, the plat will then be signed and filed and the four lots created upon filing.

Signed and acknowledged:

[Signature]

[Printed Name]

Date: 24 Feb 2020
ROAD and GATE MAINTENANCE AGREEMENT

1. Parties. The parties to this agreement are the owners of Lots 1, 2, and 3 of The Lands of Cuellar Subdivision (and owners of land) that utilize the gate and access road(s) onto the properties via Entrada de los Martinez, located in the Village of Corrales, Sandoval County, State of New Mexico.

2. Purpose. The purpose of this agreement is to establish a means for the repair and maintenance of the above referenced road(s) and gate and any emergency access that will be equitably shared among the parties utilizing the road(s) and gate.

3. Consideration. The considerations for this agreement are the mutual benefits to be derived by the parties, their heirs, and assigns.

4. Agreement. The owners of the above referenced land shall, at their own expense, repair and maintain the above referenced road(s) and gate to, at a minimum, local Village of Corrales, New Mexico standards in effect at the time of filing of the above referenced subdivision. The road(s) and gate repair and maintenance responsibility will be equally (proportionally) shared among the land owners. A meeting may be held between the owners at specific time intervals or called when required, to discuss the specifics and responsibilities in ensuring the road(s) and gate is/are kept at the above referenced standard.

5. Persons Bound by Agreement. This agreement shall be binding upon the heirs, successors, and assigns of the parties and shall be deemed to be an obligation running with the land.

6. Termination of Agreement. This agreement shall remain in full force and effect until such time as city, county, state, or federal authorities install some other arrangement to facilitate maintenance of said road(s) and/or gate.

7. Enforcement of Agreement. This agreement may be enforced by all remedies available under New Mexico law, including the placement of a lien against the property, or properties, of an owner who does not pay their share of the repair or maintenance required by law or deemed necessary by the majority of the parties of this agreement that utilize the road(s) and gate. If legal action is taken to enforce this agreement, the successful party or parties, shall be entitled to be reimbursed for reasonable and necessary costs incurred, including attorney fees. Enforcement of this ROAD and GATE MAINTENANCE AGREEMENT shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the aforementioned restrictions, either to restrain violation or to recover damages. Invalidation of any one of these conditions, covenants, or restrictions, by judgment, or by court order, shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

Signed by:

Owner of Lot 1: ___________________________          Date: ___________________
STATE OF NEW MEXICO )
) ss.
SANDOVAL COUNTY )

Signed and sworn to by ____________________________ before me this ___ day of __________, 2020

______________________________
Notary Public

My commission expires: ____________

Owner of Lot 2:

______________________________

STATE OF NEW MEXICO )
) ss.
SANDOVAL COUNTY )

Signed and sworn to by ____________________________ before me this ___ day of __________, 2020

______________________________
Notary Public

My commission expires: ____________

Owner of Lot 3:

______________________________

STATE OF NEW MEXICO )
) ss.
SANDOVAL COUNTY

Signed and sworn to by _________________ before me this ___ day of ________, 2020

__________________________
Notary Public

My commission expires: ________________
SUB 20-02 Preliminary Plat, Lands of Pete and Patricia Smith, Staff Summary

Applicant and property owner (trustee) Claudia Miller and Jennie Stonecipher of Dehler Surveying are requesting Preliminary Plat approval to create a 4-lot subdivision “Lands of Pete and Patricia Smith” from approximately 4.34-acre Tract 107D-1-A-1-B, Map 18. This property includes the site addresses of 294 Old Church Road, 266 Old Church Road, and 2 Sandy Lane. The proposed platting action will also dedicate the adjoining portion containing Old Church Road (an additional approximately .38-acres, designated as “Parcel A”) to the Village of Corrales as public right-of-way.

Background: The applicant brought this proposal before the Planning and Zoning Commission in Sketch Plan form at the September, 2019 hearing for review and comment. I have included a copy of that sketch plan drawing for reference, as there have been some minor changes. For instance, the proposed lot numbering from Lot 1 to Lot 4 now runs from north to south. The configuration of the individual lots has also changed.

Proposed Lots 1 and 3 already contain residences. Proposed lot 2 contains both a “main house” and a casita with a tenant, but it was the applicant’s assertion that this second dwelling unit predates Village Code and “one dwelling unit per lot” requirement. Proposed Lot 4 is vacant.

One of the items discussed by the Commissioners during Sketch Plan was concern about the proposed long driveway back to the far southeastern lot (now Lot 4), which crosses a septic drain field. A note on the new site plan states that the drain field is “to be relocated” and the applicant’s letter dated January 28, 2020 states, on page 2, “Following Preliminary approval, the new septic system will be installed and the old one abandoned. We are awaiting approval to assure that no alterations to the plat are requested that may alter the new septic location.”

There was also discussion about well-sharing agreements between some of the lots. On the plat drawing Notes #9 and #10 the well- and water-sharing agreements are noted, and that “well sharing agreements (will be) filed as part of the property record(s) in Sandoval County”.

The Village of Corrales at the time of Sketch Plan had requested an additional 10 feet of Old Church Road right of way on the east side of the road, to include an easement for the Fire Department’s future planned fire suppression line and to help eliminate a safety hazard (blind curve) blocked by salt cedars and elms. The roadway in that area is about 17 feet wide, and there is no shoulder. We believed that a fence on the west side of Old Church Road marked the western edge of the applicant property, and in order to obtain the required 30-foot width of public right-of-way, the additional right-of-way would need to come from the east side of the road. In actuality, the applicant’s property extends westward beyond that fence, in some cases up to 10 feet. The applicant has chosen to dedicate from the western 30’ feet, which is her prerogative, but the encroaching fence on that west side of Old Church Road now becomes a problem.

I met with the property owner to the west, who was surprised to learn that his property line was not at the fence itself. It is in fact about 8-10 feet to the west of the fence at each end, and all of the fence is within the applicant’s property, not his. He understands that the Village is requesting that the fence come down out of the proposed public right-of-way, but of course does not want to incur the cost; it’s not actually on his property. (More on this under the heading “Old Church Road”).

