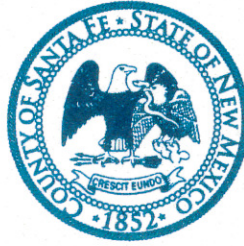


Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
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 12, 2012

TO: Board of County Commissioners

FROM: Wayne Dalton, Building and Development Services Supervisor *WD*

VIA: Penny Ellis-Green, Interim Land Use Administrator *PEG*

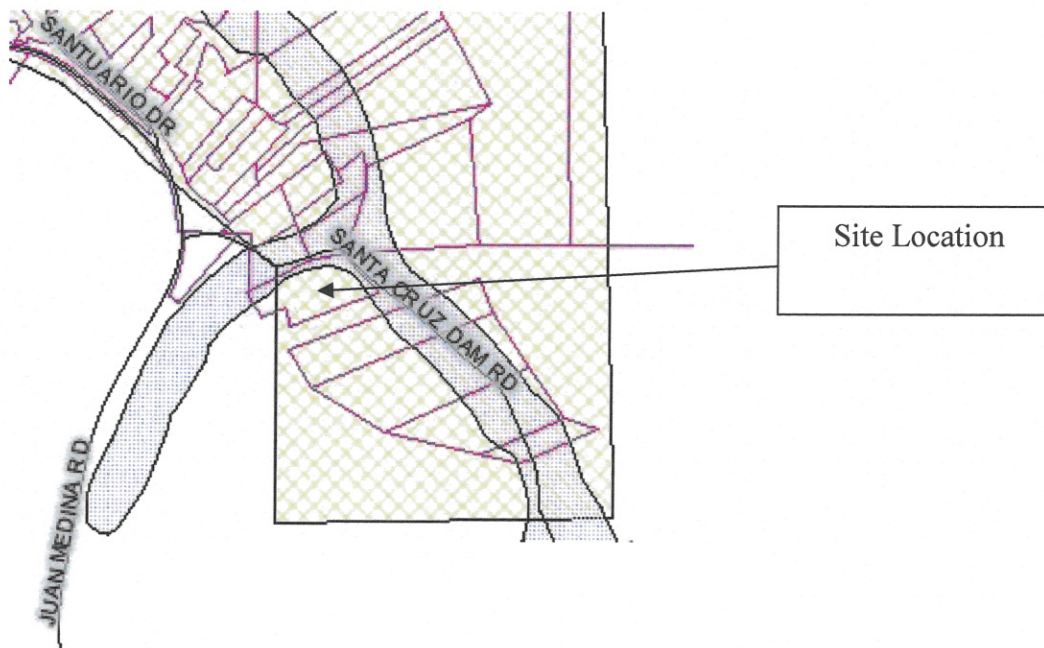
FILE REF.: CDRC CASE # V 12-5080 David Vigil Variance

ISSUE:

David Vigil, Applicant, requests a variance of Article III, § 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the placement of a manufactured home on 2.17 acres.

The property is located at 16 Santa Cruz Dam Road, in the vicinity of Chimayo, within Section 7, Township 20 North, Range 10 East, (Commission District 1).

Vicinity Map:



REQUEST SUMMARY:

The Applicant requests a variance to allow the placement of a manufactured home on 2.17 acres. Access to the subject property would be off County Road 92 (Santa Cruz Dam Road) which is a private dirt road crossing a FEMA designated Special Flood Hazard Area, via an existing arroyo crossing which may be frequently impassible during inclement weather, and thereby is not all weather accessible.

This Application was submitted on March 12, 2012.

On May 17, 2012, the County Development Review Committee met and acted on this case, the decision of the CDRC was to recommend approval by a 5-0 vote (Minutes Attached as Exhibit 1).

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 for the placement of a manufactured home on 2.17 acres, which due to site conditions would require a variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management).

VARIANCES: Article III, § 2.4.1a.2.b (Access) of the Land Development Code states: “All development sites under this Section shall demonstrate that access for ingress and egress, utility service and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code” (Exhibit 4).

Article V, § 8.1.3 states “Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of the Code. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles” (Exhibit 5).

Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) states: “At no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access” (Exhibit 6).

GROWTH MANAGEMENT AREA: El Norte, SDA-2

HYDROLOGIC ZONE: Traditional Community of Chimayo, minimum lot size per Code is 0.75 acres per dwelling unit. Proposal meets minimum lot size criterion.

