

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

Santa Fe, New Mexico

February 13, 2020

1. This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer meeting was called to order by Santa Fe County Hearing Officer Richard Virtue on the above-cited date at approximately 3:04 p.m. at the Santa Fe County Administrative Complex, Main Conference Room, Santa Fe, New Mexico.

Staff Present:

Vicki Lucero, Building & Development Services Manager
Paul Kavanaugh, Building & Development Services Supervisor
John Lovato, Development Review Specialist
Roger Prucino, Assistant County Attorney
Jaome Blay, Fire Marshal

2. **Approval of Agenda**

HEARING OFFICER RICHARD VIRTUE: Good afternoon. This is the monthly meeting of the Sustainable Land Development Code Hearing Officer. My name is Richard Virtue. I'm the Hearing Officer. We have one item on the published agenda today. Are there any changes to the agenda?

VICKI LUCERO (Building & Development Services Manager): Hearing Officer Virtue, there are no changes.

HEARING OFFICER VIRTUE: Okay. With that we'll move to item that we have on the agenda today.

3. **Public Hearings**

- A. **CASE # 18-5180 Gerard Ohlsen Variances.** Gerald Ohlsen, Applicant, Siebert and Associates, Agent, requests variance of Chapter 7, Section 7.17.10.4.1, (25 percent Slope Disturbance for Roads and Driveways), a variance of Chapter 7, Section 7.17.9.2.7, (Significant Tree Removal), a variance of Chapter 7, Section 7.17.9.2.3 (30 percent Slope Disturbance for Residence), and a variance of Chapter 7, Section 7.17.10.1.1 (Building Area Analysis). The property is within the Residential Fringe Zoning District and located at 66 Coyote Mountain Road, within, Section 17, Township 16 North, Range 10 East (Commission District 4) SDA-2 [*Exhibit 1: Photographs provided by Michelle Kirk; Exhibit 2: Plat of Survey from 1983 Provided by*

Applicant; Exhibit 3: Letters of Concern: A. 2/9/20, Ann Lehman & Alan Suits; B. 2/10/20, Michelle Kirk; C. 2/11/20, Tansy and Scott Beinner; D. 2/11/20, Sandra and Scott Packman; E. 2/11/20, Evelyn Kennedy and Malcolm "Bob" MacPherson; F. 2/12/20, Ann and Bryson Innis ; G. 2/12/20, Jim and Elizabeth Terhune; H. 2/12/20, Susan Kennedy Zeller; I. 2/13/20, Paul and Jaclyn Ruppanner; J. 2/13/20, Tansy and Scott Beinner (duplicate)]

JOHN LOVATO (Case Manager): Thank you, Hearing Officer Virtue. The applicant is the owner of the property as indicated by the quitclaim deed recorded in the records of the Santa Fe County Clerk on September 22, 2003, in book 2662, pages 677 and 678. The lot was created in 1969 and is considered a legal non-conforming lot. The lot contains slopes in excess of 25 percent, and the only buildable area not requiring one or more variances is located on a ridgetop.

The site is accessed through Coyote Mountain Road which is a private road. The access is at a lower elevation on Coyote Mountain Road where the road briefly crosses the property. Coyote Mountain Road climbs to the top of the ridge, near the applicant's buildable area on the ridgetop. However, the applicant has no legal access at that point, which lack of access has been confirmed in legal proceedings taken all the way to the New Mexico Supreme Court.

Initially, the applicant was proposing variances to install a driveway to the ridgetop but this would have caused excessive scarring of the mountain and would have been visible. Therefore, the applicant decided to locate the house closer to the location where the existing roadway crosses the property.

The applicant requests authorization to disturb 5,753 square feet of 30 percent slope for the residence, 1,350 square feet of 25 percent slope for the access driveway and parking, and 10 significant trees located on 30 percent slope. In addition, the entire site is greater than 25 percent slope, so the applicant cannot meet the requirements of Chapter 7, Section 7.17.10.1.1., Buildable Area Analysis. This section requires that only fifty percent of any structure may be located on slope that is between twenty and thirty percent.

The agent states, "Our client's original desire was to construct a residence on a portion of property considered to be a ridgetop as per the SLDC. Chapter 7, Section 7.17.19.2.1 of the SLDC prohibits a structure – residence – to be constructed on a ridgetop, ridgeline, or shoulder unless there is no other buildable area on the property. In this case, there is no other buildable area on the property. However, due to litigation the applicant cannot gain access to the ridgetop areas and is forced to build at an alternate location. After several meetings and discussions with staff, it was determined by the Land Use Administrator and staff that the proposed location was an alternative area suitable for construction of a residence other than the ridgetop areas which is the desired location.

The applicant has addressed the variance criteria and staff has responded if the variance criteria is met as in this memo.

Recommendation: The application is not in strict compliance with the SLDC, but this application meets the criteria necessary for granting a variance. Due to the topography of the lot, the applicant is unable to build a home on the lot without variances. The site offers limited buildable area due to the topography and the lack of access to the ridgetop. The applicant has met the variance criteria where due to extraordinary and

exceptional situations or conditions of the property, the strict application of the code would result in peculiar or exceptional practical difficulties or exceptional and undue hardship on the owner. In order to construct any residence on this property, a variance request is necessary. This causes peculiar and exceptional practical difficulties or exceptional and undue hardship on the applicant. Based on this proposal minimizing the amount of cuts and fills and disturbance of terrain and minimizing the visibility of the residence, the spirit of the SLDC is met. Therefore, staff recommends approval of the variances requested, subject to the following conditions. Hearing Officer Virtue, may I enter those conditions into the record?

HEARING OFFICER VIRTUE: You may.

[The conditions are as follows:]

1. The Applicant shall provide a plan showing the limits of disturbance and provide a construction fence along the limited area.
2. The proposed structure shall not exceed 18' in height.
3. The site shall be screened with native vegetation. A landscape plan shall be submitted for approval.
4. The Applicant shall submit a stabilization plan for all disturbed areas that includes re-seeding of native vegetation.
5. The Applicant shall submit a drainage plan for approval.
6. No future development of the ridgetop site will be permitted.
7. The Applicant shall comply with Santa Fe County Fire Prevention requirements.

MR. LOVATO: Thank you, and I stand for any questions.

HEARING OFFICER VIRTUE: Can staff address the litigation, the nature of that and the impact on access?

MR. LOVATO: Hearing Officer Virtue, the applicant has submitted documentation from the proceedings that occurred in the litigation, and at an upper point where it would be suitable for access, it is blocked off to another neighboring owner and there is no legal access at that point, in which the access he would not need a variance. But due to the fact that they lost in the litigation, the only possible access is through that lower elevation point.

HEARING OFFICER VIRTUE: So the problem is it had to cross the neighbor's property

MR. LOVATO: Hearing Officer Virtue, that is correct.

HEARING OFFICER VIRTUE: To the ridgetop.

MR. LOVATO: Hearing Officer Virtue, that is correct.

HEARING OFFICER VIRTUE: Okay. Thank you. That's all I have for now. I may have some more later. Is the applicant present? Okay, would the applicant and all those who wish to speak on behalf of the applicant please identify yourselves and be sworn in.

[Victoria Dalton and Wayne Dalton were placed under oath.]

HEARING OFFICER VIRTUE: You may proceed to present the application.

MR. DALTON: Hearing Officer Virtue, as stated by staff in the staff report the lot was created prior to the SLDC coming into effect, prior to the Land

Development Code, Ordinance No. 1996-10, for that matter, and is allowed to have a residence and a driveway on the property. Due to unusual topography and limited access, we're basically left with no choice but to request variances to allow him to construct his residence on the property. We agree with all staff conditions. If you have any other questions I will address them.

Just to let you know about the access, these are the ridgetop areas here. This is the existing – this is Coyote Mountain Road. This is the buildable area here. Coyote Mountain Road goes up into here, goes up into some other properties and in order to access these ridgetop areas, like staff said, you'd have to go into the neighboring properties, which he's already gone through litigation, lost that battle, so basically left with no choice but to access here, which would basically limit a lot of disturbance. If you still wanted to build on these ridgetops you'd have to come from here and build a road all the way to access these ridgetops here, which is just a tremendous amount of disturbance, tree removals.

HEARING OFFICER VIRTUE: Can you identify what you're talking from? The document you're speaking to is not in my packet. So I'd like to identify it for the record? Do you have it identified? Do you have extra copies?

MR. DALTON: Hearing Officer Virtue, I believe it's in your staff report, and that would be –

MR. LOVATO: Hearing Officer, that's NBA-17 in your packet. It's the actual engineer drawings.

HEARING OFFICER VIRTUE: My NBA-17 looks different because it may be because the document is far away. So when you begin again and summarize it, just identify it as that and I'll see if I can follow it from my packet. So do we have a confirmation that the folks in the other room are able to hear? So we just got confirmation that the persons attending the hearing and are listening from another room can now hear, so please begin from the beginning if you would, Mr. Dalton.

MR. DALTON: My name is Wayne Dalton with James W. Siebert and Associates. We represent the property owner. Hearing Officer Virtue, like I said before the property was created prior to the effective date of the SLDC going into effect. It was also created before the old Land Development Code, which was Ordinance No. 1996-10. And given that it was created pre-Code, before 1980, it is allowed a residence and a driveway. Like staff said in their staff report, due to the unusual topography and limited access of the property, we're here requesting these variances. Basically, we don't have any other choice for him to build his residence on the property.

We are in agreement with staff conditions and we are available to answer any questions you may have. Also, Hearing Officer Virtue, like John stated, staff stated, the applicant cannot access those ridgetop areas that we are showing you due to litigation.

HEARING OFFICER VIRTUE: You're talking from Exhibit 2 in the staff report, which is NBA-17.

MR. DALTON: NBA-17. So the applicant could not access the buildable areas on the property because of that litigation that was lost. Therefore he has no other choice but to build at this alternate location that was chosen by County staff.

HEARING OFFICER VIRTUE: Where was the access denied in the court decision? Just point towards the map.

MR. DALTON: Hearing Officer Virtue, I believe it was up in the area here. I know the Coyote Mountain Road runs through a neighboring property, and that's where it was denied, access was denied through that property.

HEARING OFFICER VIRTUE: Okay. So to get to the ridgetop from another point, you were pointing to the left side of the map. What is the issue with getting to the ridgetop from that area?

MR. DALTON: Hearing Officer Virtue, in order to get up to these buildable areas from that point it would be a tremendous undertaking, basically meeting grade, 30 percent slope disturbance, significant tree removal, not to mention visibility, scarring. We did have several meetings with County staff to discuss that. Basically it was agreed that that was a suitable area, which our client agreed to.

HEARING OFFICER VIRTUE: Okay. How big is the lot?

MR. DALTON: The lot is 20 acres, a little over 20.

HEARING OFFICER VIRTUE: Is that showing the entire lot?

MR. DALTON: Yes.

HEARING OFFICER VIRTUE: The building site is in the upper left-hand corner on NBA-17? And so staff met with the owner and there was mutual agreement that this location causes the least disturbance?

MR. LOVATO: Hearing Officer Virtue, that is correct.

HEARING OFFICER VIRTUE: Okay. Does the applicant have anything else to present at this time?

MR. DALTON: Hearing Officer Virtue, not at this time.

HEARING OFFICER VIRTUE: I don't have any further questions at this time. I understand we have some folks who've been listening in the other room who want to testify. If they could come in now please.

SUSAN KENNEDY ZELLER: Hi.

HEARING OFFICER VIRTUE: Hello and welcome. We have two additional people who've joined the hearing at this point. Let me ask you, are you speaking in favor of or in opposition to the application?

MS. KENNEDY ZELLER: I'm speaking definitely in opposition to the application. My name is Susan Kennedy Zeller and I live at 71 Coyote Mountain Road.

HEARING OFFICER VIRTUE: Okay. Would you please be sworn in?

[Duly sworn, Susan Kennedy Zeller testified as follows:]

MS. KENNEDY ZELLER: Absolutely the whole truth.

HEARING OFFICER VIRTUE: Please proceed.

MS. KENNEDY ZELLER: I'm going to read it, pretty much, because I did send through some notes to Mr. Lovato. I am not cognizant of slopes and percentages and things like this. I'm an art historian and I work with Native American and Australian aboriginal and other indigenous arts, so that's what I'm coming from.

I agree with all the concerns that my neighbors are going to be expressing later on. My home is closest to the curve in the road that this proposed property construction, and this proposal has many problems pertinent to my own home, as well as our close community. Number one, removal of native trees. I do have a second home on Long Island which is what you sent all your letters to. There I'm the librarian of the largest horticultural library on Long Island through a horticultural alliance. We're so concerned with trees that my organization there is organizing giving away 10,000 native trees to all

the new homes that have been built in the area, primarily on formerly agricultural land. Trees give us oxygen; they're roots sustain the soil; they hold off any damaging runoff water and soil; they're home to a myriad of birds, burrowing wildlife, beneficial insects and they create a balance of nature. To destroy any of them is damaging our total environment along our neighborhood. I see no contingency plan for replacement of the proposed removal of trees.

Second point: NAGPRA, Native American Grave Protection and Repatriation Act. I was curator of Native American art for the Brooklyn Museum. In this position, I was involved with numerous consultation and repatriations of articles and human remains to Native Americans under NAGPRA law. What contingency has been made for a proper examination on this property's potential, based on it located near the Old Santa Fe Trail to do a thorough archaeological study before any construction is done? Also, it's only 13 miles from a major Civil War battle in which Native Americans as well as non-Native Americans fought, and their artifacts may be involved.

Water: There's nothing on that plan that we have for where this construction, if approved, plans to obtain its water.

The roadway: Coyote Mountain Road is a private dirt road which we, all along the road, maintain as a road association. The applicant has never contributed to helping maintain the road below or above the gateway along his property, despite owning this parcel for several years.

Water runoff: Along the front of my driveway – and I would be right next to where he wants to build across the road and down the hill – I have had water runoff digging deep pathways along the side of the road that stretches along my property and down as low as the community roadway. Despite having a culvert built, and I've repaired this three times in just the short period of time I have lived there. I see no contingency in these plans for handling the water runoff.

The roadway itself: How will any new owners, and I don't believe the person applying is going to be living in the house. We have no indication that way. But how will any new owners contribute to the upkeep of existing roadway above and below the security gate that exists now. Things like water damage, snow removal, gutters, basic road bulldozing to maintain the quality of it.

Security: I have extreme concerns about any constructions at that spot itself. It's common knowledge that construction sites can be rife with theft and mismanagement. How is security, if it is approved, going to be handled to be built here? There's no mention of security provided for those of us living along the roadway, and especially myself. I'm a widow; I live by myself and I'm right next door to the proposed construction. Builders would have 100 percent access to all of our own properties at all times, based on this proposal.

The security gate: What plans have been made to maintain our security gate some construction make it break? The present owner does have a code to go in and out because that is his right. But so far he has never contributed to maintaining the security gate when it breaks. I and other people who are beyond that gate do take care of that. So how will construction manage giving us security, not breaking our gate, and if it does break, repair the gate?

