

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: October 20, 2016

TO: Santa Fe County Planning Commission

FROM: John Lovato, Development Review Specialist Sr. *VJ for JL*

VIA: Penny Ellis-Green, Growth Management Director *PE*
Vicki Lucero, Building and Development Services Manager *VJ*

FILE REF.: CASE # V 16-5150 Hearts Way Ranch Variance **Deliberation and Vote Only**

ISSUE:

Heart's Way Ranch, Susan Carter, Applicant, JenkinsGavin, Design & Development Inc., Agents, request three variances of the Sustainable Land Development Code (SLDC) to allow a retreat facility consisting of 2 casitas, a yoga area, and a main residence on 39.5 acres. The Applicant requests 1) a variance of Chapter 7, Section 7.11.6.6 to allow the grade of the approach at the intersection to exceed 5%; 2) a variance of Chapter 7.11.2, Table 7-13, to allow the overall grade of the driveway to exceed 10% in three separate locations in order to get to the casitas and main residence; and 3) a variance of 7.11.2 Table 7-13 Local Road Design Standards to allow access from offsite roads that do not meet Code requirements. The 39.5 acre property is located at 34 Sendero de Corazon, via La Barbaria Trail within Section 9, Township 16 North, Range 10 East (Commission District 4), SDA-3.

Vicinity Map:



SITE LOCATION

NBA-1

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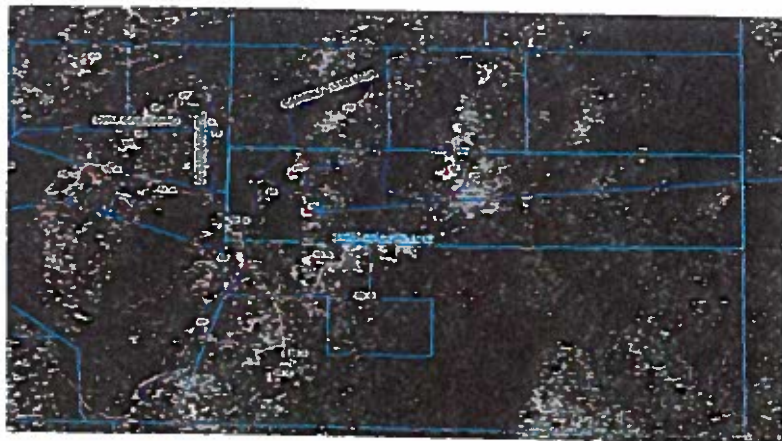
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SITE LOCATION

NBA-1

SUMMARY:

On September 15, 2016, the Santa Fe County Planning Commission met and acted on this case. The decision of the Planning Commission ended in a vote with three members voting in favor of the motion to approve the request, and two members voting against the motion.

Chapter 14, Section 14.9.7.4 of the Sustainable Land Development Code, Ordinance No. 2015-11 states, “[a] variance may be granted only by the majority of all the members of the Planning Commission ... where authorized by NMSA 1978, Section 3-21-8 (C).”

A minimum of four members would be needed to constitute majority of all of the Planning Commission members. Therefore, the three to two motion to approve the variances did not meet the requirements of Section 14.9.7.4 and constituted a denial of the variances. A second motion was then made to reconsider the first motion, and it passed by a three to two vote. A third motion was then made to table the request until the sixth Planning Commission member was present. This motion passed by a three to two vote.

This case is now coming before the Planning Commission for deliberation and vote only.

EXHIBITS:

- A. September 15, 2016, Planning Commission minutes
- B. September 15, 2016, Planning Commission report and exhibits
- C. Chapter 14, Section 14.9.7.4 of the SLDC

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

August 18, 2016

I. This meeting of the Santa Fe County Planning Commission was called to order at 4:00 p.m. by Vice Chair Susan Martin at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Commissioners Present:

Susan Martin, Vice Chair
Rena Gray
Bette Booth
Louie Gonzales
Leroy Lopez

Commissioner(s) Excused:

Frank Katz, Chair
Phil Anaya

Staff Present:

Vicki Lucero, Building & Services Manager
Tony Flores, Deputy County Manager
Penny Ellis-Green, Growth Management Director
Mathew Martinez, Development Review Specialist
John Lovato, Development Review Case Manager
Andrea Salazar, Assistant County Attorney
Dave Sperling, Fire Chief

IV. **APPROVAL OF AGENDA**

Commissioner Booth moved to approve the agenda as published. Commissioner Lopez seconded and the motion carried by unanimous voice vote.



