

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

April 18, 2013

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by J.J. Gonzales, on the above-cited date at approximately 4:05 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Juan José Gonzales, Chair
Susan Martin, Vice Chair
Maria DeAnda
Frank Katz
Manuel Roybal

Member(s) Excused:

Phil Anaya
Dan Drobnis

Staff Present:

Penny Ellis-Green, Growth Management Director
Wayne Dalton, Building & Development Services
Jose Larrañaga, Development Review Specialist
Rachel Brown, Deputy County Attorney
Karen Torres, County Hydrologist

APPROVAL OF AGENDA

Upon motion by Member Martin and second by Member Katz, the agenda was unanimously [5-0] approved.

IV. APPROVAL OF MINUTES: March 21, 2013

Member DeAnda moved to approve the March minutes as corrected. Member Martin seconded and the motion passed by unanimous [5-0] voice vote.

VII. NEW BUSINESS

- A. CDRC Case #Z/PDP 13-5060. Robert & Bernadette Anaya, Applicants, Talia Kosh, Agent, request Master Plan Zoning and Preliminary Development Plan approval for a commercial towing business as a Special Use under the Village of Agua Fria Zoning District Ordinance Use Table (Ordinance No. 2007-2). The request includes that Final Development Plan be approved administratively. The property is located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East, (Commission District 2)**

Case Manager Jose Larrañaga gave the staff report as follows:

“On August 14, 2012, the Board of County Commissioners approved a request, by the Applicants, for a variance to allow a towing business as a Special Use under Ordinance No. 2007-2, § 10.5, Village of Agua Fria Zoning District Use Table. A Special Use is an allowed use which is subject to Master Plan and Development Plan approval by the BCC. The use as a towing company falls under the category of Vehicle service not listed which is not allowed as a use as outlined in the commercial use category within the Traditional Community Zoning District.

“The Applicants request Master Plan Zoning and Preliminary Development Plan approval to allow a towing business on .33 acres \pm . The request is to allow the storage of eight tow trucks on the site. The Applicants propose to divide the existing .70 acre \pm parcel and create a .33 acre \pm lot to be utilized for the towing business. The other lot, which is where the Applicants currently reside, will remain as residential. The Applicant also requests that Final Development Plan be processed administratively.

“The Applicants state that there is a need for the tow trucks to be in close proximity to their residence is to be able to respond to any emergency calls in a timely fashion. The Applicants also state that they wish to utilize the .33-acre site to store personal recreational vehicles.

“Staff’s response: the .33-acre site shall maintain a hammerhead 60’ in length and 20’ in width, parking spaces for eight large tow trucks, and the circulation of these vehicles, landscape, retention ponds and a dumpster. The Applicants have not demonstrated where the personal recreational vehicles would be placed that would still allow them to maintain the site requirements for the towing business on .33 acres. To combine the placement of two recreational vehicles, one boat, two low-boy trailers and other personal vehicles with the proposed towing business may significantly hinder the business activity on the site. The Applicant has not submitted a circulation plan demonstrating internal vehicular circulation.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan: the Application is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in the Land Development Code.

“The review comments from State Agencies and County staff have established findings that this Application is in compliance with state requirements, Ordinance No. 2007-2 and Article V, § 5, Master Plan Procedures of the Land Development Code.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented do not support the request for Preliminary Development Plan: information of internal vehicular and pedestrian circulation, and ingress and egress has not been submitted; conceptual plan for outdoor lighting, including type, size, location of fixtures has not been submitted; the Application does not comply with Article V, § 7.1.2.e & § 7.1.2.j and Article III, § 4.4.”

Mr. Larrañaga stated staff was recommending conditional approval for Master Plan Zoning to allow the storage of eight tow trucks, to be utilized as a towing business, on .33 acres ±. If the decision of the CDRC is to recommend approval of the Applicants’ request for Master Plan, staff recommends imposition of the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c.
2. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
3. The Applicant shall comply with Ordinance No. 2007-2, § 10.6 (Density & Dimensional Standards).

Mr. Larrañaga added staff has deemed the request for Preliminary Development Plan incomplete due to non-compliance with Article V, § 7.1.2.e & § 7.1.2.j (Development Plan Requirements) and Article III, § 4.4 (Development and Design Standards). Therefore staff recommends denial of the proposed Preliminary Development Plan. Staff recommends that the Preliminary and Final Development Plan be presented to the CDRC for consideration after the recordation of the Master Plan.