And lastly, parking: It's a very, very narrow area. There's no large spot. Where would construction vehicles be parked so as not to impede access for all who live above

this area? Thank you for your consideration of these serious issues that I brought up involving any construction on this particular parcel. If anyone wants a question for me I'll be glad to answer.

HEARING OFFICER VIRTUE: Ms. Zeller, when did you first find out about the application?

MS. KENNEDY ZELLER: The yellow sign was posted on the curve of the road, and because I go by that curve, because I'm right next to, kitty-corner from where he's proposing, I saw the yellow sign. I took a picture of it and emailed it to our association, our neighborhood association.

HEARING OFFICER VIRTUE: And that was posted approximately two weeks ago?

MS. KENNEDY ZELLER: No. Maybe only a week ago. And then letters were sent to everyone on the road and I do have two addresses. You sent it to New York and not Santa Fe. Not you personally but whoever sent out letters.

HEARING OFFICER VIRTUE: Okay. Have any of you had any contact with the staff or the applicant about the variance? Any discussions?

MS. KENNEDY ZELLER: I've never met the applicant whatsoever. He's never introduced himself, come up to my house or anything.

HEARING OFFICER VIRTUE: And none with the applicant's representatives? The folks who are here?

MS. KENNEDY ZELLER: No. Never.

HEARING OFFICER VIRTUE: With staff people?

MS. KENNEDY ZELLER: Because we are a close association we had people within our association on the roadway volunteer to contact the staff with sort of multiple questions that we had, rather than us coming at you, asking the same question all the time. So one of our representatives asked the questions and then shared the answers with everybody.

HEARING OFFICER VIRTUE: Okay. I'm going to ask staff to address your concerns in a while but I think what I want to do is have everybody who wants to speak on this speak and then we'll have the staff address what your concerns are. So do you have anything else you'd like to present?

MS. KENNEDY ZELLER: No. I'm fine, and we have other people in our group, along our road who'd like to talk to you.

HEARING OFFICER VIRTUE: Okay. So please have the next person –

MS. KENNEDY ZELLER: I can do that. Absolutely.

HEARING OFFICER VIRTUE: Sir, would you please identify yourself, name and address, and then we will have you sworn in.

PAUL A. RUPPANNER: Paul A. Ruppanner. I'm at 44 Coyote Mountain Road. I am the house immediately below the construction.

[Duly sworn, Paul A. Ruppanner testified as follows:]

MR. RUPPANNER: I'd just like to start with some of the point you made at the end of the last thing. Given the turbulence of this from our viewpoint, the significance of this construction, it seems odd – I have gotten no notification. No visits, etc. When the sign was posted you couldn't see it if you lived on the premise, on our community, unless you were one of the last two houses going up, so we were ignorant

about that until we got an email by ourselves. So in general the process have been very awkward.

Reacting to that from a testimony viewpoint, I feel if I could just do this in English without charts for a second. If you came to my property – these are five-acre properties in our community. The house I'm in is in essence up against, at the back of our property, up against the property that we're talking about and therefore I'm relatively close from a construction viewpoint where it is proposed. It would be a major change in the notion of where we live from the – having some space around yourself to being much tighter.

On a practical basis my biggest concern is things like runoff. Nature has served the mountain rather well over the years and there is natural runoff. There's a chart that somebody had that I saw that it had green arrows on it where the water was flowing. If you put my house on it you'd see that it was flowing right up against my house. I have worked over the past 15 years – I've lived there for 15 years – to develop my own little runoff spots to kind of avoid the house and also ensure that it's distributed, because where this house is to be built is right above what is now all rock, like about a 20-foot drop to an arroyo that's caused by the drainage from above which comes down literally where the proposed house is planned along the road there, and then onto my property right at – near the gate, about ten feet from the gate.

So the Coyote Mountain Road is going north, going east at that time, straight up, and if you went off the edge you'd drop down 20 feet and be on rocks, big rocks. That has gone down about 15 feet since I moved in, about a foot a year, the natural erosion there. That arroyo then goes down across the road past another neighbor's house, etc., etc. So I'm not so sure what's going to happen. I'm very concerned about erosion and the runoff from the mountain.

The second thing is it's a hypersensitive area. I'm not a tree-hugger. I care about trees. It's a piñon forest and on my property, which is not quite a slopey. It's still slopey but not as above, if I so much as want to trim a tree, a piñon, it's 50-50 that it will die if I just trim off the top or shape it on the side for fire reasons. And the reason is because of the slope. They are very tender in their growth and very slow growing. It's a hard place when you talk about replacing trees. I don't understand where they could be replaced. In other words, it's all like rocks and what's there is there and they're going to take down these trees and we'll replace the trees. I'd just like to know where the trees might be placed. Because if you come visit my house, I can walk back and you can point to any place you want but it's just not realistic. We're not on a verdant plain somewhere where you can just plant some trees or alternately plant trees ten miles away for the oxygen, but never address the issue of water runoff and drainage.

So that's what kind of worries me a little bit. It's just the change in dimension. Were the house developed as generally was assumed over the years – this is all prior to me – on the top ridge, which makes sense, because then you could see around the world and that's why the property was originally developed, I guess, that way, that would be one thing. But to move it from up here down, and then tuck it in this corner as the only place it could be, that corner is rather pragmatic in relation to the implication directly to my house and the drainage and specifically, I'll use the word cosmetically. It doesn't make sense in areas of five-acre properties to have this variance allowed to be placed in the corner.

So were we participants in the discussion when everybody, the staff, the owner, everybody had discussions, I think these things could have been better understood at that time. Now, we're just kind of jumping in reaction to potential variances and again, I don't think the notification process was correct. I don't have any information engineering-wise, other than what we the neighbors pass around to each other. But I don't have any package that says this is what's going to happen. So in a general sense I'm reacting to what I believe is going to happen and I hope it doesn't happen because it's not a practical answer to the community.

I just think the eco impact is big. The community impact is big. Honestly, we don't have a relationship with this chap. He hasn't tried ever to say, hey, I want to be your neighbor. I think it's probably a purchase on his part just to build something to get something out of the land and sell it commercially to another party. But I'm concerned for the building, rather it be that person or another person. I think that's what's in my heart.

HEARING OFFICER VIRTUE: Thank you, sir. We really appreciate your input.

MR. RUPPANNER: Any questions?

HEARING OFFICER VIRTUE: Any questions? Thank you very much. The next person who wants to speak please come into the hearing room.

Welcome. Please identify yourself, name and address, then we will have you sworn in.

MICHELLE KIRK: My name is Michelle Kirk, I'm at 49 Coyote Mountain Road, right below the property. So just think of it as up here and me down here. He'd be building right above me. Okay.

[Duly sworn, Michelle Kirk testified as follows:]

MS. KIRK: Yes, absolute truth. First of all, I'd like to offer these photographs of the property, just for a little bit of idea of what the property – we took these last Sunday so they're very recent pictures.

HEARING OFFICER VIRTUE: Just for the record I'm going to mark these as Hearing Exhibit #1 and I'll give them to staff, and staff, please pass it to the applicant and if there's no objection we'll put it in the record.

MS. KIRK: I have just two questions at the beginning here. Is this going to be this man's residence? Or is he doing it for just development? I mean to sell.

HEARING OFFICER VIRTUE: I'd ask the applicant's representative to address that.

MR. DALTON: Hearing Officer Virtue, to answer that question, I can tell you as far as we know, the applicant intends to build a residence for him. That's what we know.

HEARING OFFICER VIRTUE: Okay. Thank you.

MS. KIRK: Okay. And also I heard from a previous testation here by the people that have come for Mr. Ohlsen that it said that they were going to be taking down ten trees. Is that correct?

MR. DALTON: Hearing Officer Virtue, that is correct. Ten significant trees.

MS. KIRK: Okay. I walked on the property for the first time last Sunday and ten trees – we started laughing the minute we walked on to the property, because we

had heard that too. And there would have to be way more, like 50 to 60 trees – more, way more than ten destroyed to be having any kind of possibility of any kind of pad or driveway or anything at this particular property. This is densely forested property with large, old piñon trees and a lot of other trees of the mountains up here. The area – I was shocked, because the area was extremely steep. When you walk on – in fact it was so steep at times I could barely walk up and I had to kind of like, here, hold my arm. Pull me up. One of those kinds of things.

I'm going to have to contest the degree of slope on here. Someone said that it was 30 degrees. I'd have to say it's more like 45 to 50. And if any of you wanted to go walk about there you'd see that. It is literally right below the ridgeline, right below the ridge right here, and the property is extremely steep. I want to just read out this, and I'm sure you may have read this, but this will take just a second then I'll be done. It said we have personally seen and felt the impact of the increased rains in the past years. The runoff from the mountain has increased significantly. We returned home last April from a two-week vacation to find an almost inch of dirt had flowed down from the mountain onto our patio. The significant removal of trees on Mr. Ohlsen's property will only increase this water flow to homes that I call downstream, just anything below it. I had occasion to take some photos this past weekend of the property in question. We were shocked at how steep it was. Grading and tree removal of the significance that Mr. Ohlsen has stated, which he has understated, we feel, would have a serious and impactful consequence to not only the integrity of the mountain itself. Significant boulder removal would also have to take place as well. These boulders along the dense trees literally hold the mountain together. Removal of said natural resources would in my opinion significantly alter the structural integrity of the entire mountain. Our little Coyote Mountain Road is a dirt one, which is already significantly damaged each time we have a heavy rainfall. Taking away the very things that protect not only the road but the houses on the road themselves would in our humble opinion do irreparable harm causing significantly more expenditure to the maintenance of the road. Mr. Ohlsen has had one option planned for the development of his property back in 2003. When faced with the restrictions to this plan, at the time there were no other options. It was just going to be the ridgetop building. There were no other options. But he has now suddenly found another suitable option. The second option is not in any way suitable to the current codes that Santa Fe County has so wisely passed. These codes are there to protect home and landowners from a situation just as this one. We would humbly request that these variances not be allowed to pass for our beautiful and fragile environment up there on Coyote Mountain but for the safety and protection of the current residents. Thank you so much. I really appreciate your time.

HEARING OFFICER VIRTUE: Thank you, Ms. Kirk. I would ask you to describe what the photos you handed out, which I have marked as Hearing Exhibit 1, what they are depicting.

MS. KIRK: Sure. I came into this – I entered the property from directly behind the yellow sign, which is where – the yellow hearing sign, which just in my opinion that was rotten for them to put it there, because nobody could see it. Only two houses could see it. And so we walked directly in, just straight in, okay? Because this is going in that direction, this proposed pad. Okay? And there were just huge boulders, massive amounts of trees over six inches. By the way, someone told us that they were not allowed to take down more than a certain minimum of trees that were six inches in

diameter. Many more than six inches. I even had my tape measure with me. If anyone would like to go up there I'll lend them my tape measure.

Then very shortly into the property there's what you call probably – I'll call it a natural arroyo, just from rainfall, just from watershed. Okay? and this particular – you hit this particular first little arroyo at probably about 25 feet into the property. No more. And let me tell you, when it rains up there, that water comes barreling down that mountain. Barreling. Let me tell you. In fact we have an arroyo behind our house that I went to once and it looked like a massive flowing river. Like it was insane. Like you would not be able to cross it. It was very, very heavy flow. And we're just worried that when they strip all of this and these arroyos become flat and this water now just runs straight down onto all the houses that are right below it, which is basically where a lot of the houses are grouped, and then houses below that, that we're going to have a huge problem.

And then we'd like to know, when all this damage occurs, who's going to pay for that? Also there's absolutely no room whatsoever on that road for parking construction vehicles, massive pieces of equipment. This is a tiny, little, fragile dirt road. And one time we had people up there and a guy came down and lost his brakes and smashed right into our front fence. And what do you do? The guys jump out of their truck. Eeee, I'm sorry. Yeah? Who's going to fix the fence? We have no concept of this whatsoever. Nothing has been said to damage to surrounding properties possibly during this building at all. Nothing has been addressed. We've never met or talked to Mr. Ohlsen whatsoever. We have no – nothing.

He's never contributed to the roads in any way. We've all contributed to it for years and years and years and that's all I have to say. So sorry. Thank you so much.

HEARING OFFICER VIRTUE: Is there an objection to entering these photos as Hearing Exhibit 1 into the record? Hearing none, I'm going to all them into the record. Thank you.

MS. KIRK: They're due south. Exactly. They're going straight across the length of the property. So just straight this way. And then looking up too. When you look up you're literally – you couldn't climb up, you couldn't walk up it. You couldn't climb up it, it's so steep. You literally couldn't do it. Someone would have to pull you or you'd have to have big stakes. And may I also say that this man right here [John Lovato] has been wonderful to everyone. He's been very responsive. He's been excellent at answering questions and I just want to give him a pat. Thank you very much.

HEARING OFFICER VIRTUE: Hearing Exhibit 1 will be admitted and we will ask the next person to come up to the table and give their testimony please. If you would identify yourself by name and address.

EVELYN KENNEDY: Evelyn Kennedy and Malcolm "Bob" MacPherson. We're at 34 Coyote Mountain Road.

[Duly sworn, Evelyn Kennedy and Bob MacPherson testified as follows:]

MS. KENNEDY: So our property is the property below Mr. Ohlsen's property, so we're contiguous to the 22 acres that we're talking about. And Mr. Lovato was wonderful to meet with me and really made me feel better about the fact that there would not be a road going up behind my house. The property behind us is extremely steep. I think people were talking about that. The proposed plan would be not right directly behind us, but the previous plan, which was the road that was going to switch back and forth up to the buildable lot that he doesn't have access to any other way would

be a switchback right behind my house. So I think I mentioned I'd have to put curtains on my bathroom window.

Not to be funny about it, but the idea was that there would be a road behind my house where it is extremely steep. We used to walk that property up over the hill and down into the 80-acre property that's beside us and we can't do it anymore because we've aged and it's too steep. And I would use hiking poles and I've slipped and I fell and we don't do it anymore because it's so steep. So I understand that the road would have to switchback several times. I would think so. That's one of our concerns. The fragility of the area.

Now, the building site, we tried to walk it and it was extremely steep but I think that one of my neighbors who was in here, Michelle, explained that. So our other concerns would be any direct disruptive impact to our property as a result of any development of the lot, so that if a road was being put in, for example.

And then Bob has looked at some of the slope scales, and again, I don't understand all of that, but to us it seems unlikely that there would only be a five-foot restraining wall there. That the visual impact of this would be something that we would see every day coming home. So I don't know if there's been a visual impact study done, if that's required, if that's one of the variances that's being asked for. It's just something that I'm concerned about the visual. We have been in our house 33 years, since April of 1987.

