

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

December 21, 2017

I. This meeting of the Santa Fe County Planning Commission was called to order by Louie Gonzales, Vice Chair, on the above-cited date at approximately 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

II. & III. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Filandro Anaya, Chair [late arrival]
Louie Gonzales, Vice Chair
Charlie Gonzales
Frank Katz
Leroy Lopez
Susan Martin

Member(s) Excused:

Renae Gray

Staff Present:

Vicki Lucero, Building & Services Manager
Mike Romero, Development Review Specialist
Tony Flores, Deputy County Manager
Cristella Valdez, Assistant County Attorney
Rachel Brown, Deputy County Attorney
John Salazar, Development Review Specialist Sr.
Jose Larrañaga, Development Review Specialist Sr.
John Lovato, Development Review Specialist

IV. Approval of Agenda

With no changes, Member Katz moved approval. Member Martin seconded and the motion carried by unanimous voice vote.

SFC CLERK RECORDED 02/15/2018

V. Approval of Minutes: November 16, 2017

Member Martin moved to approve the November minutes. Member Katz seconded and the motion passed by unanimous voice vote.

VI. Consent Calendar: Final Orders

- A. CASE # V 17-5150 Nuestra Senora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe Variance. Nuestra Senora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe, Applicant, Jake Rodriguez Architect, Jake Rodriguez) Agent, Request a Variance of Table 9-13-2: Dimensional Standards: PVCD TC of Ordinance 2016-9, The Sustainable Land Development Code to allow an 8 foot Cross with Base on Top of the Roof of an Existing Church Bringing the Height of the Church to 49 feet 2 inches. The property is located at 9 Grazing Elk Drive within the Pojoaque Valle Community District Overlay (PVCD), within Section 7, township 19 North, Range 9 East, (Commission District 1). Case Manager Miguel "Mike" Romero (Approved 7-0)**

Upon motion by Member Katz and second by Member Martin, the consent agenda was unanimously approved as published.

VII. New Business

- A. 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 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 existing 14 foot retaining walls to exceed the five 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)**

Member C. Gonzales recused himself from this item.

Staff read the case caption and provided the following report.

MIGUEL "MIKE" ROMERO (Case Manager): On October 26, 2017, the Application was presented to the Hearing Officer. The Hearing Officer recommended approval of a variance of Chapter 7, Table 7-13: Rural Road Classification and Design Standards to allow a 250-foot section of South Summit Drive to exceed the 9 percent grade and a variance of Chapter 7, Section 7.17.10.7.8, Screening Requirements, to allow

the existing 14 foot retaining walls to exceed the 5 foot height limitation, subject to the following condition: an engineer will certify the structural integrity of the retaining walls and ensure that the retaining walls are properly permitted.

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 grade. 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 these 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 feet retaining walls to exceed the 5 foot height limitation subject to the condition recommended by staff. An engineer will certify the structural integrity of the retaining walls and ensure that the retaining walls are properly permitted.

This matter went before the Hearing Officer for a hearing on October 26, 2017. The Hearing Officer recommended approval of a variance 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 14 foot retaining walls to exceed the 5 foot height limitation, subject to the following condition:

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

If the decision of the Planning Commission is to approve the application, you may consider adopting the Hearing Officer's findings of fact and conclusions of law in the written recommendation. I stand for any questions.

MEMBER L. GONZALES: Thank you, Mr. Romero. Are there any questions of staff? None. Is there any questions from the public. This is a public hearing – anyone in favor of this project or against this project.

MS. LUCERO: Mr. Chair, if you'd like to give the applicant an opportunity to present first.

MEMBER L. GONZALES: Oh, I'm sorry. I forgot.

[Duly sworn, Oralynn Guerrerortiz testified as follows]

ORALYNN GUERRERORTIZ: My name is Oralynn Guerrerortiz. I own Design Engenuity. We are located at 1421 Luisa Street here in Santa Fe. And I'm not going to add anything to that well written staff report. I'm just here to answer any questions you might have and we agree to the conditions suggested by staff. Thank you.

MEMBER L. GONZALES: Are there any questions of the applicant?
None.

MS. GUERRERORTIZ: Thank you.

MEMBER L. GONZALES: Is there anyone here who wishes to speak in favor or against this project. Seeing none, this hearing is closed on this case.

What is the wishes of the Board?

MEMBER KATZ: Mr. Chairman, I'd make a motion.

MEMBER L. GONZALES: Member Katz.

MEMBER KATZ: In Case V 17-5520, Oreo, LLC variance, I would move to approve the variance as recommended by staff. I would adopt the findings of the hearing officer. The findings of the fact and conclusions of law.

MEMBER L. GONZALES: Thank you, Mr. Katz. Is there a second?

MEMBER MARTIN: Second.

The motion passed by unanimous [4-0] voice vote. [Member C. Gonzales recused himself from this item.]

B. Possible Action on the Findings of Fact and the Conclusions of Law for Case #V 17-5520 Oreo, LLC Variance

MEMBER MARTIN: Mr. Chairman, I'll make a motion to approve the findings of fact and conclusions of law for case V 17-5520, Oreo LLC Variance.

MEMBER L. GONZALES: There's a motion by Member Sue Martin to approve; is there a second?

MEMBER KATZ: Second.

The motion passed by unanimous [4-0] voice vote. [Member C. Gonzales recused himself from this item.]

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 foot Right-of-Way rather than the required 50 foot 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) [Exhibits 1 and 2: Letters in support of the Application]

Staff read the case caption and provided their report as follows:

MR. ROMERO: Staff just handed out some letters of support in regard to this variance that weren't submitted in time for the packet.

On October 26, 2017, the Application was presented to the Hearing Officer. The Hearing Officer recommended disapproval of a variance of Chapter 7, Table 7-13: Rural Road Classification and Design Standards to allow a road with a 30 foot Right-of-Way rather than the required 50 foot Right-of-Way for local roads for non-residential uses.

At this time, the Applicant has not submitted an application for a Site Development Plan for the Crystal Earth Pavilion, which is the proposed non-residential use. Since the Hearing Officer meeting on October 26, 2017, the Applicant's agent has provided a letter stating that the non-residential use is expected to generate about the same amount of traffic as one single family dwelling. However, since the application for the Site development Plan has not been submitted and a Traffic Impact Analysis has not been provided by the Applicant, it is not clear how much traffic would be generated by the Pavilion to support this theory. The right-of-way width could limit the ability to install future necessary improvements, thereby limiting the type and intensity of development on the property. Right-of-ways can be utilized for future improvements; speed change lanes, acceleration lanes, deceleration lanes, drainage, utilities, etc.

The Applicant, Fredance, LLC is the owner of the property at 325 Glorieta Mesa Road as indicated by the warranty deed recorded in the records of the Santa Fe County Clerk on January 9, 2007, as Instrument No. 1466386. The applicant is requesting a variance to allow a right-of-way easement to be less than the required 50 feet. 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 US Forest Service maintained Public Road, which then turns onto US 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 US 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, 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 US Forest Service Road Easement and the Private Easements. The Private US Forest Service Easement along with the Private Easements and the existing road within those easements otherwise comply with the SLDC requirements.

In 2003, the US Forest Service granted the US Forest Service Easement to the Glorieta Mesa Ranch Road Maintenance Association, which was comprised of the owners of properties within the Pecos Pueblo Land Grant east of US 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, plat book 587 page 015. 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.

Recommendation: This matter went before the Hearing Officer for a hearing on October 26, 2017. The Hearing Officer recommended disapproval of a variance of Chapter 7, Table 7-13: Rural Road Classification and Design Standards to allow a road with a 30 foot Right-of-Way rather than the required 50 foot Right-of-Way for local roads for non-residential uses.

The Hearing Officer recommended denial of the variances based on that the application and evidence and testimony presented at the public hearing was not providing sufficient evidence of extraordinary and exceptional conditions of the Property that would result in undue hardship to the Applicant from a strict application of the Code and that the Applicant has not met the variance criteria of the SLDC. The Hearing Officer stated that the Applicant referenced the Religious Land Use and Institutional Persons Act stating its prohibition on treating churches of other religious assembles or institutions differently from non-religious institutions. The Applicant did not, however, provide any showing or evidence of the County treating a non-religious institution differently than this application. The Applicant provided no cases or examples to the Hearing Officer of any unequal treatment of the application compared to other non-religious applications.

Since the time of the Hearing Officer meeting, the Applicant's agent has provided a letter stating that the non-residential use is expected to generate about the same amount of traffic as one single family dwelling. However, since the application for the Site

Development Plan has not been submitted and a Traffic Impact Analysis has not been provided by the Applicant, it is not clear how much traffic would be generated by the Pavilion to support this theory.

Staff has confirmed with Santa Fe County Fire Prevention that granting the variance to allow a 30-foot ROW would not affect public safety as long as a 20-foot unobstructed roadway was provided and the Applicant met the road requirements of the Fire Code.

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 30 foot right-of-way rather than the required 50 foot right-of-way for a non-residential use subject to the following conditions. May I enter these into the record?

MEMBER L. GONZALES: You may.

MR. ROMERO: The conditions:

1. The 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.
2. If the proposed development will generate more traffic than a single family residence, a Traffic Impact Analysis will be required with the Site Development Plan application. If it is determined at that time that additional road improvements are warranted which require additional easement, the Applicant will be responsible for acquiring the additional right-of-way.

If the decision of the Santa Fe County Planning Commission is to deny the Application, the Planning Commission may consider adopting the finding of fact and conclusion of law in the written recommendation from the Hearing Officer.

I stand for any questions.

MEMBER L. GONZALES: Thank you, Mr. Romero. Any questions of staff? Mr. Katz.

MEMBER KATZ: As proposed it all sounds fine. I'm concerned that the usage could increase. The condition is if the proposed development, what happens if they propose maybe round one of development and it seems okay but then they want to expand the development that would bring more traffic; where do we stand if that were the scenario that played out? I am trying to protect the residents up there from having a whole lot of traffic that they weren't expecting.

MS. LUCERO: Mr. Chair, Commission Member Katz, if the applicants were proposing a more intense development or a second phase to the development, they would be required to do a traffic impact analysis at that time. And if it were determined that there were road improvements that needed to be completed, such as, acceleration lanes or deceleration lanes, and if the 30 foot right-of-way was not adequate, the applicant would have to acquire the additional right-of-way in order to make those improvements.

So based on what they're proposing right now and as Miguel stated they haven't done a traffic study at this point but based on the information that they're providing us, it doesn't appear that there is going to be traffic which would exceed what a single family would create. So if there was, they would have to acquire the additional right-of-way.

MEMBER KATZ: I'm a little confused because number one condition seems to require them to require that additional easement of right-of-way at the get-go. Am I reading that wrong?

MS. LUCERO: Mr. Chair, Commission Member Katz, the condition number one is actually referring to the easement itself. At this point, the applicants are working with the Forest Service to acquire that easement. There's question as to whether or not it's valid at this point. So they're working with the Forest Service to acquire that easement. So we wouldn't issue any type of permit until that was resolved.

MEMBER KATZ: Okay, but as far as building the road, that would only be triggered by a more intense development?

MS. LUCERO: That's correct, yes.

MEMBER KATZ: Perfect, thank you.

MEMBER L. GONZALES: Any other questions of staff? Seeing none, is the applicant here?

JOSEPH KARNS: Good afternoon, Chair Gonzales, members of the Planning Commission. Joseph Karns, Sommer, Karns and Associates. I'm here on behalf of Fredance LLC, the property owners. I am representing Fredance. We have Bob Sherwin and Ken Louck present today and I think they'll speak during the public hearing portion. And I also represent The Wholeness, which is a non-profit organization that desires, as Mr. Romero explained, to develop a small meditation pavilion on the property. Here on behalf of The Wholeness is Ben Adelo and Ken Hardin.