Chairman Gonzales asked what “conditional” meant in the recommendation, and why the preliminary plan had to return to the committee. Mr. Larrañaga explained “conditional” referred to the conditions listed and successful compliance with review comments by the agencies involved. Once the conceptual master plan is approved the CDRC will get another look at the preliminary and final development plans. During initial agency review the circulation plan was deemed incomplete as to the arrangement of all the vehicles, and the lighting plan also needs further work.

Referring to a reference in the report to the lack of a business license, Member Martin asked if that had been obtained. Mr. Larrañaga stated that deficiency is what started the process and the initial Notice of Violation. At that point, since they did not meet the standards of the Agua Fria Ordinance they were required to come in with a master plan. Acquiring a business license will be the last step.

Member DeAnda asked about the parking requirements and Mr. Larrañaga indicated a circulation plan has been turned in but is incomplete. Member DeAnda asked if the Agua Fria Village Association has reviewed the plan. Mr. Larrañaga said the applicant presented this project to the AFVA on February 4th as required by the ordinance. Village Association President William Mee stated he preferred to not get involved.

In response to a question from Member Katz, Mr. Larrañaga said the applicants have submitted information about water and sewer services. The .33-acre lot already has water and sewer. The remaining third of an acre, being commercial does not have to meet density requirements but they will also connect to water and sewer.

Member Katz asked about the circulation and lighting. Mr. Larrañaga said the circulation plan was submitted too late to go into the packet and specifics of the lighting plan have yet to be submitted.

Talia Kosh, serving as legal counsel for the applicant stated they have worked with staff in detail on the remaining issues. It was agreed to return when the last issues were taken care of.

Duly sworn, Bernadette J. Anaya indicated it would be convenient to continue running the business the way they are. They intend to comply and do what needs to be done the right way.

Ms. Kosh said if they receive master plan approval today, by the time they get to BCC they will be able to get master plan approval, then return to the CDRC for preliminary and final development plan approval.

Mr. Larrañaga noted that the code states an application is supposed to return to the CDRC for approval of the more detailed plans.

There was no one from the public wishing to speak.

Member Katz moved to conditionally approve CDRC Case #Z/PDP 13-5060 master plan with staff conditions with the understanding preliminary and final would be presented at a later date. Member Martin seconded.

Attorney Rachel Brown said when the rest of the application is deemed complete it will come back to the CDRC. Land Use Administrator Penny Ellis-Green explained staff is allowed ten days to deem the submission complete and then there is a 30-day review

period. Legal notice has to take place, so the earliest the application could return would be in June.

The motion passed by a 4-1 voice vote with Member DeAnda casting the nay vote.

B. PETITIONS FROM THE FLOOR

None were presented.

C. COMMUNICATIONS FROM THE COMMITTEE

Member Martin said she would not be able to attend the next meeting.

D. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

E. COMMUNICATIONS FROM STAFF

. The next meeting was scheduled for May 16, 2013.

G. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at 4:30 pm.

Approved by:

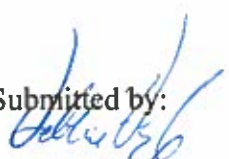
Juan Jose Gonzales, Chair
CDRC

ATTEST TO:

COUNTY CLERK

Before me, this ____ day of _____, 2013.

My Commission Expires: _____
Notary Public

Submitted by:

Debbie Doyle, Wordswork

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: May 16, 2013

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Commercial Development Case Manager

VIA: Vicki Lucero, Building and Development Services Manager ✓
Wayne Dalton, Building and Development Services Supervisor ✓ (for W)
Penny Ellis-Green, Land Use Administrator PEG

FILE REF.: **CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision**

ISSUE:

Cielo Colorado, LLC, Applicant, Jim Siebert, Agent, requests Master Plan Zoning approval for a 63-lot residential subdivision on 257.16 Acres ± within Tract 15A-2 of the Eldorado at Santa Fe Subdivision. The Applicant also requests approval to allow four cul-de-sacs (dead end roads) to exceed 500 feet in length. The property is located on the east side of US 285, off Camino Acote, within Sections 21 & 22, Township 15 North, Range 10 East (Commission District 4).

SUMMARY:

This case is being tabled, at the request of the Applicant, to continue an ongoing effort to work with the area residents on the proposed Master Plan.