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V. APPROVAL OF MINUTES: August 18, 2016

Commissioner Booth moved to approve the August minutes as submitted. Commissioner Lopez seconded and the motion passed by unanimous voice vote.

VI. NEW BUSINESS

- A. CASE # V 16-5150 Hearts Way Ranch Variance: Heart's Way Ranch, Susan Carter, Applicant, JenkinsGavin, Design & Development Inc., Agents, request three variances of the Sustainable Land Development Code (SLDC) to allow a retreat facility consisting of two casitas, a yoga area, and a main residence on 39.5 acres. The Applicant requests a variance of Chapter 7, Section 7.11.6.6 to allow the grade of the approach at the intersection to exceed 5 percent, a variance of Chapter 7.11.2, Table 7-13, to allow the overall grade of the driveway to exceed 10 percent in three separate locations in order to get to the casitas and main residence, and a variance of 7.11.2 Table 7-13 Local Road Design Standards to allow access from offsite roads that do not meet Code requirements. The 39.5 acre property is located at 34 Sendero de Corazon, via La Barbaria Trail within Section 9, Township 16 North, Range 10 East, Commission District 4, SDA-3

[Exhibit 1: Santa Fe County Fire Department Memo, 9/7/16; Exhibit 2: Photos of the road provided by Applicant; Exhibit 3: Petitions provided by Applicant; Exhibit 4: Site map, photos demonstrating pullouts and road width; Exhibit 5: Graeser & McQueen support material]

CHAIR MARTIN: I would just like to introduce myself. I am Susan Martin, the vice chair of the commission. Our chair is not here so please be patient with me. I know that we all feel strongly about some of the issues in this and I am just asking us to be respectful of each other and I am also asking that people who speak not be redundant or duplicative.

If we could have the staff report.

JOHN LOVATO (Case Manager): Thank you, Madam Chair. Heart's Way Ranch, Susan Carter, Applicant, JenkinsGavin, Design & Development Inc., Agents, request three variances of the Sustainable Land Development Code to allow a retreat facility consisting of two casitas, a yoga area, and a main residence on 39.5 acres.

The Applicant requests a variance of Chapter 7, Section 7.11.6.6 to allow the grade of the approach at the intersection to exceed 5 percent, a variance of Chapter 7.11.2, Table 7-13, to allow the overall grade of the driveway to exceed 10 percent in three separate locations in order to get to the casitas and main residence, and a variance of 7.11.2 Table 7-13 Local Road Design Standards to allow access from offsite roads that do not meet Code requirements.

The 39.5 acre property is located at 34 Sendero de Corazon, via La Barbaria Trail within Section 9, Township 16 North, Range 10 East, Commission District 4, SDA-3

On August 25, 2016, the application was presented to the Hearing Officer for consideration. The Hearing Officer supported the application as memorialized in the Finding of Facts and Conclusions of Law written order, Exhibit 12. At the August 25, 2016 Hearing Officer's meeting seven members of the public spoke in favor of the application and four spoke in opposition. The major concern of opposition was due to the road issues and congestion associated with La Barbaria Trail.

Currently, there is a 3,651 square foot residence, two casitas 1,100 square feet each, a 1,000 square foot garage located at the main residence, a 750 square foot workshop, and a 400 square foot carport. All structures have been permitted through Santa Fe County. One of the casitas was permitted as a studio and later converted into the casita without a permit. The site contains two wells and a septic system that supports the two units.