ACCESS: Via arroyo crossing, does not comply with minimum Code criteria.

FIRE PROTECTION: Chimayo Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic System

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	County Fire	Denial
	Floodplain Admin.	Denial

STAFF RECOMMENDATION: Denial of a variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and denial of a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management). Article II, § 3 (Variances) of the County Code states: “Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.” This Section goes on to state “In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified” (Exhibit 7).

If the decision of the BCC is to approve the Applicant’s request for variances, staff recommends the imposition of the following conditions:

1. Water use shall be restricted to 1 acre foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (**As per Article III, § 10.2.2 and Ordinance 2002-13**).
2. The Applicant shall comply with all Fire Prevention Division requirements (**As per 1997 Fire Code and 1997 Life Safety Code**).
3. A restriction must be placed on the Warranty Deed regarding the lack of all weather access to the subject lot. This restriction shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site Access, including access by Emergency vehicles, may not be possible at all times. (**As per Ordinance 2008-10**).

EXHIBITS:

1. CDRC Minutes
2. Letter of request
3. Review Agency Comments
4. Article III, § 2.4.1a.2.b (Access)
5. Article V, § 8.1.3 (Legal Access)
6. Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management)
7. Article II, § 3 (Variances)
8. Site Plan
9. Site Photographs
10. Aerial of Site and Surrounding Area

Chair DeAnda asked if it would be appropriate to table the case pending arrival of the aerial photographs to ascertain if the two existing homes are legal non-conforming. Mr. Dalton said a variance would still be required for the third dwelling unit. Tabling would provide an additional 30 days.

Member Katz moved to table and Chair DeAnda seconded. The motion carried by unanimous 5-0 voice vote.

B. CDRC CASE # V 12-5080 David Vigil Variance. David Vigil, Applicant, requests a variance of Article III, § 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the placement of a manufactured home on 2.17 acres. The property is located at 16 Santa Cruz Dam Road, in the vicinity of Chimayo, within Section 7, Township 20 North, Range 10 East, (Commission District 1)

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

“The Applicant requests a variance to allow the placement of a manufactured home on 2.17 acres. Access to the subject property would be off County Road 92/ Santa Cruz Dam Road which is a dirt road/private driveway crossing a FEMA designated Special Flood Hazard Area, via an existing arroyo crossing which may be frequently impassible during inclement weather, and thereby is not all-weather accessible.

“Article III, § 2.4.1a.2.b, Access, of the Land Development Code states: ‘All development sites under this Section shall demonstrate that access for ingress and egress, utility service and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code.’

Article V, § 8.1.3 states: ‘Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of the Code. Parcels to be accessed via a driveway easement shall have a twenty foot all weather driving surface, grade of not more than 11 percent, and drainage control as necessary to insure adequate access for emergency vehicles’.

Article 4, § 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management, states: ‘At no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access.’”

Mr. Dalton said the proposal meets minimum lot size criteria. The Fire Department and the Flood Plain Administrator recommend denial.



He gave the staff recommendation as follows: Denial of a variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and denial of a variance of Article 4, § 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management. Article II, § 3, Variances, of the County Code states: “Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.” This Section goes on to state “In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.”

If the decision of the CDRC is to recommend approval to the Board of County Commissioners regarding the Applicant’s request for variances, staff recommends the following conditions:

1. Water use shall be restricted to 1 acre-foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The Applicant shall comply with all Fire Prevention Division requirements (As per 1997 Fire Code and 1997 Life Safety Code).
3. A restriction must be placed on the Warranty Deed regarding the lack of all weather access to the subject lot. This restriction shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site Access, including access by Emergency vehicles, may not be possible at all times. (As per Ordinance 2008-10).

Referring to the aerial map, Member Gonzales asked how many lots are served by the driveway. Mr. Dalton indicated he was unsure how many properties were beyond the arroyo but the majority of land belongs to the BLM. Noting there appeared to be three or four lots, Member Gonzales asked if the road was a County road. Mr. Dalton said it was a private road/private driveway and is off County Road 92, Santa Cruz Dam Road which lies entirely within the floodplain.

Member Gonzales said this appeared to be a non-self-imposed condition.