So those are some of our concerns. And I'm concerned about how many variances are being asked for. There's four variances. I don't know if that's normal or if that's an unusual number of variances to be requested and I don't know how much variance is being requested. Is that something – are there any standards for that. We have so many questions about this. Is this something that is being done just to provide a buildable lot on a lot that doesn't have another buildable lot? And is that right? That to me doesn't seem to fair to the property, to the landowners surrounding there, if there is no other buildable lot, do we create one by destroying the landscape in a way that causes damage to other people's property. So that's some of the stuff.

I think a lot of the other stuff has been mentioned already about the equipment used. We had to blast. Someone said there'd be no blasting but when we built our house we had to blast to run the electrical line and the water line from our property to where – well, just on our property to where the electric box was, so there would be blasting, and I don't know what damage that would do. What other things did we have? The significant trees was a concern and Andy I think mentioned how difficult it is. We've had a number of trees destroyed when we had renters in the house for a while with salt being used on the driveway. We had, I don't know, how many hundred trees that were destroyed. It's very hard to get things to grow. It's not – the soil is dense and hard and water doesn't stay. It – some of it steeps but it runs off. We have gullies and washes throughout the property. Luckily our house is between them so that it hasn't affected us directly. Anything else, Bob?

BOB MACPHERSON: I just want to mention that the proposed site for building is very, very steep. We walked it and it was difficult to walk. And it was directly beside it a huge drainage area, maybe ten feet down and 45 degree angle and it was really, really steep and lots of trees. Ten significant trees is misleading.

MS. KENNEDY: And we haven't had any contact with Mr. Ohlsen recently about this current project but at one time I think he wanted to develop. So our understanding is not that he ever wanted to live on this property. He was going to divide it. Well, you should say because he didn't – it's hearsay for me to say it.

MR. MACPHERSON: Well, I ran into him on one of my hikes at least 20 years ago and he had either just bought it or was in the process of buying it. Well, getting it for probably free. But anyway, the ridgetop, as Siebert has said, is buildable but the place that is currently addressed, I don't think is buildable.

MS. KENNEDY: But he was going to divide it. That was the thing. He was planning on dividing it into four or five separate lots. So our understanding was always that he was a developer, not that he had planned to build a residence there. So I think that's all unless you have any questions.

HEARING OFFICER VIRTUE: Thank you very much for your testimony. We appreciate it.

MS. KENNEDY: He's [John Lovato] been wonderful to all of us.

HEARING OFFICER VIRTUE: Do we have anyone else in the other room that would like to come to the table?

Welcome. Please identify yourselves for record and then we'll have you sworn in.

ANN LEHMAN: My name is Ann Lehman and I live at 43 Coyote Mountain Road.

ALAN SUITS: I'm Alan Suits. I'm Ann's husband and I also live at 43 Coyote Mountain Road.

[Duly sworn, Ann Lehman and Alan Suits testified as follows:]

MS. LEHMAN: We submitted a letter to John Lovato, so I think that's in your files but I'm just going to paraphrase a few of the points and the first thing that I don't think anyone has mentioned yet that concerns all of us is what is the water source for this land? Because I haven't heard anything about that and it's crucial. And we don't want a development to start and then find out there's no water. So our question is what is the procedure for that? Do they have to prove that they have a water source before any variances are granted or before any development can begin?

HEARING OFFICER VIRTUE: Would the applicant like to address that at this point?

MR. DALTON: Mr. Hearing Officer Virtue, for the variance process, no, we do not have to prove a water source. At time of permitting for the residence, at that time we would have to prove a water source, which will be a well for the property, will be a well for the water source.

MS. LEHMAN: So does that mean that they can build a road and built a pad and then find out there's no water?

MR. DALTON: Mr. Hearing Officer Virtue, I can say a permit will not be granted without proof of water. If the property owner were to drill a well and it was dry, I guess that would just be – I don't know how to answer that question right now, to be honest with you.

HEARING OFFICER VIRTUE: Does staff want to comment on how the water source would work in this situation?

MS. LUCERO: Hearing Officer Virtue, prior to issuance of a development permit, the applicant would have had to submit a well permit from the State Engineer's

Office and for a residential development the property owner is not required to do any kind of water studies to show that there is adequate water, as long as they have that permit from the State Engineer's Office we would accept that as a water source.

HEARING OFFICER VIRTUE: Okay.

MS. LEHMAN: Some of our other concerns, as have already been mentioned are erosion and runoff from the site, removal of trees and other vegetation. We've mentioned trees but we walk the site and there are also quite a few chamisa bushes, yucca, cactus, undergrowth that takes quite a while to regenerate. So our question is how would this be handled in terms of – and they all help to hold the soil in place. So erosion is a real problem.

Water runoff damage to the road and properties, I measured the elevation and from about 34 Coyote Mountain Road, which is the upper part of Coyote Mountain Road, up to where the proposed pad is, there's a difference in elevation of about 150 feet. In heavy rains in the summer the water just rushes down the mountainside and even with all the things we've done – put in culverts, water diversions and frequent gradings we still get huge ruts in the road some times. So any addition to that is a real concern for all of us and because this property is on a slope, we're obviously going to get more runoff if it's developed.

Okay, there's also of course the problem of damage to the road by construction vehicles and that would need to be addressed and it needs to go through a private security gate and that would need to be managed with the people who own that. And the road, I really think that everyone should go up and look at the site. The road where there will be entrance to the site is the most dangerous part of Coyote Mountain Road. It's a sharp right turn, very steep and there's virtually no shoulder on either side. So that is a real problem. What are construction vehicles going to do?

So those are our main comments, and the other thing I would just like to say is this process has been difficult because we really didn't get much information and I feel like anyone who wants to develop in an already established community should in some way communicate and reach out and give some information and really we had to do all the legwork ourselves to find out anything. All we saw was a sign and some of us got letters, but that was even sporadic, so those are my comments.

MR. SUITS: I'd like to just add there were a lot of letters sent to the committee by all the homeowners on Coyote Mountain Road. I'd say it's virtually unanimous among the homeowners that they don't want these variances to be granted. We've lived there for 19 years. I walk up and down that road virtually every day, even when it's raining and snowing and I have a real intimate idea of what happens when we get a lot of precipitation, and the last few years I don't think it's merely anecdotal, but we've seen an enormous amount of increase in torrential downpours and the effects on the road, which we are constantly battling and trying to patch up and mitigate have just been getting worse and I think preserving this particular site and with the proposed plans that the applicant has for this building site, I think it would be pretty near impossible to guarantee that a lot of that runoff isn't going to increase exponentially.

I'd just like to ask please that everybody read the letters we sent. There's an awful lot of details, there's an awful lot of concerns. There's stuff that maybe we haven't been able to cover verbally here, but if you would give us the consideration to look at those letters carefully, I think you'll see there's a really strong case not to give these variances.

HEARING OFFICER VIRTUE: Okay. Thank you very much. We really appreciate your testimony. Will you notify the next people that want to come in and have them come in please? Yes, Mr. Dalton.

MR. DALTON: Hearing Officer Virtue, if I may say something. Everyone seems to have the same concerns and if you look at the staff report under the recommendations, under the conditions, basically all their concerns will be addressed at a later time. These issues can't be addressed here at this meeting. The applicant has to go through this process in order to provide staff with all these documents under these conditions. The applicant spend all this money on engineering plans and landscaping plans and drainage and grading plans if these variances aren't granted. So I just want to let everybody know that their concerns are being heard but at this time I think staff pretty much has it covered under their conditions of approval.

HEARING OFFICER VIRTUE: Okay. I think, Mr. Dalton, let's let the public testimony continue and conclude and then I'll give you an opportunity to address that and also I'll give the staff an opportunity and we'll go from there. Okay?

Please identify yourself for the record.

ROBERT BIERS: Robert Biers.

HEARING OFFICER VIRTUE: Please proceed.

[Duly sworn, Robert Biers testified as follows:]

MR. BIERS: Hearing Officer Virtue and members of this group. Thank you for the opportunity to speak before you. I'm a 20-year resident of the Coyote Mountain Road and I want to point out that you have heard this issue of stormwater runoff and erosion repeatedly from the people before me that spoke, and I'd like to dig into that a little bit deeper. Probably the most impactful conditions affecting stormwater runoff are the topography and the vegetation on the site. The greater the slope the greater the potential for erosion because of the energy in that runoff. The less dense the vegetation the less potential for absorption and retention of stormwater and sheet flow on a site and the more likelihood for runoff from the site.

So this proposed site has both very steep slopes, as you've heard, and it's very sparsely vegetated. So those two conditions exasperate [sic] runoff during precipitation events. So accordingly, stormwater management, both during and post-construction is critical to mitigate potential impacts to the existing hydrologic regime of this sub-watershed.

There are, fortunately, tools to address stormwater runoff. The two I'm familiar with are the Federal Clean Water Act, Stormwater Pollution Plans. These are required when the disturbance on the site is greater than one acre. According to Mr. Siebert's conceptual plan the disturbance on this site will be approximately 8,300 square feet, far less than the approximately 43,000 square feet in an acre. Therefore this site would not be required to have a Stormwater Pollution Prevention Plan.

However, when I look at this conceptual plan from Mr. Siebert I notice it's missing a substantial number of disturbed areas. For example, there is no obvious reference to the septic tank and the leach field that would be required. In addition, pursuant to the Sustainable Land Development Code a stormwater management plan would be required by the County and that plan would need to have stormwater management controls for post-development. That is there would need to be retention structures, detention basins, swales, roof catchment and storage, etc. for the project.

When you add those additional disturbances in I'd like to see what the final disturbed area would include. It might just bring it up to the one-acre requirement for a federal Stormwater Pollution Prevention Plan.

And I'd like to also point out that those pollution prevention plans include construction lay-down areas, equipment storage areas, so it's much larger than the actual footprint of the house and parking and garage and driveway access. Something to keep in mind. I think it's important that the actual disturbed site be recalculated as plans progress.

In addition I just would like to confirm with Santa Fe County that the County Ordinance 2016-9, all of the stormwater management requirements would be in place for this project.

MR. LOVATO: Hearing Officer Virtue, what happens is he will be required to comply with all of 7.17, which is our terrain management guidelines, meaning that his pre- and post calculations and stormwater drainage can't exceed what's pre- and post, basically, in any storm event. So that will need to be a requirement and will be at the time of building permit.

HEARING OFFICER VIRTUE: Mr. Biers, does that answer your question?

MR. BIERS: Yes, that does. Thank you. So I just want to close with an emphasis that as you've heard, runoff from the site is a huge concern for the neighborhood. I think a visit to the site would illustrate, given the steepness of the slope, the low vegetated cover, the nature of the soils, that this is a highly erosive site and needs to be addressed.

HEARING OFFICER VIRTUE: Okay. Thank you very much for your testimony.

MR. BIERS: You're welcome.

HEARING OFFICER VIRTUE: Could you notify the next person that we're ready for them? Thank you.

Please identify yourself for the record then we'll have you sworn in.

BRYSON INNES: Yes, Hearing Officer Virtue. My name is Bryson Innes. I live on Coyote Hills Lane, which is a side road off of Coyote Mountain Road.

[Duly sworn, Bryson Innes testified as follows:]

MR. INNES: I've been a resident on that mountain for a little over 30 years and the development that's being proposed is a little disturbing for obvious reasons you've heard from my neighbors. We've seen development. We don't have any problem with building houses on our mountain. That's obvious that neighbors are accepted. But this particular development came across relatively suddenly without a lot of details to us and there were concerns for a variety of reasons you've heard, everything from the erosion to the visual impact, the road destruction.

It is obviously a very steep area that they're planning to build on. One of the main concerns is that this particular building site is basically being created out of a very steep, rocky, tree-covered area that there really isn't hardly a flat area on it. They're going to have to dig into the mountain to create this site, substantially into the mountain which as you would go into a mountain and up to dig out this thing you're going to have not a five-foot retaining wall. That's really kind of a joke. If you look there it would be 20 feet, 30 feet tall, just to try to retain the mountain on that steep of a slope and to create a pad big enough for a 5,000 square foot pad and driveway. It's a bit house that they're proposing.

It's not the visual impact of the house itself; we have no idea what the house looks like or would tend to look like. It's the cut into the mountain that would be quite visible, be visible probably all the way to I-25 and the house would be in that cut-out without a lot of reforestation and a caution given to the actually bulldozing and regarding of the mountain it would look very scarred. Not a small scar; it would be a huge scar.

So a visual impact analysis, which I believe is required for building in the higher levels of the mountains at that slope rate of 30 percent slope is required with the white story poles so that you can kind of get a visual of what it would look like from a distance. And I think the SLDC was intended, part of its goal, was intended to preserve the beauty of the mountains around Santa Fe and around this area. That should be considered when these variances are being requested. The regulations were created for a reason, 2016 or whenever that was, and granting any variances is a serious thing, because you're basically trying to recreate the law. Right? With one variance you're going to say, okay, well, I guess these weren't as important as we thought they were in 2016 so let's grant one variance. And that leads to someone else wanting a variance. I'm not sure how many variances you've done but I know you've used good judgment to do so and we hope that you do the same in this particular instance to give it serious consideration. We're not all here because we want to come here and complain. I have no gripe against Mr. Ohlsen. I don't know the man, but we are concerned about protecting our neighborhood, our mountains, the beauty of the land we have chose to live in.

I built my house on my site because it was a good building site. It was level. It was something that was – you can't even see my house. It's hidden on a flat area. So if Mr. Ohlsen happened to have bought a property that really wasn't meant to be built on or maybe he acquired this property for another reason, through a quitclaim, I think that it's not a hardship. It can't be considered a hardship for him, having known that there was going to be a difficult deal there to build on. I request that a visual impact analysis be done and a building area analysis, if it hasn't been done, that is normally required for houses, for building sites above 7,400 feet in elevation, that that be looked into as well.

I agree with my neighbors. We have lots of concerns. I ask that this not be rushed into making a decision without serious consideration of all the aspects that we brought up. I did submit a letter to you as well, to John by email, and I appreciate your time and your consideration on this matter for our concerns.

HEARING OFFICER VIRTUE: Thank you, Mr. Innes. We appreciate your testimony. Thank you very much.

Welcome. Please identify yourself and we'll have you sworn in and then you can testify.

ELIZABETH TERHUNE: Thank you. My name is Elizabeth Terhune and I live at 99 Coyote Mountain Road.

[Duly sworn, Elizabeth Terhune testified as follows:]

MS. TERHUNE: I'm a little bit nervous. Actually, I'm a lot nervous, so I'm going to read what I wrote. I only have three points so I won't be very long. Construction will require workers and heavy equipment that could very well damage our fragile road. Where is the owner's intent to involve the community on the plans and a financial bond to repair any damage to the roadway and the private security gate. Those are two concerns.

Point number two: blockage of the roadway, and I've very concerned about this. The roadway at the proposed site is extremely narrow and is at a steep switchback curve. I am one of the owners that lives above the switchback so I know this curve very well. In fact on Tuesday, during the snowstorm, my neighbor came home at 1:00 in the morning and she was not able to get up to her home and she slept in her car and I went down the next morning and tried to dig her out with my ATV and I have a picture of the road at that time if anyone would like to see it and see the slope of that. I could show you that.

