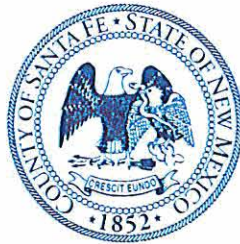


Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** May 10, 2011

**TO:** Board of County Commissioners

**FROM:** Wayne Dalton, Building and Development Services Supervisor *WD*

**VIA:** Jack Kolkmeier, Land Use Administrator *JK*  
Shelley Cobau, Building and Development Services Manager *WD*

**FILE REF.:** CDRC CASE # V 11-5010 Bernie Romero Variance

### ISSUE:

Bernie Romero, Applicant, requests a variance of Article V, Section 8.1.3 (Legal Access) of the Land Development Code to allow an access easement of less than twenty feet (20') in width. The property is located at 11 Caminito Santerra, off County Road 67A, within the Traditional Community of Canada de Los Alamos, within Section 27, Township 16 North, Range 10 East, (Commission District 4).

### SUMMARY:

On February 17, 2011, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the requested variance to allow an access easement of less than twenty feet in width (Refer to Meeting Minutes Attached as Exhibit "B").

On April 12, 2011, the BCC met and acted on this case. The decision of the BCC was to table this case in order for staff and the Fire Marshal to meet with the Applicant to determine whether there are other options regarding fire protection due to the access issue.

On April 29, 2011, staff and the Fire Marshal met with the Applicant and determined that if the variance is approved there will be other fire protection requirements that the Applicant must comply with. These improvements will include a turnaround on the property, a water storage tank, sprinkler system, a vegetation management plan, and compliance with the Urban Wild Land Interface Code for building materials for any proposed structures on the property. However, staff and the Fire Marshal still recommend that the variance be denied based on the access, which exceeds 11% and is less than 20 feet in width.

The Applicant requests a variance of Article V, Section 8.1.3 (Legal Access) of the Land Development Code to allow an access easement of less than twenty feet in width and grade to exceed 11%. The Applicant would like to apply for a Family Transfer Land Division however his existing fifteen foot access easement does not meet current Code criteria. The Applicant meets the density for the Family Transfer as his property contains 5.84 acres and is located within the Traditional Community of Canada de Los Alamos.

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

**This Application has been reviewed by the Fire Prevention Division. The driveway/fire access has two separate 90 degree turns and access from County Road 67A exceeds 11%. Due to inadequate fire access on the adjoining lots between County Road 67A and the Applicant’s property, the Fire Prevention Division recommends denial of the Applicant’s request. Refer to Memo Attached as Exhibit (“I”).**

The Applicant states that the original access easement of 15 feet was established in 1973. A land division and easement relocation were done by the Applicant and were recorded on September 13, 1995. At that time, the Applicant claims he tried to widen the easement to twenty feet but his neighbor refused. The Applicant also states he has not recently communicated with his neighbor regarding widening the easement to twenty feet and feels it is not an alternative due to her refusing in the past.

Article II Section 3 (Variances) of the County Code extension given 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.”

**REQUIRED ACTION:**

The BCC should review the attached material and consider the recommendation of staff; take action to approve, deny, and approve with conditions or table for further analysis of this request.

**RECOMMENDATION:**

Staff has reviewed this Application and has found the following facts **do not support** this request: Article V, Section 8.1.3 states parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11% and drainage control

as necessary to insure adequate access for emergency vehicles; the Applicant is requesting a variance to allow an access easement to be less than twenty feet, which is not allowed by the Code; the purpose of the Code would be nullified; the Applicant has not justified a hardship, as contemplated by the Code, therefore, staff recommends **denial** of the Applicants request.

**ATTACHMENTS:**

- Exhibit "A" - Letter of Request for Variance
- Exhibit "B" - CDRC Meeting Minutes
- Exhibit "C" - Article II, Section 3 (Variances)
- Exhibit "D" - Article V, Section 8.1.3
- Exhibit "E" - Photos of Site
- Exhibit "F" - Plat of Survey
- Exhibit "G" - Previous Plat
- Exhibit "H" - Aerial of Site and Surrounding Area
- Exhibit "I" - Letter from Fire Prevention Division**
- Exhibit "J" - Letter of Opposition
- Exhibit "K" - Vicinity Map

January 18, 2011

To Whom It May Concern:

This Letter of Intent is to request a variance to apply for a Family Transfer Lot Split in the Traditional Community of Canada de Los Alamos.

We've met with Buster Patty of the Santa Fe County Fire Department. He discussed rejecting the lot split because of the 15' wide access easement that was done in 1973. The access easement was relocated in 1995 at the request of the adjacent lot owner (Soledad Martinez) as a condition for approval for a previous lot split. During this relocation, we requested widening the easement to 20'. She rejected this idea then, so asking for this 20' easement would not be an alternative.

During the site visit with Buster Patty he also noted that once we have reached our property, the access to both lots would meet Santa Fe County Fire Department requirements and he would also state this in his letter response.

Because this is not a self imposed hardship we would appreciate consideration for our request for approval of this variance.

Thank you for your consideration.

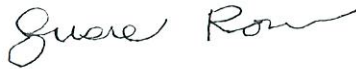
Sincerely,

Bernie Romero



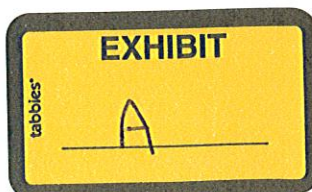
1/18/11

Susie Romero



1/18/11

Bernie and Susie Romero  
11 Caminito Santerra  
Santa Fe, New Mexico 87505





**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:

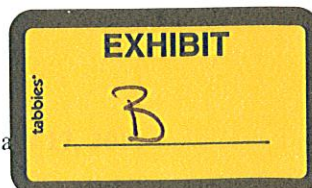
“The Applicant requests a variance of Article V, Section 8.1.3 of the Land Development Code to allow an access easement of less than twenty feet. The Applicant would like to apply for a Family Transfer Land Division however his fifteen foot access easement does not meet current Code criteria for an access 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.



