DATE: September 11, 2012

TO: Board of County Commissioners

FROM: Wayne Dalton, Building and Development Services Supervisor WD

VIA: Vicki Lucero, Building and Development Services Manager VL
Penny Ellis-Green, Interim Land Use Administrator PEG

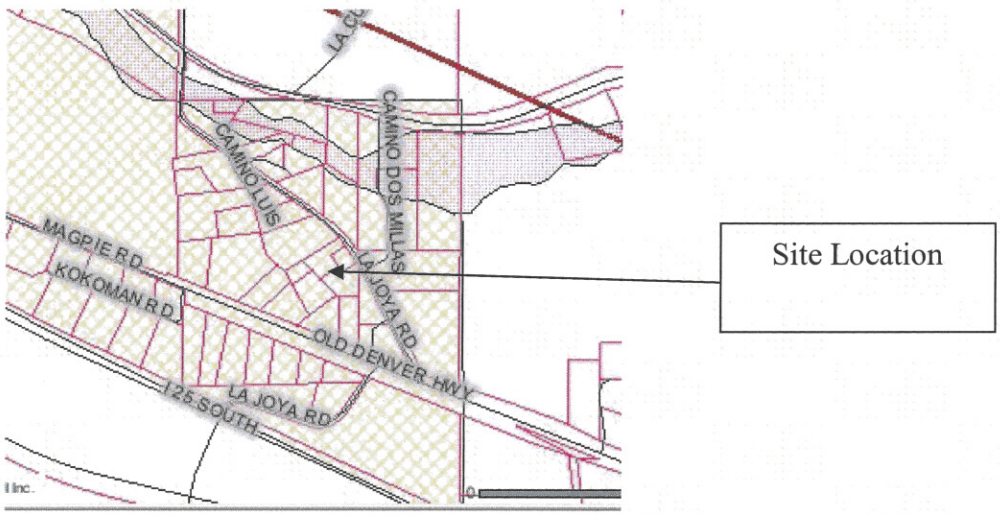
FILE REF.: CDRC CASE # V 12-5150 Victor & Patsy Roybal Land Division/Variance VL

ISSUE:

Victor and Patsy Roybal, Applicants, request approval of a Land Division of 1.56 acres into two lots; one lot consisting of 0.76 acres and one lot consisting of 0.80 acres. This request also includes a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on the proposed 0.80 acre lot.

The property is located at 38 La Joya Road, in the vicinity of Glorieta, within Section 2, Township 15 North, Range 11 East, (Commission District 4).

Vicinity Map:



SUMMARY:

The Applicants request approval of a Land Division of 1.56 acres into two lots; one lot consisting of 0.76 acres (Tract 1-A) and one lot consisting of 0.80 acres (Tract 1-B). This request also includes a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on the 0.80 acre Tract. In 1986, the property was divided through Warranty Deed which is not the correct process for creating lots. Staff recognizes this property as a single legal lot of record. There is currently one dwelling unit on the proposed 0.76 acre lot and two dwelling units on the proposed 0.80 acre lot, multiple sheds and a carport on the property.

The mobile home which is occupied by the Applicant's daughter (Proposed Tract 1-B) was permitted on March 3, 2004, (Permit # 04-263). At that time, a site plan and a Plat of Survey were submitted indicating a 1.6 acre parcel with an existing residence, and being that the property is located with the Traditional Community two homes were permitted. No record of permits have been found by staff for the other existing residence on the (Proposed Tract 1-B) or for the existing residence on the (Proposed Tract 1-A).

The Applicants state the second home is needed for their daughter who currently resides in the home. The Applicants daughter provides care and assistance for her mother who suffers from multiple medical conditions.

Article II, § 3 (Variances) states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified." **The variance criterion does not consider financial or medical reasons as extraordinary hardships.**

This Application was submitted on May 7, 2012.

On July 19, 2012, the CDRC met and acted on this case, the decision of the CDRC was to recommend approval of the Applicant's request by a 4-2 vote with 1 abstaining (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 a Land Division of 1.56 acres into two lots and a variance of Article III, § 10 (Lot Size Requirements to allow two dwellings on 0.80 acres. The request for the Land Division meets minimum lot size requirements;

however two dwellings on 0.80 acres would exceed density for the area.

GROWTH MANAGEMENT AREA: Galisteo, SDA-2

HYDROLOGIC ZONE: Traditional Community of Glorieta, minimum lot size per Code is 0.75 acres.