The roadway cannot be blocked for the four lots above. Daily travel, emergency vehicles, we have UPS drivers, propane deliveries, just guests, just ordinary traffic that comes up there and that switchback is very tight and it's very steep, so if you lose your momentum going up the hill you're not going to make the curve. The proposed site is directly at the curve. So I don't understand if there's been any plans made on how they're going to even commence with the construction because it's going to block the road totally. Totally.

So it is a private road and being that it's a private road, and the reason we have a gate there is for security reasons. That gate was put in by ourselves and another person up above and it's very important to have that gate there for security reasons. We're there alone. Some women are there alone by themselves, and before the gate was installed there was a lot of unwanted personnel that would go up and down the road and they would build campfires up there, so the gate has been pretty awesome for the whole neighborhood, not just the people that live beyond the gate.

Property boundaries. Whose property has granted easement to the switchback curve? Which property owners have easement rights to use or cross the switchback at that point? Last year Mr. Ohlsen hired some surveyors who placed a whisker stake approximately 13 feet beyond the switchback curve. That stake is still there. It was there the other day. I went up and checked it. It's been buried by the snow but it's still there. That stake indicates to me that the property boundaries and perhaps the closest point to the road of the 22-acre parcel is at that point, but like I said, it's still about 13 feet beyond the road.

In conclusion, there are many legitimate issues that affect the community and the mountainside. There's issues that I think are beyond just variances that have been addressed and have been asked for that people really need to think about. That road is narrow starting with Michelle Kirk's. The road down below is wider, but once you get to, I believe her address is 49, it just narrows into one lane. So you go one lane, and then you turn and you go up, and you have another turn, and then there's the security gate. And you have to stop at the security gate to call so that we can let you in. Or, myself, I have a clicker that I can get in and open the gate before get up there, but it is very steep. And so you go up the hill, you get to the turn, and that is exactly where the site is going to be. Here's the road. Here's the site. And the property goes this way, and you've got to use the whole curve in your vehicle to get up the road, and it's steep.

So I don't understand how Mr. Ohlsen is going to start his project with construction – bulldozers, trucks, whatever, because he's going to block the road. He can't block the road. That's the only way. And it is the only exit and entrance for the four lots above. There is no other entrance and exit. We just have to come down there.

So that's all I have to say. I'm very nervous. Thank you so much. Any questions?

HEARING OFFICER VIRTUE: Thank you very much. You did very well. I appreciate your testimony.

MS. TERHUNE: Thank you. I actually have a picture if you'd like to see how the road is.

HEARING OFFICER VIRTUE: At this point I don't know how we would get that into the record so we'll just leave it as is for now.

MS. TERHUNE: Okay. All right. Thank you.

HEARING OFFICER VIRTUE: Please identify yourself and then we'll have you sworn in.

JIM TERHUNE: I'm Jim Terhune. I'm Elizabeth's husband. She's here for my moral support. Everybody calls me J.T. My friends call me J.T. so you may call me J.T., sir.

[Duly sworn, Jim Terhune testified as follows:]

MR. TERHUNE: I think – I have a bunch of summaries I'd like to go through and I'll make it brief. But the essence of a lot of this is that none of us are experienced in this. We're not lawyers. I'm an aerospace engineer. You've heard from a variety of folk, but I think what hit me hardest is the hearing, that probably this was meeting, I had to fly in for it. I'm happy to be here. Three weeks from now we're going to have another meeting and it sounded from what we could hear is it would be decided. I think the idea that it's being decided in three weeks, it's not exactly sure what we're deciding. If we deciding on allowing for variances, but then there's a whole lot more to go, or is this it, and on the 22nd day there's going to be a bulldozer going through our gate. So that's kind of the essence of what rallied us all.

You've heard that the sign was not visible to most of the people and thank goodness one of our neighbors notified us and then we were able to get folks together. So if I may, you heard from my wife and the proud owners and residents, members of our community. You've heard "community" often. We are a community and proud of it. There's unanswered questions and there's just real grave concerns about the planning and these variances subject by Mr. Ohlsen and his land development consultant, James W. Siebert and Associates. Our property is at 99 Coyote Mountain, so we're just – we're at the top of the mountain and our property borders the top of the 22-acre parcel.

So I'd just like to add a few facts to this whole thing and I'll make it as brief as possible. What's interesting to us is that the property owner is not Mr. Ohlsen. It's actually Amethyst Land Company, Inc. as noted in the letter that we all received, that is owned by Mr. Ohlsen, but the posting says it's Gerald Ohlsen. It seems a little fishy to us, a little bit of deception. It's a corporation that is the owner of this, not a person. We are – Elizabeth, my wife and I, are very aware of the details of the 22-acre parcel and we're very aware of Mr. Ohlsen as he, through Amethyst Land Company out of Moriarty, New Mexico, they sued us in 2006 over an easement extinguishment that we placed on the property with our lawyer. It was a lawsuit that we spend a lot of money. It was like eight years of going through the courts. It finally actually went to the Supreme Court here in New Mexico, which excited our lawyer because the very senior gentleman had never been to the Supreme Court. So I guess I was excited too.

It's Case Number 34083 that we won. There's a number of noteworthy – some of the facts I think I want on the table – a number of noteworthy ownership deed transfers that are related to this 22 acres. It also started back on July 10, 1981, and there's a book,

423, pages 748, 751, if you like, but it's where a grant of easement was requiring the owner of our eventual property – we have five acres – our eventual property was Mr. MacDuffee. And that grant easement of 1981 it was stated, and I quote, "Never extend the easement of our property, five acres, to other properties." And other properties would be including his 22-acre parcel. So this fact and some other facts surrounding this original – there's actually a 60-acre parcel, this is back in the early, late 80s. There was a 60-acre parcel that we're five acres of, and then there was a separate 22-acre. And then that 22 acres, from our review of things was not intended for the use of the road and it was not intended for specifically what I just quoted in that we were not, once upon us owning the property, we were not able to grant an easement across the common road that separates our properties.

So with all that and with our lawyer involved and all, it's somewhat questionable if that road, even any part of Coyote Mountain Road even serves this property, and you've heard of that from our neighbors in some cases, who owns the corner? Where's the property line? I researched it some. I think it's about 15, 20 feet missing of the property line. There's a drawing on the board over here that appears like it's the entire curve, which there's no way in heck that's happened. So I'll get to a question of basically we're not sure that that road even supports the 22 acres.

So five years after we bought this – so that was leading up to it. In the five years after we bought the property and we built our home, there's some other very noteworthy ownership deed transfers that continue to adversely affect the 22-acre parcel, soon to be, and I quote, "given to Mr. Ohlsen." And I emphasize given. It appears that none of these transfers that we have access to and we've spent a lot of money in the process of the lawsuits and even of late, they don't mention any access of Coyote Mountain Road, which is just odd to me. So I'll read a couple of them. So on January 2, 2001 is when we bought our property. So 2001 we bought our property from Mr. MacDuffee. He owned our land, five acres and more, and then he owned the 22 acres. So he had the rights to both sides of the issue.

Two months later, March 20, 2001, the 22-acre parcel was special warrantee deeded transferred to a group called Desert Sunrise, LLC. A couple years later there's evidence that's in the books that Mr. Ohlsen is the attorney, or was the attorney or still was or could be or – but is the attorney for Desert Sunrise. So Mr. Ohlsen has affiliation with what was going on in 2001, 2003. And there's a court case that shows Mr. Ohlsen as the Desert Storm's attorney [sic].

On April 24, 2003, a couple months after that, the 22-acre parcel was quitclaim deeded, given to Amethyst and Mr. Ohlsen. And so for those who don't understand or don't know what a quitclaim deed is and our understanding of it is it's a transfer of the interest of the property. There was no money. So there is court paperwork that uses the word "given" and I emphasize that. So in our opinion, he paid no money for it. Three years after that we were then sued, in September 28, 2006 we were served a lawsuit. In discovery of the process we learned that MacDuffee, the gentleman who we bought the property from and who owned the property from, he owned Ohlsen a great deal of money and we also learned that Mr. Ohlsen was on the telephone when we were out of town, calling in to make the offer in 2001 for the purchase of the property, and we stated at that point, and it's in the records, that we would not buy the property unless the 22-acre parcels was extinguished from using the land, the roadway up towards us. Not the entire

road, but just that roadway that was in question, as evidenced of what we're read earlier and as evidence that he was going to put four to five building sites on it, and we would be looking straight down onto these four to five building sites.

So with that, and then discovery – we did our homework and we looked through it and five years later or so we then get the lawsuit and then we go through all that. So the point of bringing all that up, and I strongly make this claim in honesty and under oath, Ohlsen knew in 2001 when he was on the phone call that that land at the top of the mountain did not support – he was not going to have access to that upper property. That was our stipulation, that we would extinguish the land when we bought it, and he was on the phone, and he knew it.

So thus he doesn't have, and he knew in 2001, that he did not have the site. Further evidence, he actually wrote in August 17, 2003, he wrote to our attorney talking about the extinguishment and he admitted that he was going to ignore them. He was going to ignore the 1981 one, he was going to ignore the one that we had put in when we purchased. This all was pretty clear to us. It was in 1980 – he didn't want to honor – he wanted the top of the mountain. There was no question.

So today, just going through a few more summary results of what we've had, the first issue that I have is basically the mistruth that I feel was in the Siebert 2019 letter that the Siebert organization sent to the County and we heard it earlier after it was repeated and thank you for repeating the first part of it. We couldn't hear, but the words were due to litigation the applicant Ohlsen cannot gain access to the ridgetop areas and is forced to build at an alternate site. Mr. Ohlsen knew for 13 years that he could not build at the upper site. It had nothing to do with the start of the litigation and it had to do all along through the litigation. But the fact that when he was given the land in 2003 he knew – he knew he could not build at the top of the mountains.

So to the best of our knowledge, he's never paid for the upkeep. You've heard that. He's never paid for the security gate. He doesn't appear to be any part of the Coyote Mountain. We have heard and knew in fact that he was going to build three to four lots to sell. I think what you heard in summary is there is some rush to judgment. Especially you heard about the development over 7,400 feet, some of the analysis, these are supposed to be built to building area analysis. We haven't seen any of those. We all have the ability, and we did read SLDC, but especially the 7.17.10. There's a number, there's eight analyses that are required. All we're hearing about is about four of them and we're being asked to consider variances to those.

One thing I think bothers myself and the others is there was a passage that's in Siebert's 2019 letter and I'll give you two quotes, and it was the 2019 letter to you all. It says, "After several meetings and discussions with staff it was determined by the administrative staff that the proposed location was an alternative area suitable for the construction of a residence." Second quote: "It was also discussed that the alternate location chosen by staff would receive a positive recommendation for variances needed moving forward." I guess the question would be how are we supposed to interpret that it sounds like the staff is already – the County, I believe the staff has already made their mind up. That bothers us.

The fifth item I want to bring up is in the Siebert letter to Ohlsen – actually I haven't mentioned this one yet. So back in August 11, 2003, it was Mr. Jim Siebert – I believe – I'm sure he's the owner of Siebert – consultant, James W. Siebert. So he

actually wrote in August 11, 2003, he wrote a letter to Mr. Ohlsen and I would like to give you four quotes on that. "The lot has a – singular – buildable site, although it is located within a designated ridgetop." So, i.e., there's only one spot. "In this case there is no other reasonable location for a home other than within the ridgetop designation." His words, Mr. Siebert. Another quote: Paul Kavanaugh, at that time I believe County Land Use staff field inspector. I believe he's still on the staff. He's quoted as saying, "Will verify that no other reasonable location exists for building other than the ridgetop." Pretty strong quotes back in 2003. And then the fourth, actually in the Siebert 2019 letter, it actually says, in this case there is no other buildable area on the property. So it kind of bewilders us that we're here to talk about another spot but I've given you four quotes that in their words there is no other buildable spot on that property.

So in light of that, how all of a sudden is there a buildable site? I think you've heard that from a number of people, which that's part of our concerns. Then there's the questionable lower access. We talked about it a little bit. I think there's facts that say that that road doesn't even serve that 22 acres, let alone at the curve. As my wife had mentioned it's the steep switchback curve where the construction would start. So I guess we would ask the County to provide us the details that say the survey – a recent survey. I took the cadastral dimensions of this thing back in the lawsuit days. I plotted it out with six-point decimal accuracy in auto-cad, and I can quote the numbers I found. So maybe there's numbers and problems with past surveys. Maybe new surveys have new techniques but I question why all of a sudden there's drawings on the board here that show the entire curve is covered when there's another picture that we receive that shows it missed it, and I believe it misses it by 18 feet. So that's the questionable lower access we speak of, so I guess I would ask the County to provide those kind of details in the process of all this.

The provision – you've heard a little bit about the provision as you write on your notice that "property owners within 500 feet of the 22-acre parcel and community organizations and/or registered organizations recognized by the County are required to be given fair notice by first class mailing. We did send a couple of phone calls in, did not get answers but I know we've all been busy but we would like to know who received the list, who it was sent to, and we'd like to know especially who are the interested organizations. Those things – you've heard a number of our neighbors did not receive it. there's actually four pieces of property that are within 500 feet of the boundaries up above to the right and to the east and the northeast. I believe they never got it. That doesn't seem right.

Last page. Four the four stated variances, I'll say it in a different way than you heard a few minutes ago, but it's asking for violation of well established and well intended County legal standards. No mention of the upper limit. So it's one thing to exceed 30 degree slope. Does that mean they can go to 31 or does that mean they can go to 75. I think that needs to be quantified. There's no evidence of any quantifying the magnitude of the variance.

What about these other standards and considerations? Maybe you all will prove that I'm not right because my research is my research, but I believe there's an entire SLDC that are more beyond the four. I looked up the EZA, the Extraterritorial Zoning Authority. That seems to play into it, because you will be in view of I-25. That seems like we're within that zone. MSRD, if that still exists. When we bought our property we had to deal with the Mountain Special Review District when we bought our property and we

built on a flat slope but we were limited to the size of the property we had. We were limited by view from Old Santa Fe Trail. We were limited by view to I-25. And we actually had to do a little change because one of our walls was longer than 10 feet flat surface and all and we had to knock it out a little bit. But we met all those requirements. But we didn't have to take out big significant trees. We didn't have to take out significant boulders.

I guess and my wife Elizabeth, historically, if the County variances are approved, and I want to add, how are they policed? What is the violation? What's the penalty upon violating the agreements? It's a little late after they've already exceeded the ten trees or the thousand trees or whatever the plan says. It's a little late to bring those back. So what is the process of policing these variances as we go forward?