Access/easements: During Sketch Plan review, the applicant requested that the 16’ easement on the southernmost edge of the property be vacated. My comments then, and now, are that the three private properties to the south of this easement face West Ella Drive, access their homes via West Ella and have West Ella addresses. The property to the east is accessed via Reed Lane and has a Reed Lane address. The easement is heavily overgrown and no roadway exists. There appear to be no issues with vacating this easement.
On the plat drawing Notes #8, a shared access easement is noted that is being granted by the plat and benefits Lot 2. (The access is actually part of the Lot 4 acreage.) It goes on to say that the maintenance of the easement is to be shared by the owners of Lots 2 and 4.

This plat grants a 6' "public waterline" easement requested by the Fire Department (for a future planned fire suppression line) on a portion of the property that remains private, on the east side of Old Church Road. The plat also grants a 10' "power and communications easement" to accommodate existing overhead utilities.

Village of Corrales Code has a lot width standard of 75 feet in the A-1 zone, with at least fifty percent of the lot width meeting that standard. The specifics of how to determine lot width can be found in Village Code 18-30 (h). The Village requested the calculations for proposed Lot 4, which has the long skinny driveway portion. That drawing with calculations is included here, indicating that approximately 80% of the lot exceeds the lot width requirement.

Old Church Road:

In the applicant's letter dated January 28, 2020 (received here February 25th), is a "request for waiver" from the requirements of Village Code Section 31-28. - Encroachments prohibited in public right-of-way. That ordinance states:

(a) No encroachments in right-of-way. No person or entity shall erect or cause to be erected or place or cause to be placed any fence, wall, building, structure, or other constructed object in such a manner or in such a location as to encroach upon or obstruct, whether temporarily or permanently, any street, roadway, sidewalk, pathway, trail or right-of-way owned or maintained by the Village, except only for temporary barricades and other temporary obstructions specifically approved by the Village in accordance with Chapter 21, Article I and as otherwise expressly provided in this article.

The waiver process itself can be found in Village Code 18-80 (b), which is specific to proposed platting actions, and says:

Adequate street access and right-of-way. No summary plat, preliminary plat or final plat shall be approved if, considering the best interests of the public, the street or right-of-way providing access to the property is not of adequate width to increase the number of residential lots along any portion of the street or right-of-way, taking into account the potential danger to life, health or property that may arise were there is inadequate provision for access by emergency vehicles. An applicant for subdivision approval must show, as part of any summary plat, preliminary plat or final plat, the entirety of all lands, including easements and any other properties not owned in fee by the applicant, that are relied upon to provide access from a publicly dedicated street to the property. Such access must conform to the design standards set forth in Section 18-81, unless a waiver is granted for good cause shown. Application for a waiver must be accompanied by letters from the Village fire chief and the Village police chief endorsing the proposed waiver and specifically stating that in their opinion, approval of such waiver will not be detrimental to the public health, safety or welfare.

Public Works Director Michael Chavez has written a letter to the Commission requesting that the encroaching fence in the proposed Old Church Road right-of-way be removed by the applicant prior to the Final Plat being submitted. The public works department will grade the western side of the road right-of-way, which the entire fence now encroaches upon, and do subsequent ongoing road maintenance as necessary, but of course cannot provide a date certain until the fence is removed, Final Plat approved and the dedication becomes official. The Public Works Department does not wish to be tasked with removing the fence.

Fire Chief Anthony Martinez will be present and can speak to safety issues on this section of Old Church Road. No letters have been submitted or will be provided by either Chief supporting the waiver request as per requirements of 18-80 (b) Adequate street access and right of way.
The applicant has provided some photos of the road, and I took some as well on March 6th. My photos:

Photo 1: On the west side of Old Church Road and north side of applicant property, facing south. At this point the encroaching fence is about 10 feet into the future dedication area. There is no shoulder; there is about a 12-16 inch drop from fence to road surface. Two speed bumps exist to slow traffic entering the blind curve.

Photo 2. Taken on the east side of Old Church Road, facing north. This road is a designated bike route, and is heavily used by pedestrians and bicyclists. Note the “blind curve” sign. The Village of Corrales is happy to accept the dedication, but will also now be accepting the liability.

Photo 3. Taken on the west side of Old Church Road, facing south. Applicant property on the left side of the photo. Even if the trees are trimmed back, the lack of line-of-sight will remain. The additional road right-of-way being dedicated will come from the right side of this photo, where the fence encroaches.

I understand the applicant’s desire to keep Old Church Road a narrow “country road”, but the reality is that it now serves many residences and side roads that connect only to Old Church Road. A 30-foot width unobstructed right-of-way is the minimum allowed by ordinance, and will improve an existing safety hazard with very little impact. Although neighbors along other portions of Old Church Road may or may not have a narrower width at present, the Commission is looking at this specific application, now.

Because this is a Preliminary Plat, the Commission may act upon this application as follows, per 18-86 Preliminary Plat, beginning at (16)(c-d) Preliminary Plat hearing:

Action if proposed preliminary plat is not satisfactory. If upon conclusion of the hearing, the Commission shall find that such preliminary plat does not satisfy the requirements of this article, the Commission may:

(1) Approve the plat with conditions that must be met prior to the signature of the chairman of the Commission;
(2) Deny the application for preliminary plat approval; or
(3) Postpone taking action on the application for the purpose of obtaining corrections to the plat or for receiving additional information as requested by the Commission, for a maximum of two times. (After three “tries”, a new application with new payment must be made.)
(4) Approve as submitted.

Recommendation: The Village respectfully requests that approval of Preliminary Plat SUB 20-02 be given only with the condition that the fence encroaching within the Old Church right-of-way be removed by the applicant prior to submittal of the Final Plat. The Commission may also wish to impose a condition that the septic field within the driveway portion of Lot 4, be replaced outside the driveable area, prior to Final Plat.