WATER SUPPLY: Glorieta Water Association

LIQUID WASTE: Conventional Septic System

VARIANCES: Yes

AGENCY REVIEW:

Agency	Recommendation
County Fire	Approval

STAFF RECOMMENDATION: **Denial of a variance from Article III, §10 (Lot Size Requirements) of the Land Development Code. Staff also recommends the second home be removed from the proposed Tract 1-B in order to process the Land Division Application administratively.**

If the decision of the BCC is to approve the Applicants request for a variance, staff recommends 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 1st 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 **(As per Article III, § 2.4.2.**
3. The Applicants shall provide an updated liquid waste permit from the New Mexico Environment Department with Development Permit Application **(As per Article III, § 2.4.1a.1(a) (iv).**
4. The Applicant must provide proof of permits or proof that the structures on the property are legal non-conforming. If the Applicant cannot provide proof that the structures are legal, than the Applicant must obtain After the Fact development permits **(As per As per Article II, § 4.5.2b Article II, § 2).**

5. The placement of additional dwelling units or Division of land is prohibited on the property **(As Per Article III, Section 10).**
6. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat review **(As per 1997 Fire Code and 1997 Life Safety Code).**

EXHIBITS:

1. CDRC Meeting Minutes
2. Letter of request
3. Article III, § 10 (Lot Size Requirements)
4. Article II, § 3 (Variances)
5. Site Plan
6. Proposed Plat of Survey
7. Site Photographs
8. Aerial of Site and Surrounding Area
9. Fire Prevention Review Letter

based on the code. He added the previous ordinance is slated for amendment since FEMA does not require all-weather access.

Member Katz asked what stage the planned amendment was in and Mr. Dalton said it was in preliminary stages.

Member Drobnis asked if FEMA had changed their requirements and Mr. Dalton replied they have not; the County requirements were traditionally more stringent and they are attempting to bring them in line.

Duly sworn, Timothy Armijo stated he is agreement with the conditions and wants to split the property for his kids.

Speaking for the Fire Department Captain Buster Patty explained the requirement for an all-weather crossing is not a FEMA requirement; it is a requirement of the 1997 Uniform Fire Code, as adopted by the BCC. If the proposal is approved the Fire Department can make additional recommendations, principally in this case residential sprinklering and a turnaround. Mr. Armijo has agreed to these recommendations.

Member Gonzales said his concern had to do with who has liability.

Member Drobnis asked if the provisions recommended were more stringent than in the previous case. Captain Patty said it is the same road. If the properties are separated by more than 150 feet there has to be an additional turnaround. Member Drobnis sought confirmation that following the anticipated amendment the code would be in conflict with the Uniform Fire Code. Mr. Dalton said that was the case, as is true in many other instances.

There was no one from the public wishing to speak.

Chair DeAnda moved to approve CDRC Case #V 12-5160 with staff conditions. Member Valdez seconded and the motion passed by unanimous [6-0] voice vote. [Member Anaya was not present for this action.]

VIII. B. <u>CDRC CASE # V 12-5150 Victor & Patsy Roybal Land Division/Variance</u>. Victor & Patsy Roybal, Applicant's, Request Approval for a Land Division of 1.56 Acres into Two Lots. This Request Also Includes a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on the Proposed 0.80 Acre Lot. The Property is Located at 38 La Joya Road, in the vicinity of Glorieta, within Section 2, Township 15 North, Range 11 East, Commission District 4

Mr. Dalton gave the following staff report:

EXHIBIT 1

"The Applicants request approval of a Land Division of 1.56 acres. This request also includes a variance of Article III, § 10. In 1986, the property was divided through Warranty Deed which is not the correct process for creating lots. Staff recognizes this property as a single legal lot of record. There are currently three dwelling units, multiple sheds and a carport on the property.

"The mobile home, which is occupied by the Applicant's daughter, proposed Tract 1-B, was permitted on March 3, 2004. At that time, a site plan and a Plat of Survey were submitted indicating a 1.6-acre parcel with an existing residence, and being that the property is located within the Traditional Community two homes were permitted. No record of permits have been found by staff for the other existing residence on the proposed Tract 1-B or for the existing residence on the proposed Tract 1-A.

"The Applicants state the second home is needed for their daughter who currently resides in the home. The Applicants' daughter provides care and assistance for her mother who suffers from multiple medical conditions.

"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."

Mr. Dalton stated staff was recommending denial of a variance from Article III, §10 (Lot Size Requirements) of the Land Development Code. Staff also recommends the second home be removed from the proposed Tract 1-B in order to process the Land Division Application administratively. If the decision of the CDRC is to recommend approval of the Applicants request for a variance, staff recommends 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 1st 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 (As per Article III, § 2.4.2.)
3. The Applicants shall provide an updated liquid waste permit from the New Mexico Environment Department with Development Permit Application (As per Article III, § 2.4.1a.1(a) (iv).
4. The Applicant must provide proof of permits or proof that the structures on the property are legal non-conforming. If the Applicant cannot provide proof that the structures are legal, than the Applicant must obtain After the Fact development permits (As per As per Article II, § 4.5.2b Article II, § 2).
5. The placement of additional dwelling units or Division of land is prohibited on the property (As Per Article III, Section 10).
6. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat review (As per 1997 Fire Code and 1997 Life Safety Code).