What we have here, and I'll be very brief, but I just want to explain and show that we're dealing with the portion of road on top of the mesa. Right now we have an existing 30 foot wide easement and an existing road that has been in existence for about three decades now. I-25 is up here and La Joya Road goes up to the top of Glorieta Mesa. From this point to the end of Forest Service about in this area, it's about 2.1 miles, there's an existing 20 foot road there and that road continues on out to the property which is out at the end and it dead ends right at San Miguel County line. That road as Mr. Romero explained has been reviewed and there's been site visits conducted by Mr. Paul Kavanaugh of the Growth Management Department and Fire Marshal Blay and they determined that the existing road with some minor vegetation maintenance perhaps, which is conducted on an annual basis, is adequate and complies with the code.

In response, I just want to elaborate on Mr. Katz's questions. Initially, the homeowners association they didn't make the necessary filings with the Secretary of State back some time before 2013 and it ceased to exist as an entity. Subsequently it was re-created and continues to operate and assumed hood standing with the Secretary of State. The Forest Service requested that the easement be reissued in its current form so that's the process that we're going through now. We anticipate that it will be as exist today, a 30-foot wide easement. And I agree, in response to the other question, if there is further development proposed it will require an additional permit from the County. We'll go through the application process and as Ms. Lucero explained, if necessary there will be a Traffic Impact Analysis and it will be a new question. There's no right to do anything more than we're planning to apply for at the present time.

I just want to point out that it is not viable – the basis for the request – it's not viable to increase the easement which goes across US Forest Service property and through six private property owners lands nor is it needed. The existing road is adequate.

The existing road serves three houses. It's a very rural road. It's a lightly used road with very little traffic that goes on this road so there's not a need in the foreseeable future and certainly for the meditation pavilion that's planned to have a road that is wider than 20 feet in width.

I want to point out that all five directors of the Glorieta Mesa Ranch Homeowners Association have indicated their support of the application. I believe you have letters in your file. And County Fire Marshal Blay has assessed the conditions in the field and has submitted his written support of the application and finally as Mr. Romero advised, Growth Management staff assessed the road and concluded that with minor maintenance the existing road meets County standards. We recognize that the Code requires 50 feet and the variance process is the appropriate process to review whether the existing conditions are adequate or whether changes are needed. We have a 20-foot wide road that meets the code within a 30-foot easement that established some 30 years ago. Everything is fine. The proposed development is not going to change that situation nor require a need for an additional expansion of the road. We appreciate your consideration and I would be happy to address any questions you might have. I just want to finish by saying we're fine with the two conditions recommended by staff.

MEMBER L. GONZALES: Thank you, Mr. Karns. Is there any questions of Mr. Karns? Member Gonzales.

MEMBER C. GONZALES: Joseph, how is it going?

MR. KARNS: Good, thank you.

MEMBER C. GONZALES: Listen, I didn't see an existing road section or a photo of the roads. I'm curious to how the drainage works out there. Is there ditches on the side of the road like a typical road?

MR. KARNS: Yeah, I've been out there several times and there are ditches on both sides of the road or at least one side of the road. The road is in pretty good condition and Fire Marshal Blay and I know Paul Kavanaugh is not here right now. But the road is in real good shape. It's relatively flat. It's up on top of the mesa and so it's been a well maintained road. Mr. Sherwin might speak to the annual maintenance that is carried out by the homeowners association. They're required under the easement with the Forest Service to carry out and maintain that road and they, from my experience at least, they do a pretty good job of doing so.

MEMBER C. GONZALES: So the homeowners has an existing maintenance agreement?

MR. KARNS: That's correct. That's part of the easement with the Forest Service which we expect will be reissued in the very near future and that's the process that is ongoing with the Forest Service and as the condition indicated, no development permit can be issued until that re-issued easement is in place.

MEMBER C. GONZALES: Sounds good to me, thank you.

MR. KARNS: Thank you, sir.

MEMBER L. GONZALES: Any other questions? Thank you, Mr. Karns.

MR. KARNS: Thank you.

MEMBER L. GONZALES: This is a public meeting, is there anyone who wishes to speak in favor of this case or against this case? Please step forward and be sworn in for the record.

[Duly sworn, Bob Sherwin, testified as follows]

BOB SHERWIN: Bob Sherwin, 218 Camino la Tierra, Santa Fe. Anyway, I am one of the five board of directors for the homeowners association along with Kathy Holian and three other people all of which support the easement. It's a road that really is going through the forest. There wouldn't really be a place to have passing lanes or anything like that. It's very low, low traveled. The meditation pavilion ultimately we're donating the land to The Wholeness to have a place in nature for non-denominational, anybody who wanted to be up in nature with a very large crystal that amplifies the energy of it all just to have a peaceful experience by themselves. It's not a church in the sense that there's Sunday services and groups of large volumes of people. It's just if somebody wanted to go to have a private experience, that's how it would be used. And I'll take any questions if anybody has any.

MEMBER L. GONZALES: Thank you, Mr. Sherwin. Is there anyone else that wants to speak in favor or against this case? Please be sworn in for the record.

[Duly sworn, Ken Hardin, testified as follows]

KEN HARDIN: Ken Hardin, 976 Paseo del Sur, Santa Fe. Good afternoon everyone. My position is that I'm here in support on behalf of The Wholeness who's going to construct as long as we can move forward with our plan to do so this meditation pavilion. As Mr. Sherwin stated, it's really more of an honoring of the land that is already there. It won't have large groups of people. We don't have the staff to actually bring in large groups of people as it is anyway. It's a very private setting and it would be used much like someone who had a home or a garden like that and we intend for it to be a very low key, pretty much unadvertised sort of position for the time being. And for the foreseeable future that would be its use.

So I just wanted to let you know that what we have in place infrastructure-wise getting back and forth is perfectly adequate and doesn't seem to have any need for expansion or strain on what we're going to do. So we're very much looking forward to being able to comply in whatever ways we need to but we feel that this is a good step in the right direction for the members of the community who are already there and we'll think it will be a nice addition to their peace of mind out there.

So I'll take any questions if anyone has any.

MEMBER L. GONZALES: Thank you, sir. Is there anyone else who wants to speak in favor or against this case? Seeing none, this ends the testimony of the case. What are the wishes of the Board?

MEMBER MARTIN: Mr. Chairman. I would like to make a motion on case V 17-5090, Fredance LLC variance to approve the variance with the conditions as noted.

MEMBER L. GONZALES: There's a motion by Member Martin to approve case V 17-5090, Fredance LLC variance with conditions. Is there a second.

MEMBER LOPEZ: Yes, Mr. Chair.

MEMBER L. GONZALES: Second by Member Lopez. All those in favor.

Motion passed by [6-0] voice vote.

Filandro Anaya assumed the chairmanship and apologized for his late arrival.

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 for 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 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 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)

Staff read the case caption and the following report was provided.

MR. ROMERO: On October 26, 2017, the Application was presented to the Hearing Officer. The Hearing Officer recommended approval of a variance of Chapter 7, Table 7-13: Rural Road Classification and Design Standards to allow an existing roadway to exceed 9 percent grade, to allow a roadway to be less than 20 feet in width, and 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.

On November 28, 2017, the BCC approved changes to the road standards of the SLDC. The changes included allowing roads and driveways of up to 15 percent grade in areas of steep terrain, and the requirement for a 5 percent grade within a 100 linear feet of an intersection now only applies to non-residential, multifamily and subdivisions. Unless there is an appeal these changes will become effective on December 29, 2017. At that time the Applicants variance request for the road grade and grade at the approach to the intersection will not be needed.

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 No. 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 with 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 S.R 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 for 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 S.R. 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: On November 28, 2017 the Board of County Commissioners approved An Ordinance Amending And Restating in its Entirety Section 7.11, Road Design Standards, of the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9. The amendments would allow road grades of up to 15 percent and road widths of no less than 12 feet. On December 29, 2017 the appeal period for the approved Ordinance would end and the approved amendments will be enforced.

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 of 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 of a variance 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. The current grade is at 7 percent and with a minor deviation would allow the road grade to be 5.5 percent

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 recommends denial to allow the road to go down 10 feet in width. Staff recommends that a minimum 12 foot driving surface be required for vehicle and pedestrian safety, subject to review and approval by the County Fire Marshal.

This matter went before the Hearing Officer for a hearing on October 26, 2017. The Hearing Officer recommends approval of a variance of Chapter 7, Table 7-13: Rural Road Classification and Design Standards to allow an existing roadway to exceed 9 percent grade, to allow a roadway to be less than 20 feet in width, and 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.

If the decision of the Planning Commission is to approve the application, you may consider adopting the Hearing Officer's findings of fact and conclusion of law in the written recommendation.

I stand for any questions.

MEMBER KATZ: Mr. Chairman.

CHAIR ANAYA: Mr. Katz.

MEMBER KATZ: Mike, if we were to deny all of this in a week's time they could do it up to 15 – build the road up to 15 percent grade, they could do the intersection at 7 percent grade and they could make the road 12 feet wide; right?

MR. ROMERO: Mr. Chair, Commission Member Katz, that is correct. With the amendments to the Code it would allow up to 15 percent grades in mountainous areas and the only requirement for the intersection would be – the grade at the intersection would be for non-residential uses not residential.

MEMBER KATZ: Thank you.

CHAIR ANAYA: Any other questions for staff at this time? Seeing none, is the applicant here?

[Duly sworn, Scott Hoeft, testified as follows]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Santa Fe, New Mexico, 87505. Thank you very much, Commission and Chair for my opportunity to be able to present this evening.

First of all, just a brief history here, what sparked this whole thing, oh, about seven months ago was the applicant, my client, was in the process of trying to sell her lot and as the new purchaser came to her due diligence to understand what would go into building a home on the lot she learned that because of the requirements of the code, mostly the road standards, that this road would have to be significantly changed in order to build a home. So in meeting with staff, we determined that numerous variances would be required in order to make this occur. The applicant, my client, does not want the road to change. There is no intention of even having the road change. The variances, of course, are of course to keep the road as is, as currently designed.

Commissioner Katz, you are correct that with the changes in the code coming up makes several of these variances and requirements moot. The one that stands, however, is in the staff report it says that there's a denial of the road width and I would like to just

talk a little bit further about that. So there are portions of the road that are less than 12 feet. And what we did in the interim time was we met with –

CHAIR ANAYA: Excuse me, you said minimum width of 4 feet?

MR. HOEFT: No, two 12 feet and then it says that staff recommends denial. Staff recommends that the minimum 12 foot driving service. Did I say 4 feet?

CHAIR ANAYA: I thought –

MR. HOEFT: Well, it's 12 feet and there's portion of the road that go down to 10 feet.

CHAIR ANAYA: Ten feet is what you guys have right now.

MR. HOEFT: That is – for sections of the road. There are portions of the road that are fine and meet the standards and then there are other sections that go down to a narrower width. And so we did meet with the Fire Marshal out on site and there were a couple of recommendations that came forth from the Fire Marshal and were adopted by the Hearing Officer. The first being that on the site itself that there would be a place to turn a fire truck and we're not talking about a cul-de-sac or a roundabout. The lane that the lot is on is down a lane that essentially dead ends at the end into a residence. The Fire Marshal requested that at the subject lot, that a fire truck be able to turn onto the lot and then to be able to backup and head out again. That can be handled via hammerhead. And so essentially what that means is that at the road itself, a gate or a fence can't be placed at the entrance. That it has to allow that 70 foot distance so that a fire truck can come down a lane, turn into the property, then there could be a gate or a fence and then that truck would be able to back out.