Certified letters were sent timely (May 22, 2020)

_Laurie Stout_ 5-25-2020

Laurie Stout, Planning and Zoning Administrator Date
Village of Corrales
Planning and Zoning Department

PRELIMINARY PLAT APPLICATION (Sec. 18-86)

APPLICANT INFORMATION

Applicant Name: Claudia Miller  Telephone: (505) 717-9142
Mailing Address: 7 Barboura Ln, Corrales NM  Email: CLSmith3864@aol.com
Name of Subdivision: Lands of Peter and Patricia Smith
Zone District: A-1
Descriptive Information: Tract 107d-1A1 Map 18
Acreage of Site: 4.733  Lot Number/ Tract Number: 4
Land Owner(s): Peter and Patricia Smith Trust, Claudia Tracy Miller Trustee
Mailing Address: P.O. Box 1054, Corrales, NM 87048
Telephone Number: 505-717-9142
Relationship of Applicant to Land Owner(s): Trustee
Name/Address of Land Planner: 
Name/Address of Engineer: 
Name/Address of Surveyor: Christopher Dehler 3827 Palacio del Rio Drive
NW, Abo, NM 87017
Sketch Plan Review: ☑ Yes □ No - If Yes, have all sketch requirements by commission been addressed? YES

Signature of Applicant: ___________________________  Date: 1-28-2020
GENERAL INFORMATION

FEES: Six hundred dollars ($600.00) plus two hundred dollars ($200.00) per lot, due at time of submittal. Cost of certified mailing will be invoiced to the applicant. Re-submittals due to error or omission are $1,000.

DEADLINE FOR SUBMISSION: A minimum forty days (40) prior to anticipated P&Z Commission hearing; fourteen copies of all documentation are required: four (4) copies shall be 24” by 36”; after the Administrator states the application is complete, then ten (10) copies of the Preliminary Plat, with corrections if any, shall be submitted in 11” by 17” format and an electronic copy (PDF format) is required with EACH submittal

REQUIREMENTS: see attached checklist. Attach requests for waivers of conditions pursuant to section 18-90. Public notification required; sign must be requested by applicant and posted per §18-79(b) of the Codified Ordinances.

OFFICE USE ONLY

Date Received: ______________ Receiving By: ______________ File No.: SUB____ -

Amount Paid: $400 Cash □ Credit □ Credit Card Number: __________________________

Check □   Check #: 203 Receipt Number: 16912

Completed Application Acceptance Date: __________________________ Date of Hearing: __________________________

Developer Invoiced for Legal Notice: □ Paid: $ __________

□ Approved: __________________________ Filing Fee Paid: $1,400 □ Date: 10/28/19

□ Approved with Conditions: __________________________  □ Denied: __________________________

Date

Findings of Facts and Conclusions of Law:

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

Page 2 of 5 Revised February 2019
Findings of Facts and Conclusions of Law:

Amended Plat Submitted:

Preliminary Plat Requirements Checklist

Unless waived by the Planning and Zoning Commission, the preliminary plat and accompanying documents shall show at least the following items. INITIAL IF INCLUDED.

1. Proof of financial responsibility on the part of the subdivider.

2. The location of all present property lines, projected section lines, streets, watercourses, and other existing features within the area to be subdivided and similar information regarding land immediately adjacent thereto. Buildings, wells and waste water disposal systems shall be shown on the property to be subdivided and on adjacent parcels, on a separate sheet titled “Site Plan.”

3. The proposed location and width of all proposed streets, alleys, utility easements, and areas to be reserved for public use.

4. Existing utilities, drainage courses and culverts within the tract or on streets immediately abutting thereto; the location and size of the nearest water mains and sewer lines.

5. The title under which the proposed subdivision is to be recorded and the name of the land planner, engineer, registered land surveyor, the subdivider and the owner of the tract, with the address to which any notice is to be sent.

6. The layout, numbers and approximate dimensions of proposed lots.

7. The zoning classification and proposed use for the area being platted.
8. Proposed names for all streets in the area being platted.

9. Written and signed statements explaining how and when the subdivider proposed to provide and install all required sewer or other disposal of sanitary wastes, graveled roads, drainage structures and street name signs.

10. The legal description of the area being platted and of each parcel of land proposed as part of the subdivision; legible copies of all prior plats that reflect the history of the land being subdivided, showing how and when the existing lots were created, shall be provided by the subdivider.

11. a. Contours referred to the National Geodetic Survey (formerly U.S. Coast and Geodetic Survey) datum with elevation contours shown at not more than one (1) foot intervals on slopes up to eight percent (8%), not more than two (2) foot intervals on slopes between eight percent (8%) and fifteen percent (15%), and not more than five (5) foot intervals on slopes of fifteen percent (15%) or greater. In addition, all areas with slopes greater than eight percent (8%) must be differentiated through shading, tone, color, or line weight; and all areas with slopes of fifteen percent (15%) or greater must be separately differentiated through shading, tone, color, or line weight. Slopes greater than fifteen percent (15%) shall not be disturbed. If there are no slopes greater than fifteen percent (15%) in the area to be platted, an affidavit to that effect, signed and sealed by the surveyor, shall be placed on the preliminary plat.

11. b. Land east of the Corrales Main Canal shall be exempt from the requirement to submit a topographic survey unless required by the Commission or the Administrator; an affidavit stipulating that the land has a one percent (1%) or less slope, signed and sealed by the surveyor or professional engineer preparing the plat, shall be placed on the plat.

12. The north point, scale (one inch equal to 100 feet) and date.

13. The acreage of the land to be subdivided.


15. Subsurface conditions on the tract, if required by the Planning and Zoning Commission, including such information as the location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater, soil percolation and any other subsurface conditions.