I had drawn up and I sent to you a picture – a 30 percent grade – so let me try this. This house, drawing it up, I picked it up and drew it up and exploded it out. It's probably about 65 feet in the depth of the cut and double that to the width of the cut, based on the defined 8,267 square feet. If you were to take 65 feet starting at a flat surface at the low side of the hill, and you dig 65 feet straight into the hill, at the limit of the 30 degree percent grade, you're at a 19-foot-high wall. So we're not sure what this five-foot wall thing we kind of heard about. But as soon as you start exceeding it, 30 percent is 19 feet. 20 percent is 26 feet [sic]. This thing could easily – we've walked it. at 50 percent grade this thing would be like a 32-foot retaining wall without a building. That's going to be visible from the space station.

So I think part of the concern, we've heard this is not about a building; this is about a building site, but that wall could easily be 20, 30, 40 feet. How's that going to be handled? And there is another variance that I found in the SLDC that it has to be painted. There's certain stipulations of what that view is. It's not just a building but it's I believe the word wall.

So in conclusion we believe that all New Mexico landowners do have a right, his or her rights to put up and build on their property, but we need to slow this down and get proper posting, the proper evaluation of all requirements. I don't believe I found every one of them when I found four acronyms of SLDC, MSRD, EZA, I can't imagine there isn't another one, but I believe I can speak wholeheartedly across the board, the residents of Coyote Mountain Road and Coyote Hills, we really do want to demand a disapproval of these variances until further notice.

And just in quick, rapid summary there's this disrespect for the value and the purpose of the Sustained Land Code so if there's such a thing, why do we have a code if there's this flagrant variance being entertained? Second, unquantified amount of disturbances and permanent erosion damage. You heard that. third is unacceptable and unquantified tree, shrub, and vegetation removal. Fourth is unlimited planned exceedences of code variances as I detailed. Fifth is damage to an already fragile private road. Sixth, inefficient engineering, environmental and historical culture analysis. Limited water resources. Visual aspects of the huge cut, and just the inaccuracies of the depiction of this necessitates the urgency and the undue hardship on the owner. I've already expressed my opinion about that. He gamed this property and he knew about the limitations of it upon being gifted the property through a quitclaim deed.

So there – I guess what we're curious about, what are the next steps? And we really would request that the next meeting or hearings would be held at the proposed

building site. Come out to the building site on the mountain. Put your boots on but come out and see where the true impact would be and witness it. And it's better than pictures and whatever but we would really appreciate at the next meeting or so to be up on the mountain. That's all I had.

HEARING OFFICER VIRTUE: Okay. Thank you very much. Are there other members of the public that wish to testify?

MS. TERHUNE: I think that was it.

HEARING OFFICER VIRTUE: Okay. Seeing none, I'm going to conclude the public testimony portion of the hearing at this point and ask the applicant to respond to the public testimony, and then I'm going to ask the staff to also respond if they want to.

MR. DALTON: Thank you, Mr. Hearing Officer Virtue. I would like to just answer one of your questions. I don't remember this gentleman's name.

MR. TERHUNE: J.T.

MR. DALTON: The only acronym you need to be researching is SLDC. Those other codes don't exist anymore.

I want to touch on both those letters, two of those letters you were referring to. We're talking about two different codes. One, we talking about the Land Development Code which allowed you to develop on ridgetops, and we're talking about the SLDC which does not allow you to develop on ridgetops unless there is no other buildable area on the property. So that's why you have those letters with two conflicting kind of decisions regarding the ridgetop and buildable areas.

I do have this plat from 1983 that does show access to Mr. Ohlsen's property, so I want you to take a look at that as well. And that is the same as our plan here, which you can see this corner runs well into Mr. Ohlsen's property.

HEARING OFFICER VIRTUE: So just to clarify for the record, Mr. Dalton, are you referring to NBA-17 or this is a new document?

MR. DALTON: Mr. Hearing Officer Virtue, that's a different document that was not included in your staff report. That's actually the plat of survey. So if we can make a copy of that you can enter that in as an exhibit.

HEARING OFFICER VIRTUE: Let's do that. Let's make a copy and mark it as Hearing Exhibit 2. Is that correct? And we'll enter it into the record if there's no objections. People have the right to object to putting it into the record.

MR. TERHUNE: Just to clarify. We've seen these pictures. We've seen three different varieties. What I asked for specifically is to have the PLSS cadastral data. So all I was asking for – I have seen pictures of this. I've seen every variety of it, and it's not actually accurate because that's a notch up here that was taken out also, which isn't shown. All I'm asking is the PLSS data, the cadastral data be replotted. That's survey data that I have access to, you have access to. It's clear. I know how to plot it. Go up this distance, turn left and 86 degrees and go up 400 feet and turn left. It's plotted. There's issues with – and I have it of the 22 acres and I have it of the road, and the centerline of the road. And there's a forty-foot – that's all I'm asking.

HEARING OFFICER VIRTUE: Okay, well just to clarify, I concluded the public testimony portion of the hearing and am allowing the applicant a chance to respond to the public. I didn't allow them to interrupt you, so let's let the applicant continue with their response to the public and then we'll go from there.

MR. TERHUNE: Okay.

HEARING OFFICER VIRTUE: But I am going to admit the plat as Hearing Exhibit 2, if we could make copies and make sure I and the recorder get a copy.

MR. DALTON: May I continue?

HEARING OFFICER VIRTUE: Proceed.

MR. DALTON: Thank you. Hearing Officer Virtue, I also want to state for the record that noticing requirements were fulfilled as per the SLDC. The SLDC does not require a neighborhood meeting in this case. There were approximately 34 letters sent out. The registered community organization was Santa Fe Association of Realtors, care of Donna Reynolds, 510 North Guadalupe, Santa Fe, New Mexico 87501. That was sent by first class mail. There are no registered ROs in this area, therefore no letters were sent out.

As far as everyone's concerned, Hearing Officer Virtue, I believe all their concerns at the time – if and when these variances are granted by the Planning Commission and at the time this goes for permitting there are strict requirements and guidelines set forth in the SLDC regarding drainage and grading, stabilization, landscaping. There's some big reports that staff is requiring within these conditions of approval that we're accepting and it just doesn't make any sense that all these reports are done before, like I said, we know these variances are going to be granted.

Like I said in the beginning, this is a legal lot of record and Mr. Ohlsen is allowed to have a residence and a driveway on this property. We did not choose this site; this site was chosen for us and that would conclude my response to everyone's concern. I just want to let everybody know, we do hear your concerns, but I believe that staff will do their due diligence in addressing your concerns, and so will we. Thank you.

HEARING OFFICER VIRTUE: Thank you, Mr. Dalton. Does staff have a response to the public testimony and the applicant's response?

MR. LOVATO: Hearing Officer Virtue, after hearing all the concerns, they make relevant points and staff has taken into consideration all these points that they've brought along. When you look at the site, without any variances this property cannot be developed. Staff's position on these are we have to grant them, but they have to go through the procedure process, which would be the variance process. It was staff's opinion that this location causes less scarring than a road going up the entire face of this property. With that, on top of that a ridgetop, and then you have that visual aspect of it.

In terms of visual impact analysis, staff feels that at the time of building permit that is going to be necessary. But in that essence, this project, whether you put it on the ridgetop or on the side of that slope it's going to be visible, and they're going to have to mitigate that visual impact in some sense or another with landscape, whatever it may be.

Going back and looking at your drainage issues, staff has reviewed or has taken that into consideration. We have that as a condition of approval. Pre- and post calculations cannot increase when you develop a property. They will have to do a drainage analysis. They will have to do a grading and drainage plan to ensure this, as well as a stabilization plan for any cuts they may do.

In terms of – if you would turn to [packet] Exhibit 2 and you actually look at Section Cut C-1 on the bottom right hand corner, you'll see that it's not a vertical cut as some people have claimed it to be. This is actually stepping up in essence. They have to

maintain a minimum [sic] height requirement of 18 feet with an overall height requirement as well. So it's not a vertical cut going straight up this slope.

When you look at division of the property for this property, no further development will be allowed on this property. There is no other buildable area. Staff does not grant buildable area on a property that has slopes in excess of 30 percent slope.

The request for variances on 30 percent slope, our requirements, while this slope might be greater than 30 percent slope, our requirements go up to 30 percent. It may be 45 percent; it may be 40. It's just – that's what we have to go off of on a basis. So that's why they are requesting these variance requests.

In terms of significant trees. Significant trees has a certain criteria. What is significant? What is not, on 30 percent slope? It may be inaccurate. Staff can verify that.

Mr. Dalton has touched base on reaching out to the public and the community. They are not required a public community meeting for this. They are required first class mail-outs and any ROs or COs that may be required to be noticed will be sent out as needed. This did not require any of that.

In terms of the property boundary. We have the survey plats as you placed as an exhibit and we also have data from our Assessor's Office which shows the same ordeal that we have here and they basically go off deeds and metes and bounds and that's how they create parcel boundaries. They may be off a foot. They may be off two feet but I've never heard in any case that they'd be off more than that.

And noticing issues have been properly done as far as what's been asked of the applicant, but any further questions I would defer over to Vicki Lucero for anything I may not have covered.

MS. LUCERO: Hearing Officer Virtue, if I could just go back and clarify a few things. So this request for a variance, I just wanted to clarify that this is a recommendation that will occur here today. This hearing is a recommendation. It will go on to the Planning Commission and they'll have final authority. If the variance is granted the applicant – basically what that does is it gives the applicant the right to proceed with the development permitting process. So they're not going to go out and put out a bulldozer the day after the Planning Commission makes a decision. They still have to come in through our permitting process, which would require a grading and drainage plan, rainwater harvesting plan, a review by the Fire Marshal's Office. We conduct a thorough review to make sure that it meets all other code requirements and that it meets the conditions that we're recommending be imposed on the variances. So we make sure that it is consistent with whatever variances are granted.

There were some other issues that were brought up regarding contributions to road maintenance and gate maintenance. That's not something that the County enforces so that would be something that would get enforced through the homeowners association or the road maintenance association in that area.

I think that was basically all that I wanted to add to Mr. Lovato's statements and we would stand for any additional questions.

HEARING OFFICER VIRTUE: Okay. I would ask staff if there's anything that the public testimony raised, any issues raised that you think you would want to discuss further with members of the public before considering whether to revise the recommendation or do you stand by it at this point, having heard the public testimony?

MS. LUCERO: Hearing Officer Virtue, I think staff would like to see the documentation from Mr. Terhune regarding the easement. We have the plat that we've reviewed, that we've looked at, to determine that there is legal access to the property, but there maybe some documentation, it sounds like there's some documentation that we may not have. So we would like the opportunity to analyze that.

HEARING OFFICER VIRTUE: Mr. Terhune, can you provide your –

MR. TERHUNE: I have the PLSS coordinates and I'd be happy to document them for the 22-acre and the center line of the road, which then has 20 foot on either side as required for the 40-foot easement. Those are the dimensions I was referencing, but I'd be happy to provide those. And I'm sorry if I interrupted earlier, but we've also heard the surveying, the standard in New Mexico wasn't always all that tight and everything else but it's always an amazement that you've got some numbers that are documented and you can plot them and then you can go find things that are drawn. And then I overlaid them actually, on Google Earth. I have access to some special satellite terrestrial stuff. The road is right where it says it's supposed to be and the road didn't move. So I'd be happy to provide all that to Mr. Lovato.

HEARING OFFICER VIRTUE: Great. Can you do that within seven days, within a week?

MR. TERHUNE: Yes, sir.

HEARING OFFICER VIRTUE: Do we have a – is there a scheduled Planning Commission hearing for this variance at this point?

MS. LUCERO: Hearing Officer Virtue, I believe the Planning Commission meeting is on March 19th. I think that's correct.

HEARING OFFICER VIRTUE: Okay. Does the staff believe it can, if it receives the information from Mr. Terhune on the access, you can make whatever revisions are necessary and be ready for the Planning Commission meeting on the 19th?

MS. LUCERO: Hearing Officer Virtue, our packet material and our staff report would have to be prepared a week before that, so that only gives us a couple weeks, so we can certainly try, but depending on what – we may have to do additional research on our end and maybe get with our GIS staff to do some additional mapping.

HEARING OFFICER VIRTUE: I understand. That's why I was asking the question if you were going to run into a little bit of a logjam there considering the additional information.

MS. LUCERO: If there isn't an opportunity to get that done prior to the Planning Commission meeting then what we would request is that the case be tabled until the next regularly scheduled Planning Commission.

HEARING OFFICER VIRTUE: That sounds like a reasonable way to address that. Okay, so you understand, Mr. Terhune, I'm going to make a recommendation based upon this hearing that will go to the Planning Commission and then there will be another public hearing at the Planning Commission, which will include consideration of the access issues and any recommendations I have on the hearing today. So the neighborhood and members of the public will have an opportunity to consider my recommendation and present your concerns with my recommendation to the Planning Commission. So this will not be the final word on the matter. It will proceed to another public hearing. Jus so you know that.

MR. TERHUNE: All right. I do. Thank you.

HEARING OFFICER VIRTUE: One additional matter is that the letters that the members of the community sent have been provided. Were they provided to the recorder? Okay. Let's identify those as Hearing Exhibit 3, and if you would attach those to the transcript of the hearing please and identify them, so we know by date and the author so we know exactly what they are and we'll put those in the record of the hearing. Does anyone have anything else that they would like to come before the hearing at this point? Mr. Terhune.

MR. TERHUNE: I would ask that the County go back and research the easements that I've referenced. I can give numbers if you all want, but the 1981 easement clearly said that upper property of ours and the land above it did not give access to the 22 acres. So I believe that when he received the property, when he was part of all that process I described, the depiction of that upper property being the only buildable site, it's clear at that point he was going to have to go across the face of the mountain, switch back a few times as Mr. Lovato mentioned. That probably was ugly, but he does have access to that upper site. It's just not through the road that he keeps claiming that it was the lawsuit that caused it. It was the easements that caused it. And he bought into that when he bought the property or received the property.

HEARING OFFICER VIRTUE: So that's documentation that should be part of your submittal that will come in a week, and then I'm going to ask staff and the County Attorney's Office to make sure that gets reviewed and a report be given to the Planning Commission on that documentation.

MR. TERHUNE: So I'm clear – I'll give over the book and page numbers that are described as the easements, everything I've got on that.

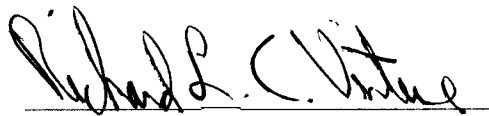
HEARING OFFICER VIRTUE: That's correct. If you will do that, then we'll have the staff and the County Attorney's Office review it and then they'll make a report to the Planning Commission on that.

Okay, if there's nothing else to come before the meeting I will declare the meeting and hearing concluded and I will make a written recommendation within 15 working days of today. Thank you.

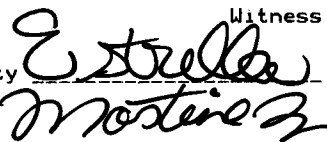
4. Adjournment

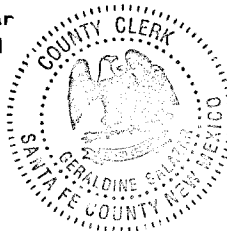
Hearing Officer Virtue adjourned the hearing at approximately 5:10 p.m.

