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Deputy Marcella _____
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

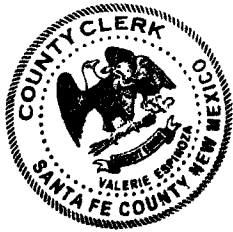
MINUTES OF THE

SANTA FE COUNTY

DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

February 17, 2011



This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Acting Chair Susan Martin, on the above-cited date at approximately 4:13 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:

- Maria DeAnda, Chair
- Juan José Gonzales, Vice Chair
- Phil Anaya
- Frank Katz
- Susan Martin
- Ivan Pato
- Sef Valdez

Member(s) Excused:

[None]

Staff Present:

- Jack Kolkmeier, Growth Management Director
- Shelley Cobau, Building & Development Services Manager
- Jose Larrañaga, Development Review Specialist
- John Michael Salazar, Development Review Specialist

III. APPROVAL OF AGENDA

Ms. Cobau announced that the applicant is out of town and is asking that the Juan Lozoya Variance be tabled to next month.

Member Katz moved to approve the agenda as amended and Member Gonzales seconded. The motion carried unanimously.

SFC CLERK RECORDED 03/21/2011

IV. ELECTION OF CHAIR AND VICE CHAIR

Member Gonzales nominated Member DeAnda and Member Katz seconded. There were no further nominations and Member DeAnda was named chair by acclamation.

Member DeAnda nominated Member Gonzales as vice chair. Member Katz seconded and Member Gonzales was elected vice chair by acclamation.

V. APPROVAL OF MINUTES: December 16, 2010

Upon motion by Member Martin and second by Member Katz the minutes were unanimously approved as submitted.

VI. CONSENT CALENDAR

Final Orders:

- A. **CDRC Case # MIS 10-5500 Albert Migliori Wind Turbine. Albert Migliori, Applicant, Requested Approval to Remove the Current 44-Foot Lattice Work Wind Turbine Tower and Install One 34-Foot Tall Wind Turbine Tower. The 34-Foot Tall Wind Turbine Tower is Based on a Light-Pole Design and is Constructed of Tubular Steel with a Galvanized Finish Which Will be Mounted Upon a Concrete Base. The Property is Located at 13 Alamo Creek Drive, within Section 4, Township 17 North, Range 9 East (Commission District 2) John M. Salazar, Case Manager, APPROVED 5-0**

Member Gonzales moved to approve the final orders in the Albert Migliori case. Member Martin seconded and the orders were approved unanimously.

- B. **CDRC Case # PDP/DP 10-5460 Gruda Veterinary Hospital. Robert Gruda, Applicant, Out West Enterprises (Aaron Hado), Agent, requested Preliminary and Final Development Plan approval for a 7,663 square foot structure to be utilized as a Small Animal Veterinary Hospital on a one-acre parcel. The property is located at 9 Rumble Road, via Hwy. 14, within the Community College District, within Section 24, Township 16 North, Range 8 East (Commission District 5) Jose E. Larrañaga, Case Manager, APPROVED 6-0**

In the Gruda Veterinary Hospital case Member Martin moved to approve and Member Katz seconded. The orders were unanimously approved.

VIII. OLD BUSINESS

D. CDRC CASE # V11-5010 Bernie Romero Variance. Bernie Romero, Applicant, requests a variance of Article V, Section 8.1.3 of the Land Development Code to allow an access easement of less than twenty feet (20') in width. The property is located within the Traditional Community of Cañada de los Alamos on #11 Caminito Santerra, within Section 27, Township 16 North, Range 10 East (Commission District 4)

John Michael Salazar read the caption and staff report as follows:

“The Applicant requests a variance of Article V, Section 8.1.3 of the Land Development Code to allow an access easement of less than twenty feet. The Applicant would like to apply for a Family Transfer Land Division however his fifteen foot access easement does not meet current Code criteria for an access easement as stated in Article V, Section 8.1.3: ‘Parcels to be accessed via a driveway easement shall have a twenty-foot all weather driving surface, grade of not more than 11 percent, and drainage control as necessary to insure adequate access for emergency vehicles.

“The Applicant has stated that he is willing to plat a twenty-foot wide access easement on his property but he is unable to get his neighbor to dedicate five more feet of easement from her property. The Applicant meets the density for the Family Transfer as his property contains 5.84 acres and is located within the Traditional Community of Cañada de Los Alamos.

“Article II Section 3 of the County Code states that ‘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.’”

Mr. Salazar stated that the code does not contemplate the type of hardship described by the Applicant as a reason for variance consideration. Therefore, Staff recommends that the request for a variance be denied. Article V, Section 8.1.3 states parcels to be accessed via a driveway easement shall have a twenty-foot all-weather driving surface, grade of not more than 11 percent and drainage control as necessary to insure adequate access for emergency vehicles.

Member Katz asked if the density requirements were in question. Mr. Salazar stated the applicant has sufficient land to do the division; the question is access, which is a concern for the Fire Marshal.

Regarding water, Mr. Salazar referred to the letter of opposition that was distributed questioning water availability in the area. [Exhibit 1] Mr. Salazar indicated the two properties would have restrictions to .25 acre-feet per year, with monitoring, as opposed to the currently three acre-feet they are allowed.

Elaborating on the comments of the Fire Marshal, Mr. Salazar said in addition to the driveway being too narrow it also exceeds the 11 percent slope limit.

Member Katz asked if it would be possible to add a guesthouse to the property without splitting the lot. Mr. Salazar said that would be possible. Ms. Cobau added issuance of a building permit for a second dwelling might be precluded by the Fire Marshal due to access issues.