16. Such other information and material as may be applicable or required by ordinance or rules and regulations pertaining to utilities, services or streets within the Village or within the area of planning and platting jurisdiction.
17. Signature block with the following language:

"The proposed plan of subdivision as shown in the preliminary plat herein is approved and the Planning & Zoning Commission now is ready to receive the final plat of said subdivision for consideration."

Chair, Planning and Zoning Commission    Date

Comments:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Dear Planning and Zoning Commission Chair and Members of the Commission,

Please accept my application for Preliminary Plat review of a 4-lot subdivision. The following addresses Preliminary Plat Requirements Checklist items 1, 9, 11, 14, and 15 all other required materials are attached:

1.- Please accept the Certificate of Trust and Sandoval County "Notice of Valuation" and Paid Property Tax receipt as my proof of financial responsibility.

9.- The subdivision does not contain any roads, sewer, drainage, structures and signage that would require improvements or installation.

11 (11b).- the property has less then a 1% slope so no Topographic survey is required. See plat for surveyor affidavit.

14.- The subdivision has no covenants.

15.- I ask that the Commission waive the requirement for a subsurface condition report as the properties slope is less than 1%.

Additional information Provided:

- The Platting action dedicates the portion of Old Church Road that is on the lands of Peter and Patricia Smith as public right of way. The Corrales PZA and Fire Chief consulted with the applicant and surveyor to locate the publicly dedicated right of way; the plat indicates the location requested.

Request for Waiver: We request that the Planning and Zoning Commission approve a waiver to Village of Corrales Ordinance Chapter 31 - STREETS, SIDEWALKS AND RIGHTS-OF-WAY; ARTICLE II. - OBSTRUCTIONS IN RIGHTS-OF-WAY; Section 31-28. (A) - Encroachments prohibited in public right-of-way. The waiver will allow the Neighbor to the west to retain all portions of their existing fence which has been in place since the 1970s. By Granted the Village 30-foot easement portions of the fence will remain in the easement.

The request is to grant an encroachment easement to permit the existing fence within proposed Parcel A to remain in place until such time that the Village of Corrales has prepared engineered construction plans for any Village proposed road improvements to the portion of Old Church Road (Parcel A) within this proposed encroachment easement. (See attached Exhibit "Request of Waiver")

- A 6-foot Corrales Fire Department water utility easement is granted along Old Church Road as requested by the Village of Corrales Fire Chief to assist in future for a dedicated fire suppression water line.
• A "no Build" area is plated on lot 4 as a turn-a-round for emergency vehicles and fire trucks as requested by the PZA and Corrales Fire Chief.

• A new septic system is indicated on Lot 1 to meet the Sketch Plan review request by the Planning and Zoning Commission that no potential driveway would cross a septic line or leach field. Following Preliminary approval, the new septic system will be installed and the old one abandoned. We are awaiting approval to assure that no alterations to the plat are requested that may alter the new septic location.

• Shared well agreement
  o Lot 1 and 2 have a shared well
  o Lot 3 and 2 have a shared well
The preliminary and final plat have clearly documented that the above lots have shared wells. The shared well information will be filed on the plat with Sandoval County. A shared well agreement is part of the required real-estate closing documents should any of the lots be sold or transferred from the Peter and Patricia Smith Trust to another party or parties. The shared well agreement will be entered between those parties at the time of transfer. I have included a draft copy of a shared well agreement as requested by The Planning and Zoning Commission during their sketch plat review.

Claudia "Taudy" Miller
Trustee, Peter and Patricia Smith Trust
Request for Waiver:

We request that the Planning and Zoning Commission approve a waiver to Village of Corrales Ordinance Chapter 31 - STREETS, SIDEWALKS AND RIGHTS-OF-WAY; ARTICLE II - OBSTRUCTIONS IN RIGHTS-OF-WAY; Section 31-28. (A) - Encroachments prohibited in public right-of-way.

(a) No encroachments in right-of-way. No person or entity shall erect or cause to be erected or place or cause to be placed any fence, wall, building, structure, or other constructed object in such a manner or in such a location as to encroach upon or obstruct, whether temporarily or permanently, any street, roadway, sidewalk, pathway, trail or right-of-way owned or maintained by the Village, except only for temporary barricades and other temporary obstructions specifically approved by the Village in accordance with Chapter 31, Article I and as otherwise expressly provided in this article.

The waiver grants an encroachment easement to permit the existing fence within proposed Parcel A to remain in place until such time as the Village of Corrales has prepared engineered construction plans for any Village proposed road improvements to the portion of Old Church Road (Parcel A) within this proposed encroachment easement. (See attached Exhibit Illustration "Request of Waiver")

The requested platting action grants the Village of Corrales a 30-foot Right of Way to accommodate the existing paved Old Church Road that the Village has erroneously considered a public road. The existing roadway pavement varies in width from 12 to 15 feet up to approximately 18 to 20 feet along Old Church Road.

There is an existing fence on the western section of Old Church Road on our property. It was placed there back in the 1970’s prior to the Village or County paving Old Church Road and assuming that they owned it. The fence is pre-existing so is not specially called out by the ordinance.

The Fence has long delineated our good neighbors Jeff and Liz Ford’s yard from the street. We have never cared that it is on Pete’s property. Now that the Village wants 30 feet for an 18-foot road, the fence will lie within the right of way. The Village wants the fence to be demolished, yet they have no plans to redesign, repave, or make changes to Old Church Road. In reality, the fence isn’t obstructing anything.

It is highly unlikely that the Village would or should make widening this section of Old Church Road a priority as the road quickly narrows down to a privately held roadway 16 and 18 feet wide. The Village would be creating a nuisance and making our neighbors remove a fence for no reason.

As a land use and historic preservation planner I have a deep concern that Corrales continues to impose roadway designs better suited for vacant land subdivisions in Rio Rancho then our special rural Village. I ask that we consider that Old Church Road should never be widened. Taking what has been a perfectly lovely country road, originally developed as an animal track moving grazing sheep and goats from the west side to the Old Church and turning it into a paved road wider than Corrales Road would be a tragedy. A scar on an historic landscape and development pattern.