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: May 16, 2013

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Commercial Development Case Manager *JEL*

VIA: Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*
Penny Ellis-Green, Land Use Administrator *PEG*

FILE REF.: **CDRC CASE # Z/PDP/FDP 13-5070 95-B Ranch Road Master Plan, Preliminary & Final Development Plan.**

ISSUE:

Paul Reynolds & Tamara Andrews, Applicants, Jenkins/Gavin, Agent, request Master Plan Zoning, Preliminary and Final Development Plan approval to allow an animal facility on 12.5 acres ±. The property is located at 95-B Ranch Road, within Section 21, Township 15 North, Range 10 East, (Commission District 4).

SUMMARY:

This case is being tabled, at the request of the Applicant, do to conflicts with the Applicants travel and work schedule.

NBA-1

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: May 16, 2013

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Commercial Development Case Manager

VIA: Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *VD*
Penny Ellis-Green, Land Use Administrator *PEG*

FILE REF.: CDRC CASE # V/Z/PDP 13-5080 Windmill Water Variance, Master Plan & Preliminary Development Plan

ISSUE:

Diana & Leon Richter, Applicants, Jim Siebert, Agent, request Master Plan Zoning & Preliminary Development Plan approval to allow a small scale commercial use consisting of a domestic water supply service. This request includes a variance of Article VII, Section 6.4.1d (Requirements for Water Availability Assessments). The Applicant also requests that Final Development Plan be approved administratively. The property is located at 2042 Old U.S. 66, near the Town of Edgewood, within Section 34, Township 10 North, Range 7 East, (Commission District 3).

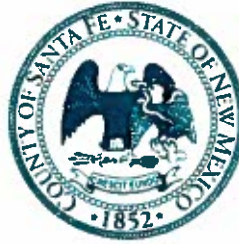
SUMMARY:

This case is being tabled so that Staff and the Applicant can resolve issues pertaining to water availability.

Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: May 16, 2013

TO: County Development review Committee

FROM: Vicente Archuleta, Development Review Team Leader ✓

VIA: Penny Ellis-Green, Land Use Administrator ✓
Vicki Lucero, Building and Development Services Manager ✓
Wayne Dalton, Building and Development Services Supervisor ✓ for WD

FILE REF.: CDRC CASE # 13-5100 Maria Espinoza Variance

ISSUE:

Maria Espinoza, Applicant, requests a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two (2) dwelling units on a proposed 1.17-acre lot and a variance of Article III, § 2.4.2b.3(a) (Roads and Access) to allow a twelve (12) foot driveway to access three dwellings on 3.67 acres.

The property is located at 4 Espinoza Lane, which is off of Camino del Rincon (SFC Road 84E), within Section 9, Township 19 North, Range 9 East (Commission District 1).

VICINITY MAP:



SUMMARY:

The Applicant requests a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on a proposed 1.17 acre tract (Tract A-2) and a variance of Article III, § 2.4.2b.3(a) (Roads and Access) to allow a twelve (12) foot driveway to access three dwellings on 3.67 acres.

The subject property consists of two legal non-conforming lots with four (4) dwelling units (Tract A – 3.39 acres more or less consists of 3 dwelling units and Tract B - 0.28 acres more or less consists of one dwelling unit). One dwelling unit was constructed on Tract A and one on Tract B prior to the Applicant acquiring the property. On Tract A, one mobile home was placed in the 1970's and the other was permitted in 1998. Two of the existing dwelling units were constructed twelve (12) feet to sixteen (16) feet from the east property line adjacent to the driveway, therefore limiting the width of the access easement and driving surface

Article III, § 2.4.2b.3(a) states: "All lots created under this section shall be provided with adequate access for ingress and egress, utility service, fire protection and emergency services whether by a road meeting county requirements constructed within an easement and utility easement or by direct access to a public right-of-way. All on and off-site roads shall meet the design standards for a local road (20 foot driving surface), except that the minimum width of any easement created for access purposes shall be no less than twenty (20) feet for access to two lots and no less than thirty-eight feet (38) feet for access to three or more lots."

