

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

Santa Fe, New Mexico

January 4, 2018

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 & Development Services Manager
Rachel Brown, Deputy County Attorney
Tony Flores, Deputy County Manager
John Lovato, Development Review Specialist
Jose Larrañaga, Development Review Specialist
Paul Kavanaugh, Building & Development Services Supervisor
Cristella Valdez, Assistant County Attorney

II. **Approval of Agenda**

HEARING OFFICER LONG: The agenda will be approved as presented. There are no modifications to it.

III. **Public Hearings**

- A. **CASE # V 17-5290 James Baker Variance.** James Baker, Applicant, Joe Walsh, Agent, requests a variance of Chapter 7, Section 7.6.3.1.1.2b, (Preservation of Existing Vegetation and Significant Trees), Chapter 7, Section 7.17.4.1, No Build Areas (Disturbance of Rock Outcroppings), Chapter 7, Section 7.17.10.4.1, Roads and driveways over 25%, and a variance of Chapter 7, Section 7.17.4.3, No Build Areas (Disturbance of 30% Slope). The property is located at 38 Stacy Rd. within, Section 18, Township 18 North, Range 10 East, (Commission District 4)

JOHN LOVATO (Case Manager): Thank you, Hearing Officer Long. The applicant is pursuing the request for the requested variances to construct a driveway and building site for a new house. The property consists of 10.08 acres within the Rural

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Residential Zoning District as defined by Ordinance 2016-9, Sustainable Land Development Code.

On June 6, 2017, the applicant was issued a Notice of Violation for unpermitted development for grading without a permit. After conducting a site inspection and meeting with the applicant's engineer, it was determined that the applicant disturbed significant trees, rock outcroppings, and slopes in excess of 30 percent to construct a driveway, and building pad without approvals or permits.

The applicant's engineer states, "We are requesting these variances of the Sustainable Land Development Code because the lot was disturbed without professional design, and the undisturbed lot had very few areas under 30 percent slope. The fact of the matter is that the lot was always going to be difficult to develop even before the existing excavation. Mr. Baker hired a contractor who was expected to seek proper permits prior to starting the excavation work. Since that time the project has been shut down. Mr. Baker has been doing everything that Santa Fe County staff has requested."

Staff has reviewed topography that is available for this site showing pre-disturbance conditions and has identified buildable areas on the site which are lower and contain slopes in the range of 15 percent to 30 percent which is considered buildable, and that's Exhibit 3.

The applicant has addressed the variance criteria and staff has responded as contained in the report.

Recommendation: The disturbance on this site has already occurred but could have been minimized by proper permitting and planning and siting on the lower portion of the subject lot.

Significant Tree removal: Staff recommends denial of the applicant's request and recommends a condition stating the applicant shall revegetate the previously disturbed area in its entirety and design a home on the lower portion of the property to mitigate further disturbance. The applicant illegally removed trees and graded the property without a permit.

Disturbance of Rock Outcroppings: Chapter 7.17.4.1 No Build areas states, No development shall occur within these locations. Therefore, staff recommends denial of the applicant's request.

Disturbance of 30 percent slope: Staff recommends denial of the applicant's request. There is ample room on the lower portion of the property with slopes less than 30 percent. The applicant could revegetate the previously disturbed site and relocate the building pad to the lower portion of the property.

Disturbance of 25 percent slope for roads and driveways: If the building area was on the lower portion of the property there would be less disturbance of 25 percent slope to access the lower buildable area. The applicant failed to present an unusual or exception practical difficulty associated with the land. Therefore, staff recommends denial of the applicant's request.

If the decision of the Hearing Officer is to recommend approval of the variances requested, staff recommends the following conditions be imposed. Hearing Officer Long, may I enter those conditions into the record?

HEARING OFFICER LONG: Yes.

MR. LOVATO: Okay.

1. The applicant shall revegetate the previously disturbed property in its entirety and design a home on the lower portion of the property to mitigate further disturbance.
2. Trees to be planted to revegetate the site as proposed by the Applicants shall be a minimum of 6' in height with a 1.5" caliper.
3. The Applicant shall submit a letter of credit for the revegetation of the disturbance on the lot for 125 percent of the cost of revegetation /Landscaping to be kept for a minimum of one year after planting to ensure all revegetation has taken.
4. The height for structures on the lot shall not exceed 18 feet.
5. No further disturbance of vegetation, buildable area, or rock outcroppings shall occur on the lot.

Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on February 15, 2018. Hearing Officer Long, I stand for any questions.

HEARING OFFICER LONG: There is a statement in your report that the applicant has disturbed 3,307 square feet and is within the disturbance allowable. I was wondering what that means – the disturbance allowable.

MR. LOVATO: Hearing Officer Long, if you can guide me on to what page.

HEARING OFFICER LONG: That is page 4, NBA-4 under Staff Response, the last Staff Response on that page. So this has to do with the 30 percent slope disturbance variance. And the last sentence under Staff Response says the applicant has disturbed 3,307 square feet and is within the disturbance allowable. It's right before the number 2 on that page. I just was trying to figure out what that means.

MR. LOVATO: So they are allowed to disturb a total of 12,000 square feet. The applicant disturbed 3,307 square feet. They're well within the calculated area of disturbance for that.

HEARING OFFICER LONG: It's allowable. Okay. Thank you. And the 3,307 square feet includes the proposed building pad and driveway? That's the total disturbance, right?

MR. LOVATO: There was a sheet missing. I apologize.

HEARING OFFICER LONG: That's all right. We can –

MR. LOVATO: So the casita build are is 3,307 square feet. This is what they're stating. There is other disturbance which is for the roadway and that's separate. So there's 508 square feet, 0.65 acres is what they have it broken down into of total disturbance. There's 410 square feet; this is all for roadway, 317 square feet, 87 square feet, 798 square feet, and 989 and this is all for driveway. But the casita is the 3,307 square feet.

HEARING OFFICER LONG: Okay. And it's called a casita, which I think of as like a guesthouse but it's the planned house. Is that right?

MR. LOVATO: That is correct.

HEARING OFFICER LONG: Okay. And then let me ask you about the conditions. If approval is recommended, the revegetation of the previously disturbed property in its entirety, it wouldn't be all of the disturbed area; it would just be the area that's not built upon, excluding the driveway, but everything else revegetated?

MR. LOVATO: Hearing Officer Long, I spoke with the applicant's counsel earlier and we've located a buildable site within the platted subdivision. We located a buildable site. It is fairly close to that site. The counsel or the attorney has agreed that they're going to stake this area out and so therefore we will be able to address what actually needs to be revegetated if they're within their buildable area and what additional area that they disturb outside of that we can address at that time.

HEARING OFFICER LONG: Okay. So that will be determined after that staking is done.

MR. LOVATO: That is correct.

HEARING OFFICER LONG: For that condition. And then condition #5 says there will be no further disturbance of vegetation, buildable area or rock outcroppings. Is that possible with the planned construction? That there would be no further disturbance? All the disturbance has already occurred?

MR. LOVATO: Hearing Officer Long, all the disturbance has occurred and any further development I don't think is going to disturb any more than what's already there.

HEARING OFFICER LONG: All right. Thank you.

VICKI LUCERO (Building & Development Services Manager): Hearing Officer Long.

HEARING OFFICER LONG: Yes.

MS. LUCERO: If I could just clarify on your first question regarding the buildable area. The code allows you to disturb no more than 12,000 square feet, but that's not 30 percent slopes, so that's the total buildable area. The 30 percent slopes are actually not to be disturbed.

HEARING OFFICER LONG: Okay. Thank you. Is the applicant present, the applicant's attorney present?

KARL SOMMER: Hearing Officer Long, my name is Karl Sommer. My address is Post Office Box 2476, Santa Fe, New Mexico, and I don't know if you swear lawyers in or you don't here.

HEARING OFFICER LONG: We do.

[Previously sworn, Karl Sommer testified as follows:]

MR. SOMMER: Madam Hearing Officer, I'm here today with Mr. Jim Baker. His wife is not here today. He's seated here and he's here to answer any questions that you might have specifically. I'm going to go through our presentation quickly and I think that the report was very thorough so I don't mean by omission to give it short shrift. I know that you have a long agenda, but I wanted you to know he is here to answer any specific questions about the facts underlying this case.

What we intend to show you is a brief history of how this happened and what we're asking for, and what the approvals that exist on this lot already are, so you have some idea of really what this application does and the effect of it in terms of the approval. In essence, what happened in this case is Mr. Baker and Ms. Green, his wife, hired a contractor from Albuquerque, entered into a written construction contract for the construction of the home on this property. The Albuquerque contractor apparently did not understand or did not look into what permits he was required to do excavation. He sent his excavating subcontractor up here with his heavy equipment and began immediately bulldozing this site.

That's the – the site was pretty well graded and then the Notice of Violation was issued and then work stopped. Mr. Green has a written contract that requires him to follow all building codes and obtain all approvals; he didn't do it. This project has been stopped now for the period of time since that Notice of Violation so that Mr. Green could hire the appropriate engineer and come up with a reclamation plan. The reason I say that to you is a mistake by the contractor obviously does not absolve the property owner of responsibility but it does let you know that you're not dealing with somebody who said, you know, just go do what you want. Forget the rules. You don't have to get a permit. I'll deal with it later. You don't have somebody here whose strategy was to ask for forgiveness rather than permission. This was an error by a subcontractor. We admit that we are holding the bag for it, but it was not a conscious disregard of the County's regulations and permitting requirements.

And since the Notice of Violation it has taken a long time to get the engineering work for a reclamation plan in front of the County but we're here asking that whatever variances are required to allow the reclamation plan to be instituted be granted. And why is that? Because there is no alternative. In order to get the work done on the reclamation plan I think a variance needs to be approved. If no variance is approved then no reclamation plan will be allowed. I don't think anybody wants that.

Mr. Baker and Ms. Green want to do what's right and are here asking the County for that. I'd like to point out to the Hearing Officer – may I approach? There is an approved plat for this development and what it is is a recorded plat that was the subdivision of this property. The property we're dealing with is the middle lot, B. It was approved with a buildable site on it right down in here, some 3,000 square feet. And that is the approximate area right now where the home is proposed. The excavation, unfortunately, exceeds that 3,000 square feet and by that I mean the excavation went further east, further south and further north a little bit, but further east on the steeper slopes and you can see in the plans that are there, that's where the vast majority of the reclamation is proposed.

But I think that staff is in agreement that because this plot, this plan, this subdivision plat, showed a buildable site in that location it is our interpretation and I think staff agrees with this, that he had the right to build in that area under the SLDC's grandfathering clauses. There are other subdivisions in the county subject to the SLDC that actually showed building envelopes and buildable sites and the code has been interpreted by the Land Use Administrator and by staff that if you plat showed that, then you can build in that location. So this property was purchased by Mr. Baker and Ms. Green with the intention of building in that location. That is the approximate location –

HEARING OFFICER LONG: That is in fact where the house will be built?

MR. SOMMER: It's about where it will be built.

HEARING OFFICER LONG: It's close.

MR. SOMMER: And when I say about, we need to get a surveyor out there, stake those corners, show staff how it relates to where the proposed building site is. We believe it is very, very close. The areas that we're talking are approximately the same, the 3,000 square feet, and the essence of this application isn't to allow Mr. Baker and Ms. Green to take advantage of a violation of the code. There is no advantage. This is going to be an expensive reclamation. The house is going to get built where the code and

the plat approximately allow it, and the variance will allow him to get the reclamation done.

HEARING OFFICER LONG: And why was there so much excavation done beyond the site for the house?

MR. SOMMER: I cannot answer that question. I did not speak to the contractor. Mr. Baker has not been able to get an answer out of him as to why did he have his subcontractor out there doing what he did. We can't get an answer to that.

HEARING OFFICER LONG: And that's the area that you'll be reclaiming.

MR. SOMMER: That's right. And if I may, I think that one of the drawings that has been submitted, and it is NBA-15, and if I can just approach just quickly. This plan demonstrates the majority of the reclamation. You can see the property line right down here on the western boundary. There is an area of no-build that is approximately 50 feet for open space around it. And then the house area is where this. The majority of this reclamation is up much higher in the 30 percent areas. That is the vast majority of the reclamation, the revegetation, the stabilization. That is the area that has got to be reclaimed. The house sits down below that area.

So I think that's the heart of this case that there was an error made. We are responsible. It does need to be cleaned up. It needs to be fixed up. But at the end of the day this site has to be – the owner of the site needs to know what he can do. This application is within the bounds of what the County's previously approved plat talks about. We'll verify that with a surveyor and get that to staff. And to the degree that it isn't, then we'll deal with that. But I think that's the heart of this case. We would stand for any questions you might have, but I don't think it's productive for me to go through all the criteria and those sorts of things. They're in your report. I don't need to repeat them here. I think that all of the four variances are justified because without them we can't do the reclamation. So I think that's the heart of what we're talking about.

HEARING OFFICER LONG: And so you need the variances for the reclamation, you're saying, because of the areas where this activity will have to occur.

MR. SOMMER: That's correct.

HEARING OFFICER LONG: But what about for the actual house construction and driveway? Are they needed for that too? That's the way the report reads.

MR. SOMMER: I don't believe that they are needed for that. I think that the area that the 30 percent grades are where the house is are within that block right there, and it is staff's interpretation and the code's application that you don't need a variance if that's what your plat shows. And by way of example, perhaps the Hearing Officer is familiar with Santa Fe Summit. It was an approved subdivision. It's a legacy subdivision that has building envelopes on it. Those building envelopes, some of them have 30 percent and it has been staff's interpretation in that particular subdivision that you have a building envelope there; you don't need to get a variance for that. As well as – I think that's the interpretation here. If I am incorrect I'm sure that they'll correct me but I believe that that's where we are.

This is an unfortunate case. It is a scar and it needs to be fixed to the degree that we can do it. That is what Mr. Baker is here to do.

HEARING OFFICER LONG: Is your client in agreement with the conditions?

MR. SOMMER: We are.

HEARING OFFICER LONG: As we discussed?

MR. SOMMER: We are. And with your clarifications and that is, obviously, we're not going to reclaim where there's going to be a structure. The report reads a little like that but I think your question clarified that and I think that beyond that I think we're okay.

HEARING OFFICER LONG: All right. Thank you. Yes, Vicki.

MS. LUCERO: Hearing Officer Long, if I could just clarify, we did see the plat and there is a buildable area designated. However, until the applicant stakes out the buildable area per the survey plat, we won't know how much of the 30 percent slope has been disturbed or if he's within the actual buildable area.

HEARING OFFICER LONG: So a variance could be required for that, depending on how that plays out, for the actual building.

MS. LUCERO: Correct. Yes.

MR. SOMMER: And this application would cover that to the degree that we'll know more when we get it staked out.

MS. LUCERO: Right.

MR. SOMMER: Right. And that was our discussion earlier today.

HEARING OFFICER LONG: Okay. Thank you.

MR. SOMMER: Thank you.

HEARING OFFICER LONG: All right. Is there anyone here this afternoon that wanted to speak regarding this case? Okay, there's one person present, One, two maybe. Two. Okay you may come forward, ma'am and I'll hear from you next. Just come up to the mike and if you'll be sworn in and give your name and address to the recorder please.

[Previously sworn, Debra Zabinski testified as follows:]

DEBRA ZABINSKI: My name is Debra Zabinski.

HEARING OFFICER LONG: And do I have a letter from you in the packet that you submitted?

MS. ZABINSKI: Yes. I have the letter, so I was just going to read some of the points here.

HEARING OFFICER LONG: Certainly.

MS. ZABINSKI: I don't need to read the –

HEARING OFFICER LONG: I do have the letter but why don't you make the points that you want to make. I was just confirming that I had seen that before.

MS. ZABINSKI: I guess the first point I want to make is on the agenda here today. It says the property is located at 38 Stacy Road and actually the property is at 36 Stacy Road.

HEARING OFFICER LONG: Okay. We'll look at that.

MS. ZABINSKI: My spouse and I, Laura Reich – she's not able to be here today, but we are landowners with a primary residence directly across 36 Stacy Road. We oppose granting the applied for variances for the reasons listed below. One, increased runoff from 36 Stacy will cause increased erosion of Stacy Road and will likely make it impassible and create a runoff to our only residential entrance and to the four properties also further up Stacy Road. We wanted to know what the plans were to manage runoff, erosion and deposition.

Number two, excessive erosion, water runoff and deposition of fine sediments onto our property will disturb the natural ecosystem which could lead to choking out desired flora and introduce less desired flora such as cholla cactus, chamisa and the highly invasive kochia.

Number three, enhanced erosion or the building process itself may lead to large boulders rolling down the hill across the road and onto our property. This is a significant physical danger.

Number four, excavation of granite bedrock may lead to potential damage of surface and near surface conduits which are primary water sources that recharge fresh water aquifers and are linked to immediate water wells.

Number five, excessive buildup of dirt resulting from excavation and site pad creation could lead to a landslide that closes the road and damages our property.

Number six, location of septic tank and leach field are critical and need proper drainage with no effluent or percolation into any aquifer, runoff towards Stacy Road or our down-slope property.

Number seven, where will the retention ponds be located down slope of the house and above Stacy Road. We have two retention ponds on our property down slope from the house and they are nearly filled with sediment within a year or two. Modified landscape resulting from construction will create an above average amount of erosion with new water runoff drainage pathways.

