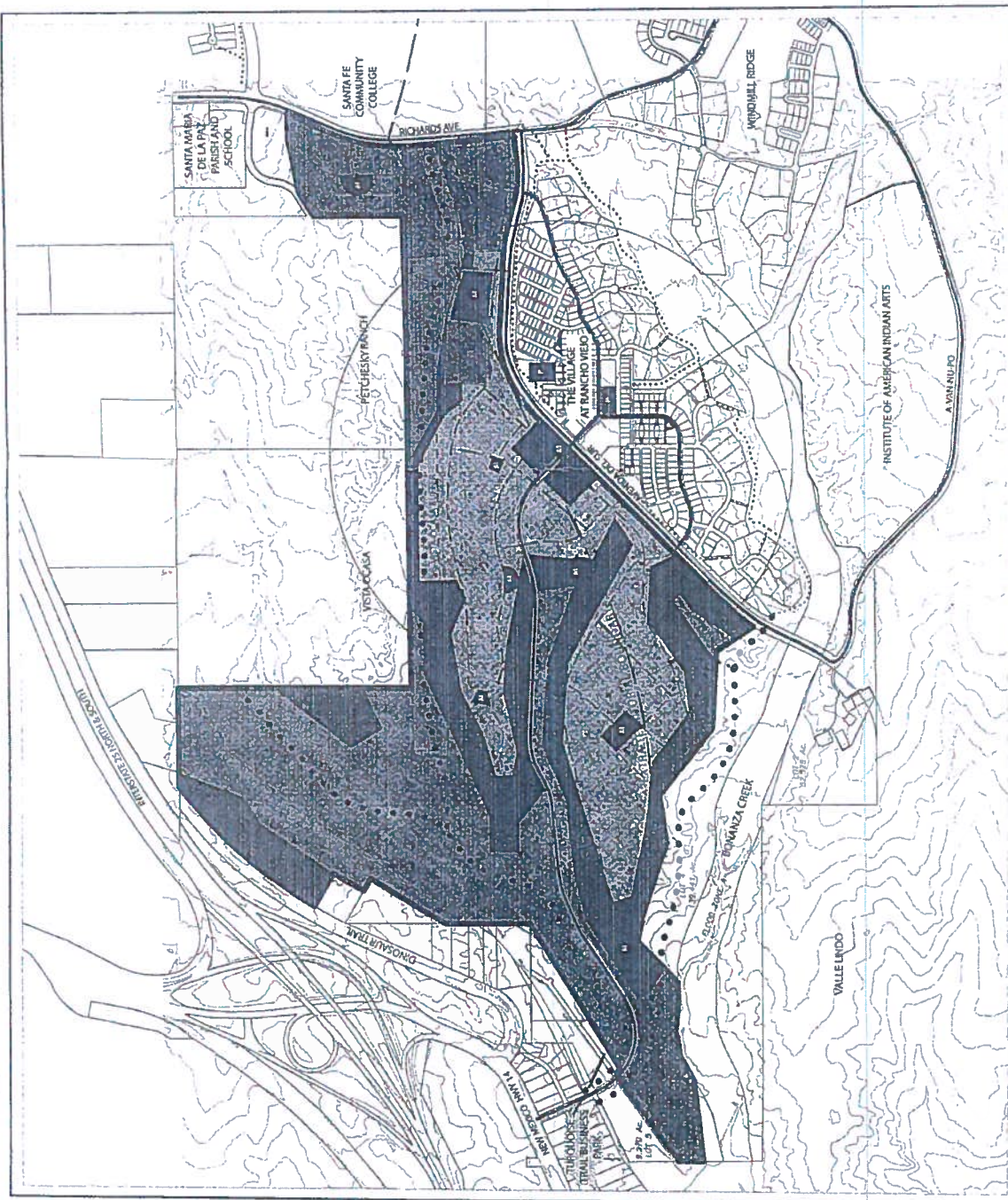
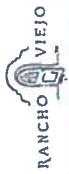


Loganville, GA 30054-1100, USA
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 Fax: 770/942-1101
 E-mail: info@logantown.com
 Web: www.logantown.com



20080508
20080508



RANCHO VIEJO **VILLAGE WEST** **MASTER PLAN**

RANCHO VIEJO DE SANTA FE, INC. SANTA FE, NEW MEXICO

L7-01

CIRCULATION, OPEN SPACE & RECREATION MAP

Q U A N T I T I E S

| OPEN SPACE & RECREATION CALCULATIONS | |
|--------------------------------------|--------|
| | ACRES |
| APPROX. CORRIDOR | 243.77 |
| NEIGHBORHOOD PARKS | 4.10 |
| SCHOOL PARK | 5.10 |
| COMMUNITY PLAZAS | 2.81 |
| PUBLIC & PRIVATE OPEN SPACE | 78.27 |

TOTAL OPEN SPACE 134.45% OF TOTAL AREA

ACTUAL DISTRIBUTION OF PUBLIC AND PRIVATE OPEN SPACES WILL BE DETERMINED BY THE FINAL MASTER PLAN. PRIVATE OPEN SPACE WILL NOT EXCEED 15% OF TOTAL RESIDENTIAL BLOCK AREA.

