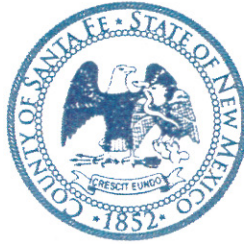


**Daniel "Danny" Mayfield**  
Commissioner, District 1

**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:** April 10, 2012

**TO:** Board of County Commissioners

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

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

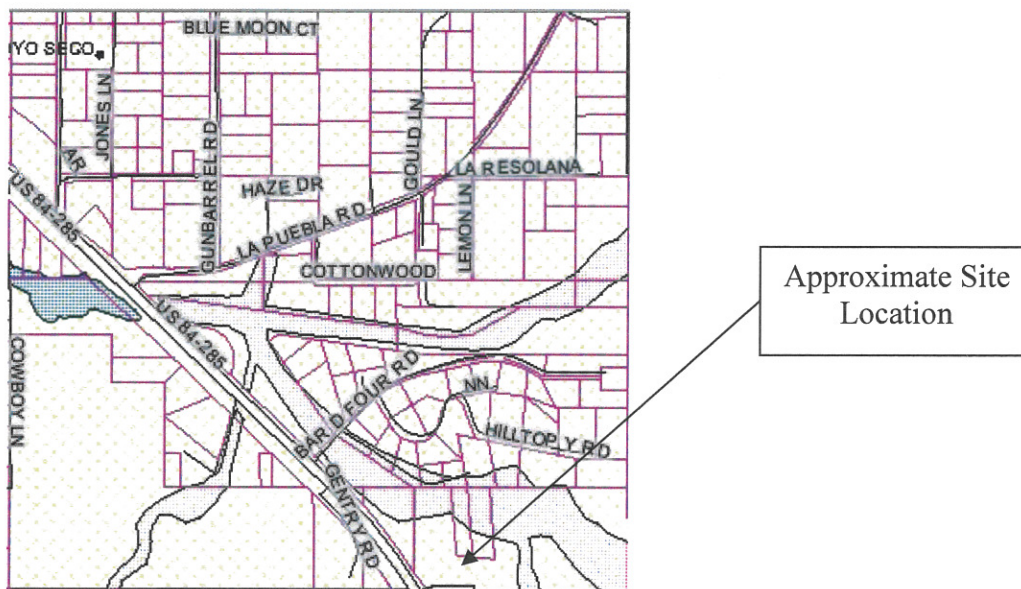
**FILE REF.:** CDRC CASE # V 12-5020 Helene Armijo Variance.

**ISSUE:**

Helen Armijo, 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 a Family Transfer Land Division of 15.46 acres into three lots.

The property is located at 7 Calle San Ysidro, in the vicinity of La Puebla, within Section 18, Township 20 North, Range 9 East, (Commission District 1).

**Vicinity Map:**



**REQUEST SUMMARY:**

The Applicant requests a variance to allow a Family Transfer Land Division of 15.46 acres into three lots. One lot consisting of 7.82 acres (Tract A-1), one lot consisting of 0.76 acres (Tract A-2) and one lot consisting of 6.57 acres (Tract A-3). Access to the proposed lots would be by the use of Calle San Ysidro a dirt road crossing a FEMA designated Special Flood Hazard Area, via an existing concrete low water crossing which may be frequently impassible during inclement weather, and thereby is not all weather accessible.

**On February 16, 2012, the County Development Review Committee met and acted on this case, the decision of the CDRC was to recommend denial by a 5-1 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 of the creation of three lots on 15.46 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 Arroyo Seco, minimum lot size per Code is 0.75 acres per dwelling unit. Proposal meets minimum lot size criterion.

**ACCESS:** Via low-water crossing, does not comply with minimum Code criteria.

**FIRE PROTECTION:** La Puebla Fire District.

**WATER SUPPLY:** Domestic Well

**LIQUID WASTE:** Conventional Septic System

|                       |                   |                       |
|-----------------------|-------------------|-----------------------|
| <b>AGENCY REVIEW:</b> | <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 per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk’s Office.
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
3. The Applicant shall comply with all Fire Prevention Division requirements.
4. A note must be placed on the Plat regarding the lack of all weather access to the subject lots. This note 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.

**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. Proposed Plat
9. Site Photographs
10. Aerial of Site and Surrounding Area

**V. ELECTION OF CHAIR AND VICE CHAIR**

Member Gonzales moved to retain Maria DeAnda as chair and Member Katz seconded that motion. With no other nominations Chair DeAnda was unanimously acclaimed chair.

