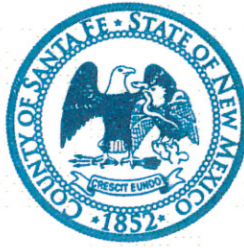


Daniel "Danny" Mayfield
Commissioner, District 1

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: 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*

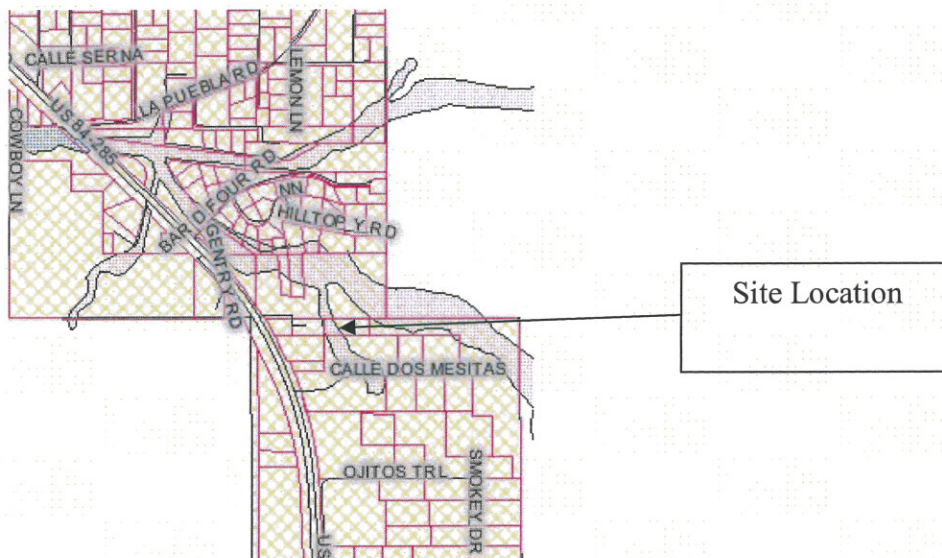
FILE REF.: CDRC CASE # V 12-5160 Timothy Armijo Variance

ISSUE:

Timothy 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 2.26 acres into two 1.13 acre lots.

The property is located at 19 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 2.26 acres into two 1.13 acre lots. 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.

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).

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"(Exhibit 7). **The variance criteria does not consider financial or medical reasons as extraordinary hardships**

This Application was submitted on 5/7/12.

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 6-0 vote (Minutes Attached as Exhibit 1).

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

APPROVAL SOUGHT: Approval of the creation of two lots on 2.26 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).

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.

FIRE PROTECTION: La Puebla Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic System

VARIANCES: Yes

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

STAFF RECOMMENDATION: Due to a previous decision by the Board of County Commissioners for approval of a Family Transfer Land Division which accessed the same low water crossing and a proposed amendment to Ordinance No. 2008-10 which would not require all weather access to properties, staff recommends approval of a variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and approval of a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) subject to 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 (As per Article III, § 10.2.2 and Ordinance 2002-13).
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 Applicant shall comply with all Fire Prevention Division requirements at time of Plat review **(As per 1997 Fire Code and 1997 Life Safety Code)**.
4. Further division of ether tract is prohibited, this shall be noted on the Plat (As per Article III, § 10).
5. 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 **(As per Ordinance 2008-10)**.

EXHIBITS:

1. CDRC Meeting 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. APPROVAL OF MINUTES: June 21, 2012

Chair DeAnda moved to approve the June minutes as submitted. Member Katz seconded and the motion passed by unanimous [5-0] voice vote with Member Martin abstaining and Member Anaya not present.

VI. CONSENT FINAL ORDERS

- A. CDRC CASE # MIS 12-5190 Kevin Hart Accessory Structure. Kevin Hart, Applicant, Requested Approval for a 3,750 Square Foot Accessory Structure to Be Utilized for Personal Storage on 2.5 Acres. The Property is Located at 17 Los Cielos Lane, in the Vicinity of La Cienega, within Section 27, Township 16 North, Range 8 East, (Commission District 3). Approved 6-0, Wayne Dalton**

Member Katz moved to approve and Chair DeAnda seconded. The motion passed by unanimous [6-0] voice vote. [Member Anaya was not present for this action.]

