

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

Santa Fe, New Mexico

October 26, 2017

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

Staff Present:

Vicki Lucero, Building & Development Services Manager
Tony Flores, Deputy County Manager
John Michael Salazar, Development Review Specialist
Mike Romero, Development Review Specialist
Paul Kavanaugh, Building & Development Services Supervisor
Rachel Brown, Deputy County Attorney
Penny Ellis-Green, Land Use Director
John Lovato, Development Review Specialist
Robert Griego, Planning Director

II. Approval of Agenda

Hearing Officer Long approved the agenda as distributed.

III. Public Hearings

A. Case # 17-5230 Dorothy Montoya Variance Dorothy Montoya Applicant, Requests a Variance of Chapter 10.4.2.1, to Allow an Accessory Dwelling within a Major Subdivision, a Variance of Chapter 10.4.2.2, to Allow an Accessory Structure to Be 1,350 Square Feet Where the Main House is 2000 Square Feet of Heated Floor Area, a Variance of Chapter 10.4.2.3.3 (Building and Design Standards) to Allow a Separate Driveway Access Points for an Accessory Dwelling Unit, a Variance of Chapter 10.4.2 4 (Utilities) to Allow an Accessory Dwelling a Separate Liquid Waste System, and a Partial Plat Vacation to Allow Lot 7 to have an Accessory Dwelling Unit. the Property is Located at 33 N Paseo de Angel Road within the La Cienega and La Cieneguilla Community District Overlay, within the Residential Estate Zoning District, within, Section 21,

SFC CLERK RECORDED 11/28/2017

Township 16 North, Range 8 East, Commission District 3. John Lovato, Case Manager

[Exhibit 1: La Cienega Valley Association Board Minutes]

Hearing Officer Long read the case caption as written above and invited staff to present the report.

JOHN LOVATO (Case Manager): Thank you, Hearing Officer Long. The property consists of 2.63 acres within the Residential Estate Zoning District within the La Cienega/La Cieneguilla Community District Overlay as defined by Ordinance 2016-9, the Santa Fe County Sustainable Land Development Code

The Applicant would like to place a 1,350 square foot residence on her property so that her sons can reside in it. Currently, there is a 2,000 square foot modular home located on the property and is serviced with a well and conventional septic system. The Applicant intends to place a driveway and additional septic system to accommodate the proposed 1,350 square foot accessory dwelling. After a site inspection and further review of the subdivision, it was determined that the subject lot was located within a major subdivision and a note on the Applicant's subdivision, plat note #12 states, Guest homes are prohibited on this lot.

In 1994, an application for Vista de Sandia subdivision was submitted. The application for plat approval was granted by the BCC in 1996 under case number 94-2173. The approval was for a 16-lot subdivision and lot sizes range from 2.5 acres to 2.63 acres. The lots sizes were derived from a hydrology study prepared by Jack Frost. Each lot within the subdivision was granted a 0.26 acre-foot water restriction based on the amount of water that the geo hydrologic report proved.

A condition was imposed by the Board of County Commissioners that no guest homes were allowed. If the variances were granted the Applicant will request a partial plat amendment to change the note on the plat to allow an accessory dwelling on her 2.63 acre parcel.

In 2016, Under Ordinance 2015-11, the Applicant obtained a permit, permit #16-478, to allow an addition to place a 700 square foot porch to comply with criteria set forth in Chapter 10.4.2.2, size, to allow a 1,350 square foot accessory dwelling, Ordinance 2015-11, stated the building footprint of the accessory dwelling shall not exceed the lesser of (a): 50 percent of total building footprint of the principal residence; or (b) 1,400 square feet.

Ordinance 2016-9, later amended Ordinance 2015-11, which states, the heated area of the accessory dwelling shall not exceed the lesser of a: 50 percent of the heated area of the principal residence; or (b) 1,400 square feet. The heated area of the principal residence is 2,000 square feet therefore; a 1,350 square foot accessory dwelling would not meet code requirements.

The Applicants property is located within a major subdivision and Chapter 10.4.2.1, states that platted major subdivisions shall only be permitted to have an accessory dwelling unit if their approval and reports and SRAs allowed and accounted for this. The Applicant proposes a separate septic system and Chapter 10.4.2.4, Utilities, requires the principal dwelling share a septic system. Furthermore, the Applicant requests a second driveway to access the proposed accessory dwelling unit. Chapter 10.4.2.3.3

states an accessory dwelling shall be accessed through the same driveway as the principal residence. Therefore, the Applicant is requesting variances.

The Applicant states, "My sons have been unsuccessful at finding an affordable home here in Santa Fe, and I am hoping to help them."

The Applicant responded to each of the variance request and staff responded to the request on whether the applicant's proposal met or didn't meet the variance criteria as stated in the report.

Recommendation, driveway: Staff recommends approval of the variance request. Chapter 10.4.2.3.3 states that an accessory dwelling shall be accessed through the same driveway as the principal residence. The proposed variance is a minimal easing of Code requirements as the proposed driveway will not be contrary to the public interest and it meets separation requirements. The condition of the property constitutes an exceptional condition of the property because it is split levels so the strict application so the code would result in practical difficulties and undue hardship on the owner. The spirit of the SLDC is observed and the new driveway will minimize disturbance of the natural terrain.

Accessory dwelling unit in a Major Subdivision Variance: On August 23, 2016, the Applicant applied for a 700 square foot porch addition to her existing mobile home to meet size requirements so she could apply for an accessory dwelling. During that time, Ordinance 2015-11, was in place and accessory dwellings were allowed in Major Subdivisions. However, December 19, 2017, the Ordinance was replaced which prohibited accessory dwellings in Major Subdivisions.

Staff cannot support the variance to allow an accessory dwelling unit in a major subdivision. The original subdivision did not prove up more than 0.26 acre-feet per lot and stated that guest houses are not allowed. If the Applicant had applied at that time for the accessory dwelling unit, it would have been allowed by Code but not by subdivision plat.

Size of Accessory Structure Variance: On August 23, 2016, the Applicant applied for a 700 square foot porch addition to her existing mobile home to meet size requirements in place at the time so she could apply for an accessory dwelling. The Code language later changed with ordinance 2016-9, to state that the heated area of the accessory dwelling shall not exceed the lesser of a) 50 percent of heated area of the principal residence; or b) 1,400 square feet. Therefore, staff recommends approval of the requested variance to allow the size of the accessory dwelling as proposed as the request will not be contrary to the public interest, exceptional situations exists as the Applicant constructed an addition on the existing residence in order to meet size requirements, then the Code changed and, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner and the spirit of the SLDC is observed.

Utilities Variance: Staff recommends approval of the requested variance to allow an accessory dwelling a separate septic system as the property has split levels which creates a hardship to share the existing system. The new septic has been permitted by NMED. Contrary to public interest the split levels create exceptional situation of the property, the strict applications of the code would result in peculiar and exceptional practical difficulties due to terrain and so that the spirit of the SLDC is observed.

If the hearing officer recommends approval of the variances, staff recommends the following condition be imposed:

1. The Applicant must request a plat amendment from the BCC to modify the note that prohibits guest houses.
2. Applicant must install a meter on the well and submit proof at time of development permit application.

And an added note, Hearing Officer Long, the Applicant has had a community meeting but has limited documentation that supports it. So number 3 would be:

3. The Applicant submits a report on pre-application meeting prior to Santa Fe County Planning Commission public hearing.

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 November 16, 2017.

Hearing Officer, I stand for any questions.

HEARING OFFICER LONG: Thank you.

MS. LUCERO: Hearing Officer Long, I'd like to clarify a couple of things on the staff report.

HEARING OFFICER LONG: Go ahead.

MS. LUCERO: So just as a point of clarification, I know that the caption did mention the request was for a partial plat vacation, that actually will be going to the Board so that is what that condition number one covers. The Board is the one who has authority to grant approval of a plat amendment. So they'll have to submit an application and get approved by the Board if the variances are granted.

And then just a clarification on the variances. The variances that staff is recommending approval of are subject to the variance to allow an accessory dwelling in a major subdivision getting approved.

HEARING OFFICER LONG: And that is what I was going to ask. So the applicant is asking for a variance to allow the accessory dwelling unit in a major subdivision. You are recommending, staff is recommending denial but indicating that the proper route for that is to get a plat amendment from the Commission rather than a variance; is that correct?

MS. LUCERO: Hearing Officer Long there is a section in the code that specifically says that major subdivisions aren't allowed to have an accessory dwelling unless there are reports and assessments accounted for that. So that's what the point of the variance is right now. If the variance is granted, then the plat when it was recorded had that note on there that said guest houses weren't allowed. So the variance would need to happen and if the variance is granted then they would need to follow up with the Board in order to change that note that was previously approved. It's kind of a two-part –

HEARING OFFICER LONG: So you think they need a variance and also a plat amendment. Couldn't you just have a variance for the other matters and then receive the plat amendment. I'm not seeing how you would need both.

MS. LUCERO: The variance would be to the code section that prohibits accessory dwellings in a major subdivision. The plat amendment would be to the plat that the Board had approved I don't know how many years ago with that note that says, Accessory dwellings or guest houses are not allowed. So it's kind of a two-part process. They need a variance of the current code and then they need to amend the existing plat.

HEARING OFFICER LONG: In staff's position on the variance to the current code is recommending denial.

MS. LUCERO: That's correct because the studies and reports that were done at that time didn't account for guest houses.

HEARING OFFICER LONG: Which would mean that all of the other requests would be moot?

MS. LUCERO: They would moot, yes, and if that variance gets approved, then we would recommend approval of the others.

HEARING OFFICER LONG: All right. And condition number 2 states that the applicant must install a meter on the well and what would be the water restriction for that meter?

MS. LUCERO: Hearing Officer Long the current code allows a water restriction of .25 acre-feet per dwelling unit. However, based on the geohydro that was previously submitted it's .26 acre-feet for the tract.

HEARING OFFICER LONG: So it would be .26 for both the accessory and the dwelling unit?

MS. LUCERO: Correct.

HEARING OFFICER LONG: Okay, thank you for that clarification. Would the applicant come forward please? Ma'am would you be sworn to start with and give us your name.

[Duly sworn, Dorothy Montoya, testified as follows]

DOROTHY MONTOKYA: Dorothy Montoya, 33 Paseo de Angel North, Santa Fe, New Mexico, 87507.

HEARING OFFICER LONG: Thank you, Mrs. Montoya. You may go ahead.