Member Valdez moved that Member Gonzales be retained as vice chairman. Chair DeAnda seconded and J. J. Gonzales was unanimously elected vice chair by acclamation.

**VI. APPROVAL OF MINUTES: January 19, 2012**

Member Gonzales recommended that on page 12 the stop sign should be specified as being a four-way stop sign. On page 13, the speaker should be identified as Lily Tiarks. Member Martin suggested a grammatical change.

Member Martin moved to approve the minutes as amended. Member Katz seconded and the motion passed by unanimous [6-0] voice vote.

**VIII. NEW BUSINESS**

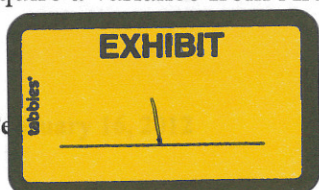
- C. **CDRC CASE # V 12-5020 Helene Armijo Variance. Helen Armijo, Applicant, requests a variance of Article III, § 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow a Family Transfer Land Division of 15.46 acres into three lots. The property is located at 7 Calle San Ysidro, in the vicinity of La Puebla, within Section 18, Township 20 North, Range 9 East (Commission District 1)**

Wayne Dalton gave the staff report as follows:

“The Applicant requests a variance to allow a Family Transfer Land Division of 15.46 acres into three lots. One lot consisting of 7.82 acres, Tract A-1, one lot consisting of 0.76 acres (Tract A-2) and one lot consisting of 6.57 acres (Tract A-3). Access to the proposed lots would be by the use of Calle San Ysidro a dirt road crossing a FEMA designated Special Flood Hazard Area, via an existing concrete low water crossing which may be frequently impassible during inclement weather, and thereby is not all weather accessible.

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

“Approval Sought: Approval of the creation of three lots on 15.46 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.’

“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.’

“The property is in the hydrologic zone of Traditional Community of Arroyo Seco, minimum lot size per Code is 0.75 acres per dwelling unit. Proposal meets minimum lot size criterion.”

Mr. Dalton said the application was reviewed for access, fire protection, water supply, and liquid waste. Additionally, the Flood Plain Administrator and Fire Marshal issued comments. *[Exhibit 1]*

Mr. Dalton said staff recommends 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 per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk’s Office.
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
3. The Applicant shall comply with all Fire Prevention Division requirements.
4. A note must be placed on the Plat regarding the lack of all weather access to the subject lots. This note 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.

Member Katz asked if the access was to the south of the property. Mr. Dalton said access is on the southwest corner of the property, off Calle San Isidro, which is off the frontage road, as is the property directly to the south.

Member Gonzales asked for clarification on the access/low water crossing issue. Mr. Dalton said the lot to the east does not have all-weather access. Member Gonzales asked how long the dip section has been there, and Mr. Dalton said the applicant would have better knowledge of that. Member Gonzales asked what would be required to avoid the necessity of asking for a variance. Mr. Dalton replied that construction of an all-weather crossing would be needed and approved by a professional engineers. Culverts would probably be involved.

Member Gonzales noted one of the lot appeared to be largely in the floodplain. Mr. Dalton said Tract A-1, which is 7.82 acres, is mostly in the floodplain and is the lot across the concrete dip section. He added the two western-most lots, Tracts A-2 and A-3, could be created administratively since minimum lot size is met. Buildable areas are marked on the map. Mr. Dalton identified Ms. Cobau is the Floodplain Administrator.

Ms. Cobau pointed out that this area was not remapped in FEMA's latest effort, so it has not changed.

Referring to Exhibit 6, Member Katz asked if the low-water crossing was on the applicant's property. Mr. Dalton said it was on a neighboring property owned by Joseph Armijo.

Member Drobnis asked why there was a condition requiring a one acre-foot per year water restriction. Mr. Dalton said that has nothing to do with the low water crossing, rather it is a standard condition imposed.

Duly sworn, Chris Armijo stated he was making the request on behalf of his mother and family. The property in question has been in the family and was initially a 20-acre parcel purchased by his father. A trust was created with the intent of providing all of the children with a piece of property. He noted the low-water crossing has been there since before 1996 and has been used with no problems by his brother who has a house on the other side of the crossing. Mr. Armijo said the Army Corps of Engineers made changes up stream so the arroyo doesn't run as full as it did 25 years ago.

Four of the siblings already have lots and two remain, he and a sister. He pointed out low-water crossings are used widely, even by the County itself. The cost of an all-weather crossing would be prohibitive - \$20,000 to \$50,000. The Corps of Engineers has provided information on erosion control through the use of gavions. He added the current crossing is well constructed.