Member Katz asked if request for a variance could be avoided by using the County Road. Mr. Dalton said they would still need a variance because they lack all-weather access. What is required is a bridge or other structure that can pass a 100-year storm event. Chair DeAnda asked where the bridge could be constructed. Mr. Dalton said the bridge would not have to start at Juan Medina Road; it would have to cover the area in orange on the aerial photograph.

Pamela Criscuolo, daughter of the applicant, was placed under oath and stated the land has been in the family for over 60 years. There was a home on the property until the

1960s. They have been working with staff for over a year in an attempt to develop the property, securing septic and other permits. When they sought a permit to put a mobile home on the property they were told about the problem with the floodplain. She said building a bridge on land that does not belong to them would cost over \$200,000. She added most of the land in Chimayo is subject to flooding. Not granting the variance would result in tremendous financial hardship.

Previously sworn, Thomas Cordova, reiterated that when in rains all the arroyos in Chimayo run. The fire station is close to the property. He said the local residents have been dealing with the situation for hundreds of years.

Member Drobnis asked how many other property owners access the area across the arroyo. Ms. Criscuolo said they sent out five notices to near neighbors but she speculated that around ten structures are across the arroyo. In response to Member Drobnis's question of who owns there property where the bridge would be built, Mr. Cordova said he believed it was BLM.

Member Drobnis asked if the permits already acquired were from the state. Mr. Dalton said the well and septic permits came from the state.

Member Gonzales asked for details on the fire station, and Buster Patty said the volunteer station is very close. He said the permit was denied because of the access problem. In some cases conditional approval can be granted contingent upon things like adequate turnarounds and sprinklering. However, other emergency services would also have trouble access the property in a flood.

Member Gonzales asked how much of a burden it would be for the County if a variance were granted. Mr. Patty said the only burden would be the liability of not being able to get to the property. The existing houses are legal non-conforming.

Member Gonzales said he would hate to see them forced to build a bridge or culvert on property that isn't even theirs.

Chair DeAnda asked what the most common technique for arroyo crossing in the area was. Mr. Patty said it is mostly culverts. An engineer would have to be involved in the design, and it would have to withstand 55,000 pounds. He said there is sufficient land to put in a turnaround.

Mr. Cordova said they would be willing to accept a deed restriction and any conditions. He predicted more requests would be coming in the future due to families wanting to divide their property.

Chair DeAnda asked if it would be possible to get an easement through the adjoining property. Mr. Dalton said they would still need a variance.

The public hearing was opened and Andrew Vigil, son of the applicant, was placed under oath. He said he is the one wishing to place a mobile home on the property. So far he has invested \$3,000 on the septic system and countless hours cleaning up the

land. He called the denial a “slap in the face” adding every lot in Chimayo is in the same situation.

The fact that the County recognized the crossing as dangerous, Member Katz asked whether the County would consider building the bridge in light of the fact there were already residents living in the area.

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

Member Katz moved to approve the variance for 12-5080 with staff conditions. His motion was seconded by Member Gonzales and passed by unanimous [5-0] voice vote.

Mr. Dalton said the case is scheduled to go to the BCC on June 12th.

CDRC Case # 12-5070 MP/PDP MCT Waste Master Plan/Preliminary Development Plan. Sunset Solutions, LLC, Applicant, James Siebert, Agent, Request Master Plan Zoning and Preliminary Development Plan approval for the expansion of a non-conforming commercial property. The request also includes the Final Development Plan to be reviewed and approved administratively. The property is located at 5 Erica Road in the Traditional Historic Community of La Cienega, within Section 26, Township 16 North, Range 8 East, (Commission District 3)

Jose Larrañaga read the caption and gave the following staff report:

“The Applicant requests Master Plan Zoning and Preliminary Development Plan approval to allow the expansion of a non-conforming commercial property on a 2.14-acre site. The expansion will consist of increasing the existing 4,862 square foot building by 3,020 square feet for a total square footage of 7,882. The proposed height of the addition is 24 feet and the height of a portion of the existing structure will be increased from 16 feet to 24 feet. The expansion will increase the use to 60 percent of the site for the business. The Applicant’s request also includes that the Final Development Plan be reviewed and approved administratively.