The second item that the Fire recommended was he was reviewing the road in terms of turnouts, so can two cars pass it each other at certain junctions along the road and he did point out, I believe, three instances where there were widths that would allow trucks to pass each other on that roadway. And so those recommendations did come from the Hearing Officer and we concur with those.

Though regarding the denial, that is what we would like to have you consider that that is not considered a denial in this case and that the recommendations of the Fire Marshal are adhered to as opposed to the denial of the road width of 10 feet.

The last issue is that I received a phone call from a resident in the area this week, Ms. Leslie Culver, who has a property down at the end and she wanted to understand how we could help in terms of road maintenance. She's concerned that if a home is constructed on that lot, in the future that the excess wear and tear from the construction trucks could be quite a bit on the road and there's no reason for the other residents to have to have that responsibility of improving that road due to the wear and tear. And so I talked with Ms. Culver and we agreed that we would during that process improve the road at the end of the construction process so that the road is put back into the same state that it is. My understanding is that the road is regularly maintained and that we would need to get an estimate from Ms. Culver to find out how much that road costs on a bi-yearly basis and then we would make the improvements as part of the construction process of the house.

With that, I stand for questions.

CHAIR ANAYA: Okay, I've got a couple right here. Do you have copies of the pictures that were presented to us which would be NBD-24, 23, 21, 22, 19 and 20?

MR. HOEFT: Mr. Chair, if you would hold for a moment. I did get the

staff report but I didn't get the attachments. Yes, Chair Anaya, I do have those.

CHAIR ANAYA: Can you start on 19?

MR. HOEFT: Yes.

CHAIR ANAYA: Are we looking at 12 foot?

MR. HOEFT: At this section, yes, that is 12 feet.

CHAIR ANAYA: Okay, on 20, what are we looking at?

MR. HOEFT: As you can see it begins to narrow at 20 on the left-hand side. So there's portion that are 12 and there are portions that are 10.

CHAIR ANAYA: So less than 12?

MR. HOEFT: That is correct.

CHAIR ANAYA: And up to 10. Okay, next one is 21.

MR. HOEFT: Chair Anaya, this is where the road widens out. This is one of the areas where the Fire Marshal said could be a turnout area. As you can see it is wider on both sides.

CHAIR ANAYA: So it's –

MR. HOEFT: Two cars can pass each other at this location.

CHAIR ANAYA: Okay, 22.

MR. HOEFT: This is where it gets tricky, Chair Anaya. This is where on the left side of the road, you can see that there's a slope, on the left side of the image heading up and on the right side it is heading down so it is narrow at this point. This is approximately where it is 10 to 12 feet in width.

CHAIR ANAYA: Okay, the trees that are in that area right there on the left hand side that you're talking about where the road goes down. Is that an incline into the mountain?

MR. HOEFT: Yes. That is a slope, yes.

CHAIR ANAYA: On the left hand side, so you could actually cut into that mountain a little bit, correct, to make that a 12 foot?

MR. HOEFT: It would have to be retained, if you would cut into this edge over here. You would have to figure out a way to maintain that if you're going to cut into it.

CHAIR ANAYA: So you would need to put a retainer in there in order to make that –

MR. HOEFT: That is correct.

CHAIR ANAYA: Okay, so that's one of the questions that you don't want to. And then 23.

MR. HOEFT: That stretch of the road is roughly 12 to 14 feet in width.

CHAIR ANAYA: It's pretty blurry. Then the final one is 24.

MR. HOEFT: That's the lane. So you are essentially heading down toward the lot – and if I can move over here – so that juncture you've come down and you're at this point here and you're looking down that lane at the subject lot. So right here is one of the points where the Fire Marshal saw a turn in area where two cars could pass each other and you can kind of see that in this image on the right hand side.

CHAIR ANAYA: Okay, so out of all of these pictures that we're presented as evidence the only one you have an issue with is really 22, is that correct?

MR. HOEFT: Chair Anaya, the stretch of road that is the issue is right through here where it winds. There is narrows through here and then on one side is

essentially a slope that you would need to cut into to widen that up.

CHAIR ANAYA: Okay, got you. Any questions at this time? Mr. C. Gonzales.

MEMBER C. GONZALES: Scott, a couple of more questions on that same issue. Are those – what type of trees are those? Are they Siberian Elms or are they anything important?

MR. HOEFT: Commissioner Gonzales, I do not know what type of trees those are.

MEMBER C. GONZALES: Okay, and also if you were to cut into the slope, could you get away with just maintaining a 2 to 1 slope instead of having to put a retaining wall there?

MR. HOEFT: Commissioner, Chair, we did not have this engineered in terms of the improvements that would be needed along the road so I couldn't answer that question.

MEMBER C. GONZALES: I mean a contractor should be able to tell you if you can do a 2 to 1 slope there or not. Have you had a contractor look at it?

MR. HOEFT: We have not.

MEMBER C. GONZALES: Okay, thank you.

CHAIR ANAYA: Any other questions for the owner at this time?

MEMBER KATZ: Yes, Mr. Chairman.

CHAIR ANAYA: Mr. Katz.

MEMBER KATZ: Any sense of how long a stretch is of 10 foot widths are?

MR. HOEFT: Well in this area here you have stretches of say, and, again, it varies, it's not one stretch that is 10 feet the entire distance. But it is through here which looking at the scale here is roughly 1 to 200 feet and then it turns again and it's another 100 feet or so.

MEMBER KATZ: Thank you.

CHAIR ANAYA: Any other questions. Let me ask you this one question here. How many linear feet at 10 foot would you have to fix? Would you have to make to 12 cutting into the slope?

MR. HOEFT: That's a tough question to answer, Commissioner. My guess would be in the area of three to 400 feet.

CHAIR ANAYA: Three four hundred feet?

MR. HOEFT: Three to four hundred feet, linear feet.

CHAIR ANAYA: Thank you, sir. Any other questions? Seeing none, this is a public hearing is there anyone in the audience who wants to speak for or against? Seeing none, the public hearing is closed at this time. We will now go back to the members of the CDRC and any questions before we ask for a motion – of the staff for the Board? What be the pleasure of the Board? Is the Board awake? Okay, I see no motion for or against.

MEMBER L. GONZALES: Chair Anaya.

CHAIR ANAYA: Mr. Gonzales.

MEMBER L. GONZALES: I'd like to make a motion for case V 17-5280 Pamela Barish Variance with staff conditions.

CHAIR ANAYA: We have a motion for with staff conditions.

MS. LUCERO: Mr. Chair, I'm sorry. I just wanted verification. Staff was recommending denial of the variance on the road width and to require a minimum of 12 feet; did that motion include that or –

MEMBER L. GONZALES: Yes, that is correct.

MS. LUCERO: Thank you.

CHAIR ANAYA: The motion was made as staff recommendations, okay. No changes, no amendments at this point. Do we have a second?

MEMBER C. GONZALES: Second.

CHAIR ANAYA: We have a second from Mr. C. Gonzales. So the first by L. Gonzales and the second by C. Gonzales. All in favor.

The motion passed without opposition.

E. Possible Action on the Findings of the Fact and Conclusions of Law for Case V 17-5280 Pamela Barish Variance

MS. LUCERO: Mr. Chair, the findings that are in the packet reflect the Hearing Officer's recommendation and since the Planning Commission went with staff's recommendation we'll have to amend the findings and bring that back to you next month for action.

CHAIR ANAYA: Okay, so we'll table this one for right now. Okay, findings of fact are tabled at this present time.

**F. 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 3: Revised Staff conditions; Exhibit 4: Letter of opposition from Santiago Road Association; Exhibit 5: Rabbit Road Typical Section*]**

JOHN SALAZAR (Development Review Specialist Sr.): Mr. Chair, thank you. Commissioners, I handed out a packet that included some changes to the staff conditions along with a letter of opposition and a detail of the northeast and southeast connectors, a cross-section of what that roadway should look like.

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.

The Oshara Subdivision is within the Santa Fe Community College District. This is a Planned Development District. The Applicant is proposing to amend the previously approved Oshara subdivision in order to reduce the estimated commercial square footage in future phases, eliminate the Employment Center Zone in Phase 2 replacing it with a Village Zone, eliminate the Institutional Campus Zone and replacing it with an additional Village Zone, increasing 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.

Chapter 8, Section 8.10.3.9. Village Subdistricts Development Standards states: Village subdistricts are development areas where the most intense uses are clustered within the New Community Center and Neighborhood Center Subdistricts. Village subdistricts are further delineated by the Village Separators Subdistrict that generally runs north/south and defines and separates village areas.

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. 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, of the SLDC to phase the Oshara Subdivision into 5 phases, for a total of 855 total residential units, including 131 total affordable units, as follows:

Phase 1, already approved, 186 single family residential units, including 28 affordable units; Phase 2, 256 single family residential units, including 38.4 affordable units; Phase 3, 96 single family residential units, including 14.4 affordable units; Phase 4, 143 single family residential units, including 21.45 affordable units; and, Phase 5, 186 single family residential units, including 27.9 affordable units.

This matter came before the Hearing Officer on October 26, 2017. The decision of the Hearing Officer was to recommend approval of the request to amend the previously approved Oshara subdivision with everything that was stated in the caption. Six members of the public spoke in regards to the application. All six brought up traffic issues throughout Rabbit Road and the existing Oshara neighborhood. Those are in the Hearing Officer Minutes labeled Exhibit 8.

Relevant sections of the Santa Fe Community College District Plan state as follows: Compact Development forms will be the norm rather than the exception. These forms will have relevance to the traditional village patterns unique to the countryside landscape in Santa Fe County and provided efficiencies for infrastructure and services in a concerted effort to control sprawl conditions in this area of the County, these new compact villages will be separated from each other by large areas of open space determined by the land form. Central, Mixed Use Places will be the basic building block of New Village Communities. These central places will accommodate different densities and residential, commercial and institutional uses that serve and connect District neighborhoods and village areas to each other and to adjacent communities. These central places can take the form of any of the traditional local patterns of main Street, crossroads or plaza. As is the case, in traditional Santa Fe County villages, densities will be higher in these centers than at village or neighborhood edges. Connections will be provided that link various destinations in the District for use by vehicles, pedestrians, bicyclists, equestrians and transit users. These connections will be developed in accordance with the landscape and social needs of the District and will be a basic element of the development pattern. Community principles and input will be the basis for understanding the needs of each individual place within the District. Together the compact form, centers, and connections will provide the opportunity for the activities and interaction which create a rich community life.

The Applicant has addressed the Conceptual Plan Criteria as required in the SLDC: Criterion 1: Conformance to the Sustainable Growth Management Plan as amended by the Community College District Plan. The applicant's response is quite lengthy and is noted in the staff memo. I'll read staff responses for each criterion.

Staff response for Criterion 1: The Application is in conformance with the SGMP as the Community College District is a planned development district intended to promote and focus compact, mixed-use development in a village land use pattern. The Applicant's responses regarding water, wastewater, drainage, and electrical demonstrate that the Conceptual Plan provides efficiencies for infrastructure and services, thus curtailing sprawl and creating a compact development. Further, the connected network of small roads, external road connections, and pedestrian friendly road sections link various destinations for various forms of travel.

Criterion 2: Viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed. Staff's response: The Application meets this criteria as the Applicant is proposing each phase in a Village concept each containing their own road systems, open space, mixed use centers and neighborhood centers. The Oshara Conceptual Plan Amendment is consistent with the CCD Plan to include the CCD Circulation Map for circulation and connection to maximize external road connections to the District. The conceptual plan includes multiple connections to the surrounding road network in accordance with the CCD Circulation Map. The proposed road network includes connections to the current proposed alignments for the Northeast and Southeast connectors and is based on a connected network of small roads consistent with pedestrian and community friendly road standards.