### 2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

### 2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

### 2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

## → SECTION 3 - VARIANCES

### 3.1 Proposed Development

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

### 3.2 Variation or Modification

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

### 3.3 Granting Variances and Modifications

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

### 3.4 Height Variance in Airport Zones

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





8.1.2 The Santa Fe County Master Plan For Roads

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

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

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

8.1.5 Coordination of Roads With Surrounding Property

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

8.1.6 Access to highways and arterials; buffering requirements

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







Bernie Romero  
11 Caminito Santerra  
3/16/2011







Bernie Romero

11 Caminito Santerra

3/16/2011





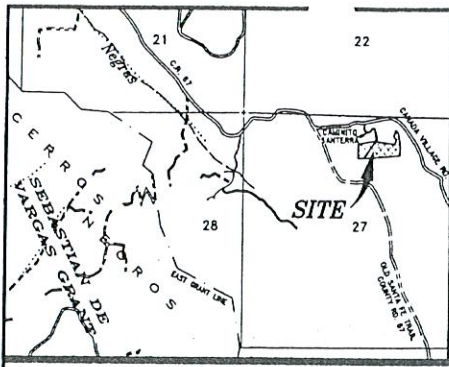
Bernie Romero  
11 Caminto Santerra  
3/16/2011





Bernie Romero  
11 Caminito Santera  
3/16/2011





VICINITY MAP NOT TO SCALE

**LEGEND / PLAT REFERENCE**

BEARINGS ARE BASED ON THAT PLAT TITLED "LOT SPLIT & ACCESS EASEMENT RELOC. FOR BERNIE P. ROMERO TRACT B-2," BY CARL E. SERNA, N.M.P.S. No. 4256, DATED, RECORDED IN BOOK 315, PAGE 40, AS RECEPTION No. 917,992, ON SEPTEMBER 13, 1995, IN THE OFFICE OF THE SANTA FE COUNTY CLERK, NEW MEXICO.

- INDICATES POINT FOUND AND USED AS NOTED.
- INDICATES SET REBAR WITH CAP, L.S. No. 13839.
- ⊙ INDICATES BRASS CAP MONUMENT CALCULATED.
- ▲ INDICATES CALCULATED POINT NOT SET.
- ⊕ INDICATES ELECTRIC METER.
- INDICATES UTILITY RISER.
- INDICATES 3'x3' UTILITY BOX.
- ⊞ INDICATES LPG TANK.
- ⊗ INDICATES WATER WELL CAP.
- INDICATES FENCE LINE.
- \* INDICATES WATER SPIGOT.
- INDICATES 2 CLEANOUTS.

**DEDICATION / AFFIDAVIT**

b15 47

KNOW ALL PERSONS BY THESE PRESENTS:

THAT THE UNDERSIGNED OWNER(S) AND PROPRIETOR(S) HAS CAUSED TO BE REPLATTED THE LANDS SHOWN HEREON, LYING AND BEING SITUATE WITHIN THE COUNTY OF SANTA FE, NEW MEXICO, ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) AND PROPRIETOR(S). THESE LANDS LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY & COUNTY OF SANTA FE, NEW MEXICO. MAINTENANCE OF THE ACCESS EASEMENTS AS SHOWN HEREON IS TO BE THE RESPONSIBILITY OF THE LAND OWNER(S). AN EASEMENT IS HEREBY GRANTED FOR ALL EXISTING UTILITIES.

*Bernie P. Romero* 7/30/05  
DATE  
BERNIE P. ROMERO

*Lily Schlein* 8-30-05  
DATE  
LILY SCHLEIN

STATE OF NEW MEXICO )  
COUNTY OF SANTA FE )

**OFFICIAL SEAL**  
PAUL A. RODRIGUEZ  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires 12-31-06

ON THIS 30 DAY OF Sept., 2005, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY THE PERSON(S) WHOSE NAME(S) APPEAR ABOVE.

*Paul A. Rodriguez* 12-31-06  
NOTARY PUBLIC COMMISSION EXPIRES

**SANTA FE COUNTY APPROVAL**

*Mark G. Galloway* 10/11/05  
COUNTY LAND USE ADMINISTRATOR DATE

05-3144  
COUNTY DEVELOPMENT PERMIT No.

*Mark Galloway* 10-13-05  
COUNTY RURAL ADDRESSING DATE

**COUNTY NOTES AND CONDITIONS**

ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL 350069 0275 B, THIS PROPERTY LIES WITHIN DESIGNATED FLOOD ZONE X AREAS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOOD PLAIN.

PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOILS RATING ON THIS PROPERTY IS DESIGNATED AS BEING SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL BUYERS/SELLERS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.

SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENT(S) OR ROAD(S) AS SHOWN. PRIOR TO THE CONSTRUCTION OF SAID PRIVATE EASEMENT(S) OR ROAD(S), IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS.

MAINTENANCE OF ACCESS ROADS AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNER/USER, UNLESS CURRENTLY MAINTAINED BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT.

EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPEDE WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST. DEVELOPMENT SHALL NOT IMPEDE HISTORIC FLOW RATES OR PATTERNS TO OR FROM THESE LOTS.

THE PARCELS AS PLATTED HEREON ARE SUBJECT TO ARTICLE VII, SECTION 3 OF THE SANTA FE COUNTY TERRAIN MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT.