L E G E N D

EXISTING STREETS

FUTURE/POTENTIAL ROAD CONNECTION

TRAFFIC PRIORITY

VILLAGE CORRELATION HIGHWAY

MIXED PRIORITY - SEE ROAD SECTIONS 1 & 2

LIVING PRIORITY - SEE ROAD SECTIONS 3, 4, 5, 6, 7, 8

VILLAGE STREET - RURAL SECTION

NEIGHBORHOOD STREET

MAIN STREETS

LANES

PEDESTRIAN CORRIDORS

EXISTING NEIGHBORHOOD TRAILS

VILLAGE TRAIL PROPOSED IN MASTER PLAN

FUTURE DISTRICT TRAILS - PROPOSED ALIGNMENTS

SYMBOLS

VILLAGE & TRAIL

PROPOSED DEVELOPED

NEIGHBORHOOD

EXISTING IF CONTAINED

1/2 INCH = 1 MILE SCALE

0 500 1000 1500 2000 FEET

0 500 1000 1500 2000 METERS

DATE: 05/08/08

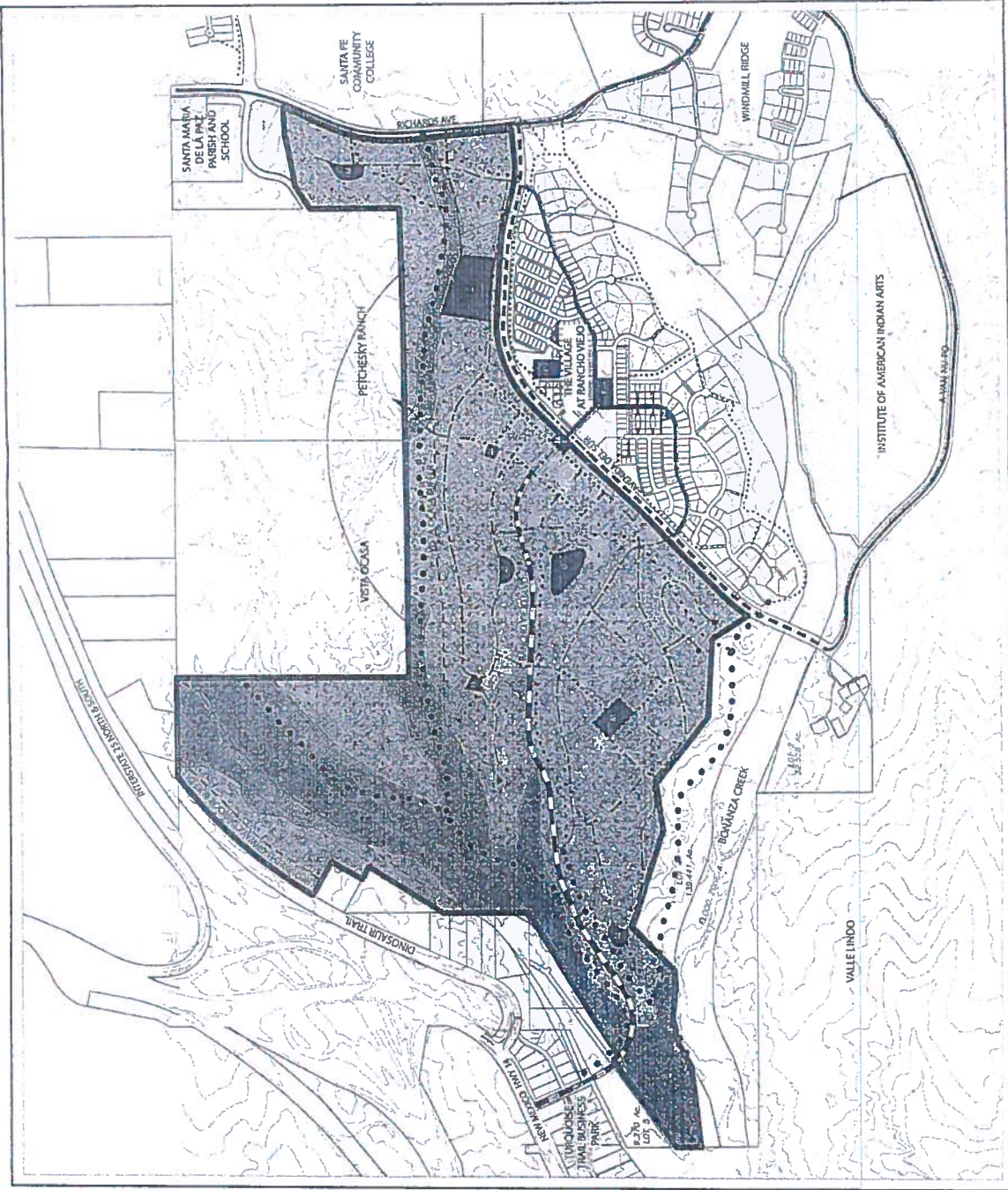
DRAWN BY: [Name]

CHECKED BY: [Name]

DESIGNED BY: [Name]

APPROVED BY: [Name]

DATE: 05/08/08



~~offer of dedication. Upon full conformity with County road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a summary review plat shall not be effective until the summary review plat is filed in the office of the County Clerk or a resolution of acceptance by the Board is filed in that office. Maintenance of public dedications require a separate action of the Board pursuant to Section 8.1.9 of this Article.~~

~~5.5.10 A copy of the summary review plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease or other conveyance~~

~~5.5.11 Advertising. The advertising requirements covering the sale, lease, or other conveyance of subdivided land provided in Section 5.4 of this Article V shall be applicable to summary review plats.~~

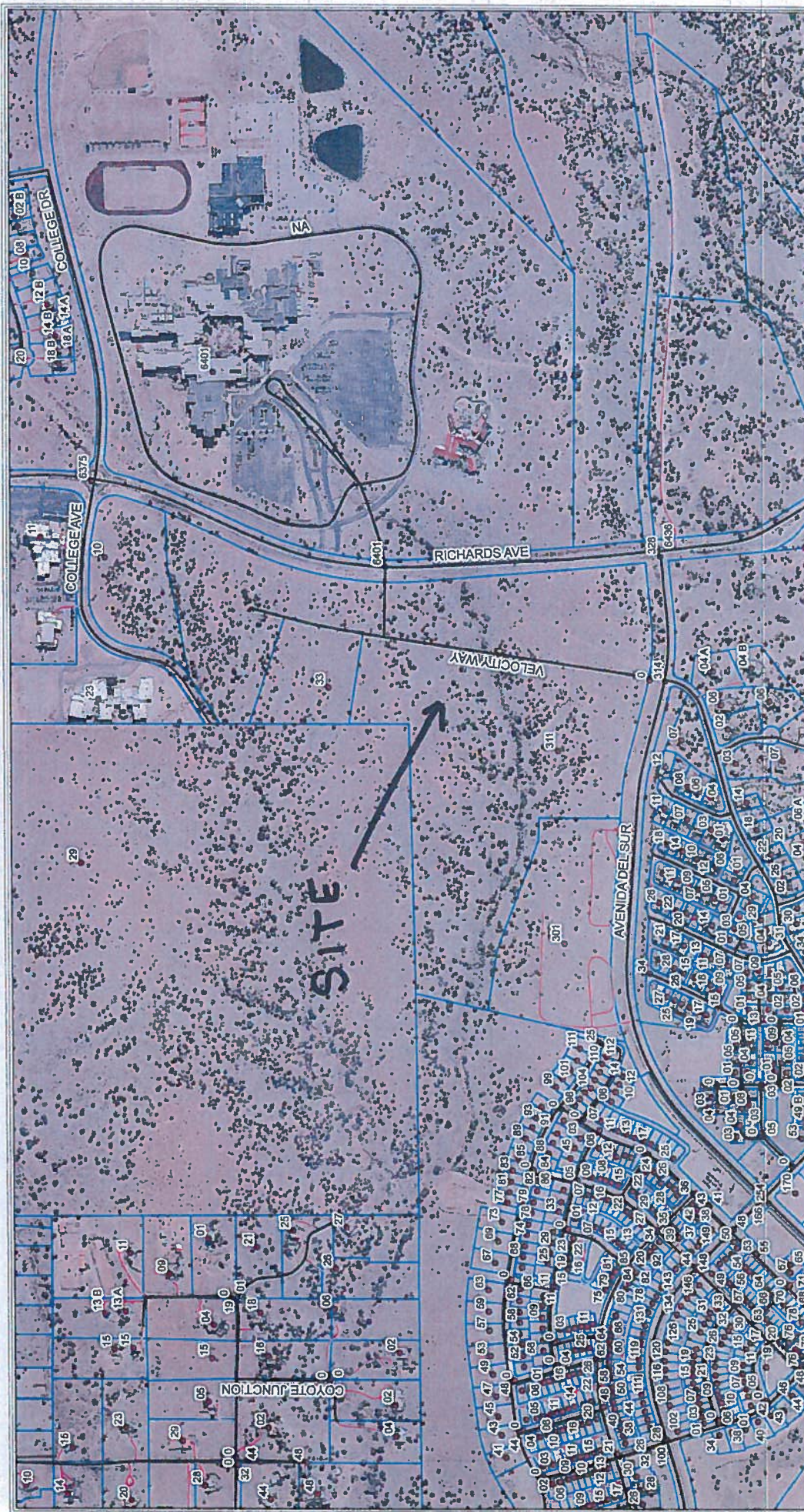
→ 5.6 Administrative Approval of Lot Layout