Number eight, many pinon trees have been lost to the bark beetles in the Los Cerros Negros area and we should work to the best of our ability to keep all large trees which are important to the native pinon-juniper woodlands ecosystem. Additionally, large trees have very deep roots which are critical in minimizing slope erosion and creating healthy soils.

Number nine, we are concerned about the grade and angles in the entrance driveway as it will be difficult for emergency vehicles, fire and rescue to maneuver and property manage emergency situations. Additionally, there is risk of vehicles of sliding down the hill in poor weather conditions which would likely result with a runaway vehicle landing on our property, possibly blocking and damaging our property entrance.

We built our home in 2011 and followed all County codes, even though there were situations in which we considered asking for a variance. The owners of 36 Stacy Road did not do this. In the early summer of 2016 we had several conversations with Jim and Ken about plans and permits and they led us to believe they had homeowner association and County approvals. It turns out they did not. Additionally, they showed little respect for adjoining property owners who have had to live with higher than usual runoff, erosion, piled timber, packrat infestations, and an eyesore for over 18 months. They should be required to remediate the property and build according to current County codes and guidelines.

HEARING OFFICER LONG: Thank you very much.

MS. ZABINSKI: Thank you.

HEARING OFFICER LONG: All right. There was someone over here and then you'll be next.

[Previously sworn, David Birnbaum testified as follows:]

DAVID BIRNBAUM: My name is Davide Birnbaum and I live at 7727 Old Santa Fe Trail. I'm here on behalf a client. I work for Santa Fe Trail Builders and we

have a long-time client who purchased some property, I believe from Mr. Baker further up beyond this area that's so badly damaged and I'm here representing her interests in making sure that the very best possible solution is brought to bear and I am coincidentally, somebody who has a lot to do with the fact that the Mountain Special Review District Ordinance was being completely omitted from the Sustainable Land Development Code and I came repeatedly to meetings and pointed this out, had meetings with the staff about it, saying that there were people who had property – I know of specific lots on Double Arrow Road that became completely unbuildable because of the Mountain Special Review District and it was no longer possible to access a site that was not on land that was too steep without doing too much damage because of the limitations on disturbed area.

And so I was very pleased when I saw that the County not only took it to heart that it was not morally correct or allowable to just throw that ordinance away completely, having already done financial damage to a number of people and at the same time having saved us from looking like the areas around Los Angeles or Oakland, California, that the County actually put it in everywhere over 7,400 feet in the county is now subject to what previously was the Mountain Special Review District. Has to do with shiny roofs, shiny glass, building on slopes and disturbing over a reasonable area because of the havoc people would have of making a long driveway that would cut back and forth across the slope in order that it would be practical in terms of slope, they would basically destroy an area that would be visible from many miles away.

So my point here is that it is a good thing that we have this ordinance and it's an absolutely unbelievable, egregious example of ignoring a code that's for the benefit of all of us. And I don't say that this was maliciously or intentionally done but we always hear that ignorance of the law is no excuse and I think that when a property owner prepares to build a structure in an obviously sensitive area, due to the extreme slopes and the extreme aridity and the sparse vegetation that it makes no sense to allow that it was a reasonable error to depend on the contractor to have gotten all the appropriate permits. I think it's absolutely part of the property owner's responsibility to confirm that in some way.

And so again, I realize nothing – we can't go back in time and undo this. It's there. It's a terrible mess. It's going to require absolutely the highest kind of engineering and ecological technology to restore that in any kind of way where it will not be permanently visible. It's something that really needs to be thought about carefully and done carefully. In the meantime it's causing more damage because of the runoff from all this barren earth there. But it doesn't seem to me that it's – I think it is appropriate that the landowner needs to first repair the damage before involving us – it's not like a deal should be made by the County that, yes, we'll give you what you need in order to clean this up if you give us what we need in order to build on this piece of property.

Let's get back to where we were at zero. Let's fix the land like what it was before this criminal damage was done to it and then let's begin the process anew to get a permit to build a residence on the property. And by combining them together, saying, well, in this way we won't have to dig a road where we've already dug a road – that's nonsense. It's just saving them money. It's just allowing them to be asking for forgiveness rather than seeking permission as they should have to begin with. And at this point I really believe it's just their problem. It's going to be a tremendous expense but these two things should be separated. The damage that's been done needs to be corrected and the County

has every right to demand that be done and without in any way bargaining that if you do that, we will do this. It just needs to be cleaned up.

HEARING OFFICER LONG: Thank you. Okay, one more gentleman here.

[Previously sworn, Philip Sanchez testified as follows:]

PHILIP SANCHEZ: I'm Philip Sanchez. I'm with the Architectural Committee. Hilary Riggs, also a member is here now and I'd like to state that we have not been kept in the loop as to anything that's transpired as far as any reclamation that's being proposed and I'd also like to state that I think all of us in the subdivision, Los Cerros Negros, would like something done to the mess that was made years ago. It's really bad. If you look at it – you can see the scar from the Old Las Vegas Highway where the Bobcat Bite Restaurant was. I just hope something could be done to rectify this situation. Thank you.

HEARING OFFICER LONG: Thank you, Mr. Sanchez. And you're with the Architectural Committee for the subdivision? You're on the Architectural Committee for the subdivision.

MR. SANCHEZ: Yes.

HEARING OFFICER LONG: For Los Cerros Negros?

MR. SANCHEZ: Yes.

HEARING OFFICER LONG: Okay. Thank you. All right. I think that closes the public hearing at least in terms of anyone that wanted to speak to this case. Is there anything else that the applicant would want to offer briefly in response?

MR. SOMMER: I will be very brief. With respect to the first speaker, Ms. Zabinski, she iterated I think nine things, all of which are covered by code – retention pond location, depth, volume – all of that's covered by code and will be complied with. Location of septic tanks, leach fields, all required to comply with applicable State Environment Department regulations will be complied with. The concerns related to slope and emergency vehicles, there's a regulation in the county and as the Hearing Officer knows will be required to deal with and comply with that in terms of its safety and its accessibility.

So all of the items that she went through I believe are legitimate concerns. However, we're not proposing to violate or create any problem. We will comply with the code in every respect, with respect to each one of those items.

Mr. Birnbaum spoke of the County should require Mr. Baker and Ms. Green to restore the property completely, just back to pristine wherever it was and let's start from there. I think that is a – one, I think in terms of its utility is futile. It's a waste of economic resources. It is not – we're not here asking you or asking the County to bargain with us. We're saying we're going to clean this property up. Here's how we intend to do it. We're not saying if you give us the variances we'll do it. We're saying we need the variances in order to do it, and I think that that's clear. So the idea, publicly, that we should commit waste, I think that's reprehensible. And second of all, we're not asking for a bargain. We're asking to allow us to get it cleaned up. And I understand Mr. Sanchez' concerns and we certainly will have to keep them apprised as we move forward.

HEARING OFFICER LONG: Probably with both the building and the reclamation. All right. Thank you all for your comments here today, those that came to speak to this case and for the applicant's presentation as well and as many of you know, I

make a recommendation that then goes to the Planning Commission and that's done in writing after this hearing, usually within two weeks. So look for that. Thank you very much.

- III. B. **Case # VAR 17-5190 Glorieta 2.0, Variances.** Glorieta 2.0, Applicant, JenkinsGavin, Agent, are requesting variances of the following sections of Ordinance No. 2016-9 the Sustainable Land Development Code (SLDC): Table 7-13: Rural Road Classification and Design Standards (SDA-2 and SDA-3) regarding width and grade of roads; Section 7.17.9.2.3 (No structure may be constructed on a natural slope of 30% or greater); Section 7.17.10.4.1 (Roads and driveways shall not be designed or constructed on slopes over 25 percent); Section 7.17.10.3.1 (Disturbed area on any lot shall not exceed 12,000 square feet); Section 7.17.9.2.7 (No significant tree may be removed from slopes greater than 30 percent); Table 8-17, Dimensional Standards, Public/Institutional (PI) regarding the flyline zip line structure exceeding the maximum allowable height of 48 feet; and Section 7.17.9.3.1 (Height for Structures on slopes of 15 percent or greater). The 2,227.44 ± acre site is zoned as Public Institutional (650 ± acres)/Rural (1,500 ± acres)/Rural Fringe (78 ± acres) and is located at 11 State Road 50, within T16N, R11E, Section 22, SDA-2 (Commission District 4) [*Exhibit 1: Mayor of Pecos Letter; Exhibit 2: Fire Marshal Report; Exhibit 3: Letters of Concern; Exhibit 4: Site Plan; Exhibit 5: Aerial View; Exhibit 6: Zip Line and Road Plans; Exhibit 7: Square Footage and Photos; Exhibit 8: Significant Trees Removed; Exhibit 9: Bicycle Technologies International Letter*]

JOSE LARRAÑAGA (Case Manager): Good evening, Hearing Officer Long. There's going to be some handouts; John's handing out some documents. First is a letter in support from the Mayor of the Village of Pecos. This letter was received by staff via email yesterday. The second is a review letter from the Santa Fe County Fire Prevention Division which was mistakenly left out of the packet material for this case, and the third are emails received this week from individuals encouraging the County to consider the public comments which are in your packet as Exhibit 18.

The report contains a history on the property, history with the County and the property and also the current status of that site, so we'll start the report with the summary.

On June 19, 2017, the applicant submitted a site development plan and under a separate application submitted a request for four variances of the SLDC. Both applications were deemed incomplete by Building and Development staff on July 7, 2017 due to deficiencies with the submittals.

On August 7, 2017, the applicant re-submitted the site development plan addressing BDS comments and under a separate application re-submitted a request for seven variances of the SLDC which include the following: Table 7-13: Rural Road Classification and Design Standards Section 7.17.9.2.3, Section 7.17.10, Section 7.17.10.4.1, Section 7.17.10.3.1, Section 7.17.9.2.7, Table 8-17, Dimensional Standards-Public/Institutional, and Section 7.17.9.3.1

On November 15, 2017, a facilitated public meeting was conducted at the Pecos Independent School District boardroom. Facilitation was recommended by the Administrator as per Section 4.4.8.3 which states, "in general, any application which presents controversy, in which residents have questions or concerns, or that the applicant feels is appropriate for facilitation, may be referred to facilitation." The November 15, 2017 facilitation addressed changes made to the facility and concerns of neighbors. The facilitator emailed and sent out letters notifying interested individuals and adjacent landowners of the meeting. The letters were sent out on November 9, 2017, and due to the holiday were not processed by the Post Office and delivered until November 14, 2017, one day before the meeting date. Several individuals have expressed their concerns on the short notice. On November 6, 2017, staff forwarded the facilitation meeting notification, via email, to Mr. Adney so that he could forward to other individuals that would want to attend the meeting.

The applicant states in the site development plan application the following: The property has been historically used as a religious retreat center since the 1950s. In 2013, Glorieta 2.0 purchased the property. Since that time, select recreational amenities have been expanded, necessary repairs made to existing structures, and several buildings have been remodeled. The attached spreadsheet details the property improvements that are part of this site development plan application as depicted in the submittal plans, which includes building remodels, new recreational uses and structures, parking areas, and trails. All new improvements comply with the Sustainable Design Standards of the SLDC, except for those elements requiring a variance. Variance requests are submitted with this application under separate cover. The project incorporates the following uses that are identified as permissible in the Public/Institutional zoning district:

1. Retreats – professional, educational, health-related and religious meetings, conferences or seminars, including meals, overnight accommodations, and recreation for participants and related activities
2. Camps, camping and related activities
3. Religious assembly and churches
4. Conferences
5. Child and youth services
6. Active leisure sports and related activities, swimming and water sports and related activities
7. Active open space and related activities
8. Athletic fields, passive open space, and conservation areas
9. Fitness, recreational sports, and related gym facilities
10. Covered or partially covered atriums and enclosures
11. Performing arts
12. Amphitheater
13. Community meeting spaces, assembly
14. Exhibition, convention or conference structures
15. Residential single-family, single-family attached, multifamily dwellings and residential accessory dwellings for staff and guests
16. Temporary structures, tents, etc. for shelter
17. Grazing and ranching of livestock

18. Continuation of ground leases for existing residential structures leased to constituents of the organization and/or Glorieta 2.0's predecessor.

The uses listed above inclusive of public or community outdoor recreation facilities are allowed uses within Public Institutional Zoning District as per Appendix B Use Table of the SLDC. The use as a public or community outdoor recreation facility is an allowed use within the Rural Zoning District as per Appendix B Use Table of the SLDC. The use of the structures, trails, and roads requiring a variance or variances are an allowed use within the respective zoning districts. The construction of the structures, trails, and roads requiring a variance on this site require a development permit prior to construction. The SLDC requires a site development plan/development permit for the following activities: for construction or renovation of, or an addition to any structure; for construction or reconstruction of a road or driveway pursuant to Chapter 7; and for grading of a site prior to issuance of another development permit pursuant to Chapter 7.

The applicant is requesting the variances stated in the caption above to proceed with approval of the site development plan/development permit to allow the permitting of the structures/roads/trails and the use of the structures/roads/trails. The approved development permit for the structures will then be subject to review by the New Mexico Construction Industries Division for structural soundness and compliance with the International Building Code.

Section 4.9.7.4 states, a variance may be granted only by a majority of all the members of the Planning Commission:

1. where the request is not contrary to the public interest;
2. where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner; and
3. so that the spirit of the SLDC is observed and substantial justice is done.

The applicant has address the variance criteria and staff has responded as contained in the report.

Recommendation:

1. Variance from SLDC Table 7-13: Rural Road Classification and Design Standards, SDA-2 and SDA-3.

Hagen Creek Road and the new Zip Tour Road are classified as a local roadway per Table 7-13. Local roadway standards call for two driving lanes with a minimum width of 10 feet, a maximum grade of 10 percent, and 3-inch base course. The applicant proposes that the existing Hagen Creek Road and Zip Tour Road will be improved to a 15-foot width with a maximum grade of 15 percent, or improved to a 20-foot width with a maximum grade of 18 percent. The improvements proposed by the applicant will not bring the roads into compliance with the SLDC road standards. The new Zip Tour Road was built to access the Zip Tour facilities/structures. Neither the Zip Tour Road nor the Zip Tour structures were permitted by Santa Fe County.

The Hagen Creek Road was built by the US Forest Service in the 1930's for access to the Santa Fe National Forest. Staff recommends denial of the request for the variance of the Hagen Creek Road and that the Hagen Creek Road be utilized for access to the Santa Fe National Forest as it has historically been used, with consultation from the Santa Fe County Fire Marshal. The Hagen Creek Road shall not be utilized to access any unpermitted development on the site.

Staff recommends denial of the request for a variance of SLDC Table 7-13: Rural Road Classification and Design Standards for the Zip Tour Road. Staff finds that the: Zip Tour Road was constructed without a development permit for the purpose of accessing the zip tour which was constructed without a development permit; erosion and drainage issues were not engineered and implemented in the construction; and the Zip Tour Road can be revegetated and re-contoured to its original state.

2. Variance from SLDC Section 7.17.9.2.3: No structure may be constructed on a natural slope of 30 percent or greater.

This Section applies to development of any structure on a slope whose grade exceeds 15 percent, areas where slope exceeds 30 percent; and to a ridge, ridge top, ridgeline, or shoulder. The applicant has disturbed 211,583 square feet of 30 percent slope to construct the Zip Tour Road, challenge tree house, overnight tree house, mud pit platform, green trail bridge 1, green trail bridge 2, reclamation area, zip tour platform, Oklahoma parking, trails, Hagen Creek Road, and bike terrain park. The above-mentioned structures, roads, Bike Park and trails were constructed without development permits.

Staff recommends denial of the request for a variance of SLDC Section 7.17.9.2.3. Staff finds that: the structures, roads, Bike Park and trails constructed on a natural slope of 30 percent or greater were constructed, without a development permit; the trail and roads were not reviewed by staff for grade, proper drainage and erosion control management prior to construction; the structures were not reviewed for code compliance and structural soundness; and the structures, roads, bike park and trails can be dismantled and/or reclaimed to restore the site to its original state.

3. Variance from SLDC Section 7.17.10.4.1: Roads and driveways shall not be designed or constructed on slopes over 25 percent.

The applicant proposes that the existing Hagen Creek Road and Zip Tour Road will be improved to a 15-foot width with a maximum grade of 15 percent, or improved to a 20-foot width with a maximum grade of 18 percent. Making these adjustments to the width and grades as proposed will not bring the roads to compliance with the SLDC criteria. The Hagen Creek Road was built by the US Forest Service in the 1930s for access to the Santa Fe National Forest. The new Zip Tour Road was built to access the Zip Tour. Neither the Zip Tour Road nor the zip tour structures were permitted by Santa Fe County.

The Hagen Creek Road was built by the US Forest Service in the 1930s for access to the Santa Fe National Forest. Staff recommends denial of the request for the variance of the Hagen Creek Road and that the Hagen Creek Road be utilized for access to the Santa Fe National Forest as it has historically been used, with consultation from the Santa Fe County Fire Marshal. The Hagen Creek Road shall not be utilized to access any unpermitted development on the site.

Staff recommends denial of the request for a variance of Section 7.17.10.4.1 for the Zip Tour Road. Staff finds that the: Zip Tour Road was constructed without a development permit for the purpose of accessing the Zip Tour which was constructed without a development permit; erosion and drainage issues were not engineered and implemented in the construction; and the Zip Tour Road can be re-vegetated and contoured to its original state.