NEW DRIVEWAY/ROAD ACCESS FROM COUNTY ROAD 67A, CANADA VILLAGE ROAD, IS SUBJECT TO APPROVAL BY THE PUBLIC WORKS DIRECTOR. THE DIRECTOR SHALL APPROVE THE LOCATION AND INSTALLATION OF A CULVERT AS PERMITTED BY SANTA FE COUNTY PRIOR TO ISSUING A PERMIT FOR CONSTRUCTION.

THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.

ALL DEVELOPMENT SHALL OCCUR WITHIN BUILDABLE AREAS IN ACCORDANCE WITH THE SANTA FE COUNTY LAND DEVELOPMENT CODE.

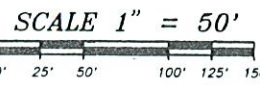
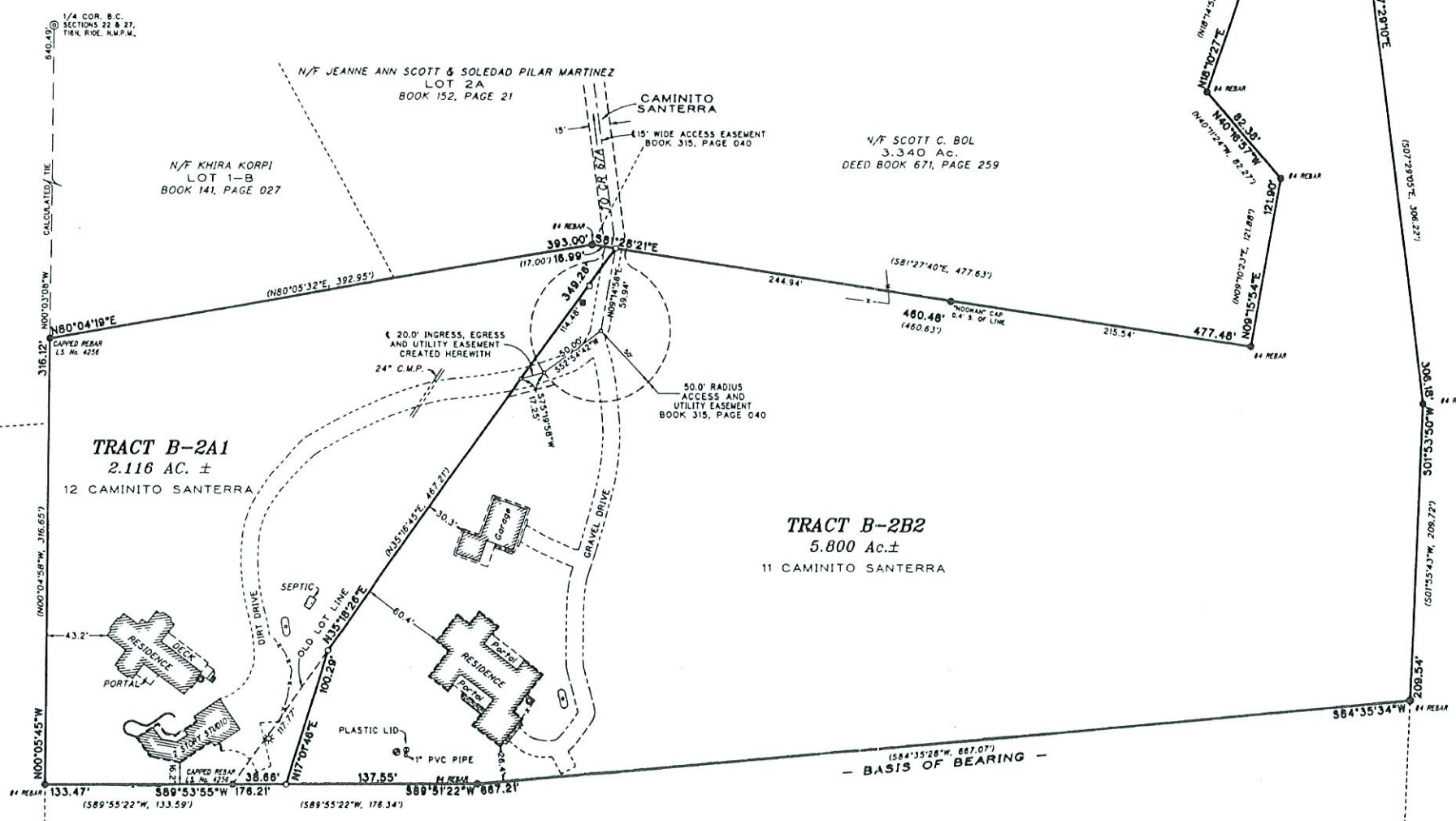
THESE TRACTS ARE SUBJECT TO THE REQUIREMENTS OF THE FIRE MARSHAL AFFIDAVIT FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS INSTRUMENT No. 1426-B-42

**SPECIAL BUILDING PERMIT CONDITIONS**

BUILDING ON THESE LOTS ARE SUBJECT TO THE URBAN WILDLAND INTERFACE CODE.

DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROADS, FIRE PROTECTION AND DRAINAGE ARE COMPLETED AS APPROVED BY STAFF.

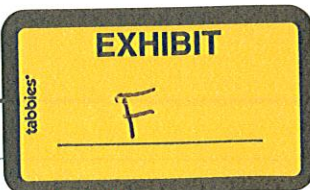
PURPOSE: THIS PLAT IS TO ADJUST EXISTING LOT LINES



**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WAS MADE BY ME OR UNDER MY PERSONAL DIRECTION AND CONTROL, AND THAT THE DATA SHOWN HEREON IS TRUE AND CORRECT. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS. FIELD WORK PERFORMED ON MAY 05, 2005.

*Paul A. Rodriguez* 09-29-05  
PAUL A. RODRIGUEZ, N.M.P.S. No. 13839, DATE



COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed for record on the 2 day of Sept. A.D. 2005 at 6:04 o'clock P.M. and was duly recorded in Book 315 of the records of Santa Fe County.