Criterion 3: Conformance to SLDC Section 8.10, standards for the Community College District planned development district, and other applicable laws and ordinances

in effect at the time of consideration, including required improvements, proposed roads and trails, community facilities, design and/or constructions standards, and open space standards. Staffs response: Staff finds that the Application meets Section 8.10 and applicable standards as set forth in Chapter 6, Chapter 7, Chapter 8 and Chapter 13 of the SLDC. It is in compliance with the standards that require an 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, signs, parking and loading, water supply, wastewater, 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.

I'm going to move into the 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.

The Hearing Officer and Staff recommend approval of the Conceptual Plan subject to the following conditions with the deletion of condition #1 and the modification to condition #2 as stated below:

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. Staff has found no need to require an amendment of the SLDC Appendix F Map 2 and that is why staff is asking to strike condition 1.
2. The Applicant shall be responsible for all construction costs associated with the construction of the Northeast Connector from the Rail Trail to the, and this is where we added language: start of the County Northeast Connector project per the Northeast Connector layout and cross section, which each of you have with you right now.
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, staff added this, which the State and County are not designing and constructing.
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.
13. This is an added condition by the Planning Division: The buffer area between the Oshara Village Zone and the Arroyo Hondo West buffer shall be limited to one dwelling per acre within the 200 foot buffer.

Mr. Chair, Planning Commissioners, this case will be heard by the BCC on February 13, 2018. I'll stand for questions. We are asking for a recommendation from the Planning Commission to take forward to the Board of County Commissioners in February.

CHAIR ANAYA: Wow, that is quite a bit. Okay, thanks. Hold on, any questions for staff at this time? Mr. Gonzales, C.

MEMBER C. GONZALES: John, these areas that are being eliminated, have any of them been disturbed or graded yet?

MR. SALAZAR: Mr. Chair, Commissioner Gonzales, this is all future. The only work that has been taking place in this subdivision is Phase 1.

MEMBER C. GONZALES: Thank you.

CHAIR ANAYA: Any other questions?

MEMBER I. GONZALES: Chair Anaya.

CHAIR ANAYA: Mr. Gonzales.

MEMBER I. GONZALES: John, all of these little villages it says affordable housing on all of them; how do they determine affordable housing? If they're single family homes or residences, is there a minimum and a maximum that is the definition of a single-family home; is that the way they define it?

MR. SALAZAR: Mr. Chair, Commissioner Gonzales, the Community College District has a set percentage of how much housing needs to be put aside for affordable units. I believe it's 30 percent.

MS. LUCERO: Mr. Chair, yes, the SLDC requires 15 percent of affordable.

MR. SALAZAR: Yes, 15 percent, excuse me.

MEMBER I. GONZALES: Thank you.

CHAIR ANAYA: Any other questions of staff at this point. Hearing none, will the applicant come forward?

[Duly sworn, Lorn Tryk testified as follows]

LORN TRYK: I'm Lorn Tryk and I'm at 436 W. San Francisco Street. So I think you've heard several times what the scope of this request is. We have an existing master plan and we'd like to amend it to reduce the commercial square footage by about 1 million square-feet. So we've taken about 70 percent of it out. We're asking to increase the number of dwellings by about 15 percent to 855. That will bring us to just above the minimum density, what the SLDC Community College District requires a minimum of 3.5 dwelling units per acre. That's going to take us to about 3.6 dwelling units per acre. And then the other thing is we're changing our phasing. If you compare the old phasing plan and the new phasing plan where we had the phases located has changed and we

consolidated it from six phases down to five. So that's it in a nutshell.

We would be coming back through the same process again for preliminary development plan and final development plan for each phase as we bring them forward for construction. At this time, this is just the master plan amendment.

CHAIR ANAYA: Any questions for the applicant? Sir, have you seen the recommendations from the staff?

MR. TRYK: I have.

CHAIR ANAYA: And are you in agreement with all of them?

MR. TRYK: We're still – I would say we're not in agreement with 2 yet. We're working on it. We're getting closer. We don't feel that we need to have condition 2 in place at this time since we're not proposing any actual development right now. But the improvements along Rabbit Road, what will become the Northeast Connector are still quite in flux. The County is initiating a safety study right now and they may come forward with recommendations for turn lanes or medians or other types of devices. We don't know what those are yet. So we feel like we're agreeing to something that is quite undefined and open-ended right now. We're not comfortable with that yet. I wouldn't say that we're refusing to pay for road improvements: that's not the case here. But we're still working on agreement with staff on number 2. The others we have no problem with.

CHAIR ANAYA: Okay, so are you willing to put up a bond or a certified check or something in place of this?

MR. TRYK: Do you mean for –

CHAIR ANAYA: In order to file the final plat?

MR. TRYK: I'm not sure that's necessary for a master plan/conceptual plan amendment. If it were, if it were necessary to do so, yes.

CHAIR ANAYA: I'm just trying to help you find a way to put the final plat together. Either the cost of the construction to do the job or do the job.

MR. TRYK: Chair Anaya, we would think that that would be an appropriate step to take at development plan phase since this is just a conceptual plan. So when we come back to do our next development plan we would be bonding for all improvements including anything that was still in flux.

CHAIR ANAYA: Thank you, sir. Any other questions? Seeing and hearing none, this is a public hearing. Do we have anyone from the public that wishes to speak for or against?

[Duly sworn, Marlin Mackey testified as follows]

MARLIN MACKEY: Commissioners, thank you for letting me speak on behalf of the Santiago Association of Homes. Our homes are right next to the building on the eastside of the Oshara development. So we have homes right there that have been there since the 1990s. I'm president of the association and I'm speaking for myself as well as the rest of the association. We have provided letters in the past. Did you get out letter dated December 19th, its' a couple of pages and has a map at the back? You should have that. I delivered seven copies Tuesday. If you had that, that kind of summarizes what I'm going to say.

The subdivision is concerned about the massive scale and the increased numbers getting it up to 855 and that's going to put a lot of traffic on Rabbit Road. And I think to put this in perspective we've been to the meetings dealing with the subdivision development at the end of St. Francis and Rabbit, that's been going on for several

months, many months. We've talked to the – we've talked to you guys about the Oshara development and the increase and what they're planning to do and what they changed that's going to add. We also know that Rabbit Road extension all the way to Richards, that's going to add traffic directly off Richards irregardless [sic] of these other two developments. And then the connectors, the Northeast-Southeast connectors that are going to come from the college is going to push traffic through. If you look at it holistically you have four big items that are coming to play at roughly the same time: Oshara development of 855 over a period of years, the two connectors coming in by the community college that's going to direct traffic away from Richards, the extension to Richards and the development at the end of St. Francis and Rabbit.

When we went to the road safety, when you had a consultant look at the road safety and the traffic on Rabbit, they were saying it was 5,300 traffic per day coming in Rabbit now and there's only 200 or so houses on Rabbit. We're going to add another 800 houses here in Oshara. So it's going to be a 400 percent increase in the number of unit dwellings. Going to put it directly to Richards and people who are going down Richards now to Rodeo Road, etc. to get on the freeway or go down to town, they're going to come down Rabbit Road. So it's going to be – that's the closest place to the freeway entrance to go down Rabbit to St. Francis. So with all these developments going on, we believe the traffic is going to increase 300 to 400 percent, at least, maybe more as this development goes on. The big problem there is that Rabbit Road, as it exists today, from St. Francis all the way to Oshara is a very small two-lane road. The siding, there are houses on both sides and to add another lane to it or to make it like Richards is not possible I don't believe. To make it like Rodeo is certainly not possible – if we had four lanes and turn off turn lanes.

So the issue is a longer term view of what's going to happen to Rabbit Road. It can't be the size of Richards and it can't be the size of Rodeo Road. It's going to have to stay narrower. If you look at Richards today, and you go from Governor Miles all the way to the community college there are only eight turnoffs. Eight turnoffs from Governor Miles and two of them have stop lights; Governor Miles and Dinosaur Trail. Two of them have roundabouts, they are 90 feet across the roundabouts. There are only four other entry/exit points. How many are there today on Rabbit Road with a roughly 1.2 miles in compared to the eight there are 27. So there are 27 on-off side roads onto Rabbit today and we're going to add two more with the development at the end of St. Francis and those are going to be trucks coming in with a lot of things that they're going to store in there. There's going to be probably 3 or 400 cars in there every day because of what they're planning on building there.

So we don't believe that Rabbit Road can handle that traffic. He can't handle 20,000 per day. When we went to the meeting and when they talked about Rabbit Road and what they're planning on doing with the extenders etc., and they did a preliminary review of the safety etc., where they had the 5,300 cars a day, the question was are they considering all the development concurrently? Are they just looking at it from Rabbit Road? Are they just looking at it from the one at the end of St. Francis? And it was tough to get an understanding of whether the traffic study was all of it or was independently, individually with the report.

And I think that's the biggest problem we have now is what happens if you approve the Oshara with adding more units there so they have 855, you're going to have

1,600, 1,700 cars coming in and out of that every day. A lot of those – half of those at least are probably using Rabbit Road. Can Rabbit Road sustain that traffic going forward as these developments continue? We believe, no, you can't.

I also went by and looked at the roundabouts that are planned. If you took a look at the two roundabouts on Richards it's 90 feet across. The roundabouts are 90 feet across from curb to curb. How much distance do we have when we come out of our subdivision Santiago onto Rabbit Road all the way to the fence at the freeway and the person's house, it is 83 feet. So you can't put a roundabout there because you would have to condemn the person's house, tear it down, tear his garage down in order to put a roundabout there.

Some of the other places are a little bit wider so you could put a roundabout there or not. But the speed limit is 40. Richard is 35 mph and on Rabbit Road today it is 40 mph. You have a railroad track that goes through there. You have the rail trail that goes through there. The study that they did just recently said that 85 percent or more people on Rabbit were speeding today. So 85 percent of those 5,000 cars are speeding today and if you double that and triple that, you're going to have a big problem, I think, with people having wrecks and stuff and I don't believe you have enough space on the side of the road because of the houses built there to increase the size of the road. So that's our basic issue.

In Oshara, specifically, in the amendment that they had proposed here to increase it up to 855, they also reduced the buffer and if you look at that map that was on the last page on what I handed out there to you, that shows that buffer zone there and the part here that's got the red stripe, that's the buffer zone that was in the maps, the Oshara maps that they had provided for public review. And you can see now that on the yellow they're pushing that back to only 20, 30 feet rather than the 200 feet that was in the original plat. And that's a problem for us that live right there on that. They're going to be only 20 to 30 feet maybe from the property line and they're going to build houses there, maybe 40 feet from the property line and we think that the buffer zone ought to be moved back to the way that it was earlier and/or the houses moved back so that they're not right on the property line for our subdivision. As you can see, on the road that is there, the kind of orange piece there, whenever people travel in around that road, you going to see that their lights are going to go right onto those lots that are there and there is no buffer – very little buffer zone on those lots.

We would hope that the Commissioners would take this into view looking at it from a holistic point of view rather than specifically just an amendment to this. I think there needs to be a more comprehensive traffic study done prior to construction to see if, in fact, it's a feasible thing and if it's a good plan to bring to the planning committee that says, Yeah, they just build all of these out there and we'll worry about the traffic once we get there. I know when I was at the meeting that dealt with the security and their original results one thing that they forgot about was the school buses. The school buses come in and out of this existing Rabbit Road, they're the large, long school buses, twice in the morning and twice in the evening. And now they're going to have to come from these 27 off roads there and there are some that are paved and a lot that aren't, they'll have to come in and out of there with a traffic that is going to be 300 percent more than what it is today. Also, the school buses stop on the road because there are houses right there that have children that come onto the school bus and they just want down to their house onto

those 27 entry/exit points and the school bus stops and picks them up and then it starts again. So you'll have in the future, maybe you'll have 40 or 50 or 60 cars stopped behind the school bus because there is no way for them to get around with the Rabbit Road as it is. Thank you very much.