The Applicant is in the process of a Family Transfer Land Division to create 3 tracts in order to be able to give real property to her children. The Family Transfer Application also includes a request for a lot line adjustment to increase the size of Tract B. The proposed Tract A-1 is vacant and will consist of 0.92-acres. This tract will be created to sell if the need arises. Tract A-2 will be 1.17 acres and consists of a residence and a mobile home which does not meet the minimum lot size for two dwelling units. The minimum lot size required for two dwellings is 1.50 acres. Tract A-3 will be 1.18 acres and consists of a residence and an accessory structure. Tract B, which consists of an existing dwelling and belongs to the Applicant's grandson, will be adjusted from 0.28 acres to 0.40 acres in order to incorporate a garage, which is currently on the Applicant's property.

The Applicant states: She is requesting the variance of the code to allow the mobile home to remain on the same tract as her residence (Tract A-2). The Applicant is 88 years old, a widow and has medical issues. The Applicant's daughter, who resides in the mobile home, is the person who sees to her care and daily needs. The Applicant's medical condition requires someone to be nearby at all times. The Applicant's daughter, who cares for her daily needs will be the recipient of Tract A-2.

Article II, § 3 (Variances) of the Santa Fe County Development Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the

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 criteria does not consider financial or medical reasons as extraordinary hardships**

The Application was submitted on April 5, 2013.

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 variance from Article III, § 10 (Lot Size Requirements) and Article III, § 2.4.2b.3(a) (Roads and Access) of the Land Development Code.

GROWTH MANAGEMENT AREA: El Norte, SDA-2

HYDROLOGIC ZONE: Traditional Community of Pojoaque, minimum lot size per code is 0.75 acres per dwelling unit.

FIRE PROTECTION: Pojoaque Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic System

VARIANCES: Yes

| | | |
|-----------------------|---------------|-----------------------|
| AGENCY REVIEW: | <u>Agency</u> | <u>Recommendation</u> |
| | County Fire | Denial of the request |

STAFF RECOMMENDATION: **Denial of a variance from Article III, Section 10 (Lot Size Requirements) and Article III, § 2.4.2b.3(a) (Roads and Access) of the Land Development Code.**

If the decision of the CDRC is to recommend approval of the Applicant’s request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 1.0 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 Restrictive Covenants 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). Prior to Plat Recordation, 2013 Property Taxes must be paid in full (as per SB 406)
3. Further division of land is prohibited and the placement of additional dwelling units is prohibited on Tract A-2, Tract A-3 and B-1 (as Per Article III, § 10).
4. 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).

EXHIBITS:

1. Letter of request
2. Aerial Site Plan and Surrounding Area
3. Proposed Plat
4. Article III, §10 (Lot Size Requirements)
5. Article III, § 2.4.2b.3(a) (Roads and Access)
6. Article II, § 3 (Variances)
7. Fire Marshal Letter
8. Site Photographs

Maria Espinoza
6 Espinoza Lane
Santa Fe, New Mexico 87506

April 3, 2013

Ms. Penny Ellis-Green
Santa Fe County
Land Use Administration
P.O. Box 276 – 102 Grant Avenue
Santa Fe, New Mexico 87504-0276

Dear Ms. Ellis-Green:

I am in the process of trying to subdivide my property as a family transfer to my children at 6 Espinoza Lane, Santa Fe County, NM. During this process, I was told that I would not be able to keep my house and my daughter's mobile home in the same 1.10 acre lot.

I am at this time, requesting a variance of the code to allow the mobile home to remain in the same lot. I am 88 years old, a widow, I live alone, and I've been diagnosed with congestive heart failure. My daughter who lives in the mobile home in question is the person who sees to my care and my daily needs. My medical condition requires someone to be nearby at all times.

I am also requesting a variance to allow the access road to my property to remain less than 20' wide. The narrowest width shown on my application is 12' in the area where two permanent residences have been situated since the early 1900's.

Sincerely,

Maria Espinoza
Maria Espinoza

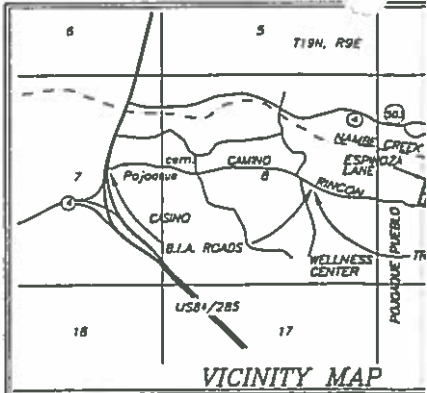


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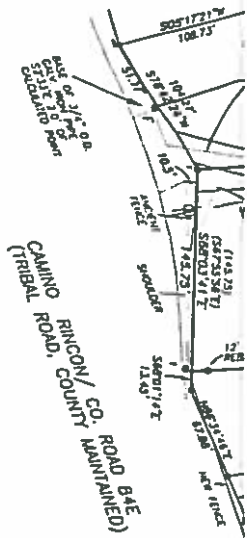


