

**TRANSCRIPT OF THE
SANTA FE COUNTY
SLDC HEARING OFFICER MEETING**

Santa Fe, New Mexico

December 13, 2018

SFC CLERK RECORDED 01/10/2019

I. Call to Order

This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer meeting was called to order by Santa Fe County Hearing Officer Richard Virtue on the above-cited date at approximately 3:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Staff Present:

Vicki Lucero, Building & Development Services Manager
Rick Word, Assistant County Attorney
Jaome Blay, Fire Marshal
Jose Larrañaga, Case Manager, Commercial Development
Nathan Manzanares, Case Manager
Miguel Romero, Case Manager
John Lovato, Case Manager

II. Approval of Agenda

Vicki Lucero, Building & Development Services Manager, indicated that there were no changes to the published agenda and the Hearing Officer accepted the agenda.

III. Public Hearings

- A. **Case # SVAR 18-5230 Dawn Abriel, Applicant, Paul Mifsud, Agent, Request a Dimensional Standard Height Variance to Allow an Existing Residence to be 32'-6" (Feet) in Height. Table 9-14-4 Identifies the Max Height Allowance as 24 feet. The Applicant Intends on Installing Solar Collecting Roof Shingle Panels to Bring the Home into Compliance with the International Energy Conservation Code by Installing a New 35 Degree Pitched Roof. The Site is Zoned Rural Residential (RUR-R) within the San Marcos**

Community District Overlay (SMCD). The Site is Located at 22 Dutch Road, Within, Section 10, Township 14 North, Range 8 East, SDA-2 (Commission District 3). Nathan Manzanares, Case Manager.

[The Hearing Officer read the case caption as shown above and requested that staff present its report.]

NATHAN MANZANARES (Case Manager): Good afternoon, Hearing Officer Virtue. The property consists of 11 acres and is in the rural residential zoning district within San Marcos. The maximum height allowed in the rural residential zone in San Marcos is 24 feet. Currently there is an existing two-story residence with a flat pueblo style roof that is measured at 21 feet and an existing workshop on the property. The applicant intends to construct a pitch roof on the two-story portion of the home in order to provide insulation to the second story of the home. In addition, the applicant intends to install solar collecting roof panels. The applicant states that the optimum angle of the pitch of the roof slope needs to be 35 degree or roughly an 8 to 12 slope for the proposed solar collecting roof panels to capture the most sunlight. In order to achieve the desired slope of the proposed pitch roof, the max height of the new roof line will be 32 and one-half feet.

The applicant states that they are requesting a max height of 32 and one-half feet to allow the house to become more sustainable, lower utility bills, reduce energy consumption and ultimately eliminate her reliance on grid supplied utilities. Therefore, the applicant is requesting a variance of 8 and one-half feet to the Sustainable Land Development Code.

The applicant has addressed the variance criteria as contained in the report. Staff has analyzed that variance criteria provided by the applicant and find that no extraordinary or exceptional situational conditions exists for this proposed height variance. The applicant is not in strict compliance with the SLDC. The applicant can obtain a permit to repair or construct a new structurally sound roof to comply with the requirements set forth in Chapter 9.14.2, Table 9-14-4 which allows for structures to be 24 foot in height. The applicant could also repair the existing roof and install roof mounted solar arrays or install a ground mount solar system to be more energy conscious. The applicant could also request a minor deviation of 10 percent for allowable height for 26.4 feet per section 4.9.7.6 of the SLDC. In addition, the SLDC allows for an additional three foot allowance above the minor deviation allowance for a total height of 29.4 feet.

The applicant can have both a sustainable and energy efficient home on this tract without exceeding height limitations for this zoning district. Approval of this variance could set a precedent for future homes in this area. The height requirements were established through an extensive community planning process. Therefore, staff recommends denial of this variance request.

If the decision of the Hearing Officer is to recommend approval, staff recommends the imposition of the following conditions:

1. The development must comply with all other design standards of the SLDC and Chapter 9.14.2, Table 9-14-4.
2. The development must comply with Fire Prevention requirements and conditions.

3. The development must obtain development permits from the Santa Fe County before any construction can take place on property.

Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written recommendation. The Santa Fe County Planning Commission will be holding a public hearing on this matter on January 17, 2019.

Hearing Officer Virtue, I stand for any questions at this time.