“The Applicant states that MCT provides waste collection services to construction sites and companies that generate substantial waste volumes. The expansion of the existing structure will accommodate the parking of the trucks within the building during the winter months. Client contact and billing is conducted from the Albuquerque office and the site is generally vacant during the day.

“Historically Schwan’s Food Company occupied this site. On July 15, 2011, the Land Use Administrator determined that MCT’s proposed re-use of this non-conforming commercial site would be allowed provided the re-development or

FROM: David G. Vigil and Pamela Criscuolo
Route 4 2256
Española NM 87532
Tel: 505-470-1832
Email: pvciscuolo@hotmail.com

DATE: March 12, 2012

TO: Ms. Shelly Cobau
Building & Development Manager, Floodplain Administrator, Film Liaison
Santa Fe County Building and Development Services
102 Grant Ave
Santa Fe, NM 87501-2061

SUBJECT: Variance Application for David G. Vigil and Pamela Criscuolo
16 Santa Cruz Dam Road
Chimayo, NM 87522

Dear Ms. Cobau,

Please accept our application for a variance to the Santa Fe County Flood Damage Prevention Ordinance NO. 2008-10 Article 4 Section 4.2. Your office failed to inform us for the need of an all weather crossing until a number of permits were granted and over \$15,000 in improvements to the property was completed. We feel this failure to follow appropriate procedure by your office has caused us exceptional hardship.

This property has been in our family for over 60 years, as can be established in property deeds. It was transferred to David's sister, Flora Chavez and Filberto Chavez in the early 1950's. Flora and her family lived on this land until the mid 1960's. It continued to be used by the neighbors since Flora left the land, without any access issues posed by the arroyo in question. In the late 2000's, Flora sold the land to us and we have been working to improve the property for inhabitation.

The Santa Fe County Building and Development Services failed to notify us of the flood plain development ordinance in a timely manner, forcing us to incur financial hardship. In early 2011, we started the process to gain the appropriate permits to build a residence on this property. We worked with your office from the beginning to ensure that all the proper steps were followed and the appropriate permits from the County of Santa Fe, along with the State of New Mexico. We received a domestic well, septic system, and electric permits and installed those facilities, at great expense. On February 3, 2012, we applied for the final development permit, which included the sight specific plan, and paid over \$700 to your office. It was not until 2 weeks after



our check was cashed that we were notified that we were in violation of the flood plain development permit procedural requirements.


In order to come in compliance with the flood plane development requirements, we were told that a bridge needed to be built suitable to hold a fully loaded fire truck and/or an ambulance, which would cost in excess of \$200,000. We were instructed the proper location of this bridge was not on our land. It does not seem appropriate that we would be required to incur such a financial hardship and not even have this improvement on our property. This seems to be a need of the community and should either be improved by the county, or allow all the properties affected by this need to be grandfather exceptions.

Pursuing the enforcement of the Santa Fe County Flood Damage Prevention Ordinance NO. 2008-10 Article 4 Section 4.2 will force the surrounding areas to become vacant, hurting the property values of the surrounding area, and reducing the collected property tax for the county. Since additional property improvements would require landowners to come into compliance with this ordinance, people will not be able to handle the financial burden and be forced to leave their land and default on remaining loans. Additionally, prospective buyers will not wish to incur these penalties. This requirement will render the affected Chimayo land, within Santa Fe County only, undevelopable for residential or commercial purposes.

We feel that we have shown good cause to allow the variance. 90% of the properties in Chimayo are affected by flooded arroyos. The community has adjusted to this risk with little or no public risk, and no additional cost to the county. Failure of granting this variance will result in great financial hardship to us through the loss of money already spent on the necessary property improvements to develop the land for residency. No additional increase risk of floods or to public safety will occur, by granting this variance. There are already additional residences in that area and access to this land has existed since the 1940s.

Thank you for reviewing our request and we look forward to hearing your decision in this matter.

Sincerely,



David G Vigil

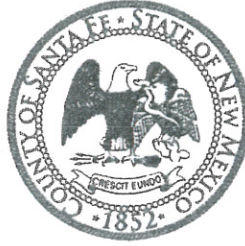


Pamela Criscuolo

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: April 26, 2012

TO: Wayne Dalton, Building and Development Services Department Supervisor

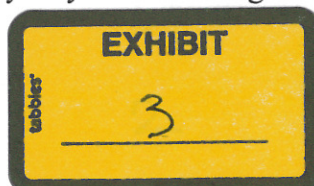
FROM: Vicki Lucero, CFM, Development Review Team Leader *VL*

REF.: CDRC Case # V 12-5080 David Vigil Variance

The Applicant is requesting approval to place a manufactured home on 2.17 acres. The property does not have all weather access as required by Code. This application has been reviewed specifically for compliance to Ordinance 2008-10 (Flood Damage Prevention and Stormwater Management Ordinance).