Member Katz asked for clarification of the recommendation to remove the second home and apply administratively. Mr. Dalton stated the application meets the density requirements since it is in the traditional community, however, Tract 1-B currently has two homes which brings it over maximum density. Were that not there the application could be processed administratively. The applicants are requesting a variance to allow the second home on that lot to remain.

Applicants Victor and Patsy Roybal were placed under oath. Ms. Roybal indicated when they put in the septic for her daughter's home they thought everything was legal. Mr. Roybal apologized for not getting the proper permits.

Mr. Dalton gave a history of the property, pointing out that Tract 1-A is owned by another owner. Although both owners were paying separate taxes, the warranty was not sufficient to legally split the original 1.56 acres.

[Member Anaya joined the meeting.]

Member Valdez asked when the house was built and Mr. Roybal said sometime in the 1970s.

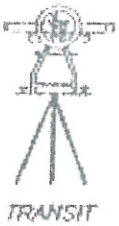
Member Drobnis asked about the non-conformance. Mr. Dalton said if the variance is received it would be deemed non-conforming. The mobile home has a permit but there is no record of a permit for the original home.

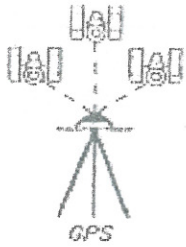
Ms. Roybal stated their neighbor has recently died and they are trying to purchase that property, demolish the structures currently there and move their daughter's mobile home to that property. Mr. Dalton noted there was no guarantee this would occur, or when it would occur.

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

Member Valdez moved to approve CDRC Case #V 12-5150 with conditions, including a condition that proof be provided of the original house's pre-1981 provenance. Mr. Dalton pointed out this was covered by condition #4. Member Gonzales seconded and the motion carried by 4-2 vote with members Drobnis, Gonzalez, Katz and Valdez voting in favor, Members Martin and DeAnda voting against, and Member Anaya abstaining.

Chair DeAnda advised the Roybals that the case would go before the BCC.





CORNERSTONE LAND SURVEYING

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SANTA FE, NEW MEXICO 87504
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May 7, 2012

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

RE: VARIANCE OF ARTICLE III SECTION 10 - FOR LAND DIVISION/LOT LINE ADJUSTMENT FOR VICTOR AND PATSY ROYBAL

Dear Wayne,

We are submitting herewith the enclosed documents for your consideration on the above captioned project. The purpose of this submittal is threefold, first, to seek a variance to Article III Section 10 of the current Santa Fe County Code, second, to divide Tract 1 containing 1.56 acres into two tracts, with Tract 1-A containing 0.76 acres and Tract 1-B containing 0.80 acres and three, to adjust the property line between proposed Tract 1-B and Lot B in order that Tract 1-B have access directly from La Joya Road without going through Lot B.

As shown on the preliminary survey plat submitted with this application, there currently exist two residences on proposed Tract 1-B, the reason for the variance.

The second residence, a mobile home, is provided to Patsy Roybal's daughter who takes care of Patsy, who requires care for multiple medical conditions. (see attached physicians letter)

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

Respectfully,

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

TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	1 per 1 employee plus per 200 sq. ft.
Restaurants, Bars	1 per 1 employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.
Small Scale Centers, Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.

9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.

9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History. 1980 Comp. 1980-6. Section 9, Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

SECTION 10 - LOT SIZE REQUIREMENTS

10.1 Relationship of Lot Sizes to Water Policies

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.

10.1.1 Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights

Applicants seeking a development permit may base their application on water rights authorized and permitted by the Director of Water Rights Division of the Natural Resources Department of the State of new Mexico, (with the exception of water rights permitted under Section 75-11-1 NMSA 1953 or 75-12-1 NMSA 1978). The applicant shall provide evidence that he/she owns or has an option to purchase the permitted water rights in an amount adequate to meet the needs of the development as shown by Article VII, Section 6.6.2, Water Budgets and Conservation Covenants. Any development permit approved and issued by the County shall be expressly conditioned upon the applicant obtaining final non appealable order or final non appealable approval from the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico authorizing the change in use and change in point of diversion to meet the needs of the proposed development. The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.

10.1.2 Water Policies Governing Lot Sizes Where Developments Will Not Utilize Permitted Water Rights

BASIN ZONE: Minimum lot size shall be calculated based upon ground water storage only. Water that is in storage beneath the lot in the Basin Zone may be depleted over a 100-year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water without consideration of recharge of the ground water.
BASIN FRINGE ZONE: Same as Basin Zone.

HOMESTEAD ZONE: Minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 100 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 100 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead Zone minimum lot sizes based on storage in this zone would be larger than those based on recharge.

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE: For Basin and Basin Fringe zones within a Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed. Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.

METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE: For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not

both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

10.2 Calculation of Minimum Lot Size

Calculation of the minimum lot size under Section 10.1.2 shall be determined by the formula:

$$\frac{\text{Acre Feet}}{\text{Use (Year) x acres}}$$

Minimum Lot Size (Acres)=Water Available in acre feet per acre/year

$$MLS = \frac{U \times acres}{A}$$

Where:
MLS is the minimum lot size in acres; it is the size of a lot needed to supply anticipated water needs.
U is the anticipated water needs for the lot; it is the use of water which will occur from the intended development of the lot, measured in acre-feet per year. The standard values listed for A were derived using the procedures set forth in the water appendix of the Code. The standard value for U is set forth in Section 10.2.2. A is the amount of water available in the acquifers which are beneath the lot, measured in acre-feet per acre per year using recharge or storage as described in 10.1.2.

10.2.1 Standard Values for A and Adjustments. The standard values for A shall be as follows:

BASIN ZONE:	0.1 acre-feet per acre per year
BASIN FRINGE ZONE:	.02 acre-feet per acre per year
MOUNTAIN ZONE:	.0125 acre-feet per acre per year
HOMESTEAD ZONE:	.00625 acre-feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

BASIN ZONE:	10 acres
BASIN FRINGE ZONE:	50 acres
MOUNTAIN ZONE:	80 acres
HOMESTEAD ZONE:	160 acres

The standard values of A may be adjusted if the applicant submits a hydrology report, either a detailed report (see Section 6.4 of Article VII), or a reconnaissance report (see Section 6.7 of Article VII). Values of A determined in such reports shall be reviewed by the County Hydrologist, who shall recommend to the Code Administrator whether or not

the value is reasonable, and if not, shall recommend a value appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1. However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development. The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall indicate the effect of each conservation measure of the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units; devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on in-coming water lines.

Any applicant who uses the application form as a basis for proposing conservation measures shall be allowed to reduce U in accordance with the effectiveness of the measures proposed. The maximum reduction in U which shall be considered achievable using this approach shall be a reduction of U to no less than 0.25 acre feet per year per dwelling unit. An applicant who proposes water conservation measures sufficient to reduce U to less than 0.25 acre feet per year per dwelling unit shall be required to prepare a water conservation report: See Section 6.6 of Article VII.

The actual value of U, and the minimum lot sizes which result, will depend on the conservation measures proposed by the applicant. In general, applicants who substantially restrict the use of irrigation (lawn and garden) water will be assumed to have a U of 0.5 acre feet per year per dwelling unit, while those who further restrict other types of water use will be assumed to require even less water. For reference purposes, the following lot sizes would be allowed if U is equal to 0.5 acre feet per year per dwelling unit.

BASIN ZONE:	5 acres
BASIN FRINGE ZONE:	25 acres
MOUNTAIN ZONE:	40 acres
HOMESTEAD ZONE:	80 acres

For reference purposes, the following lot sizes would be allowed if U is equal to 0.25 acre feet per year per dwelling unit.

BASIN ZONE:	2.5 acres
BASIN FRINGE ZONE:	12.5 acres
MOUNTAIN ZONE:	20 acres
HOMESTEAD ZONE:	40 acres

10.2.3 Special Standards for Calculation of Use for Small Scale Commercial Development
Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use. Applicants may use standardized values for A as set forth in Section 10.2.2, or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas
Special standards which set forth limitations on water availability for metropolitan areas shown in Code Map 12, 14, and 15 are set forth in this Sub-section.

a. Standard Values of Water Availability
Because the policy for water management in Metropolitan areas allows for depletion of storage over a 40 year period, standard values for A are as follows:

BASIN ZONE:	.25 acre feet per acre per year
BASIN FRINGE ZONE:	.05 acre feet per acre per year
MOUNTAIN ZONE:	.0125 acre feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

METRO BASIN ZONE:	4 acres
METRO BASIN FRINGE ZONE:	20 acres
METRO MOUNTAIN ZONE:	80 acres

b. Adjustments for Water Conservation
For the division of land into four (4) or less lots, the minimum lot size may be adjusted using the procedures set forth in Section 10.2.2. For reference purposes, the minimum lot sizes which result if U = 0.25 acre feet per year per dwelling unit or commercial use are:

BASIN ZONE:	2.5 acres
BASIN FRINGE ZONE:	5 acres
MOUNTAIN ZONE:	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

The minimum lot sizes calculated under Sections 10.1 and 10.2 shall not apply to the areas described in this Section and the minimum lot size contained in this Section shall control.

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

BASIN ZONE:	1 acre
BASIN FRINGE ZONE:	2.5 acres
MOUNTAIN ZONE:	5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:

14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:

1 acre - Where community water or community liquid waste disposal systems are utilized.

.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.

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.