MS. MONTOKYA: I've just been trying to get this development done for the past few years for my sons. We were told when we brought the property in 2000 that we were able to put two dwellings on the land which we couldn't do at the time because my sons were little and we were just building our lot. And then when we decided to we went to the County to see what we needed to do, this was almost – it's been almost two years, to see what we can do and they told us we needed to add square footage to our home in order to get the size dwelling we needed. In that case, we decided to build a porch. They told us a porch was fine or a garage or a portal. So we did a porch and we spent a lot of money on a porch that we really didn't need but just to get the home for my kids, we built a 700 square-foot porch and then after it was built – I got all the permits for that and everything, it was built – and then I went to the County to get permission to get the accessory dwelling and that's when I was told we couldn't do it after all. Well, at the time we wanted to get a guest house and they told us we could get an accessory dwelling so we tried to do that and then we were told we couldn't even do that.

So I've been in the process of trying to get this done for the past couple of years for my kids. I have two sons who are 25 and 26 who want to stay in Santa Fe but are unable to because it's very expensive. So we were hoping to get this small double-wide for them to live on my property. We won't be using an extra, probably, utilities or water because we have the same amount of people still living on the property. There's not going to be any additional people.

I don't think there should be a meter on my well because I don't feel we will be using any much more water. We don't have any fancy landscaping, no horses or anything on my property that we would use additional water. It would just be for the people who

are living there now. I am just hoping that they approve all of these variances for me so I can get this started.

HEARING OFFICER LONG: Thank you, Mrs. Montoya. You say that you do not want to be required to place a meter on your well but that's one of the conditions that staff is recommending; would you be willing to do that if that allowed approval of your case?

MS. MONTOYA: I mean, I will do it. I'm hoping it doesn't cost a lot. I'm a single mom with my four boys and I'm still paying on the porch that I didn't need and I feel like I can't afford a lot extra. So I'm hoping it's not expensive.

HEARING OFFICER LONG: Understood. And then you had a pre-application meeting with neighbors; is that correct?

MS. MONTOYA: Yes, on September 11th we had a meeting in La Cienega which I sent a notice to all the neighbors within 500 feet of my property to attend. I had a couple of people call me and say they couldn't attend and one person did attend who stood by me, which I was glad. I sent out I think it was 30 some letters to all the people living around me on September 11th and I went in front of the Cienega Committee and I told them what I wanted to do and they said that they approved it. I have the letter from them, the minutes actually. I don't know if John got them, but I could give this to you.

HEARING OFFICER LONG: Yes, if you would give it to the recorder and we'll include it in the record. [*Exhibit 1*] Thank you.

MS. MONTOYA: Is there anything else?

HEARING OFFICER LONG: No, I'll just wait to see if there is anyone else who wants to speak to this application. Thank you.

Is there anyone here this afternoon that would like to speak to this case one way or the other? And I will note for the record that there is no one that appeared to speak in regard to this case.

So Mrs. Montoya what I do is I make a recommendation in writing after this hearing today and I have two weeks to do that, approximately. And then it goes on to the Planning Commission and I think the date is in November; is that correct.

MR. LOVATO: Hearing Officer Long that is correct. It is November 16th.

HEARING OFFICER LONG: So you will receive communication as to when that meeting would be and then possibly on to the Board of County Commissioners for the plat amendment. Okay, thank you.

B. Case # V17-5520 Oreo, LLC. Variance. Oreo, LLC., Applicant, Design Enginuity (Oralynn Guerrerortiz) Agent, request a variance to the requirements set forth in the Sustainable Land Development Code (SLDC) of Chapter 7, Table 7-13: Rural Road Classification and Design Standards (SDA-2 and SDA-3) to allow a section of South Summit Drive to exceed 9 percent grade and a variance of Chapter 7, Section 7.17.10.7.8 Screening Requirements to allow existing 14 foot. retaining walls to exceed the 5 foot height limitation. The property is located within the Residential Community District (RES-C) at South Summit Drive, within Section 16, Township 17 North, Range 10 East, (Commission District 4)

Hearing Officer Long read the case caption as written above and invited staff to present the report.

MIKE ROMERO: Good afternoon, Hearing Officer Long. The Applicant, Oreo, LLC is the owner of property at High Summit III Phase 2 as indicated by the warranty deed recorded in the records of the Santa Fe County Clerk on March 23, 2017, as Instrument No. 1821217. The Applicant, Oreo, LLC intends to complete infrastructure for High Summit III Phase 2. In order for the Applicant to complete this project, the Applicant is requesting a variance to the requirements set forth in the Sustainable Land Development Code of Chapter 7, Table 7-13: Rural Road Classification and Design Standards to allow a 250 foot section of South Summit Drive to exceed 9 percent grade and a variance of Chapter 7, Section 7.17.10.7.8 Screening Requirements to allow the existing, unpermitted 14 foot retaining walls to exceed the current 5 foot height limitation.

The property at High Summit III Phase 2, consist of 22 lots as indicated in Plat Book 812 Page 4 through 6 located within the Residential Community Zoning District. The property is accessed off South Summit Drive, which is identified as a private road and maintained through the High Summit Home Owners Association.

Recommendation: The applicant did provide responses to the variance review criteria. Staff recommends approval of a variance from Ordinance No. 2016-9 the Sustainable Land Development Code, Chapter 7, Table 7-13: Rural Road Classification and Design Standards to allow a 250 foot section of South Summit Drive to exceed 9 percent. If the applicant were required to rip out previously installed utility lines, which are currently being used by the subdivision, the applicant would be put through undue hardship by having to add large amounts of fill and having to relocate the utility lines and disrupt service to existing lots.

Existing large trees, shrubs and other existing vegetation, currently screen the retaining walls. If the Applicant were to modify those 14 foot retaining walls to the current SLDC requirements of 5 feet, extensive grading and disturbance of slopes would have to occur, and a significant amount of vegetation including large trees and shrubs would have to be removed. The existing retaining walls are difficult to see from any other roadway with the exception of possibly anyone living within the phase of the project. Reducing the retaining wall height would require major disturbance to the surrounding terrain. Accordingly, staff recommends approval of a variance of Chapter 7 Section 7.17.10.7.8 Screening Requirements to allow existing 14 foot retaining walls to exceed the 5 feet height limitation subject to the following condition. May I enter this condition into the record?

HEARING OFFICER LONG: Yes, you may.

MR. ROMERO: The condition would be:

1. An engineer will certify the structural integrity of the retaining walls and ensure that the retaining walls are properly permitted.

I stand for any questions.

HEARING OFFICER LONG: Thank you very much. Let's get the applicant's agent up to the microphone.

[Duly sworn, Oralynn Guerrerortiz, testified as follows]

ORALYNN GUERRERORTIZ: I'm Oralynn Guerrerortiz with Design Enginuity and our mailing address is PO Box 2758, Santa Fe, New Mexico.

I don't have any comments. I just wanted to say we agree with staff conditions and look forward to moving on through this process. I'll stand for any questions.

HEARING OFFICER LONG: Thank you. How old are the retaining walls?

MS. GUERRERORTIZ: I'm guessing they were built around 2008 or 2009.

HEARING OFFICER LONG: And you don't think there will be any issue with their structural integrity, do you?

MS. GUERRERORTIZ: I don't believe so but there is, I will have to examine that in a lot more detail. We would just probably end up taking a couple of layers and battering it back a little more because it is quite vertical. But it's really hard to see things currently very clearly so it's something I am going to have to examine in a little more detail before I certify it.

HEARING OFFICER LONG: All right. So if it requires any what I would say shoring up to be able to certify the integrity that is something that you feel can be done with the existing wall where it is.

MS. GUERRERORTIZ: Yes, certainly. I am sure the material is adequate. It is material that we have used in other projects and we built taller walls with that same material. It's just a question of really examining the footings and so on and making sure it was done correctly.

HEARING OFFICER LONG: Okay, thank you.

MS. GUERRERORTIZ: You're welcome.

HEARING OFFICER LONG: Is there anyone here this afternoon that would like to speak to this case? Do I have one person or more than one? It's just one, you may come forward, sir.

[Duly sworn, Fred Seibel, testified as follows]

FRED SEIBEL: My name is Fred Seibel, 1135 South Summit Drive. I am the president of the High Summit HOA and I want to let you know since last time we were here, the HOA has indeed annexed the lots that are on that plat into our subdivision and we find that the terrain considerations and the clearing that would be required to achieve 5 foot step walls would, in fact, be quite deleterious to the overall appearance of our subdivision so we support these variances.

HEARING OFFICER LONG: Thank you and thank you for coming this afternoon to let me know that. All right, is there anyone else? Will that conclude this case and look for my recommended decision. Thank you all.

C. Case #V17-5090 Fredance, LLC Variance, Fredance, LLC, Applicant, Sommer, Karnes and Associates (Joseph Karnes) Agent, request a variance to the requirements set forth in the Sustainable Land Development Code (SLDC) of Chapter 7, Table 7-13, Rural Road Classification and Design Standards to allow a road with a 30 ft. Right-of-Way rather than the required 50 ft. Right-of-Way for local roads. The property is located within the Rural Fringe Zoning District at 325 Glorieta Mesa Road, within Section 12, Township 15 North, Range 11 East (Commission District 4).

Santa Fe County

SLDC Hearing Officer: October 26, 2017

Hearing Officer Long read the case caption as written above and invited staff to present the report.

MR. ROMERO: The Applicant, Fredance, LLC is the owner of the property at 325 Glorieta Mesa Road as indicated by warranty deed recorded in the records of the Santa Fe County Clerk on January 9, 2007, as Instrument number 1466386. The applicant is requesting a variance to allow a right-of-way easement to be less than the required 50 foot right-of-way easement for local roads providing access for non-residential uses.

The property at 325 Glorieta Mesa Road consists of 164.5 acres within the Rural Fringe Zoning District. The property is accessed off of State Road 50 onto La Joya Road, which is a County maintained road. La Joya Road turns into Forest Service Road. 612, which is a U.S. Forest Service maintained Public Road, which then turns onto U.S Forest Service Road 612B, which is identified as a Private Forest Service Road with a 30 foot right-of-way easement that is approximately 2.1 miles long and then turns into Glorieta Mesa Road, which is a private road that is approximately 1.8 mile long. Glorieta Mesa Road has a 30 foot easement.

The Applicant states that they along with their development partner will be proposing a non-residential religious use on a portion of the subject property. A religious use is a permitted use per the SLDC. However, any non-residential use requires a minimum 50 foot right-of-way for local roads up to the point where they access a public road. Therefore, the Applicant is requesting a variance to allow a 30 foot right-of-way prior to proceeding with their application for the religious use.