Witness my hand and Seal of Office  
Valerie Esalozco  
County Clerk, Santa Fe County, N.M.

*Philip M. Barger*  
Deputy



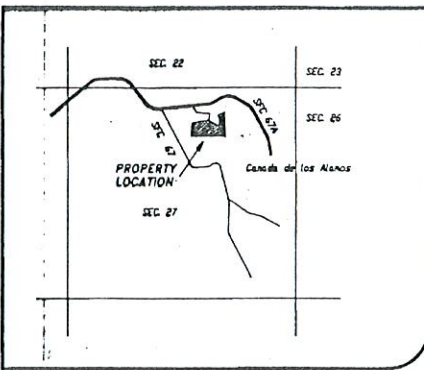
INDEXING INFORMATION FOR COUNTY CLERK	
TYPE OF BLANK	LOT LINE ADJUSTMENT
BOOK	BERNIE P. ROMERO & LILY SCHLEIN
SECTION	SECTION 27, T16N, R10E., N.M.P.M.,
RESUBDIVISION NAME	N/A
PLAT	TRACT B-2A & B-2B

**PARAMOUNT SURVEYS, INC.**

1925 ASPEN DRIVE, SUITE 500 B, SANTA FE, NM 87505  
Phone 505-820-2340 Fax 505-986-2012

LOT LINE ADJUSTMENT SURVEY PREPARED FOR				
BERNIE P. ROMERO & LILY SCHLEIN				
TRACT B2-A & TRACT B2-B				
WITHIN SECTION 27, T16N, R10E., N.M.P.M., NEAR CANADA DE LOS ALAMOS, SANTA FE COUNTY, NEW MEXICO				
SCALE	DATE	DRAWN BY	CHECKED BY	PROJECT No.
1" = 50'	Sept., 2005	P.A.R.	P.A.R.	1036-4





BEARINGS AND DISTANCES IN PARENTHESIS FOR LOT 2A WERE TAKEN FROM A SURVEY PREPARED BY CIPRIANO MARTINEZ N.M.P.L.S. NO. 3495, PLAT ENTITLED 'PLAT OF SURVEY FOR BERNIE P. ROMERO, CANADA DE LOS ALAMOS GRANT, SECTION 27, T.16N., R.10E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO.

DESCRIPTIONS

NOTE:

THIS PROPERTY SHALL NOT BE FURTHER SUB-DIVIDED. THIS PLAT IS SUBJECT TO AN AGREEMENT REGARDING EASEMENT AND LOT-SPLIT AS STATED IN THE DOCUMENT PREPARED BY RONALD BOYO, ATTORNEY AT LAW DATED DECEMBER 12, 1994 TO BE RECORDED WITH THIS DOCUMENT AND AT THE COUNTY CLERK'S OFFICE.

KNOW ALL PERSONS BY THESE PRESENTS:

THAT THE UNDERSIGNED OWNER(S) HAS CAUSED LANDS TO BE SUBDIVIDED SHOWN HEREON LYING AND BEING SITUATE IN SANTA FE COUNTY, WITHIN THE PLANNING AND PLATTING JURISDICTION OF SANTA FE COUNTY, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S).

VICINITY MAP (NOT TO SCALE)

BEARINGS AND DISTANCES IN PARENTHESIS AND THE BASIS OF BEARING FOR THIS SURVEY WERE TAKEN FROM A SURVEY PREPARED BY CIPRIANO MARTINEZ, N.M.P.L.S. No. 3895, PLAT ENTITLED 'PLAT OF SURVEY FOR BERNIE P. ROMERO, CANADA DE LOS ALAMOS GRANT, SECTION 27, T.16N., R.10E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO. RECORDED IN THE OFFICE OF THE COUNTY CLERK IN PLAT BOOK 265, PAGE 030, ON FEBRUARY 8, 1994 SANTA FE COUNTY NEW MEXICO.

BEARINGS AND DISTANCES IN PARENTHESIS (W.L.) WERE TAKEN FROM A SURVEY PREPARED BY WALLACE LUCCHETTI, N.M.P.L.S. No. 5040, PLAT ENTITLED 'PLAT OF SURVEY FOR DR. SIDNEY FINE & DR. KENNETH JOHNSON AND JOHN KUHN' DATED APRIL 1973, VEDELER ENGINEERING.

NOTE: EASEMENTS ARE HEREBY GRANTED FOR ALL EXISTING UTILITIES.  
 ● DEMOTES CORNER FOUND AND USED AS NOTED.  
 ○ DEMOTES NO. 8 REBAR W/CAP L.S. 4256, SET THIS SURVEY.

SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS:  
 APPROVALS:  
 COUNTY OF SANTA FE  
 COUNTY LAND ADMINISTRATOR  
 COUNTY DEVELOPMENT PERMIT No. 94-2017  
 DATE 9-22-95

NOTE: MAINTENANCE OF PRIVATE ACCESS EASEMENTS IS THE RESPONSIBILITY OF THE USERS / OWNERS.

NOTE: PROPERTY AND IMPROVEMENTS LIE WITHIN COMMUNITY PANEL NO. 350089 02759 OF THE FIRM FLOOD INSURANCE RATE MAP. PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD AREA.