CHAIR ANAYA: Thank you. Next speaker and if we could keep it within about two minutes of each and try to definitely stay on subject, okay? Thank you.

[Duly sworn, Jane Mitchell, testified as follows]

JANE MITHCELL: Jane Mitchell, 14 Calle Casita. As Marlin Mackey mentioned about the traffic, we are all very concerned about, both our Santiago Subdivision and all the residents who live on Rabbit Road. Basically, our quality of life is under threat with this huge increase, you know, of vehicles on Rabbit Road. But the density of Oshara Phase 2 is also of great concern to us. Now, as Mr. Mackey already commented about the traffic, the security, noise and pollution from construction, and the general problems of this development are a threat to our way of life. Now we are lot number 16 on your map and it says Mitchells and we share 430 feet with the boundary of Phase 2. Our views, of course, will be wiped out, our westward view that we have enjoyed for 27 years there. Now, looking at the plan, the 1,380 foot long almost solid wall of housing will be facing us and our immediate neighbors. This housing can be built to 18 foot high. So it's a real obstruction for our views. And as Mr. Mackey mentioned, the headlights from all of the vehicles using the road within Oshara will shine directly into our living space.

Now, the plans show for an overlay on the buffer zone, the 20 or 30 feet of current existing, today staff recommended a return to the 200 foot buffer zone. But still with the housing of even one per acre is not a separation of us, the existing community, with the new development. Previous plans included more genuine buffer zones intended to separate this community from the existing community. The 1996 General Plan calls for generous buffer zones. The 1999 County resolution requires buffer zones to separate and preserve the unique identifies of traditional communities.

So what we're requesting is a restoration of the real and empty 200 foot buffer zone. We also request a 7-foot wall together with plantings of drought tolerant trees to provide a real separation between the Santiago Subdivision and the new Phase 2.

Now, as to the increasing housing density, the request of 120 additional dwellings of the 855 overall. Now, there were 175, 85 in phase 1 which leaves approximately 430 dwellings for the next three phases. So we can expect a lot more requests for housing density with each phase. We really question if this is the final request for an increase and that of course with its increase means more problems for the residents.

So we hope that this Planning Commission will reject the increase in density and restore the real buffer zones to separate us with a wall. Thank you.

CHAIR ANAYA: Thank you, ma'am. Next.

[Duly sworn, John Redd, testified as follows]

JOHN REDD: My name is John Redd, R-e-d-d. And the address is 12 Traviesa de Camilo East, Santa Fe, 87508. In addition to the previous comment I wanted to confirm my disagreement with the proposed increase in the number of dwelling units in the phase for two primary reasons. The first and I would say most important is that there's no possible way that Rabbit Road can handle the increase in this amount of traffic. There's not sufficient space for roundabouts because of the dwellings on two sides which

is packed right in next to the interstate. And already in a street that has a speed limit of 40, I bet you the mean speed if you looked at it is probably 53, 54 miles an hour and we're looking at a 400 percent increase in the number of cars. And there are two specific areas of danger that I want to bring your attention to. The first is the crossover to the rail trail which is already dangerous and I'll go on record, I'm telling you, a bicyclist will be hit there someday especially with that many increased number of people going quickly. And, secondly, as Mr. Mackey mentioned the school buses are an issue. They stop there and pick the kids up all along Rabbit. The second basis for my opposition is as Mrs. Mitchell mentioned the buffer zone between our subdivision and the proposed increase. Thank you.

CHAIR ANAYA: Next.

[Duly sworn, Karin Hall, testified as follows]

KARIN HALL: Karin Hall, 8 Calle Jacinta in the Santiago Subdivision. I live on the lot 18 which is also on the buffer zone. And I would like to agree with our president, Marlin Mackey, on all points and my neighbors the Mitchells about the buffer zone. It wouldn't be a buffer zone if you build building there and also, the views of course, that's why we live there.

Another concern I have is, you Commissioners, adhering to promises made as we mentioned the 1996 Santa Fe County County General Plan. Generous buffer zones were mentioned there. Also the 1999 County Growth Management Plan, again, generous buffer zones between villages or existing communities.

I really hope you will show some strength in the face of all of this so-called progress and keep to the original plans that are sustainable. We, as citizens, are always concerned that you have already made up your minds and that is why not all of my neighbors are here because they say, Karin, it's no use. And I disagree because we live in the United States and we must speak our minds. So I hope that you will show integrity, and adhere to what you have promised previously. Sometimes I am shuttering at the thought of what our Santa Fe City would have become had they not adhered to John Gaw Meem's directives in architecture. And even then, they founded the Santa Fe Historical Association. We know what would have happened to our town it would not be the city different at all. So please take our concern seriously and give the County as well as the City an opportunity to keep its own beautiful character. Thank you.

CHAIR ANAYA: Thank you, Ms. Hall. Next.

[Duly sworn, Beth Detwiler, testified as follows]

BETH DETWILER: My name is Beth Detwiler, 11 Craftsman Road, Oshara Village, Santa Fe County.

I have just a couple points that I would like to make and they're brief. One is that I would like whoever builds the Northeast and Southeast connectors to ensure that any storm water runoff is going to be dealt with within those connectors and no stormwater runoff comes down Rabbit Road onto the private part that belongs to Oshara Village as we have a lot of flooding problems right now with stormwater running all the way down Rabbit Road and we have to deal with the flooding at the end. So that is one point.

Also, that no comments were yet made about lighting and I'm just assuming that any future plans will show that all lighting in all of the phases would comply with the Dark Sky Ordinance.

I think it is inappropriate to ask a developer to build the Northeast connector to

the degree that this developer is being asked to do that. I think it's inappropriate. We have always heard from Santa Fe County that they have the money for the connectors, both of them. They have gotten it through bonds that people have voted for. I don't understand why now a developer is being asked to create that road. I think it is inappropriate. I think it is short-sighted and a mistake. And I would like to see for sure that this developer or any developers in the future who are asked to create a public road are not going to be held responsible for the maintenance of that road and the ownership of that road forever in the future. And I don't see that in this plan and I am assuming that it will be made clear in the plan for the County the issue of the ownership of the area that this developer is being asked to create.

I think it is terrific to see in these notes that we were given that all of the future development phases of the Oshara Ranch project will be allowed to connect into the County sewer system. This is very, very good and it is the way that it should be. Everyone in Oshara Village pays full taxes on the same rates that everyone else in the County does yet we are denied in Oshara Village Phase 1, we are denied the right to have sewer service. We are denied the right to have enforcement and maintenance of our roads. I think that we need to propose to Santa Fe County, the full Commission, that there be some sort of equitable reduction in the fees that we have to pay our taxes to make it fair with the fact that we don't get full services. We're not the only people in the County. I just throw that out because I know I'm going to bring it up again with the full council and this might give your lawyer a fair opportunity to research the suggestion.

CHAIR ANAYA: Thank you, ma'am. Anybody else? Seeing none, the open meeting is now closed, the open session. The board will now go back to questions and answers for the staff. Mr. Katz.

MEMBER KATZ: I have a question for the developer. The width of the buffer that was talked about; what is the width now?

MR. TRYK: Chair Anaya, Commissioner Katz, this shows the drawing in the Code with the buffer here with institutional campus coming right up to the property line. This shows our proposed amendment which has village district not coming right up to the property line. The buffer being discussed is 200 feet, that has not changed. I think it was incorrectly stated that it used to be a no-build zone and we're proposing that it not be. The buffer has always limited uses within that strip to institutional campus or village development. It does not allow village centers. It does not allow new community centers. So it doesn't allow taller buildings or dense commercial development: that has not changed. So we are just proposing to take away this institutional campus that ran right up to the property line and substitute it with village development that does not run right up to the property line. Does that answer the question?

MEMBER KATZ: On the institutional campus there's a darker color near the property line; what's that?

MR. TRYK: That's where the buffer zone is. So that darker blue is the institutional campus within the buffer and the lighter blue is the institutional campus outside the buffer.

MEMBER KATZ: What's the buffer mean?

MR. TRYK: It doesn't allow certain uses and certain heights. It is not a no-build zone and never was.

MEMBER KATZ: What is the density in the 200 foot buffer zone?

MR. TRYK: What we're agreeing to is one dwelling unit per acre.

MEMBER KATZ: Do you know what the size of the lots are next door in the subdivision that we've been hearing about?

MR. TRYK: Well, we haven't actually replanned the subdivision. We are not coming forward with a subdivision plan at this point. The drawing that you saw in the neighbor's letter was an early submission for proposed development. We have not put in a formal submission for that plan and we're going to be replanning it with lower density housing in that strip. Everything about that drawing that you were presented with is that it shows proposed development – it's coloring in the lots on our side of the property as solid yellow –

MEMBER KATZ: I see that.

MR. TRYK: -- just houses on the other side. So that isn't a fair representation, I don't believe.

MEMBER KATZ: To what extent would you be willing to have a no-build buffer zone of 200 feet?

MR. TRYK: I think it makes it infeasible for the project. We're already 55 percent open space. It's just too much of a burden. That's the most developable land is what's going on up that ridge. So I don't think that we can accommodate less than one dwelling unit per acre.

MEMBER KATZ: Thank you.

CHAIR ANAYA: Any other questions from the Board? Seeing none, then what be the pleasure of the Board?

I'll make a motion. I'll make a motion that we approve the conditions for Case CP 16 5280, Oshara, with the conditions from staff, items 1 through 13 with the items marked in the red. Vicki, do you need to explain those?

MS. LUCERO: Mr. Chair, what was the question?

CHAIR ANAYA: Items that have been –

MS. LUCERO: Amended?

CHAIR ANAYA: -- amended.

MS. LUCERO: So, staff is actually recommending deletion of condition 1 and then we added some language to clarify in condition 2, the point of where the applicant would be responsible for the construction cost and for the Northeast Connector. So it would be from the rail trail to the start of the County's Northeast Connector project.

CHAIR ANAYA: And then 13?

MS. LUCERO: And then, Mr. Chair, there was also a change to number 3 but it is not highlighted in red. So it's on the last portion of the sentence where it says, which the State and County are not designing and constructing. So they'd be responsible for everything else besides what the State and County are construction and designing. And then number 13 is regarding the buffer area, limiting them to one dwelling unit per acre within that 200 foot buffer.

CHAIR ANAYA: Okay, so the motion is to approve the recommendations from staff with amendments, 1 being deleted therefore the items 1 through 12; is that correct?

MS. LUCERO: Mr. Chair, it would actually be conditions 2 through 13.

CHAIR ANAYA: Okay, 2 through 13.

MS. LUCERO: That's right as stated in the recommendation.

MR. SALAZAR: And, Mr. Chairman, this would be a recommendation of approval.

CHAIR ANAYA: I'm sorry.

MR. SALAZAR: Recommendation of approval with conditions stated by staff numbers 2 through 13 with corrections. We have a motion do we have a second?

MEMBER LOPEZ: I'll second.

CHAIR ANAYA: We have a second by Mr. Lopez.

MEMBER KATZ: I would propose a friendly amendment.

CHAIR ANAYA: Let's hear it.

MEMBER KATZ: An additional condition be added that the buffer zone be a no-build zone.

CHAIR ANAYA: Okay, state that again please.