5.6.1. Procedure. In commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer. Before seeking approval of a plat, the developer shall first file a petition with the Board requesting that it be permitted to obtain approval pursuant to this Section. If the Board approves the petition, it will direct that the development request be submitted to the County Development Review Committee. Before final plat approval, the Board may rescind its intent to delegate if it determines that such delegation is not in the best interest of the County.

5.6.2 Master Plats. After such a delegation is made, the County Development Review Committee and Board shall establish development standards applicable to the subdivision as authorized by the Code and other applicable ordinances and laws, establish the maximum number of lots to be permitted, intensity of use, and required improvements, and may then approve both the preliminary and final plat which will be known and designated as a master plat. The master plat and all subsequently filed plat amendments shall be filed with the County Clerk. The County Clerk is authorized to accept for filing amended "master plats" approved by a signed certificate of the Land Use Administrator stating that the master plat has been approved by the Board and County Development Review Committee pursuant to this Code Section and that he has been delegated authority to approve plat amendments establishing new lots.

5.6.3 Conformance. Once the authority is delegated, the Land Use Administrator will review lot layout proposals and may approve such proposals if they are consistent with the Code and General Plan, the development plan and plat approved by the Board and County Development Review Committee, sound planning principles, the County's master road plan with applicable County policies and ordinances, and with applicable laws. After administrative approval is made, a plat amending the master plat approved by the Board and County Development Review Committee shall be filed with the County Clerk, which amended plat shall include all lots previously approved.

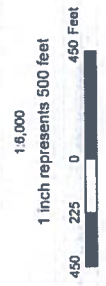
History. 1980 Comp. 1980-6. Section 5.6 of Article V is added material by County Ordinance 1987-7.



December 12, 2012

2008 Orthophotography
2 FOOT CONTOURS

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.



- Legend**
- ROADS
 - DRIVEWAYS

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: January 8, 2013

TO: Board of County Commissioners

FROM: Miguel "Mike" Romero, Development Review Specialist Sr. *(ME)*

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

FILE REF.: CDRC CASE # V 12-5320 Jytte Lokvig Variance

ISSUE:

Jytte Lokvig, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 10.25 acres into two lots; one lot consisting of 7 acres and one lot consisting of 3.25 acres.

The property is located at 213 and 228 Ojo De La Vaca Rd., within Section 24, Township 15, North, Range 10 East, (Commission District 3).

Vicinity Map:



SUMMARY:

The Applicant requests a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 10.25 acres into two lots; one lot consisting of 7 acres and one lot consisting of 3.25 acres.

The subject lot was created in 1989, by way of family transfer, and is recognized as a legal lot. There are two dwelling units and a shed on the property. One residence is currently occupied by the Applicant and the other residence is currently being rented. The residence that is currently being rented was permitted in July 2002, (Permit 02-1012). At the time the permit was issued a site plan was submitted showing only the proposed structure and did not indicate any other structures located on the property. No permits have been found by staff for the other existing residence on the property.

The Applicant states that when she first purchased the property, Ojo De La Vaca Rd (C.R. 51) was no more than a bumpy trail with minimal traffic, which didn't impede the use of their property. As population grew in the area so did the traffic. When Santa Fe County improved Ojo De La Vaca Rd (C.R. 51), it included paving and widening the road (approximately twice the size). Due to the expansion of Ojo De La Vaca Rd. (C.R. 51), it has made the division of the land more pronounced and essentially split the lot into two unconnected entities.

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

This Application was submitted on October 3, 2012.

On November 15, 2012, the CDRC met and acted on this case, the decision of the CDRC was to recommend denial of the Applicant's request by a 5-2 vote (CDRC Minutes Attached as Exhibit 1).

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

APPROVAL SOUGHT: Approval of a variance of Article III, §10 (Lot Size Requirements) of the Land Development Code.

GROWTH MANAGEMENT AREA: Galisteo, SDA-2

HYDROLOGIC ZONE: Homestead Zone, minimum lot size per Code is 160 acres per dwelling unit. Lot size can be reduced to 40 acres per dwelling unit with signed and recorded water restrictions. The request exceeds the minimum lot size requirements for this area.

FIRE PROTECTION: Hondo Fire District.

WATER SUPPLY: Two Domestic Wells

LIQUID WASTE: Two Conventional Septic Systems

VARIANCES: Yes

| | | |
|-----------------------|---------------|-----------------------|
| AGENCY REVIEW: | <u>Agency</u> | <u>Recommendation</u> |
| | County Fire | Approval |

STAFF RECOMMENDATION: Denial of a variance of Article III, §10 (Lot Size Requirements) of the Land Development Code.

If the decision of the BCC is to Approve the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per Lot. A water meter shall be installed for each Lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
3. The placement of additional dwelling units or Further Division of land is prohibited on the property (As Per Article III, Section 10).
4. The Applicant must provide proof of permits or proof that the structure on the property is legal non-

conforming. If the Applicant cannot provide proof that the structure is legal, than the Applicant must obtain an After the Fact Development Permit (**As per Article II, § 4.5.2b Article II, § 2).**

5. The Applicant shall comply with all Fire Prevention Division requirements (**As per 1997 Fire Code and 1997 Life Safety Code).**

EXHIBITS:

1. November 15, 2012, CDRC Meeting Minuets
2. Letter of request
3. Article III, §10 (Lot Size Requirements)
4. Article II, § 3 (Variances)
5. Site Photographs
6. Site Plan
7. Aerial of Site and Surrounding Area
8. Proposed Plat of Survey
9. Fire Prevention Division Letter

Member Anaya requested a revote by a show of hands. The revote revealed the results noted above.

Chair Gonzales advised the applicant that the CDRC is a recommending body and the BCC will make the final decision.