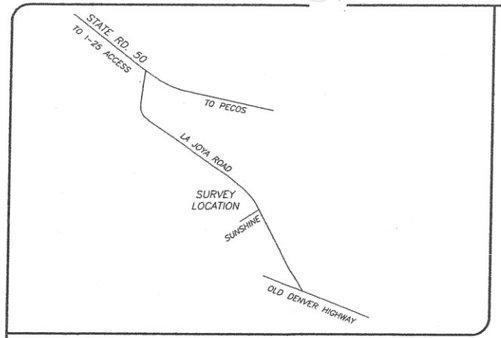
3.3 Granting Variances and Modifications

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

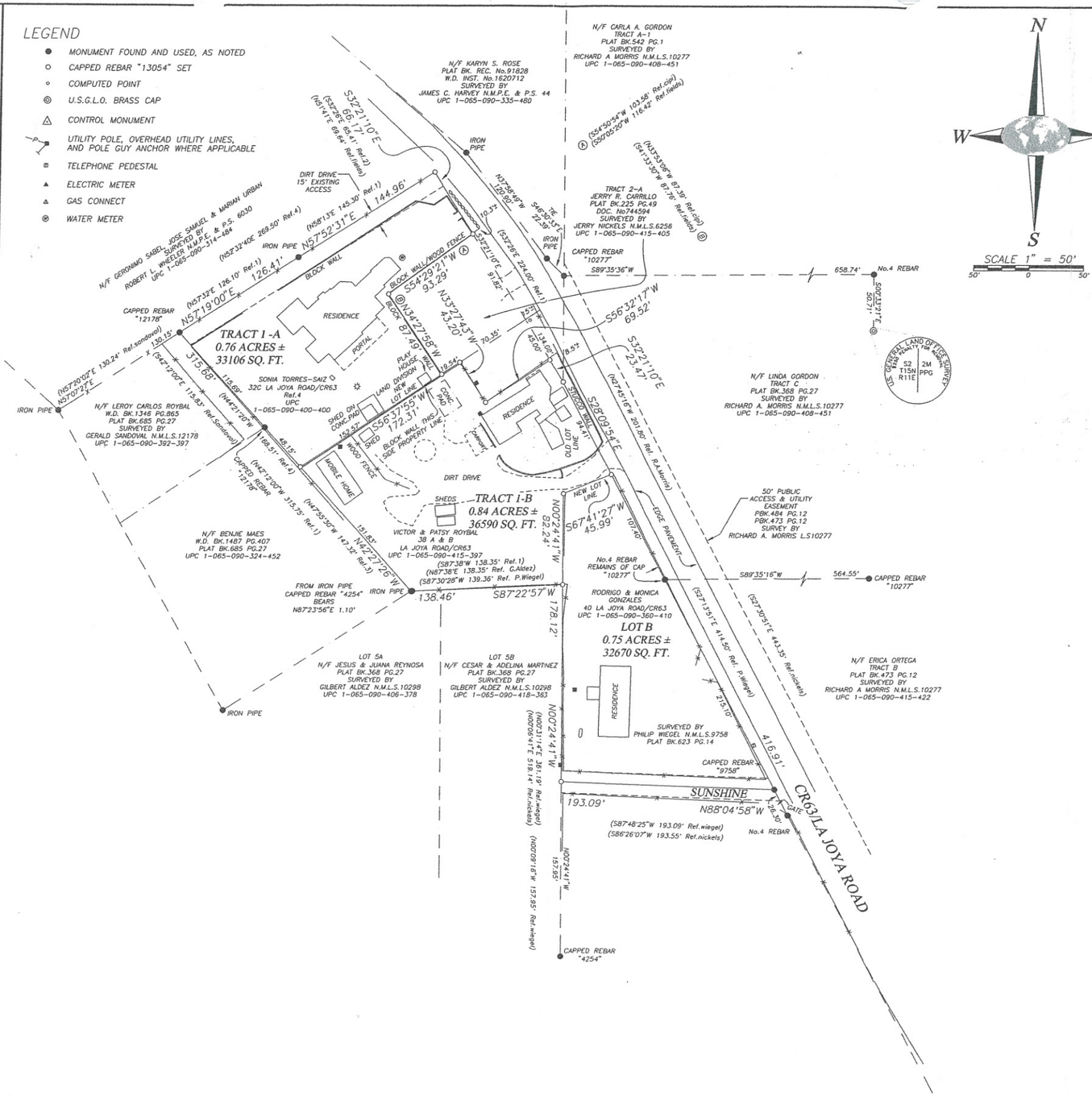
EXHIBIT 4



VICINITY MAP
NOT TO SCALE

LEGEND

- MONUMENT FOUND AND USED, AS NOTED
- CAPPED REBAR "13054" SET
- COMPUTED POINT
- U.S.G.L.O. BRASS CAP
- CONTROL MONUMENT
- UTILITY POLE, OVERHEAD UTILITY LINES, AND POLE GUY ANCHOR WHERE APPLICABLE
- TELEPHONE PEDESTAL
- ELECTRIC METER
- GAS CONNECT
- WATER METER