Chair DeAnda asked how many residences use the low-water crossing. Mr. Armijo said currently it is only his brother and his family. Another brother lives to the south and wants to divide his property.

Member Katz recalled pictures of cars being swept away in arroyos and said this is a situation he wants to avoid. Recognizing that most of the time everything is fine but the Committee is charged with worrying about extreme circumstances. He urged doing research to find out how much water is likely to come through the arroyo, the likelihood of a flood, and to bring more information on how much improvements would cost.

Mr. Armijo alluded to improvements they have made to the current crossing and to the fact that they are well acquainted with the dangers of the arroyo. He said there hasn't been a problem there in the last 40 years. There is a crossing to the north, but that goes through the arroyo as well.

Member Katz said his concern was not so much with the family, who knows the arroyo, but for others who might be tempted to try their luck.

Mr. Armijo said it didn't seem fair that a struggling family would be required to take extraordinary measures when the County itself uses this type of crossing.

Referring to the Floodplain Administrator's negative report, Chair DeAnda asked Ms. Cobau what would be required to provide an analysis of expected flooding and what would Mr. Armijo need to provide. Ms. Cobau said he would need to hire a professional engineer to do a drainage analysis to quantify the variables. "The FEMA map could be wrong." She explained the usage of the term "100-year flood event." She pointed out that flood damage is more likely than fire damage to homes.

Chair DeAnda asked if more information were provided would staff take a second look, and Ms. Cobau said yes.

Mr. Armijo said he had not been aware of the need for more information, but professional engineers are expensive. He asked if Floodplain Administrator was a new position and was told it was not. He stressed that the crossing that's been in place since 1996 has served the family well and without incident.

Chair DeAnda asked about the Fire Marshal's report, and Mr. Armijo said he discussed the matter with the Fire Marshal and was told their hands are tied as far as making a positive recommendation.

There was no one from the public wishing to speak on the case.

Member Gonzales asked if the land with the crossing was owned by this brother and was told it was.



Member Martin asked if emergency access was an issue. Ms. Cobau said it was. Mr. Armijo said two emergency situations happening at the same time was a remote possibility.

Member Katz moved to deny the variance request in Case #V 12-5020, adding more information would be helpful. Member Drobnis seconded the motion. Member Drobnis noted that taking care of the situation now could prevent Mr. Armijo from having to put a notice on the plat.

The motion to deny carried 5-1 with Member Valdez voting against.

Mr. Dalton said this would go before the BCC on April 10, 2010. Ms. Cobau recommended that more information be gathered before that time.

**IX. PETITION FROM THE FLOOR**

None were offered.

**X. COMMUNICATIONS FROM THE COMMITTEE**

Chair DeAnda thanked the committee for re-electing her.

**XI. COMMUNICATIONS FROM THE ATTORNEY**

None were presented.

**IX. COMMUNICATIONS FROM STAFF**

Ms. Cobau announced Members DeAnda, Gonzales and Martin were reappointed at the February 14<sup>th</sup> BCC meeting.

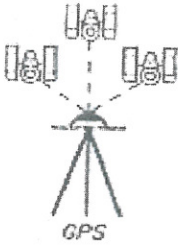
Ms. Cobau noted the new staff report format and asked for feedback. Reaction was mixed. Member Gonzales said there appear to be duplications. Member Martin said she would like to see acronyms explained.

Member Katz said he liked the new memo format and asked the committee be given the results at the BCC on the cases where they had made recommendations. Ms. Cobau said she would contact Kristine Mihelcic, the public information officer to ensure committee members are put on the emailing list for the summary.

The next meeting was scheduled for March 15, 2012.



# CORNERSTONE LAND SURVEYING



P.O. BOX 8348  
SANTA FE, NEW MEXICO 87504  
505-690-7010  
[nmls@cnspl.com](mailto:nmls@cnspl.com)

January 2, 2012

**TO: WAYNE DALTON**  
BUILDING & DEVELOPMENT SERVICES SUPERVISOR  
SANTA FE COUNTY LAND USE DEPARTMENT

**RE: VARIANCE OF ORDINANCE 2008-10**  
FAMILY TRANSFER/LAND DIVISION FOR THE JOE A. & HELEN M. ARMIJO REVOCABLE  
TRUST Plat of Record – Book 378 Page 13

Dear Wayne,

We are submitting herewith the enclosed documents for your consideration on the above captioned project. The purpose of this submittal is twofold, to seek a variance to Ordinance 2008-10 pertaining to all weather crossings, and to divide Tract A containing 15.46 acres into three tracts, Tract A-1 which will contain 7.82 acres, Tract A-2 which will contain 0.76 acres and Tract A-3, being the remainder, will contain 6.57 acres.