EXHIBIT
2
NBC-6

tabbles



VICINITY MAP



DEED REFERENCE DOCUMENTS

1. WARRANTY DEED ADAN ROYBAL TO ADAN ROYB
2. WARRANTY DEED ADAN ROYBAL TO PHILLY JOI
3. WARRANTY DEED EMILIO ROYBAL TO LUBIN L
4. TESTAMENT BY EMILIO ROYBAL TO LUBEN ESP
5. QUITCLAIM DEED IRENE SISNEROS TO LUBEN I
6. QUITCLAIM DEED MARIA SISNEROS TO LUBEN I
7. QUITCLAIM DEED ESPINOSA TO ESPINOSA BK.7
8. QUITCLAIM DEED MARIA SISNEROS TO LUBIN E
9. QUITCLAIM DEED LUBEN L AND MARIA J. ESP
10. WARRANTY DEED RAMON GARCIA TO BIATRIZ I
11. WARRANTY DEED RAMON GARCIA TO MELITON
12. WARRANTY DEED HEIRS OF JUAN ROYBAL TO PG.408.
13. WARRANTY DEED HEIRS OF JUAN ROYBAL TO PG.402.
14. WARRANTY DEED MANUELITA TRUJILLO TO MIL PG.404.
15. MORTGAGE ANTHONY & MARGARET SANCHEZ
16. JUDGMENT AND DECREE CASE NO. SF 78-11

AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) HAVE CAUSED TO BE DIVIDED THOSE LANDS SHOWN HEREON. THE SAID DIVISION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND TO EXISTING UTILITIES NOT SHOWN. OTHER EASEMENTS ARE GRANTED AS SHOWN. THIS DIVISION CONTAINS 3.67 ACRES, MORE OR LESS. THERE IS NO ROAD DEDICATION.

THIS DIVISION LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, N.M.

OWNERS OF TRACT A:

LONNIE ESPINOZA

STATE OF NEW MEXICO
COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME BY LONNIE ESPINOZA THIS _____ DAY OF _____ 20____

NOTARY PUBLIC

MY COMMISSION EXPIRES

LUBEN ESPINOZA

STATE OF NEW MEXICO
COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME BY LUBIN ESPINOZA THIS _____ DAY OF _____ 20____

NOTARY PUBLIC

MY COMMISSION EXPIRES

LEGEND

BEARINGS ARE GRID REFERRED TO THE NEW MEXICO STATE PLANE CENTRAL ZONE NAD83, DERIVED FROM SANTA FE COUNTY CONTROL MONUMENTS SF-18 AND SF-19 OBTAINED FROM SANTA FE COUNTY GIS BLUEBOOK CONTROL PROJECT DATED 1992. DISTANCES ARE GROUND, GROUND TO GRID SCALE FACTOR IS 0.999831244.

- DENOTES FOUND MONUMENT, AS SHOWN
- DENOTES REBAR, OR AS SHOWN SET
- DENOTES CALCULATED POINT NOT SET
- DENOTES BRASS CAP FOUND
- DENOTES OVERHEAD UTILITY LINE
- DENOTES FENCE

— DENOTES BOUNDARY OF LANDS DEALT WITH BY THIS PLAT INFORMATION OUTSIDE OF THIS BOUNDARY IS BACKGROUND INFORMATION ONLY, NOT VERIFIED FOR ACCURACY AND IS NOT PART OF THIS PLAT.