VII. NEW BUSINESS

- A. CDRC CASE # V 12-5320 Jytte Lokvig Variance** Jytte Lokvig, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 10.25 acres into two lots; one lot consisting of 7 acres and one lot consisting of 3.25 acres. The property is located at 213 and 228 Ojo de la Vaca Rd., within Section 24, Township 15, North, Range 10 East, Commission District 3

Miguel Romero, Case Manager, presented his staff report as follows:

"The Applicant requests a variance of Article III, Section 10, Lot Size Requirements, of the Land Development Code to allow a Land Division of 10.25 acres into two lots; one lot consisting of 7 acres and one lot consisting of 3.25 acres. The subject lot was created in 1976, and is recognized as a legal non-conforming lot. There are two dwelling units and a shed on the property. One residence is currently occupied by the applicant and the other residence is currently being rented.

"The residence that is currently being rented was permitted in July 2002, Permit 02-1012. At the time the permit was issued a site plan was submitted showing only the proposed structure and did not indicate any other structures located on the property. No permits have been found by staff for the other existing residence on the property.

"The Applicant states that when she first purchased the property, Ojo de la Vaca Road, which is County Road 51 was no more than a bumpy trail with minimal traffic, which didn't impede the use of their property. As population grew in the area so did the traffic. When Santa Fe County improved Ojo de la Vaca Road it included paving and widening of the road approximately twice the size of what it was. Due to the expansion of Ojo de la Vaca Road it has made the division of the land more pronounced and essentially split the lot into two unconnected entities."

Mr. Romero confirmed for Member Katz that the documentation submitted for the building permit for the rented residence did not show the existing structure the applicant lives in. The hydrological zone the property is located within has a minimum 160 acres per dwelling unit with a possible reduction to minimum 40 acres. Mr. Romero said according to the applicant the first dwelling was semi-complete when the applicant purchased the property.



Mr. Romero presented the development permit application submitted for the building permit showing only the proposed dwelling to the Committee for perusal.

Member DeAnda asked whether the residence existed on the property prior to 1976 when the lot was created. Mr. Romero said he did not have that information nor did he locate a permit for the first home.

Member DeAnda asked whether a property owner has any recourse when a road splits their property and if the traffic was an issue. Mr. Romero said further up the road there are residents that use the road.

In response to Member Drobnis, Mr. Romero said the 1979 recorded deed shows a 35' easement for the County roadway. Member Drobnis observed that the road predated the creation of the lot.

Ms. Lucero said there are many lots throughout the County that have access easement running through them.

Responding to Chair Gonzales, Mr. Romero said the road is a prescriptive right. He said he understood staff conducted a preliminary inspection of the property; however, he was unaware of whether they saw the existing dwelling. He referred to the development permit that may provide additional information.

Ms. Lucero clarified said the property does not meet the density for two dwelling units on the 10 acres. If the variance is denied and the applicant is unable to prove the second dwelling is legal non-conforming or permitted the applicant will need to return and request a density variance to permit two dwellings on the one parcel.

Member Anaya asked how both dwellings could have utilities and assumed that the property owner paid taxes on both properties.

Mr. Archuleta said pre-1998 a utility authorization was not necessary. After 1998 an applicant would need to obtain a utility authorization from the County. The authorization was provided to the applicant at the time of building permit.

Duly sworn, the applicant, Jytte Lokvig, 228 Ojo de la Vaca, Santa Fe thanked the Committee for hearing her case. Ms. Lokvig said she purchased the property in 1989 and since that time the traffic on the road has increased and is substantial. She said hundreds of properties have been developed on the mesa above her property and the road, which is the access to the mesa, is heavily trafficked.

Ms. DeAnda said the 2002 building permit application clearly states there are no existing structures on the property but there was. Ms. Lokvig said the building permit was filled out by her contractor.

Ms. DeAnda said it concerned her that the building permit information was incorrect. She also noted that while the road traffic may have increased, the road dissecting the lot existed before the applicant purchased the property.

Mr. Katz shared Ms. DeAnda's concern that it was not revealed there was a dwelling on the property. He said having property on either side of the road was not justification for a variance and asked the applicant why she thought a variance was appropriate. Ms. Lokvig said the road creates two separate parcels each containing a dwelling with a well and septic system.

Mr. Katz pointed out that the application for the septic system also states that there is no other sewage-creating dwelling on the property. He said that concerned him that there were two parts of the 2002 application that are incorrect and misled the County.

Ms. Lokvig said, "I really apologize for that. I'm sorry. I wasn't aware of that, honestly."

"For the clarification of the record," Mr. Anaya offered that as a contractor/developer himself he would have filled out the building permit stating there was no residence on the property because "as long as there is not a CO (certificate of occupancy), an existing CO on any other dwelling, then, therefore it is only one dwelling...that's the way that the courts have looked at this case..."

Ms. Brown said the County treats the two dwellings as two existing dwellings. Whether it was properly permitted or not, it is a structure that is impacting the land.

Chair Gonzales pointed out that the contractor went to several agencies to obtain permits: building, development, liquid waste permit and a well permits. Each agency would have asked about improvements on the property. The chair asked the applicant whether she had anything to do with obtaining the permits and she responded, "No, nothing." Ms. Lokvig said this was all news to her.

Ms. Lokvig said when she purchased the property the first home was not completed. She lived in a trailer until it was completed.

In response to a question posed by Mr. Katz, Ms. Lokvig said she does not recall a building permit for the first dwelling.

Fire Captain Buster Patty said the road meets County Fire standards.

There were no other speakers on this case.

Ms. DeAnda moved to deny the variance in Case #V 12-5320. Mr. Katz seconded and motion to deny passed by majority [5-2] voice vote with Members Anaya and Valdez voting against

VIII. PETITIONS FROM THE FLOOR

None were offered.

Jytte Lokvig, Ph.D.

228 Ojo de la Vaca
Santa Fe, NM 87508
505-466-8195
lokvig@yahoo.com

To:
The County Commission of Santa Fe, New Mexico

Re: Request for a variance to divide this property:
213 Ojo de la Vaca Rd, Santa Fe, NM 87508
and
228 Ojo de la Vaca Rd, Santa Fe, NM 87508

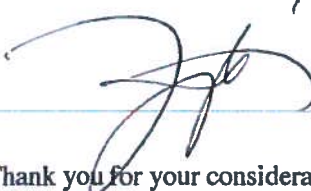
Explanation:

I moved to Santa Fe in 1988 from Los Angeles and knew within the first month that I was truly at home. I took my time exploring from Chimayo to Madrid and from Pecos to Jemez until I found the perfect spot in Canoncito. I'm still struck by how lucky I am to live in this beautiful place. It would be perfection except for one issue.

My property straddles County Road 51. I have approximately 7 acres on the west side and 3 1/4 acres on the east side of the road. When I first acquired the land, CR 51 was little more than a very bumpy trail with minimal traffic and it didn't impede our use of our entire property. As the population to the south on Rowe Mesa has grown, so has the traffic and subsequent upgrading of the road. The county cleaned it up, removed boulders, widened the road to close to double and finally paved it, all of which brought great improvements in safety and driving conditions.