HEARING OFFICER VIRTUE: Okay, thank you very much. I have no questions of staff at this point. I may have some later.

I would ask that anyone who wishes to testify on this matter please stand, identify yourself, name and address, and be sworn. So it would be the applicant, the applicant's representative and anyone who wants to testify for or against.

[The oath was administered to those individuals standing.]

HEARING OFFICER VIRTUE: Thank you. The applicant's representative may proceed at this point.

[Duly sworn, Paul Mifsud, testified as follows]

PAUL MIFSUD: Paul Mifsud, 1700 Paseo de Peralta. I'm the architect for the applicant.

Officer Virtue, it's more issues than just insulating the existing roof. There's exposed duct work on the existing roof that is infested with rodents and un-insulated and impossible to keep energy efficient to serve the home. And there's also a large amount of exposed south glazing on the house and it's impossible to provide sufficient overhangs without providing a pitched roof with tresses to provide overhangs on the south side. Those issues weren't addressed by County staff.

Also, if it was enclosed in a flat roof, low slope roof structure, foam insulation would have to be used to provide the necessary insulation to meet the International Energy Code and to properly heat the home. The client has problems with using insulation like that and it has a high greenhouse gas penalty in its production. Their major goal here is to decrease their carbon footprint and ultimately eliminate consumption of fossil fuels and choosing a building material like that would be contrary to their principal goals. These foams also produce deadly gasses in a fire and outgas for years and years. We don't want to be forced to choose these kinds of petroleum-based products. And the added expense is also an undue burden they feel.

The exposed duct work on the flat roof is extremely leaky and inefficient. Leaks are frequent, rodent problems are constant and they can't be insulated to high levels via foam. A flat roof would retain most of those problems with the ducting. The ducts would still be visible from adjacent lots. With a pitched roof all of that duct work can be inside the roof and they can achieve an R80 insulated value on their home.

That's pretty much my additional arguments.

HEARING OFFICER VIRTUE: Okay. I've got a couple of questions for you. Is there any possibility of reducing the slope of the pitched roof so that the height requirement is met? From reading the report it looks like you could go up to 29 and a half feet and still without a variance; is there any possibility you can do that?

MR. MIFSUD: Well, the way, I read the report it could only go up to 26 and a half feet the 29 and a half is for the solar panel.

HEARING OFFICER VIRTUE: Yes, that's correct.

MR. MIFSUD: So, no, I don't believe we can.

HEARING OFFICER VIRTUE: You can't do that?

MR. MIFSUD: No, it wouldn't provide enough space to house the ducts and provide the necessary insulation. It is possible that it could be, you know, lowered to 31 feet or so. So maybe there is a compromise but the 26 and a half will not work.

HEARING OFFICER VIRTUE: Okay. The staff refers to an option of using a ground-mount solar system; is that something that was considered? Would that help in terms of meeting the height requirements and still meeting your clients' goals?

MR. MIFSUD: The solar panels themselves don't seem to be the issue here. It is mostly the pitched roof providing the insulation and the overhangs to abate the summer sun and insult the HVAC on the house.

HEARING OFFICER VIRTUE: -- perhaps by not having the solar panels on the roof putting them on the ground might alleviate some of your concerns about the existing wiring and duct work and that sort of stuff.

MR. MIFSUD: The duct work can't move. The ceilings are already too low, you can't lower than anymore. They already have a ground based array but it's more of an issue of insulation and the duct work. The panels can encroach three feet without the variance and there may be additional reasons why they need the panels on the roof. The applicant can speak to that better than me.

HEARING OFFICER VIRTUE: Okay, those are all the question I have. We'll have the applicant speak at this point.

[Duly sworn, Derrick Roth, testified as follows]

DERRICK ROTH: My name is Derrick Roth. I live at 22 Dutch Road. I am married to Dawn Abriel who is listed on the variance request.

There are many things I don't know about the regulations and rules so I may not address things in exactly the right way but my observation is that this whole area is a very diverse neighborhood. There are many houses built presumably before any code enforcement exists. Many of those houses, including the one that we are in, have design flaws. There are some beautiful, magnificent, intelligently designed homes. There are many funky falling apart homes that need help. The home for which Dutch Road is named has a section that is over three-stories with a pitched roof, presumably from ancient history. I don't know where this 24 foot regulation came in. It isn't in the International Residential Code and one thing that impresses me is that for decades this country has tried to have consistent codes across the country and we have succeeded. The International Residential Code applies almost everywhere although variations can be introduced on top of it but that code says three stories for a residence is a maximum. This 24 foot requirement means that three stories is impossible.