Wider would not make the road safer; it would make it just any open strip that may even encourage a higher speed. I direct the Commission’s attention to the many Traffic Calming and Road Safety by Design engineered techniques that are widely adopted across the country. Most recently, the Village adopted the techniques in the reconstruction of upper Meadowlark Lane at great expense to the Village.

Traffic calming techniques include encouraging the very conditions preexisting all along Old Church Road.
- Physical Displacement: A form of displacement that requires drivers to move horizontally, left or right, to require them to slow down
- Narrowing: Used to psychologically make drivers adjust their speeds because they cannot drive faster with the narrowed lane.
- Surroundings Treatments: that are placed off the roadway to alert drivers that they are entering a community.

The link below is one of several available on the web.

https://globaldesigningcities.org/publication/global-street-design-guide/designing-streets-people/designing-for-motorists/traffic-calming-strategies/

I have walked the property and roadway section with the Planning and Zoning Administrator and the Fire Chief. Chief requested that we prune the trees back on the east side of the proposed 30-foot right of way. We will do that once the preliminary plat is approved. My Father always pruned the trees back when asked until he was no longer able to do it. I will be happy to do so in his place.

There is no practical reason to remove the fence. Please grant this commonsense waiver rather than create a needless blight on our picturesque roadway and Village.

Figure 1 Old Church Rd. looking north from Pete Smith property
Figure 2: Old Church Road fence on right looking south from Calle Conejo

Figure 3: Looking North Old Church Road at Pete Smith Property
Laurie Stout

From: Stephen Grollman <SGrollman@whpacific.com>
Sent: Thursday, May 21, 2020 2:22 PM
To: Laurie Stout
Subject: Lands of Smith

Laurie,

The boundary and areas of the proposed Preliminary Plat are correct, and the property stakes have been set accordingly at the site.

Thanks,

SJG
LOT WIDTH STANDARD OF 75’
TO ACCOMMODATE VILLAGE OF CORRALES 
LOT 4 CALCULATION

EXHIBIT

Total Area = 4350.01 ft.

Total Area = 4350.01 ft.

Therefore 80.86% of Lot 4 is < 75’ width

\[
\text{Percentage} = \frac{\text{Area Portion B} = 39223.69 \text{ ft.}^2}{0.006} \times 100 = 60.86\% 
\]

LOT 4 PORTION B
To: Planning and Zoning Commission  
From: Michael Chavez  
Re: Lands of Smith  

It has come to my attention that a fence is encroaching on our easement for Old Church Road. I would ask the Commission that said fence be removed before the Final Plat is approved. When the Preliminary Plat is approved please add a condition that would remove the fence from our easement.  
As soon as the Final Plat is approved and filed the Public Works Department will place this on our schedule to clear and clean up our easement to widen the shoulder and roadway area including signage for safety concerns. This is a blind curve with no shoulder for pedestrians and very low vision for vehicles.

Thank You for Your Time

Michael Chavez  
Public Works Director  
Village of Corrales  
4324 Corrales Road  
Corrales NM 87048  
(505) 269-1637
2-Party Shared Well Users Agreement

Document Title: Lands Of Peter and Patricia Smith Shared Well Agreement

Reference Number:
(Reference Number only required on Satisfaction of Mortgages and/or Deed of Trusts; Release of Liens and Assignment of Mortgages and/or Deed of Trusts)

Grantor(s):
1. Claudia Taudy Miller Trustee, Peter and Patricia Smith Trust

Grantee(s):
1.
2.
3.
4.
5. Additional grantees on page.

Legal Description (lot, block and plat name or section, township & range.):
Lot 1 lands of Peter and Patricia Smith

Assessor's Property Parcel Number:
1.
2. 3.
Additional parcel numbers on page.
TWO PARTY WATER SYSTEM USERS AGREEMENT

OWNERSHIP OF THE WELL AND WATERWORKS
It is agreed by the parties that each of said parties shall be and is hereby granted an undivided one-half interest in and to the use of the well on parcel Lot q1, Lands of Peter and Patricia Smith and the associated water system. Each party shall be entitled to receive a supply of water for one residential dwelling and shall be furnished a reasonable supply of potable and healthful water for domestic purposes. The following parcels have the right of usage of this water source:

(Parcel 1) Lot 1
Legal Description: Lot 1 Lands Of Peter and Patricia Smith, Corrales, NM, Sandoval County
Property owner(s): Claudia Taudy Miller, Trustee, Peter and Patricia Smith Trust

(Parcel 2) Lot 3
Legal Description: Lot 3 Lands Of Peter and Patricia Smith, Corrales, NM, Sandoval County
Property owner(s): To Be determined

Cost of Water System Construction
Both parties herein agree to share equally in the cost incurred in well site approval, well construction, and construction and/or installation of the waterworks equipment, the pump house and water distribution pipes, and initial well water quality tests.

Cost of Maintenance of Water System
Each party hereto covenants and agrees that they shall equally share the maintenance and operational costs of the well and water system herein described.

Maintenance and Repair of Pipelines
All pipelines in the water system shall be maintained so that there will be no leakage or seepage, or other defects which may cause contamination of the water, or injury, or damage to persons or property. Cost of repairing or maintaining common distribution pipelines shall be borne equally by both parties. Each party in this agreement shall be responsible for the maintenance, repair, and replacement of pipe supplying water from the common water distribution piping to their own particular dwelling and property. Water pipelines shall not be installed within 10 feet of a septic tank or sewage disposal drain field lines.