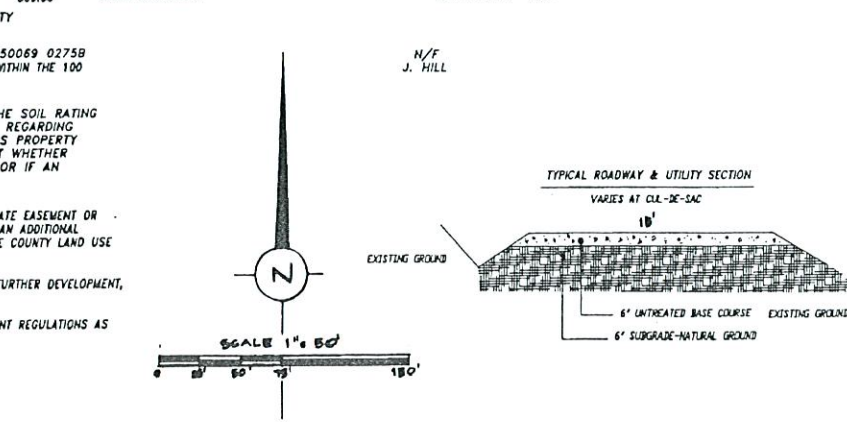
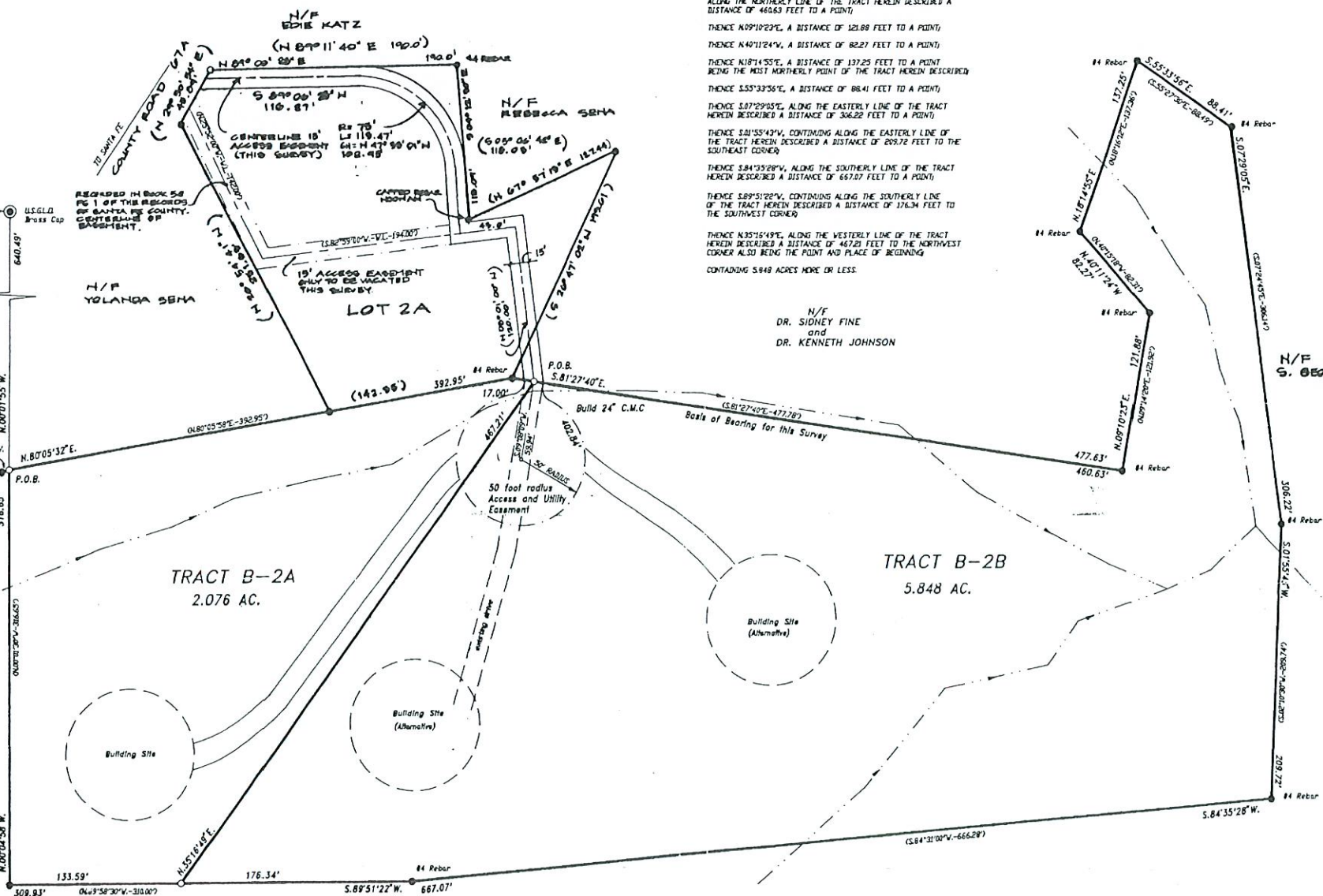
NOTE: PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOIL RATING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE - SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL BUYERS/SELLERS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.

THE APPROVAL OF THIS PLAT DOES NOT INCLUDE THE CONSTRUCTION OF PRIVATE EASEMENT OR ROAD SHOWN HEREON. PRIOR TO SAID CONSTRUCTION, IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS.

THE TRACTS SHOWN HEREON MAY BE SUBJECT TO FUTURE TERRAIN MANAGEMENT REGULATIONS AS ADOPTED BY SANTA FE COUNTY.

Certification  
 I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES SHOWN HEREON ARE AN ACCURATE DELINEATION OF A SURVEY COMPLETED BY ME OR UNDER MY SUPERVISION ON JULY 1995, AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEY IN NEW MEXICO.



