

**DECEMBER 14, 2016 MEETING
REGULAR AGENDA ITEMS**

To: Planning & Zoning Commission

From: Planning & Zoning Staff

Date: November 30, 2016

Subject: **SP-16-001** Request by David Olson for approval of a Claim of Exemption Land Division (Family Transfer) to be known as Lots 24-A & 24-B, Placitas Ranchettes. The proposed division of land involves 6.9147 acres more or less, to be divided into two (2) lots for purposes of Family Transfer under Article 3 of the Sandoval County Subdivision Regulations. The proposed division is located on Anasazi Road and within Section 30, Township 13 North, Range 5 East, NMPM, Placitas, Sandoval County, New Mexico.

This proposal has been submitted under the provisions of Article 3 of the Sandoval County Subdivision Regulations. This section, revised by the Board of County Commissioners in 2006, requires that all applications for Exempt Land Divisions under the Family Transfer provision in the Placitas area be submitted to the Planning & Zoning Commission for hearing and decision. Formerly such items were handled administratively within the Planning & Zoning Division. Such a request, if approved, exempts the property owner from many of the requirements of a regular subdivision, including a water availability study and construction of improvements to County standards.

The property in question is located along Anasazi Road near the Cedar Creek subdivision in the eastern part of Placitas. The tract is approximately 6.9147 acres in size and is currently vacant. The owner wishes to divide that parcel into two parts so that he can transfer one parcel to his son. In 2010 this same owner applied for a Summary Subdivision of this property but later withdrew his request.

A sworn affidavit, submitted by the applicant pursuant to Section 3.1.6 of the Sandoval County Subdivision Regulations, is attached for your reference. In that document, the applicant agrees that no parcel created under this provision will be transferred outside of the family for a period of eighteen (18) months.

The Planning & Zoning Commission is the deciding body on this type of request, unless an appeal to the Board of County Commissioners is filed within thirty (30) days of the decision of the Planning & Zoning Commission.

If this request is to be approved, staff recommends that such an approval be subject to the following condition:

- (1) The deed conveying the parcel created pursuant to this request must contain language required by Section 3.1.6 of the Sandoval County Subdivision Regulations as follows:

“No water availability assessment was performed for the tract in question. Only under exceptional circumstances will said tract be conveyed back to the grantor.”

Section 3.1.6 of the Ordinance goes on to state that “Exceptional circumstances include, but are not limited to, death or disability of the grantee to use the property for its intended purpose or such other factors as may be deemed persuasive in the sole discretion of the County.” Determinations on such matters are made by the Planning & Zoning Commission and/or the Board of County Commissioners.