- B. CDRC CASE # MIS 12-5170 Eisenstein Height of Radio Antenna. Robert Eisenstein, Applicant, Requested Approval of a Non-Commercial Radio Antenna, to Be Constructed 43 Feet in Height, to Be Utilized for an Amateur Radio Station on 2.76 Acres. The Property is Located at 115 East Sunrise Drive, within Section 8, Township 17 North, Range 9 East, (Commission District 2). Approved 6-0, Jose E. Larrañaga, Case Manager**

Member Drobnis moved to adopt the findings of fact and Member Gonzales seconded. The motion passed by unanimous [6-0] voice vote. [Member Anaya was not present for this action.]

VII. OLD BUSINESS

- A. CDRC CASE # V 12-5130 Joseph & Anna Garcia Variance.**

This case was deferred pending the arrival of Member Anaya. [See page 7.]

VIII. NEW BUSINESS

- A. CDRC CASE # V 12-5160 Timothy Armijo Variance. Timothy Armijo, Applicant, Requests a Variance of Article III, Section 2.4.1a.2.b (Access) of the Land Development Code and a Variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Storm water Management) to Allow a Family Transfer Land Division of 2.26 Acres Into Two 1.13 Acre Lots. The Property is Located at 19 Calle San Ysidro, in the Vicinity of La Puebla, within Section 18, Township 20 North, Range 9 East, (Commission District 1)**

Mr. Dalton read the caption and gave the following staff report:



* “The Applicant requests a variance to allow a Family Transfer Land Division of 2.26 acres into two 1.13-acre lots. 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.

“The property is located in the Traditional Community of Arroyo Seco, and the lot size per code is 0.75 acres per dwelling unit. This proposal meets the minimum lot size criterion.”

Mr. Dalton said due to a previous decision by the Board of County Commissioners for approval of a family transfer land division which accessed the same low water crossing and a proposed amendment to Ordinance No. 2008-10 which would not require all weather access to properties, staff recommends approval of a variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and approval of a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) subject to 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 (As per Article III, § 10.2.2 and Ordinance 2002-13).
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 Applicant shall comply with all Fire Prevention Division requirements at time of Plat review (As per 1997 Fire Code and 1997 Life Safety Code).
4. Further division of ether tract is prohibited, this shall be noted on the Plat (As per Article III, § 10).
5. 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 (As per Ordinance 2008-10).

Member Gonzales asked for clarification of the BCC’s action on the previous case. Mr. Dalton explained that when that case came before the CDRC it was recommended for denial. The BCC overturned that recommendation. Member Gonzales asked about the plat note and asked about possible ramifications. Mr. Dalton stated the intent is to let potential buyers know the road is impassible in inclement weather.

Member Gonzales asked about the negative recommendations from the Fire Marshal and the Flood Plain Administrator. Mr. Dalton said their recommendations were

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 Drobni 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.

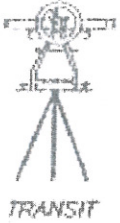
Member Drobni asked if the provisions recommended were more stringent than in the previous case. Captain Patty said it is the same road. If the properties are separated by more than 150 feet there has to be an additional turnaround. Member Drobni sought confirmation that following the anticipated amendment 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.

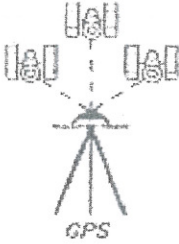
Chair DeAnda moved to approve CDRC Case #V 12-5160 with staff conditions. Member Valdez seconded and the motion passed by unanimous [6-0] voice vote. [Member Anaya was not present for this action.]

~~VIII. B. CDRC CASE # V 12-5150 Victor & Patsy Roybal Land Division/Variance. 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:



CORNERSTONE LAND SURVEYING



P.O. BOX 8348
SANTA FE, NEW MEXICO 87504
505-690-7010
nmls@cnspl.com

May 7, 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 TIMOTHY A. ARMIJO Plat of Record – Book 378
Page 14

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 Lot 2, which has an area of 2.26 acres into two lots, Lot 2-A and Lot 2-B, each lot having an area of 1.13 acres.