TRACT B-2A  
 BEGINNING AT THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED WHENCE A U.S.G.L.O. BRASS CAP MARKED THE 1/4 CORNER OF SECTIONS 22 AND 27, DATED 1959, BEARS S 00° 01' 59" E A DISTANCE OF 640.49 FEET;  
 THENCE FROM THE POINT AND PLACE OF BEGINNING N 80° 05' 32" E ALONG THE NORTHERLY LINE OF THE TRACT HEREIN DESCRIBED A DISTANCE OF 592.95 FEET TO A POINT;  
 THENCE S 81° 21' 40" E CONTINUING ALONG THE NORTHERLY LINE OF THE TRACT HEREIN DESCRIBED A DISTANCE OF 17.00 FEET TO THE NORTHEAST CORNER;  
 THENCE S 55° 16' 49" E ALONG THE EASTERLY LINE OF THE TRACT HEREIN DESCRIBED A DISTANCE OF 407.21 FEET TO THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;  
 THENCE S 89° 51' 22" N ALONG THE SOUTHERLY LINE OF THE TRACT HEREIN DESCRIBED A DISTANCE OF 159.89 FEET TO THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;  
 THENCE N 60° 04' 50" N ALONG THE WESTERLY LINE OF THE TRACT HEREIN DESCRIBED A DISTANCE OF 310.65 FEET TO THE NORTHWEST CORNER ALSO BEING THE POINT AND PLACE OF BEGINNING,  
 CONTAINING 2.076 ACRES MORE OR LESS.

315040  
 STATE OF NEW MEXICO  
 COUNTY OF SANTA FE 1 SS  
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 6th DAY OF Sept 1995  
 Juida Meaders  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES 9-10-99

917-992  
 COUNTY OF SANTA FE  
 STATE OF NEW MEXICO 1 SS  
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED ON THE 13 DAY OF September A.D. 1995 AT 9:32 O'CLOCK AM, AND WAS DULY RECORDED IN BOOK 315 PAGE 040 OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE  
 JONA G. ARMIJO  
 COUNTY CLERK, SANTA FE COUNTY, N.M.  
 Mary Bana  
 DEPUTY

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS:  
 THAT THE UNDERSIGNED OWNER(S) OF LOT 2A HEREBY GRANT THE 15 FOOT ACCESS EASEMENT AND VACATE THE 15 FOOT IMPRESS, EGRESS EASEMENT AS SHOWN HEREON LYING AND BEING SITUATE IN SANTA FE COUNTY, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S).

J. Smith

STATE OF NEW MEXICO  
 COUNTY OF SANTA FE 3 SS  
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 6th DAY OF Sept 1995  
 Juida Meaders  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES 9-10-99

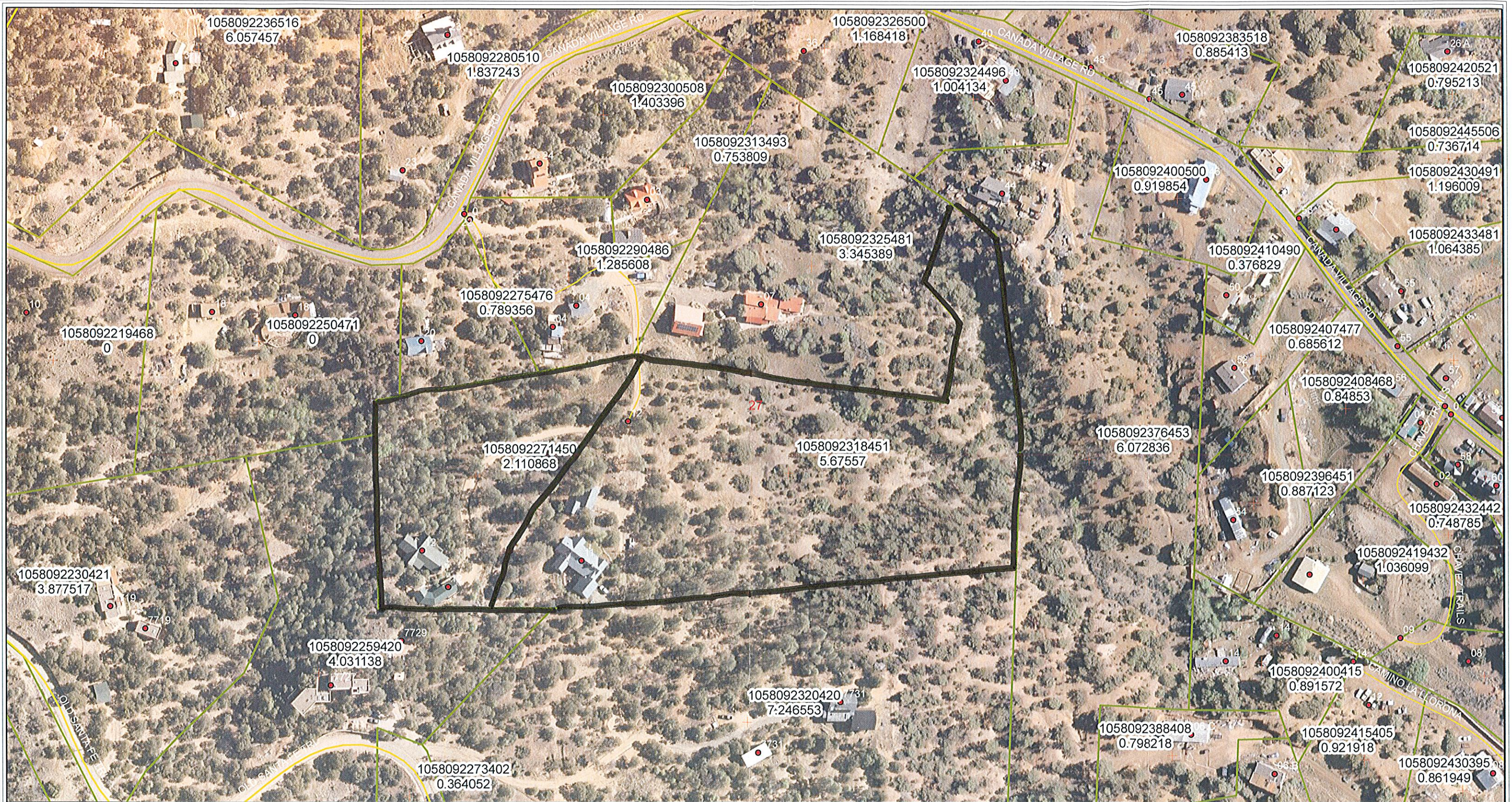
UTILITY COMPANY APPROVALS  
 PUBLIC SERVICE COMPANY / POWER 7-21-95  
 U.S. WEST COMMUNICATIONS 07-28-95  
 SANGRE DE CRISTO WATER CO. 7/21/95  
 GAS COMPANY OF NEW MEXICO 7-31-95

