

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

Santa Fe, New Mexico

March 21, 2017

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

Staff Present:

Vicki Lucero, Building & Services Manager
Andrea Salazar, Assistant County Attorney
John M. Salazar, Development Review Specialist
Jaome Blay, County Fire Marshal
Paul Kavanaugh, Building & Development Supervisor

II. APPROVAL OF AGENDA

Hearing Officer Long approved the agenda as published. She read each case captions as introduction to the issue.

III. PUBLIC HEARING

- A. **Michael and Jill Schlumberger and Lee Fugate Applicants, Ted Harrison, Agent, request variances of Ordinance No. 2016-9, the Sustainable Land Development Code (SLDC as amended), Chapter 7.11, Table 7-13 Road Design Standards to allow a roadway to be less than 20 feet in width, and to allow the roadway to exceed a 9 percent grade. The properties are located at 30 and 45 Silver Saddle Road, within the vicinity of Spur Ranch Road, within Section 32, Township 15 North, Range 10 East (Commission District 5) SDA-2**

JOHN M. SALAZAR (Development Review Specialist): Thank you, Madam Hearing Officer. John Salazar, Development Review Senior, Growth Management Department. As stated in the caption these properties are located at 30 Silver Saddle Road –

HEARING OFFICER: Just a minute, John, I want to make sure everyone can hear you. It looks like people are indicating that they can't hear.

MR. SALAZAR: How's that? Okay. As stated in the caption the properties are located at 30 Silver Saddle Road and 45 Silver Saddle Road. The first applicants, the Schlumbergers, own the property at 30 Silver Saddle Road. The second applicant, the Fugates, are a prospective buyer of the property which is currently owned by Santa Fe Ranchland.

The property at 30 Silver Saddle Road consists of 12.5 acres, and the property at 45 Silver Saddle Rd consists of 29.8 acres. Both properties are within the vicinity of Spur Ranch Road in the Rural Residential zoning district.

These variances sought by the applicants are regarding Chapter 7, Table 7-13 Rural Road Classification and Design Standards for SDA-2 and SDA-3. The applicants are requesting variances to allow a roadway to be less than 20 feet in width, and to allow the roadway to exceed a 9 percent grade.

Both applicants are stating that the cost to widening the road would be up to \$150,000 to \$250,000. The current values of these lots are \$150,000 to \$250,000 per lot.

Staff recommends denial of the Applicants request for a variance to allow a roadway to be less than 20 feet in width, and to allow the roadway to exceed a 9 percent grade and recommends that minimum road width should be 18 feet. If the decision of the hearing officer is to recommend approval of the variances staff recommends the following condition be imposed:

1. The Applicant must obtain building permits for dwelling units.
2. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application

Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written recommendation. The Santa Fe County Planning Commission will be holding a public hearing on this matter on May 18, 2017.

And staff will stand for questions, Madam ho.

HEARING OFFICER: This road is a private road I take it.

MS. LUCERO: Hearing Officer Long, that is correct.

HEARING OFFICER: I thought I saw in maybe it was in the applicant's letter that seven of the lots are improved meaning that they have a structure on them.

MS. LUCERO: That is correct. There are residences on seven of the lots.

HEARING OFFICER: And there was never a requirement to make any improvements to this road with any of those development permits or building permit?

MS. LUCERO: Hearing Officer Long, those lots were developed under the old land development code and so there wasn't the requirement when you were coming in for a building permit to make any of the improvements that would have been done during the subdivision.

HEARING OFFICER: So this road is in compliance with the code provisions that were applicable directly before the Sustainable Land Development Code was adopted?

MS. LUCERO: Hearing Officer Long, the lots that were created within this area were actually done by land divisions so they were administratively approved. They didn't have to meet any type of subdivision road standards. At that time, as the lots were developed, it did meet the requirements of the old code.

HEARING OFFICER: They did.

MS. LUCERO: Yes.

HEARING OFFICER: Okay. And just to be clear for this application there are no requests for subdivision; is that correct?

MS. LUCERO: That's correct, yes.

HEARING OFFICER: Okay.