NOTES:

1. BOUNDARY DATA IN (PARENTHESIS) IS FROM PRIOR PLAT MENTIONED IN REFERENCE DOCUMENTS No. A.
2. THIS PLAT SUBJECT TO ANY RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY COMPLETED UNDER MY PERSONAL SUPERVISION ON THE 23rd DAY OF OCT., 2001. TO THE BEST OF MY KNOWLEDGE, THE SURVEY AND PLAT ARE CORRECT, TRUE AND MEET THE MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

EDWARD M. TRUJILLO

N.M.P.L.S. 12352

DATE

"TITLE AND INDEXING INFORMATION FOR COUNTY CLERK"

**FAMILY TRANSFER DIVISION
AND LOT LINE ADJUSTMENT**

PLAT PREPARED FOR
LONNIE ESPINOZA
AND
LUBEN ESPINOZA

SHOWING
TRACT A SHOWN ON SURVEY REQUESTED BY
ALFREDO A. ESPINOSA BY J.C. LUJAN PE & LS
3522, MAY, 1978.
WITHIN COMPLAINT J1, P.C. 325 OF THE
POJAOQUE PUEBLO GRANT, SEC. 9, T19N, R9E,
NMPH, COUNTY OF SANTA FE, NEW MEXICO.

PURPOSE: THIS PLAT CREATES ADDITIONAL RESIDENTIAL LOTS
BY FAMILY TRANSFER TRACT A UPC # 1-031-113-138-288



| 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

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

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 aquifers 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:

| | |
|---------------------------|------------------------------------|
| <u>BASIN ZONE:</u> | 0.1 acre-feet per acre per year |
| <u>BASIN FRINGE ZONE:</u> | .02 acre-feet per acre per year |
| <u>MOUNTAIN ZONE:</u> | .0125 acre-feet per acre per year |
| <u>HOMESTEAD ZONE:</u> | .00625 acre-feet per acre per year |

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

| | |
|---------------------------|-----------|
| <u>BASIN ZONE:</u> | 10 acres |
| <u>BASIN FRINGE ZONE:</u> | 50 acres |
| <u>MOUNTAIN ZONE:</u> | 80 acres |
| <u>HOMESTEAD ZONE:</u> | 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.

| | |
|---------------------------|----------|
| <u>BASIN ZONE:</u> | 5 acres |
| <u>BASIN FRINGE ZONE:</u> | 25 acres |
| <u>MOUNTAIN ZONE:</u> | 40 acres |
| <u>HOMESTEAD ZONE:</u> | 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.

| | |
|---------------------------|------------|
| <u>BASIN ZONE:</u> | 2.5 acres |
| <u>BASIN FRINGE ZONE:</u> | 12.5 acres |
| <u>MOUNTAIN ZONE:</u> | 20 acres |
| <u>HOMESTEAD ZONE:</u> | 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:

| | |
|---------------------------|-----------------------------------|
| <u>BASIN ZONE:</u> | .25 acre feet per acre per year |
| <u>BASIN FRINGE ZONE:</u> | .05 acre feet per acre per year |
| <u>MOUNTAIN ZONE:</u> | .0125 acre feet per acre per year |

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

| | |
|---------------------------------|----------|
| <u>METRO BASIN ZONE:</u> | 4 acres |
| <u>METRO BASIN FRINGE ZONE:</u> | 20 acres |
| <u>METRO MOUNTAIN ZONE:</u> | 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:

| | |
|---------------------------|-----------|
| <u>BASIN ZONE:</u> | 2.5 acres |
| <u>BASIN FRINGE ZONE:</u> | 5 acres |
| <u>MOUNTAIN ZONE:</u> | 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:

| | |
|---------------------------|-----------|
| <u>BASIN ZONE:</u> | 1 acre |
| <u>BASIN FRINGE ZONE:</u> | 2.5 acres |
| <u>MOUNTAIN ZONE:</u> | 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.~~

which cannot meet the terrain management performance standards shall not be further subdivided or replatted in a manner which creates an additional number of non-conforming lots or parcels. Additionally, lot line adjustments shall not result in a conforming lot becoming non-conforming based on terrain management performance standards.

2. Reviews

(a) Lot Size Requirement Review.

The Code Administrator shall review the application for compliance with the density regulations in Article II, Section 10 of the Code. If the application is for a Small Lot Inheritance Transfer or a Small Lot Family Transfer, the lot size standards in Article II, Section 4 shall apply.

(b) Special District Review

The Code Administrator shall review the location of the lots indicated on the plat and, if a lot is located in a Special Review District, pursuant to Article VI of the Code, will inform the applicant of any additional submittals or reviews required and make the applicable review.

(c) Environmental Review.