The Applicant requests a variance of Chapter 7, Table 7-13, Rural Road Classification and Design Standards to allow 2.1 miles of an existing Private U.S. Forest Service Road and a 1.8 mile portion of private easement to have a 30 foot right-of-way rather than the required 50 foot right-of way easement required in Ordinance No. 2016-9, the Sustainable Land Development Code, Table 7-13: Rural Road Classification and Design Standards for Local Roads. The design standards for Local Roads are two 10 foot driving lanes with a minimum right-of-way of 50 feet and a 9 percent max grade with 3 inches of base course.

The Applicant's agent states, to facilitate future development of the subject property, which is not proposed by this application, the Applicant requests a variance to the road easement standard for the existing U.S. Forest Service Road Easement and the private easements. The private U.S. Forest Service easement along with the private easements and the existing road within those easements otherwise comply with the SLDC requirements.

In 2003, the U.S. Forest Service granted easement to the Glorieta Mesa Ranch Road Maintenance Association, which is comprised of the owners of properties within the Pecos Pueblo Land Grant east of U.S. Forest Service Road 612B, including the Applicant. The 30 foot wide private easement was created in 2005 by a Summary Review Subdivision and Lot Line Adjustment Plat book 587, page15. There is an existing road within the US Forest Service Easement and the Private Easement that provides access to lands and existing development within the association, including the subject property.

The Applicant's agent further states in conjunction with this application, County Growth Management Department and County Fire Department staff carried out a site visit and concluded that the existing road within the US Forest Service Easement and the Private Easement complies with applicable SLDC requirements, except perhaps for some areas where road maintenance is needed to maintain an effective road width of 20 feet.

This Application was scheduled to go before the Santa Fe County Hearing Officer on June 22, 2017. However, this case had to be tabled three times due to legal access/easement issues with the United States Forest Service. At this time the US Forest Service has confirmed that they will be working with the Applicants to amend the easement agreement in order to provide legal access.

Recommendation: The Applicant did provide responses to the variance review criteria. Staff recommends denial of a variance from Ordinance No. 2016-9 the Sustainable Land Development Code, Chapter 7, Table 7-13, Rural Road Classification and Design Standards. If the Hearing Officer recommends approval of the Applicant's variance request, staff recommends imposition of the following condition of approval. May I enter that into the record?

HEARING OFFICER LONG: Yes, you may.

MR. ROMERO: And that recommendation would be:

1. No development permits will be issued to the Applicant unless and until the new easement agreement has been issued and recorded by the United States Forest Service.

Staff requests the Hearing Officer memorialize findings of fact and conclusion of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on December 21, 2017 and I stand for any questions.

HEARING OFFICER LONG: So the Forest Service at this time has indicated that they will be granting additional right-of-way or an additional access point?

MR. ROMERO: Right now there's not certain clarification as to exactly what they're going to be granting as far as easement width or length of easement. However, they are working with the applicants in working with a new easement agreement for the applicant. And the applicant's agent can probably address that a little bit more clearly because he's been working with the United States Forest Service in regards to this easement agreement.

HEARING OFFICER LONG: Very well, I will ask the applicant about that. Thank you. Please, come forward.

JOSEPH KARNES: Good afternoon, Hearing Officer Long Joseph Karnes, Sommer, Karnes and Associates. I am here on behalf of the property owner, Fredance LLC as well as the Wholeness, a development partner. The Wholeness is a non-profit religious organization that plans to build a small religious facility on the property.

I just want to reiterate that initially Mr. Romero's comment about staff's review of the actual road that exists within the easement across the Forest Service property and the private property: the easement is 30 feet. The existing road is 20 feet in width and I'll just read from the staff report, Staff conducted a site visit and feels that the offsite road, Glorieta Mesa Road is in good condition and with some maintenance can meet the SLDC requirements for width. So we're not talking about actual access, we're talking about easement width and the variance request is based on that.

This is a very rural area on top of Glorieta Mesa. We don't anticipate that there would be any need to ever expand that existing all-weather dirt road and given that the road is in compliance with a little bit of maintenance of the SLDC requirements, the actual access for both property owners, visitors, fire and emergency vehicles is adequate according to staff.

In the event you recommend approval, Hearing Officer Long we are okay with the recommended condition of approval. The issue with the US Forest Service was that they took a position that the original easement was entered into with an entity, the homeowners association for the properties on top of the mesa, at one point that entity became revoked and beyond the period with the Secretary of State so it no longer existed from a legal perspective. They reinstituted that entity back in 2013 and as far as we knew everything was fine with the Forest Service. The homeowners association continued to make the annual payments of \$150 or so and they were accepted by the Forest Service, however, relatively recently back in June the Forest Service said because of the entity's status they were not recognizing the validity of the easement. Since then, as Mr. Romero indicated, we have been working with the Forest Service and we anticipate that they will reissue the easement, the same length of the easement and the same width of the easement. The issue only had to do with the entity to which it was issued.

HEARING OFFICER LONG: I understand now. I thought maybe they were granting some additional right-of-way.

MR. KARNES: We don't anticipate that they would be interested in doing that.

HEARING OFFICER LONG: But they are reinstituting from their point of view the easement in good standing.

MR. KARNES: Exactly, and that's the exercise that we're going through now.

MS. LUCERO: Hearing Officer Long if I could just clarify. I believe the easement agreement also talked about use and there was a specific statement that said that the easement would not be granted for subdivision purposes. So being that there is a subdivision proposal coming in then currently the way that the current easement is worded it wouldn't be allowed or it wouldn't be sufficient for that subdivision.

HEARING OFFICER LONG: But not for this application but for a different application that would ask for subdivision?

MS. LUCERO: Correct.

MR. KARNES: If I may, Hearing Officer Long. I was going to make that same point. But that is not part of this application and I anticipate that will be addressed within the easement reissuance and I appreciate Ms. Lucero for pointing that out.

HEARING OFFICER LONG: I notice in your in the staff report that you state that this variance implicates the Religious Land Use and Institutional Persons Act and lists the acts that are prohibited. Other than that listing you made, is there anything else that you would like to add to fill that out?

MR. KARNES: I would just like to point out that the development application we split it from this variance application at the recommendation of staff and we took their comments into consideration but the reason for this application is to facilitate establishment of a religious use on the property.

HEARING OFFICER LONG: So you're saying the development application was separated from this one in order to get the variance first and proceed with that application.

MR. KARNES: Right, that there would be no need to go through the expense of going through the engineering and planning process on the application if this variance is denied.

HEARING OFFICER LONG: And that's why the religious use is implicated?

MR. KARNES: That is part of the same effort that we're going through this process in an effort to establish a religious use on the property.

HEARING OFFICER LONG: All right.

MR. KARNES: Thank you.

HEARING OFFICER LONG: Thank you. Is there anyone here who came this afternoon to speak to this case? I will note for the record that there is no one wishing to speak to this case. All right, thank you Mr. Karnes and Mr. Romero. We will conclude that case.

D. Case #V17-5280 Pamela Barish Variance. Pamela Barish, Applicant, Santa Fe Planning INC. (Scott Hoeft) Agent, request a variance to the requirements set forth in the Sustainable Land Development Code (SLDC) of Chapter 7, Table 7-13 (Rural Road Classification and Design Standards) (SDA-2 and SDA-3) to allow an existing road to exceed 9 percent grade, to allow a roadway to be less than (20) feet in width and Section 7.11.6.6 to allow a grade at the approach of an intersection to exceed 5 percent for every one hundred (100) linear feet prior to the radius return of the intersection. The property is located at 30 Sendero del Oso, and is zoned Rural Residential (RUR-R), within Section 32, Township 19 North, Range 10 East (Commission District 1)

Hearing Officer Long read the case caption and invited staff to provide their report.

MR. ROMERO: Thank you, Hearing Officer Long. The Applicant, Pamela Barish, is the owner of the property at Sendero del Oso as indicated by the warranty deed recorded in the records of the Santa Fe County Clerk on October 30, 2005, as Instrument number 1455680.

The Applicant's intention is to obtain a residential building permit either by the Applicant or their representatives. But Sendero del Oso doesn't meet the off-site road requirements per Chapter 7, Table 7-13: Rural Road Classification and Design Standards. Therefore, the Applicant is requesting a variance to allow an existing road to exceed the required 9 percent grade and to have a road width of 10 to 14 feet, which is less than the required 20 feet and two 10-foot driving lanes as indicated in Table 7-13. The Applicant is also requesting a variance of Chapter 7, Section 7.11.6.6 to allow a grade at the approach of an intersection to exceed 5 percent for 100 linear feet prior to the radius return of the intersection.

The property at 30 Sendero del Oso consists of 6.623 acres that lies within the Rural Residential Zoning District. The property is accessed off State Road 592 onto Sendero del Oso, which is identified as a private dead end road with a 20 foot right-of-way easement that serves 15 lots.

The Applicant's agent states in 2017, the Applicants were advised by Land Use Planning staff that Sendero del Oso would need to be re-engineered and redeveloped to meet the recently adopted standards of the SLDC. Accordingly, the SLDC requires development Applicants served by nonconforming private roads to be responsible for improving those roads to County standards prior to the issuance of a building permit, irrespective of the parcel's legal lot status historical development rights, or approved zoning classification. Staff has confirmed that Sendero del Oso has been in existence since 1964.

The Applicant's agent further states, Sendero del Oso is an existing road that serves approximately 15 parcels with 11 of the lots being improved. Sendero del Oso ranges from 10 to 14 feet and has some sections as wide as 20 feet in width for emergency vehicle turn-outs. The Applicant's agent states that the easement is 20 feet in width and has a road grade that exceeds 9 percent with grades ranging from 9 to 15 percent.

Staff has conducted a site visit and has confirmed that Sendero del Oso does range between 10 to 14 feet in width with one section of the road that is approximately 20 feet in width and has a platted 20 foot wide right-of-way easement indicated in Plat Book 622 Page. 008.

Staff has also confirmed that there is one section of Sendero del Oso that is at a 15 percent grade for 300 linear feet and one section that is at 13 percent at 61 feet.

The Applicant's agent states as Sendero del Oso connects to State Road 592 it does so at an angle less than 90 degrees and a grade greater than 5 percent. Chapter 7, Section 7.11.6.6 states that grades at the approach of intersections shall not exceed 5 percent for 100 linear feet prior to the radius return of the intersection. Staff has confirmed that within the 100 linear feet at the approach of the intersection of Sendero del Oso and State Road 592 there is a grade of 7 percent. Even if the Applicant were to request a minor deviation of 10 percent it would bring the road grade to only 5.5 percent. Intersection angles are not an issue and meet code criteria.