One of the most common forms of house in anywhere is two stories with a pitched roof. There are some of those in the San Marcos area. But this regulation says, No, you can never build another one. That seems strange to me. It is very frustrating to me because I want this house to be a lovely house and efficient house. A house that fits with New Mexico historical and cultural norms. And, although, I certainly grant that some things can be attained with a flat, industrial, foam roof, it feels to me that that's going to make our house look totally odd. A pueblo-style adobe appearance with a Wal-Mart style flat or nearly flat roof. It just doesn't make sense to me. Visually, I think it would be a step backwards rather than a step forwards.

If we are granted the variance our roofline would be lower than the roofline of our immediate neighbors to the north and to the south. It would be roughly the same as our immediate neighbor to the east and that's because our house is situated substantially lower than any of these other houses. I don't know again the reason why this number was come up with but in terms of lacking views or protruding into the skyline or any of those things, we would be more concealed than the majority – well, half of our neighbors, not all of them. There are certainly some houses that are lower in the area as well.

The final thing that I don't think has been mentioned is that we have great views particularly to the west and the northwest. Those views we have to block for about half the year by pulling down the shades because the sun from the west is so severe and as our representative mentioned the south and that is important. But the west is even more important. We just can't even open the windows. We can't even look out through these beautiful glass windows through roughly half the day and half the year; in fact, more than half the day for half the year. I think this house would be more valuable, more interesting, more attractive and more of an asset to the whole neighborhood if it was allowed to have a traditional northern New Mexico style pitched roof and the traditional northern New Mexico appearance of adobe walls. It would be very harmonious appearance. It would be much more attractive than the exposed duct work which is now the first thing you see when you are near the house. And it hasn't been opposed by any of our neighbors at the public meetings looking for neighborhood input.

Those are the things in my mind right now.

HEARING OFFICER VIRTUE: Okay, thank you very much. I have some questions about options that were considered and this may be appropriate for Mr. Mifsud. I heard you say that the foam roof is the only option available if you were to leave it flat. Did you look at other options that were technically feasible, did they cost too much? Why is the foam roof the only option? I think that's what I heard you say.

MR. MIFSUD: Because of the height that is the allowable 24 foot height. The structure has to be replaced to do anything to the roof. The structure would have to be replaced with thicker joists to allow the duct work to be insulated inside below the roof deck. So it could not be achieved without doing high density polyurethane or polyisocyanurate foam to get the required energy rating on the insulation.

HEARING OFFICER VIRTUE: So it's a height issue?

MR. MIFSUD: Yeah.

HEARING OFFICER VIRTUE: That's the only thing you can use to still stay within the 26 and a half foot height restriction?

MR. MIFSUD: Yeah. We will be forced to use dense foam insulation to meet the energy code and fit the ducts in their as well. The structure has to be replaced to put anything on the roof and to insulate it at all. It currently has no insulation.

HEARING OFFICER VIRTUE: Yes, I understand that from the report. Okay, thank you very much. Are there any other persons who wish to speak for or against this application? Okay, seeing none, I'll just ask the staff if they want to respond to any of the comments of the applicant concerning the complications of staying with a flat roof?

MR. MANZANARES: Hearing Officer Virtue, I don't believe that staff has any further comments on the matter.

HEARING OFFICER VIRTUE: Okay. Thank you all very much. With that, I will declare this public hearing at an end and I will submit a written recommendation within 15 days. Thank you.

- B. Case # SVAR 18-5220 Phyllis Perry, Applicant, Don Briggs, Engineer, Request Variances of Chapter 7, Section 7.17.10.4.1, (Roads And Driveway Shall Not be Designed or Constructed on Slopes of Over Twenty-Five Percent (25%), Chapter 7, Section 7.17.10.4.2, (More Than (3) Isolated Occurrences of up to One Thousand (1,000) Square Feet, Chapter 7, Section 7.11.3.5.1, (All Development, Including Roads, Buildings, Parking Areas, and Driveways Shall be Located so as to Minimize Areas of Cut and Fill), Chapter 7, Section 7.11.3.5.2, (Cut and Fill Slopes Combined Shall not Exceed 20 Feet.) Chapter 7, Section 7.11.11.5.1 (Off-Site Road Improvements.) The Property is Zoned Rural Fringe (RUR-F). The Site is Located at 45 Mariposa Rd. Within the Vicinity of Cedar Grove, NM Within Section 9, Township 11 North, Range 7 East, (Commission District 3)**

[The Hearing Officer read the case caption as shown above and requested that staff present its report.]