INDEXING INFORMATION FOR COUNTY CLERK




LOT SPLIT & ACCESS EASEMENT RELOC.  
 FOR  
 BERNIE P. ROMERO  
 TRACT B-2, CANADA DE LOS ALAMOS GRANT  
 WITHIN SECTION 27, T.16N., R.10E., N.M.P.M.  
 SANTA FE COUNTY, NEW MEXICO.

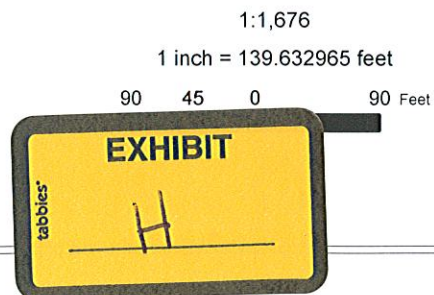
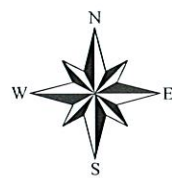






**Legend**

-  Major
-  Minor
-  Parcels



2008 Orthophotography

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.



March 22, 2011 16



Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

# Santa Fe County Fire Department Fire Prevention Division

## Official Submittal Review

Project Name	Romero, Bernie			
Project Location	11 Caminito Santerra T16; R10; S27 "High Wildland-Urban Hazard Area"			
Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>	Wildland <input checked="" type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
Description	Family Transfer and Land Division		Case Manager	A. Romero
Applicant Name	Bernie Romero	County Case #	11-5010	
Applicant Address	11 Caminito Santerra Santa Fe, NM 87505		Fire District	Hondo
Applicant Phone	505-988-2431			
Review Type	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Inspection <input type="checkbox"/>
				Lot Split <input type="checkbox"/>
Date	2-21-11			

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

### Summary of Review

- Due to inadequate fire access on the adjoining lots between County Road 67A and proposed Tract B-2B this office recommends DENIAL for Final Development Plan with the conditions indicated. (page #4)
- This development location is rated within a "High Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas. (page #3)
- Per submitted plans, roads and driveways within survey line indicated for Tract B-2B will meet the minimum County standards for fire apparatus access roads within this type of proposed development. Driveway, turnouts and turnarounds will be County approved all-weather driving surface of minimum 6" compacted base course or equivalent. Minimum gate and individual driveway width shall be 14' and an unobstructed vertical clearance of 13'6". (page #2)



- The width of the access road/ driveway from County Road 67A to the Tract B-2B does not currently conform to the requirements of the Santa Fe County Land Development Code or the Santa Fe County Fire Department 1997 Uniform Fire Code. (page #2)
- The driveway/fire access has 2 separate 90 degree turns and access from CR67A exceeds 11% and does not meet the requirements of the Santa Fe County Fire Department. (page #3)

**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.*

- **Roadways/Driveways**

*Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.*

Per submitted plans, roads and driveways within survey line indicated for Tract B-2B will meet the minimum County standards for fire apparatus access roads within this type of proposed development. Driveway, turnouts and turnarounds will be County approved all-weather driving surface of minimum 6" compacted base course or equivalent. Minimum gate and individual driveway width shall be 14' and an unobstructed vertical clearance of 13'6".

As indicated on submitted plans and site visit and discussions with Mr. Romero, the turnaround at the end of each driveway incorporates a cul-de-sac turnaround area for emergency vehicle purposes conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department.

The width of the access road/ driveway from County Road 67A to the Tract B-2B does not currently conform to the requirements of the Santa Fe County Land Development Code or the Santa Fe County Fire Department 1997 Uniform Fire Code.

- **Street Signs/Rural Address**

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

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

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

▪ **Slope/Road Grade**

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

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

The driveway/fire access has 2 separate 90 degree turn and access from CR67A exceeds 11% and does not meet the requirements of the Santa Fe County Fire Department.

▪ **Restricted Access/Gates/Security Systems**

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

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

## **Fire Protection Systems**

### **Automatic Fire Protection/Suppression**

Due to the location of this proposed residence and the lack of a pressurized hydrant or water storage (draft hydrant) system in this area, it is highly recommended that an Automatic Fire Suppression System meeting NFPA 13D requirements be installed on any future construction

### **Urban-Wildland Interface**

*SFC Ordinance 2001-11, Urban Wildland Interface Code*

This development location is rated within a "High Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas.

▪ **Building Materials**

Buildings and structures located within urban wildland interface areas, not including accessory structures, shall be constructed in accordance with the Fire 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 of proposed development.

▪ **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 call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

▪ **Permits**

As required

**Final Status**

Due to inadequate fire access on the adjoining lots between County Road 67A and proposed Tract B-2B this office recommends **DENIAL** for Final Development Plan with the conditions indicated.

*Tim Gilmore, Inspector*



Code Enforcement Official

2-23-11  
Date

Through: David Sperling, Fire Marshal/Deputy Chief

File: DevRev/H/Romero/022311

Cy: Applicant  
Hondo Fire District Chief

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 ½ 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.