4. Variance from SLDC Section 7.17.10.3.1: Disturbed area on any lot shall not exceed twelve thousand (12,000) square feet.

There are nine “improvements” that have disturbed slopes of over 25 percent which total 195,191 square feet of disturbance. The majority of the disturbance is the Zip Tour Road and Hagen Creek Road. The majority of the property is at or above 7,400 feet; future development and improvements would be subject to compliance with Section 7.17.10. The applicant disturbed these areas to develop the site without development permits.

Staff recommends denial of the request for a variance of Section 7.17.10.3.1 to allow an already disturbed area of 195,191 square feet for the unpermitted development of structures and roads. Staff finds that the: roads and structures were constructed without a development permit; the Zip Tour Road can be re-vegetated and contoured to its original state; and the structures can be dismantled and the site can be reclaimed/restored to its original state.

5. Variance from SLDC Section 7.17.9.2.7: No significant tree may be removed from slopes greater than 30 percent.

101 significant trees were removed 30 percent slopes for the purpose of the construction of and use of a zip line. The definition of a significant tree is “an existing native trunk-type tree in good health and form which is eight inches or more in diameter as measured 4½ feet above natural grade; any existing native bush-form or character tree which is eight feet high and has a spread of eight feet.”

Staff recommends denial of the request for a variance of Section 7.17.9.2.7. Staff finds that: strict compliance of Section 7.17.9.2.7 would not allow the zip lines to be located where they currently are; the action taken by the applicant by cutting these trees for the purpose of the construction and use of a zip line is irreversible; although the significant trees cannot be replaced, the applicant can re-vegetate the site and initiate the process of restoring the site to its original state.

6. Variance from SLDC Table 8-17, Dimensional Standards – Public/Institutional.

The maximum allowable height for a structure in the PI zoning district is 48 feet. The Holcomb Flyline zip line structure is located on top of a roof section of the Holcomb Building. The top of the platform structure is approximately 75 feet above natural grade at the highest point.

Staff recommends denial of the request for a variance of Table 8-17, Dimensional Standards – Public/Institutional to allow the Holcomb Flyline zip line structure to exceed the maximum height of 48 feet. Staff finds that: the structure was constructed without Santa Fe County approval; granting of the variance would authorize a use of land that is otherwise prohibited in the relevant zoning district; it is unknown if the Flyline structure is structurally sound and if the non-conforming Holcomb Building can structurally support the Flyline structure.

7. Variance from SLDC Section 7.17.9.3.1: Steep Slopes, Ridgetops, Ridgelines and Shoulders. Heights for Structures on slopes of 15 percent or greater.

The following structures were constructed on slopes of 15 percent or greater: Challenge Treehouse: 35’-0”; Overnight Treehouse: 26’-2”; Tree Rappel Structure: 50’-0”; Zip Tour Platforms – Platform # 3: 28’-11”, Platform # 4: 29’-11”, and Platform # 5: 29’-11”.

Section 7.17.9.3.1 states, “the height of any structure located on land that has a natural slope of 15 percent or greater shall not exceed 18 feet.”

Staff recommends denial of the request for a variance of Section 7.17.9.3.1. Staff finds that the: structures built on slopes of 15 percent or greater were not permitted by Santa Fe County; the applicant failed to apply for development permits for these structures; the applicant failed to consult with County staff prior to construction of these structures; and the applicant has not provided evidence that structures built on mature significant trees are affecting the tree itself.

Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on February 15, 2018. This concludes my report. I stand for any questions.

HEARING OFFICER LONG: Okay. Thank you. I may have some questions later. Thank you for that report. So we have a very full house here this afternoon. Before we get started I just thought I would see a show of hands. We will have to impose time limits, I suppose. But from those individuals who do wish to speak, either in support or opposition. And that doesn't mean I won't ask who all is in support and you all can raise your hand or who all is in opposition or you can always get up and say I concur with what was said before. I'm just trying to get an idea of who all is here that wishes to speak this afternoon. So if you do, would you please raise your hand so we can get prepared for that. Okay. So a lot of people here that are either supporting or supporting those that want to maybe oppose this but we appreciate you being here and I will call for that later in the meeting as to why you're here so we can acknowledge that you are here in attendance.

So let's start with the presentation by the applicant and we'll do that next. I'll have you sworn in and give me your name and address. And if there's anyone else you think may be speaking along with you for this presentation let's just get them all sworn in at the same time.

[Those wishing to speak were placed under oath.]

[Duly sworn, Colleen Gavin testified as follows:]

COLLEEN GAVIN: Madam Hearing Officer, thank you very much for taking the time today. We have a long list of variance requests here and so what I'm going to do is just very systematically go through all of them so that they make as much sense as possible, since we do have quite a long list. But prior to that, I'd like to first introduce two representatives from Glorieta 2.0 just to explain very briefly the mission and the purpose of Glorieta 2.0 and their camp here locally. So first is Anthony Scott, the executive director.

[Previously sworn, Anthony Scott testified as follows:]

ANTHONY SCOTT: Hearing Officer Long, I just wanted to say – Anthony Scott, executive director of Glorieta Camps as well as Camp Eagle in Texas and Black Diamond Camps in Seattle, Washington. As a camp guide I don't get to stand up like this very often so I apologize for the nervousness.

HEARING OFFICER LONG: That's all right.

MR. SCOTT: So a brief history, I was asked to give. We arrived in 2013 to Santa Fe to take possession of the Glorieta property and when we got there I was very excited. Our mission statement as an organization has been for 18 years to inspire Christ-

like change through outdoor adventure, authentic relationship and biblical truth, so that very first component, outdoor adventure, Glorieta is located in the foothills of the mountains of over here and so outdoor adventure thrives in the mountains, because you have all the elevation change, which allows for zip lines and mountain biking and downhill mountain biking and all those sort of things that have got us in a little bit of trouble.

And so, but we came in very excited to add some fun things to the property. The property had been in decline for several years when we got there in 2013. There were 8,000 attendants that summer and this last summer we had 26,000 and we have 32,000 this summer. So we've been able to take the attendance back up and we think that's through the attractions that we've handed for students to want to come, for families to want to come to family camp through the fun things that we're able to do because when you take your kids somewhere they say, what are we going to do. You say, this, and so that's the first building block to our mission statement is that outdoor adventure so that we can take them on hikes, build relationships and then ultimately introduce them to Christ.

So that's our mission statement. So in 2013, got there and worked with some organizations – obviously not enough organizations. We did get engineering for the zip tour we built through a third party and began building it. And we invested about \$10 million into the property to get it to where it is and so we do all of that to attract but ultimately it's to have impact. And so as we come here to northern New Mexico we obviously have lots of guests from all over the country come, people from 27 states last year attended camp there. But we also want to have local impact and I think some of the people standing behind me will be able to give testimony to that as well, that we want to be a light in northern New Mexico and impact the young people here through the different programs we offer and I think that's all I'm supposed to say.

HEARING OFFICER LONG: All right. You better stick with what you're supposed to say.

[Previously sworn, Jeff Ward testified as follows:]

JEFF WARD: I'm Jeff Ward. I'm the CFO for Glorieta Camps and I just wanted to share a couple things and really, both Anthony and I are here to give you a little bit of context beyond all the technical things. Really, the part that I just want to share is that these activities that we're seeking variances for are critical to our mission. We use outdoor adventure as part of our educational philosophy to share the religious teachings that we share in our organization. The methods that we use are well known in camping and outdoor education to use activities and adventurous activities in a way that we're able to partly develop relationships with people. There's a psychological benefit to using challenge by choice and having people go to their limits and then taking those activities and using them, debriefing, to teach spiritual truth.

And so the variances that we're asking for are integral to our mission, integral for us to be able to do that so that we can teach life lessons that are rooted in scripture. In addition I think it's probably in reports that you've seen. I don't know if there's 1,100 pages but we have a lot of positive effects for the general public. We employ 65 full-time people, 200 people in the summer. We spend \$2.8 million a year in salaries. We spend \$4 million a year in the local economy and we support local businesses and some of our groups go into Santa Fe during the week when they're here and patronize local

businesses. Some of them are doing community service projects as part of their participation in our programs. We partner with schools and churches and governmental agencies and other organizations to host retreats, local organizations, and then also go out to some of those organizations to support them in their community events.

And while we didn't this past year, historically we've opened the property up several days a year to the general public to come enjoy God's creation on our property, to hike and to bike and to swim and to use activities. Staff indicated that the SLDC says that a variance may be granted where there is extraordinary circumstances or exceptional situations and this piece of property is exceptional. With all of our parcels it's over 2,400 acres and as staff said, most of it's over 7,400 feet and without a variance we won't be able to have activities that are ample to get the number of guests that we need to have in order to have sustainable practices in our organization. If we can't have activities for the kids to do, and we have to have enough activities to get 1,500 to 1,800 kids through an hour, maybe two, and if we're not allowed to have the zip lines and some of the other activities that we've constructed we won't be able to service these guests. Without the variances we won't be able to do that, even if, as staff suggests, we tear down all of these things that we built before getting permits, we would need variances in order to build activities in order to accomplish our mission. So that's all I had to share. So thank you.

HEARING OFFICER LONG: So let me ask, was the construction then that we're discussing today, the variances for, all commenced after this new ownership in 2013?

MS. GAVIN: That is correct.

HEARING OFFICER LONG: Okay.

MS. GAVIN: So first of all, I want to just touch on the variances. The SLDC provided for a process, a means to request a variance, because any code can't contemplate or have provisions for every situation in development. And in Santa Fe County, which is a very large county – I mean we have terrain that ranges from graze land to very steep, wooded areas and so variances are there for unique properties like Glorieta Camp where they have, as both Jeff and Anthony mentioned, over 2,400 acres of property that range from a very gentle terrain where most of the structures are built, the existing structures and the existing lake, to the trails, the historic trails, the historic road, Hagen Creek Road, which has been there since the 1930s built by the Forest Service.

And so for a code to contemplate that I think it's – it's not that the code is deficient it's just that the code can't accommodate every situation. Therefore the code provided for a variance process, and that's Section 4.9.7. And in that section it clearly states that a variance can be requested that grants a landowner relief from certain standards where due to extraordinary and exceptional situations or conditions of the property. Here we have a very large property with varying terrain and a historic development that's been there since the 1950s that Glorieta bought in 2013, and they have chosen to improve this, to take a decrepit property and actually improve it and add ancillary recreational uses to the property.

And in that, the area that's over 7,400 feet in elevation is the majority of the property. So as Jeff very well stated, these activities are very essential to their educational mission and their ministry mission.

And so the code contemplated a variance request for certain circumstances and therefore that's why we are here requesting these variances. So first of all, Hillary is

going to pass out a visual for you just so it's a little bit easier to follow since the property is quite large. So I just want to, Madam Hearing Officer, I just want to give you a quick kind of understanding of the space. So right here is the right-of-way for I-25 and this is the Glorieta exit here. You come along the frontage road here and you enter the property here.

As you can see from the site plan, these are all of the existing built improvements. They've been numbered and the improvements that are new have been identified on this map. You can also see the roads. This is the newly built Zip Tour Road and the historic Hagen Creek Road, which runs up here. And then you can also see identified some of the trails on this map and we have some graphics that will define that further and kind of zoom in so it's a little bit easier to understand.

We've also provided you an aerial so you can see the context within the national forest and the densely vegetated area in which Glorieta Camp sits. So first of all, I just want to address the two variances that have to do with the roads. So that's the first variance that Jose mentioned for Table 7-13 and the variance on the 25 percent disturbance for roads, Section 7.17.10.4.1. I just wanted to make sure you had the roads. So the first set of plans that Hillary passed out, these are the proposed variance requests for improving the two stated roads to meet the requirements of the Santa Fe County Fire Marshal. These roads, first of all Hagen Creek Road is a historic road built in the thirties. It has been used by private property owners to the north. It's access to the national forest and Glorieta has – the previous owner and Glorieta have been using it for forest maintenance and thinning which they're working with the Forest Service on.

What we did is we had five major meetings with the Santa Fe County Fire Marshal as well as numerous phone calls, discussions on site to lay out improvements to this road that would provide for emergency access and adequate drivable surface that would satisfy the Fire Marshal's requirements. In these plans you can see I've highlighted the areas where along – this is showing the existing alignment of the road and then where it's highlighted, those are the areas where the Fire Marshal requested that we provide either a passing lane, a turnout where we have a 20-foot wide drivable area, or a turnaround, or a pullout. And this would provide space to allow vehicles to pass each other if an emergency vehicle needed to come up the road and one was coming down the road.

We drove these two roads and very carefully identified areas where visibility was of concern, where the steep existing terrain of the road was of concern, and Oralynn Guerrerortiz with Design Engineuity engineered this so that basically we have a road that is 15 feet in width going up to 15 percent in grade, and then the road goes from 15 to 18 percent in grade and at that point the Fire Marshal, Jaome Blay, requested that the road be 20 feet in width. So between 15 and 18 is 20 feet in width; below 15 is 15 feet in width, and that was adequate for his needs to get his vehicles up and down. And Dominic Ortega is here today to address any issues on the roads.

HEARING OFFICER LONG: So you're proposing improvements to existing Hagen Creek Road? These are improvements that have not been constructed yet.

MS. GAVIN: Correct. So the two roads are existing. We have maintained the existing alignment. In order to comply with Table 7-13 and Section 7.17.10.4.1 to avoid any 25 percent disturbances the roads would have to be rerouted to a point where the hillside, the mountainside would be extremely scarred. And I would like for Oralynn

to go ahead and elaborate on this further. But we did work very diligently. It's the existing alignment. We are not proposing to realign this road in any way. The widening of the road is minimal in areas where we're required to have a 20-foot width. There's some areas where we're required to have a turnaround, and then obviously, as part of this discussion with the Fire Marshal he requested that we locate mile markers along the road to assist also in locating any type of emergency situation.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: Oralynn Guerrerortiz with Design Enginuity. Hearing Officer Long, the local road standards under the County code call for a design speed of 25 miles per hour. What that would mean is large sweeping turns, very serious cuts and fills, grades that don't exceed nine percent. It's a very significant impact to create a road. Hagen Road would completely have to be redone. Think in terms of in essence, increasing the total length of the road by at least 300 percent. Huge impacts to the community, and I don't think that's appropriate. And I don't think the code contemplated that. I don't think the code contemplated development in this kind of terrain. So I think that's a key issue.

Again, this is not really a local road. It's a road leading to some accessory structures in essence. I don't know what that code provision should be, but it's something that maybe that's why we're here for a variance. It may be something we should consider in the future. Specifically, when we did prepare these new plans we did focus on drainage analysis, current code requirements, and we did incorporate the required culverts and things that were necessary. There are erosion control provisions in there. When you actually visit the road, it's very stable. It's strikingly well built in many cases. There's very few places where there are any concerns about erosion control currently, but with the improvements we're going to have to do to accommodate the Fire Marshal's desires to improve the public safety issues, we're going to do some more disturbance so we'll have to do some more stabilization. But again, the proposed plans fully meet the code. Thank you. They don't meet local road standards. Let me be clear on that point, but they do meet the Fire Marshal's requests.

MS. GAVIN: Also related to the roads, along Hagen Creek Road there is actually an archaeological site that's been identified in our archaeological report, which is not part of the variance application; it's part of the site development application. However, I would like to have Adam Okun come up here and address that. We were being very sensitive to minimize the expansion and intensification of this road in order to have no disturbance of the archaeological site that was found.

[Previously sworn, Adam Okun testified as follows:]

ADAM OKUN: Thank you. My name's Adam Okun. I conducted the cultural resource survey and archaeological survey. This was done as part of the environmental information report and submitted as part of the permit application. One piece that we discovered during our survey that I just wanted to touch on while we're on the subject of the roads, the only archaeological site or cultural resource of any kind that we found during our survey was a historic site along Hagen Creek Road. It is probably associated with the early settlement of the area, the early use of the road, because it dates to the early 1900s. In our report, which is included in the environmental information report we had a few recommendations about how to handle the management of that

archaeological site in relation to any improvements to the road. This report was approved or concurred on by the SHPO, the State Historic Preservation Officer for New Mexico.

Our recommendation stated that there would be no improvements to the road within the archaeological site boundary or within 50 feet of the archaeological site boundary. If any improvements in that are was absolutely necessary within the road there would be an archaeological monitor present during any of those activities. So we did submit a large cultural resource report that's part of one of the attachments of the environmental information report. It's been approved by the County and concurred on by the SHPO, but that was one key finding in the report that we wanted to bring up in relation to the roads while we were on that subject.

HEARING OFFICER LONG: Thank you. What is the status of the development application? Are you – I saw the transmittal in our report.

MS. GAVIN: Yes, the site development plan submittal was submitted on August 9th along with the variance application and so that's being administratively reviewed right now. I think you'd have to check with County staff to find out exactly where that is.

HEARING OFFICER LONG: Okay. Thank you.

MS. GAVIN: So basically we disagree with staff's recommendations on abandoning and reclaiming these roads. Number one, Hagen Creek Road is a historic road and the improvements that we are proposing will actually help to stabilize the road and minimize the erosion that currently does happen. Since the violation notice was issued Glorieta has not touched Hagen Creek Road at all for maintenance. They used to do maintenance because they use it to get back and forth from the national forest. I was just up there right before the holidays and there is quite a bit of erosion just because the maintenance has not been maintained.