DEED–PLAT REFERENCES

1) REFERENCE A PLAT OF SURVEY TITLED, "PLAT OF SURVEY FOR WILLIE & SUSIE G. ROYBAL, WITHIN LOT 5, SECTION 2, T–15–N, R–11–E, GLORITA, SANTA FE COUNTY, NEW MEXICO," DATED 09/12/72 BY GEORGE RIVERA, N.M.L.S.3149 HAVING PROJECT No. B2–345 (UNRECORDED)

2) REFERENCE A PLAT OF SURVEY TITILED, "PLAT OF SURVEY FOR WILLIE & SUSIE G. ROYBAL, SAMUEL R. & LUPITA T. QUINTANA WITHIN LOT 5, SECTION 2, T–15–N, R–11–E, SANTA FE COUNTY, NEW MEXICO," DATED 11/08/82 BY CIPRIANO MARTINEZ, N.M.L.S.3995 AND FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 128, PAGE 57 AS DOCUMENT No.517289

3) REFERENCE A PLAT OF SURVEY TITILED, "BOUNDARY SURVEY FOR VICTOR ROYBAL, PORTION OF LOT 5, SECTION 2, T–15–N, R–11–E, N.M.P.M., SANTA FE COUNTY, NEW MEXICO," DATED 08/25/91 BY WILLIAM E. FIELDS N.M.L.S.1403 AND FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 280, PAGE 46

4) REFERENCE A PLAT OF SURVEY TITILED, "BOUNDARY SURVEY FOR WILLIE ROYBAL, PORTION OF LOT 5, SECTION 2, T–15–N, R–11–E, N.M.P.M., SANTA FE COUNTY, NEW MEXICO," DATED 03/12/92 BY WILLIAM E. FIELDS N.M.L.S.1403 AND FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 280, PAGE 46

5) REFERENCE A PLAT OF SURVEY TITILED, "PLAT OF BOUNDARY SURVEY FOR RODRIGO & MONICA GONZALES, TRACT A, WITHIN SECTION 2, T–15–N, R–11–E, N.M.P.M., SANTA FE COUNTY, NEW MEXICO," DATED 03/12/92 BY PHILIP WIEGEL N.M.L.S.9758 AND FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 623, PAGE 14

6) REFERENCE A WARRANTY DEED FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOOK 540 PAGE 298

7) REFERENCE A WARRANTY DEED FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOOK 623 PAGE 265

8) REFERENCE A WARRANTY DEED FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOOK 1010 PAGE 422

9) REFERENCE A WARRANTY DEED FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOOK 1279 PAGE 484

NOTES:

BASIS OF BEARING IS GEODETIC AZIMUTH BASED ON GPS OBSERVATIONS. ANY MONUMENTED LINE NOTED HEREON MAY BE UTILIZED AS A LOCAL BASIS OF BEARINGS.

BEARINGS ARE NM STATE PLANE CENTRAL ZONE – NAD83
DISTANCES ARE GROUND
COMBINED SCALE FACTOR 0.99958653

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS LAND DIVISION/LOT LINE ADJUSTMENT SURVEY PLAT AND THE FIELD SURVEY ON WHICH IT IS BASED WAS MADE BY ME OR UNDER MY PERSONAL DIRECTION AND CONTROL, AND THAT THE DATA SHOWN HEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS. FIELD WORK COMPLETED IN 08/2011.

PRELIMINARY – FOR REVIEW ONLY
05/06/2012

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

CONSENT AFFIDAVIT

KNOW ALL PERSONS BY THESE PRESENTS:

THAT THE UNDERSIGNED OWNERS AND PROPRIETORS HAVE REVIEWED THIS PLAT. SAID PLAT WAS PREPARED TO SHOW A LAND DIVISION/LOT LINE ADJUSTMENT. THE LAND DIVISION DIVIDES TRACT 1 INTO TWO TRACTS, TRACT 1–A, CONTAINING 0.76 ACRES AND TRACT 1–B CONTAINING 0.80 ACRES. THE LOT LINE ADJUSTMENT IS BETWEEN TRACT 1–B AND LOT B, ALL AS SHOWN HEREON. ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

VICTOR ROYBAL TRACT 1–B DATE

PATSY ROYBAL TRACT 1–B DATE

SONYA TORRES–SAIZ TRACT 1–A DATE

RODRIGO GONZALES LOT B DATE

MONICA GONZALES LOT B DATE

JERRY R. CARRILLO TRACT 2–A DATE

STATE OF NEW MEXICO)
COUNTY OF SANTA FE)

ON THIS_____DAY OF _____, 2012 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY THE PERSON(S) WHOSE NAME(S) APPEAR ABOVE.