MS. LUCERO: Hearing Officer Long, if I could just address that on the caption on the agenda there's actually three variances stated there that the applicant is requesting and that

was part of their original request, however, through the review process – they did request a variance to allow an easement of less than 38 feet. As staff was going through the review process we did determine that the easement was 50 feet as it exists already so they don't need that variance.

HEARING OFFICER: Okay, thank you for that clarification. I did see that in the materials as well that there was 50 feet.

Okay, let's hear from the applicant then.

[Duly sworn, Scott Hoeft, testified as follows]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Santa Fe, New Mexico 87505.

So first of all, thank you. I thought the staff report was excellent in terms of its comprehensiveness and covering the topics it is just that we disagree with it a little bit. We have, obviously, a request to proceed with the road as is and I'll walk you through my points.

You know, by looking at the staff report a couple of minor changes I noticed was that in the summary on NBA 2, the first applicants, the Schlumbergers, they're actually 45 Silver Saddle and Fugate is 30 so those two are mixed up. Yes, Fugate is 30 and Schlumbergers are 45. And then the second point I'd like to make with the staff report is that in the recommendations on page NBA 5, it says if the decision of the Hearing Officer is to recommend approval of the variances staff recommends the following conditions and then it goes on to say that applicants shall comply with all Fire Prevention Division requirements at the time of development which would be a contradiction because the fire letter requires the improvements that are specified as part of the denial. So there's a bit of a question that we need to – meaning that if it's a recommended approval in our favor we cannot comply with the fire letter. So number two we need to kind of talk a little about.

HEARING OFFICER: Okay.

MR. HOEFT: But let me just talk about the project overall, if I can turn your attention, Ms. Hearing Officer Long, to page NBA17 which is the map. So you can see just to get your bearings, you can see on the right hand side where it is 285 and then you access the property through Spur Ranch Road and then you take due south on Silver Saddle Road. Does that make sense so far?

HEARING OFFICER: Yes, I am following that.

MR. HOEFT: So if you see Spur Ranch Road, the standards for that road are the width of 20-feet, gravel base course road. And having driven that the other day, that is a very, very wide road. I want to say almost a collector type of road. When you look at Silver Saddle Road, it is a very minor road and some of those pictures will illustrate that when you thumb through the pictures in the back on NBA 22 and NBA 23, you can kind of see the width of the road on those and that's how the road currently exists. And why I am pointing this out is that the Spur Road, the road that it connects to, is a very, very wide road and the argument is is that that road is inappropriate for this lot, this essentially area, which has 11 home sites on it, 11 lots. So Spur Ranch the main collector road in the area accesses, my guess, in the area of 50 to 100 lots. That road and that standard is being applied to this road, the subject road, which has 11 lots finite, 11 finite, there is nothing more that can occur on this road and it's a dead-end road with 11 lots. And so those road standards seem to be a little off in applying such a significant standard to such a small road that accesses only 11 lots and I think that that's important to highlight.

The second thing is, again, the parcel sizes in this area are north of 12.5 acres. Again, 11 lots all north of 12.5 acres. The road is consistent with that lot size and has been pursuant to the previous code for many years.

The next point is that in this process the SDLC was suppose to simplify the process of moving forward with a building permit and here we are having to go through a variance hearing. Two lots are the subject of the hearing today. Two completed lots, not land divisions. They are under real estate contract in terms of an acquisition and they can't move forward with building permit because of the standard that applied. It just seems that it is a very heavy handed approach to apply to a circumstance that is relatively minor in the scope of things with the road standards.

You have two lots that are already created. You have seven homes that are already constructed on that roadway and they're being asked to widen the road to a standard that is far beyond what is needed for 11 homes. And that takes us into the cost issue and the hardship which is preliminary estimates place those improvements at \$350,000 which would have to apply to these two lots, \$350,000, that makes it financially unfeasible. And why it's the cost at that expense is due to several factors. One is the widening of it which taking it from 12 to 14 feet up to 20 feet. There are already improvements along that road. You have a transformer. You have entryways that are along that road with monuments to those existing lots; monument entryways, address makers, for example. You have culverts in place. When you're widening that road at each of those lots as you proceed those improvements would have to be adjusted and changed. You also have pilasters along. You have Qwest markers along. You have utilities in play along that road. So there are a lot of changes that would have to occur to widen that road out to 20 feet.