Approved by:


Richard L.C. Virtue, SLDC
Hearing Officer Santa Fe County

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
SLDC HEARING OFFICER M
PAGES: 47
I Hereby Certify That This Instrument Was Filed for
Record On The 3RD Day Of March, 2020 at 11:57:12 AM
And Was Duly Recorded as Instrument # 1910819
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy  County Clerk, Santa Fe, NM
Santa Fe County
Hearing Officer: February 13, 2020

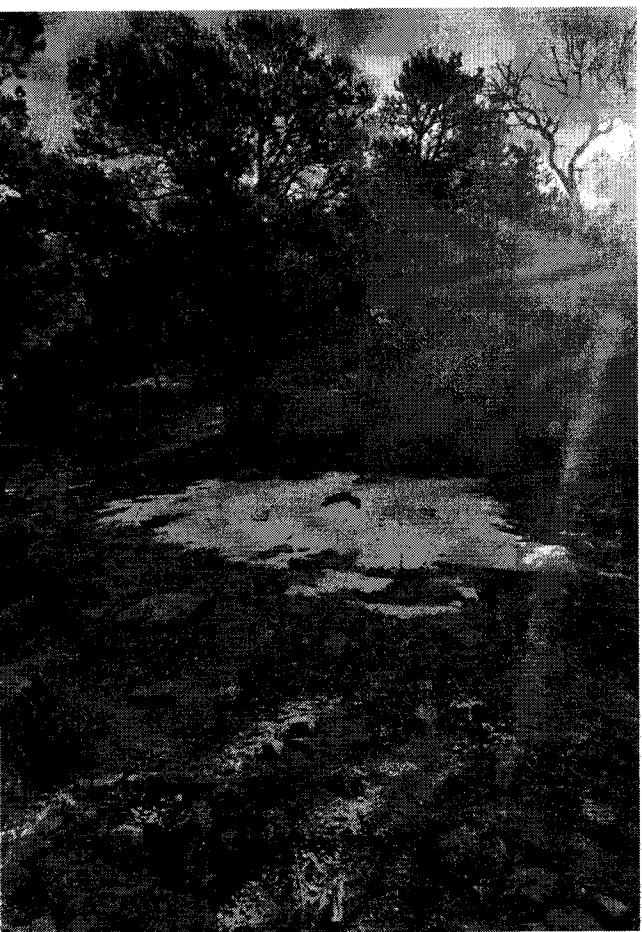
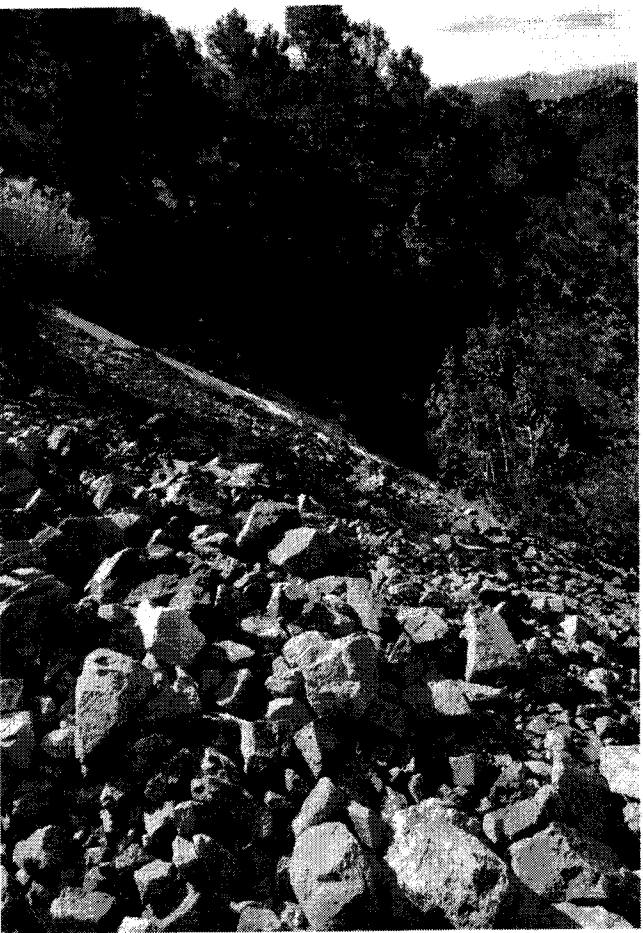
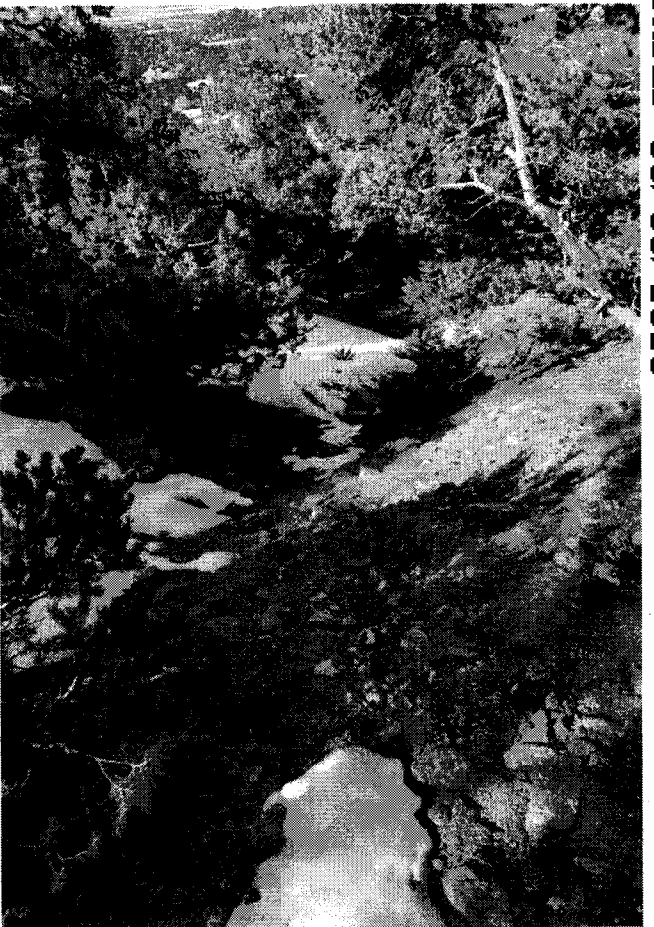
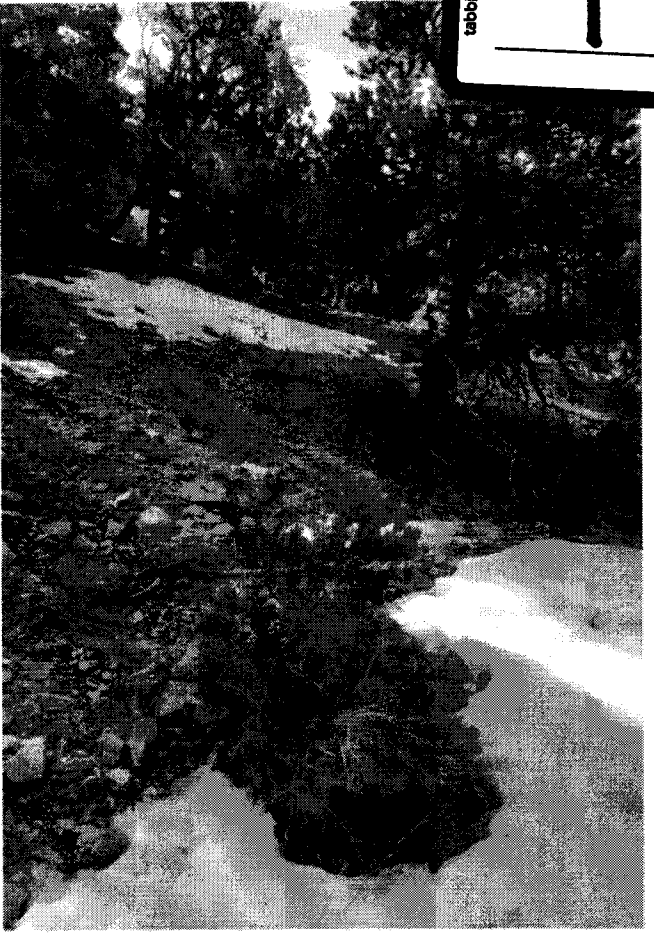


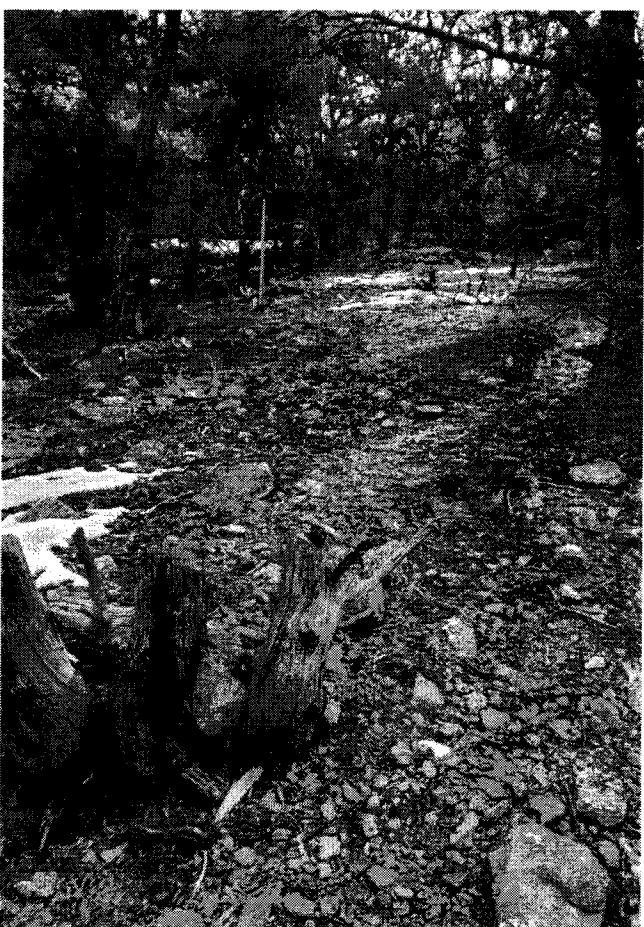
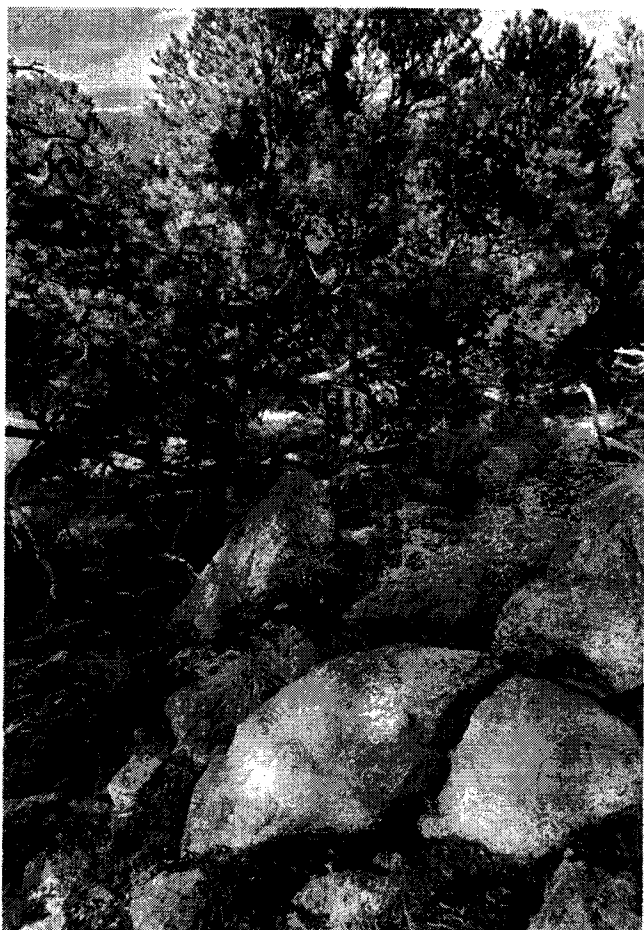
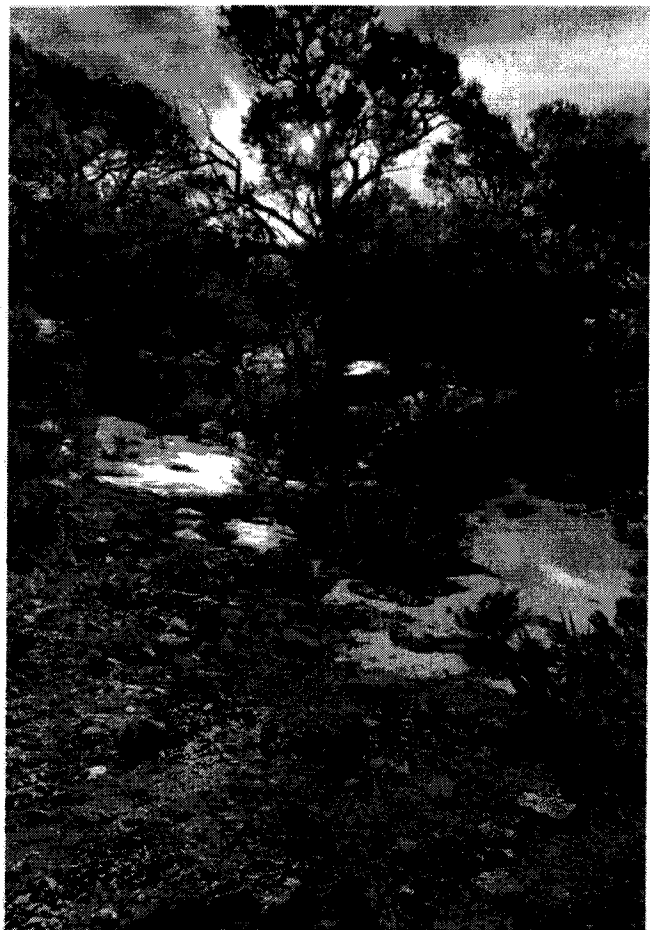
EXHIBIT