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

(d) Other Reviews

For summary review subdivisions, the Code Administrator shall review the disclosure statement to determine whether the subdivider can fulfill the proposals contained therein, and whether the disclosure statement is consistent with this Code.

3. Required Improvements and Standards

(a) Roads and Access - On-site and Off-site

(1) Except as provided below in paragraphs (6) - (9) of this Subsection, all lots created under this Section shall be provided with adequate access for ingress and egress, utility service, fire protection, and emergency services whether by a road meeting county requirements constructed within an easement and utility easement or by direct access to a public right-of-way. All on and off-site roads shall meet the design standards for a local road as set forth in Appendix 5.B.3, except that the minimum width of any easement created for access purposes shall be no less than twenty (20) feet for access to two (2) lots and no less than thirty-eight (38) feet for access to three (3) or more lots. However, for off-site roads the Code Administrator may reduce the road easement width to no less than twenty (20) feet if adequate drainage control is provided and may allow the road surface to be hard packed dirt with a compaction of ninety-five percent (95%) of the maximum density. All roadways and access shall be subject to the provisions of Section 10.207 of the Uniform Fire Code and to the policy established by the County Fire Marshal regarding fire apparatus access roads under Section 10.207. Provision of easements may also be accomplished by contiguous access easements

along property line of adjacent parcels or lots which, when added together, provide the total required width.

- (2) Roads serving two (2) or fewer lots may be treated as driveways and do not have to be constructed until the time of building construction. The number of driveways accessing a public road shall be minimized. The use of shared driveways is encouraged
- (3) When a tract to be developed borders an existing road having a right-of-way insufficient to conform to the minimum standards required by these regulations, which right-of-way will be used by the proposed development, sufficient right-of-way shall be platted, and dedicated or reserved in such a way as would make the resulting right-of-way or road conform with Code requirements.
- (4) The maximum grade of built roads shall be eleven percent (11%). Installation of culverts, where applicable, shall be required at intersections of driveways with County roads.
- (5) Road Construction and/or Road Cut Permits must be obtained if road or driveway construction is to precede any other development on any lot.
- (6) Divisions of land for grazing or farming as identified in Article II, Section 2.3.1.a.ii(c) are exempt from on-site and off-site road requirements.
- (7) Divisions of land that create no parcel smaller than one hundred forty (140) acres as identified in Article II, Section 2.3.1.a.ii(e) are exempt from on-site and off-site road requirements, except when more than one (1) such parcel is created in an area of land, the Code Administrator may require on and off-site road improvements.
- (8) Other land divisions as listed in Article II, Section 2.3.1.a.ii. (a) through (h) may be exempt from road construction standards at the discretion of the Code Administrator.
- (9) In addition to the requirements of this Section, summary review subdivisions shall meet the road improvements of Article V, Section 5.5.6.

~~(b) Other Off-Site Improvements~~

~~If the Code Administrator determines that it is necessary for health, safety, or welfare reasons, the applicant may be required to construct improvements to existing off-site facilities or to construct planned facilities or portions of planned facilities which can provide relief to existing facilities. The purpose of requiring such improvements is to assure that such facilities which may be negatively impacted, either individually or cumulatively, by the addition of new development, will function efficiently. For the purposes of this Section, off-site facilities include but are not limited to, water systems and sewer systems.~~

~~(c) Special Provisions for Family Transfer Improvements.~~

~~Off-site improvement requirements do not apply to lots created by Family Transfer for the first lot per immediate family member, Small Lot Family Transfer, or Small Lot Inheritance Transfer provided that the recipient does not sell or transfer such lot for three years from the time the plat is recorded. For second and subsequent lots and for lots sold or transferred by the recipient prior to such three year period off-site improvement requirements of this Code shall be met at the time of sale. For Family Transfers to be exempt~~

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



effect of the proposal in the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, and will do substantial justice. Additionally, no application for variance may be considered by the County Development Review Committee unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the County Development Review Committee may act on its own to grant or deny said application. Any permit or variance granted may be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

History. 1980 Comp. 1980-6. Section 3.4 is new material by County Ordinance 1984-3, adding an administrative procedure to height variation requests in airport overlay zones.