NOTARY PUBLIC COMMISSION EXPIRES

COUNTY OF SANTA FE APPROVAL NOTES & CONDITONS

COUNTY LAND USE ADMINISTRATOR DATE

COUNTY DEVELOPMENT PERMIT No. _____

COUNTY RURAL ADDRESSING DATE

THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY & COUNTY OF SANTA FE, NM.

ACCORDING TO DFIRM MAP, PANEL No. 35049C 0600D, THIS PROPERTY LIES WITHIN DESIGNATED FLOOD ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

THE LOTS/BUILDABLE AREAS SHOWN HEREON HAVE SLOPES LESS THAN 15%

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS.

MAINTENANCE OF PRIVATE ACCESS ROADS AND UTILITY EASEMENTS AND/OR PRIVATE ROADWAYS IS NOT THE RESPONSIBILTY OF SANTA FE COUNTY, UNLESS DEDICATED AND ACCEPTED FOR MAINTANANCE BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT AND THE BOARD OF COUNTY COMMISSIONERS

SANTA FE COUNTY'S APPROVAL OF THIS SURVEY DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENT(S) OR ROAD(S), IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.

THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.

ALL DEVELOPMENT SHALL OCCUR WITHIN BUILDABLE AREAS IN ACCORDANCE WITH THE SANTA FE COUNTY LAND DEVELOPMENT CODE.

NEW DRIVEWAY/ROAD ACCESS FROM COUNTY ROAD 63/LA JOYA ROAD IS SUBJECT TO APPROVAL BY THE PUBLIC WORKS DIRECTOR. THE DIRECTOR SHALL APPROVE THE LOCATION AND INSTALLATION OF A CULVERT AS PERMITTED BY SANTA FE COUNTY

THE PARCELS AS PLATTED HEREON ARE SUBJECT TO ARTICLE VII, SECTION 3 OF THE SANTA FE COUNTY TERRIAN MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT.

COUNTY CLERK SEAL

COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed for record on the ____ day of _____ A.D. 20____ at _____ o'clock ____ m. and was duly recorded in book _____ page _____ of the records of Santa Fe County.
Witness my hand and Seal of Office
Valerie Espinoza
County Clerk, Santa Fe County, N.M.

Deputy

INDEXING INFORMATION FOR COUNTY CLERK

CORNERSTONE LAND SURVEYING
JEFFERY L. LUDWIG
N.M.L.S. No.13054
505-690-7010 CELL
505-471-5477 OFFICE
P.O. BOX 8348
SANTA FE, NEW MEXICO
87504

SECTION(s) PROJECTED	2
TOWNSHIP	T–15–N
RANGE	R–11–E
GRANT	NA
N.M.P.M.	

LAND DIVISION/LOT LINE ADJUSTMENT SURVEY PLAT
PREPARED FOR
VICTOR & PATSY ROYBAL
SONIA TORRES-SAIZ
JERRY R. CARRILLO
RODRIGO & MONICA GONZALEZ
COUNTY OF SANTA FE, NEW MEXICO