The last issue is lowering the grade. Again, you've got a situation to where the code requires you to be at 9 percent or less and the existing grade is anticipated to be 14 to 15 feet in grade and that's an existing condition that currently serves the lots.

The last point is that there are several letters in the packet that indicate that the neighbors don't want it. That they've lived on the road now for many years, the road has serviced their needs and to widen the road to the standard of the Spur Road is excessive for that type of roadway and that type of lane. Spur Ranch Road, again, is significant in its width and to widen Silver Saddle Road, the subject road, to the 20 feet would really destroy the character of that neighborhood for a road that has a finite number of lots, that won't see any further divisions, that is a dead-end –

And so in conclusion, it is our argument that the code, in this case, is being applied heavy-handed. It seems as though, unfortunately, in this circumstance, the code because it requires the widening of the road and adjustment of the grade doesn't take into account the fact that there are existing conditions out on the County, all over the County, that are going to fall within this same threshold and are going to also have to also require variances for a simple lot transaction. That has in this transaction slowed down the lot transaction by over six months and we still after this hearing we have to proceed to the Planning Commission which won't be till May. This transaction started in September/October of last year. So you can kind of look at the time it has taken just to get through this process and in the previous code we wouldn't have had to have been dealing with this situation. The lots would have transacted.

With that, I stand for questions.

HEARING OFFICER: Is there a road association that maintains this road and maybe other roads in the area?

MR. HOEFT: I'm going to have to check with my client. My client says that it is an informal voluntary association.

HEARING OFFICER: Okay. And I saw a statement maybe in the letter of application from Commonweal that, previously building permits and subdivision approvals were obtained without requirement from improvement to Silver Saddle Road even though the 1981 Land Development Code specified 20-foot travel lanes at that time; do you know anything about that?

MR. HOEFT: That is our understanding, Hearing Officer.

HEARING OFFICER: And so this variance request was triggered by the building permit application for these two lots; is that right?

MR. HOEFT: That is correct.

HEARING OFFICER: Okay. Let me ask then – I don't have any more questions for you right now – is there's anyone here that came to speak either for or against this variance application? And if I could just see a show of hands if there is anyone for this case. There's two people over here. So anyone that wants to speak on this, if you could just come up and have a seat in the front while you are waiting and you can be sworn in at the same time and we will have a three minute time limit for any speakers. And you don't have to speak if you don't want to and I will note that we do have letters in the packet that will go into the record but you are welcome to.

[Duly sworn, David Shepherd testified as follows]

DAVID SHEPHERD: My name is David Shepherd. We've owned the property, lived in the property since the mid 1990s. My wife and I were interested in ultimately moving into town after a 14 year stay in the Eldorado area and we did so 12 years ago. The house has been rented in the interim. We are of a certain age, my wife and I are both in our 80s, and there's a considerable interest on my part to hand my house onto my children. It's possible that that's not going to work and we'd like to be able to assure ourselves a clean situation where the house is easily salable. We're actually in the midst of a combination of things where somebody is very on our doors right now and we cannot go further on the negotiation picture. We've been waiting frankly for 12 years for an opportunity. So that's really not part of this situation.

I'm very much in favor – it's in my interest, very much.

HEARING OFFICER: You are in favor of the variance request. I have a letter from you as well.

MR. SHEPHERD: Yes, you have. And I've talked with two neighbors recently and I don't think either one has sent in a letter to you but I can assure you that there are others that are very interested in this particular proceeding.

HEARING OFFICER: Okay, thank you very much, Mr. Shepherd.

[Duly sworn, Ted Harrison testified as follows]

TED HARRISON: My name is Ted Harrison and I am both acting on behalf of the property owners as Scott mentioned but I am also representing Commonweal Conservancy which has a property that has a driveway easement that connects to Silver Saddle.

HEARING OFFICER: And can I have you sworn in or were you previously?

MR. HARRISON: I did.

HEARING OFFICER: Okay, please go ahead.