However the expansion of CR 51 has made the division of my land much more pronounced and essentially split it into two unconnected entities.

I'm requesting that you grant me a variance so I can officially split my property along the county road, thus creating two legally separate properties. Both parcels have complete buildings with individual working wells and septic systems.


Thank you for your consideration.
Yours truly, Jytte Lokvig



| 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

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

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.

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 - VARIANCES3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

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

3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the

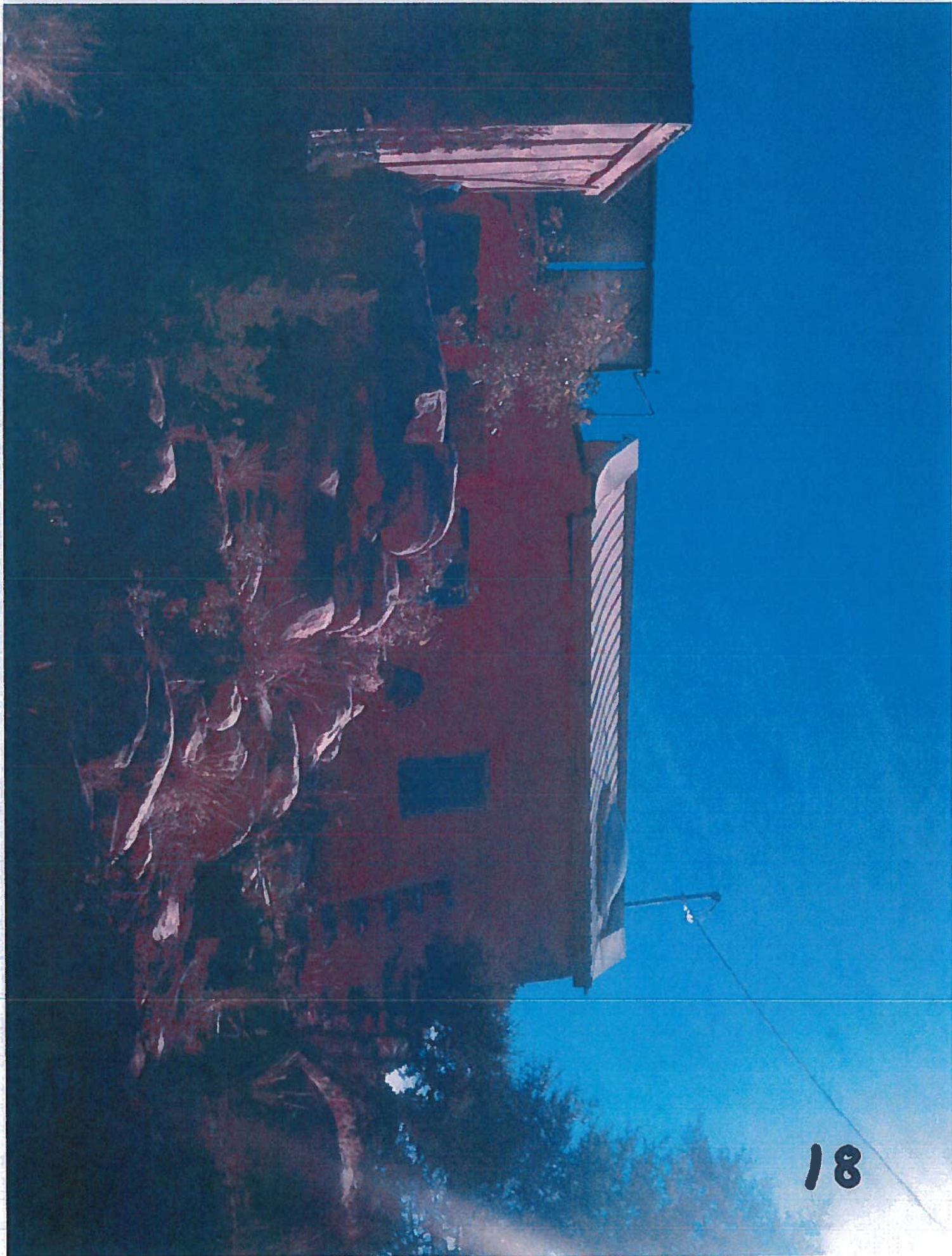


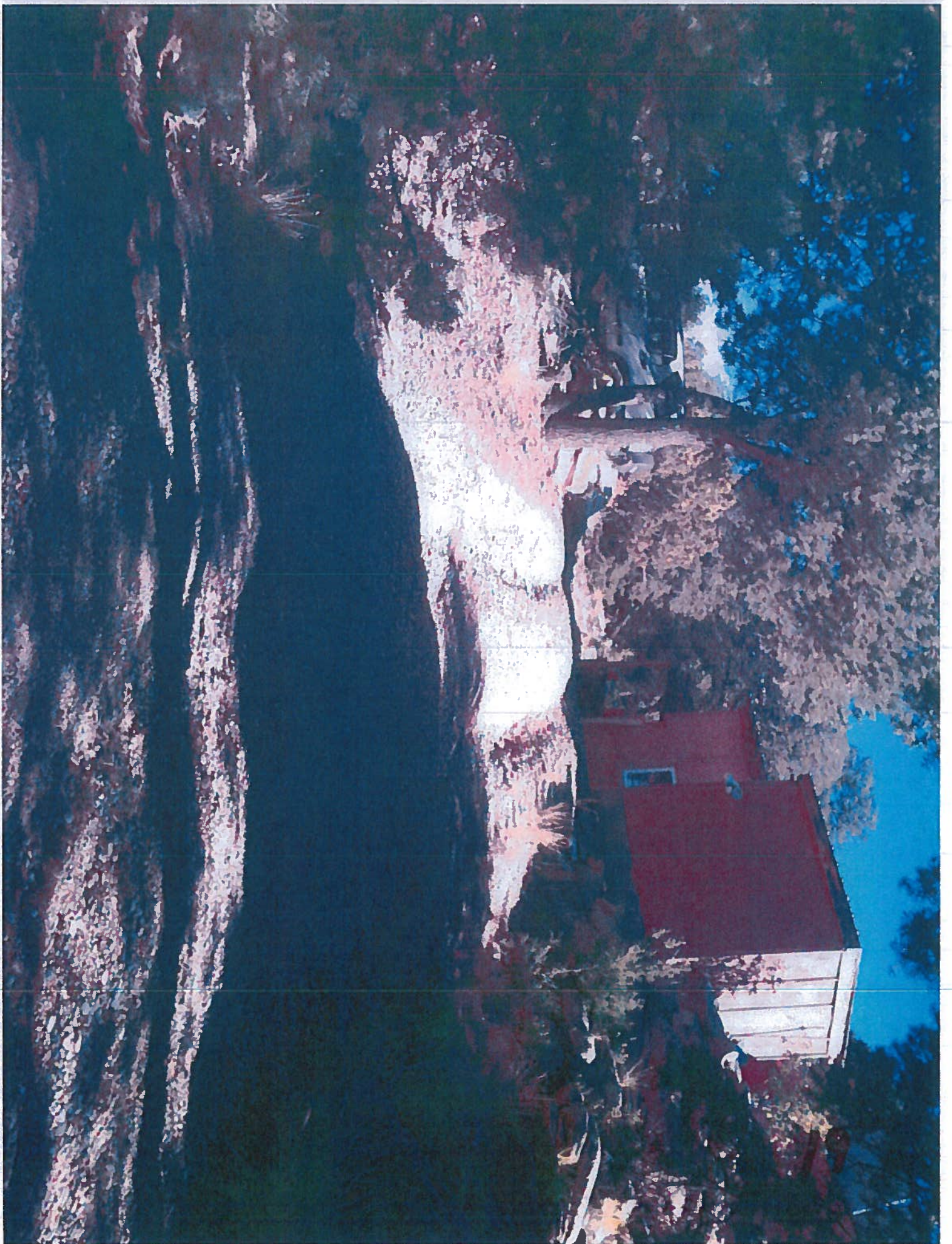


EXHIBIT
5

16











2-3

22

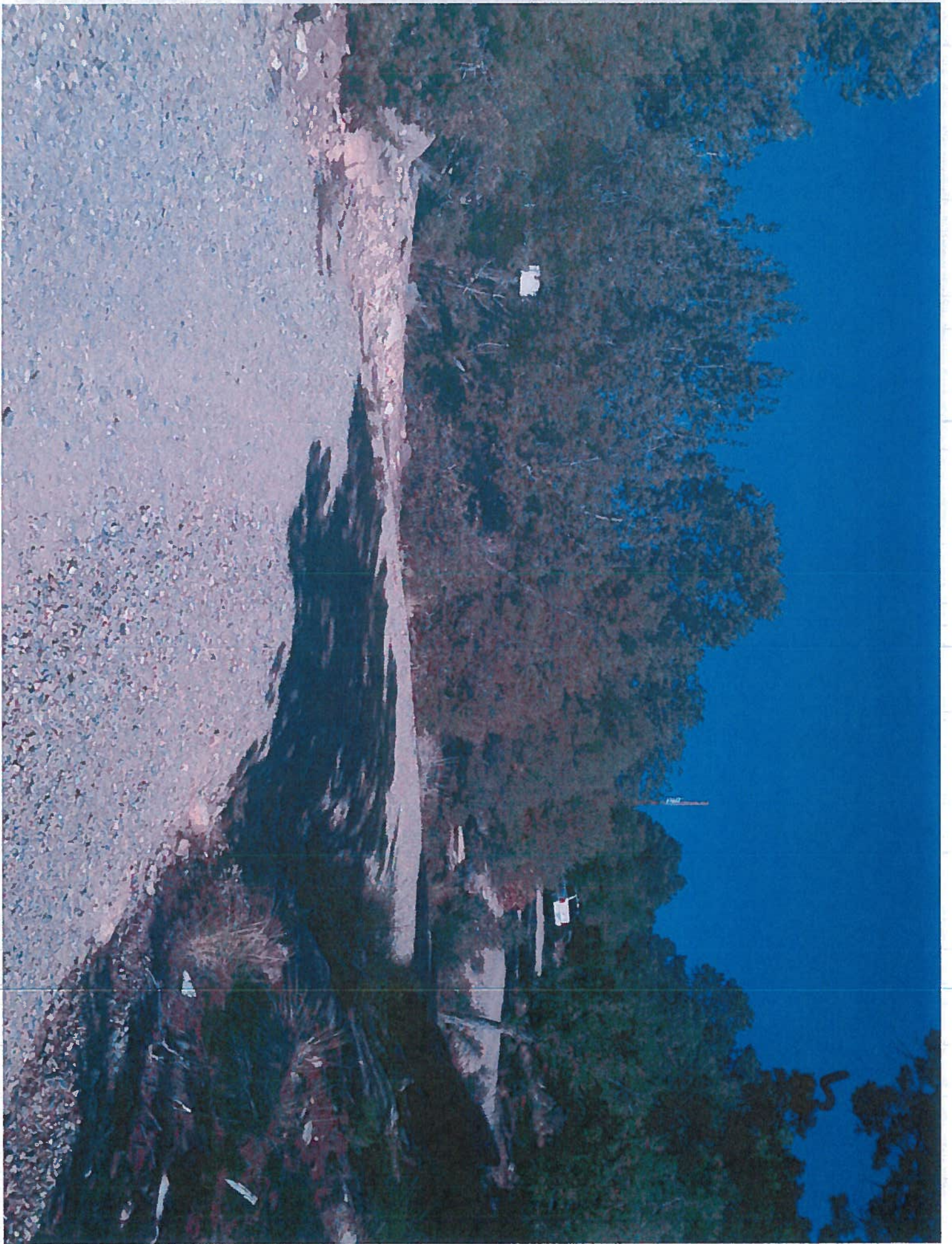




23



h2





26

228 Ojo de la Vaca, Santa Fe, NM

27

North driveway:

Length: 300ft

Width: Average 16ft

Minimum 14ft

South driveway:

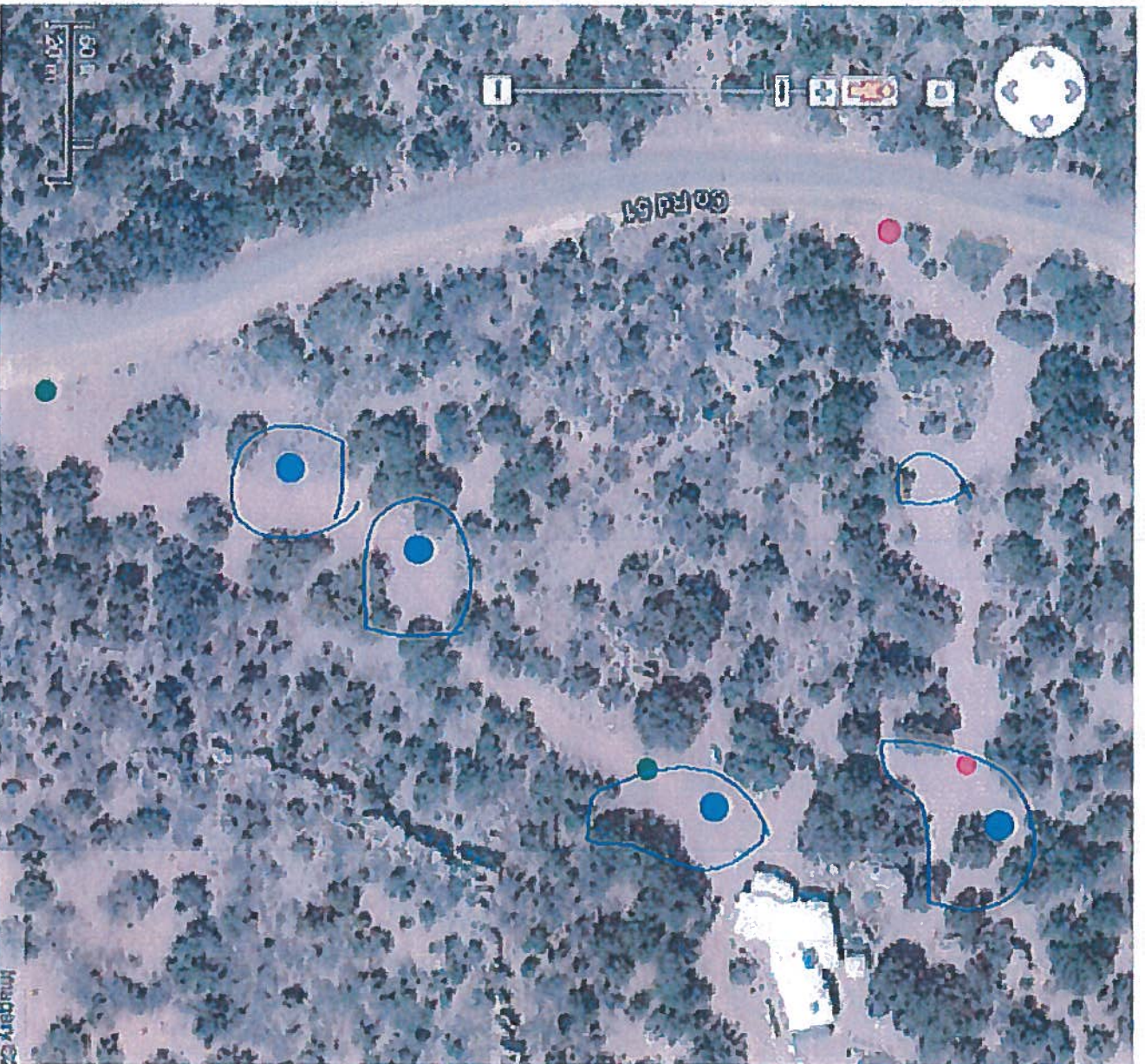
Length: 350ft

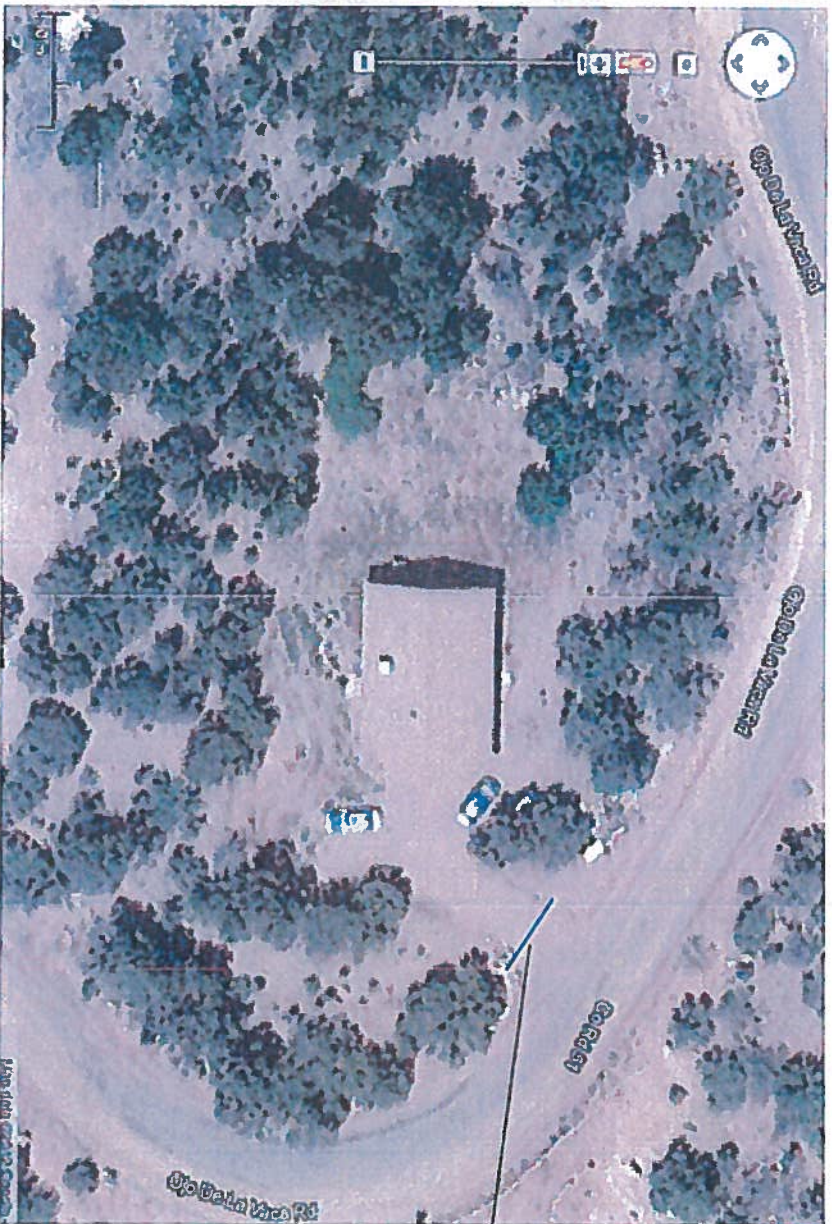
Width: Average 18ft

Minimum 14ft



Turn-arounds





Driveway, minimum: 20ft

213 Ojo de la Vaca.



Legend

- Major
- Minor
- Parcels



1:1,179
1 inch = 98,281.702 feet
30 15 0 30 Feet



2008 Orthophotography

This information is for reference only.
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User are solely responsible for
confirming data accuracy.



October 24, 2012



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confirming data accuracy.