The Applicant further states that to meet the SLDC's minimum grade requirements of 9 percent, an extensive excavation responsibility would be imposed on the Applicant. The Applicant's agent further states that such a project would involve significant re-grading within and outside of the platted 20 foot easement, retaining walls would likely be required on the up-slope side of the road and the project would be prohibitively expensive to engineer, construct and re-vegetate.

Recommendation: The Applicant did provide responses to the variance review criteria. Staff recommends approval of a variance from Ordinance No. 2016-9 the Sustainable Land Development Code Chapter 7, Table 7-13, Rural Road Classification and Design Standards to allow an existing roadway to exceed 9 percent grade with a maximum grade of 15 percent.

Staff recommends approval from Ordinance No. 2016-9 the Sustainable Land Development Code, Chapter 7, Section 7.11.6.6 to allow a grade at the approach of an intersection to exceed 5 percent for 100 linear feet. prior to the radius return of the intersection.

If the Applicant were to adhere to the 9 percent road grade, it would require the Applicant to add substantial amounts of fill, which is more intrusive and does not support the spirit of the SLDC. Staff supports the minimal easing to allow the grade at the approach of an intersection to exceed the required 5 percent grade for every 100 linear feet prior to the radius return of the intersection. The current grade is at 7 percent and with a minor deviation would allow the road grade to be 5.5 percent.

Staff recommends that a minimum 14 foot driving surface be required for vehicle and pedestrian safety.

Staff requests the Hearing Officer memorialize findings of fact and conclusion of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on December 21, 2017. I stand for any questions.

HEARING OFFICER LONG: So is staff supporting a variance to the roadway width of 20 feet with the 14 foot recommendation? Or am I reading that wrong.

MS. LUCERO: Hearing Officer Long we would recommend that it be no less than 14 feet.

HEARING OFFICER LONG: So that would require a variance from the 20 foot requirement. Okay. Thank you. Would the applicant's agent come forward please.

[Duly sworn, Scott Hoeft, testified as follows]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Santa Fe, 87505. First of all I would like to thank the staff for the staff report. I thought it was well-written and we concur with it because obviously they support our variance requests.

Just a little bit of background on this and color that doesn't come out in the staff report is what sparked this whole thing was my client was trying to sell the land to a person and when that person did their due diligence they learned in a visit to the County that they couldn't go right to building permit that because of the requirements of the SLDC that they needed to require the variances. So she wouldn't move forward until the land owner, who I work for, Mrs. Barish, would actually apply for and request the variances. So that's essentially what the background is. This process took about six months. When we first started working on it it was back in April and I had my TAC meeting in May I believe, so it has been quite a while to get here. The second thing is that once we made our submittal and we had our TAC we went ahead and met with the Fire Marshal on site along with staff to review the road conditions and we all came to the conclusion that improvements to this road were going to be extremely difficult. So the variances that came out of that were essentially five which we're now down to three variances. And so road width, grade, and then the length of the 100 feet from the intersection of the County road.

I stand for questions. The last thing I would like to comment on however, is the timeline. When a variance is approved in the code the way it is written is that all variances expire within one year and that is an extremely tight timeline and when I learned of that I thought they ran with the land indefinitely. But under the SLDC this will expire within one year unless the applicant can file a plat implementing the variance which in this case is really not applicable or, two, that substantial construction of the building occurs within that time which I think is also unrealistic. I mean, a one-year period of time is awfully quick when you consider that a new person is not going to begin

any kind of design work or permitting for at least six to eight months after this is approved. And so, what I request as part of this application is a condition that states that that in deed this variance if these variances are approved can be valid up to five years from the date of approval. And specific however to this particular use and request one of the things in talking to Penny that we discussed is if the project changes entirely than obviously those variances are not applicable – they not essentially ride with the land. But if it is specific to this type of request, the development of a house on this property, then this variance should be extended much farther in terms of the timeline. So what I'm requesting is a period of five years. With that, I stand for questions.

HEARING OFFICER LONG: I understand that concern. I don't know that it is something that we can do as part of this case as it was noticed. And would that require another variance, a variance to the variance conditions?

MS. LUCERO: Hearing Officer Long I believe that would require another variance, a separate variance. Staff is in the process of looking at the code, evaluating the code and that's one of the changes that we're considering right now so –

HEARING OFFICER LONG: That was what I was going to suggest that maybe we need to look at some retroactive application if we can get some relief that way. I understand that is a short timeframe anymore but I don't know that we could add it on to this case. I don't know whether it could be noticed as part of my recommendation, I wouldn't make that recommendation, but part of the case that would go to the Planning Commission. Maybe you could look into that.

MR. HOEFT: If I may. In terms of the conditions, the area under the variance conditions of the code state that all approved variances run with the land and it goes on to say, Unless conditions of approval imposed by the Planning Commission specify otherwise. So I'm uncertain if that tail end of that sentence refers to just simply run with the land or does that give you the flexibility to impose a condition, the type that I am requesting. Now, with that being said, I also know that staff from what I understand is working on amendments to the code and my understanding is that if those are approved that these types of variances may no longer be necessary in the future. But because I don't know that for sure, I want to try to make sure that we have something a little more solid here.

HEARING OFFICER LONG: I think there is the issue of looking at variances for some of these roadway variances that we have been getting routinely. I understand that staff is looking at that so that you wouldn't even need this sort of thing maybe for some cases. But some certainly still will need variances so I think separately staff is saying that they're also looking at the length of time a variance would be valid so that would be a separate issue. But I hear what you're saying in terms of how the code reads but we have a more specific provision that says, yes, they run with the land rather than the person, it means it goes with that land and not the applicant; however, we have a specific provision that says they're good for one year. So I think that's where that would stand.

MR. HOEFT: Thank you.

HEARING OFFICER LONG: But it was a good argument. Good try. All right, is there anyone that came to the meeting this afternoon to speak to this case? There's one person, please come forward ma'am. And you will need to be sworn in to start and then give us your name.

[Duly sworn, Kathy Jimenez, testified as follows]

KATHY JIMENEZ: My name is Kathy Jimenez and I'm actually here as a resident. I live at 12 Sandero del Oso and I just wanted to find out in layman terms what is going to happen to my road. So is there someone I can get some information on who this is going to affect me?

HEARING OFFICER LONG: Yes, you can visit with Mr. Hoeft after the meeting or with staff as well. But my understanding is that the variances are to allow what is there so that a house can be built on this property. There may be some improvements but I believe the idea is to allow what's there to remain.

MS. JIMENEZ: Oh, yes, please leave it alone.

HEARING OFFICER LONG: Pardon me.

MS. JIMENEZ: Yes, please leave the road alone.

HEARING OFFICER LONG: Okay, so you're in support of the variances then that would allow the road to stay as is. Okay, thank you.

And just to confirm, if you could come forward Mr. Hoeft. There are no road improvements planned as part of your client's construction of a house or I guess the buyer's construction of a house, you represent the seller.

MR. HOEFT: There are no road improvement planned; however, a condition from the Fire Marshal indicated that onsite the lot itself that we need to have a provision so that a hammerhead, so that they can turn around down that lane and back out. So we can't essentially put a gate right on the road; that has to be put back so a fire truck could turn in and then leave the area. That is the improvement that is required.

HEARING OFFICER LONG: Thank you for that clarification. [speaking to Ms. Jimenez] So the only change would be on the lot itself. Not on your lot, but the lot that is subject to the application if that helps. Okay, so that will conclude this case, thank you.

E. Case #CP 16-5280 Oshara Conceptual Plan Amendment. G.E. Richards Property, LLC, Applicant, Santa Fe Global Partners/Arroyo Hondo de Santa Fe, Agent, request Conceptual Plan approval to amend the previously approved Oshara subdivision (735 dwelling units on 470.62 acres) in order to reduce the estimated commercial square footage in future phases from 1,321,000 square feet to 303,330 square feet, eliminate the Employment Center Zone in Phase 2, eliminate the Institutional Campus Zone, increase the number of dwelling units to 855 from 735, reorganize the phasing plan from six phases to five, to have five sub-phases in Phase 2, and to amend the proposed source of sewer service. The property is located in the Community College District, within a Planned Development District, east of Richards Avenue and south of Rabbit Road, within Section 16, Township 16 North, Range 9 East (Commission Districts 4 and 5) [Exhibit 2-5 from the Santiago Subdivision]

Hearing Officer Long read the case caption and invited staff to present their report.

JOHN M. SALAZAR: Thank you, Hearing Officer Long. John Salazar, Development Review Specialist Senior, Growth Management Department.

On April 30, 2002, the EZA granted master plan approval for a mixed-use development formerly known as Oshara Ranch. The development consisted of 735 residential units and 1.7 million square feet of commercial space and 246 acres of open space, parks, plaza areas on 471 acres, to be developed in six phases.

On October 28, 2004, the EZA granted a Master Plan Amendment to the previously approved Oshara Ranch in order to change the phasing of the project. And on January 11, 2005, the BCC granted Preliminary Development Plan and Plat approval for Phase I of the Oshara development which consisted of 175 lots on 65.31 acres.

The Applicant now requests Conceptual Plan approval per Chapter 8, Section 8.10.3.4, Conceptual Plan, to phase the Oshara subdivision into five phases, for a total of 855 total residential units, including 131 total affordable units.

Hearing Officer Long the applicant addressed the conceptual plan criteria. Staff addressed whether this met or did not meet that criteria as mentioned in the staff memo. Staff found that the applicant did meet all three criteria of the SLDC Chapter 8, Section 8.10.

This application was reviewed this project with the applicable standards as set forth in Chapters 6, 7, 8 and 13, environmental impact report, adequate public facilities and services assessment, water service availability report, traffic impact assessment, access and road design standards, fire protection, landscaping and buffering, fences and walls, lighting, signage, parking and loading, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, flood prevention and flood control, solid waste, operation and maintenance of common improvements and affordable housing.

This was sent out to different agencies for review and they all came back recommending approval or some approval with conditions as noted in the staff conditions at the end of this report.

Recommendation: Building and Development Services staff reviewed this project for compliance with pertinent SLDC requirements and found that the facts presented support the request for Conceptual Plan approval to reduce the estimated square footage in future phases to 303,330 square feet, increase the number of dwelling units to 855, reorganize the phasing plan from six phases to five, to have five sub-phases in Phase 2, and to amend the proposed source of sewer service. Staff recommends approval of the Conceptual Plan subject to the following conditions. Madam Chair, there is a number of them, may I enter them into the record?