Prohibited Practices
The parties herein, their heirs, successors and/or assigns, will not construct any potential source of contamination, maintain or suffer to be constructed or maintained upon the said land and within 100 feet of the well herein described, so long as the same is operated to furnish water for two-party domestic use. Any potential source of contamination may include but is not limited to: septic tanks and drainfields, sewer lines, underground storage tanks, feed stations and/or grazing animals pins where manure can accumulate, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste or garbage of any kind. New structures and/or barns shall meet required setbacks and not harbor any potential source of contamination. The parties will not cross connect any portion or segment of the water system with any other water source or waste water disposal outlet without prior written approval of the Grant County Health District and/or other appropriate governmental agency.

Provisions for Continuation of Water Service
The parties agree to maintain a continuous flow of water from the well and water system, herein described in accordance with water supply requirements of the State of Washington and Grant County. In the event that the quality or quantity of water from the well...
becomes unsatisfactory the parties shall develop a new source of water. Each undivided interest and/or party shall share equally in the cost of developing the new source of water and installing the necessary equipment associated with the new source.

**Restriction on Furnishing Water to Additional Parties**

It is further agreed by the parties hereto that they shall not furnish water from the well and water system herein above described to any other persons, properties, or dwelling without prior consent of both property owners and written approval from the Grant County Health District.

**Restriction on Water Use**

State water right laws prohibit this system from using more than 5000 gallons of water for indoor domestic use on any day without first obtaining a permit from the Washington State Department of Ecology. Also each parcel may irrigate no more than 1/4 acre of noncommercial lawn or garden. In order to remain in compliance, each proposed lot of subdivision, lot _______________ and lot _______________ is prohibited from using more than 2500 gallons of water on any given day for indoor domestic use. Further, the total amount of yard, garden and other irrigation used by each property cannot exceed 1/4 acre or 10,890 square feet.

**Termination of this Agreement**

This agreement may be revoked at anytime; however, it may not be revoked without each property obtaining a sufficient acceptable potable water source and prior consent of both property owners. Termination of this agreement shall require the property owners to provide: 1) proof of a notarized revocation of this agreement and 2) proof of the potable water source for each property to the Grant County Health District for review and approval. After, review and approval by the health district the property owners shall then file: 1) the notarized revocation of this agreement and 2) proof of the potable water source approved by the health department for each property at the Grant County Auditor's Office as a recorded document that runs with the title of the land.

**Heirs, Successors, and Assigns**

These covenants and agreements shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in this land described herein or any part hereof and it shall pass to and be for the benefit of each owner thereof.

Signed: ___________________________________________ Owner(s)

Print Name: ______________________________________________

State of Washington )

County of _________________ ) ss

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this ______ day of ______________________, 20____, personally appeared before me _______________ to me known to be the individual(s) described in and who executed the within instrument, and acknowledge that he (she) (they) signed and sealed the same as free and voluntary act and deed, for the uses and purposes therein mentioned. GIVEN under my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington,

2 Party Shared Well Users Agreement
Signed:

Second Property Served by the Shared Well

Print Name:

Owner(s) of Second Property

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this ______ day of ________________, 20____, personally appeared before me ______ to me known to be the individual(s) described in and who executed the within instrument, and acknowledge that he (she) (they) signed and sealed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington,
Residing in: ____________________________
My Commission Expires: ____________________________

2 Party Shared Well Users Agreement

3 of 4
I, **Claudia Miller** (applicant/agent) acknowledge receipt of a yellow “public notice” sign from the Village of Corrales that must be displayed and visibly available to passersby on the road at the entrance to the subject property, from end of day June 2, 2020 through 6 pm on Wednesday, June 17, 2020.

A Village representative will be by the property to assure this posting has been completed. If your sign cannot be located by Village rep, your hearing will be postponed till the next meeting and a new round of certified letters will be required.

**[Signature]**

**5-23-20**

Date

(SUB 20-02, Lands of Smith)
VAR 20-01, Side Setback Variance, Staff Summary

Property owners and applicants John and Sangeeta McCandless of 215 Coyote Trail in Corrales request a Variance to 10’ side setback for an existing shop accessory building on the property.

In the applicant’s letter dated March 16, 2020, he states that an owner-builder permit for both a house and the shop were requested of the Village in December 2014. (a copy of the building permit is included.) At the time, both the applicant and the Village building official believed the fence constructed by the neighbor to the east was on the actual property line, and the workshop was built 10 feet away from it. It was later discovered that the shop was in fact just over 8 feet from the true property line.

The applicant has provided an aerial photo of the shop, a photo showing the foundation being placed and its placement 10’ from the neighbor’s fence, and a current photo showing the shop and a coyote fence subsequently placed on the subject property.

Village ordinance Section 18-48 (2) (a) Conditions for Variance.

The Planning and Zoning Commission may deny any request for a variance that is based on conditions which are the result of the action of the applicant. Where the Planning and Zoning Commission finds that the strict application of the requirements of this article would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building, a variance may be granted provided that:

(1) The variation of this article will not be contrary to the public interest;
(2) The variation will not adversely affect adjacent property owners or residents;
(3) The conditions are unique to the property; and
(4) The variance is authorized only for lot controls and not for use of the premises.

(b) In considering a request for approval of a variance, the Planning and Zoning Commission may impose any condition deemed to be in the best interests of the Village. The Commission shall consider the following:

(1) Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, all streets/roads, and emergency access in case of fire, flood or catastrophe;
(2) Off-street parking and loading areas where required, with particular attention to refuse and service areas.
(3) Show all locations on-site for water, septic, sewer, and liquid waste facilities, with reference to soil limitations, locations and public health;
(4) The economic, noise, glare or odor effects of the proposed use on adjoining properties;
(5) On-site drainage and storm water runoff;
(6) General compatibility with adjacent properties and other properties in the vicinity;
(7) Overall health and safety of the community; and
(8) The goals and objectives of the comprehensive plan.

Summary: It appears both the applicant and then-building official made an honest mistake when the workshop was constructed, as both believed the structure was being placed the required 10 feet from the side property line. The cost to move the workshop would be prohibitive.
Additionally, the applicant has provided a letter from the adjacent neighbors to the east at 217 Coyote Trail, indicating no objection to the Variance request.