Article 4, Section 4.2 states: "At no time shall a Floodplain Development Permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, etc, when ... the site is absent all weather access. A Floodplain Development Permit will not be issued based upon the following:

1. The roadway off of County Road 92 (Santa Cruz Dam Road), used to access the subject parcel, is within a federally mapped Special Flood Hazard Area, Zone A. The Zone A designation indicates these areas will be inundated by floodwater during the 1% recurrence interval storm event, or 100-year storm. This area is unstudied by FEMA and depth, velocity and duration of inundation are not provided.
2. Section 5.11.E (Basis for Approval or Denial) of the Flood Ordinance states that Approval or Denial of a Stormwater Management Analysis (none provided by applicant), shall be based on the provisions of FEMA 44 CFR, all provisions of County Ordinance No. 2008-10 with all relevant factors as listed which includes "The safety of access to the property in times of flood for ordinary and emergency vehicles"
 - a. The applicant has not provided a Stormwater Analysis which identifies the quantity, depth, and velocity of the flow present at the arroyo crossing. This information would be needed to assess the potential danger of this crossing. Note that flow depths of as little as 12", when velocity is considered, are enough to wash away or create buoyancy of an average vehicle. Additional danger arises



when motorists are unable to view the driving surface and enter inundated areas. Injury or death can occur if the driving surface has been scoured away by high velocity floodwater, and unknowing motorists often attempt to cross these inundated areas without regard for the surface of the road. Notably, death during flash flood events are surpassed only by hurricane fatalities, and more deaths occur nationwide from flood related deaths than any other natural disaster. This is a dangerous and sometimes deadly situation.

- b. As a minimum, the applicant should be required to provide an analysis of the depth and velocity of flooding expected at this crossing using the methodology and techniques presented in Ordinance 2008-10, and place a culvert or other conveyance as needed based on the report to provide dry access for emergency vehicles.
3. Ordinance 2008-10 contains specific criterion that recommending and approval bodies must consider. These are copied below:
- A. *The Board of County Commissioners (Board) after recommendation by the County Development Review Committee (CDRC) shall hear and render judgment on a request for variance from the requirements of this Ordinance.*
 - B. *The CDRC may recommend and the Board take action on an appeal of the Floodplain Administrator's decision only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.*
 - C. *Any person or persons aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction within thirty days of the Board's decision.*
 - D. *The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.*
 - E. *Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.*
 - F. *Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.*
 - G. *Upon consideration of the factors noted above and the intent of this Ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Article 1, Section C).*
 - H. *Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.*

- I. *Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.*
- J. *Prerequisites for granting variances:*
 1. *Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
 2. *Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*
 3. *Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.*
 4. *Variances may be issued by the Board for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.*

Finding:

This application does not meet the standards required for the permitting of a new dwelling unit as described in the Code and Ordinance 2008-10, and in considering the criteria for variance issuance as noted above does not meet these criteria, therefore as Santa Fe County Floodplain Administrator, **it is recommended that this variance be denied based on the lack of all weather access to the proposed dwelling unit.**

Be advised that should the BCC recommend approval of this variance, as noted in the federally mandated conditions for variance, FEMA must be notified of this decision as required by Federal Code of Regulations..