SCALE	1" = 50'
DATE	05/06/12
DRAWN-BY	LUDY
CHECKED-BY	LUDY
PROJECT No.	11–011LLA

EXHIBIT
6

16

Victor and Patsy Roybal

38A La Joya Road

EXHIBIT

7

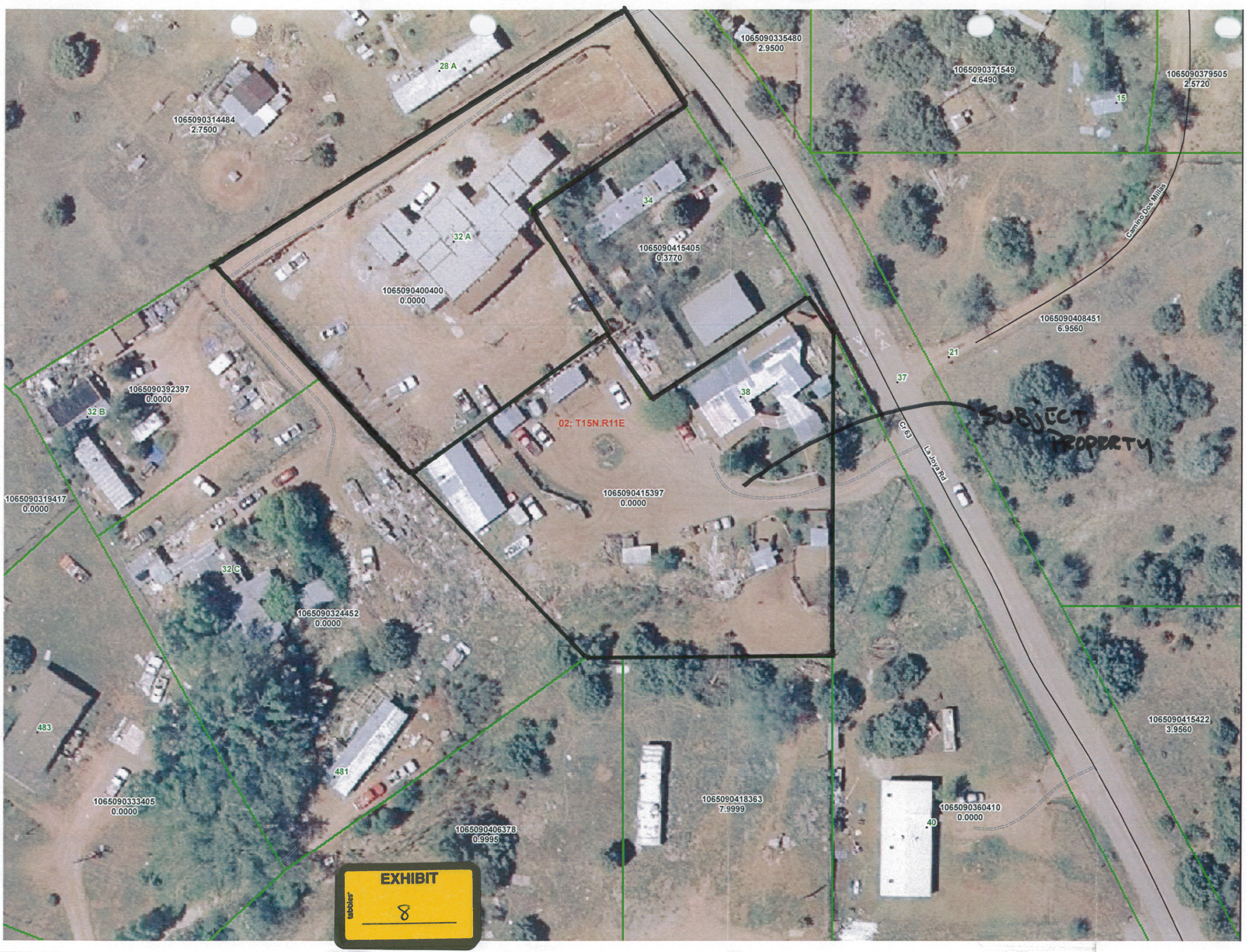
Victor and Patsy Roybal

38A La Joya Road

Victor and Patsy Roybal

38A La Joya Road

Map of Property in Santa Fe County



Legend

- driveways
- Minor Roads
- Major Roads
- Parcels 11/15/2010
- Section Lines

2011 FEMA Data

Draft Fema Data 2011

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

2008 FEMA Data

- 500 Year
- 100 Year

1:600

1 inch represents 50 feet

N
W E
S

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.

SANTA FE COUNTY

20

February 2, 2012

Santa Fe County Fire Department

Fire Prevention Division

Official Submittal Review

Date	8/24/2012		
Project Name	Victor & Patsy Roybal		
Project Location	38A La Joya Rd		
Description	Land Division/Variance and Lot Line Adjustment	**Case Manager**	Wayne Dalton
Applicant Name	Victor & Patsy Roybal	**County Case #**	12-5150
Applicant Address	HC 70 Box 426 Glorieta, NM 87535	**Fire District**	Glorieta Pass
Applicant Phone	505-690-7010		

Review Type

Residential ☒	**Sprinklers** ☐	**Commercial** ☐	**Hydrant Acceptance** ☐	
Master Plan ☐	**Preliminary** ☐	**Final** ☐	**Inspection** ☐	**Lot Split** ☒
Wildland ☒	**Variance** ☒			

Project Status **Approved** ☒ **Approved with Conditions** ☐ **Denial** ☐

The Fire Prevention Divison/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.

Fire Department Access

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

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

EXHIBIT 9

- **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 meet the minimum County standards for fire apparatus access roads of a minimum 14' feet wide all-weather driving surface.

- **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.*

- **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.*

Slope shall not exceed 11%.

- **Restricted Access/Gates/Security Systems**

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

- **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Urban-Wildland Interface

SFC Ordinance 2001-11, Urban Wildland Interface Code

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

- **Building Materials**

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

- **Location/Addressing/Access**

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

- **Vegetation Management**

Optional.

It is recommended that the development also have a vegetation management plan to establish fire-safe areas and to minimize the threat and occurrence of fire in the urban wildland interface areas. Assistance in details and information are available through the Fire Prevention Division.

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.

- **Permits**

As required

Final Status

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

Buster Patty

Captain, Fire Prevention

8-24-12

Date

Through: David Sperling, Chief/Fire Marshal

File: DevRev Glorieta Pass Victor & Patsy Roybal/8.24.12

Cy: Land Use Office
Applicant
File