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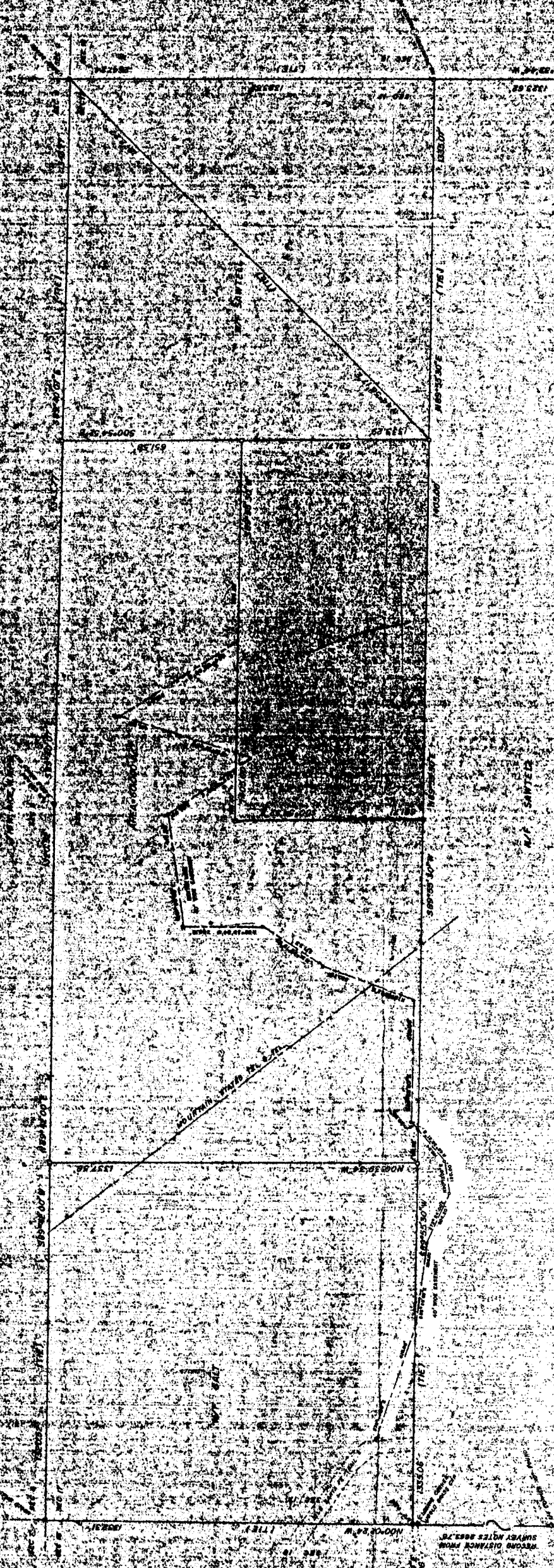
CONTAINS DATA SETTING SURVEY
DENOTES FORMER CORNER FOUND AND USED

PLAT OF SURVEY

FOR

JOHN TURNER

WITHIN THE NW 1/4 SEC 17 AND NE 1/4 NW 1/4
SECTION 17, T12N, R10E, N1/2M
SANTA FE COUNTY, NEW MEXICO



ROBERT A. MENDHAM, SURVEYOR GENERAL
SANTA FE COUNTY, NEW MEXICO
I HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE
ORIGINAL SURVEY MAP AND IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF.
WITNESSED MY HAND AND SEAL OF OFFICE
AT SANTA FE, NEW MEXICO, THIS 12TH DAY
OF MARCH, 2020.

96

SEC. CLERK RECORDED 03/03/2020



RECEIVED
SANTA FE COUNTY, NEW MEXICO
CLERK'S OFFICE
MARCH 3, 2020

Heating Exhibit 2



Ann Lehman & Alan Suits
43 Coyote Mountain Rd.
Santa Fe, NM 87505
February 9, 2020

Concerning Case # 18-5180 Gerald Ohlsen Variance

Dear John Lovato:

In reference to the above case number, we are submitting some of our comments and concerns about the variances requested. We have walked the land in question and have an understanding of the area under consideration.

Two important questions that need to be addressed before the variances are considered are as follows: What will be the water source for the land? Is there a plan to dig a well? This needs to be answered before any development begins or we could end up with a scarred mountain side, half- developed. The other question – does the property in fact touch Coyote Mountain Rd? Has a recent survey been done to establish the boundaries of the property?

Our concerns about the variances are covered below.

Erosion and run-off from the site. With slopes of 25% or greater, what is the plan to stabilize the land if developed to prevent erosion, landslides and extreme water run-off?

Removal of trees and other vegetation. On Coyote Mountain Rd. many of the trees are smaller pinon, juniper and pine. The trunks might not have a “significant” diameter as is defined in the variance request but they all are important for holding soil in place, stabilizing the hillsides and absorbing moisture in heavy rains. With a quick count we estimated there would be more than twenty important trees that would need to be removed as well as chamisa bushes, yucca plants and cactuses. How will the effects of removing these on slopes of 25% or more be mitigated? Will new trees be planted?

Water run-off damage to the road and properties. From Old Santa Fe Trail to the top of Coyote Mountain Rd. there is a significant change in elevation that results in road and property damage with heavy rains. This happens all along the road but is especially true for the upper portion of the road from about 34 Coyote Mountain Rd. The difference in altitude from there to the proposed pad is about 150 feet and there is of course drainage from higher up. Even with culverts, water diversions and frequent grading, there are still some very deep ruts and erosion at places after heavy rains. How will the effects of increased run-off due to denuded and excavated slopes be mitigated so that we won’t have even more damage?

Other road damage and problems. The place where the development would meet Coyote Mountain Rd. is very steep with a sharp turn and virtually no shoulder on either side. With large equipment there, how would access to the road be ensured for the residents living

SFC CLERK RECORDED 03/03/2020

above? Access to that part of the road is through a private security gate. How would that be handled? Finally, Coyote Mountain Rd. is a private dirt road that is maintained by all the households that use it. How would the residents be compensated for damage and wear and tear on the road due to heavy equipment driving to the site?

Thank you for considering these comments and concerns. We will be present at the meetings to further discuss these issues.

Sincerely yours,

Ann Lehman
Alan Suits

John F. Lovato

From: Michelle Kirk <michelle@brokenbeauties.com>
Sent: Monday, February 10, 2020 7:12 PM
To: John F. Lovato
Subject: In Regard To Case # 18-5180 Gerald Ohlsen Variance

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Mr Lovato,

I wanted to contact you prior to the hearing on February 13, 2020 regarding the matter of Case !18-5180 Gerald Ohlsen Variance. We have owned our home at 49, Coyote Mountain Road since 1999. We are the property directly below the proposed variances for #66 Coyote Mountain Road.

We have personally felt the impact of increased rains in the past years. The run off from the mountain has increased significantly. We returned home last April from a two week vacation to find almost an inch of dirt that had flowed down from the mountain onto our patio. The significant removal of trees, dirt and rocks (very large rocks and trees), on Mr. Ohlsen's property will only increase this water flow to homes "downstream."

I had occasion to take some photos this past weekend of the property in question. We were shocked at how steep it was (I w have copy's of these photos at the hearing). Grading and tree removal of the significance that Mr. Ohlsen has stated in his plans would have a serious and impactful consequence to the integrity of the mountain. Significant boulder removal would have to take place as well. These boulders along with the dense trees literally hold the mountain together. Removal of said natural resources would in my opinion significantly alter the structural integrity of the entire mountain.

Our little Coyote Mountain Road is a dirt one, which is already significantly damaged each time we have a heavy rainfall. Taking away the very natural things that protect not only the road, but the houses on the road themselves, would in our humble opinion do irreparable harm, causing significantly more expenditure to the maintenance of the road and a very significant probability of actual damage to our property. Mr. Ohlsen had a one option plan for development of his property back in 2003. When faced with restrictions to this plan that at the time had no other option, he has now suddenly "found" another suitable option. This second option is not in any way suitable to the current codes that Santa Fe County has so wisely passed. These codes are there to protect home and land owners from a situation just as this one.

We would humbly request that these variance are not allowed to pass not only for our beautiful and fragile environment up here on Coyote Mountain but for the safety and protection of the current residents.
We look forward to attending the hearing on February 13th.

Yours Very Truly,
Michelle Kirk

49, Coyote Mountain Rd.
Santa Fe, NM 87505
505-603-0764
michelle@brokenbeauties.com

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John F. Lovato

From: Tansy <tansybeinner@gmail.com>
Sent: Tuesday, February 11, 2020 10:13 AM
To: John F. Lovato
Subject: case# 18-5180

Warning:

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To: John Lovato, County Growth Management
Re: Case # 18-5180

We are residents on La Barberia Rd (County Rod 67F) and our property abuts that of 86 Coyote Mountain Rd (on the Southeast side of the ridge).

We were relieved to learn that these many variances that owners are applying for is to allow them to build close to Coyote Mountain Rd. If this is the case, we have no objections.

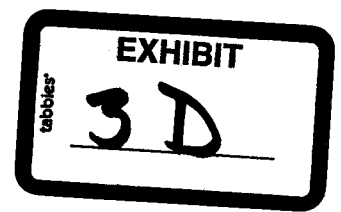
However, if they choose to move their sites back to building on the ridgeline of this property, our concerns and objections would be many. Including, but not limited to: the scarring of the face that would be visible from many, many surrounding properties, and miles beyond, the erection of a highly visible structure, towering over what is currently beautiful undeveloped nature and long views, the complex drainage issues that it would necessarily cause, etc.

We have understood that Santa Fe is trying to prevent further marring of views and scarring of mountain faces by inhibiting ridgeline development. We very much hope the ridgeline of this property will be protected from such destruction.

Thank you for hearing us.

Tansy and Scott Beinner
La Barberia Rd
(County Road 67F)

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John F. Lovato

From: Paul Packman <pfpackman@yahoo.com>
Sent: Tuesday, February 11, 2020 9:50 AM
To: John F. Lovato; Sandra Packman; paul packman
Subject: Case #18-5180

Warning:

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John Lovato

Growth Management

100 Catron Street

Santa Fe, NM

87501

Re: Permit #18-5180

Dear Mr. Lovato:

We have been part-time residents at 5 Coyote Hills Lane, a side road off Coyote Mountain Road for 20 years. We were attracted to this location because the buildings preserved and respected the integrity of the landscape. We were aware that there were some additional building sites further up on the mountain.

It is our understanding that there was only one building site available on the 22 acre parcel in question. That site is within a "designated a ridge-top location". A letter dated August 11, 2003 to Mr. Ohlsen from Siebert said "In this case there is no other reasonable location for a home." We question the choice of the current building site and the requested variances required to make the site viable.

We are unable to be in attendance at the meeting on February 13th. We have had conference calls with the other residents of Coyote Mountain Road and Coyote Hills Lane, and are in complete agreement with the issues and concerns that will be presented.

Respectfully submitted

Sandra Packman

Paul Packman

SFC CLERK RECORDED 03/03/2020



Evelyn Kennedy & Malcolm (Bob) MacPherson
34 Coyote Mountain Rd.
Santa Fe, NM 87505
February 11, 2020

Re: Case # 18-5180 Gerald Ohlsen Variance

Dear Mr. Lovato:

We are submitting some of our comments and concerns about the variances requested by Mr. Ohlsen and his agent. Our property borders Mr. Ohlsen's lot. We have been residents of Coyote Mountain Road since April 1987 and have seen a great deal of development since then on our mountain. We have grave concerns about this particular plan given the fragility of the site chosen by Mr. Ohlsen. We plan to be at the meeting on February 13 to discuss some of our concerns in person.

In addition to the requested variances there are many other issues that come to mind. These **more general concerns include:**

Will there be any direct or disruptive impact (i.e., visual, health & safety or environmental problems) to our property as a result of the development of this lot?

Has a visual impact assessment been done and does this conform to the Sustainable Land Development Code (SLDC)? Is this property in the Santa Fe Metro Highway Corridor Special Review District? How will the scenic vista and natural landscape of the area as viewed from the highway be impacted? As viewed from Old Santa Fe Trail and Old Las Vegas Highway?

Have the SLDC requirements for property above 7400' been met?

How much variance is being requested in each case? Have reasonable standards been set for variances such as these? Have as many variances as these ever been considered and approved before?

The section of Mr. Ohlsen's lot behind our lot is heavily wooded and extremely steep. It is hard to imagine anything being built there – a residence, driveway, parking lot or road could totally destabilize the property behind us and create significant problems for us. How different is the site in question?

What will be the impact of the method and equipment used to complete this plan on our road and surrounding properties?

What will be the water source for the property? Waste removal? Septic System? Blasting for that??

Briefly stated, here are some of our more specific concerns regarding the variances:

1. Due to the disturbance of slopes of 25% or greater, how will the land be stabilized to prevent environmental impacts? How high will any required mitigation restraining walls or fencing be? How visible will this be to us and to the surrounding area?

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2. The number of “significant” trees to be removed is concerning. Will they be replaced by other trees or other vegetation? How will this look in our neighborhood? Is this number accurate ? We have not gone out to measure but it seems questionable to us. What about other vegetation on the steep slopes of the mountain that will be removed?

3. If there is significant drainage from the proposed disturbance of this land, how will water run-off be handled? Are there requirements in the code? Who will enforce them? How will this effect the road that we as a community maintain?

Thank you for the opportunity to present our concerns.

Sincerely yours,

Evelyn Kennedy
Malcolm (Bob) MacPherson



John F. Lovato

From: Bryson Innis <abinnis@aol.com>
Sent: Wednesday, February 12, 2020 2:28 PM
To: John F. Lovato
Subject: Public Hearing 2/13/2020, Permit 18-5180

Warning:

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R. Bryson Innis
Ann K. Innis
19 Coyote Hills Lane
Santa Fe, NM 87505

February 12, 2020

To: Mr. John Lovato
Santa Fe County Hearing Officer

Re: Development Permit #: Santa Fe County # 18-5180

We are writing to express our concerns regarding this proposed development plan submitted by James Siebert & Associates, for Gerald Ohlsen, for his Lot at 66 Coyote Mountain Road. We have lived at this location, 19 Coyote Hills Lane, a side road off of Coyote Mountain Road, for over 30 years and are a part of Coyote Hills Subdivision. Although we have seen much development in our area, we welcomed the changes to the development codes as set forth by Santa Fe County Sustainable Land Development Code (SLDC), back in 2011 which was “ designed to specifically provide protection of environmental, cultural, historical and archeologic resources...”. We respect these codes and hope they are enforced to protect us, SF County residents, from detrimental developments.

This proposed development by Mr. Ohlsen and his request for excessive variances is worrisome to us knowing how steep the terrain is, how rocky and heavily forested it is. Mr. Ohlsen, due to previous difficulties in gaining access to this lot, has had to resort to creating a building site where none existed and in doing so, without regard to the environmental impact or concern for the current residents, risks permanent damage and disfigurement to the hillside. The letter from Seibert to the county, in our eyes, is vague and is not addressing the code or variances accurately. There is some discrepancy on the Conceptual Grading Plan showing an incorrect address (86 rather than 66) and the location of the driveway and placement of the building on the pads is questionable. The variances, as requested, would be significant deviations from the SLDC codes.

Some questions to consider:

1. Why would variances be granted at all in such a situation, with slopes of at least 30%?
2. Has a Buildable Area Analysis been done, regarding building above 7400 feet?
3. Has a Visual Impact Analysis been done - white story poles marking the site, verify heights of walls?