SECTION 4 - SPECIAL PROCEDURE FOR APPROVAL OF DEVELOPMENT ON LOTS WHICH DO NOT MEET LOT SIZE REQUIREMENTS OF CODE

4.1 Dwelling and Customary Accessory Structures

Dwelling and customary accessory structures may be erected on a lot which does not meet the lot size requirements of the Code, provided that:

- 4.1.1 The lot was in existence on the effective date of the Code (January 1, 1981) as demonstrated by the means listed in Section 4.4; or
- 4.1.2 The land is a lot which is part of a subdivision and the preliminary plat of the subdivision has been approved by the Board as of the effective date of the Code (January 1, 1981); or
- 4.1.3 The lot has been created by Small Lot Inheritance Transfer or Small Lot Family Transfer and the requirements of Section 4.3 of this Section are met.

4.2 Requirements of Code Not Involving Size of Lot

All other requirements of the Code including, but not limited to, building height, setback, use, design standards, environmental provisions, water restrictions, development, building and utility permits, and certificates of occupancy, as applicable, shall be met.

4.3 Small Lot Inheritance and Small Lot Family Transfer

Dwellings and customary accessory structures may be erected on a lot which does not meet size requirements of the Code and is being created by inheritance or family transfer, provided the definitions, restrictions and standards of this Section are met.

4.3.1 Purposes

- 4.3.1a To maintain local cultural values by perpetuating and protecting a traditional method of land transfer within families, especially within the traditional communities; and
- 4.3.1b To permit transfers of lots which do not meet the lot size requirements of the Code from grandparents, parents or legal guardians as a one time gift to a child or grandchild in order to provide a more affordable home site for these adult children.

Daniel "Danny Mayfield
Commissioner, District 1

Miguel Chavez
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 Development Review

| | | | |
|--------------------------|------------------------------------------------------|---------------------------------------------------|---------------------------------------------|
| Date | 5/7/13 | | |
| Project Name | Espinoza, Maria | | |
| Project Location | 10 Espinoza Lane in Pojoaque off of Camino de Rincon | | |
| Description | Density and Access Variance | Case Manager | V. Archuleta |
| Applicant Name | María Espinoza | County Case # | 13-5100 |
| Applicant Address | 10 Espinoza Lane Santa Fe, NM 87506 | Fire District | Pojoaque |
| Applicant Phone | 505-455-2325 | | |
| Review Type: | Commercial <input type="checkbox"/> | Residential <input type="checkbox"/> | Sprinklers <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"/> |
| Project Status: | Approved <input type="checkbox"/> | Approved with Conditions <input type="checkbox"/> | Denial <input checked="" type="checkbox"/> |
| | | | Inspection <input type="checkbox"/> |
| | | | Lot Split <input 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

- In the original review letter dated 2/19/13 it was stated that in the event of future development the access shall meet Santa Fe County Fire Department Access Road requirements of a minimum 20' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" and installation of an emergency vehicle turn-around within this type of development. (*page #2*)
- The original plans submitted did not show both residences located on the second lot (between lots A1 and B1). (*page #*)
- In the event the above access road requirements cannot be constructed additional fire protection shall be required or the property shall remain as-is "legal non-conforming" per the 1997 Uniform Fire Code, Article 9, Section 902.2.1 Exception 2. (*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.

Access to these properties is "Pre-Code, Legal Non-Conforming". In the original review letter dated 2/19/13 it was stated that in the event of future development the access shall meet Santa Fe County Fire Department Access Road requirements of a minimum 20' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" and installation of an emergency vehicle turn-around within this type of development.

The original plans submitted did not show both residences located on the second lot (between lots A1 and B1).

In the event the above access road requirements cannot be constructed additional fire protection shall be required or the property shall remain as-is "legal non-conforming" per the 1997 Uniform Fire Code, Article 9, Section 902.2.1 Exception 2.

▪ Street Signs/Rural Address

Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

▪ Slope/Road Grade

Section 902.2.2.6 Grade (1997 UFC) The gradient for a fire apparatus access road shall not exceed the maximum approved.

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

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

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

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 Development Plan DENIAL with the above conditions applied.

Victoria DeVargas, Inspector

Yickia DeYugas
Code Enforcement Official

5/7/13
Date

Through: David Sperling, Chief
Buster Patty, Fire Marshal *nb*

File: NorthReg/DevRev/Poj/EspinozaMariaVAR.doc

Cy: V. Archuleta, Land Use
Applicant
District Chief
File



ORANGE
MARKER

EXHIBIT
8
NBC-22



NBC-23





NBC-24



NBL-25



NBL-26



NBC-27