MEMBER KATZ: The buffer zone be a no-build zone not a one dwelling per acre.

CHAIR ANAYA: Are you talking about that blue area?

MR. SALAZAR: It would be the hatched area that goes along the eastern boundary.

MEMBER KATZ: Yes.

CHAIR ANAYA: Oh, the 200 feet, okay. Okay, Susan?

MEMBER MARTIN: Just for clarification. The friendly amendment changes item 13; is that correct?

MEMBER KATZ: Yes.

MEMBER MARTIN: Okay, thank you.

MEMBER KATZ: Thank you for pointing that out.

CHAIR ANAYA: So it's a 200 feet of no-build zone.

MR. SALAZAR: Correct.

CHAIR ANAYA: Buffer zone.

MEMBER KATZ: That was proposed as a friendly amendment. I don't know whether it's acceptable.

CHAIR ANAYA: Since I made the motion for approval, I will accept the amendment, the friendly amendment to add – the no-build zone in the buffer of 200 feet in item 13.

On the person that made the second.

MEMBER LOPEZ: Yes.

CHAIR ANAYA: Do you accept the amendment?

MEMBER LOPEZ: Yes.

CHAIR ANAYA: Therefore, we have a first and second with a friendly amendment and changes. All in favor.

The motion passed by unanimous [6-0] voice vote.

- G. 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 dwelling to be 1,350 square feet where the main house is 2000 square feet 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, Township 16 North, Range 8 East, (Commission District 3)

Member L. Gonzales recused himself from this case and Member Martin left the meeting.

CHAIR ANAYA: I have a question for staff for the attorney. Mr. Gonzales has an issue with this next item that is coming up.

RACHEL BROWN (Deputy County Attorney): Mr. Chair, member of the Commission, I understood that Mr. Gonzales had elected to recuse himself.

CHAIR ANAYA: That is correct; is that all right? Are we still okay with a quorum? Susan left too. She had to leave. We have four.

MEMBER KATZ: I'm good for another hour and a half. [laughter]

CHAIR ANAYA: Next case coming up is V 17-5230, Dorothy Montoya variance.

JOHN LOVATO (Case Manager): 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 dwelling to be 1,350 square feet where the main house is 2000 square feet heated floor area, a variance of Chapter 10.4.2.3.3 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, Township 16 North, Range 8 East, Commission District 3.

October 26, 2017, this Application was presented to the Hearing Officer for consideration. The Hearing Officer recommended denial of the Application as memorialized in the findings of fact and conclusions of law written order Exhibit 10.

The property consists of 2.63 acres within the Residential Estate Zoning District within the La Cienega and 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 2000 square foot modular home located on the property and is serviced with a well and conventional septic system. The Applicant intends to place a new driveway and additional septic system to accommodate the proposed 1,350 square foot accessory dwelling. The SLDC requires a shared driveway and a shared septic so the Applicant is requesting variances from that section. 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 hydrologic 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 are granted the Applicant will submit a request to the BCC for 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, and states, 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. 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 the variance review criteria and staff responded to the applicant's response on whether or not the applicant met the variance criteria.

Recommendations: Hearing Officer Recommendation: On October 26 2017, this Application was presented to the Hearing Officer for consideration. The Hearing Officer recommended denial of the Application as memorialized in the findings of fact and conclusions of law written order as Exhibit 10.

The Hearing Officer denied the variances because although the application is not contrary to the public interest and is in the spirit of the SLDC, there has been no showing of extraordinary and exceptional situations or conditions of the property as required in order to grant a variance. The reasons for seeking the variance are personal to the Applicant and do not involve any conditions of the property.

The Hearing Officer concludes that the request for variances regarding the size of the proposed accessory dwelling, the separate septic system, and shared driveway use are moot. This is based on the fact accessory dwellings are not allowed within a major subdivision, the hydrologic report proving only 0.26 acre-feet per lot, and the plat note stating guest homes are prohibited on these lots.

Staff Recommendation: 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 for the accessory dwelling unit in 2015, it would have been allowed by Code but not by subdivision plat.

If the Santa Fe County Planning Commission approves the variance to allow the accessory dwelling unit within a Major Subdivision then staff recommends the following: Approval of the variance request for a second driveway. 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, as 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 as the new driveway will minimize disturbance of the natural terrain.

Approval of the requested variance to allow the size of the accessory dwelling to exceed 50 percent of the heated area of the main residence as proposed. The request will not be contrary to the public interest, exceptional situations exists as the Applicant constructed an addition to 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.

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 Santa Fe County Planning Commission approves all variances, staff recommends the following conditions be imposed:

1. The Applicant must request a plat amendment from the BCC to modify the note that prohibits guest houses. [The applicant must request and obtain approval of a plat amendment from the BCC.- clarified by Ms. Lucero]
2. Applicant must install a meter on the well and submit proof at time of development permit application

Thank you, Mr. Chair, Commissioners, I stand for questions.

CHAIR ANAYA: Do we have any questions for staff? Mr. Gonzales.

MEMBER C. GONZALES: John, right now as is, the applicant could build a 1,000 square-foot house but they'd have to tie into the existing utilities; is that correct? Without a variance.

MR. LOVATO: Mr. Chair, Commissioner Gonzales, without a variance and many other major subdivision – in many places they can do so. In this instance they

MEMBER C. GONZALES: Okay, because of that note.

MEMBER KATZ: Mr. Chairman.

CHAIR ANAYA: Mr. Katz.

MEMBER KATZ: To what extent is the condition on the plat that there are no guest houses, something that people who bought in the area would have relied on.

MS. LUCERO: Mr. Chair, Commissioner Member Katz, being that there was a not placed on the plat that basically gave all of those property owners disclosure that they couldn't have a guest house if they were to request one. So I would imagine that they all relied upon that condition as not being allowed to have a secondary dwelling unit.

MEMBER KATZ: Thank you.

CHAIR ANAYA: Any other questions for staff at this time? Oh, I'm sorry, Vicki.

MS. LUCERO: No problem. Mr. Chair, I wanted to actually amend or clarify condition 1 that staff was recommending. What we would request is that it state, "The applicant must request and obtain approval of a plat amendment from the BCC." So it wouldn't just be the request they would also have to obtain approval from the BCC. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Vicki. Any other questions of staff? Seeing none, is the owner here.

[Duly sworn, Dorothy Montoya testified as follows]

DOROTHY MONTOYA: Dorothy Montoya, 33 Paseo de Angel North, Santa Fe, New Mexico. I'd first like to say I bought my property in 2000. When I purchased my property, the people told me, the people that sold me the property told me that accessory dwellings were allowed. Well, that said that we could subdivide the property and I always – I never looked into all these years because my kids were little and I just figured I was able to do that when the time came.

Probably about five years ago I looked into and I called the County and they told me that we can no longer subdivide but we could put an accessory dwelling. At the time I wasn't ready to do that because we didn't have the money and my kids were still young. About two years ago I came to the County thinking I could get this all going now that my kids were older. I have four boys and my two older boys are 25 and 26 and they wanted to get their own place and be responsible for their own home and I told them, well, you could put a house on our property. That's why we bought it. It's huge. It's almost three acres. There's no other reason we bought it, just for our kids.

They told me, Yeah, we could put an accessory dwelling I got the permits because they told me I needed to add square footage to my house which I did. I got the permit to get a porch done. I added this humongous porch that I didn't need. I was never planning to build a huge porch like that. I couldn't afford it. I took out a loan of \$7,000 to pay for this porch and to pay for the people doing it because my kids really wanted a home here and they wanted a home on our land.

We love La Cienega. We want to continue living there. So I spent \$7,000 on that. That's not including all the permits I needed for it and I had to get a State permit and a County permit. I did all of that. I thought, okay, we're done with this now we can get their accessory dwelling. I put \$4,000 down to help them buy their septic and they put a down payment on their home which we thought we could get a 1,350 square foot. It wasn't like we wanted this size because we wanted. We thought, that's the size we could get because we had 2,700 square feet on my home. So my boys put down a down payment, they picked their home, I put down \$4,000 for the septic. We were just going

to start developing, I went to the County to tell them I had all my paperwork that's when they told me, Oh, no, this is not accepted anymore. We can't put an accessory dwelling. I was furious because I would have not even started this if I would have known that. I wouldn't have spent all of that money on a humongous porch that I didn't need, put the down payment on the septic, got my boys' hopes up thinking they could live on the property. It's just been – I've been doing every single thing that the County asked me to do. I've been here probably about a million times, a bunch of meetings, I paid everything that I needed to pay regarding fees and permits and everything and now I'm not allowed to do that.

I wanted to get a lawyer but I can't afford that. I'm a single mom with four boys and that's just not easy for me to do. So now they told me that I can come back and through this process and that's what I have been doing. I'm really hoping that this goes through because if it doesn't my boys are going to probably move to Albuquerque and I will probably follow them which I don't want to do because I have an elderly mother who lives in Santa Fe. I grew up in Santa Fe. My boys grew up in Santa Fe. I would like them to stay here but if this is a town that doesn't care about family and only cares about accepting big businesses and rich people to come out then that's fine, I'll move. And so far I've seen that all these people that come and ask for approvals for things have been people that are developing and rich people. And I'm just not there. I am hoping to get this approved. I've done everything I've been asked to do and I am not doing it just to expand my land or anything like that. I don't need 3 acres of land. I bought it for my kids and I just hope that you guys approve this because other than that, my kids are going to leave and I probably will too. I've been with the State, I work with the State for 26 years and my two sons both have a job with the State and we thought that this was a place we could live and my kids could grow up and my grandkids can grow up. But that's basically all I have to say.

CHAIR ANAYA: One quick question. You said 3 acres?

MS. MONTOYA: It's 2.66 acres. They say it is 2.63 but we were told it was 2.66.

CHAIR ANAYA: Okay, another question. You said that your sons had put a down payment on a home; is that a manufactured housing?

MS. MONTOYA: Yes.

CHAIR ANAYA: Are all the other houses around you, are they manufactured homes?

MS. MONTOYA: Most of them are and most of my neighbors have two dwellings or they're subdivided. There's a neighbor across the street that is subdivided, they did that a long time ago for their son. And I don't know why I couldn't do it. There's people that have two driveways on my street. There's people that have a bunch horses and several families live in one place and this is all accepted and I can't even provide for my two boys. We will not have any more people in our family. It just me and my four boys. They'll be using the same amount of water. The driveway that we're planning to put in does not hit any of the other driveways across from us. There's when we develop it – there's not a bunch of trees that we're going to have to knock down or anything. It's pretty flat where we're going to develop. The only reason why we can't put two driveways – I mean we can't use the same driveway is I'm on a hill and in order to do one driveway the kids would have to come in through my driveway and go down a

steep hill or I'd have to build a road and that would cost a lot. And the property where they want to put their house is right next to the road, right level to the road and we've already been driving through there because that's how we can access the back of our property. It's not like we have to do anything major and run over trees or arroyos or anything. It's right connected to the property. I wanted to hookup their septic to mine but they said that considering the big house that we have and their size of their home, they'd have to put a small septic which won't be interfering with anybody else's septic or water lines in that area. Our well is on top of the hill and far from their septic and my septic. Their septic won't be very close to my septic. There's no chance of it flooding there because we're on a hill and all of the water runs down on the street, down the street, so there's no chance of flooding.

All of my neighbors, well, not all of them, several of them that I talked to are pretty okay with it. They think there should be no reason why we can't do that – we can't put another accessory dwelling there. I had nobody oppose it and I sent letters out to all the neighbors within 500 feet. Nobody opposed it at all. I don't think – the water usage would be the same. It's still the same amount of people. We don't have any horses. We don't have a lot of landscaping that needs a lot of water. I don't think I should have to put a meter on the water when nobody has a meter on their water there. Not that I'm afraid we're going to go over: I know we won't. But that's more expense for me to have to pay for a water meter and to have to report that.