Should the BCC approve this case the following note should be placed on the Plat:

The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site access, including access by Emergency vehicles, may not be possible at all times.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
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	5/14/2012		
Project Name	Vigil, David		
Project Location	16 Santa Cruz Dam Road – Chimayo		
Description	Variance Application	Case Manager	Wayne Dalton
Applicant Name	David Vigil	County Case #	12-5080
Applicant Address	Rt. 4, Box 225-6 Espanola, NM 87532	Fire District	Chimayo
Applicant Phone	505-747-2841		
Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>	Wildland <input type="checkbox"/>
Review Type	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>
		Inspection <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
		Lot Split <input type="checkbox"/>	
Project Status	Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input checked="" type="checkbox"/>

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

Summary of Review

- Primary access to this property does not meet fire code requirements of a year round, all-weather driving surface. (*page #2*)
- In the event the variance should be approved, the installation of an automatic fire suppression system shall be installed in the home in accordance with 1997 Uniform Fire Code, Section 902.2.1, Exception 2. Design plans pertaining to the automatic fire suppression system shall be submitted to the Fire Prevention Office for final approval. (*page #2*)
- A turn around meeting Santa Fe County Fire Department Access Road requirements, such as an alternative hammer head shall be required. A plan showing the turn around shall be submitted to the Fire Prevention Office for approval. (*page #2*)
- Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot. (*page #2*)

Fire Department Access

▪ 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.

Primary access to this property does not meet fire code requirements of a year round, all-weather driving surface.

In the event the variance should be approved, the installation of an automatic fire suppression system shall be installed in the home in accordance with 1997 Uniform Fire Code, Section 902.2.1, Exception 2. Design plans pertaining to the automatic fire suppression system shall be submitted to the Fire Prevention Office for final approval.

A turn around meeting Santa Fe County Fire Department Access Road requirements, such as an alternative hammer head shall be required. A plan showing the turn around shall be submitted to the Fire Prevention Office for approval.

▪ 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.

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.

Driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

▪ Restricted Access/Gates/Security Systems

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

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.

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.

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.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

- **Permits**

As required


Final Status

Recommendation for Variance Application approval with the above conditions applied.

Victoria DeVargas, Inspector


Code Enforcement Official

5/17/2012
Date

Through: David Sperling, Chief/Fire Marshal
Buster Patty, Fire Prevention Captain 

File: NorthReg/DevRev/Chimayo/VigilDavidVAR.doc

Cy: Wayne Dalton, Land Use Office
Applicant
District Chief
File

submittal list and explanation with the development permit application form.

2. Reviews

(a) Lot Size Requirement Review

The Code Administrator shall review the application for compliance with the lot size requirements of the Code.

→ (b) Access

(i) All development sites created under this Section shall demonstrate that access for ingress and egress, utility service, and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code.

(ii) Installation of culverts, where applicable, shall be required at intersections of driveways with County roads.

(iii) Road Construction and/or Road Cut Permits must be obtained prior to road or driveways construction. The applicant must provide submittals for new construction pursuant to this Section 2.4.1 and meet standards as applicable and as required in Article V, Section 8, Subdivision Design Standards, and Article VII, Section 3, Terrain Management. Notification of all affected property owners and posting of notice will be required for roads and driveways accessing more than one property.

(c) Special District Review

The Code Administrator shall check the location of the proposed dwelling, and if the location of the proposed dwelling is within a Special Review District as described in Article VI, the Code Administrator shall inform the applicant of any additional submittals or reviews required, if any, and make the applicable review.

(d) Environmental Review

The Code Administrator shall inform the applicant of any additional submittals and make the reviews required under Article VII - Environmental Requirements.

(e) Siting Review

The Code Administrator shall review the application for compliance with the site planning standards. Additional submittals in connection with the siting may be required; site visits to assure compliance with the standards of Section 2.3 of this Article and approval of the Code Administrator will also be required.

(f) Building, Mechanical and Electrical Code Review

The Code Administrator shall cause the submitted plans and specifications to be reviewed for compliance with Article IV - Construction Codes of the Code and for engineering design.

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8.1.2 The Santa Fe County Master Plan For Roads

- a. Pursuant to 3-19-9 N.M.S.A., 1978, the Santa Fe County Master Plan for Roads establishes the general location of existing and proposed highway and arterial roads for the purpose of assuring a coordinated system of roads in Santa Fe County.
- b. The Santa Fe County Master Plan for Roads may be amended by resolution from time to time to accommodate changing or changed conditions.

→ 8.1.3 Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of this Article. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles.

8.1.4 Dead end roads may not serve more than thirty (30) dwelling units, except that the Code Administrator with the concurrence of the Fire Marshal may approve the development of more than thirty (30) lots on a dead end road. The Code Administrator may require a second access for any development with fewer than thirty (30) dwelling units where issues of public health, safety and welfare exists.