As is shown on the preliminary plat submitted with this application, there currently exists a concrete low water crossing on Tract 3.

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

Respectfully,

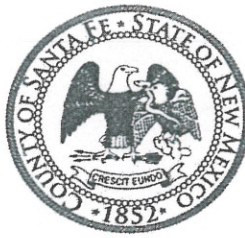
JEFFERY L. LUDWIG N.M.L.S.13054



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

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

Date	5/30/12		
Project Name	Armijo Timothy		
Project Location	Calle San Ysidro in Arroyo Seco		
Description	Variance request to Ordinance 2008-10	Case Manager	Wayne Dalton
Applicant Name	Timothy Armijo	County Case #	12-5160
Applicant Address	P.O. Box 2084 Española, NM 87532	Fire District	La Puebla
Applicant Phone	505-690-7010		
Review Type	Residential <input type="checkbox"/>	Sprinklers <input type="checkbox"/>	Commercial <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input checked="" type="checkbox"/>	
		Hydrant Acceptance <input type="checkbox"/>	Inspection <input type="checkbox"/>
			Lot Split <input type="checkbox"/>
Project Status	Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input checked="" type="checkbox"/>

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

Summary of Review

- 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 A. De Vargas
Code Enforcement Official

6/4/12
Date

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

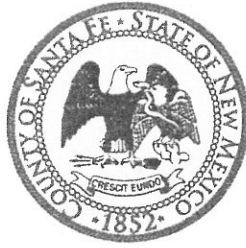
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Cy: Wayne Dalton, Land Use Office
Timothy Armijo, Applicant
District Chief
File

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: July 5, 2012

TO: Wayne Dalton, Building and Development Services Department Supervisor

FROM: Vicki Lucero, CFM, Building and Development Services Department Manager,
Floodplain Administrator *VL*

REF.: CDRC Case # V 12-5160 Timothy Armijo Variance

The Applicant is requesting approval for creation of two 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. Calle San Ysidro, used to access the subject parcel, is within a federally mapped Special Flood Hazard Area, Zone A. The Zone A designation indicates these areas will be inundated by floodwater during the 1% recurrence interval storm event, or 100-year storm. This area is unstudied by FEMA and depth, velocity and duration of inundation are not provided.
2. The Application states that the site is accessed by a concrete low water crossing, 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.

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.

EXHIBIT

tabbles

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III - 11

8.1.2 The Santa Fe County Master Plan For Roads

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

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

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

8.1.5 Coordination of Roads With Surrounding Property

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

8.1.6 Access to highways and arterials; buffering requirements

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

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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

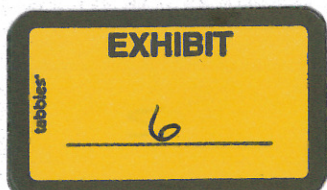
At no time shall a Floodplain Development Permit be issued for a new dwelling unit site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, modular home sites and modular home subdivisions where the site is:

- 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 of 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

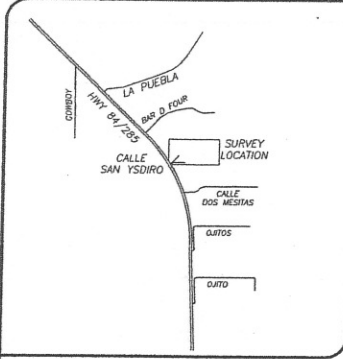
In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

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

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CONSENT/DEDICATION AFFIDAVIT

KNOW ALL PERSONS BY THESE PRESENTS:
 THAT THE UNDERSIGNED OWNER AND PROPRIETOR HAS REVIEWED THIS PLAT. SAID PLAT WAS PREPARED TO SHOW A LAND DIVISION/FAMILY TRANSFER OF LOT 2 WHICH CONTAINS 2.26 ACRES ±, ALL AS SHOWN HEREON LYING WITHIN THE COUNTY OF SANTA FE, NEW MEXICO. ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETOR. THESE LANDS LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, NEW MEXICO. MAINTENANCE OF THE ACCESS EASEMENTS AS SHOWN HEREON IS TO BE THE RESPONSIBILITY OF THE LAND OWNERS.