The property is a 39.57 acre tract within the Rural Fringe Zoning area as defined by Ordinance 2015-11, Sustainable Land Development Code, Chapter 8, Section 8.6.3. Appendix B of the SLDC designates a retreat as a permitted use within the Rural Fringe Zoning District. The Applicants' agent submitted an Application for a Site Development Plan, to request a retreat. It was discovered after submittal that the approach to the intersection exceeds grade requirements of 5 percent for 100 linear feet, and the grade of the driveway is 17 to 21 percent in three locations. Permits were obtained in 1994, for a driveway with grades up to 14 percent. The approval was granted in accordance with the Extraterritorial Zoning Ordinance which allowed for grades of 15 percent; however, the driveway was not constructed to the approved plans. Therefore, variances are being requested.

Building and Development Services staff has reviewed the Site Development Plan for compliance with pertinent SLDC requirements. The driveway grade of 5 percent for 100 linear feet upon an intersection and the overall driveway grade to get to the casitas and main residence exceeds the required grade of 10 percent, and offsite roads do not meet the 20 feet driving surface. La Barbaria trail is a base course surface with a minimum width of 9 feet and a maximum width of 18 feet. The driveway that accesses the site is 14 feet in width with a base course surface and has pullout locations. Improvements were done for fire protection to include pullouts, and two 10,000 gallon water storage tanks with a draft hydrant that was placed at the main residence.

The Applicant addressed the variance criteria as follows:

1. Where the request is not contrary to the public interest.
The variance is requested for an existing private driveway and this is not contrary to the public interest. The driveway will be used primarily by the property owners for access to the single family residence at the top of the driveway. There will be four to six retreat guests that access the two casitas and provide overnight accommodations. In the past, full time tenants have rented the guest homes. Additionally, installing an automatic fire suppression system in the casitas and workshop will be in the public interest. The property owner implemented driveway improvements and the driveway is well constructed and in the context of the steep terrain which minimizes slope disturbance.
2. Where owing to special conditions, a literal enforcement of the SLDC would result in unnecessary hardship to the Applicant.

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Special conditions exist that the subject lot comprised of steep terrain and reconstruction of the driveway would cause scarring of the hillside. The previous owner worked in collaboration with the County Fire Marshal in effort to conform to safety standards. Reconstruction of the driveway to the SLDC standards would result in unnecessary hardship to the Applicant.

3. So that the Spirit of the SLDC is observed and substantial justice is done. Maintaining the existing driveway is consistent with the SLDC as stated in Section 1.4.2.20 "Ensure that building projects are planned, designed, constructed and managed to minimize adverse environmental impacts. The driveway was constructed to minimize adverse environmental impacts, while satisfying the requirements with emergency access and life safety.

Staff Response: Although tenants have moved in and out of the casitas, this area is in an Extreme Wildland Fire Hazard Area. During inclement weather, and on slopes in excess of 10 percent, emergency access may not be possible due to the severity of the steep slopes. The structures will be utilized as a retreat center, and the use may increase tenants which can increase traffic use. Chapter 14, Section 14.9.7.4, Variance Review criteria states, Where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the Applicant. The road was not constructed per approved plan, but road design standards have changed since that time, and the Applicant is now requesting to change the use from residential to non-residential. Staff acknowledges that it would be difficult to widen the road width, reduce the road grade or widen these area without disturbing large amounts of 30 percent slope, and causing visual scarring.

The Applicant addressed the variance criteria as follows:

1. Where the request is not contrary to the public interest.

The request is not contrary to the public interest. La Barbaria Trail is an existing local roadway which has been serving the vicinity for several decades. As stated in the variance criteria answers above, Hearts Way Ranch will be used by the property owners and their guests to access the existing residence and casitas.

2. Where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the applicant:

The Local Road classification calls for two 10-foot wide driving lanes. As stated above, La Barbaria Trail lies within a 20-foot easement. The width of the easement, as well as the area's exceptional steep terrain, render it impossible to widen the road. A literal enforcement of the SLDC would result in unnecessary hardship to the applicant by essentially rendering access to Hearts Way Ranch an impossibility.

3. So that the spirit of the SLDC is observed and substantial justice is done.

This Variance request is intended to allow for a locally owned business with requisite zoning to move forward and commence operations. As stated above, Hearts Way Ranch is proposed sober-living wellness retreat center, which is permissible use in the Rural Fringe Zoning District. The request therefore observes the spirit of the SLDC as stated in Section 1.4.2.11: Accommodate within appropriate zoning districts, regulations for protection and expansion of local small businesses, professions, culture, arts and crafts including live/work, home occupations and appropriate accessory uses in order to support a balanced, vigorous local economy.