HEARING OFFICER LONG: Yes, you may. Thank you.

Conditions:

1. The approval is subject to any required Amendment of the SLDC Appendix F Map 2 of the CCD Land Use Zoning map by the BCC.
2. The Applicant shall be responsible for all design and construction costs associated with the construction of the Northeast Connector from the Rail Trail to the western border of the subject property per the Northeast Connector layout.

3. The Applicant shall be responsible for all design and construction costs associated with the construction of all roundabouts along the Northeast and Southeast Connectors connecting to the subject property.
4. The Applicant shall provide an amended Ready, Willing, and Able letter prior to Conceptual Plan recordation.
5. The Applicant shall submit a cultural resource report to be approved by SHPO for archaeological sites LA 116025, LA 191, LA 179789 and LA 133102 prior to conceptual plan recordation.
6. The Applicant shall address lighting as required by Chapter 7, Section 7.8 with the Preliminary Plat application.
7. The Applicant shall address signage as required by Chapter 7, Section 7.9 with the Preliminary Plat application.
8. A Water Allocation shall be approved by the BCC prior to Preliminary Plat approval.
9. The Applicant shall submit an application for Preliminary Plat approval after the final design of the NE and SE Connectors have been finalized.
10. The Applicant shall submit an application for Final Plat approval after the NE and SE Connectors are under construction.
11. The Applicant can record Final Plat after the NE and SE Connectors are open.
12. Detailed drainage and grading plan shall be submitted with Preliminary Plat.

MR. SALAZAR: Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written recommendation. The Santa Fe County Planning Commission will be holding a public hearing on this matter on December 21, 2017. And I'll stand for questions, Madam Chair – Hearing Officer Long.

HEARING OFFICER LONG: Madam Chair works. So we're here on a conceptual plan, correct. But it is also requesting to amend the previously approved subdivision. The previous master plan of 2002 and the master plan amendment, have those expired? I guess when they received their subdivision then those would not have expired; is that correct?

MR. SALAZAR: That's correct, Hearing Officer Long.

HEARING OFFICER LONG: So once they had their subdivision approved – now they're amending the subdivision but also requesting conceptual plan approval? I'm just trying to figure out the logistics of all of this. Why not just come in on an amendment to the subdivision that was approved?

MS. LUCERO: Hearing Officer Long the master plan that was approved and incorporated all the phases of the subdivision. They had only gotten final plat approval for phase 1 so they're basically coming in through a conceptual plan to amend the previously approved master plan which set the phasing, the number of dwelling units, the square footage of commercial. So it is just that the conceptual plan is the process that they need to come through in order to amend the master plan that was previously approved.

HEARING OFFICER LONG: So you can't just amend a master plan you have to do it by conceptual plan?

MS. LUCERO: Hearing Officer Long that's correct. The SLDC doesn't have any provision for a master plan anymore. It's basically a conceptual plan under the SLDC.

HEARING OFFICER LONG: Right, but if you already have an existing one you can't amend it, you have to go through the conceptual plan process to do that; is that correct?

MS. LUCERO: Yes.

HEARING OFFICER LONG: Okay. All right. That's all I have for staff at this point.

We have a number of people here for the applicant. So the first one up will speak.

[Duly sworn, Lorn Tryk, testified as follows]

LORN TRYK: I'm Lorn Tryk, Lorn Tryk Architect, 436 W. San Francisco Street. So you didn't actually read the specific conditions into the record but we did have concerns about a couple of them. I just wanted to note predominantly numbers 2 and 3 which have to do with the design and construction of the northeast connector.

HEARING OFFICER LONG: Okay, let me get to those. Two and three?

MR. TRYK: Yes. It was our understanding prior to this hearing that we would be responsible for improving the section of what will become the northeast connector within our property, adding another lift of paving, widening it, and putting in bike lanes. But this would imply that we were financially responsible for about a mile and half of the northeast connector which is a substantially greater financial burden and we were just looking for paying our fair share based upon – just bearing the financial responsibility of our fair share of the impact on those roads, not the entire cost of them. So our intention is to continue to work with staff on amending those conditions to something that is fair and equitable for all.

HEARING OFFICER LONG: And that's for both conditions two and three?

MR. TRYK: Yes.

HEARING OFFICER LONG: Because three also implicates the road construction cost offsite.

MR. TRYK: Right, so there are two roundabouts proposed. One is solely for our benefit. The other benefits other existing development so we're not the entire impact on that one.

HEARING OFFICER LONG: I understand. Okay.

MR. TRYK: And just as a point of clarification on the discussion you were having with staff, the only subdivision that has occurred so far is of the land in Phase 1. The rest of the land is still unsubdivided. So as each phase would come forward for platting we would subdivide that phase.

HEARING OFFICER LONG: Got it. Got it, thank you.

MR. TRYK: All right, thank you. There was one other condition that we're still working with staff on and that has to do with condition 4, the ready, willing and able letter. We were issued a ready, willing and able letter and now staff has come back and asked that that be changed and apparently the source of supply – the location of supply of the water is changing. That will be significantly increased cost. So we are working with staff on that.

HEARING OFFICER LONG: What would you propose instead of that condition or is that just a clarification?

MR. TRYK: Well, again, we want to pay our fair share of it. We were led to believe that through our existing ready, willing and able letter that we would be able to tie into the existing Oshara Village. Tying into the Rancho Viejo water tank is a substantially higher expense that others can benefit from in the future so we would like to work out something that is fair and equitable on that as well.

HEARING OFFICER LONG: Sir, if you're going to testify, we're going to have to get you up here and sworn in.

So presently, the water supply, what you're proposing is not what staff is proposing?

MR. TRYK: It's what staff was proposing but there's apparently a change in where they would like us to connect. It has to do with the City's source of supply of the water line that is in Richards Avenue and I guess that situation is evolving.

HEARING OFFICER LONG: So you would request on that condition to be able to work with staff on that as well?

MR. TRYK: Correct.

HEARING OFFICER LONG: To get that nailed down.

MR. TRYK: Yes. Thank you.

HEARING OFFICER LONG: Okay, thank you. I notice there are – oh, please come forward, sir.

[Duly sworn, Robert M. Gorlow, testified as follows]

ROBERT M. GORLOW: My name is Robert M. Gorlow, 4785 Fairway Drive, Miami Lakes, Florida; however, I have lived in Santa Fe many years and am working with the applicant, Alexis Girard.

HEARING OFFICER LONG: Okay, sir, can we have you sworn in and then we'll continue.

[Duly sworn, Robert M. Gorlow, testified as follows]

MR. GORLOW: I want to say we've worked with staff for a number of years now trying to move this project and Oshara to the next stage. They have been absolutely great to work with and we look forward to continuing working with Vicki and the rest of staff on this. However, the issues that Lorn mentioned are issues for which if we had to bear the full burden the project would be infeasible because it's the – the ask from the County involves an outlay of cash from which many, many other regions would benefit from because they would also use that road or that water connection.

In relation to the road we also want to add that Alexis had the northeast connector built in the first phase of Oshara Village and actually it was built along the highway, I-25, and as such it was an FHWA, Federal Highway Administration right-of-way, and it had to be built according to the federal and state – administrators made sure that was built to federal highway standards. So it may be, Vicki, if we go out and visit that road that much of it may be able to be used for the purposes the County intended.

HEARING OFFICER LONG: Thank you, sir.

MR. GORLOW: Thank you so much.

HEARING OFFICER LONG: Anyone else on behalf of the applicant? All right there are number of individuals here and I am wondering how many want to speak to this case. If I could see a show of hands. Okay, seven, all right. Yes, Vicki.

MS. LUCERO: Hearing Officer Long before we move on to public hearing, can I just make a couple of clarifications on the conditions that the applicant specifically pointed out?

HEARING OFFICER LONG: Yes.

MS. LUCERO: In regard to the ready, willing and able to serve letter, as part of the applicant's original proposal, it has changed since then, the proposal of where they were proposing to connect is not longer available to the County. It was part of an agreement with the City and the County and that line is no longer available to the County so that's why we're requesting an updated ready, willing and able to serve letter. And then in regard to the construction of the roundabouts and the improvements to the northeast and southeast connector, the TIA that was submitted, the traffic study, was based off of those roads being constructed and built so that's what the recommendation of that traffic impact analysis stated.

HEARING OFFICER LONG: I see, okay, thank you. So I was just about to say that based on the number of people that would like to speak to this application, we will impose a three-minute time limit, if staff can handle that. Why don't you all stand up and be sworn in mass, just raise your right hand.

JOHN REDD: Madam Chair, may I yield my time to someone else?

HEARING OFFICER LONG: Yes, you may.

MR. REDD: It's John Redd, R-e-d-d-. Address is 12 Traviesa de Camilo East, Santa Fe, New Mexico 87508 and I'd like to yield my time to Mr. Mackey. Thank you.

HEARING OFFICER LONG: Okay.

FRANK ANGEL: My name is Frank Angel and I live in the Santiago Subdivision and I our subdivision president is here and I would like to yield my time to him.

HEARING OFFICER LONG: All right. I've started something here for better or worse. [laughter] All right, thank you, sir. Okay, who are the people with all the time? Let's get them up here and if they have covered what you would want to say, you can certainly say that you agree with it since they seem to have the summary for everyone. .

[Duly sworn, Justin Armijo testified as follows]

JUSTIN ARMIJO: My name is Justin Armijo and I own property at adjacent to the Oshara, on the east side of Oshara. And I also own property along Rabbit Road and I'll give my time to Mr. Mackey to speak on our behalf.

HEARING OFFICER LONG: Okay, thank you, sir.

[Duly sworn, Marlin Mackey, testified as follows]

MARLIN MACKEY: My name is Marlin Mackey and I am the president of the Santiago Subdivision. Santiago Subdivision is right off Rabbit Road and it's going to right on the east side of this development that we're talking about today. So we have property that will line up right with their development so it is very important for us to come in and speak and talk about what our concerns and issues are.

Previously I had provided three letters to the County. One was from Lisa Armijo and her family [*Exhibit 2*], you should have that one. One was from Jane and Chris Mitchell [*Exhibit 3*]. We had a new one that just came in from Karin Hall [*Exhibit 4*] and then the fourth one is the general one we have from Santiago [*Exhibit 5*] and this one has

38 signatures. So the letter that has 38 signatures is the one that represents the 22 lots that we have on Santiago.

We have several concerns. First of all, just the density of the population of the 855 units. Before it was another 100 and some less than that and now it's moving up to 855. Who knows, three or four months from now it will move up to 1,000 units and just keep on going. We don't like that. We were here earlier when we talked about the 750-some units. Santiago has one house per 2.5 acres which has been kind of a County area requirement. Now, in this particular one in Oshara, they're going to five -- five times what our housing units are. Where we have one house they are now going to have five houses.