CHAIR ANAYA: Okay.

MS. MONTOYA: I just feel that I'm doing everything I was told to do. I am doing everything legally and I know people that haven't and they have no problems. And I feel that I have tried to do things legally and I'm having all sorts of problems.

CHAIR ANAYA: You didn't submit any pictures with your application or anything like that so that we could actually –

MS. MONTOYA: I do have pictures.

CHAIR ANAYA: But you didn't submit any with the application that you --

MS. MONTOYA: Well, the County is the one that provided pictures for me. They provided the aerial photo and I provided the plat, my plat.

CHAIR ANAYA: The plat that you wanted to do just on your lot?

MS. MONTOYA: Yeah, the plat of my property and where we want to put the dwelling and the driveway. I also paid for my septic permit already and I submitted the paperwork for the septic permit, it was already approved. I have copies of all of that. If you want copies of it now –

CHAIR ANAYA: No, that's fine. But in the future if you have to – because that helps visualize a lot of that. And you're talking about your neighbors and what they have well, this Board –

MS. MONTOYA: I have an aerial.

CHAIR ANAYA: This Board has not been to your location so we can't tell what's there without looking.

MS. MONTOYA: I have an aerial photo of my plot and the neighbors around there so you can see all of that.

CHAIR ANAYA: Any questions from the staff for the owner at this time? Seeing none, okay, thank you, Mrs. Montoya. This is an open hearing, open meeting. If

there is anybody in the audience that wishes to speak for or against the project please come forward. Seeing and hearing none, the open session is closed.

Next item up is for the Board, do you have any questions for staff at this time?
Mr. Gonzales.

MEMBER C. GONZALES: John, have you been to the site?

MR. LOVATO: Mr. Chair, Commissioner Gonzales, yes, I have been to the site.

MEMBER C. GONZALES: I saw something in the report about 30 percent slopes by the driveway and so forth. What does the site look like as far as terrain management?

MR. LOVATO: The site where the actual her current residence is on, it's on a hilltop. It would be considered a ridgetop. So it does have 30 percent on more than one side. That's kind of how staff leaned if you guys were going to approve the variances that it wouldn't be such a big deal because this is – they're clearly going to disturb a lot of 30 percent and scare up that hillside.

MEMBER C. GONZALES: So is the actual proposed site, is it pretty flat?

MR. LOVATO: The proposed site is pretty flat. It is within two other hills so it is kind of sunken in a bit. But it is flat, at the most 15 percent.

MEMBER KATZ: Mr. Chairman.

CHAIR ANAYA: Mr. Katz.

MEMBER KATZ: So if we were to approve with the conditions suggested, that essentially boots it up to the Board and they would have to decide whether they want to vacate the rule about no guesthouse?

MS. LUCERO: Mr. Chair, Commission Member Katz, if the Planning Commission approves the variances then they would all be approved. The Planning Commission has final authority on variances. It's just that the note on the plat that says, guesthouses are not allowed, would be contrary to the variance so that plat note would have to be amended by the Board because they approved the initial plat.

MEMBER KATZ: Okay, thank you. I would make a motion if you're ready.

CHAIR ANAYA: Let me ask John one other question real quick. John, the area over there evidentially it is manufactured housing and stuff, is there a lot of places that have two homes on it – a second dwelling, in other words?

MR. LOVATO: Mr. Chair, there is many that has accessory structures but not dwellings. There was one across the street that was and actually was brought into compliance with Code Enforcement. But the surrounding locations, other than the subdivision, there are a few. And then there's also lots that are 1.25 acre.

CHAIR ANAYA: Thank you, John. Okay, pleasure of the Board.

MEMBER KATZ: Mr. Chair, in case of V 17-5230, I would move to grant the three variances with the conditions that were specified as amended so that they must request and get a plat amendment from the Board.

MEMBER LOPEZ: I second that motion.

CHAIR ANAYA: We have a first and a second with the amendments on condition 1 as stated by staff earlier. We have a first and a second. All in favor.

The motion passed by unanimous [4-0] voice vote. [Member Martin was not present for this action and Member L. Gonzales recused himself.]

MS. BROWN: Mr. Chair, did you vote on this matter because it does require a majority of the Board to approve a variance. Okay.

CHAIR ANAYA: Thank you, John.

MR. LOVATO: Thank you.

MS. MONTOYA: Thank you very much.

CHAIR ANAYA: Good luck.

H. Executive Session as allowed by Section 10-15-1(H)(3) NMSA 1978, Deliberation by a public body in connection with an administration adjudicatory proceedings

MS. BROWN: The executive session is only to deliberate on an item that you're about to make a decision on.

MEMBER KATZ: It's very confusing to have it on here.

CHAIR ANAYA: Don't I still have to ask because it's on the item – it's on the minutes.

MS. BROWN: Mr. Chair, I think you can skip over it if you haven't used it during the session. And we will put it on the agenda in a different manner in the future where it is simply a note at the bottom saying that for any of the items on the agenda you could go into executive session.

CHAIR ANAYA: Thank you.

I. Petitions from the Floor

None were offered.

J. Communications from the Committee

Wishes for a Merry Christmas and a Happy New Year were shared.

K. Communications from the Attorney

None were presented.

L. Matters from Land Use Staff

Staff wished all a Merry Christmas and Happy New Year.

M. Next Planning Commission Meeting: January 18, 2018

N. Adjournment

Prior to adjourning, in recognition of Member Louie Gonzales' last meeting, he received a round of applause for his service to Santa Fe County.

Having completed the agenda and with no further business to come before this Committee, Chair Anaya declared this meeting adjourned at approximately 6:30 p.m.

Approved by:

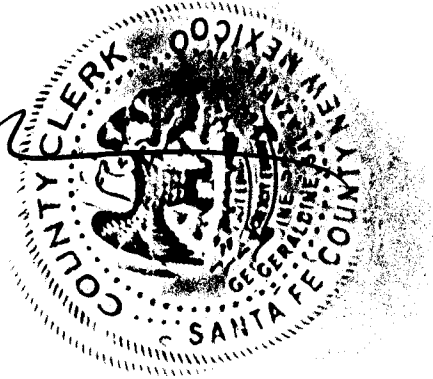
Filandro Anaya

Filandro Anaya, Chair
Planning Commission

ATTEST TO:

Geraldine Salazar

GERALDINE SALAZAR
SANTA FE COUNTY CLERK



Respectfully submitted by:

Karen Farrell
Karen Farrell, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PLANNING COMMISSION MI
PAGES: 46

I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of February, 2018 at 12:32:04 PM
And Was Duly Recorded as Instrument # 1850173
Of The Records Of Santa Fe County

Deputy *E. Estrella Martinez* Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 02/16/2018

December 8, 2017

Anna Arnold
Phyllis Smith
383 Glorieta Mesa Rd
Glorieta, NM 87535

Miguel Romero
Case Planner
Santa Fe County Growth Management Department
102 Grant Ave
Santa Fe, New Mexico 87501

Dear Mr. Romero:

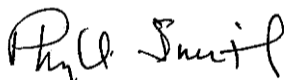
We are residents in the Glorieta Mesa Ranch Home Owner's Association and are also two of the five Board members of the organization. We support the variance request of the Crystal Earth Project to reduce the width of the easement from 50 feet to 30 feet.

If you have any questions, please contact us at 480-488-4636.

Sincerely,



Anna Arnold



Phyllis Smith

SFC CLERK RECORDED 02/16/2018

Miguel Romero

From: Brad Holian <blhksh@gmail.com>
Sent: Saturday, December 16, 2017 8:29 AM
To: Miguel Romero
Cc: Bob Sherwin; Joseph M. Karnes
Subject: Variance on Glorieta Mesa Road

Dear Mr. Romero:

Bob Sherwin has asked my wife and me to contact you in support of his request for a variance to allow continuation of the existing 30-foot roadway for Glorieta Mesa Road, rather than increasing the width to 50 feet, as mandated by the new County Code.

As you know, Kathy and I have lived up here for four years now, and we have found that the road width is adequate for two-lane access to our home at 303 Glorieta Mesa Road, including places for fire trucks to turn around. We certainly would not want to have the road widened to 50 feet, since that would be totally unnecessary for a rural mountain road like ours.

Thank you for your consideration in this matter.

Sincerely,

-Brad and Kathy Holian

303 Glorieta Mesa Road
Glorieta, NM 87535 (USA)

home/FAX: 505-757-2689
cell (BLH): 505-920-9979
cell (KSH): 505-603-1761
email (BLH): BLHSKH@gmail.com
email (KSH): KathleenSHolian@gmail.com

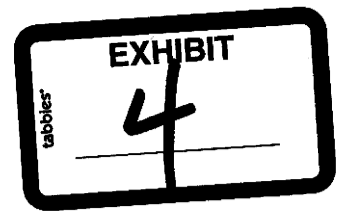
SFC CLERK RECORDED 02/16/2018

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. The Hearing Officer and Staff recommend approval of the Conceptual Plan subject to the following conditions with the deletion of condition #1 and the modification to condition #2 as stated below:

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. (Staff has found no need to require an amendment of the SLDC Appendix F Map 2)
2. The Applicant shall be responsible for all construction costs associated with the construction of the Northeast Connector from the Rail Trail to the start of the County Northeast Connector project per the Northeast Connector layout and cross section.
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 which the State and County are not designing and constructing.
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.
13. The buffer area between the Oshara Village Zone and the Arroyo Hondo West buffer shall be limited to one dwelling per acre within the 200 foot buffer.

The Hearing Officer has memorialized findings of fact and conclusions of law in a written recommendation (Exhibit 7), which the Planning Commission (SFPC) may adopt.



December 19, 2017

County Land User Administrator
PO Box 276
Santa Fe, New Mexico, 87504-0276

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

Dear Land Use Administrator:

I am President of the Santiago Subdivision Road Association. My neighbors and I on Rabbit Road/Entrada de Santiago are very concerned by the proposed large scale Oshara development adjacent to our community. We believe this development along with the high density plan to develop the property at the St. Frances Drive/Rabbit Road intersection, extension of Rabbit Road to Richards Avenue, and the implementation of the NE/SE Connectors will increase traffic on Rabbit Road well beyond its capacity.

Rabbit Road is a narrow 2 lane highway with homes build alongside and is not suited for an increase of traffic some 200-400% beyond its current 5,000 vehicles per day. Recent studies have indicated that over 80% of traffic travel beyond the speed limit and that at least 4 locations have an elevation/de-elevation level that is not safe for side road entry and exit.

At the Hearing. of Oct. 26, 2017, Santiago Subdivision submitted a letter with 32 signatures as well as individual letters expressing concern about the increased traffic and the impact of the new development, including the threat to our security and safety and the noise & pollution from the years of construction to come. In addition, we are concerned that the Amendment proposal will compound our concerns.

Within the Amendment Proposal # CP 16-5280 is a request to increase the # of dwellings from 735 to 855. This request for 120 extra dwellings may well be the first of future requests for increased density for each Phase of the development. Each increase will add to the current traffic problems. Traffic is already dangerous for roadside residents and the increase in traffic will create life-threatening situations for their entry/exit onto Rabbit from the existing 27 side roads.

SFC CLERK RECORDED 02/16/2018

In addition the Amendment seeks approval to negate the legitimate Buffer Zone included in Ordinance No.2000-03 Land Use Zoning Map EZO MAP 14. Buffer Zones have been included in County Development Plans for more than 20 years. Santa Fe Global Partners are attempting to re-define the term "Buffer Zone" to increase housing density. At the Hearing Meeting of Oct 26 2017, the Architect for Global Partners, stated that: "A Buffer Zone does not mean a no-build zone." The current drawings show dwellings overlaid on the 200 ft. Buffer Zone at the boundary with Santiago Subdivision. These dwellings are shown just 40 ft. from the boundary.