MR. MANZANARES: Hearing Officer Virtue, the applicant is requesting multiple variances to construct a 3,100 linear foot driveway for a new build site for a new residence atop of their property. The applicant has submitted alternative driveway scenarios to staff in accordance with staff recommendation prior to the initial site inspection that was held by staff. The applicant's engineer had also provided pre- and post-drainage narratives and a drainage analysis based on the three water basins located within the applicant's property.

Staff has analyzed the proposed alternative driveway scenarios and drainage information and concluded with the applicant that the original driveway scenario presented at TAC is the least impactful on the rugged mountain terrain and will ultimately cause the least amount of scarring to the mountainside and save a large number of significant trees.

Staff conducted a preliminary site inspection with the Santa Fe County Fire Marshal on August 8, 2018 and determined that the existing driveway claimed by the applicant is more of an old foot trail along an existing drainage channel that is starting to reclaim itself with natural vegetation. Staff also concluded that the proposed project would require a total four variance requests. Staff has determined that the only buildable area for the property is located on the top of a mesa portion of the property where the applicant is proposing a house site. An area located at the bottom of the property is not as steep; however, this area has a gully and is located alongside a natural drainage area. The applicant has provided drainage analyses and watershed data for the three basins located within their property. In order for this less steep area located at the bottom of the property to be considered buildable the applicant would also need to meet the required drainage setbacks. Meeting these required drainage setbacks for the less steep area would

increase slope disturbance and cause a significant scarring along the mountainside. Therefore, staff does not recommend development in this less steep area.

Staff wants to clarify one of the variances that was proposed for the offsite road improvements. Upon further review and completion of our recent site inspection conducted by staff after noticing was done by the applicant, staff determined that the applicant is not required to seek a variance of Chapter 7, Section 11.11.5.1 for offsite road improvements.

On December 13, 2016 the Santa Fe County Board of Commissioners adopted Ordinance 2016-07 amending and restating in its entirety the section pertaining to road improvements to existing roads that are in construction prior to the adoption of the SLDC. Staff has determined that the private roads located on Lower Mountain Road and Mariposa Road meet the requirements of 12-foot in width and are under 18 percent in grade, in conjunction the Santa Fe County Fire Marshal approval. The Santa Fe County Fire Marshal will support this request if the applicant ensures that the staff recommendation for a financial guarantee and that the grade of all offset roads within the proposed driveway will meet under 15 percent slope and that it is 14 feet in width.

Hearing Officer Virtue, upon reviewing the applicant's proposal and multiple site inspections, staff has concluded that the applicant's property is unable to be developed under strict adherence to the SLDC terrain management regulations set forth to the SLDC. Staff finds the applicant has taken the correct steps in planning ahead for her project through extensive planning and through the hiring of a licensed New Mexico engineer, the applicant has adhered to the spirit of the SLDC and has exercised her right for due process in a responsible manner.

Staff recommends approval for all variances subject to the following conditions. Hearing Officer Virtue, may I enter the conditions into the record as stated in the report?

HEARING OFFICER VIRTUE: You may.

Conditions:

1. The applicant must provide stepped retaining walls designed by a New Mexico Professional Engineer for all areas where fill slopes exceed 3:1 and where cut slopes exceed 2:1. As an alternative, a geotechnical report may be submitted for approval by the Administrator which verifies retaining walls are not needed and the stability of the rock and soil in those areas.
2. The applicant must present a reclamation plan upon permitting to ensure that as much disturbance as possible is reclaimed and revegetated.
3. The applicant must install guardrails along the 24 foot by 80 foot steep cut for safety and compliance with AASHTO standards
4. A financial guarantee must be submitted for and approved by Staff before the commencement of construction.
5. Construction must be completed by a licensed contractor, excavator and the project's engineer must be present on site during the duration of the construction.
6. The boundaries of the development area shall be clearly marked on site with limits of disturbance (LOD) fencing or construction barriers prior to any grading or clearing and approved by Staff before starting construction.
7. The applicant will be limited to build a single story residence that does not exceed 14 feet for a flat roof or 18 feet for a pitched roof.