TIMOTHY ARMIJO _____ 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 _____

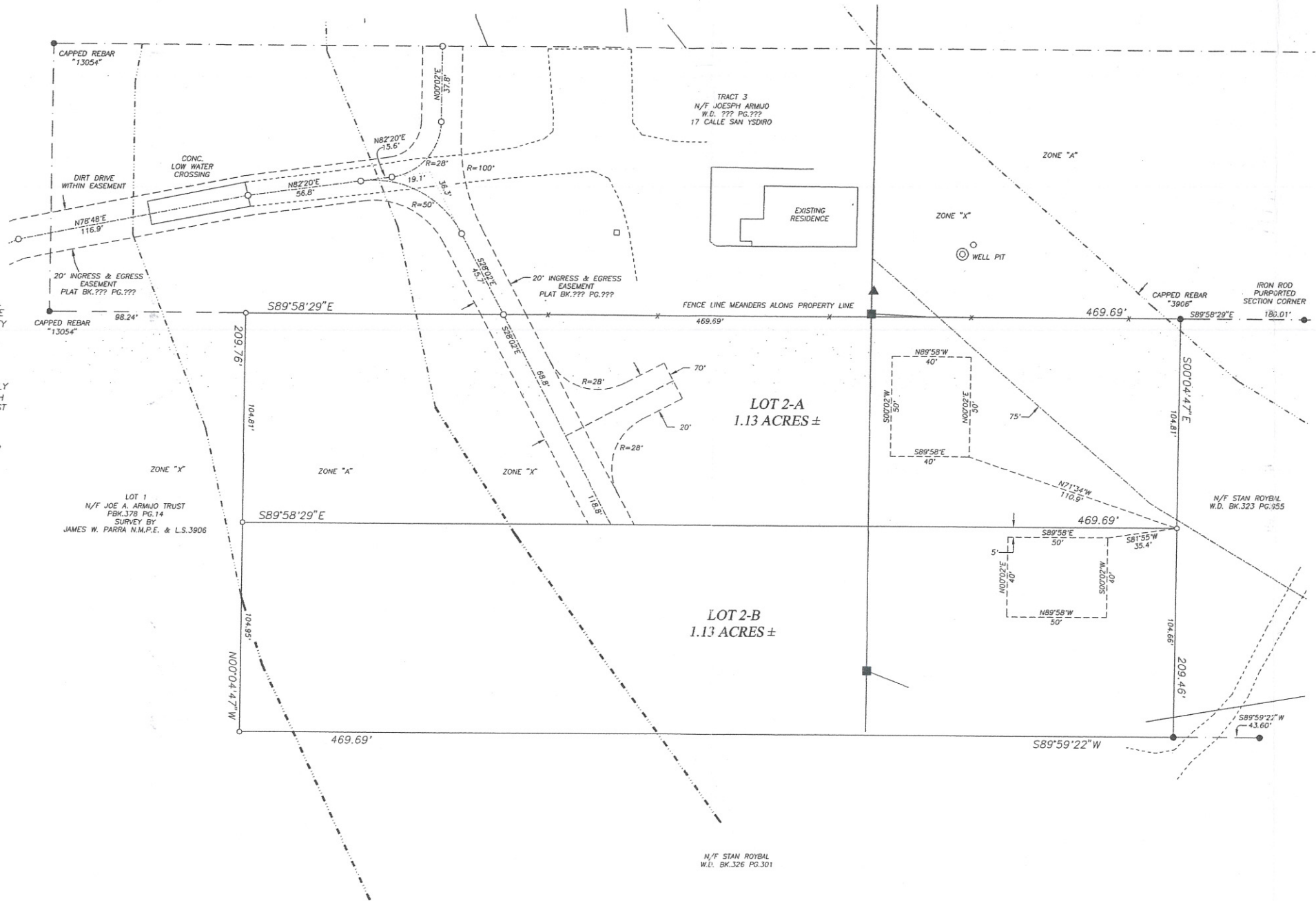
COUNTY OF SANTA FE APPROVAL NOTES & CONDITONS