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Staff Response: Although the proposed use is permitted in this zoning district, all requirements of the Sustainable Land Development Code shall be met. La Barbaria Trail is a private road that does not meet the road standards of the SLDC. La Barbaria Trail is required to have a minimum of a 20-foot driving surface with two lanes that are 10-foot each, a 50 right-of-way, and adequate drainage. Many locations of La Barbaria Trail are 9 feet in width at minimum and 18 feet in width at maximum. There are limited areas that may allow for road width to be increased due to adjacent drainage and steep slopes in excess of 30 percent. The grade on this offsite road meets Code requirements and the road is in good condition.

Recommendation: On August 25, 2016, the Application for a variance of Chapter 7, Section 7.11.6.6 to allow the grade of the approach at the intersection to exceed 5 percent; a variance of Table 7-13 to allow the grade of the driveway to exceed 10 percent; and a variance of 7.11.2 Table 7-13 Local Road Design Standards to allow access from offsite roads that do not meet Code requirements was presented to the Santa Fe County Hearing Officer. The Hearing Officer supported the Application as memorialized in the findings of fact and conclusions of law written order.

If the decision of the Planning Commission is to approve the Application, you may consider adopting the Hearing Officer's finding of fact and conclusion of law in the written recommendation as Exhibit 13.

Thank you, Madam Chair, and I will stand for questions.

CHAIR MARTIN: Thank you, staff. Does any Commissioners of the committee have any questions for staff? Commissioner Booth.

COMMISSIONER BOOTH: Although this hasn't been brought up yet but in reading through the public hearing notes I notice that we talk about a TIA that is required for the associated development permit – what is the status of the TIA?

VICKI LUCERO (Building & Development Services Manager): Madam Chair, Commissioner Booth, the TIA is under review. They have submitted a separate application for the – the Applicant has submitted a separate application for the site development plan which is pending based on the decision of the variance so that is currently under review.

CHAIR MARTIN: Are there other question from the Commission? If not, actually I have a question. At the end it says as required by the SLDC, the Applicant's agent presented the application to the Technical Advisory Committee on May 19, 2016, is there any written record of that or is there a result of that?

MR. LOVATO: Madam Chair, there is written record of that. A memo was sent to the Applicants addressed their concerns and what was discussed at the TAC meeting.

CHAIR MARTIN: Okay, thank you. Okay. No other questions from the Commission at this point?

Okay, this is a public hearing and are there people who would like to comment on this application? Oh, I am sorry. The applicant, of course.

JENNIFER JENKINS: Good evening, Madam Chair, Commissioners, my name is Jennifer Jenkins. I am with JenkinsGavin here in Santa Fe and here representing Susan Carter and Shari Scott for the variance requests that are before you this evening or this afternoon actually. It is still this afternoon.

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I have a couple of quick introductions and I have a brief presentation and then we would be happy to stand for questions.

[Duly sworn, Jennifer Jenkins provided the following testimony]

MS. JENKINS: So with me here to my right I have Susan Carter and Shari Scott who are the applicants and the owner of the Hearts Way Ranch property. And behind me is Gary Friedman our legal counsel.

I am going to go ahead and approach with some visual aids and just kind of walk you through the property and what the request – the nature of the request that are before you this evening. Okay, if I may approach?

So just so we can all kind of get our bearings of where we are here: this is La Barbaria Road which you get directly off of Santa Fe Trail. That is County Road 67F, so that is a public County roadway. And then at this point you get La Barbaria Trail. La Barbaria Trail is a private road that is within a 20-foot access easement that was established back in the very early 1980s. So La Barbaria Trail – the subdivisions and the lots and the homes that you see that are constructed here were constructed permissibly by Santa Fe County with La Barbaria Trail as the only means of access. And as you come in on La Barbaria Trail at this point there is a fork in the road and this is the southwest corner of the subject property. So the subject property is here – it's a little hard to see, it's outlined in green but there are so many trees it is a little hard to tell. So here is the 39 acre subject property. This is zoned rural fringe as John stated and has a minimum lot size of 20 acres. So we are almost double the minimum lot size for the zoning district.