8. Driveway/road width shall be a minimum of 14 feet wide throughout, from Lower Mountain Road to Mariposa Road and to the future proposed residence.
9. Driveway slope shall not exceed 15 percent in any place throughout. Off site private roads leading to driveway shall not exceed a grade of 15 percent per Santa Fe County Fire Marshal.
10. Emergency vehicle turnouts, meeting the dimension of the Santa Fe County Fire Code shall be placed at a minimum of every 500 feet throughout the driveway length. [Condition revised. See page 11 for revision.]
11. Two emergency vehicle turnarounds meetings the dimensions of the Santa Fe County Fire Code shall be placed within the driveway on the applicant's property. One turnaround shall be placed within 50 feet and 150 feet of the primary dwelling. [Condition revised. See page 11]
12. The owners shall comply with the requirements of the Santa Fe County Vegetation Management Plan regarding all proposed structures.

MR. MANZANARES: Thank you, sir. Hearing Officer Virtue, I stand for any questions at this point.

HEARING OFFICER VIRTUE: A couple of questions about the conditions. With regard to condition number four, the financial guarantee, can you give me some information about what the form of that guarantee will take and how the amount is established?

MS. LUCERO: Hearing Officer Virtue, the financial guarantee could be in the form of a letter of credit or a performance bond. And the amount would be based off of an engineer's cost estimate. So the engineer would have to provide us with the cost of materials and supplies and work that would be required to upgrade the road to the standards and the site to County standards.

HEARING OFFICER VIRTUE: So you would get an engineer's cost estimate, you would review it and determine if you agree with it and think that it is accurate and then based on that will require or incur a performance bond in the amount indicated.

MS. LUCERO: Hearing Officer Virtue, that's correct. The applicant would hire an engineer to prepare the initial cost estimate.

HEARING OFFICER VIRTUE: Thank you. I had a couple of questions about the emergency vehicle turnouts in conditions 10 and 11 and this would be for the Fire Department. You are requiring a turnout every 500 feet and just for my own background is that some kind of industry standard or is that just based upon judgment and how did you determine 500 feet?

FIRE MARSHAL BLAY: Hearing Officer Virtue, this is based on industry standards and also based on standards for distance for turnarounds. But in this case we are dealing mainly with my evaluation and not really the International standards and turnouts.

HEARING OFFICER VIRTUE: And that is based upon your determination that that would be a reasonable intermittent length between the turnarounds of 500 feet?

FIRE MARSHAL BLAY: Hearing Officer Virtue, that is correct. However, there are some bad spots so we need to require – we're not saying that every

500 is going to be turnaround or rather turnouts. We'll determine that at a future date of where exactly the turnaround is placed.

HEARING OFFICER VIRTUE: Okay, so exact locations will be determined through future submittals and review?

FIRE MARSHAL BLAY: That is correct.

HEARING OFFICER VIRTUE: Similar question with respect to condition 11. You are requiring turnarounds within 50 and 500 feet on the dwelling side; again, that's just based upon your judgment as to what you think would be needed to provide adequate access for fire vehicles?

FIRE MARSHAL BLAY: That is based on the International Fire Code.

HEARING OFFICER VIRTUE: Oh, that is based on the International Fire Code. Okay. Okay, that's all I had for the staff.

We'll turn to the applicant and I would ask that representatives of the applicant please stand and be sworn and if there are any other persons who wish to speak regarding this application for or against this application, I would ask you stand also and be sworn.

[The oath was administered to those individuals standing.]

[Duly sworn Phyllis Perry testified as follows:]

PHYLLIS PERRY: Hello, my name is Phyllis Perry. I live at 118 Tumbleweed Road in Sandia Park and my co-applicant is my husband whose name is not appearing but I guess it does in a way on the bottom line. So we're looking at some of the conditions and wondering about the guardrails and if we could understand why we need those guardrails on the driveway.

HEARING OFFICER VIRTUE: I'll ask the staff to address that for you if they can.

MS. LUCERO: Hearing Officer Virtue, the area that we're requiring the guardrails is an area where there is going to be a fairly steep cut into the terrain so those guardrails are being required to prevent somebody from driving off the side of the steep slope. So it's for safety purposes, basically.