MR. HARRISON: So not to belabor the point, but certainly I feel and I think the applicants feel great respect for the code goals and objectives in terms of ensuring safety and access both for emergency vehicles and just the normal passage of vehicles along the short length

of road. But we're in a situation not dissimilar from many, many hundreds of miles of other county roads and perhaps as I spoke with the TAC, the Technical Advisory Committee, some weeks ago or months ago this is an example of a variance request that I am actually concerned is going to bear the staff and the Hearing Officer and Planning Commission because here we have a situation where a single buyer of a piece of property was told at the building permit, just pre-application, that they were going to be responsible singularly for improving the road before the building permit could be issued. And when you think about the numbers of lots that are similarly served by roads that may be 10 to 14 feet in width and it doesn't take much to drive around this area of 285 to find scores of roads that fit this same condition, it just seems that where we're going with this variance request, I hope, will actually help inform a modification to the code. I know that's not what we're allowed to request today but this is a case that brings to light the challenge of this more suburban standard on what is fundamentally a rural road conditions in an area of the County that has unavoidable slope conditions. The escarpment that leads down into the Galisteo Basin is such that the only way you could get down to a 9 percent grade is to a very intensive grading of that escarpment and then to meet the terrain management requirements, I think, have a very significant cut back into the hillside which would in turn destroy vegetation and require quite a bit of revegetation. So it feels like it is disproportional in its impact to burden these four remaining undeveloped lots with a significant expense and the Commonweal Conservancy would ask that the variance be approved as well. Thank you so much.

HEARING OFFICER: Thank you.

[Duly sworn, Jeffery Anderson, testified as follows]

JEFFERY ANDERSON: My name is Jeffery Anderson. I live at – I have homes at 16 and 18 Spur Ranch Road. We also have property off of Silver Saddle and our access is off of Silver Saddle. Needless to say we have an association for Spur Ranch Road. It's something that a local resident put together and makes a lot of sense. It's always difficult to get people to contribute to something that they're not required to do but on the same vein there is no doubt that that character of Silver Saddle is what it is and it needs to be maintained the way it is because it's a limited access road. It's serving very few residents and the character of the road would probably change the character of that small little unique neighborhood if it was made to comply with the new requirements today.

So as an owner of property that I say has access off of Silver Saddle, we're in favor of the variance.

HEARING OFFICER: Okay, thank you, Mr. Anderson. All right, anyone else? One more person back here, please come forward.

[Duly sworn, Daniel Bethune, testified as follows]

DANIEL BETHUNE: My name is Daniel Bethune, B-E-T-H-U-N-E. I live at 8 Silver Saddle, I'm the first property. I don't want to speak too long. I didn't really want to speak at all. I would just like to echo my support with my fellow neighbors. I am in support of this same variance.

HEARING OFFICER: Okay, thank you. Thank you for coming this afternoon.

Okay, another question for staff and this goes to the condition that the applicant's agent was questioning and that is compliance with Fire Prevention Division requirements at time of development permit application and whether that compliance would negate the variances if they were granted or is there some other requirement that you're getting at there?

MS. LUCERO: Hearing Officer Long, as the Fire letter stands it basically does say that the application would need to comply with the requirements. I understand that there are some additional options that may be done and I don't know if Fire Marshal Jaome Blay would like to address those.

FIRE MARSHAL JAOME BLAY: Sure.

HEARING OFFICER: Would you come forward and let us know what those other requirements are.

FIRE MARSHAL BLAY: Hearing Officer Long, my name is Jaome Blay, I am County Fire Marshal and what I would like to say in this case is that we're willing to work with the applicant. Obviously, we need to ensure that the minimum intent of the code is still met but we are willing to work with the applicant as long as the SLDC is also in agreement. If you want me to go into more detail as to what we're willing to do then I'll be more than glad to.

HEARING OFFICER: My question is the road grade and width and other improvements aside, in other words if the applicant were to get the variances that they're requesting so that that's off the table, what are the other fire compliance requirements that you would have for these building permits?

FIRE MARSHAL BLAY: Hearing Officer Long, definitely the homes will have to be sprinklered due to the slope of the road and I understand that that may not be easy to change the slope at this current time. Also, the existing road, the way it is, I did a site visit, at some points it is like 8 or 9 feet wide, so we would require to have turnouts every so often, like, for instance, every 200 feet a turnout that is at least 30 feet long to accommodate any engine or any ambulance or brush truck.