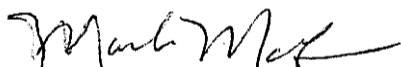
The Santa Fe County General Plan 1996 states: " Provide generous buffer zones around the carefully defined boundaries of traditional communities, newly developing communities and rural highways."

The Santa Fe County Growth Management Plan adopted by the County Commissioners, Resolution 1999 - 137 states: " where possible provide distinct buffers between Traditional Communities and other areas to maintain unique identities of those communities and their rural environment and to provide transition zones or open space buffers between areas of different densities."

The Santiago Subdivision requests restoration of the clear 200 foot Buffer Zone together with a 7 foot wall to separate our existing Community from Oshara Village.

The decision to approve this Amendment should be postponed until a comprehensive traffic study is completed which should also include (1) the impact of the NE/SE Connectors, (2) extension of Rabbit Road to Richards, (3) development at the intersection of Rabbit and St. Frances and (4) Oshara high density development including the recently added round-about providing a 2nd access from Rabbit to Oshara in Phase 2. We believe this traffic safety study should be comprehensive and should take into consideration school bus stops, bike and hiking trails, speed limits, and entry-exit points.

Sincerely,

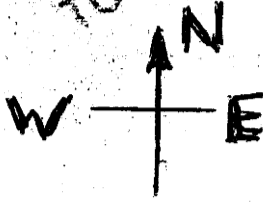

Marlin Mackey, President
Santiago Road Association

200' BUFFER ZONE



DWELLINGS

NOT TO OLD



ARROYO

SECTION 15

LOT 1
2.838 AC.±

LOT 2
2.624 AC.±

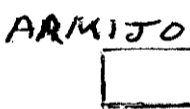
LOT 15
2.652 AC.±

LOT 14
2.644 AC.±

LOT 16
2.678 AC.±

LOT 17
2.679 AC.±

LOT 18
2.669 AC.±



BERGH-HALL

CURVE DATA
R = 200.00'
Δ = 60°00'00"
T = 115.47'
L = 208.44'
Ch. = N59°19'11" W - 200.00'

CURVE DATA
R = 240.00'
Δ = 60°00'00"
T = 138.56'
L = 251.33'
Ch. = N59°19'33" W

REC. CLERK RECORDED 02/16/2018

DETAIL OF BOUNDARY OF SANTIAGO SUBDIVISION WITH O'SHARA DEVELOPMENT PHASE 2

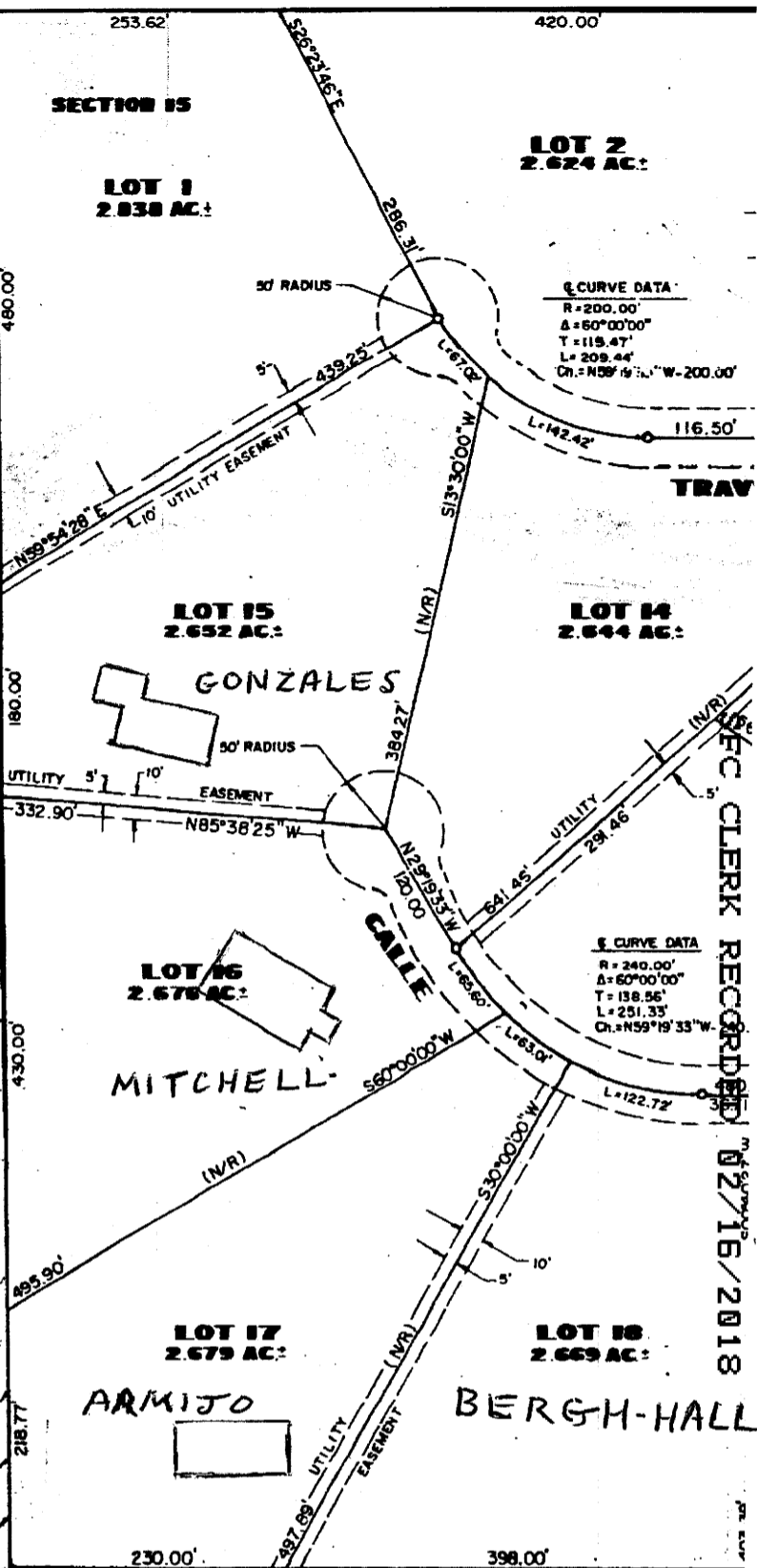
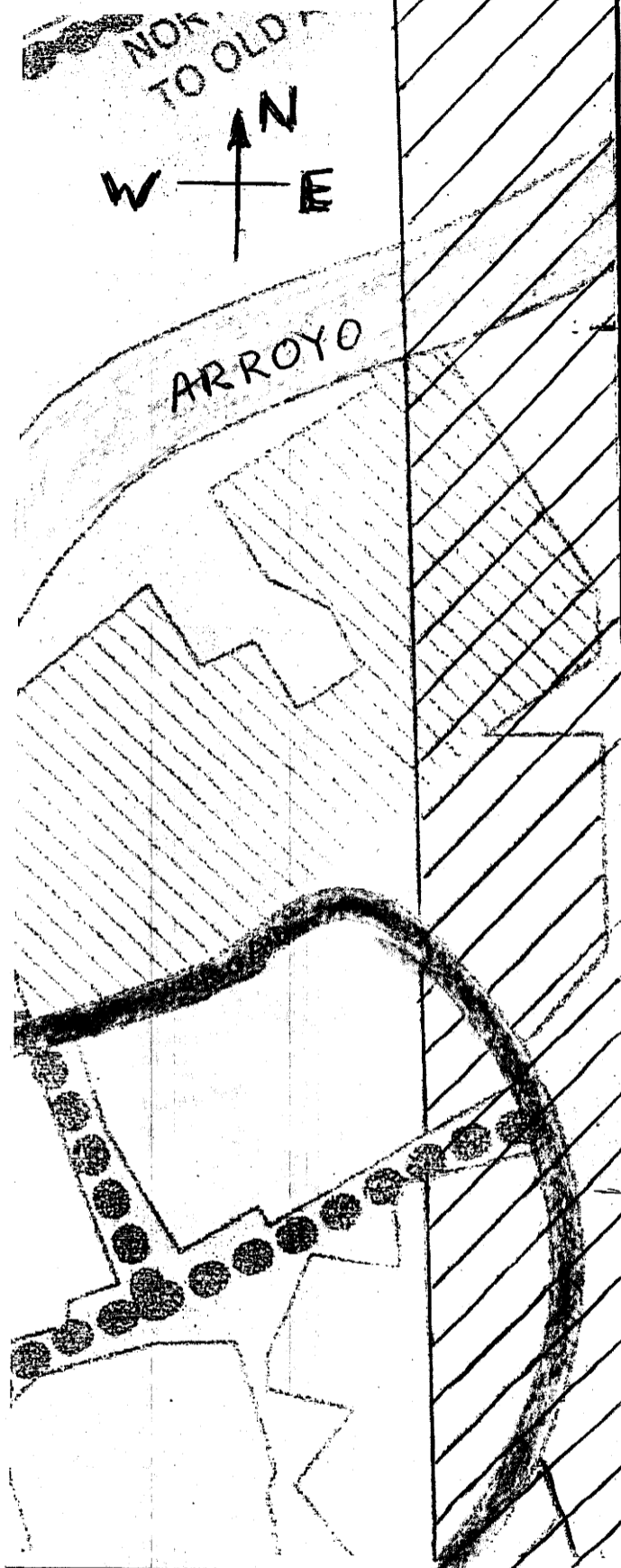
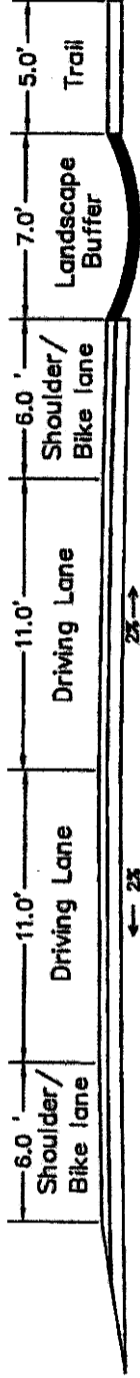


EXHIBIT
5

tabbler

Rabbit Road Typical Section



4" Hot Mix Asphalt
6" Basecourse
2% Crown required in subgrade, basecourse and asphalt

General Notes



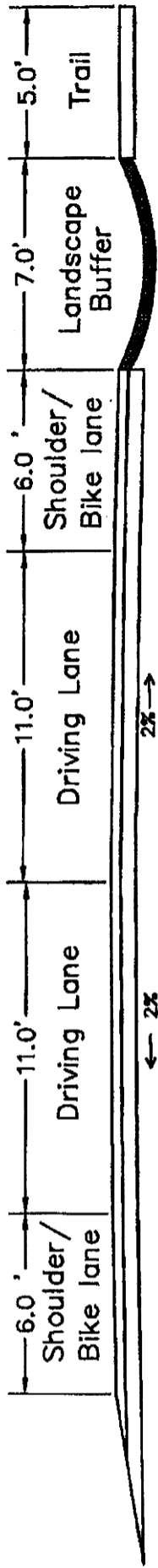
No.	Revisions	Date

Rabbit Road
Typical Section

Project	Rabbit Road
Date	6/30/17
Sheet	NTS
1	



Rabbit Road Typical Section



4" Hot Mix Asphalt

6" Basecourse

2% Crown required in subgrade, basecourse and asphalt