Staff recommendation: Approve Variance VAR 20-01, for side setback of approximately 8' feet, east facing side of shop building at 215 Coyote Trail.

Laurie Stout, Planning & Zoning Administrator

Date
Village of Corrales
Planning and Zoning Department

ZONE MAP AMENDMENT, TEXT AMENDMENT, OR VARIANCE APPLICATION

APPLICANT INFORMATION

215 Coyote Trail
Property Owner: John Sangeeta McCandless Telephone: 520-373-8538
Mailing Address: PO Box 2954, Corrales 87048 Email: jmc@ccandless02@gmail.com
Representative: ____________________________ Email: ____________________________
Mailing Address: ____________________________ Telephone: ____________________________
Descriptive Information: Tract A-1, Land of Mary Jane Younger C-8-136
Lot Number/Tract Number MRGCD Map Number

Acreage of Site: 1.01 Zoning: A-2

Type of Request: ☐ Zone Change ☐ Text Amendment ☒ Variance

Reason for Request: Location of shop building is outside setbacks

Signature of Applicant: ____________________________ Date: 3/16/20
1. Ten (10) sets of required documentation, in 11” by 17” format and an electronic copy (PDF format) is required with EACH submittal. Two full size plan set in 24” by 36” format shall be submitted.

2. Fees are as follows:
   a. Variance Application - $200.00; cost of legal notice mailing shall be invoiced to the applicant.
   b. Zone Change without site development plans - $650.00; cost of legal notice mailing and cost of advertising ordinance, shall be invoiced to the applicant.
   c. Zone Change with site development plans - $500.00 plus 1.5% of the valuation of construction as a condition of approval, or a minimum of $700.00, minimum fee payable at the time of application, and any additional fees owed payable prior to issuance of a development permit; plus costs of legal notification for the Commission hearing (certified mail, signature required; plus cost of advertising ordinance in newspaper for Council hearing, and legal notification for Council hearing.

3. The P&Z administrator shall schedule a hearing on the application before the planning and zoning commission no later than sixty (60) days following the submittal of a complete application.

4. Legal notice required by posting in the village and also by mailing written notice by certified mail, return receipt requested, not less than fifteen (15) days before the date of the hearing, to the owners of properties within 300 feet of the property boundaries, excluding public rights-of-way, of the property for which a hearing has been requested.

5. Public notice sign must be requested by applicant and posted per §18-79(b) of the Codified Ordinances.

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**OFFICE USE ONLY**

Date Received: 3/16/20

Received By: 

File No.: VAR 20-01

Amount Paid: $200

Cash □ Credit □ Credit Card Number: __________

Check □

Check #: L32

Receipt Number: 17705

Completed Application Acceptance Date: 3/16/20

Applicant Invoiced for mailing (certified, return receipt): 5-26-20 $41.45

Paid: $

□ Approved: 

Date: 

Findings of Facts and Conclusions of Law:

_________________________________________________________

Page 2 of 5

Revised February 2019
Anyone requesting a zone map amendment, text amendment, or variance to this article must submit the completed application form for a zone map amendment, text amendment, or variance application, accompanied by the appropriate application fee and number of set of required drawings.

1) Meeting with the P&Z Administrator. Review and comments can be obtained at this time concerning the relationship of the application to the Village Comprehensive Plan and applicable regulations and submittal requirements.

a) Amendment. The Governing Body may amend any part of this article, including the zone district boundaries, following a review and recommendation made by the Planning and Zoning Commission; however, the governing Body is not bound by the recommendation of the Commission.

b) Review process for an amendment. The administrator shall schedule a public hearing on any proposed amendment to this article before the Planning and Zoning Commission no later than sixty (60) days following the submittal of a request for such public hearing by the Governing Body. The Commission shall transmit a recommendation in writing to the
March 16, 2020

Ms. Laurie Stout
Village of Corrales
Planning and Zoning Administrator

Subject: Application for Variance
Property Address: 215 Coyote Trail

Dear Ms. Stout,

Thank you for taking your time to meet with me on March 2, 2020 regarding the above referenced Variance request and application process.

In December 2014 my wife and I applied for and obtained an Owner-Builder permit to construct a house and shop at the address noted above. We began construction the following January, starting with the shop. This is a 484 sq ft building constructed of adobe on a concrete slab that houses the pressure tank and electrical system for a water well located approximately 15’ south of the building.

In laying out the position of the building in January 2015 I incorrectly assumed that the fence constructed by our neighbor to the east was on the property line and set the building 10’ away from it to meet the setback requirements. The building was inspected by the Village building inspector at several stages, including the foundation. No concerns were raised and each stage of construction was approved by the inspector as required. A permit for occupancy of the shop and the house was granted in April 2016.

The neighbor’s property changed hands in 2016. While discussing the fence line with the new owner I realized that the existing fence was within the neighbor’s property line and that the property line was closer to the shop than he originally understood, leaving it a little over 8’ from the property line and outside the required setbacks. In 2018 I built a coyote fence along the true property line.

My wife and I acknowledge my error in the placement of the shop building. Certainly I should have been more careful in identifying the location of the property line. And while it would have been helpful if the building inspector had noticed the error early in the building process, we recognize that the responsibility is ultimately ours to ensure that the ordinance is met.

In order to bring our property into compliance with Village building code, we respectfully request a variance for the location of the shop based on the following considerations:

- No changes to the building structure are requested or anticipated. The variance request is not based upon any sort of change in use.
- The location of the building does not adversely affect access to either property from the street.
- The location of the building does not affect off-street parking or loading access.
- The location of the building does not impact the economic use of or increase noise, glare or odor for the adjoining properties.
- The location of the building does not impact drainage or storm water runoff. The roof is pitched toward the north and south so that runoff falls on our property.
- The building maintains the type and character of other properties in the vicinity and is compatible with historic residential and agricultural uses of properties in the community.
- The location of the building does not adversely affect the health and safety of the community.
- The cost of relocating the building would be prohibitive.
- Our neighbors to the east, whose property line is nearest to the building, have no objection to a variance for the building. A signed statement from them to this effect is attached.