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 DIRM MAP, PANEL No. 35049C 0135D, THIS PROPERTY LIES WITHIN THE DESIGNATED FLOOD ZONES "A" AND "X", ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ZONE "A" - NO BASE FLOOD ELEVATIONS DETERMINED
 THE LOTS/BUILDABLE AREAS SHOWN HEREON HAVE SLOPES LESS THAN 15%
 MINIMUM FLOOR ELEVATIONS FOR ALL STRUCTURES SHALL BE ONE FOOT OR MORE ABOVE THE ONE HUNDRED YEAR FLOOD ELEVATION.
 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 RESPONSIBILITY OF SANTA FE COUNTY, UNLESS DEDICATED AND ACCEPTED FOR MAINTENANCE BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT AND THE BOARD OF COUNTY COMMISSIONERS
 EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPEDED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST. DEVELOPMENT SHALL NOT IMPEDE HISTORIC FLOW RATES OR PATTERNS TO OR FROM THESE LOTS.
 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.

LEGEND/DEED-PLAT REFERENCES

- 1) REFERENCE A PLAT OF SURVEY TITLED, "FAMILY TRANSFER LAND DIVISION CREATED BY A FIVE YEAR EXEMPTION FOR JOE A. & HELEN M. ARMIJO, LYING AND BEING SITUATED WITHIN THE NE 1/4 OF SECTION 19, T-20-N, R-9-E, N.M.P.M., IN THE VICINITY OF ARROYO SECO, COUNTY OF SANTA FE, STATE OF NEW MEXICO," DATED 09/97 BY JAMES W. PARRA, N.M.L.S. 3905 AND FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 37B, PAGE 14
- 2) REFERENCE A PLAT OF SURVEY TITLED, "LAND DIVISION/FAMILY TRANSFER/LOT LINE ADJUSTMENT FOR HELEN M. ARMIJO, JOSEPH ARMIJO, JOE A. ARMIJO AND HELEN M. ARMIJO REVOCABLE TRUST OF TRACT A, NEAR THE COMMUNITY OF ARROYO SECO, COUNTY OF SANTA FE, NEW MEXICO," DATED ??/??/?? BY JEFFERY L. LUDWIG, N.M.L.S. 13054 AND FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK ???, PAGE ??? AS DOC. No.?????
- 3) REFERENCE A WARRANTY DEED FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOOK 1444, PAGE 933

- 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
- ☆ LIGHT POLE
- △ GAS CONNECT

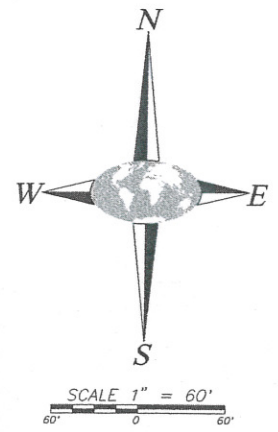


NOTES:
 BASIS OF BEARING IS GEODETIC AZIMUTH BASED ON GPS OBSERVATIONS. ANY MONUMENTED LINE NOTED HEREON MAY BE UTILIZED AS A LOCAL BASIS OF BEARINGS.
 BEARINGS ARE NM STATE PLANE CENTRAL ZONE - NAD83
 DISTANCES ARE GROUND
 COMBINED SCALE FACTOR 0.99963251

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS LAND DIVISION/FAMILY TRANSFER 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 SURVEYORS. FIELD WORK COMPLETED IN 12/2011.

PRELIMINARY - FOR REVIEW ONLY
 JEFFERY L. LUDWIG N.M.L.S. 13054 DATE 05-07-12



COUNTY OF SANTA FE)
 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 _____ of the records of Santa Fe County.
 Witness my hand and Seal of Office
 Valerie Espinoza
 County Clerk, Santa Fe County, N.M.
 _____ Deputy

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)	WITHIN
NE 1/4 S19	
TOWNSHIP	T-20-N
RANGE	R-9-E
GRANT	N/A
	N.M.P.M.

LAND DIVISION/FAMILY TRANSFER SURVEY PLAT	
PREPARED FOR	
TIMOTHY A. ARMIJO	
OF	
LOT 2	
NEAR THE COMMUNITY OF ARROYO SECO	
COUNTY OF SANTA FE, NEW MEXICO	
SCALE	1" = 30'
DATE	05/07/12
DRAWN-BY	LUDY
CHECKED-BY	LUDY
PROJECT No.	11-017FT





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