So at the southwest corner of the property La Barbaria Trail continues into here and then this Camino Tortuga which continues up into here and dead ends right here. This is where the driveway serving the property starts which is Sendero de Corazon. And Sendero de Corazon winds up – these are the two existing casitas. They are each about 1,100 square feet on the lower part of the property. This is an existing little garage workshop building and then the main 3,600 square foot residence is here at the top of the driveway.

So there are three variance requests here before you today and just to reiterate as was mentioned, we have submitted a site development plan application to Land Use for retreat and this is a small, intimate, wellness retreat for women who have completed any sort of addiction recovery and this is a place where they can come to transition into their new life. Each of these casitas are two bedrooms and could accommodate four to six women at any given time. And, as mentioned, also, retreats are permissible use in the rural fringe zone and we are not proposing any new construction with this application. Everything – we are using only the existing structures on the property and no new construction is proposed. But we do have existing circumstances relative to the access that with the adoption of and the implementation of the SLDC last January warrants the variance requests that are before you.

One variance request relates to the offsite existing access of La Barbaria Trail and requires a 50 foot right-of-way and we only have a 20 foot access easement that has been existing for over 30 years in that instance. And, then at this point here, at this intersection there's a variance for the grade at the intersection of Camino Tortuga and La Barbaria Trail. And then we have the grade of the driveway itself that serves as access to the casitas as well the main residence. And the driveway under the Extraterritorial Zoning Ordinance the maximum permissible grade when the driveway was permitted in 1994

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was 15 percent. There are a couple of spots that exceed that. There is one little steep spot for a short distance of about 21 percent and then there are some spots at 17. And we have worked – our client, my client, acquired the property in January and the previous owner invested hundreds of thousands of dollars in improvements to the property to make it as safe as possible in consideration of the mountainous area that the property is in – the remoteness and the mountainous nature of it. And, Mr. Loftin worked, the previous owner worked directly with the County Fire Marshal's Department to say, What can be done here to make this as safe as possible given the constraints of the existing terrain?

This is oriented – actually we are oriented the same way, so – let me move this out of the way – so, again, this is that little intersection at the southwest corner where La Barbaria Trail continues here, this is Camino Tortuga that just crosses the property and then here is the driveway here. So several things were done by the previous owner. The driveway itself was resurfaced, regarded, guardrails where necessary were added, but the key, the really key improvement are these pullout areas that you see identified here. The driveway is compliant in its width. It is a 14 foot wide driveway which is a compliant width but when you have a driveway of this length what the Fire Department asks for is opportunities for vehicles to pass one another. So if an emergency is entering the property and there's a vehicle attempting to exit the property that there are plenty of options for vehicles to safely pass. So that is what has occurred here, here and here and these pullouts do meet the dimensional standards for fire access for passing areas.

Secondly, up here at the main house we have 20,000 gallons of water storage on the property that is connected to a draft hydrant as well as fire hoses on the property. So I would venture to say that this is probably one of the safest properties in the area already in terms of its access and additional fire protection measures. But collaboration with the Fire Department there are additional measures that we are taking to ensure life safety and those measures include this: the two casitas which is where the guests will reside when there are guests on the property will be retrofitted with automatic fire suppression systems. Interior residential sprinkler systems. In addition to that the owners reside in this house and this is where they will continue to reside so this is a residence how and it will continue just to be a residence and we are also going to be installing retrofitting automatic fire suppression in the main residence. So from a life safety standpoint, it really doesn't get much better than this especially given the mountainous nature of the property. In addition to that, we will be doing a vegetation management plan. Some of that work was already done by the previous owner to ensure that there was a clearing of vegetation adjacent to the structures to minimize if there is any fire it does not affect the structures themselves. So we will be revisiting that vegetation management in collaboration with the Fire Department to ensure that we are taking the necessary steps to ensure a situation that is as safe as it can possible be.