So the improvements that are being proposed are essential to any further drainage, erosion issues that just happen with our natural weather events. And in regards to the Zip Tour Road, the road is in place, the improvements that we are proposing are minimal to accommodate rescue safety and accessibility for emergency services. Again, they're essential for the operations of Glorieta as a camp, as a facility to continue their programs.

Okay, so I'm going to move on to the next variance request, which is Section 7.17.9.2.3, the disturbance of 30 percent slopes, and Hillary is going to pass out some photographs and some square footages. So in Jose's report he mentioned that there was a total of 218,583 square feet of disturbances of slopes over 30 percent with the built improvements that are in question.

And so what I've done is I've taken that table that we've provided and identified that the majority of that square footage are the two roads – the Zip Tour Road and the Hagen Creek Road. You can see the Zip Tour Road has over 94,000 square feet of over 30 percent disturbances. Hagen Creek Road has almost 78,000 square feet of over 30 percent disturbances. Those 30 percent disturbances include all of the requisite drainage and stabilization requirements to improve the existing roads. That is not only counting the road as it is now. So I wanted to make that very clear. The majority of the over 30 percent disturbances are due to our proposed improvements that are mandated by the SLDC and that have been engineered by Oralynn and so I just want to identify that the majority of that 211,000 is actually disturbances due to the roads and due to proposed new improvements.

The other large number here is there's over 16,500 square feet of trail disturbance for the trails. The trails meander throughout the property and I do have a graphic to show you that. There are numerous existing historic trails and then Glorieta cleared or bladed new trails that basically created a trail network. And so again, these are trails that are integrated into the forest. They are not visible. They are stable. They have been used for the last three to four years and considering that we have 10 ½ miles of new trails, that actually isn't very much disturbance.

So if you want to just flip through the photographs here. I just want to give you some images of the areas of the 30 percent disturbances. The first two images you see are – one is of the Zip Tour Road and one is of the Hagen Creek Road. These are existing conditions. And you can see that due to the extreme terrain of the mountainous area most of the existing 30 percent disturbance is due to the roads being cut through very steep areas, but the majority of the roads, if you go back to the plan and profiles of the roads are actually pretty moderate.

The next sheet that you see that's been identified as disturbing over 30 percent slopes is the challenge tree house. This is a recreational activity that's part of the camp that the campers hike up through the forest and do challenge activities in this tree house. It's built between two trees as you can see from the photograph. There's some minor disturbance around the base platform for this tree house.

The next photograph is what we call the overnight tree house.

HEARING OFFICER LONG: So on the challenge tree house the 30 percent area of disturbance is at the base where those improvements are?

MS. GAVIN: Correct. So the 458 square feet is where the tree house is. It's mainly where the steps and the lower platform connect with the existing ground.

HEARING OFFICER LONG: Okay.

MS. GAVIN: The next image is the overnight tree house and that is a tree house that the campers and families can hike up to and spend the night in like you would any type of a forest shelter or a teepee or a tent, and that's built, as you can see, between two trees. There is some disturbance to the back side of that where the terrain is a bit steeper. I'd like to note that all of these improvements have been in place for a number of years. The area around it is stabilized. Vegetation is regrowing and there isn't any evidence of erosion or drainage issues in these areas.

The next image that you see is what we call the mud pit platform. It's basically a platform that's built adjacent to a large depression which they fill with water and the kids jump into it and get muddy. And then the kids get on the platform and get hosed off. So this was built on an area that had over 30 percent slopes and therefore it is included in this variance request. And this is located in what I call the campus proper, so down where the buildings are concentrated.

The next item for the 30 percent disturbances is – well, actually I'll do the next two. There's two footbridges. We call them the green trail footbridge 1 and 2. These are bridges that were built over streams to allow for bikes, walkers, hikers, to be able to cross those stream areas without having to go up and down and to make access to the existing trails safer for the patrons of the camp. The disturbances that occurred, and this is all included in the engineering drawings in your packet are along the sides of the waterway.

The next photograph that you see, actually the next three, are what we call the reclamation area. These are areas where there was collection of materials, debris, trash,

that was being collected and stockpiled and all of that debris and materials has been removed. This area actually has already been reclaimed. It's been stabilized as far as the soil reseeded and as you see, these photographs were actually taken this afternoon, so you can see it's not green because the grass is dormant right now but the seeding is already taken and it is extremely stable.

So staff's recommendation to remove all of these improvements and structures and then reclaim it to natural, I think is a bit short-sighted in particular in this one but all of the improvements that we've seen prior, aside from the roads which needs some improvements which we've proposed are already stabilized. So to come in and tear something up and bring it back to where it was three to four years ago would create more disturbance and I believe would be more contrary to the SLDC and the Sustainable Growth Management Plan.

The next item you see here is just an example of one of the zip line platforms. So these are the platforms that are kind of dotted across the mountainside there as you go up Hagen Creek Road and the Zip Tour Road. This is where the visitors come in and either – well, this is where they actually would take off and then there's platforms where they land. There's been some disturbance of 30 percent slopes around these platforms. Obviously these were fully engineered by a third party engineering firm that specializes in zip line structures and we have engineering plans that are ready to be submitted to CID. They actually have been inspected by the state agencies yearly to make sure everything is in compliance for safety. As you can see, obviously, the concrete footings for these structures are significant. Any time you have a structure of this nature, obviously, there's going to have to be some periphery disturbance in order to get that vertical anchor down into the ground and so the structure itself is pretty minimal but due to the structural requirement there was areas disturbed around these zip platforms.

HEARING OFFICER LONG: And you say that engineering plans will be submitted to CID?

MS. GAVIN: Yes. We've had all of our plans – they've been engineered by our engineers and architects. They're certified and stamped. They're ready to be submitted to CID. They've been ready since August.

HEARING OFFICER LONG: For CID to inspect.

MS. GAVIN: Correct.

HEARING OFFICER LONG: After it's been constructed.

MS. GAVIN: Yes. So as far as any new improvements that need to be permitted, or any development permits that need to be submitted, really the only requirements other than some ancillary detention ponds that are required per the SLDC, really it's the two roads, Zip Tour Road and Hagen Creek Road are where we're actually proposing some roadway improvements. But as far as the structures, anything that's vertical, everything has already been engineered and/or designed by licensed professionals.

HEARING OFFICER LONG: And who does the inspections annually, of the zip tour lines?

MS. GAVIN: Let me have Anthony address that, since he manages that.

MR. SCOTT: I might have to ask somebody behind me. It's multiple organizations. ACCT, which is the Association of Challenge Course Technology comes

out. Our insurance agency, obviously, likes to come and see those annually, and then the state organization is – NARSA, National Amusement Ride Association.

HEARING OFFICER LONG: All right. Thank you.

MS. GAVIN: I couldn't remember. So the next item, the next photograph you see is what we call the Oklahoma parking bike area. This is a parking lot that has a bladed area behind it and Glorieta would like to eventually turn this into another bike terrain area. Currently it is not; it's just been opened up. This is where large buses and vans come in and park when they bring the patrons into the property.

The next photographs you see are just examples of the bike trails. There's 16,000 square feet of disturbance along the bike trails, but again, as I mentioned, there's 10.5 miles of new trails. All together trails are existing, and if you go to the next page there's actually the trail map that was submitted as part of our application. And what I've done is I've highlighted it so that it's easier to follow. Everything in yellow is historic and existing, so when Glorieta 2.0 bought the property that was all existing. Everything in green are new trails that have either been bladed or cleared to allow for connection to the existing trails. Again, as you can see from the photographs that accompany this plan it's very heavily wooded. These trails are not visible from any public right-of-way and they are maintained by Glorieta. But again, the trails that are part of the variance application have not been utilized or maintained since basically the end of February per the order of Santa Fe County.

And then the last photograph you see, this is a bike terrain area that is on the property and again, it's areas where they have bladed to provide for biking events and bike courses for their campers and for some of the biking retreats.

So I wanted to give you those photographs just to give you an idea of the visual. It's a large property and there's a lot of amenities, but as far as the 30 percent disturbances, that's what it encompasses. I think the staff's recommendations to basically demolish and reclaim all of these improvements is unnecessary. These are existing improvements that are consistent with the historic use of the property. It's consistent with the use, the mission, the amenities, the activities that Glorieta provides and always has historically provided, and there is no intensification of this property. We have 2,400 acres. The parcel in particular that the camp sits on is over 2,200 acres. The disturbance, the number sounds large but if you actually look at it item by item it's pretty insignificant. Again, variances are requested for extraordinary situations, conditions. I don't think that the SLDC contemplated a religious outdoor camp on 2,400 acres in mountainous terrain, and so therefore we're asking for a variance on the 30 percent slopes.

So the next variance request is Section 7.17.10.3.1. So this is a request to allow for structures over 12,000 square feet on 7,400 feet elevation and above. The SLDC restricts improvements to the 12,000 square foot amount. Basically, again, this is a large property. To limit – so basically the camp sits on one parcel. To limit the total development that sits on terrain that's at 7,400 feet and over to 12,000 square feet is not realistic. Again, I don't think that this section of the SLDC contemplated an activity, a public institutional activity of this nature, therefore we are requesting a variance on this.

HEARING OFFICER LONG: And that's for the zip lines and roads?

MS. GAVIN: Yes. So specifically – let me just identify specifically what they are. So there's the Zip Tour Road – so whether it's a vertical improvement or a

horizontal improvement infrastructure it's considered a built improvement. So the 12,000 square foot applies to that. So included in this variance request is the Zip Tour Road, Hagen Creek Road – so we have the Zip Tour Road, the challenge tree house, the overnight tree house, the green trail footbridge, #1 and #2, the Zip Tour platforms, the Oklahoma parking and terrain park, as I mentioned before, Hagen Creek Road and the bike terrain area.

So again, if you add all of those areas together, all of those improvements, which obviously includes the roads, it's 195,191 square feet. Of that, 172,352 is the improvements on the roadways.

The next variance request is 7.17.9.2.7, the removal of significant trees on slopes over 30 percent. We have – so there is a site plan that shows the location of the significant trees and identifies the trees that were removed in order to provide the safe clearance for the zip line courses. What I've done is I've just put the roads in yellow and the alignment of the zip lines in green so it's a little easier to read because it's so small. So as Jose mentioned, 101 significant trees were removed as part of the installation of the zip line amenities. As you can see, they are spread out over significant lengths. This area is extremely densely wooded as far as any public visibility of these areas. They're not visible from the public right-of-way and basically, as far as the SLDC talks about having minimal impact on the natural character of the land, and it is our opinion that the removal of these trees did not have any negative impact on the land. In fact the areas where they were removed, they weren't pulled out. The whole root ball was not pulled out, obviously. The terrain is much too steep and rugged to be able to do that. The trees were cut down. The actual ground was not disturbed. The natural grasses and vegetation remains in place and so as far as stability of those slopes it is still stable and we have not contributed to any additional erosion or drainage concerns in those areas.

The next variance request is from Table 8-17, the dimensional standards for public/institutional. Public/institutional has a 48-foot height limitation and the area in which we are requesting for this variance is for the zip, there's a zip structure that was constructed and part of the roof of the Holcomb building. The Holcomb building is the historic chapel of the property that has a steeple adjacent to it. That chapel itself is – the highest point of that building is 89'2". The steeple that's adjacent to it is 164'9" in height. The area on which this platform begins or that was constructed and the zip line begins is at 75 feet above the existing grade.

So this structure is actually lower than the historic, legal non-conforming structure that it is on. In our opinion, it is not contributing or intensifying the non-conformity and it is minimally visible. It is visible as you enter the property but basically you cannot see it from the public right-of-way along I-25 and the frontage road.

HEARING OFFICER LONG: So is it a separate structure? It's just connected to the building?

MS. GAVIN: It's actually connected. It's built on top of the roof.

HEARING OFFICER LONG: On top of the roof.

MS. GAVIN: Right. And then actually the zip structure itself is anchored to its anchoring and structural system kind of runs through the Holcomb building and that was all engineered and built according to those certified plans. And again, obviously that structure is inspected annually.

The next variance that we're requesting is 7.17.9.3.1, the 15-foot height limitation on steep slopes, ridgetops and ridgelines. Basically, the code requires that if you're at 15 percent slopes or greater the height limitation is 18 feet. As Jose mentioned there are six zip tour platforms that exceed that 18 feet in height. Not all the zip lines. There's the two tree houses, the tree rappel structure, the zip tour platforms 3, 4, and 5. All of these structures are located, again, in densely forested areas. They are situated in areas that have steep terrain. They were built to be integrated into the natural terrain. They're not publicly visible and we feel that again, we're dealing with an extraordinary situation here in that we have a retreat, a religious retreat center with activities and amenities that need to be placed into areas that are appropriate for that activity and the 18-foot height limitation would severely restrict these activities, in fact make them impossible.

I believe I missed one of the variance requests and I apologize for that. The last one is for Section 7.17.10 – actually, pardon me. I already did cover that. It's over 7,400 feet.

So I could just like to actually read directly from the Sustainable Growth Management Plan, which is really where the SLDC came from. The SLDC is a device from which we can implement the intent of the Sustainable Growth Management Plan in any type of contemplated development, whether it be vertical or horizontal. And in Section 1.2.1.1 of the SGMP it says, Sustainable development maintains or enhances economic opportunity and community well being while protecting and restoring the natural environment upon which people, natural systems and economies depend.

Glorieta 2.0 is maintaining and enhancing. They're maintaining and enhancing the economic opportunities and experiences of their immediate community of Glorieta and Pecos. They are maintaining and enhancing the experience of our community members are large. They provide an opportunity for not only children but families, adults, special interest groups to come in and experience this very unique property. It's been there since the fifties. They came in and restored it and we're here to make it right, to remedy the structures, the improvements that were done without the requisite permitting and without the requisite variance requests. If we had come in prior to any of this construction we would have asked for these same variance requests; it would not have changed.

So we are trying to maintain the mission, the purpose and the heart and soul of Glorieta 2.0. We have had so much positive feedback from the neighboring community that they are supportive of what we are doing, of our presence there, and we'd like to see all of these items remedied. We'd like to be able to go in. My client is so anxious, his staff is so anxious to come in and make some of these improvements, provide for the drainage improvements, provide for the roadway improvements, do some of the minor structural improvements to some of the recreational facilities so that they can feel 100 percent confident in offering this, not only to their campers that come in from out of state and out of town, but to the campers and the participants that are local.

Also in the Sustainable Growth Management Plan, Section 1.3.1.C, it says the purpose of creating this plan was to continue to protect and create central mixed-use places in community settings, real desired places that have centeredness to allow for focused economic, institutional, social and functional opportunities.

I think that fits Glorieta 2.0 to a T.

And lastly, 1.3.3.D, as far as focusing on community needs and values for future planning and local economic development, it says to accommodate and encourage local

businesses that create employment opportunities for the county. Glorieta 2.0 is a sustainable, growing, positive presence in Santa Fe County and we would like to do everything that we can to come into compliance and make this property what it should be. So thank you for your time and we're happy to stand for questions.

HEARING OFFICER LONG: Okay. Thank you.

MS. GAVIN: Frank Herdman would like to make a statement.

HEARING OFFICER LONG: Okay.

FRANK HERDMAN: Thank you, Madam Hearing Officer. My name is Frank Herdman. I was not previously sworn. I'm an attorney and I do swear to tell the truth.

Madam Hearing Officer, as I listen to the presentation today – I'm counsel for the applicant – I think it's worth pointing out and emphasizing that if we look at the criteria for variances in the code, which I believe was adopted in a way to reflect the more lenient standard that was adopted by the New Mexico Supreme Court in the case of *Paule v. Santa Fe County*, which was a case in which Santa Fe County defended to the New Mexico Supreme Court the granting of an area or dimensional standard and in that case the County did prevail. You may be familiar with that case.

But I think it's worth pointing out that the language of the review criteria in Section 4.9.7.4 of the code contemplates that a variance will be granted where "strict application of the code would result in peculiar or exceptional practical difficulties, or exceptional and undue hardship to the owner." It's stated in the alternative. We submit that both of those are satisfied.

As I listened to the presentation I think there's no doubt that all of the circumstances, all of the conditions for which a variance are being requested fall readily within that one particular standard, specifically peculiar and exception practical difficulties. All of the uses of this property are permitted by the underlying zoning for this property. The only thing that the applicant is proposing to do is make use of the property in the way that the code contemplates. There are practical difficulties imposed by the code because if you want to put a trail in, you want to have a trail that might exceed particularly restricted slopes. That's what trails are for. So that's one example of all of these where there are practical difficulties in complying with the code.

And so I just think it's worth pointing out that the code does contemplate variances for this particular type of situation. Another example is a restriction on development of 12,000 square feet above 7,400 feet, that's ridiculous in this case. It is a practical difficulty to comply with that. This property would not be possible today under that restriction because imposing 12,000 square feet of development above 7,400 square feet, that works for homes, which is probably why that provision was created, but when it comes to commercial property, the likes of which exceed that elevation such as we have here, it is a practical difficulty to comply with the code. Thank you.

HEARING OFFICER LONG: Okay. Thank you.