HEARING OFFICER: Okay, thank you. I think I understand.

FIRE MARSHAL BLAY: You're welcome.

HEARING OFFICER: All right anything else from the applicant or anything else regarding the comments you heard regarding the fire requirements or proposed conditions?

MR. HOEFT: Hearing Officer Long, regarding Mr. Blay's comments we feel that those are reasonable and concur if the variance was granted.

HEARING OFFICER: The turnouts and sprinklers for the homes?

MR. HOEFT: Yes.

HEARING OFFICER: Okay, and I realize that may be new information you're just hearing but it sounds like it is something that you could have a conversation with the Fire Marshal about.

MR. HOEFT: Yes it is. Ted had a question regarding, going to your second comment, it seems like the details would need to be worked out a little bit but I guess the question is how many turnouts would be necessary and it's our assumption that that could be worked out.

HEARING OFFICER: I would think so. We won't be able to get into those details today but I think it is something that you can sit down and try to work out.

MR. HOEFT: Correct.

HEARING OFFICER: Okay, thank you. All right, the Fire Marshal has another comment. Please come forward.

FIRE MARSHAL BLAY: If I may.

HEARING OFFICER: Sure.

FIRE MARSHAL BLAY: Hearing Officer Long, those requirements were specifically for their road itself. I am not speaking for improvements in the lot which were

obviously required potentially like turnarounds approximate to structures. This is specifically for the road.

HEARING OFFICER: That's what I was understanding and I think I'm getting some nodded agreement behind you. But thank you for that clarification because that is an important one.

All right, so with that this case is concluded then and I will issue a decision. I have 15 days to do it and I usually do it before then. I issue a written decision and that goes on to the Planning Commission along with that it's a recommended decision. I have no power. I can only make recommendations. I do thank you for all of the thoughtful information and I thank those that came out to speak in support of this application. Thank you.

- B. Case #V17-5030 Vegas Verdes LLC Road Standards Variance. Vegas Verdes LLC, Applicant, Jenkins Gavin, Inc., Agent, is requesting a variance of the Sustainable Land Development Code Chapter 7.11 Road Design Standards, Table 7-12 Urban Road Classification and Design Standards (SDA-1) to allow a right-of-way width of 65 to 70 feet in different locations rather than the 120 feet of right-of-way as required in Table 7-12 which classifies the interior loop road as a minor arterial. The 69.84 acre property is located at 199 Rabbit Rd. within Section 11, Township 16 North, Range 9 East (Commission District 4), SDA-1**

MR. SALAZAR: Thank you, Hearing Officer Long. On September 16, 2010, the County Development Review Committee recommended approval of a request for a master plan zoning for a mixed use subdivision consisting of 22 lots on 69 acres more or less, with approximately 760,000 square feet of structures at full build out. On December 14, 2010 the Board of County Commissioners approved the master plan zoning for the mixed use subdivision and on January 14, 2014, the BCC approved a request for master plat authorization to proceed with the creation of up to 22 mixed-use lots on 69 acres.

The site for the development is located in SDA-1 within a planned development district which requires residential and allows commercial, retail, recreational, community and employment uses. Section 1.4.2 of the SLDC requires that development approval for significant projects not be granted unless there is adequate on and off site provision of facilities and services available to the development at established levels of service. As stated in the caption, the applicant is requesting a variance of SLDC Table 7-12, with regard to the right-of-way width for the interior loop road servicing these 22 lots that were previously approved in this mixed-use subdivision. 7-12 classifies the loop road as a Minor Arterial based on the estimated average daily traffic, which requires 120 feet of right-of-way intended to accommodate a four lane road. The Applicant is proposing a right-of-way ranging from 65 to 70 feet in width.

The Applicant's agent argues that "a Minor Arterial is a high-capacity urban road with the primary function of delivering traffic to collector roads or highways. Rodeo Road is a minor arterial connecting opposite sides of Santa Fe. The project's interior loop road clearly does not function as a Minor Arterial. Granting of the variance will allow the road to be improved to a standard that is appropriate for the development, similar to the loop road within the Rodeo Business Park, which will be sufficient for the number of lots, the zoning, and the approved uses.