And, the variance for the driveway is before you because considering this environment to make this fully compliant at a 10 percent grade would be an unbelievable scar on the mountainside and retaining walls and it would be an environmental disaster. And I would be before you asking for variances to disturb 30 percent slopes to make the driveway compliant. So no matter which way you slice it – so we feel really strongly that this is the appropriate path forward. The driveway is in excellent condition given the mountainous terrain it is probably as good as it can get and engineered incredibly well. And we have pullouts and we are going to have sprinklers in each of these dwellings.

NBA-9

Just so you can get a sense of the existing access I'm going to pass out some photos that I think will give you a good sense of the conditions of the property. The numbers on the coversheet for the onsite driveways indicate where the photo was actually taken so you can see with number one that's the intersection at Camino Tortuga and La Barbara Trail. This is where Sendero Corazon starts, this is where it divides to go to each of the casitas and then we capture the pullout areas as well as the turnaround area that is at the top of the driveway.

And I believe that you have been provided an updated memo from the Fire Department. The Fire Department is recommending approval of this application in consideration of the condition of the driveway and the additional safety measures that are going to be employed via the automatic fire suppression on the property.

As I mentioned previously, this is a small intimate wellness retreat for four to six women who the casitas will serve as their guest accommodations. Women who have completed their recovery and this is really a next step so they can start their new lives in a new way. One very, very important detail, the guests will not be bringing their own vehicles to the property. They will be driven by the property owners to town when necessary as the property owners go to town when necessary. The casitas were historically rented full-time by the previous owner as well as owners preceding him. The property was developed in the mid 1990s. So those casitas were historically rented full-time so we are going from essentially three dwelling with the vehicles and the trips to jobs and the grocery store and everything else that comes with that and we are with this application we are transitioning to one dwelling where the residents work on the property and two guest accommodation structures that do not accommodate vehicles. So typically when we're talking about a request for a change of use we often hear the terms an intensification of use. And I understand that in some instances that is accurate. It just doesn't happen to be accurate in this situation. This application and these variances are actually going to result in a lowering of the intensification and use of this property. A reduction of the intensification of the use of this property.

And, also, in your staff report you have a memo from the planning division the Santa Fe County Planning Division also recommending approval because of the negligible traffic. It's in your staff report I don't know the exact exhibit but we could probably pull that out. And with this application and the installation of the additional fire suppression measures, the property is going to be made more safe than it is today.

And then we have the intent of the code about supporting small businesses especially ones of such negligible impact. There is a reason retreats are permissible here because by the sheer nature of them, it's a quasi-residential use. People are sleeping and eating there.

Some of these you have in your packet but we also have received additional letters of support since the Hearing Officer's meeting and I am going to go ahead and pass these out. And I have petitions totaling 31 signatures and I have 20 letters of support and again there about three letters here that are not in your staff report.

I greatly appreciate your attention and with that I would be happy to stand for any questions and I would respectfully reserve the right for rebuttal prior to the close of the public hearing. Thank you very much. Oh, yes, of course, thank you. This is the same thing I forgot last time.

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So back to this image – you might be wondering what the silver notes mean. So, again, this is the subject property and these in the yellow line show the adjacent parcels. We have letters of support from the properties identified with the silver notes, our most adjacent neighbors. Susan and Shari made a concerted effort to reach out to every single one of their neighbors. They have been utterly transparent about what their plans are. What their program is. What the requests are that are before you. So we are thrilled to be working in collaboration with our most adjacent neighbors and to have their support.

Thank you very much.

COMMISSIONER GONZALES: Ms. Jenkins, I've got a few questions. Regarding the water issues, if you look at that map that you supplied us where the two little casitas are – I guess the casitas have their own separate well for those two little casitas; is that correct?

MS. JENKINS: That is correct. There's a well at the casitas and there's a well up at the main house.

COMMISSIONER GONZALES: And then the home has its own well – the main home has its own well as well?

MS. JENKINS: That is correct.

COMMISSIONER GONZALES: And does the State Engineer or does the use of the water for those two wells is it sufficient for the casitas and the main residence?