HEARING OFFICER VIRTUE: Okay, thank you.

MS. PERRY: Can I ask my engineer to address what that actually will look like. We're not certain that there will be a steep drop off. But I'd like to let him talk about that.

[Duly sworn, Don Briggs testified as follows:]

DON BRIGGS: So if I understand this right –

HEARING OFFICER VIRTUE: Would you state your name for the record and your address.

MR. BRIGGS: My name is Don Briggs. I am the principal of Don Briggs Engineering, LLC, 5324 Oak Ledge Court, NW, Albuquerque, New Mexico 87120.

Regarding this issue, the roadway in order to get the required 15 percent slope for fire access, we have to make a cut into the hillside and if it's my understanding where the guardrail is is at the bottom of this cut. So the guardrails are at the bottom of the hill not where a car could drive off the side of a hill and go down a steep slope. So I am not sure of the reasoning behind the request for the guardrails.

HEARING OFFICER VIRTUE: Does the staff wish to address that comment further?

MS. LUCERO: Hearing Officer Virtue, so the location where the guardrails are being required is on the inside portion of the road but it is at road level. We're not requiring them to be at the bottom portion of the cut. It should be right at the driving surface level.

MR. BRIGGS: I'm going to do a little sketch. This is essentially what we have. This is the cut. [Confers with staff]

MS. LUCERO: Hearing Officer Virtue, we are trying to compare the plans with the diagrams. Staff would recommend that that condition remain and we will look at the drawings again between now and the Planning Commission meeting and we'll make a determination if the diagram does not match with the plans and there needs to be a change to the condition.

HEARING OFFICER VIRTUE: Okay, so it's my understanding that this will be revisited before the Planning Commission hearing. And if there is a discrepancy between your drawing and what the staff is recommending, they will consider that. And if they determine it to be appropriate to amend the condition, they will do so. Is that an acceptable process?

MR. BRIGGS: Yes.

HEARING OFFICER VIRTUE: Thank you.

MS. PERRY: On the next recommendation they are asking that the engineer be present while the licensed contractor is doing the construction and I would like to say that this is all vacant land surrounded by a lot of vacant land. The nearest McDonald's is like 10 miles away for lunch. So I would ask that the engineer maybe be on site for some of the more difficult slope work but not necessarily for the entire day, for the duration of the project.

HEARING OFFICER VIRTUE: Okay, would someone address that at that time?

MR. MANZANARES: Hearing Officer Virtue, we can also reword that condition. The intent of that condition was to make sure that the engineer was present for those steep cuts. There are a number of cuts that are going to exceed 10 feet, the cut in particular would be the 24 by 84 foot cut, we would definitely like the engineer on site for that but that condition can also be reworded before the Planning Commission meeting.

HEARING OFFICER VIRTUE: Is that acceptable to the applicant?

MS. PERRY: Yes.

HEARING OFFICER VIRTUE: Okay, thank you.

MS. PERRY: And the other thing was on number 10 regarding the turnouts and I think that has been addressed that we would look at those. Because when we first did the site inspection we walked it and some of them were 600 feet just to make sure that they were all in an area where there was a natural place for that cutout and we kind of addressed that. So we just don't want to be held to that strictly 500 feet.

HEARING OFFICER VIRTUE: I believe that was addressed by the Fire Department.

MS. PERRY: That's correct, right?

FIRE MARSHAL BLAY: Yes. I believe that the turnarounds will be determined at a later time where the location should be. But at the same time I am in agreement that they don't have to be confined at 500 feet – they could be closer than 500

feet. Some turnouts may be farther than 500 feet, but I don't want to just say that they will not be closer than 500 feet.

HEARING OFFICER VIRTUE: The condition says a minimum of every 500 feet. I'm going to suggest that maybe the staff revisit that condition between now and the Planning Commission hearing and clarify that there may be adjustments to the 500 feet as may be indicated during the final permitting; is that acceptable?

MS. LUCERO: Hearing Officer Virtue, we actually have some language that we would like to recommend and if the Fire Marshal is okay for that condition to read:

10. Emergency vehicle turnouts, meeting the dimension of the Santa Fe County Fire Code shall be placed approximately at a minimum of every 500 feet throughout the driveway length to be determined and approved by the Fire Marshal.