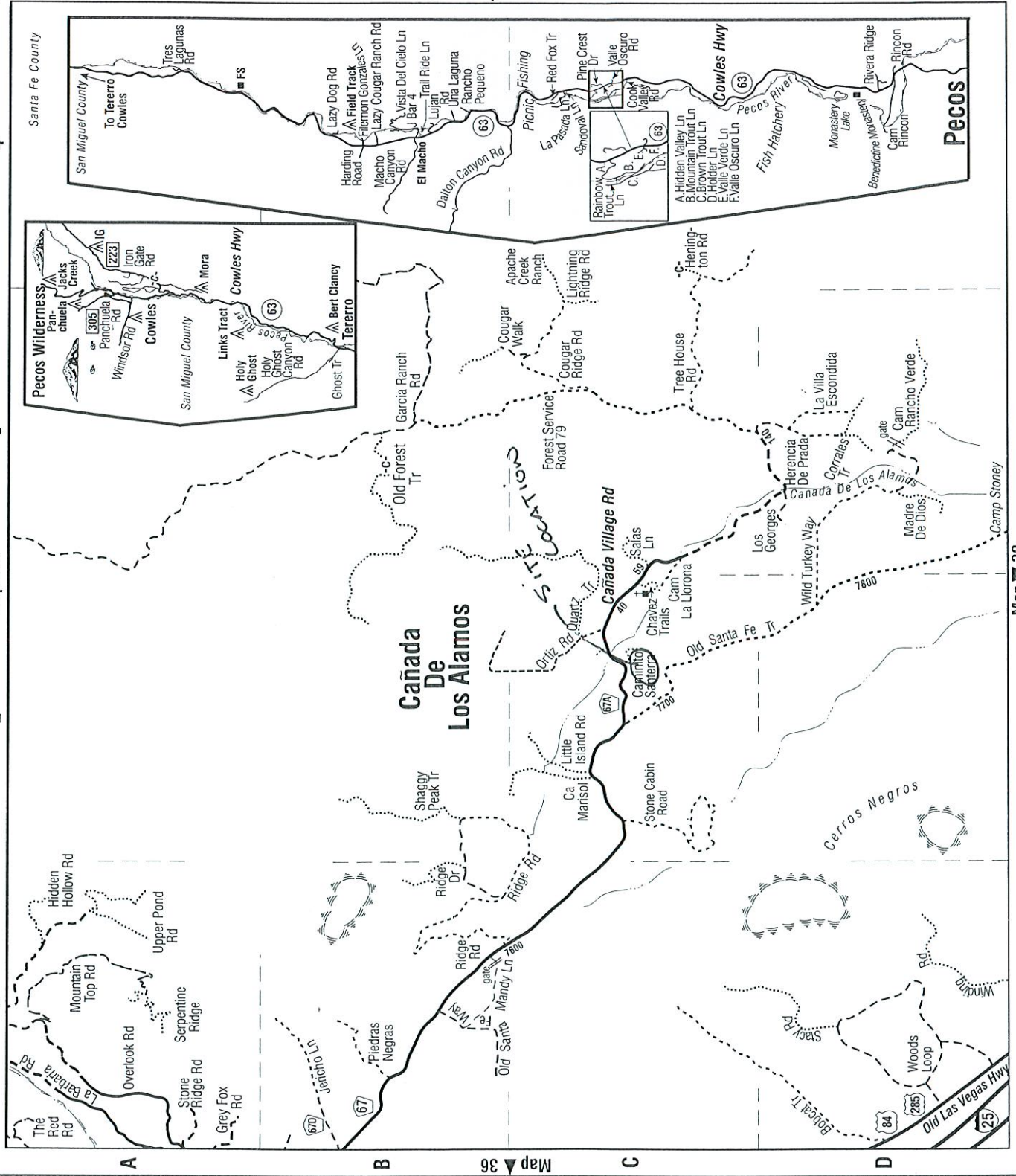
Please do not grant this variance, and in effect, over-rule the good judgment demonstrated by the county authorities at that time. All of the same arguments against a third lot still apply. We (Terri Blackman and David Birnbaum) have since had to drill two new wells (actually three since the first try 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,

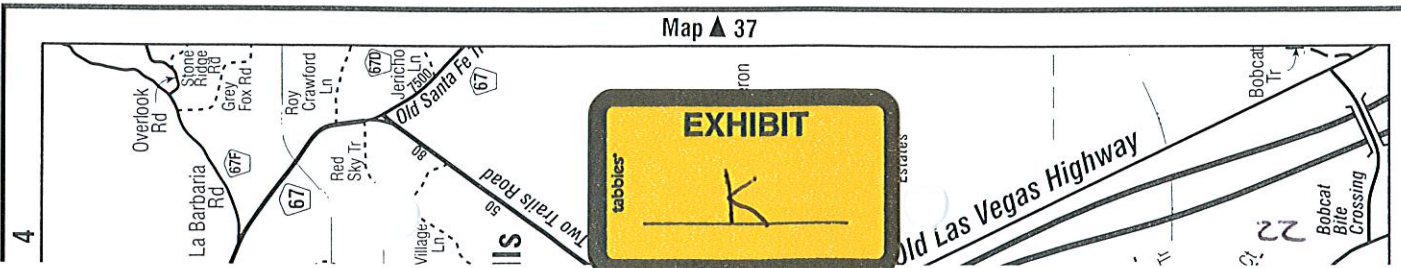
David Birnbaum, Terri Blackman, Jackson Birnbaum, Liza Birnbaum, Steve Feld, Margo Brace, Bill Keller, Marge Boyd and Ron Boyd





Map 6

Map 32



4

22