1:1.179
1 inch = 98.281702 feet
30 15 0 30 Feet



October 24, 2012



Legend

- Major
- Minor
- Parcels

1:5,624
1 inch = 468 643674 feet
14070 0 140 Feet

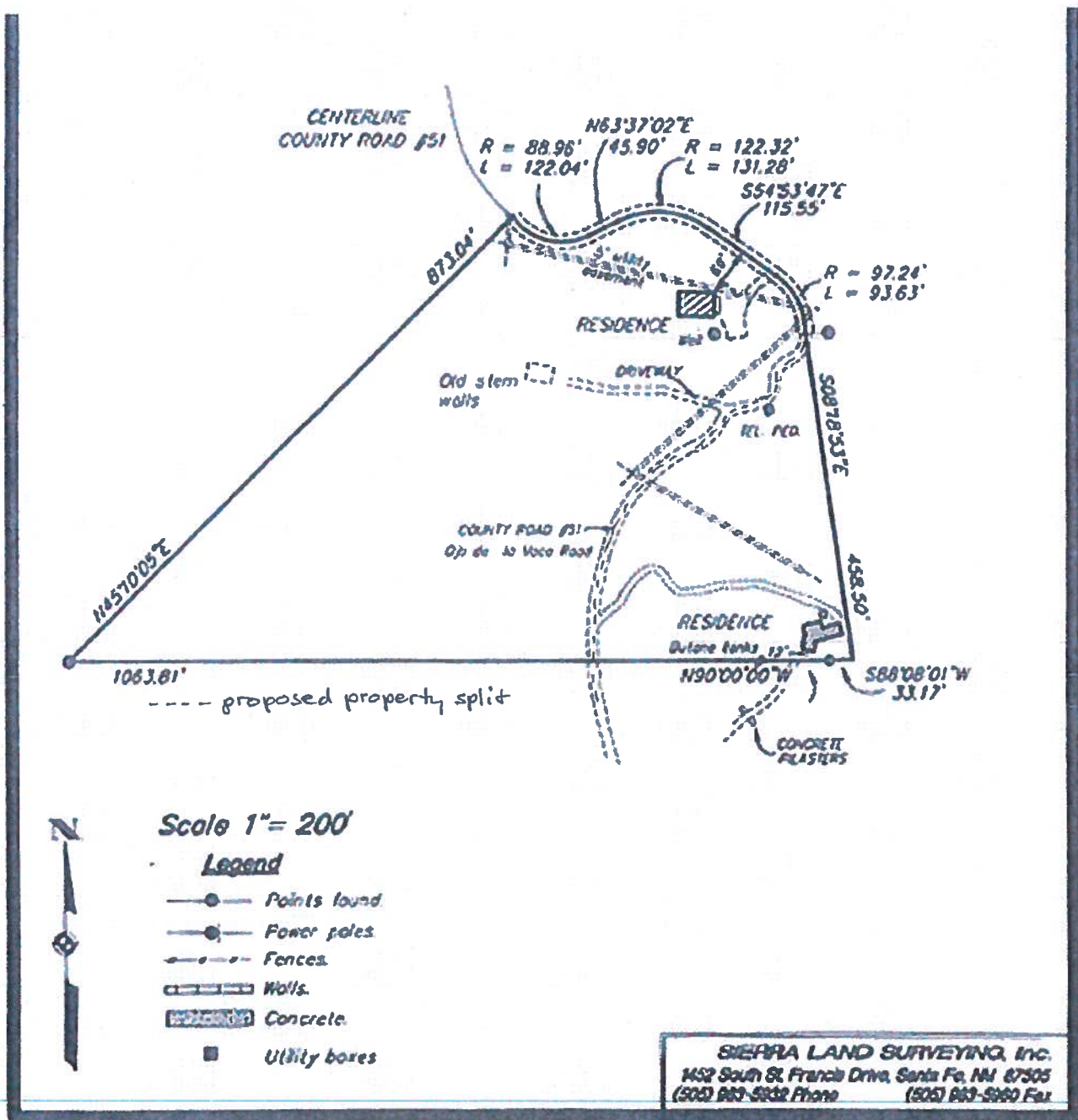


2008 Orthophotography

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October 24, 2012



Daniel "Danny" Mayfield
Commissioner, District 1

Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holman
Commissioner, District 4

Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

Date November 6, 2012

Project Name Lokvig, Jyette

Project Location 228 / 213 Ojo de La Vaca T15;R10; S24 "Very High Wildland-Urban Hazard Area"

Description Variance for Lot Split

Applicant Name Jyette Lokvig County Case # V12-5320

Applicant Address 228 Ojo de La Vaca Fire District Hondo

Applicant Phone 505-501-2412 / 505-466-8105

Review Type Commercial ☐ Residential ☒ Sprinklers ☐ Hydrant Acceptance ☐
Master Plan ☐ Preliminary ☐ Final ☒ Inspection ☐ Lot Split ☒

Project Status Approved ☐ Approved with Conditions ☒ Denial ☐

The Fire Prevention Division/Codes Enforcement Bureau of the Santa Fe County Fire Department has reviewed the submittal for the project described above and has found it to conform to the Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (*Note underlined items*):

Summary of Review

- Per meeting with property owner and revised drawing the driveway access will meet the minimum County standards for fire apparatus access roads... (page #2)
- There will be incorporated into the driveway no farther than 150' from the residence at 228 Ojo de la Vaca a turnaround area for emergency vehicle purposes conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department (page #2)
- Driveway/fire access does not exceed 11% slope and is to have a minimum 28' inside radius on curves. (page #3)
- Per Santa Fe County Fire Department Code 12.01.01.01 and 12.01.01.02, all new fire driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions of the Fire Code and the Land Development Code...(page #3)



prior to acceptance and upon completion of the permitted work, the construction shall be
can for and submit to a final inspection by this office for confirmation of compliance with the
above requirements and applicable Codes. (page #4)

Fire Department Access

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

• Fire Access Lanes

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

• Roadway Driveway

*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*

Per meeting with property owner and revised site plan the driveway access will meet the
minimum County standards for fire apparatus access roads. Driveway, turnouts and turnarounds
are to be County approved all-weather driving surface of minimum 6" compacted basecourse or
equivalent. Minimum gate and driveway width shall be 14' and an unobstructed vertical
clearance of 13'6".

There will be incorporated into the driveway no farther than 150' from the residence at 228 Ojo
a 180° turn-around for emergency vehicle purposes such as a cul-de-sac, Y-turn or
hammerhead type turn-around conforming to the access and turn-around requirements and
dimensions of the Santa Fe County Fire Department.

*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 are posted and maintained at the entrance(s) to each
individual lot.

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

Driveway/Access does not exceed 11% slope and is to have a minimum 24' clearance from curves.

▪ Restricted Access/Gates/Security Systems

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unaided 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 code.*

To prevent the possibility of emergency responders being locked out, any future access gates should be operable by means of a key or key switch, which would be keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Department.

Urban-Wildland Interface

SFC Ordinance 2001-11, Urban Wildland Interface Code

This residence location is rated within a "Very High Wildland-Urban Hazard Area" and is to comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as

▪ Building Materials

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

▪ Location/Addressing/Access

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

Per SFC 2001-11 / EZA 2001-04 Chapter 4, Section 3.2 Roads and Driveways: *Access roads, driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions of the Fire Code and the Land Development Code. Roads shall meet the minimum County standards for fire apparatus access roads within this type or proposed development.*

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• **Vegetation Management**

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

General Requirements/Comments

▪ **Inspections/Acceptance Tests**

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall 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 Final Development Plan approval with the above conditions applied.

Tim Gilmore, Inspector


Code Enforcement Official

11.8.12
Date

Through: David Sperling, Chief Fire Marshal

File: DevRev/H/Lokvig/110812

Buster Patty, Capt., Fire Prevention Div. 