MS. GAVIN: Madam Hearing Officer, I have a letter that I'd like to submit for the record from the president and owner of BTI, Bicycle Technologies International, President Martin, in support of this project. It says BTI is a Santa Fe-based bicycle parts distribution company employing 35 people. We supply bike shops across the US and internationally. We support Glorieta Camps' efforts to develop roads and trails on their property. These bike ways have already proven to be an economic driver

for Santa Fe County through events like the Big Mountain Enduro, Glorieta Cyclocross, and the Xterra Tri.

BTI views these trails as an employee recruitment and retention asset which are staff uses frequently. In the big picture, sporting goods industries are in decline. The solution is more opportunities for outdoor recreation, not less. Glorieta Camps is creating a healthier community by graciously opening their doors to outsiders. BTI urges Santa Fe County to generally support their efforts by granting them the permits/variances needed to continue their good work. Again we are happy to stand for any questions.

HEARING OFFICER LONG: Thank you. I think most of my questions were answered along the way in your presentation. I wanted to ask about the reclamation area. That is where the trash and debris was. Is that correct?

MS. GAVIN: Correct. That's correct.

HEARING OFFICER LONG: And you are seeking a variance for the disturbance of slopes, 30 percent slopes?

MS. GAVIN: Correct. Those areas have been reclaimed. They've been reseeded. In that reclamation work that was done in concert with the requisite state agencies. There are some cut slopes that are there that are new disturbances where there were existing over 30 percent slopes and those are the areas that are part of the variance request. And I think from one of the photographs that I submitted, one of the three, you can see the area that's a bit steeper.

HEARING OFFICER LONG: Okay. And there's a statement in the staff report that the applicant has not provided evidence that the structures built on mature, significant trees are affecting the health of the tree. Are these the tree house trees?

MS. GAVIN: I think you'd have to confirm with staff but I would imagine that they're referring to the challenge tree house, the overnight tree house and the rappel platform.

HEARING OFFICER LONG: And so how many trees would that be?

MS. GAVIN: That is I believe five. The rappel platform is attached to one tree and the other two are each attached to two.

HEARING OFFICER LONG: Thank you. Thank you for your presentation. I know there was a lot to get through.

MR. SCOTT: We have had an arborist come and look at those trees and we have a report that we could submit if requested.

HEARING OFFICER LONG: You have had someone look at the trees?

MR. SCOTT: Yes. We had a licensed arborist come and look at the trees.

HEARING OFFICER LONG: And what was the result of that?

MR. SCOTT: That they were healthy and adequate.

HEARING OFFICER LONG: Thank you. All right. I need just to take a couple minute break here. You don't have to leave your seats. Just stand up and stretch for a moment because I've got to get a message off and then we'll continue with the public comment. Just several minutes so don't go anywhere.

[The hearing recessed from 4:54 to 5:00.]

Upon return Hearing Officer Long asked for a show of hands of those in the audience that were in support of the variance requests and those opposed. She noted that the vast majority of those present were in support with four people opposed, and imposed

a three-minute time limit per speaker to be monitored by Ms. Lucero. Those wishing to speak were placed under oath.

[Duly sworn, Brent Bonwell testified as follows:]

BRENT BONWELL: [Mr. Bonwell listed his affiliations, including past member of COLTPAC, the CORE Crew, Fat Tire Society and the Sustainable Trails Alliance.] ...which is a key connector from Dale Ball North down to the Forest Service and many of the Forest Service Trails, like Chamiso, Borrego, Bear Wallow, Windsor – all those impact 30 degree slopes, but they're built in a sustainable manner so that they don't cause increased erosion. So that is true also of the Glorieta Trails.

In 2014 we put in an application to become an International Mountain Bicycling Association ride center. Currently Santa Fe is a silver level ride center and in 2014-146 the Board of County Commissioners past a resolution in support of the ride center designation which takes into account the trails within a 30-minute radius of the city, which includes Glorieta Camps. And now therefore be it resolved by the Board of County Commissioners of Santa Fe County as follows. One of the items is Santa Fe County staff shall continue to pursue the addition of new and interconnected trails for mountain biking, hiking, equestrian purposes within Santa Fe County and consideration of development of use-specific trails.

So certainly the trails within Glorieta Camps meet that criteria. Part of that designation by IMBA looks at other recreational activities. The zip line certainly falls in would be a key item to do. To go towards gold standard we need more trails to get from silver to gold level, which is what this resolution is in support of, and Glorieta Camps being a private organization, they can mobilize and build trails faster than any public entity can.

And so really getting to the gold level is going to be dependent upon expanding the trail system and authorizing existing trails that are on their property. So the CORE Crew –

HEARING OFFICER LONG: Your three minutes is up so if you could just wrap up quickly.

MR. BONWELL: CORE Crew has put on over ten events there. We've raised over \$30,000 which has gone to local non-profits including the Santa Fe Conservation Trust gets about half of that. Other ones go to other non-profits like the Atalaya Search and Rescue and other local non-profit organizations. They've been a great party working with us to put on those events. So thank you. And I'm not an employee of the camp.

HEARING OFFICER LONG: Thank you. All right. Who would like to be next?

[Previously sworn, Mike Chapman testified as follows:]

MIKE CHAPMAN: Hi. My name is Mike Chapman. I swear to tell the truth. I am a local business owner. I own a bicycle shop here in town called Broken Spoke and I just want to say that I see a lot of people – the Glorieta Camps lets the public use the trails, so it's not just for their own campers' use. A lot of locals use the trails and a lot of people come in from out of town to use the trails. We get calls so I think that that should be noted, that it is a big draw and it definitely enhances the cycling scene in Santa Fe.

HEARING OFFICER LONG: Okay. Great. Thank you. Okay, come on up from the back.

[Previously sworn, Vince Torres testified as follows:]

VINCE TORRES: Good evening. My name is Vince Torres and I have been sworn in. Madam Hearing Officer Long, thank you for the opportunity to provide comments. My name is Vince Torres. I'm an executive pastor at Blaze Christian Fellowship on the south side of Santa Fe. We're actually within the county, and I just wanted to offer my support for the application for variance. We utilize Glorieta Camps for many of our staff retreats, men's and women's retreats. We send our children to camp, and we believe they're an extremely valuable asset to the community. We are a little bit here in the city and within the county for that matter, on family friendly activities and we feel they've been a great asset. They've provided a tremendous amount of economic development, lots of tax base, but from a ministry perspective, they've been a great partner. They've partnered with us to provide community outreach opportunities, not only for our church but other churches here in town. So we stand in strong support for this application and thank them for the asset that they've been to Santa Fe County. Thank you.

HEARING OFFICER LONG: Thank you. Okay, there was another gentleman back here.

[Previously sworn, David Bell testified as follows:]

DAVID BELL: My name is David Bell. I swear to tell the truth. I am also a local business owner. I own a bicycle store downtown called Mello Velo. In a very short period time Glorieta Camps has become an absolute draw to this community from people outside of the community, particularly up from the Denver Metro area. The word has spread that this is an extraordinary asset and really offers something quite unique even to people from up north.

So we run a business that is based significantly in tourism, being based downtown. We also have a huge local reach. It is as well received by our local community as it is our visiting community. Working with local advocacy organizations in Santa Fe County and also on the national level through IMBA, all of these organizations are focused on creating environments to participate in the activity safely and with continuity and also in a way that is not intrusive on other forest users such as hikers, dog walkers, equestrians, birders. Having the outlet in Glorieta eases the stress in other parts of the forest, particularly the Hyde Park Corridor in Santa Fe, which is oftentimes a very protected forest to commercial use and to any sort of wide scale competitive use. Glorieta has become an extraordinary asset to outdoor athletes of all types.

Both of my kids are in the Santa Fe Public School system. Both of them have experienced going out to Glorieta Camps for different events and different team building exercises. I haven't heard a bad word from a user or anybody involved in the camp as to the events and the plans of the camp going in the wrong direction or of anything nefarious. I'm not an employee of the camp. I'm just a local business owner and would really love to see the camp get their opportunity to continue doing great work because it is very good work. So thank you.

HEARING OFFICER LONG: Thank you for your comments. Okay, who is next? I'll take all the supporters first. Right back here in the orange and then you.

[Previously sworn, Bo Collins testified as follows:]

BO COLLINS: My name is Bo Collins. I swear to tell the truth. I am a local pastor at Christ Church Santa Fe where executive director Scott and his family attend. I have had the privilege to listen to him speak often about this situation and never have I heard him or any of his staff speak discouragingly about the trials of what this has presented towards his family and towards his business. I have consistently heard him speak about how eager and enthusiastic he is to cooperate with the County. I also have been a personal benefit of their ministry to my family and I would encourage you to grant the application for their variances so they can continue ministering to this county in a very powerful way. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Dean Fry testified as follows:]

DEAN FRY: My name is Dean Fry. I've been sworn in. Santa Fe County resident. I am not an employee of Glorieta. I am on the Santa Fe Fat Tire Society board. I'm a member of the CORE Crew. I'm also on the board of Velo New Mexico. I have – to reiterate what Mike said, in addition to all the benefits that the campers get, there are a huge number of residents that utilize Glorieta and I am one of those people as well. In addition I have volunteered for many of the races that have occurred out there that have brought revenue into the area. I think Glorieta is an important and unique recreational facility that we have here and I am in support of the variance requests.

HEARING OFFICER LONG: Thank you. Okay, back here.

[Previously sworn, Eric Ladd testified as follows:]

ERIC LADD: Hello. My name is Eric Ladd and I'm sworn in. I just wanted to make three points. I'm a private citizen. I have no affiliation with Glorieta but I appreciate three things they've done and are listed on all their variances. Number one, community. That was a lot of point of their variances. It's an unbelievable community of access. Access to the national forest is very difficult except for certain points and especially around that area it's difficult to get into the national forest and they allow individual people to access what is essentially our land, where essentially no other private people will allow. So access is an unbelievable support for Glorieta, that they allow access.

The economy, we've heard from multiple people and I agree with all of them that the bike shops, the restaurants, gas stations, all are going to be supported by people coming from in-state and out-of-state to ride bikes and hike and experience the amazing trails that are in Glorieta. And then another part of the variance was a low impact. I've been riding these trails for two years now and they're exceptionally built trails. They're absolutely beautiful and they put a lot of time, money, effort, and human strength into these trails to make sure that they don't get eroded and they're not poorly built and they're not haphazardly put together.

So essentially, all the things in the variances that they're asking for, as a private citizen who's not associated with them at all, who just enjoys going to their trails and appreciates their access, it seems like they're trying to fulfill all of those. Thank you for your time.

HEARING OFFICER LONG: Thank you. All right, any other supporters that wish to speak? And then I think mostly opposition was over here, so you just want to start in that first row, whoever wants to come forward please.

[Previously sworn, Glen Strock testified as follows:]

GLEN STROCK: Thank you for being here today. My name is Glen Strock and I am the pastor of Pecos Valley Cowboy Church in Pecos and I'm been a resident in New Mexico since 1979 and was the director and art director of the Museum of New Mexico, and now I serve the community of Pecos. I was previously a resident of the extended community of Glorieta in the conference center and witnessed the aggressive dismemberment of our Christian – one of the oldest Christian communities in America and the residents of the community experienced rather than financial gain, experienced millions of dollars of personal losses of personal property. We ourselves lost out home and in the process we lost our local worship center, which was worth in the neighborhood a million dollars.

We also lost – well, have lost functional access to our local cemetery which the local faith community owns but the camp absorbed onto their property. We've always maintained it. We have priorities for burials for our local population and now we do not have that direct access. Representatives from the camp have entered into our cemetery with a backhoe and dug holes indiscriminately and it is an old, old cemetery with burials dating back to the Civil War, the First World War, Second, and Korean War, Vietnam. We have veterans buried there and we don't want that interference, and that's one of my primary concerns in serving our community.

There's a gross disregard. It was mentioned and then I see in their variances they don't even address it, and it is a significant concern for our community. I also have some health issues. While living at Glorieta as a resident when they came in, my ten-year-old son, we discovered was recruited to remove insulation from a neighbor's house and we don't know what the long-term consequences of that may be. But the kind of cavalier approach to – I'm all for what they're attempting to do. It's the means in which they're going about it has been aggressive and it has visited significant financial losses and functional losses to our immediate community and if we could get more sincere cooperation then I could meet the needs of our community, but right now we have not had that.

We have had disingenuous aggressive manipulation of our community. Thank you.

HEARING OFFICER LONG: Thank you, Mr. Strock.

[Previously sworn, Jeffry Hanus testified as follows:]

JEFFRY HANUS: My name is Jeffry Hanus. I live next door to the conference center on the south side off Kurt Trail. I prepared a lot more to say; I didn't realize we were going to have a time limit of three minutes so I will try to be brief. The Glorieta community is not against the camps or hiking or outdoor experiences or even zip lines. We love the outdoors which is why many of us moved there and live there. I have lived next door since 1984.

The problem is when people from outside our community come here and without obtaining permits or following laws decide to construct numerous illegal improvements, destroy habitats, cut down numerous irreplaceable old growth trees and hurt wildlife. Now they say they're a religious camp and they may or may not be, but they did lose their religious exemptions, and Glorieta 2.0 is all about money. They would love for 50,000 kids a week to stay there for a weekly stay at \$1,200 a week, and that adds up to \$60 million. And so that's big money.

Ms. Gavin said that they have constructed over 10.5 – or spent over \$10.5 million on illegal, unpermitted, unengineered buildings and roads. They've also constructed 10 ½ miles of new bladed trails. Again, no engineering, no permits and I'm sure the zip lines were engineered but probably by the people that sold them to them. There's huge areas of disturbances, all illegal, and I didn't know how many trees they'd cut but apparently it's 101 old growth, significant trees.

Among other things I'm the president of the board of the New Mexico Wildlife Center. We're the largest wildlife rehab center in New Mexico and I am concerned about habitat that is destroyed because there are nests in trees, and you start cutting down trees and bushes and shrubs and what about the animals and birds that live in them?

So it's one thing to ask for variances before proposed improvements beforehand. It is something else all together to ask for variances for illegal, unpermitted, unengineered improvements completed ignoring zoning and safety laws after the fact. So I asked Ms. Gavin at the first meeting what she thought about them building all these illegal, unengineered improvements and she said, it's been to ask for forgiveness after the fact than permission. And so I don't believe in that and this is a clear-cut case of that. They never would have been granted all these variances before hand, but they've constructed all these improvements now and, oh, we already built these so you need to approve our variance requests now. And I beseech the County Commission to not grant these variances and to return it to the state that it was in at before and let them restart the permit process. They have deceived the community. They've worked behind locked gates. They think that state laws and County laws don't apply to them. They said they didn't know they needed permits. Well, one of the board directors on their board is the largest homebuilder in Texas, and he doesn't need permits? Thank you for your time.

HEARING OFFICER LONG: Thank you.

ALEDA STROCK: Can she give her time to him?

HEARING OFFICER LONG: No. We have to keep everyone's time to themselves. But I think he covered everything very quickly and thoroughly.

[Previously sworn, Aleda Strock testified as follows:]

MS. STROCK: My name is Aleda Strock. I've been sworn in. I was living up at Glorieta with my five kids, heard about a new tree house, supposed to be really great. Took the kids up there. It's engineered in a really neat way. It sways with the wind. There's trees growing up through it. A child's foot can get stuck in there and so I told the kids – no more going up to the tree house. They get to play up in this little cool place up in Aspen. I asked everyone is this okay for our kids to play up there? We're not employees. They said that's fine.

So I went to check it out. There's a climbing wall in there; it was really neat and there's shredded up rubber on the floor so that way the kids don't get hurt if them fall down, but the rubber's sparkling and I picked up one of the sparkles. It's got wires running through it. Somebody shredded up the wrong kind of tires and there's wires running through the rubber. So I told the kids, you're not going to play up there anymore.

There's a cease and desist order from the state on the zip lines. I look on Facebook, VOI is still using the zip lines. I don't know about the trails being open to the community. I don't mountain bike so I don't know that that's – I've never seen that.

The lake, my kids were up there when they opened the lake. It was incredible. They had this really cool big tower up in the middle and went up to go with the kids to

the water slide part. When I went – I don't know if this is still the case – the water's all coming down. It's really fun. You get wet when you're just walking up there. There's no – the steps seem really close together. I don't know if you know – well, you're into buildings so you know what I mean. And there's no sandpaper or anything. There's no traction. So everything is really wet and slippery and the steps are steep. I mean they're like – I don't know how to explain it.

And I'm assuming at that point in time, I never knew anything about microbial testing or that structures that have arsenic that can be built with wood that's pressure treated with arsenic, which is what I heard from a doctor in Texas when he saw that. He said it had been built with pressure treated wood that was now illegal to use and he said that – I don't know him and I'm not a builder, but he said that that's what was being used in the lake. And there had been no testing, biological pathogens, things like that. I didn't even know that would be something you'd think of. Of course when my kids were on the zip line, I thought those were permitted structures. Those were structures that had been checked by engineers, by the state. None of those things had happened while we were there.

My son was the little boy who was taking insulation out. I said, Honey, go take a shower right away. Aren't you itchy? He said, no, Mom. Well, there was somebody else in the house. He said, what color was it? Was it dark? My son said, yes, it was dark. And he said, what place was that? He said it was at the Texan. Well, we heard that that was one of the asbestos buildings.