So we have concerns about security, light, noise, and especially traffic and I'll go into more details on traffic. I didn't hear it said a while ago but in the request they have is a 200 feet setback from our property line to where they build and they are moving that to 40 feet. So the back of their houses will be 40 feet from our property line and they're going to have five houses where we have one. So it's going to block off all views. It's going to have noise. It's going to have lights. They may or may not put a walking path where they said they were. So we would like to reconsider moving that back to the 200 feet which was previously in the plan.

When we talk about the traffic if we look at Richards Avenue traffic is fairly dense there but that's a much bigger area. Richards Road is much wider than Rabbit Road. Rabbit Road was originally built when only there were houses next to the road and then it dead ended. And right at Santiago where we're representing here today is where it dead ended and we would turn left onto a dirt road into our 22 lots. But there were a lot of lots on Rabbit Road up to that dead end. A few years ago they moved -- they paved that road from a dead end through Oshara Village. So it goes through the existing village that they're building there now.

When I looked at our property in comparison to Richards Road it's a lot different. For example, if you go from the freeway, if you're coming down Richards going towards the Community College and you pass under the freeway, it's 1.2 miles from there to the turnabout there at Santa Maria de la Paz and the college, 1.2 miles. And in that 1.2 miles they only have six turnoffs. So they're driving down that road toward the Community College and there's only six side roads that come in and out. Two of them have stop lights at the Dinosaur Trail and Governor Miles Road. And two of them have roundabouts. One of them is at the church area at the end and the other is at the Oshara intersection. So there's only six turnoffs in that mile to 1.2. Well, how many turnoffs are there are Rabbit Road that we're worried about here. When you go down St. Francis and it dead ends at Rabbit and you make a right and you go towards Oshara it's 1.2 miles until you get to the Santiago turnoff which is the last turnoff. So it's almost the same distance as on Richards going down Richards from the freeway down to the college. And where they have six turnoffs, Rabbit Road has 27 turnoffs. So in that 1.2 miles there are 27 turnoffs where cars are coming in and out on a daily basis trying to get onto Rabbit Road.

Rabbit Road is also not flat. It curves up and down and right when you get to Santiago, it's coming downhill, you have about three seconds to get onto the road and make a turn one way or another before the cars coming over at 60 miles an hour hits you. Also, coming off of these side roads there is Old Galisteo and there's a lot of houses

down there. There's probably from this mile point 2, there's probably 200 houses with cars coming in and off Rabbit Road. A narrow Rabbit Road.

Several months ago the County approved a subdivision and an expansion of the property right at Rabbit and St. Francis and they're going to put two more entry/exit roads there with a lot of traffic. So that's going to be 29 where there's only six on Richards. For some reason the County and the Transportation Department think they need to move more to Rabbit and less traffic on Richards so they're putting in those connectors, northeast and northwest connectors or whatever, from the college so they go directly to Rabbit so you don't even have to go on Richards anymore. You go directly on Rabbit. It's a smaller road and it's wavy, it's not flat and they're going to have a bunch of problems there. People are going to have wrecks; they're going to get killed there because of all the traffic. The traffic is already increased at least 300 percent since I've moved there in the mid-90s. The school buses that come in and out of these properties are the long, yellow school buses. They come in and out very slow. They come in in the morning and they come back in the afternoon and we have all this speeding traffic that comes through there.

Well, one thing I thought was, What if they put a roundabout maybe at our intersection at Santiago where there is a lot of houses back there and cars coming in and out. What if they put a roundabout there? Well, I go and measure the roundabout at Oshara, it's 90 feet across. So if you're standing there and walk across the road plus the middle part there and the road on the other side it's approximately 90 feet across.

What about when you come out on Santiago onto? Well, from the freeway to the fence – there's a freeway right there and Rabbit Road there's a fence right there, it's about 12 to 13 feet from the freeway side to the fence and it's 12 feet from the fence to Rabbit Road. Rabbit Road is 27 feet across and it's 13 feet from the other side of Rabbit Road to the fence for the property where the property owners have their houses. So that's 80 feet. I'm sorry, it's 67 feet. So from the fence to fence including the road it's 67 feet across, whereas, the roundabout on Richards at Oshara is 90 feet. So you can't put a roundabout at the same size there.

Also, there is a house – there's a couple of houses right there on the subdivision that are almost on Rabbit Road. From the fence, from their fence to their house is 13 feet. So it's 67 feet across from the freeway fence to the fence where the house is, that total there is 67 feet and it's only 13 feet to the house so that's 80 feet from the freeway to the house and the one on Oshara is 90 feet across. So you cannot put that type of roundabout there. It's too small.

When we're talking about 850 or so houses, we've got about 1,700 cars. There's also at the other end of Rabbit Road where you're putting another couple of hundred there's going to be another 500 to 600 cars there. Some of those cars are going to go to Richards, correct, but some of them are going to go down Rabbit on each side. So we're thinking we're probably going to add 1,000 cars each way per day from what there is today. And that's going to be a lot of traffic on Rabbit Road. I don't understand – we're going to go to the meeting on November 1st where the Transportation Department is going to talk about why they want to move it away from Richards and onto a more narrow road that has houses right up next to it and fences right up next to it and go from there.

What we're proposing is a reconsider which way they're directing traffic from this subdivision. We think that increasing the size of the subdivision and moving the 200 feet to 40 feet is unreasonable and that gives us a lot of concern including fires and the traffic and the noise and all of that type of stuff. So we would like some reconsideration here from the County and from the State Transportation Department and from the developers about how close they come to Santiago Subdivision homes and people who have lived there for 40 or 50 years. Thank you.

HEARING OFFICER LONG: Okay, thank you, Mr. Mackey.

[Duly sworn, Karin Hall, testified as follows]

KARIN HALL: Officer Long, I am Karin Hall. I am also from the Santiago Subdivision.

HEARING OFFICER LONG: And we have a letter from you; is that correct?

MS. HALL: Yes, as well. I have lived there for 16 years and as Mr. Mackey said, Rabbit Road was a dead end. And now I'm very upset because now – well, some years ago it was opened to go to Oshara and Rancho Viejo and the Community College and it is actually very dangerous right now. The traffic has increased and now the traffic will be increased even more by this plan. It will reduce the enjoyment of those who lives and have lived there for many years and have moved there because they wanted that country look.

I agree with Marlin on everything. The reduction of the buffer zone that's like minimal, please. This is just going to destroy our environment and the pollution, let's not mention that, when they are building for years. And this past summer I saw dust devils over there on the other building sites that are on this west side of town coming at us. Making this air polluted and now obviously other people were afraid and I guess they said they were going to put water on it or something but it doesn't work that way.

Anyway, I am just upset and I really hope that we can ask the builder, the developers, to change and have a little more respect for the environment, the countryside environment. We're in the county; let us not destroy this county. It's beautiful out here. Thank you.

HEARING OFFICER LONG: Thank you, Mrs. Hall.

[Duly sworn, Jane Mitchell, testified as follows]

JANE MITCHELL: I'm Jane Mitchell, 14 Calle Casita. My husband and I have lived in the Santiago Subdivision for almost 28 years. We are there, of course, because it's because it's beautiful, it's calm, unobstructed views and it's very quiet. We don't oppose change. Change is natural and we expect it. But we expect it to be done in a way that respects the environment and the infrastructure that it will be situated. Everyone has mentioned the traffic and the traffic is horrendous. All of the residents of our subdivision have horror stories and just as we try to return to the subdivision we often have drivers who pass us on the left and as Marlin mentioned, coming out of the subdivision we have 3 seconds before cars come over the hill. So it's a very dangerous situation and it will magnify as a high density development – they're asking now for 855 dwellings and that is not appropriate to a two-lane small road that Rabbit is. We've all mentioned the buffer zone and that is essential to our well being and the idea of having a public footpath adjacent to our property is dangerous to our security and we would at least ask for a 7 foot high way to separate us and more trees to be planted along this area.

We've also questioned – we'd like more details about the sewage because we've been hearing how poor the sewage situation is at Rancho Viejo and of course fire and water. We'd like these aspects clarified. And the idea of cramming 855 residences into 470 acres is far too many for a county area. And this particular development the Arroyo Hondo de Santa Fe is suppose to be an upscale development with 250 houses and yet even those residents aren't being considered, being given appropriate amenities.

But we'd ask of the counsel to consider the whole picture. Consider how this development will fit into the whole landscape and reduce it appropriately. Thank you.

HEARING OFFICER LONG: Thank you.

[Duly sworn, Pat Perrin, testified as follows]

PAT PERRIN: Pat Perrin, 10 Deans Court. I live in Rancho Viejo. We request that you postpone this hearing because on November 1st I believe we're having a major presentation on the southeast and northeast connectors. In our community – for our community traffic is a really hot button issue and we expect that to be heavily attended. On the surface this request looks so simple and not very controversial. Take away the proposed employment area which we do need. Take away the proposed college which is probably redundant in this situation. But when you start using Rabbit Road which is basically a shoot for Rancho Viejo. We use it heavily to get in and out of our community because Richards is bottleneck. Rabbit Road has no passing lanes and it is becoming very dangerous with the volume of traffic. So essentially the County has had a habit of putting the cart before the horse. Approving the development before they build the infrastructure. If we can just see what is going on with the southeast connector which is really designed to take heavy traffic out of the college onto Rabbit Road and what improvements are proposed for Rabbit Road it will be far easier to deal with this issue. Thank you.

HEARING OFFICER LONG: Thank you. Okay, did that cover everyone? One more. Ma'am, were you sworn in earlier?

BETH DETWILER: I just want to make a comment about the roads. My name is Beth Detwiler, 11 Craftsman Road, Oshara Village, Santa Fe County.

[Duly sworn, Ms. Detwiler gave the following testimony]

MS. DETWILER: I just wanted to say in terms of roads I think it is a terrible, terrible mistake to ask a private community as happened with Oshara Village to create a road and then to pay for the upkeep of it and have the ownership of it in perpetuity. So please don't make that mistake again.

Not only does Oshara Village have to try to maintain that road, there is no speed enforcement there. No matter what sign you put up the public quickly finds out that the speed limit will not be enforced. Everybody who uses that road knows that and nobody is going 40 miles an hour. They're going 55 miles an hour and there's no way to work on that speed problem. And please don't make that mistake again and do that to another community.