We sincerely regret the error in siting the building and hope that the Planning & Zoning Commission will grant a variance allowing us to keep the building in its current location.

Thank you for your consideration.

John R. McCandless

Sangeeta K. McCandless

215 Coyote Trail
Corrales, NM 87048
Photo of foundation showing distance from neighbor's fence.
Current photo showing distance from shop to our fence on the property line.
APPLICATION FOR RESIDENTIAL OWNER-BUILDER
HOMEOWNER CONSTRUCTION PERMIT

Print or Type
Project Address: 215 Coyote Trail

Legal Description: Tract A-1, Lands of Mary Jane Rose, CS-136

Permit Type [ ] Addition [ ] Remodel [ ] Re-Roof [ ] Pool [ ] Garage [ ] Other [ ] New Construction

Work Description: House [ ] Shop [ ] Other [ ] 500 sq ft

Is property in a flood zone? [ ] No [ ] Yes [ ] If yes, attach flood elevation certificate completed by your surveyor. Panel # and flood zone designation:

Square Footage of new Construction: 3334 Valuation of new Construction: $296,460

Square Footage of all Structures on Site: 3334 % Lot Coverage 7.6%

Property Owner John R. & Sangeeta K. McCandless
Address: PO Box 2954 Corrales, NM 87048

Telephone: home 970 457 4759 cell 520 373 8538 email johnmccandless@hotmail.com

I understand I am required to substantiate my construction knowledge to the satisfaction of the Village Building Inspector and complete, with notarized signature, the Homeowner's Responsibility Form for a Homeowner Construction Permit (attached to this application).

Signature of Applicant: ___________________________ Date: 12/17/2014

NOTES

OFFICE USE ONLY

Date Received: 12-31

Fee Paid: $2,032.33

Zoning & Building Approval: ___________________________ Date: ___________________________ Permit # BPN: 2014-0214
Permit of Occupancy

VILLAGE OF CORRALES
Sandoval, New Mexico
Planning & Zoning
4324 Corrales Rd, Village of Corrales, New Mexico 87048
505-897-0502

Building Permit Number: BPN2014-0214

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<th>ISSUED TO:</th>
<th>JOHN R. &amp; SANGEETA K. MCCANDLESS</th>
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<tr>
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<td>SINGLE FAMILY RES</td>
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<tr>
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This form certifies that an inspection of the above property was conducted on 04/14/2016, and that the described structure complies with the applicable sections of the Village of Corrales building ordinances. The above structure may be used or occupied per the date of this certificate.

APPROVED BY: [Signature]

DATE: 04/14/2016

Building Department
To: Corrales Planning and Zoning Commission

Re: Variance request at 215 Coyote Trail

The property owners at 215 Coyote Trail, John and Sangeeta McCandless, have informed us that the existing shop building on the east side of their property lies within the 10' setback required by Village of Corrales ordinances. Mr. McCandless has stated that he erroneously sited the building in 2015 based on the location of an existing fence along the property line. The building is currently slightly over 8' from our common property line.

Mr. and Mrs. McCandless have applied to the Planning & Zoning Commission for a variance to allow the building to remain where it is. No changes to the structure are being requested nor are they anticipated. The variance request is not based upon any sort of change in use. The building is constructed of adobe on a concrete slab making the cost of relocating the building prohibitive.

Mr. and Mrs. McCandless have noted that the current location of the building:

- does not adversely affect access to the property from the street,
- does not affect off-street parking or loading access,
- does not impact the economic use of or increase noise, glare or odor for the adjoining properties,
- does not impact drainage or storm water runoff,
- maintains the type and character of other properties in the vicinity and is compatible with all residential and agricultural uses of the historic community,
- does not adversely affect the health and safety of the community.

In signing this document, we are indicating that we have no objection to the issuance of a variance for the current location of the building.

3/9/20
Date

Ryan Northington
Printed Name

Address
217 Coyote Cr, 87018

Signature

Jessica Northington
Printed Name

Address
217 Coyote Trl, 87048
I, ________ (applicant/agent) acknowledge receipt of a yellow “public notice” sign from the Village of Corrales that must be displayed and visibly available to passersby on the road at the entrance to the subject property, from end of day June 2, 2020 through 6 pm on Wednesday, June 17, 2020.

A Village representative will be by the property to assure this posting has been completed. If your sign cannot be located by Village rep, your hearing will be postponed till the next meeting and a new round of certified letters will be required.

____________________
Signature

____________________
Date

(VAR 20-01, 215 Coyote Trail)
PZA Report
For June 17, 2020
Planning and Zoning Commission Meeting

The following Home Occupation permit was approved administratively:

**ZOC 20-08.** Applicant **Jeannette Grundstrom** of **117 Mesa Vista Lane** will use 144 square feet of a 3,000 square foot home for office space for “Mesa Vista Interiors”, an interior design company. No client visits to the home.

Building Official Lee Brammeier continues to work from home, accepting building permits electronically, available to citizens via email and work cell. Code Enforcement Officer Sherrie Rice is also primarily working from home, available via work cell and is responding to complaints, conducting property visits, and mailing notices of violations as needed. My office is still accepting applications via email and some drop offs at Village Hall of the larger items. The Police Department has graciously agreed to accept payments on our behalf. Village Engineer Steve Grollman and I are conducting site visits at properties with proposed subdivisions or needing grading and drainage plan review.

The number of permit requests and zoning applications continue to pour in at a brisk rate. The “development” arm of the economy appears to still be flourishing within the Village.

Renovation continues to the future Planning and Zoning and Animal Control offices (which will be located in the old Public Works building that was a fire station before that). Estimated move-in is mid-July.

Laurie Stout, Planning & Zoning Administrator

Date: 5-24-2020