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4. Has an Environmental Impact Study been done, regarding trees and bushes removed, wildlife?
5. Will a Storm Water Pollution Prevention Plan (a 'SWPP') be required for the project?
6. Is there an approved location for a waste water leach field in such rocky terrain?
7. Will there be an enforced bond to repair/restore Coyote Mountain Rd during / after construction?

In conclusion, we stand firm with 13 other fellow lot owners, in the neighborhood in question, who all have grave concerns regarding this proposed development and the variances being applied for and we request that serious consideration be given to the many issues that this building plan poses to our neighborhood as well as the variances. We believe there will be serious impact to the terrain, to the storm water run-off capabilities of the mountain, to the existing road that we privately pay for as a group to maintain, as well as the visual impact of high retaining walls and a large chunk of mountain removed to accommodate the building site.

Thank you for hearing our concerns and considering all possible outcomes of this development. We have faith that our county representatives will act responsibly and with the original intentions of the SLDC in mind.

Sincerely,

Ann and Bryson Innis

From: Jim and Elizabeth Terhune
 99 Coyote Mountain Road
 Santa Fe, NM 87505

12 February

To: Mr. Lovato (Santa Fe County, Senior Development Review Specialist)
jlovato@santafecountynm.gov

Subject: **Case # 18-5180, Gerald Ohlsen Variance (66 Coyote Mountain Road)**

Dear Mr. Lovato:

We are proud Coyote Mountain Community owners /residents and have unanswered questions and grave concerns with the planning and requested variances for the subject case by Mr. Ohlsen (Property Owner is actually Amethyst Land Co. Inc. – owned by Ohlsen) and his Land Development Consultant (James W. Siebert & Associates). Our property borders the 22-acre parcel.

We are very aware of the details of the 22-acre parcel and Mr. Ohlsen as he (through his Amethyst Land Co. in Moriarty, NM) sued us in 2006 over easement extinguishment across our property and the use of a portion of the Coyote Mountain Road – a lawsuit that we won in 2014 in the Supreme Court of New Mexico (Case No. 34,083).

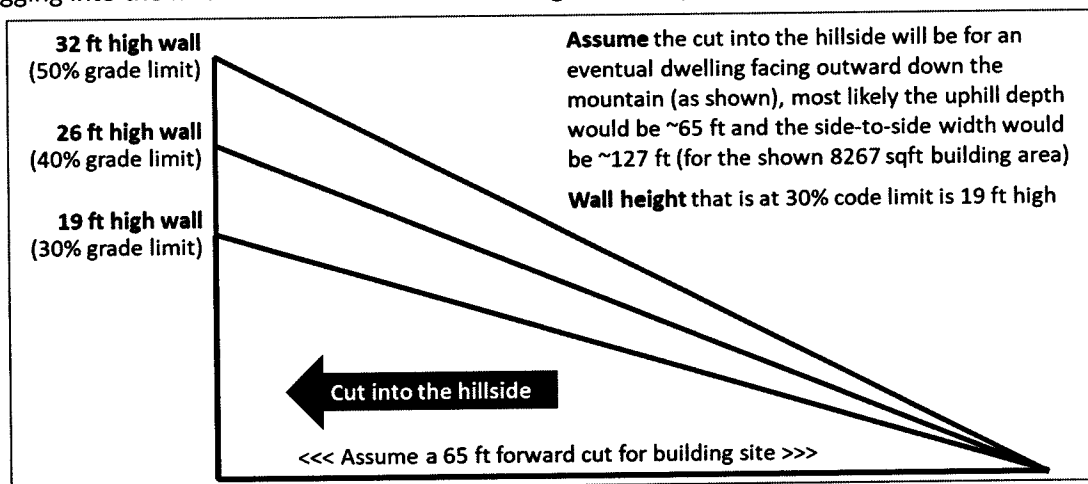
There are a number of “interesting” ownership deed transfers of the 22-acre parcel involving Ohlsen in the five years after we bought our property and the easement access became a contentious issue. It appears that none of the transfers mention any access to Coyote Mountain Road. On January 2, 2001, we bought our property from Mr. MacDuffee (owner of our property and owner of the 22-acre parcel). Starting two months later on March 20, 2001, the 22-acre parcel was Special Warranty Deed transferred to Desert Sunrise, LLC (Ohlsen is/was their attorney), then on April 24, 2003, the 22-acre parcel was Quitclaim Deed transferred to Amethyst (Ohlsen). In discovery we learned that MacDuffee owed him a debt of money and Ohlsen was on the phone in 2001 when we were offering to buy our property with the stipulation that the 22-acre parcel (planned for 3-4 building sites) did not have an easement across our property. The point of this detail is that Ohlsen knew starting in 2001 that he had no rights to use the upper portion of Coyote Mountain Road to access his “ridgetop” site. Further evidence is his letter to our Attorney, dated August 17, 2003.

At the hearings, there are many issues that need to be discussed: Herein is a summary of some of our concerns:

1. The first being the mistruths in the Siebert letter to the County dated December 19, 2019 “... due to litigation the Applicant (Ohlsen) cannot gain access to the ridgetop areas and is forced to build at an alternate location.” – *Ohlsen knew for 13 years before the litigation he did not have access to the ridgetop areas*
2. If we are going to proceed professionally and neighborly, we request the truth be presented.
3. To the best of our knowledge, Ohlsen has never paid into the upkeep of Coyote Mountain Road nor the security gate. It appears that he knows he is not part of Coyote Mountain.
4. There seems to be a rush to judgement; especially, the required eight analyses defined in SLDC 7.17.10 Development at or above 7400 ft – Building Area Analysis
5. In Siebert’s 2019 letter to the County, what should our interpretation be for the following passages:
 - “After several meetings and discussion with staff, it was determined by the Administrator (staff) that the proposed location was an alternative area suitable for the construction of a residence ...”
 - “It was also discussed that the alternate location chosen by staff would receive a positive recommendation for the variance(s) needed moving forward ...”
6. In a Siebert letter to Ohlsen, dated August 11, 2003, Jim Siebert writes:

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- “The lot has a buildable site, although it is located within a designated “ridgetop”.
 - “In this case there is **no other reasonable location** for a home other than within the ridgetop designation.”
 - “... Paul Kavanaugh (County Land Use Staff Field Inspector) will verify that **no other reasonable location** existing for building other than the ridgetop.”
 - In the 2019 Siebert letter to the County – 2nd paragraph, 2nd sentence: “**In this case there is no other buildable area on the property.**” *Clearly a reference to the desired ridgetop site – Their Words!*
7. Therefore, related to concern #5 and #6, how is it that suddenly there is another acceptable “buildable site” at the questionable lower access?
 8. Regarding the lower access to the 22-acre parcel, what details can the County provide for proof of access?
 9. Required by County provisions, “property owners within 500’ of the 22-acre parcel and Community Organizations and/or Registered Organizations recognized by the County” are required to be given fair notice by First-Class mailing. Who is on that list and were sent the notice, especially interested organizations?
 10. The four stated variances are asking to violate well-established and well-intended County legal standards. What is the upper limit on the variance, they appear unquantified?
 11. What about the many other standards and considerations, how they are being considered (e.g., entire SLDC, Extraterritorial Zoning Authority (EZA), Mountain Special Review District (MSRD), The Sierra Club, etc.)
 12. Historically, if variances are approved, how are they policed and what are the penalties if violations occur?
 13. The statement of a 5’ retaining wall (maximum) is questionable based on the following graphic. The green line is the maximum allowed cut without variance and that would result is a 19-foot wall after digging into the hillside for the described building area footprint.



We look forward to discussing these and other concerns at the upcoming hearings. Maybe one of the hearings should be held at the proposed building site on the mountain where the true impacts can be witnessed.

To: John LovatioFebruary 12, 2020

Re: CASE #18-5180 Gerald Ohlsen Variance Case Manager for Coyote Mountain Road Project

jlovatio@santafecountynm.gov

From: Susan Kennedy Zeller

71 Coyote Mountain Road
Santa Fe , NM 87505

Dear Mr. Lovato

Comments and Questions concerning the CASE #18-5180 Gerald Ohlsen Variance

Public Hearing County Administration Building, 100 Catron Street, Santa Fe, New Mexico, 13th day of February. 2020, 3pm

Subject 66 Coyote Mountain Road/Gerald Ohlsen/22 acre parcel

Dear Mr. Lovato

I agree with the all the concerns expressed by my neighbors along Coyote Mountain Road concerning this proposed construction. My home is the closest to the curve in the road and this proposed property construction and this proposal has many problems pertinent my own home as well as our close community.

There are a few comments I am making concerning to these variance’s requests.

1.

Removal of native trees
Yes..I do also have a second home on Long Island New York. There I am the Librarian of the largest Horticultural Library on Long Island through a Horticultural Alliance. We are so concerned with trees that our organizations is organizing giving away 10,000 NATIVE TREES to all the new homes that have been built in the area, primarily on former agricultural lands. Trees give us oxygen, their roots sustain the soil and hold back any damaging run off of water and soil, they are home to a myriad of birds, burrowing wildlife, beneficial insects and create a balance of nature. To destroy them is damaging our total environment along our neighborhood. I see no contingency plan for replacement of the proposed removal of trees.
2.

NAGPRA. I was curator of Native American Art for the Brooklyn Museum. In this position I was involved with numerous consultations and repatriations of articles and human remains to Native peoples under NAGPRA law. What contingency has been made for a proper examination on this property’s potential, based on it location near the Santa Fe Trail, to do a thorough archaeological study before any construction is done.
3.

Water...I see no location for where this construction, if approved, plans to attain its water.
4.

Roadway. Coyote Mountain Road is a private, dirt road which we maintain as a Road Association. The applicant has never contributed to helping maintain the road below or above the gateway along his property despite owning this parcel for several years.
5.

Water run-off. Along the front of my driveway and down the hill above it I have had water run off digging deep pathways along the side of the road that stretches along my property and down

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as low as the community road way. Despite having a culvert built in I have repaired this three times in the short period I have lived here. I see no contingency as to how this building owner will contribute to proper building and maintenance of water runoff repair.

6. **Roadway.** How will they contribute to the upkeep of existing roadway above and below the security gate.(ie; water damage, snow removal, side gutters, basic road bulldozing to maintain it)
7. **Security.** I have extreme concerns about the construction itself. It is common knowledge that construction sites can be rife with theft and mismanagement. How is security going to be handled? There is no mention of security provided for those of us living along the road way and especially myself.... a widow right next door to the proposed construction. Builders would have 100% access to our own properties at all times based on this proposal .
8. **Gate.** What plans have been made to maintain our security gate should construction make it break? The present owner does have a code to go in and out but so far has never contributed to maintain the security gate. How will any construction manage it?
9. **Parking.** Where would construction vehicles be parked so as not to impede access for all who live above this area.

Thank you for your consideration of these serious issues involving any construction in this parcel

Susan Kennedy Zeller, Ph.D

71 Coyote Mountain Road

Sant Fe, NM 87505

February 13, 2020

To: John Lovatio

jllovatio@santafecountynm.gov

Re: CASE #18-5180 Gerald Ohlsen Variance Case Manager for Coyote Mountain Road Project

From:

Paul and Jaclyn Ruppanner

44 Coyote Mountain Road

Santa Fe, NM 87505

Dear Mr. Lovato

Comments and Questions concerning the CASE #18-5180 Gerald Ohlsen Variance

Public Hearing County Administration Building, 100 Catron Street, Santa Fe, New Mexico, 13th day of February, 2020, 3pm

We, as others agree with the concerns expressed by my neighbors in the Coyote Mountain Road community concerning both the process and the proposed construction variances.

44 Coyote Mountain Road is the property directly below the proposed property development and variance requests. We are the epicenter of the potential construction impact and therefore the potential recipient of the requested variances if granted.

There is a reason why there are construction restrictions and standards, put in place by the County to protect our land and communities from irreversible harm. There are also reasons why variances to those restrictions and standards should be responsibly considered by our County when asked. Were the variances minor or moderate adjustments that would not affect the purpose of the existing standards, it would be reasonable to support them. The variances requested by Mr. Ohlson are by no means minor or moderate.

- A visible swath of road across the entirety of Coyote Mountain with accompanying walls is not minor or moderate
- Removing hundreds of native Pinion trees to accomplish road construction is not minor or moderate
- Altering natural water runoff paths established over the centuries by nature is not minor or moderate
- ...and the list goes on... visual impact, road maintenance, flora/fauna, etc.

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There are three areas of impact that I would like to highlight further:

Water:

We as others are deeply concerned with the many concerns elucidated by our neighbors, especially with water runoff as we have for 15 years constructed multiple water diversion projects on the property above our house and along Coyote Mountain Road to mitigate significant damage to our property and to Coyote Mountain Road. Despite our efforts we continue to suffer measurable land and road damage from Mother Nature and the status quo.

One can only speculate that, given the proposed large swath of road planned to scar our mountain, any potential impact from altering the current natural state of the mountain behind us will have major physical and economic impact to our community.

Trees:

Speaking from personal experience, the notion of replanting trees as an offset to construction damage borders on ludicrous. Our forest here is Pinion. The mountain is steep, and life is difficult for them as it is given water runs off the surface rapidly. Many Pinions I have tried to trim die quickly from the trimming. To assume one can replicate the volume of what is removed begs the questions:

- The mountain is well established, where would the replacement planting be made?
- What is the plan to provide the new trees water to nourish survival?
- Is this alone a reason not to grant variance?

Community:

It troubles me that in a community of harmony and respect for our relationships, Mr. Ohlsen does not appear to value community values. To wit:

- We have lived here for 15 years and there has never been any outreach to us which might make sense if you wanted to implement major changes to our bordered properties.
- We have not received any communications/notifications of the plans to significantly alter our community and eco-system
- Posted community notification of these variance hearings were NOT posted at the entrance to our community but posted where only two properties might see them if they happened by. I trust this was not intentional.

What is the purpose of County regulations to protect our land and properties if major (repeat major) variances are granted. We fully oppose approval of all variances requested by Mr. Ohlsen.

Paul A. and Jaclyn B. Ruppanner

44 Coyote mountain Rd.

John F. Lovato

From: Tansy <tansybeinner@gmail.com>
Sent: Thursday, February 13, 2020 12:23 PM
To: John F. Lovato
Subject: Re: case# 18-5180

WARNING:

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I just wanted to be sure you received this and will be shared today? Thanks!
Tansy Beininner

Sent from my iPhone

> On Feb 11, 2020, at 10:12 AM, Tansy <tansybeinner@gmail.com> wrote:
>
>
> To: John Lovato, County Growth Management
> Re: Case # 18-5180
>
> We are residents on La Barberia Rd (County Rod 67F) and our property
> abuts that of 86 Coyote Mountain Rd (on the Southeast side of the ridge).
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> Thank you for hearing us.
>
> Tansy and Scott Beininner
> La Barberia Rd
> (County Road 67F)
>
>

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