If they have to create a road with this development or any other one, at least have a limited time at which the County will take over ownership and enforcement of laws on that road, please, please. It's a huge, huge mistake and it's a great danger to the public that is created. It is also a liability to the County because any one who crashes out there if there is a death their family already knows that they sues Oshara Village, got it. But

they're also going to sue Santa Fe County because they know that is a public road that you are refusing to operate.

It is almost impossible for a little village with 63 homes in it to maintain that road. And if you would like an example of how we maintain it, please come on Sunday at 9 in the morning. Invite your road staff or invite your Santa Fe County staff they are welcome to come and take a look because you will see four of our board of directors with pot-hole patch that I ordered over the internet dodging in and out of traffic trying to fill potholes and cracks to maintain the road which we will never be able to resurface or replace. You know the cost that that would be. My husband, not a board member, but a volunteer will be out there with his 15-year-old Toyota pickup holding a cardboard sign that we've created that begs people to slow down and watch for our poor road crew as we risk our lives to try and fill potholes on a road that should be maintained by the County. Now it's bad enough that we got stuff with that but please don't do it to another group. It is a very, very extremely very bad idea. Thank you.

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

[Duly sworn, JD Helms, testified as follows]

JD HELMS: Mrs. Long, I am JC Helms, 336 Calle Estado, Santa Fe, New Mexico, 87501. And I only have a question. I don't have an opinion. How many affordable units in a statutory sense will be in this new development? Does staff know or does the applicant know?

HEARING OFFICER LONG: I think there was a report on affordable housing so maybe you can answer that Vicki.

MS. LUCERO: Hearing Officer Long I believe the total number for the entire subdivision at full build-out will 131 affordable housing units.

MR. HELMS: With the new proposed expansion it will be 131?

MS. LUCERO: Correct, at full build-out, after phase 5.

MR. HELMS: Thank you very much.

HEARING OFFICER LONG: Thank you. All right does the applicant have any comments they would like to make before we conclude?

MR. TRYK: Just a couple of clarifications from comments that were made. Number one, on the density, the minimum density in the Community College District is 3.5, we are at 3.6. So we have 835 units proposed, there's 470 acres, 240 of that is open space and that leaves 230. So it's 3.6. We are just above the minimum density.

Regarding the roundabout size, certainly the roundabouts that we're proposing within Oshara Village are 90 feet and there is the land for them. We feel bad for the neighbors and the comments that were made in terms of the traffic that is being shuttled onto Rabbit Road. That is part of the road network that was agreed to by the County and the northeast and southeast connector road projects are the County's own designated solution for traffic congestion in that area and we're just trying to follow through with that.

I just wanted to clarify those.

HEARING OFFICER LONG: And I assume you have had a meeting or meetings with the neighboring properties including the Santiago Subdivision group.

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MR. TRYK: Yes we have. Oh, one other clarification. It seems that there is a misconception that the buffer zone is a no build zone. It is not. The buffer zone prohibits certain subdistricts. Employment center can't be located there. Neighborhood center can't be located there. Neighborhoods can be, institutional campus can be and in fact on the current land use zoning map the institutional campus extends all the way through that buffer to the property line. So we don't actually have to have a setback of any kind other than the 25 that is in the code. I just wanted to make that clarification.

HEARING OFFICER LONG: I heard a comment and I believe it was Mr. Mackey that previously the setback/buffer from their subdivision was 200 feet and what is proposed now is 40 feet.

MR. TRYK: No, the existing land use zoning map shows a buffer area a shaded area but it does show the institutional campus going all the way to the property line. It doesn't stop at 200 feet short. So theoretically, the institutional campus can build right to the property line minus the 25 foot setback in the new SLDC.

HEARING OFFICER LONG: And that is shown in the code?

MR. TRYK: Yes. Thanks.

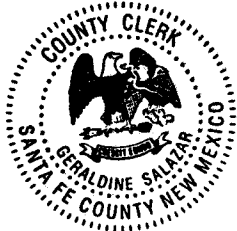
HEARING OFFICER LONG: All right thank you. I want to thank you all for staying through the hearing to speak to this case and for coming today. And as you may have heard on previous cases, I make a recommendation, not a final decision, but my recommendation goes by written decision on to the Planning Commission. Will that be on their November meeting as well?

MS. LUCERO: I believe it is scheduled for the December 21st Planning Commission meeting, yes, December 21st.

HEARING OFFICER LONG: December 21st okay. Okay thank you all.

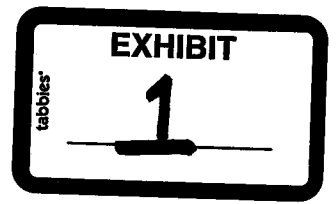
IV. Adjourn

Hearing Officer Long adjourned this meeting at 4:45 p.m.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 28TH Day Of November, 2017 at 08:55:13 AM
And Was Duly Recorded as Instrument # 1842282
Of The Records Of Santa Fe County
Deputy Geraldine Salazar Witness My Hand And Seal Of Office
County Clerk, Santa Fe, NM

Approved by:
Nancy Long
Nancy Long, SLDC Hearing Officer
Santa Fe County



La Cienega Valley Association

Date: September 11, 2017 [7:13 P.M. to 8:55 P.M.]

La Cienega Community Center

La Cienega Valley Association: Preserving Our Rural Way of Life

Website: lacienegavalley.com

Board Members Present: Kathryn S. Becker, J. J. Gonzales, Marizabel Ulibarri, Carl Dickens, Elliott Eisner, Tom Dixon, Paul Murray and Ex-officio: Jeff Montoya (substituting for Gabriel Montoya).

Board Members Absent: Reynaldo Romero

Guests Present: Ellen Wittman, Paula Gonzales, Vincent Marchi, Keir Careccio, Dorothy Montoya and Guillermo Hulo.

Upon noting the presence of a quorum, the meeting was called to order by the President, Carl Dickens.

Approval of Agenda: Upon motion duly made, seconded and unanimously adopted, the Agenda, as amended, was approved.

Variance Request: The Board heard a presentation by Dorothy Montoya for 33 Paseo de Angel regarding variance requests for:

- a) To allow a separate driveway.
- b) To allow an accessory dwelling within a major subdivision.
- c) To allow an accessory structure to be 1350 sq ft. (where the main home has 2,000 sq. ft. of heated area.)
- d) Request a partial vacation of the subdivision plat for Vista de Sandia to allow Lot 7 to have an accessory dwelling unit

After the presentation, questions which were answered by Ms. Montoya. After discussion, the Board indicated, while it is not opposed to the presented variance requests, noting specifically that it has no authority to approve or consider requests c) and d) set forth above, it generally remains opposed to approving variances. In this case, the Board will not oppose the approval of the variance requests a) and b) above and leave the issue of the remaining variance to the approval of County. The President will advise the County of this decision, copying both Mr. Marchi and Mr. Martinez.

Approval of August Minutes: The minutes of the August 7, 2017 meeting of the Board of Directors having been distributed prior to the meeting were approved as submitted.

SFC CLERK RECORDED 11/28/2017

Matters from the Public: Vincent Marchi told the Board that he had opposition concerning his proposed development, but one of the opponents asked if he would sell his property for a 'greater' development, not yet proposed. Keir Careccio indicated that there were no new developments on the Reale property matters and there are no further issues presented concerning Las Lagunitas.

President's Report:

BLM Shooting Range: There will be public hearings held on this matter in the future, but no firm date has been established as of this time. Once hearings are announced, addresses for letters will be posted on the web site.

La Cienega Open Space (HIPICO): HIPICO will present plans to the County for a cross country course and park on County property.

LCVA Request to Santa Fe County Water On Water Meter Enforcement Request: There has still been no response from County Commissioner Anaya or the Santa Fe City Manager. The President was authorized to send a follow-up letter to both parties and further include the State Engineer.

PNM Outages: The Board discussed the continued issue of prolonged power outages in the communities making up the LCVA.

Santa Fe Airport Expansion and Master Plan: The Board discussed the continued issue of the new master plan and proposed airport expansion. Board members Kathryn Becker and Elliott Eisner will look into materials concern these matters, including attempting to get a flight pattern map.

Proposed LCVA Community Center Board: President Dickens and Director Tom Dixon continued discussed on the status of the creation of a Board of up to five (5) community members to run the Community Center for the County.

Proposals concerning Water Testing and Well Monitoring: It was reported that 32 well owners in the LCVA area have signed up for the water well testing program.

Youth Advisory Board: Director Tom Dixon told the Board that the Library Committee was interested in Youth Advisory Board input into making the Community Library more viable.

Treasurer's Report: The Treasurer's report for August 2017 was presented by Treasurer Murray. The Savings balance (allocated, not available for general uses) stands at \$1,908.34 and the checking account balance stands at \$1,373.68 for a total of \$3,282.02.

Committee Reports: Library committee reported that there were six (6) responses to their requested poll. The Halloween Committee will meet for the purposes of determining the date

of the festivities and possible inclusion with the Spirit Event planned by the Las Golondrinas staff. The Downs will be hosting Lantern ascension on September 22, 2017 subject to Fire Marshall's approval.

Newsletter: The next Newsletter will address Water Issues.

Matters from the Board:

Action Item for September: Work on gathering information on the proposed Airport Expansion by the City of Santa Fe.

Adjournment: Upon Motion duly made and adopted, the meeting was adjourned at 8:55 P.M.

Submitted By:

ss/Elliott Eisner

Elliott Eisner, Secretary

SFC CLERK RECORDED 11/28/2017

Lisa Armijo
12 Calle Jacinta
Santa Fe, NM 87508



October 21, 2017

Santa Fe County Planning Commission
City Hall, 1st Floor
200 Lincoln Avenue
Santa Fe, NM 87501

To Whom It May Concern,

My family and I own multiple properties and have been residents in the Santiago Subdivision for over 30 years. My property is adjacent to the property line owned by G.E. Richards Property, LLC. I'm writing to you with deep concerns about the proposed Oshara Conceptual Plan Amendment, Case # CP16-5280.

The proposed development of 855 dwelling units is going to make a drastic impact on our way of living and the environment which surrounds us. My neighbors, family, and I built in a country environment and we would like to maintain it. I would like to request that the County Commission upholds the prior plans that constituted a 200-foot buffer zone between the Santiago Subdivision and the Oshara development.

My neighbor, Chris Mitchell, and I would like to request a wall the length of our property lines. The wall should be 7-foot-high with a length of 650 feet. Starting at the buffer zone on the east side of the wall we request that the developer plant and maintain drought tolerant trees with roots that do not spread. This would allow for land conservation, privacy, security, land maintenance, and avoid trespassing.