8.1.5 Coordination of Roads With Surrounding Property

- a. The arrangement of roads in a development shall provide for the continuation or appropriate projection of existing or proposed highway or arterial roads in surrounding areas according to the Santa Fe County Master Plan for Roads, and shall provide reasonable means of ingress and egress to surrounding property.
- b. Where land is subdivided into large tracts or where there is a potential for further subdivision or development of subsequent phases exists, the proposed development shall be designed to provide for a coordinated road system for the entire tract.
- c. Where it is in the public interest to establish a right-of-way or access to property which adjoins a proposed development, the right-of-way shall be extended to the boundary of the property which is the subject of a development application. The right-of-way shall either be dedicated to the County or granted to the Owner's Association, subject to a conditional dedication governed by Article V, Section 8.1.9. Such right-of-way shall be designated on the master or phase development plan and on the plat as a public access.

8.1.6 Access to highways and arterials: buffering requirements

- a. Where a proposed subdivision contains lots abutting or adjacent to an arterial or highway, it shall be planned so as to avoid having lots having frontage on said thoroughfares.
- b. The subdivision shall be laid out to have a minimum number of intersections with arterials or highways, and where appropriate, shall provide at least two separate points of ingress and egress to assure adequate access, and shall be designed for all weather conditions. Driveways from lots shall access local roads and may access collector roads on a limited basis as approved by the County Development Review Committee.
- c. Where the subdivision is traversed by or is adjacent to a state or federal highway, and in addition to these regulations, the subdivision must satisfy the New Mexico State Highway Department Regulations Covering Design and Construction of Driveways on Non-Controlled Access Highways in New Mexico, a copy of which is on file in the office of the Code Administrator for public inspection.
- d. Where a subdivision borders on or contains a railroad right-of-way or a limited access highway right-of-way, a parallel road or frontage road may be required at a distance suitable for the appropriate use of the intervening land. Such distances shall also be

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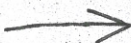
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ARTICLE 4

FLOODPLAIN DEVELOPMENT PERMIT PROCEDURAL REQUIREMENTS

SECTION 4.1 AREAS REQUIRING A FLOODPLAIN DEVELOPMENT PERMIT

- A. For development within a designated SFHA, including lands which are traversed by, bisected by, or directly adjacent to the SFHA designated on the effective FIRM as described in Article 2, §2.2C, Article 3, §3.2 and Article 3, §3.10, a Floodplain Development Permit issued by the Floodplain Administrator in conformity with the provisions of the Ordinance shall be secured pursuant to Article 3, §3.3(B) prior to commencement of construction.



SECTION 4.2 NON-ELIGIBLE NEW DEVELOPMENT OR CONSTRUCTION

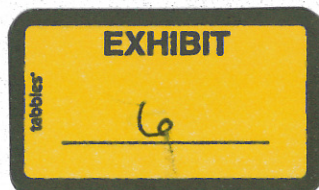
At no time shall a Floodplain Development Permit be issued for a new dwelling unit site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, modular home sites and modular home subdivisions where the site is:

- i. An alternative buildable area located outside the limits of the SFHA is available;
- ii. Unable to be removed from the SFHA through the formal FEMA map revision process described in Article 4, § 4.4;
- iii. Absent all weather access.

SECTION 4.3 PROCEDURES FOR SUBDIVISION PROPOSALS

All subdivision proposals which include area traversed by, bisected by, or directly adjacent to SFHA, including manufactured home parks and manufactured home subdivisions shall be required to secure a Floodplain Development Permit per Article 4, §4.4, and:

- A. SFHA may be used in computation of density;
- B. SFHA may be utilized to meet open space criteria;
- C. Primary and secondary subdivision access as required by County Code must be all weather access;
- D. For phased subdivisions, an overall Master Drainage Analysis shall be provided which demonstrates that floodplain management policies and stormwater management criteria will be compliant with this Ordinance and function independently in each phase, or construction of the entire conveyance system will be required in the first phase of construction.



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



David G. Vigil

#16 Santa Cruz Dam Rd.