The Applicant addressed the variance criteria and staff followed with Staff's response as noted in the staff report.

Recommendation: The subject road is an internal loop road that provides access to this development/subdivision only. A two-lane road with curb and gutter, sidewalks, and bike lanes meeting the standards of Table 7-12 will be sufficient to serve the development. Therefore, a 70' right of way is sufficient. Staff recommends approval of the Applicant's request for a variance of Table 7-12 Urban Road Classification and Design Standards SDA-1 to reduce the right-of-way width subject to the following conditions:

1. Right of way width shall be a minimum of 70 feet.

Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written recommendation. The Santa Fe County Planning Commission will be holding a public hearing on this matter on May 18, 2017 and I'll stand for questions, Madam Hearing Officer.

HEARING OFFICER: Thank you. This might be a question more for Vicki or other staff, of course I am noting that staff is in agreement or recommends this variance request and when I see that and see that it's really the daily traffic count that triggered the need for this width of easement, I am wondering if that's a change that needs to be made in the SLDC so that people would not have to get a variance just based on the daily traffic count if it's a road of this sort of interior loop road or is that something that we could maybe add to the list to look at.

VICKI LUCERO: Hearing Officer Long, that is something we can definitely look at. The definition of a minor arterial allows for between 2,000 and 4,999 average daily trips. The requirement for a 120 foot wide right-of-way is to accommodate up to a four-lane road. Because this is an internal road and it only serves this particular development it is never going to be warranted to develop to a four-lane road. So being that we're only requiring a two-lane road, 120 feet is not required; however, there may be developments in the future where if the trips were up to almost 5,000 we would require a four-lane road and therefore those design standards would apply.

HEARING OFFICER: Okay. It may be something to look at and may have to be on a case by case basis but if it's an interior road loop like this, maybe it could be limited by number of lots or whatever it is that you'd be looking at.

MS. LUCERO: We'll note that.

HEARING OFFICER: Okay, thank you. Will the applicant come forward please.

[Duly sworn, Jennifer Jenkins testified as follows]

JENNIFER JENKINS: Good afternoon, Hearing Officer Long, I am Jennifer Jenkins with Jenkins Gavin, here this afternoon on behalf of Vegas Verdes LLC, owners of the St. Francis South project. Also, with me is Mike Gomez from Santa Fe Engineering who is a civil engineer on the project. And I think most of the points have been really well covered and I think it was very well covered in the staff report. The bottom line is we are developing this road to minor arterial standards relative to the drive lanes, bike lanes, sidewalks, all of that in terms of the improvements on the ground are being done in accordance with minor arterial standards. The only difference in this case is the width of the right-of-way is excessive in this particular application as a private loop road serving one development. So that's why we are before you asking for a variance from 120 feet down to a 70 foot right-of-way which is still quite generous and more than adequate to serve our needs.

HEARING OFFICER: Okay, and that helps to understand what it is that you're actually requesting.

MS. JENKINS: And everything else is in compliance. It is only about the right-of-way, the invisible lines on the ground, sort of speak.

We are in agreement with staff conditions and I would be happy to stand for any more questions.

HEARING OFFICER: No questions at this time, thank you.

MS. JENKINS: Thank you.

HEARING OFFICER: Okay, I note that there are a number of people here that maybe have come to listen but you may also want to speak regarding this variance request for right-of-way width within this project. Can you indicate to me how many people are interested in speaking? Okay, come on forward and if you could all come up in a group we can swear you in at the same time and please note that you will have a three minute time limit.

[Those wishing to speak were sworn as a group.]

HEARING OFFICER: You, sir, why don't you come up and if the rest of you want to wait in one of the rows at the front of the room that would be great. All right, could I have your name and address please.

[Duly sworn, Charles Wilder, testified as follows]

CHARLES WILDER: I am Charles Wilder at 8 Senda Torcida, Santa Fe, New Mexico. My biggest concern is that I don't want to see the community build roads too small because we have too many communities that have already done that which our village is a good example of what shouldn't have happen. We have a major arterial going through there, they see 6,000 vehicles a day and I realize that this is an interior loop but when they're talking about the number of employees being in excess of 600, plus patients, plus the people that are going to live there, I am concerned that they really might not be considering how much traffic there is actually going to be there. That's all I have to say.