Member Gonzales noted there was no survey plat in the packet which made it difficult to judge the slopes and the non-compliant sections of the access easement. He pointed out there is no letter in the packet from the Fire Marshal.

Mr. Salazar stated he had not yet received the Fire Marshal's response but there was a technical review team meeting in the morning wherein he stated his concerns about narrowness and steepness. He added staff was unable to reduce the survey plat submitted.

Member Pato requested a written report from the Fire Marshal and Mr. Salazar responded that was normally done, however, in this case it did not arrive in time.

Chair DeAnda asked the length of the driveway and how long the narrow stretch was. Mr. Salazar said the property is quite a distance from Cañada Village Road.

Applicant Bernie Romero was duly sworn and stated the easement was 15 feet wide and exceeds 11 percent; he is unable to widen it. He said that Fire Marshall Patty indicated it could still be workable in that it could be widened once it reached Mr. Romero's property, although he is still recommending denial. He said the driveway runs about 200 feet before reaching his property. The lot is in the traditional village where minimum lot size is $\frac{3}{4}$ of an acre. Water should not be a problem because the traditional village has its own water system and it is possible to apply to use that. He has not yet looked into that as his well produced 5 to 6 gpm and there is a storage tank to serve three houses.

In response to a question from Member Gonzales, Mr. Romero said the water system's lines are approximately 300 feet away, but he did not see why it should be necessary to hook up. He said the letter of opposition was from a neighbor who had wanted to use his well.

Chair DeAnda sought clarification and Ms. Cobau confirmed that the water source was not in question, but access.

Mr. Romero said he hadn't tried to get a wider easement from his neighbor but felt it would be denied. He explained the steepest part of the driveway is immediately off

Cañada Village Road, is about 50 to 75 feet long and is on the part that runs through his neighbor's property.

Member Pato asked if other alternatives to address the Fire Marshal's concerns, and Mr. Romero stated they have looked at options but there is no other way.

Member Anaya asked if the property was landlocked and was told it was.

Mr. Romero said the entire length of the driveway through his neighbor's property is 15 feet wide, but only the first part is over 11 percent.

Under oath, neighbor Bill Keller urged the committee to adopt the Fire Marshal's recommendation and deny the request in order to protect public health, safety and property. According to Mr. Keller, Mr. Romero requested a lot division into three lots in 1994 and was only granted two. He stated Cañada de los Alamos is heavily forested and very densely populated, leading to much higher fire danger. There is one narrow, twisting road in and out of the community. It is of critical importance emergency vehicles be able to navigate all the roads. He said in winter, his own driveway is unusable. Increasing the density creates a greater fire danger and the community could be wiped out.

Member Pato moved to recommend denial of the variance request in CDRC Case #V 11-5010. Member Martin seconded and the motion carried by unanimous voice vote.

Mr. Salazar said the case would be heard by the BCC probably in April.

IX. PETITIONS FROM THE FLOOR

None were presented.

X. COMMUNICATIONS FROM THE COMMITTEE

None were presented.

XI. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

XII. COMMUNICATIONS FROM LAND USE STAFF

The next meeting was scheduled for March 17, 2011.

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X. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair DeAnda declared this meeting adjourned at approximately 4:47 p.m.

Approved by:



Maria DeAnda, Chair
CDRC



ATTEST TO:



Valerie Espinoza
COUNTY CLERK

Before me, this ____ day of _____, 2011.

My Commission Expires: _____

Notary Public

Submitted by:



Debbie Doyle, Wordswork

SFC CLERK RECORDED 03/21/2011



Santa Fe County Land Use
Santa Fe, NM

February 14, 2011

Re: Bernie Romero Variance Request for Family Lot Split
CDRC No. 11-5010

Seventeen years ago almost all of the adjacent landowners protested when Mr. Romero and his partner attempted to split a single approximately 7 1/2 acre lot into three parcels. Because at least five of us had experienced water shortages in our wells which we could clearly see were influenced by our neighbors usage (people had to fill their holding tanks on alternate days or ran out after a neighbor watered landscaping too generously), we primarily objected to the additional burden on the obviously limited underground aquifer in our immediate area. But we were also concerned about the precedent that was likely to be established, breaking down the intent of the land use codes which had been recently implemented, and circumventing the well-justified requirement for much larger lots than the one they proposed to split. We prevailed to a degree, when they were required to reduce the number of lots from three to two.

Please do not grant this variance, and in effect, over-rule the good judgment demonstrated by the county authorities at that time. All of the same arguments against a third lot still apply. We (Terri Blackman and David Birnbaum) have since had to drill two new wells (actually three since the first try was a dry hole at 400 feet). The second of the three lasted only about 4 years before it stopped producing, and the third (680 feet deep!) has gradually declined in production to less than 200 gallons per day. And more recently, our neighbor to the west (Steve Feld) had to drill his own well when the well he shared with his neighbor could no longer provide for the two of them. This clearly illustrates that there is just not enough water in the ground in this immediate area to allow for another residence. And as before, well thought out regulations (like the one the Fire Marshal is concerned about here) should not be over-ruled for the benefit of a single individual or family.

Please hold the line on allowing further densification in this ecologically fragile area, and save the issuing of variances for cases of true extenuating circumstances or hardship! Thank you very much!

Sincerely,

David Birnbaum, Terri Blackman, Jackson Birnbaum, Liza Birnbaum, Steve Feld, Margo Brace, Bill Keller, Marge Boyd and Ron Boyd

SFC CLERK RECORDED 03/21/2011