Chimayo, NM 87532

(Mobile Home Placement)

2-7-2012



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Map of Property in Santa Fe County

Legend

- driveways
- Minor Roads
- Major Roads
- Parcels_sde
- Section Lines

2011 FEMA Data Draft Fema Data 2011

- 0.2 PCT
- A
- AE
- AO; D; X

2008 FEMA Data

- 500 Year
- 100 Year

1:1,619

1 inch represents 135 feet



WARNING:
Two (2) foot contour data sets are NOT SUITABLE FOR ENGINEERING WORK. These data are appropriate for PLANNING PURPOSES ONLY.

Orthophoto from 2008

Contour Interval 2 Feet

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.



NBC-19

April 18, 2012

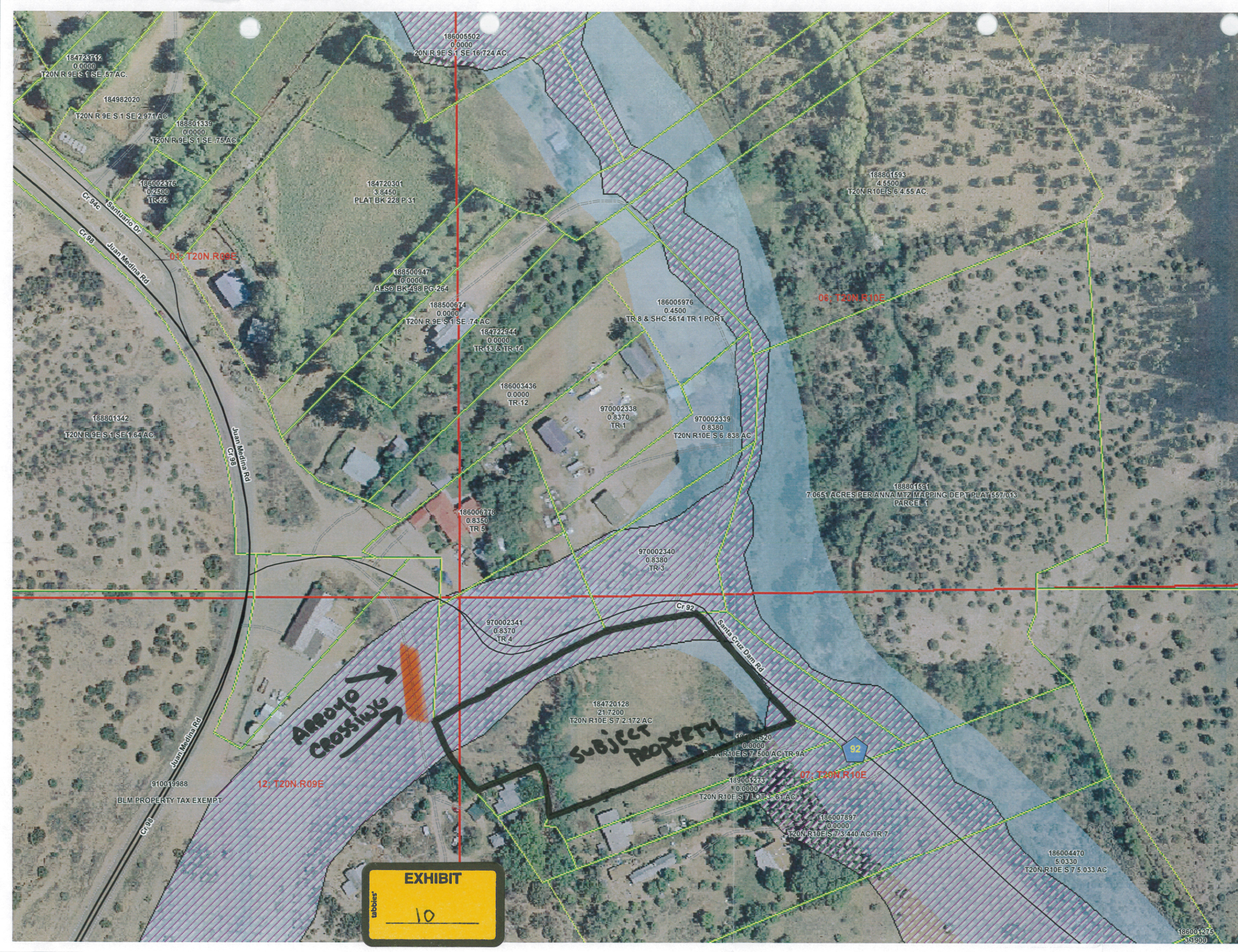


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