As is shown on the preliminary plat submitted with this application, there currently exists a concrete low water crossing on Tract A.

Should you have any questions regarding this submittal please do not hesitate to contact me.

Respectfully,

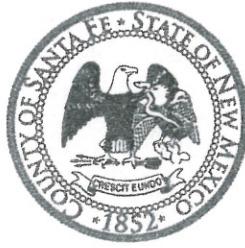
JEFFERY L. LUDWIG N.M.L.S.13054



**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:** February 8, 2011

**TO:** Wayne Dalton, Building and Development Services Department Supervisor

**FROM:** Shelley Cobau, CFM, Building and Development Services Department Manager,  
Floodplain Administrator

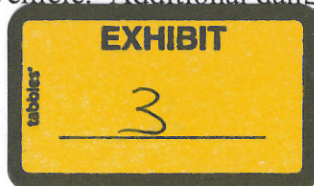
**REF.:** CDRC Case # V 12-5020 Helene Armijo Variance

---

The Applicant is requesting approval for creation of three new lots via the Family Transfer process. The lots will not be benefited by 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. Bar D Four and Sheriff Road, used to access the subject parcel, are 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. The Application states that the site is accessed by a concrete dip section, which does not provide dry access for emergency vehicles during storm events.
3. Section 5.11 (Basis for Approval or Denial) (E) states: "Approval or Denial of a Stormwater Management Analysis (none provided by applicant), that approval may not be given when certain relevant factors are present", including "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 in the dip section. 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.
4. 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 creation of a new lot(s) 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 is denied based on the lack of all weather access to the proposed new lots.**

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..

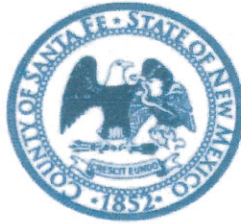
Should the BCC approve this case the following note should be placed on the Plat:

**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

|  |   |  |  |
|--|---|--|--|
| <b>Date</b>                                | 2/8/2012  |  |  |
| <b>Project Name</b>                        | Armijo, Helen   |  |  |
| <b>Project Location</b>                    | 18498 US 84/285 also known as Calle San Ysidro, Arroyo Seco |  |  |
| <b>Description</b>                         | Variance Request  | <b>Case Manager</b>                                      | Wayne Dalton                                       |
| <b>Applicant Name</b>                      | Helen Armijo  | <b>County Case #</b>                                     | 12-5020  |
| <b>Applicant Address</b>                   | P.O. Box 2084<br>Española, NM 87532                         | <b>Fire District</b>                                     | La Puebla  |
| <b>Applicant Phone</b>                     | 505-690-7010 (surveyor)                                     |  |  |
| <b>Commercial</b> <input type="checkbox"/> | <b>Residential</b> <input type="checkbox"/>                 | <b>Sprinklers</b> <input type="checkbox"/>               | <b>Wildland</b> <input type="checkbox"/>           |
| <b>Review Type</b>                         | <b>Master Plan</b> <input type="checkbox"/>                 | <b>Preliminary</b> <input type="checkbox"/>              | <b>Final</b> <input type="checkbox"/>              |
|  | <b>Variance</b> <input checked="" type="checkbox"/>         |  | <b>Hydrant Acceptance</b> <input type="checkbox"/> |
|  |   | <b>Inspection</b> <input type="checkbox"/>               | <b>Lot Split</b> <input type="checkbox"/>          |
| <b>Project Status</b>                      | <b>Approved</b> <input type="checkbox"/>                    | <b>Approved with Conditions</b> <input type="checkbox"/> | <b>Denial</b> <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

- The existing cement low water crossing does not meet the requirement of an all-weather driving surface; in that during flooding the cement crossing is inaccessible by emergency vehicles in the event of a fire or medical emergency. (*page #2*)

#### Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

▪ **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.*

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 20' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development.

The existing cement low water crossing does not meet the requirement of an all-weather driving surface; in that during flooding the cement crossing is inaccessible by emergency vehicles in the event of a fire or medical emergency.

▪ **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.

**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 denial.

*Victoria DeVargas, Inspector*

*Victoria DeVargas*  
Code Enforcement Official

2/8/12  
Date

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

File: NorthReg/DevRev/LaPuebla/ArmijoVAR.doc

Cy: Wayne Dalton, Land Use Office  
Jeff Ludwig, on Behalf of 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.



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

EXHIBIT

tabbles

5

V - 21

18

## 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