You know, if we're asking for variances, can't we stick to the law first? This is dangerous. We have children out there. We need to stick to the law. They're there for a reason. Thank you.

HEARING OFFICER LONG: Thank you, ma'am. Okay, anybody else that would like to speak? Okay, does the applicant have any concluding comments, brief comments they would like to make?

MS. GAVIN: Thank you, Madam Hearing Officer Long. First of all I'd just like to clarify some misstatements that were made. Number one, Glorieta Camps has not lost their tax-exempt status. That is a false statement. Number two, all of the roads, structures, improvements have been engineered and/or designed by licensed architects and consultants, stamped and certified and they are ready to be submitted to Construction Industries Division for review. Santa Fe County does not have any purview over vertical construction. It is all done by CID. And lastly, the statement that I made the statement that it's better to ask for forgiveness than permission is completely false.

HEARING OFFICER LONG: That's what her position is. I heard what you had to say about that.

MS. GAVIN: On April 26, 2017, we held a neighborhood meeting at Glorieta Camps. We had over 35 people who had signed the attendance sign-in sheets. There were obviously more people there, probably in the range of 50. At that meeting notes were taken. The transcript was submitted to Santa Fe County. There was a reporter from the *New Mexican* who was present as well. We have documentation as to the content of the meeting and the statements that were made by myself as a representative of Glorieta 2.0 and JenkinsGavin.

So those are the – so I just would like to just kind of close and say that we are here before you for variance requests. There are seven or eight, I can't recall, variance

requests that we submitted to Santa Fe County in August of last year. We have submitted the variance criteria. We have responded to all of that criteria. The blanket statement that we received from Santa Fe County in their staff report is remove it and remediate it. Tear it down. Remediate.

We have built improvements, vertical and horizontal, that have been in place that are stable, secure. They have secure, stabilized environments that have been there for three to four years. To remove these improvements would intensify the disturbance of the natural environment of Glorieta. We recommend that the variances are granted, that there is a recommendation to Planning Commission that they are granted. And we also would recommend that the Planning Commission members do a field trip to the property. As you can tell from the content of our variance request, the photographs, the site plans and the size of the variance application, it's a significant property and I think it's best to actually go out and drive around and see the improvements. Staff has been out there on numerous occasions. The Santa Fe County Fire Marshal has been out there on many, at least a dozen, and so I think it would be very beneficial to see those improvements in person. So with that we thank you for your time.

HEARING OFFICER LONG: Thank you. All right, is there anything else from staff?

MR. LARRAÑAGA: Hearing Officer Long, on part of the report that I didn't read under the current status of the site, third one would be posted issuance of the order to cease and desist. Santa Fe County has allowed Glorieta 2.0 to use the facility in coordination with the County Fire Marshal and the New Mexico Construction Industries Division. The use of the facility was limited to the non-conforming structures and uses as unpermitted structures were not being utilized. One of the statements that was made was that there was an increase in this last year in attendees to the facility, and that was without using the new structures or amenities, the plans and so on.

The other thing is there was a lot of testimony that it's open to the public and as part of the application as a public/institutional/religious facility it was stated that the facility was for group attendees. So the facility, the uses on the property – the trails, the zip lines and so on, were for the groups, religious groups or groups that hold conferences or whatever went out there to utilize the facilities there. So the use for open to the public would not be allowed once the site development plan and everything else gets approved.

HEARING OFFICER LONG: The public will be able to use the trails or will not?

MR. LARRAÑAGA: Will not.

HEARING OFFICER LONG: That will be a change then in use once the development plan is approved?

MR. LARRAÑAGA: It's been stated by the applicant's agent and by the applicant that it's only for the attendees of the facility as a religious institution under the public/institutional zoning.

HEARING OFFICER LONG: Okay. Well, I would get clarification on that because I was hearing a lot about bicyclists using the trails and the public using the trails, so I would be interested in clarification on that.

MS. GAVIN: Okay. First of all, I would just like to clarify that this hearing is for our variance requests. This is not a hearing in regards to the site development plan application.

HEARING OFFICER LONG: Okay, and why are you telling me that?

MS. GAVIN: Because Jose just referenced the site development plan and the content of that.

HEARING OFFICER LONG: Oh. Right.

MS. GAVIN: So I don't feel that it is appropriate, the content of another application influence the opinion rendering –

HEARING OFFICER LONG: I think he was just referencing because we heard a lot of representations, many of your supporters, in fact almost all of them said the trails are open to the public. People hike there. People walk there. People take their bikes there and they refer clients out there, right? I mean of the shops. So I'm just asking for who can drive in and get on their trails?

MS. GAVIN: The property, obviously for safety reasons is restricted who can come in and out, especially when children are present. There's very strict regulations about child safety. The trails can be accessed from public right-of-way and if the public accesses trails from public right-of-way we cannot control that. There can't be a secure – nothing is secure. And so obviously the trails migrate from public right-of-way through the property and into the Forest Service land. And as far – I feel like it's inappropriate to even address that because that is all part of our site development plan application. What we're here for is a variance request on the 30 percent disturbances on the trail amenities.

HEARING OFFICER LONG: Yes. But it was certainly brought up as part of this hearing that there were benefits to the public. It complied with goals and objectives of the Sustainable Land Development Plan and Code and we heard some of those were economic developments but we also heard about access to the community and the public and that the trails are used by the public, so I'm just trying to find out what the access is to the public because that was one of the criteria that I heard today.

MS. GAVIN: As far as the access by the public, Glorieta 2.0 provides retreats and religious and recreational retreats for the public. The public can sign up for an activity, whether the activity is an afternoon activity or whether it's a multi-day activity, whether it's for children, adults, families, if it's for a special interest group, like a biking group. These are retreat activities that have historically occurred on the property. Glorieta 2.0 has continued that. And so I think the discussion about what's public and what's not, the public signs up for these activities. And so the public has access to these trails – in particular we're talking about these trails –

HEARING OFFICER LONG: If they are signed up for one of the retreats.

MS. GAVIN: Correct. Correct.

HEARING OFFICER LONG: All right.

MS. GAVIN: And there are registration requirements for cyclists that come on to the property and to utilize the mountain biking trails.

MR. HERDMAN: Madam Hearing Officer Long, I'm reading from staff's memo. The zoning designation for this property is public/institutional. Public/institutional. [inaudible]

HEARING OFFICER LONG: Okay. Let's not have this dialogue going on, because I can't follow it.

MR. HERDMAN: So listed among the permitted uses under the public/institutional zoning designation is included active leisure sports and related activities, swimming and water sports and related activities, active open space and related

activities, athletic fields, passive open space and conservation areas, fitness, recreational sports and related gym facilities. The implication by staff that public access and public use of this property is not permitted is a gross mischaracterization of the County's own code. Thank you.

HEARING OFFICER LONG: All right. Jose, did you have anything to add to get this issue cleared up?

MR. LARRAÑAGA: Hearing Officer Long, yes. The zoning on this property is public/institutional. The part of the retreat is a permitted use. Once it's open for the public then it would be considered a conditional use. So right now, again, we're doing a site plan that's administrative. The uses are allowed as a retreat. Once they open it to the public and they change it to a different use, under the use table it becomes conditional, so it's a different route that we would have to take.

HEARING OFFICER LONG: And that's part of the review that you're doing for their development application.

MR. LARRAÑAGA: Correct.

HEARING OFFICER LONG: Okay. Thank you. Okay. I think that is all that I had and I thank you all very much for your attendance here. I know it was a long hearing to get through and I appreciate your interest in the project, whether you're for or against it, and I also appreciate the thoroughness of the presentation by the applicant. Thank you all very much. And you heard that I make a recommendation and I will make that to the Planning Commission so there will be another chance for you to attend another hearing like this if you want to. Thank you all.

IV. Adjournment

Hearing Officer Long adjourned the hearing at 5:33 p.m.

Approved by:



Nancy Long, SLDC Hearing Officer

Santa Fe County

Officer

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss SLDC HEARING OFFICER M
PAGES: 77

I Hereby Certify That This Instrument Was Filed for
Record On The 25TH Day Of January, 2018 at 09:18:25 AM
And Was Duly Recorded as Instrument # 1848426
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM



REC'D CLERK RECORDED 01/25/2018



The Village of Pecos
P.O. Box 337
Pecos, New Mexico 87552
Phone (505) 757-6591
Fax (505) 757-2833

Mayor Tony J. Roybal
Village Clerk Ramona Quintana
Village Treasurer Arthur R.
Varela

Board of Trustees
Joe M. Benavidez
Florencio Varela
Herman Gallegos
Ralph Lopez



January 2, 2017

Penny Ellis Green
County Land Use Administrator
P.O. Box 276, Santa Fe, N.M. 87504-0276

Subject: Case # VAR 17-5190 Glorieta 2.0 Variances

Dear Ms. Green,

A public hearing will be held in the County Commission Chambers of the Santa Fe County on the 4th day of January 2018, at 3 p.m. on a petition to the Santa Fe County Hearing Officer to hear a request by Glorieta Camps for its application for variances in connection with development permits.

Glorieta Camps (formerly Glorieta Conference Center) has a long-established history with the Village of Pecos and the region. Glorieta is a partner in community and economic development in the region. Glorieta currently employs 64 full-time staff members and hires approximately 200 summer staffers and welcomes approximately 29,000 guests to the region.

Glorieta's proximity to the Village of Pecos, El Dorado, Santa Fe, and Albuquerque means that much of the annual payroll is spent locally. Glorieta staff participate in all aspects of community economics by purchasing gas, eating at local restaurants, shopping for supplies, procuring medical services, and attending local churches.

Glorieta Camps makes an effort to purchase local supplies and use local vendors when possible.

Economic impact of Glorieta in the Pecos/Santa Fe/Albuquerque communities

- Annual revenue across 8 programs - \$6.5 Million
- Annual payroll to local FT staff - \$2.2 Million
- Annual payroll for summer staff - \$600,000
- Purchases from local vendors for food, supplies, services – over \$1.5 Million

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Glorieta is a vital community partner and economic development arm for the Village of Pecos and region. We are working closely with Glorieta to develop various partnerships that will strengthen our community. Because of these reasons, we whole heartedly support the application for variance in connection with the development permits listed in Case # VAR 17-5190 Glorieta 2.0 Variances.

If you have any questions or would like to discuss further, please do not hesitate to contact me at 505-757-6511.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Roybal", written in a cursive style.

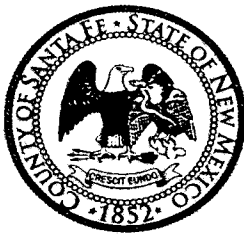
Tony Roybal, Mayor
Village of Pecos

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Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

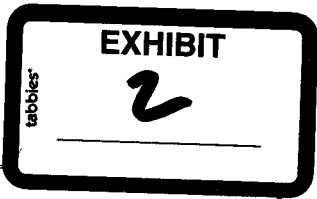


2
Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

**Santa Fe County Fire Department
Fire Prevention Division**



Subdivision Development Review

Date	08/11/2017		
Project Name	Glorieta 2.0		
Project Location	11 State Road 50		
Description	Access Roads variance request	Case Manager	Jose Larranaga
Applicant Name	Glorieta 2.0	County Case #	VAR 17-5190
Applicant Address	Same as above	Fire District	Re-Submission Glorieta Pass
Applicant Phone	N/A		

Review Type: Commercial ☒ Residential ☐ Lot Split ☐ Lot Line Adjustment ☐
 Family Transfer ☐ Inspection ☐ Wildland ☐ Variance ☒

Project Status: Approved ☐ Approved with Conditions ☒ Denial ☐ Incomplete ☐

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with all applicable Santa Fe County fire and life safety codes, ordinances, and resolutions.

Roadways/Driveways

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Final acceptance based upon the Fire Marshal's approval.
Roads shall not be less than 15 feet wide. Turnouts shall not be less than 20 feet wide and 40 feet in length. Turnarounds shall meet the requirements of the 1997 Uniform Fire Code.

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.

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Roads shall not exceed 15% grade. Roads that exceed 15% grade and up to 18% grade shall be 20 feet wide. Roads that exceed 18% grade shall not be approved.

Fire Department Access

The fire department access roads proposed for this development shall have a road identification number or name and be marked throughout the length of the road for the purpose of expediting emergency response.

Fire department access for any future development shall be reviewed in accordance with the current Santa Fe County Fire Code at the time of submittal.

Overnight Tree House

All electrical wiring, kitchen stove, generator, and BBQ grill shall be removed from the structure.

Jaome R. Blay
Santa Fe County Fire Marshal

08/11/2017
Date



Jose Larranaga

From: Jones, Janice M. <janjones@ou.edu>
Sent: Wednesday, January 03, 2018 9:24 AM
To: Jose Larranaga
Subject: Land Use Permits at Glorieta 2.0

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Larra,

Please add our email to others you have received regarding the public meeting on January 4, 2018.

The main issue for us is that all owners of property in Santa Fe County must conserve the natural assets that they have been given to protect. They must adhere to laws of the state of New Mexico and the County of Santa Fe.

As former Santa Fe County homeowners, we ask that any variances considered by the County for Glorieta 2.0 follow all state and county laws and ordinances. We also ask that Glorieta 2.0 be held liable for any violation of laws or ordinances prior to January 4, 2018.

Thank you.

Jan and Harold Jones

SFC CLERK RECORDED 01/25/2018

Jose Larranaga

From: Charles Goodyear <cgoody1950@gmail.com>
Sent: Tuesday, January 02, 2018 5:16 PM
To: Jose Larranaga
Subject: Glorieta hearing

Follow Up Flag: Follow up
Flag Status: Flagged

As an owner of property near Glorieta, I am concerned about all the apparent violation, especially those dealing with the water. I ask the hearing officers to give strong consideration to the public feedback regarding the Glorieta 2.0 (formerly LifeWay Conference Center) operations.

Thank you,

Charlie Goodyear

SFC CLERK RECORDED 01/25/2018

Jose Larranaga

From: Nancy Broyles <nancyb324@hotmail.com>
Sent: Tuesday, January 02, 2018 4:16 PM
To: Jose Larranaga
Subject: Public hearing

Follow Up Flag: Follow up
Flag Status: Flagged

Please! CLOSELY consider the public's response to Glorieta 2.0's application.
Thank you!
Nancy Broyles

SFC CLERK RECORDED 01/25/2018

Jose Larranaga

From: Mark John Bennett <bennettinjapan@mac.com>
Sent: Tuesday, January 02, 2018 3:45 PM
To: Jose Larranaga
Subject: Glorieta 2.0 Application

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mister Larranga,
We were one of the eight private families who lost our home at Glorieta in the Lifeway sale to Glorieta 2.0. We don't know all of the facts, but there are so many questions that need answers. Please Closely Consider the Publics' Response to Glorieta 2.0's Application.
Thank you,
Dr. Mark John Bennett

SFC CLERK RECORDED 01/25/2018

Jose Larranaga

From: Karen Foster <karfos3@hotmail.com>
Sent: Tuesday, January 02, 2018 3:04 PM
To: Jose Larranaga
Subject: Hearing for Glorieta 2.0 application

Follow Up Flag: Follow up
Flag Status: Flagged

“Please Closely Consider the Publics’ Response to Glorieta 2.0’s Application.”

Thank you,

**Karen and George Foster
Former Home Owners at Glorieta Conference Center**

SFC CLERK RECORDED 01/25/2018

Jose Larranaga

From: RUTH A COOK <joecook@verizon.net>
Sent: Tuesday, January 02, 2018 11:11 AM
To: Jose Larranaga
Subject: Glorieta Camps

Follow Up Flag: Follow up
Flag Status: Flagged

Please carefully consider the citizens' and neighbors' concerns about the future development of this camp/biking area. And I would ask you to be very aware of the ownership, deed and deed changes, financial arrangement between developer David Weekley and LifeWay Christian Resources. I am a Baptist, and must trust that the state and county see that this legacy land is preserved according to the highest standards. Thanks very much. Many of us await your wise decisions.

Ruth Ann Cook

SFC CLERK RECORDED 01/25/2018

Jose Larranaga

From: Kay Goodyear <kkgoody16@gmail.com>
Sent: Tuesday, January 02, 2018 10:59 AM
To: Jose Larranaga
Subject: Glorieta 2.0

Follow Up Flag: Follow up
Flag Status: Flagged

Please closely consider the public’s view on Glorieta 2.0.

Thank you,
Kay Goodyear

SFC CLERK RECORDED 01/25/2018

Jose Larranaga

From: Susie Tompkins <SGTompkins@comcast.net>
Sent: Tuesday, January 02, 2018 10:40 AM
To: Jose Larranaga
Subject: Please Closely Consider the Publics' Response to Glorieta 2.0's Application

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Please Closely Consider the Publics’ Response to Glorieta 2.0’s Application

Susie Tompkins
SGTompkins@comcast.net

SFC CLERK RECORDED 01/25/2018

Jose Larranaga

From: Eklophaus <eklophaus@yahoo.com>
Sent: Tuesday, January 02, 2018 10:32 AM
To: Jose Larranaga
Subject: Glorieta

Follow Up Flag: Follow up
Flag Status: Flagged

Please Closely Consider the Public’s Response to Glorieta 2.0’s Application.