Rabbit Road was a frontage country road with very little traffic. This changed when Mr. Richards built the Oshara development, and the State of N.M. DOT extended Rabbit Road into the Oshara subdivision. Rabbit Road is utilized by students, walkers, runners, bikers, artist, photographers, and vehicles which include school buses. Traffic is now multiplied and drivers exceed the speed limit making it extremely dangerous for pedestrians and vehicles pulling out from the side roads and driveways onto Rabbit Road. A development of 855 units with an estimation of each dwelling having at least two cars would allow for another 1710 vehicles utilizing Rabbit Road. With the approval of the St. Francis Dr. and Rabbit Road commercial and residential development, there will be even more traffic, which will add semi-trucks, and more school buses, visitors, and vehicles traveling east from Richards Ave. and west from St Francis Dr.

SFC CLERK RECORDED 11/28/2017

The dangers from traffic on Rabbit Road will only increase as well as traffic congestion. Eventually DOT may have to add lanes which would be an invasive intrusion on the property of homeowners along Rabbit Road, as well as turning a country road into a freeway. How will you make Rabbit Road safe?

In addition to the above, I'm concerned about the distance of a fire house to the communities within Rabbit Road and the Oshara development. Currently we are served by the Arroyo Hondo Fire Station which is approximately 20 minutes away without traffic. If a fire were to start within the Oshara subdivision and the Santiago subdivision it could quickly spread endangering our lives, structures, animals, and land. Please consider a new fire house closer to the communities along Rabbit Road.

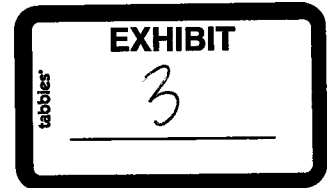
Your consideration in passing my request and concerns would be greatly appreciated by me, residents, and pedestrians that are affected by this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Armijo", written over a horizontal line.

Lisa Armijo

SFC CLERK RECORDED 11/28/2017



County Land Use Administrator
Attn: John Salazar
POB 276
Santa Fe NM 87504-0276

24 October 2017

We share 430 feet with the currently proposed "Arroyo Hondo de Santa Fe" portion of the Oshara Subdivision. We will be greatly affected by this new development, both during construction phase & by the impact of the traffic generated by this high-density housing.

The 200 foot Buffer Zone between the Oshara Subdivision & our Santiago Subdivision that was approved as part of the original Oshara Masterplan is essential to our well-being & security.

We strongly urge that this Buffer Zone remain in the Oshara Masterplan & that drought-tolerant trees be planted to separate us from this latest phase of the Oshara Development.

The current proposed plan eliminates this 200 foot Buffer Zone & plans for dwellings within 40 feet of our shared boundary. Placing a public footpath on the East side of our barbed-wire fence allows for the possibility of trespassers & risks our security.

The Original Oshara Masterplan was created with a socially-minded spirit which included an Institutional Campus, live-work housing, an Employment Center & use of sustainable energy. These current plans & amendments would change Oshara into just another bedroom community.

The 250 housing units of "Arroyo Hondo de Santa Fe" will add considerable traffic to the 2 narrow lanes of Rabbit Road, & the proposed 855 dwellings of the total Oshara Development would extend this number exponentially. Entering & exiting the Santiago Subdivision is already dangerous on the unsafe & congested Rabbit Road where SFCC students rush to class, & it's the route for Rancho Viejo residents & others. The NE/SE Connector will magnify this congestion.

We request that the County Commission modify plans for the Oshara Development in accordance with the road infrastructure & that the 200 foot Buffer Zone between The Santiago Subdivision & the Oshara Development be retained.

Sincerely,

Chris Mitchell Jane Mitchell
14 Calle Jacinta

SFC CLERK RECORDED 11/28/2017



Karin B. Hall
8 Calle Jacinta
Santa Fe, NM 87508

Hand delivered to:
Mr. John M. Salazar, Planning Engineer and Case Manager

Re: Case # CP 16-5280 Oshara Conceptual Plan Amendment

I have been a homeowner and member of the Santiago Road User Association for 16 years. My husband and I moved here from the center of town so that we could enjoy the 360 degree views and the New Mexico countryside. Rabbit Road was a dead end. At that time, the traffic was strictly residential and the only noise we heard came from the traffic on I25. Several years after our move, Rabbit Road was opened to access Oshara Village and SFCC. Soon after, Rancho Viejo residents used it as well. This must have tripled the amount of traffic on Rabbit Road. Eventually and mostly due to speeding vehicles, Rabbit Road has become a death trap for its residents, pedestrians and bicyclers.

The Oshara plan is troublesome for several reasons:

Traffic: It introduces even more traffic and other dangers into our neighborhood. The huge number of dwelling units (855!) planned is gross and totally out of proportion to already existing subdivisions.

Eliminating the employment and educational center zones is short sighted and means that residents and students will be forced to commute to work/school. In previous meetings, we have argued that Rabbit Road cannot sustain such traffic, even if it is widened in places.

Reduction of buffer zone between subdivisions: The Oshara Development Master Plan, approved years ago, included a 200 foot wide buffer zone on the East side of the property. This was meant to reduce the impact of this huge development on existing communities. The current plan amendment eliminates this and shows dwellings only 40 feet from the boundary. It shows that a public footpath will also be accommodated there. This reduces the security of the Santiago Subdivision.

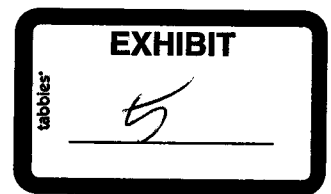
Pollution: the sheer number of construction phases (at least 5 with more sub phases) means that huge dust storms will appear in the summer, dump trucks will come barreling down Rabbit Road, not to mention the noise polluting the environment for years to come.

Accepting this plan and its changes will destroy the environment in the area. Wildlife like coyotes will be driven away so that only rodents rule. Our precious New Mexico landscape will disappear and any feeling of New Mexico countryside is gone.

Acquiescence to building projects like this gives the impression that Santa Fe County and city really have no intention of keeping the Santa Fe area conducive to healthy, sustainable living for its residents.

Karin B. Hall

SFC CLERK RECORDED 11/28/2017



County Land Use Administrator
Attn: John Salazar
Planning Engineer
POB 276
Santa Fe NM 87504-0276

Re: Case #CP 16-5280 Conceptual Plan Amendment

We, the undersigned, request the Santa Fe County Commission consider the danger of adding more traffic to the narrow undulating Rabbit Road before approving additional high density housing on the Oshara Development. This proposal to increase the total number of dwellings in the Oshara Development to 855 would add hundreds more vehicles to Rabbit Road. The road is already used by many of the 10,000 SFCC students, the residents of Rancho Viejo & many others. The extension of Rabbit Road by the North-east Connector will generate even more traffic. Widening the road would require condemning land & structures owned by roadside residents.

The original Oshara Masterplan Development approved some years ago included a 200 foot Buffer Zone on the East boundary to reduce the impact of the Oshara Development on adjacent properties. This current request for Amendment Approval would eliminate this Buffer Zone by placing houses within 40 feet of the boundary. A public footpath planned for this remaining narrow strip will reduce security for the Santiago Subdivision.

We, the residents of Santiago Subdivision request a reinstatement of the 200 foot wide Buffer Zone & the construction of a 7 foot high wall on our shared boundary as well as the planting of many trees to reinforce this Buffer Zone.

We also request information on fire services planned for the Oshara Subdivision which is on the west & windward side of the Santiago Subdivision.

Sincerely,

The Residents of the Santiago Subdivision

SFC CLERK RECORDED 11/28/2017

Re: Case #CP 165280 Conceptual Plan Amendment

The Undersigned Residents of Santiago Subdivision:

Jane Mitchell	14 Calle Jacinta	10/20/17
Christopher Mitchell	14 Calle Jacinta	10/20/17
Lisa Loring	12 Calle Jacinta	10/20/17
Justin Loring	7W Traversa De Camilo	10/20/17
Henry M. Loring	7W Traversa De Camilo	10/20/17
Karin B. Hall	8 Calle Jacinta	10.20.17
Doreen Loring	14 Entrada de Santiago	10/20/17
Melanie Koch	13 Traversa de Camilo	10/20/17
Richard Koch	13 Traversa De Camilo lot 6	10/20/2017
Mark May	5 CALLE JACINTA	10/20/2017
Sandra Mackey	5 Calle Jacinta	10/20/2017
Barbara Clark	10 W. Traversa de Camilo	10/20/2017
Jay R. Clark	10. W. Traversa de Camilo	10-20-17
Bobbie Clark	10. W. Traversa De Camilo	10/20/17
Jason Clark	10. W. Traversa De Camilo	10/20/17
Liz Straw	5 E. Traversa De Camilo	10/21/17

SFC CLERK RECORDED 11/28/2017

Re: Case #CP 165280 Conceptual Plan Amendment

The Undersigned Residents of Santiago Subdivision:

Victor P Baca	06 E. TRAVIESA DE CAMILO	10-22-17
Navi R Baca	06 E Traviesa de Camilo	10-22-17
Mark Angel	27 Entrada de Santiago	10/22/17
Vanesa Angel	27 Entrada de Santiago	10-22-17
Diana	49 Entrada de Santiago	10/22/17
James Harris	49 ENTRADA DE SANTIAGO	10/22/17
Budy F. Gonzalez	7 TRAVIESA DE CAMILO E	10-22-17
Marcella Gonzalez	7 TRAVIESA DE CAMILO E	10-22-17
Frank Angel	26 ENTRADA DE SANTIAGO	10-23-17
Irene Angel	26 Entrada de Santiago	10-23-17
Mary Bertram	39 Entrada de Santiago	10-23-17
B. B.	39 Entrada de Santiago	10-23-17
Frank Pacheco	8 Calle Jacinta	10/23/17
Maureen	4 Calle Jacinta	10/23/17
Eddie Vigil	33 Calle Jacinta	10/23/17

SFC CLERK RECORDED 11/28/2017

Re: Case #CP 165280 Conceptual Plan Amendment

The Undersigned Residents of Santiago Subdivision:

John J. Redd	12	Traviesa de Camilo E	10/22/17
Bernadette Redd	12	Traviesa de Camilo E	10/22/17

SFC CLERK RECORDED 11/28/2017

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Re: Case #CP 165260 Conceptual

The Undersigned Residents of Santiago Supervisor

Edmund E. DREIN
DREIN E. DREIN

Edmund A. DREIN
Edmund A. DREIN

SFC CLERK RECORDED 11/28/2017