HEARING OFFICER: Okay, thank you for that comment.

[Duly sworn, Richard Rohto testified as follows]

RICHARD ROHTO: Good afternoon, Hearing Officer Long. My name is Richard Rohto. I am representing Campo Conejos Homeowners Association. I am the president of the Association and it's physically a 75 lot residential subdivision with lot sizes about 2.5 acres. I am also a registered civil engineer in the State of New Mexico.

The applicant's request seems reasonable, Officer, but I think it is a little premature to make such a decision at this point. Once you give up the right-of-way you won't be able to get it back. They will develop that. Zafarano Road is a four-lane road, it doesn't have a big development there but it certainly needs that traffic. I would be concerned about a two-lane road in this area.

I attended a public information meeting late last year by the applicant and at that meeting we were discussing what types of development would be proposed here and we were given the impression that the applicant may have various options to do mixed development here. We're not concerned about residential or light commercial. But they mentioned even – when we questioned them about what about a hotel? That would be possible was their response. What about a truck stop? They said that would be possible. A distribution center would be possible so a gas station could be possible. We are concerned about what's going to be there so until those decisions are made we ask that you not grant this variance. Thank you.

HEARING OFFICER: Okay, thank you.

[Duly sworn, Bill Wawrychuk, testified as follows]

BILL WAWRYCHUK: Hello my name is Bill Wawrychuk. I live at 17 Camino Azulejo in Campo Conejos. And like Mr. Rohto said, at our last meeting that we had with the developer we were led to believe that they're still in the talking stages with tenants or anybody that is going to rent property there. So as far as the traffic count goes, it is really just pie in the sky, nobody really knows until you get going. Plus if you have restaurants or any kind of commercial area you're going to have trucks going through and a 75 foot road with an 85 foot trucks going around is a little light. A four-lane road would be much better for a commercial rather than a two-lane road.

I'm very against this and I would hope that you would not approve this variance at all. And we're not even getting into the stop sign that is going to have to be put at the end of St. Francis and Rabbit Road. As far as the interior goes, the other question I have is why is there even a bike lane in that area if it's commercial development?

HEARING OFFICER: I would assume it's because people will be riding bikes to get to places where they work and live.

MR. WAWRYCHUK: Seriously?

HEARING OFFICER: I hope so.

MR. WAWRYCHUK: Is that a hope or is that you know?

HEARING OFFICER: I don't know what people might do but I think that's why the bike lanes are required.

MR. WAWRYCHUK: In the summer you're going to have that – in the winter are going to ride their bikes?

HEARING OFFICER: I don't know whether they will but it is a requirement.

MR. WAWRYCHUK: This is another thing I think staff ought to really look at that one too. Bike lanes are a little funny. Any way –

HEARING OFFICER: Another topic.

MR. WAWRYCHUK: Another topic and I would certainly hope you would not approve this variance. Thank you.

HEARING OFFICER: Thank you.

[Duly sworn, Peggy Fino, testified as follows]

PEGGY FINO: Hi. I am Peggy Fino a resident of Campo Conejos as well. I sit on the architectural committee and am very involved with our community. We've been opposed to this development, actually the scale to which they presented because it's pretty dense. So we would like to see this variance at this point not granted until everything else is settled out. And we're just around the corner actually from this new development. Thank you.

HEARING OFFICER: Thank you.

[Duly sworn, John Singleton, testified as follows]

JOHN SINGLETON: I'm John Singleton. I live at 4 Calle Aguila which also in the Campo Conejos development. I would like to echo Mr. Rohto's concerns about granting this variance in the absence of knowing what's going to be in place in this 87 acre piece of property about which we really know very little.

So I hope that the granting of the variance can at least be postponed until we know more about what Vegas Verdes has in mind for this property. Thank you.

HEARING OFFICER: Thank you, sir. Did you want to speak, ma'am? Come on up.