Sincerely,

Emily Klophaus

SFC CLERK RECORDED 01/25/2018

Jose Larranaga

From: Kirk Tompkins <Kirk.Tompkins@comcast.net>
Sent: Tuesday, January 02, 2018 10:29 AM
To: Jose Larranaga
Subject: Please Closely Consider the Publics' Response to Glorieta 2.0's Application

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Please Closely Consider the Publics' Response to Glorieta 2.0's Application

Kirk Tompkins, Managing Partner
Knickerbocker Group
Little Rock, Arkansas USA
501.680.4408 Mobile
SKYPE: kirktompkins
Kirk.Tompkins@comcast.net

L. Kirk Tompkins, former partner in Arkansas Governor Asa Hutchinson consulting firm, Managing Partner, Knickerbocker Group, a business consulting partnership. Tompkins is an experienced entrepreneur, corporate executive, and consultant for domestic and multi-national business including electronic government, manufacturing, and distribution. His experience includes industrial and mechanical product design and development, the patent process from design to global patent, plant start up, research, planning, business development, implementation, managing projects, marketing, and sales. Mr. Tompkins has extensive business experience across the USA and many foreign assignments including; Australia, New Zealand, Africa, Japan, China, Europe, Scandinavia, UK, Mexico, and South America. Tompkins former associations include: (1) Partner in the Hutchinson Group consulting firm founded by former Congressman and former Undersecretary at Homeland Security, current Governor of Arkansas Asa Hutchinson, (2) Founder and former CEO of an industrial manufacturing company joint venture with FAG Kugelfischer of Schweinfurt, Germany, (3) Founder and former CEO of F&T Manufacturing producing automobile parts for Ford Motor Company, (4) President and CEO of a ball bearing/PTE industrial distribution firm. Tompkins is co-founder of Pulaski Academy, an independent, coeducational, college preparatory school for preschool students through twelfth grade and co-founder of Arkansas Montessori School. Mr. Tompkins was born in Fort Smith, Arkansas. He studied at Johnson O'Connor Research Foundation, Wilson Learning Institute, University of Arkansas, and University of New Mexico. Mr. Tompkins is a former member of the U.S. Department of Arkansas Commerce District Export Council, and active FBI Citizens Academy alumni.

"The kind of thinking that got us into this mess is not the kind of thinking that will get us out"- Albert Einstein

SFC CLERK RECORDED 01/25/2018

Jose Larranaga

From: Anita Nugent <saildancer3@yahoo.com>
Sent: Tuesday, January 02, 2018 2:23 PM
To: Jose Larranaga
Subject: Glorieta Camps hearing of 1/4/2018

Follow Up Flag: Follow up
Flag Status: Flagged

I am Anita Nugent. As a resident whose property is within half a mile of Glorieta Camps property I must state the appalling circumstances that surround their behavior in the last 3+ years. They are very poor stewards of the property. Their pumping of 200 gallons per minute for 15 months onto the ground, which was admitted to me directly by their own supervisor and for which I have video, is egregious. We live in a high desert and they told me they were doing this only to show the State they needed more water rights. The result was dry wells, including mine. As a 74 year old teacher who is barely making ends meet, I was forced to pay \$30,000 to redrill my water well.

We must be stewards of our water and land. Glorieta Camps have raped the land by cutting unapproved roads, cutting down large areas of trees, piling garbage in unapproved areas, polluting the water with tainted wooden structures and produced noise pollution. They have put the health and safety of all in the area in jeopardy by constructing ponds that are polluted and zip lines that are not inspected. Their owner is a long-time contractor who must know that there are procedures to be followed and yet tries to make excuses by claiming he "didn't know."

There has been no show of good will by Glorieta Camps and numerous people, including myself, have been lied to over and over again. They have stalled any efforts to remediate and seek underhanded ways to try to obtain permission to continue their rape of the land, water and people of this area. They have placed fire dangers inside the grounds that jeopardize the homes and forests of this area in one of the driest years on record.

You must deny them any permits or variances to continue such activities and must place strict regulations on their proposed list of activities: land clearing, water polluting activities, gas station use, lack of asbestos remediation, improper water use, dumping, use of the facility as a campground, noise pollution due to loud music and firearms use, establishment of a firing range, irresponsible use of outdoor fires and any other activities that may present a hazard or nuisance to the workers, customers, land, water and area citizens.

Please, please do not grant them any permits or variances and await their appearance before the Planning Commission.

Sincerely,

Anita Nugent

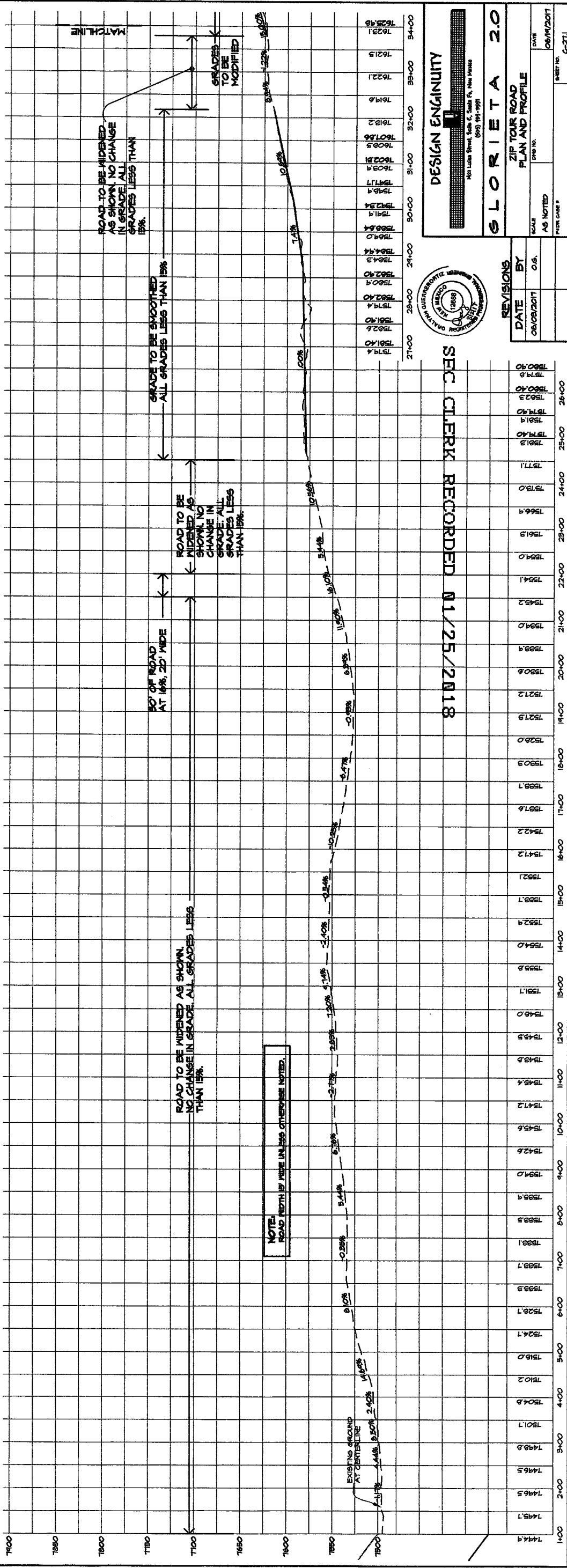
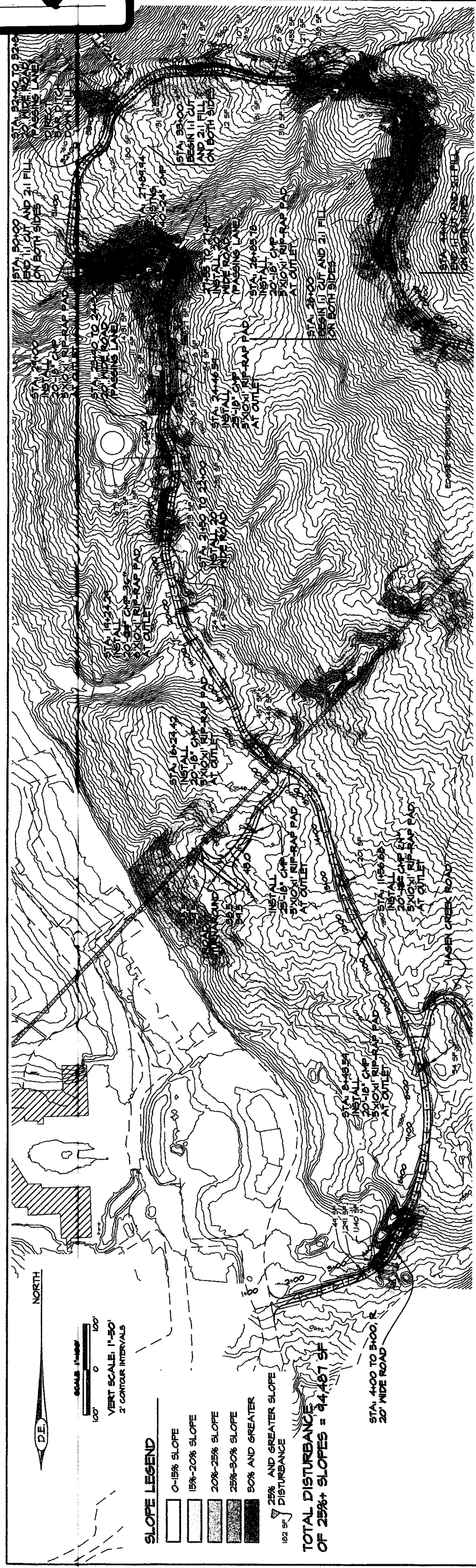
SFC CLERK RECORDED 01/25/2018

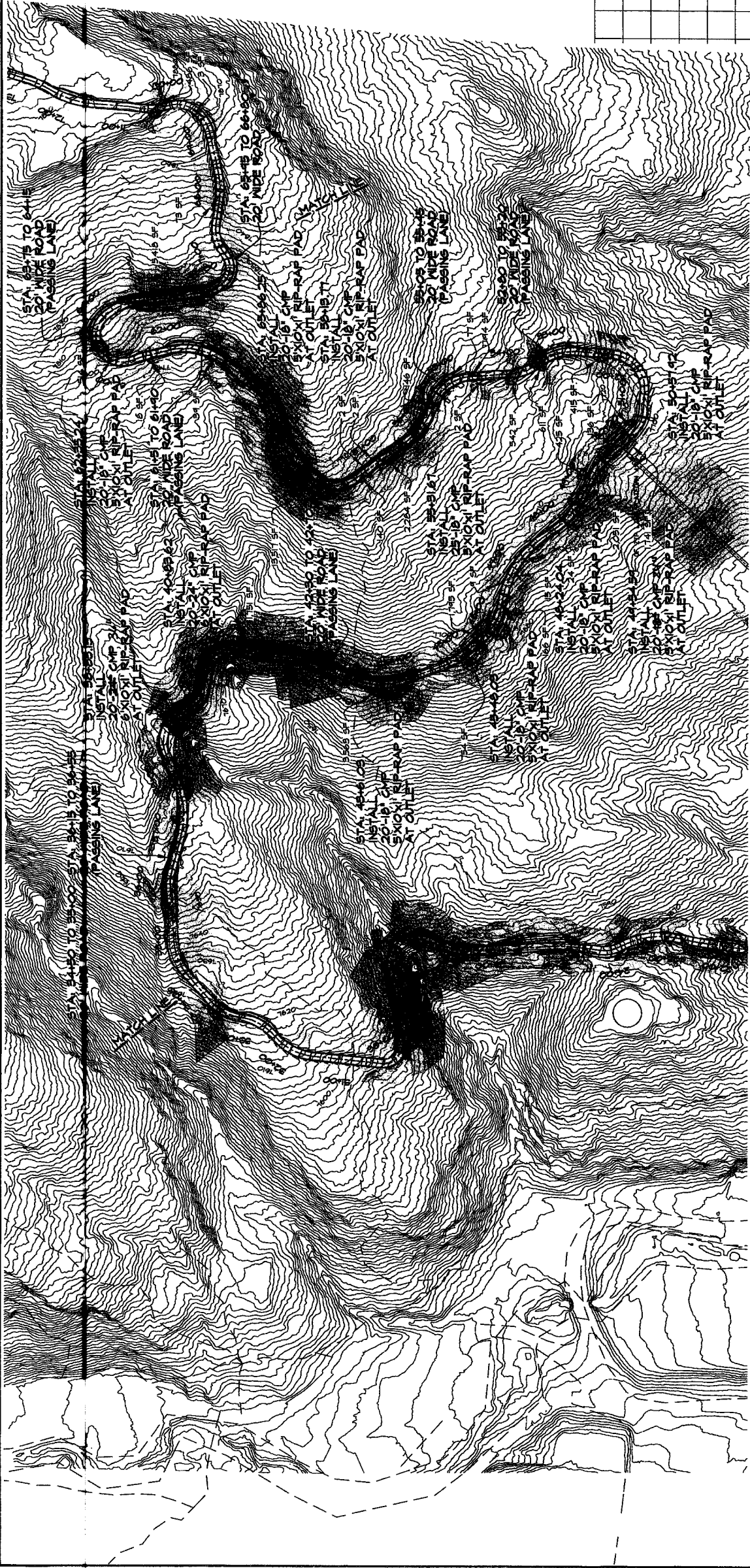


SEC. CLERK RECORDED 81/25/2018



1 inch represents 300 feet





SCALE 1"=100'
100' 0 100'
VERT SCALE, 1"=50'
2' CONTOUR INTERVALS

SLOPE LEGEND

- 0-15% SLOPE
- 15%-20% SLOPE
- 20%-25% SLOPE
- 25%-30% SLOPE
- 30% AND GREATER
- 25% AND GREATER SLOPE DISTURBANCE

182 SF

DESIGN ENGINEER

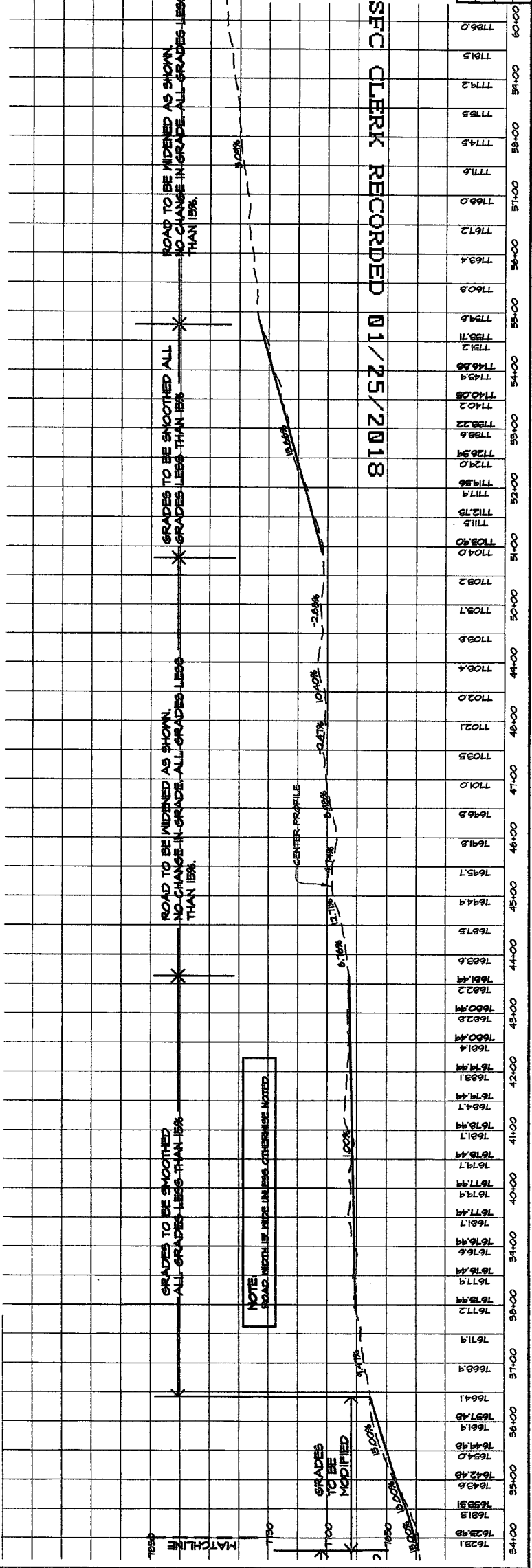
Min Line Street, Suite 6, South St., New Mexico
(505) 991-1991

GLORIETA 2.0

DATE	06/14/2017
SCALE	AS NOTED
PLAN NO.	0.6
SHEET NO.	C-21.2

REVISIONS	DATE	BY
01	08/08/2017	C.S.

SFC CLERK RECORDED 01/25/2018



NOTE
ROAD WIDTH IN HERE UNLESS OTHERWISE NOTED.