FIRE MARSHAL BLAY: I concur.

HEARING OFFICER VIRTUE: Okay. So we have a revised condition now.

MS. PERRY: Great, thank you.

MR. BRIGGS: On recommendation number 11, it indicates that both of the turnarounds need to be on the property. We would ask that perhaps one of the turnarounds be located just off the property at the gate to provide a turnaround for people who drive up the driveway and do not really want to access the property but they'll have a place to turnaround. This turnaround would be located within the access easement and would not affect the adjacent property.

HEARING OFFICER VIRTUE: Does the staff have a comment on that proposal?

FIRE MARSHAL BLAY: Hearing Officer Virtue, I believe that could work. But again, it's going to be dependent upon the location of the turnarounds. That secondary turnaround is required based on the International Fire Code due to the length of their driveway. I believe that at this time, it seems like we need to do another site visit and determine the location of that second turnaround in relation of the turnaround.

HEARING OFFICER VIRTUE: Okay, is there a language clarification that might work here to address this concern? If we put for example, within the driveway on or adjacent to the property; would that be acceptable?

MS. LUCERO: Hearing Officer Virtue, we could say, on the applicant's property or adjacent to within the –

HEARING OFFICER VIRTUE: The access easement?

MS. LUCERO: Within the access easement, correct.

HEARING OFFICER VIRTUE: Is that acceptable to the applicant? Okay.

MR. BRIGGS: Yes.

FIRE MARSHAL BLAY: Mr. Hearing Officer Virtue, if I may. I don't know if I'm being clear the one turnaround that needs to be next to their driveway within the 50 feet or 150 feet, that one has to be in that area. We are talking about the secondary turnaround, correct?

HEARING OFFICER VIRTUE: We can clarify, if there's an understanding that that's the case. They'll have to do additional submittals and you can

look at them but we'll have a record that we're closest to what needs to be on the property.

MS. LUCERO: Hearing Officer Virtue, we would keep that second part of the condition also which does state that one turnaround shall be placed within 50 to 150 feet of the primary dwelling. So that portion of the condition would stay.

I also wanted to recommend that the change we just made to that condition or adjacent to the applicant's property within the access easement, also state as "determined and approved by the Fire Marshal."

MR. BRIGGS: Hearing Officer Virtue.

HEARING OFFICER VIRTUE: Yes.

MR. BRIGGS: I just want to make one clarification for the discussion that Nathan presented earlier. He mentioned two widths for offsite road improvements. One was 12 feet one was 14 feet. I just want to clarify that the applicant is responsible for a 12 foot width on offsite road improvements. And I believe that is agreed upon by the Fire Department, if we can get that on the record.

MS. LUCERO: Hearing Officer Virtue, the Code does say that they would be allowed a minimum of 12 foot, a 12-foot wide driving surface for offsite road improvements if approved by the Fire Marshal. In speaking with the Fire Marshal, he would do another site inspection prior to the Planning Commission meeting and at that point determine if they are going to be other pullouts that are required. So for the main portion of the road that is 12 feet, I think the Fire Marshal was in concurrence with that, but if he determines that there are additional turnouts that are needed then the applicant would be required to provide those turnouts. So I think that that is something that we can probably also address prior to the Planning Commission meeting.

HEARING OFFICER VIRTUE: That makes sense to me. You can get with the staff and clarify where the 12 – how the 12 feet would be, where would it be allowed and how it will be determined.

MR. BRIGGS: That's all.

MS. PERRY: That's it.

HEARING OFFICER VIRTUE: Let me just make sure I have nothing else to ask here. I have nothing further. So I will just ask if there are any members of the public who would like to speak on this matter? Seeing none, I will declare the public hearing closed.

We'll adjourn the meeting and thank you all very much for attending.

C. Adjournment

The Hearing Office adjourned this meeting at approximately 3:45 p.m.

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SLDC HEARING OFFICER M
PAGES: 12

I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of January, 2019 at 09:47:40 AM
And Was Duly Recorded as Instrument # 1876513
Of The Records Of Santa Fe County

E. Salazar
Deputy County Clerk, Santa Fe, New Mexico

Sustainable Land Development Code
Hearing Officer Meeting: December 13, 2018

Approved by:

Richard L.C. Virtue

Richard L.C. Virtue,
SLDC Hearing Officer

Santa Fe County