[Duly sworn, Jo Waley, testified as follows]

JO WALEY: Hello, my name is Jo Waley and I'm at 4 Calle Costabella in Campo Conejos. And this project has been somewhat of a journey in that it has changed its course throughout the process with different configurations. Now the fact that there's a variance for a smaller road I actually applaud that if the project itself were to scale down to be commensurate with a smaller road so that there's not a truck stop or a hotel but rather something smaller in scale. So that's something to consider. So, you know, I again am in solidarity with Rich Rohto and our neighbors that if the variance is to be considered, the whole project needs to be looked at.

HEARING OFFICER: Okay, thank you. All right, let's hear from the applicant.

MS. JENKINS: Thank you, Hearing Officer Long. I just have a few clarifications.

It's important, as I mentioned previously, the road is not smaller. As a matter of fact, the road exceeds the requirements for a minor arterial because we also have a 12 foot landscaped median and I'm going to go ahead and approach and point that out.

So this is the site plan from the project here. This is Rabbit Road. This is St. Francis Drive here. We have two points of connection to Rabbit Road and this is the interior loop road. This area here that you see is a landscaped median and that accomplishes a couple of different things. One, it creates almost aesthetically having the split roadway with the landscape median really creates a nice aesthetic and feel for the development. In addition what that does is it accommodates left turn lanes. So if there's a project that gets development here that for whatever reason because of the traffic counts it's warranted that they have a dedicated left turn lane, you build it in the median. So that land area is being set aside for that purpose. And, in addition, if there's a project here that says they need a right-turn lane then the right turn deceleration lane can also be constructed on their property in order to accommodate right turns.

So when we're talking about traffic flow and the level of improvement that is necessary to accommodate vehicles safely and smoothly, it's primarily about accommodating turning movements. So we are accommodating turning movements, again, with the median that is being constructed and landscaped, as well as, the ability for individual lot developments to provide right turn decel lanes at their driveways should the traffic counts warrant that.

And currently in process in the Land Use Department is a request for a preliminary subdivision plat for the 22 lots on the 68 acres. So we originally intended on submitting the variance request with the subdivision plat application but staff informed us that it was necessary that the variance go first. So we really don't have the option of postponing the variance request because we have to establish the right-of-way on the subdivision plat so we need to know in advance what that right-of-way is going to be. So I can't move forward to the Board of County Commissioners with my subdivision plat application until the variance is in place. So that's just a procedural, kind of chain of title, if you will.

HEARING OFFICER: I was going to ask about that because we've heard from several people, why are you doing this now. But I assumed it was for some sort of planning but it's also for the platting of the subdivision plat.

MS. JENKINS: And, yes, we are in discussions with a variety of different uses for the property but we can't make a deal with any users for any of these lots or any potential purchasers of any of these lots until we've created lots. You have to actually create a lot before you can actively really market and do a purchase transaction for that lot for a potential user. So it's just the order of magnitude. So this is really kind of the initial step in the process.

HEARING OFFICER: Okay, thank you very much for that.

MS. JENKINS: Thank you very much.

HEARING OFFICER: All right, that will conclude this case then. I thank you all for coming out this afternoon to listen or to provide your comments. That is very helpful. I, as I said for the last case, I do issue a written decision and that's done within two weeks and then that will go on to the Planning Commission where this needs to go next. Thank you very much.

I take it there is nothing else we have to talk about today.

MS. LUCERO: Hearing Officer Long, staff doesn't have anything else.

HEARING OFFICER: Okay, and thank you very much for accommodating my schedule and moving this meeting. I appreciate it.

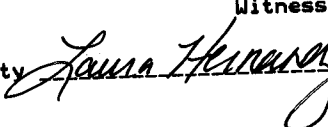
C. ADJOURNMENT

With no further business, Hearing Officer Long adjourned the meeting at approximately 3:55 p.m.

Approved by:


Nancy Long, SLDC Hearing Officer
Santa Fe County

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
SLDC HEARING OFFICER M
PAGES: 13
: Hereby Certify That This Instrument Was Filed for
Record On The 12TH Day Of April, 2017 at 03:23:09 PM
And Was Duly Recorded as Instrument # 1822909
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Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy  County Clerk, Santa Fe, NM