	Square Footage
#27 Zip Tour Road	94,487
#34 Challenge Treehouse	458
#35 Overnight Treehouse	421
#37 Mudpit Platform	694
#38 Green Trail Bridge 1	224
#39 Green Trail Bridge 2	249
#51 Reclamation Area	166
#56 Zip Tour Platform	12,660
#65 Oklahoma Parking/Bike	5,836
#67 Trails	16,632
#69 Hagen Creek Road	77,865
#71 Bike Terrain Park	1,891
Total	211,583
Road Disturbance	172,352
Trail Disturbance	16,632
Other Improvement	22,599



Photograph 1. Newly Constructed Zip Tour Road



Photograph 2. Previously Existing Hagen Creek Road

34. Challenge Tree House





SEC. CLERK RECORDED M1/25/2018

37. Mud Pit Platform



38. Green Trail Foot Bridge 1



SFC CLERK RECORDED 01/25/2018

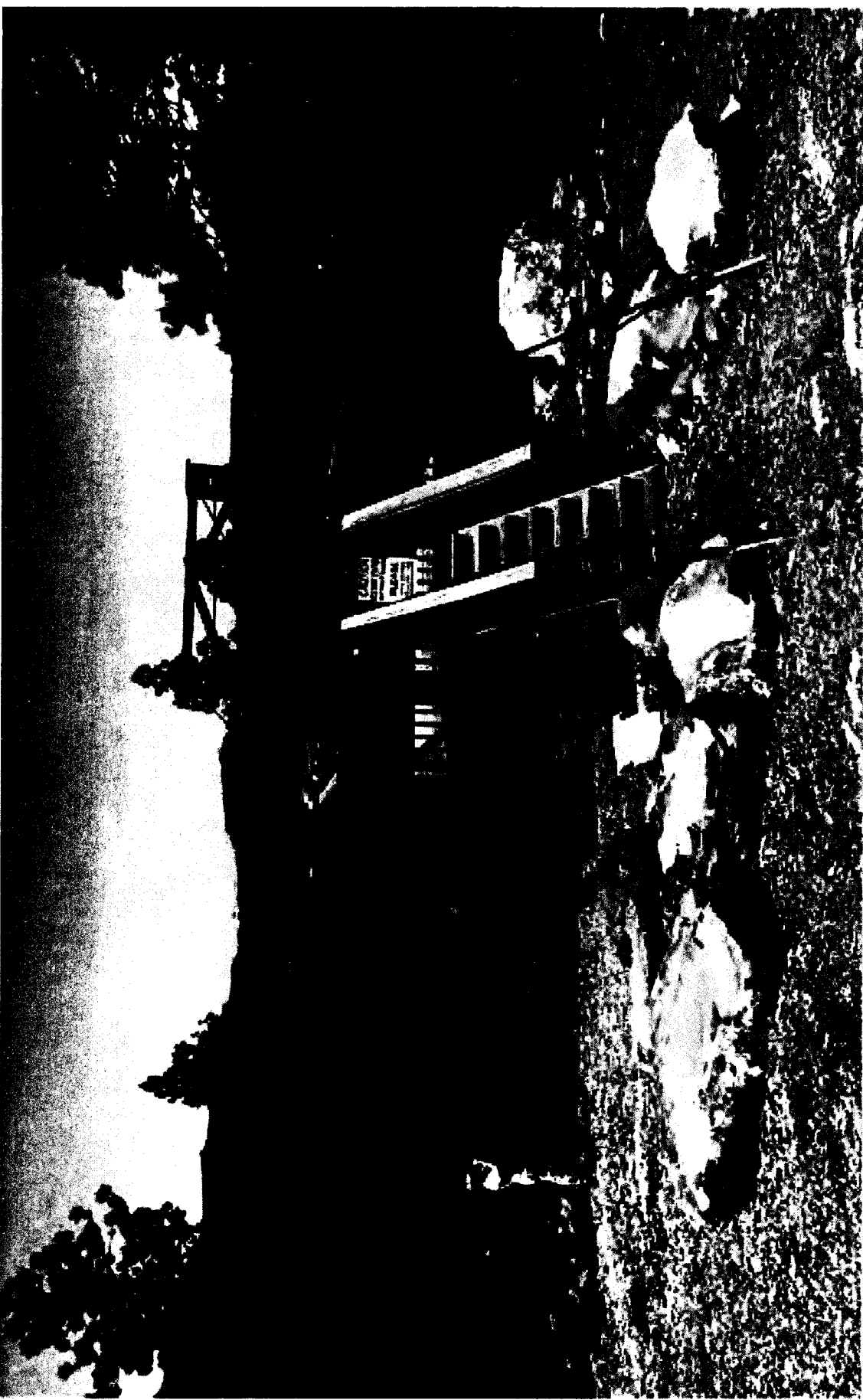
39. Green Trail Foot Bridge 2



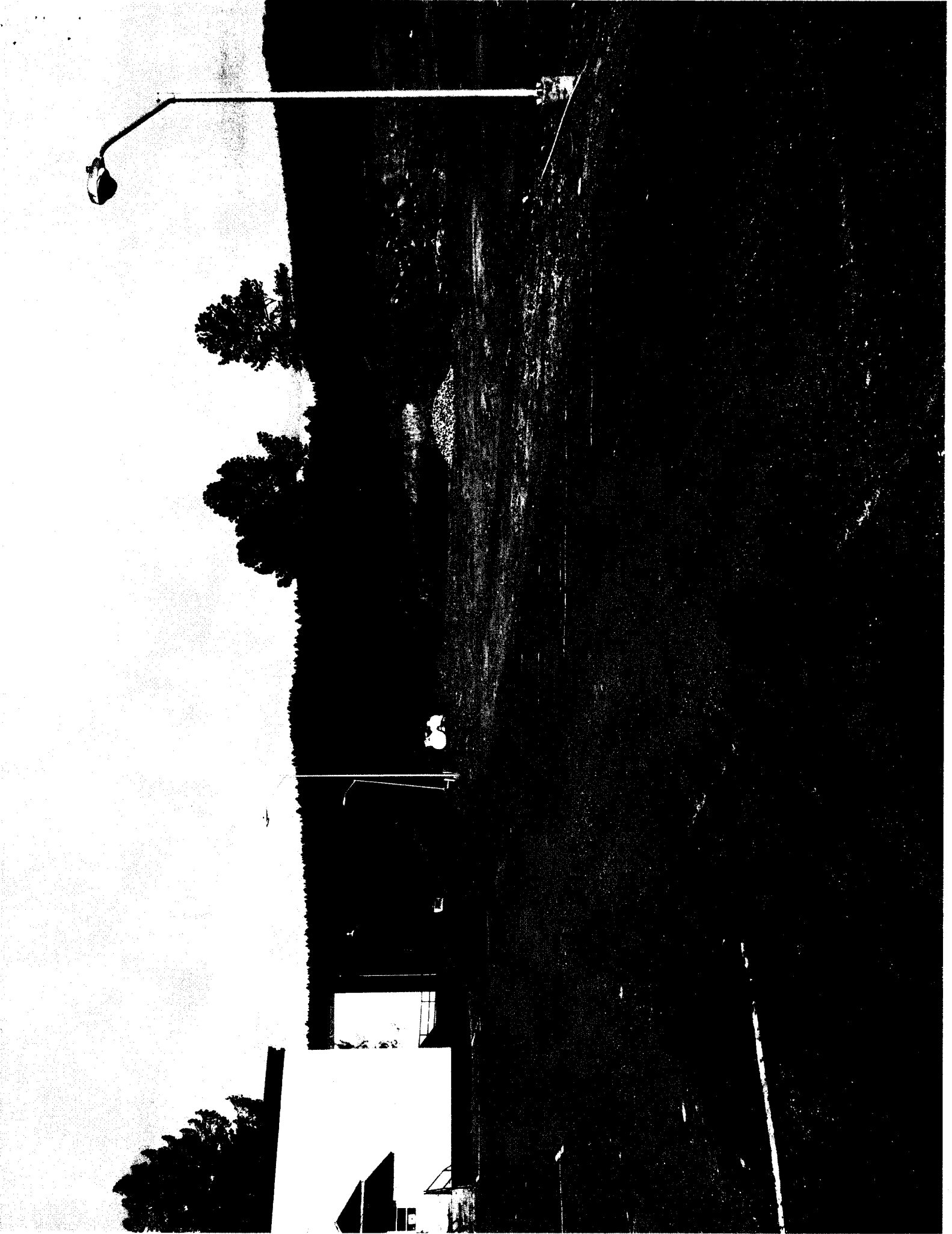








Photograph 5. Example of Zip Line Tower Platform





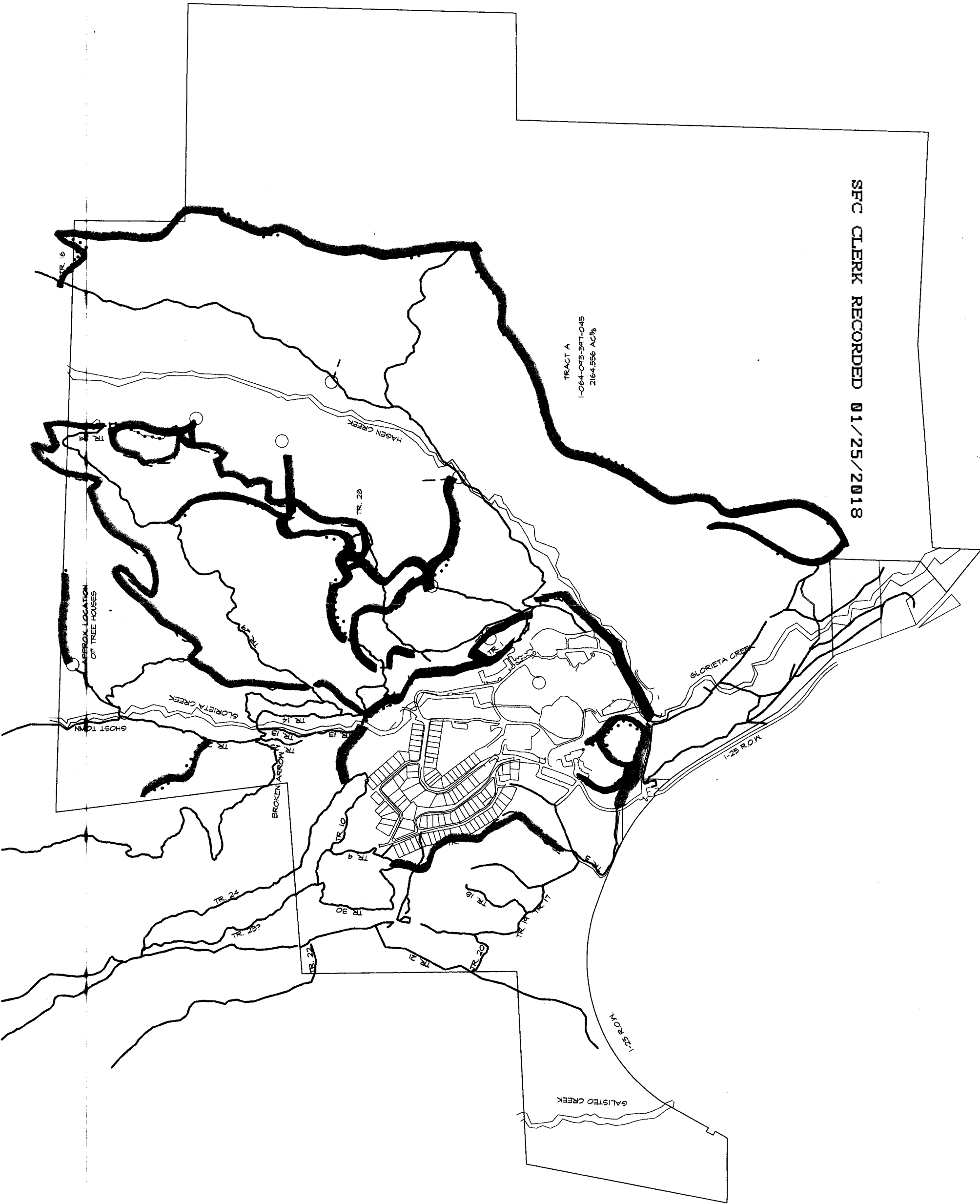
Photograph 3. Bike Trail Example



Photograph 4. Bike Trail Example

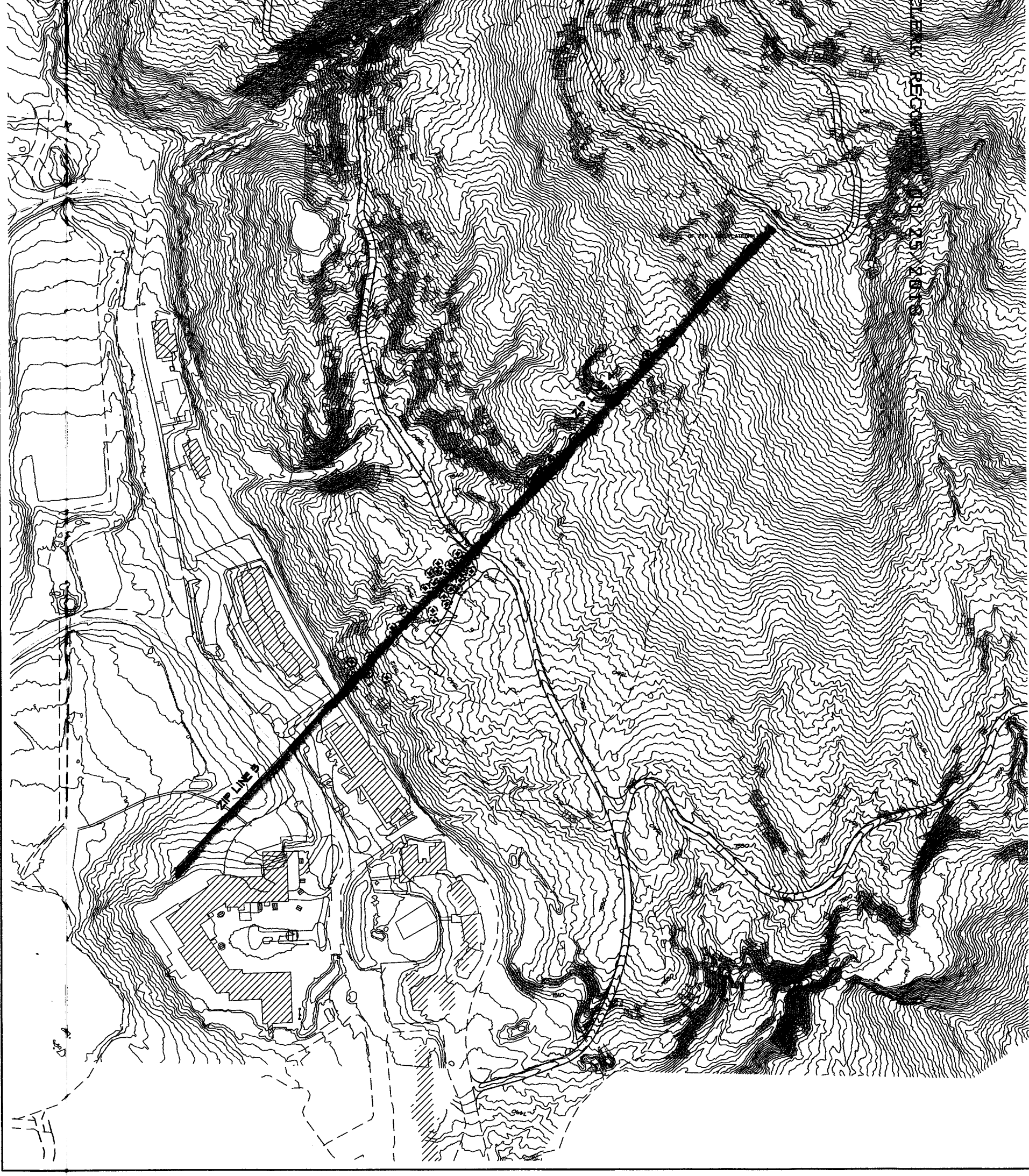
SFC CLERK RECORDED 01/25/2018

TRACT A
1-064-098-347-045
2164.556 AC±





Photograph 10. Mountain Bike/BMX Course (Bike Terrain Park)



NORTH
D.E.

SCALE 1"=100'
100' 0 100'
2' CONTOUR INTERVAL

SLOPE LEGEND

- 0-80% SLOPE
- 80% AND GREATER (USING 5' CONTOURS)

TREE LEGEND

- 14 SIGNIFICANT TREES DISTURBED IN 80% OR GREATER SLOPE
- 42 SIGNIFICANT TREES DISTURBED NOT IN 80% OR GREATER SLOPE



SFC

DESIGN ENGINEER
1
161 Latta Street, Suite C, Marietta, GA 30067
(770) 594-1955

GLORIA 2.0

REVISIONS		ZIP LINE 4	
DATE	BY	DATE	BY

SCALE	DATE
AS NOTED	06/14/2011
FROM CASE #	C-101



BICYCLE TECHNOLOGIES INTERNATIONAL

January 4, 2018



To whom it may concern,

BTI is a Santa Fe based bicycle parts distribution company employing 35 people. We supply bike shops across the US and internationally.

We support Glorieta Camps efforts to develop roads and trails on their property. These bikeways have already proven to be an economic driver for Santa Fe County, through events like the Big Mountain Enduro, Glorieta Cyclocross, and the X-Terra Tri. BTI views these trails as an employee recruitment and retention asset, which our staff uses frequently.

In the big picture, sporting goods industries are in decline. The solution is more opportunities for outdoor recreation, not less. Glorieta Camps' is creating a healthier community by graciously opening their doors to outsiders. BTI urges Santa Fe County to genuinely support their efforts by granting them the permits/variances needed to continue their good work.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Martin".

Preston Martin
Owner, President
BTI

SFC CLERK RECORDED 01/25/2018