MS. JENKINS: Absolutely. A geohydrological study was done in accordance with County code by a previous owner and that was submitted to Santa Fe County for review and there is a water restrictive covenant based upon the results of that geo hydro and this property is limited to 1 acre-foot annually and that is .5 acre-foot dedicated to the main residence and .5 acre-foot dedicated to the casitas and it is more than adequate for the proposed use.

COMMISSIONER GONZALES: Thank you. Regarding the existing roads there that one and I guess it is Camino Tortuga, who maintains that road?

MS. JENKINS: There is a road maintenance agreement that was executed in 1990 for La Barbaria Trail. And that road maintenance agreement does not specifically include Camino Tortuga and it is my understanding and my client can maybe speak to this but there is essentially a collaborative effort on the roadway and driveway maintenance for the roads that do not include, you know, outside of La Barbaria Trail because there is a formal road maintenance agreement in place for La Barbaria Trail and there is collaboration and financial contribution for when it is necessary to maintain Tortuga.

COMMISSIONER GONZALES: So all of the private residents in there maintain the road. The County doesn't maintain them.

MS. JENKINS: No, there is no County maintenance. The County maintenance stops and I can show you. [Within the microphone and identifying the area on a map]

COMMISSIONER GONZALES: Historically, has that road serviced all the people that live in that area and it hasn't widened?

MS. JENKINS: That is correct.

COMMISSIONER GONZALES: I just don't like the fact of widening roads if we don't need to widen roads. It just destroys the nature of this whole character of where we live. And so anyway, that's all. Thank you, Chair.

CHAIR MARTIN: Commissioner Booth.

COMMISSIONER BOOTH: Yeah, so and I'm not sure you're the right person to ask about this. So there's a memorandum of agreement that a new homeowner buys into; is your client then a member of that association?

GARY FRIEDMAN (Counsel to the Applicants): There's no agreement.

MS. JENKINS: Okay, so we do have information on the original road maintenance agreement but Mr. Friedman is more well versed in that so I'm going to let him answer that. I can have him come up real quick and address that.

MR. FRIEDMAN: Good afternoon. So there is a road maintenance agreement that was signed back in 1990. There's about 12 lots in that area that signed that road maintenance agreement but there's no – there's never been any formal La Barbaria Trail Association ever set up with respect to that area. And Mr. Graeser I think was under the misimpression when he was appearing before Nancy Long, the Hearing Officer, that there was an incorporated association. He has since sent a letter to staff correcting his misunderstanding of that.

There is no formal association. It is very informal. In fact, in looking at the chain of title of people who signed that road maintenance agreement and chain of title of people who are quote and quote members of this loose association, only half of the people who are part of that association today are successors in interest of people who signed that road maintenance agreement. So that's how it works. And people basically voluntarily agree to join the association like my clients have and contribute financially to the upkeep of the road. Thank you.

CHAIR MARTIN: Thank you. Commissioner Gonzales.

COMMISSIONER GONZALES: Was that road maintenance agreement that you speak of, was in place prior to your clients buying the property?

MR. FRIEDMAN: No, actually, Commissioner Gonzales, the road maintenance agreement didn't turn up in the title commitment and the reason is because the folks who owned my clients prior previously never signed that road maintenance agreement. Their signature is not on that. And, like I said, there is eight other lot owners who are members of this loose-knit association who were never signatures to that road maintenance agreement either. It doesn't legally affect my clients. It's not an exception to their title but they voluntarily agreed to help out in the maintenance.

COMMISSIONER GONZALES: So with respect to that – did the maintenance agreement prior to it being signed by the people who have signed it everybody who has done it has done is on a voluntary basis up to that point?

MR. FRIEDMAN: Right, correct. Thank you.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER GREY: Wait, I have a question.

MR. FRIEDMAN: Yes.

COMMISSIONER GRAY: Just to clarify, your clients are contributing now to the maintenance of that road now?

MR. FRIEDMAN: [speaking to his clients] You're not right now?

COMMISSIONER GRAY: Why not?

MR. FRIEDMAN: The reason for that, Commissioner, is that it is our understanding that the dues that were going towards that association that were supposed to be used for road maintenance have been used for other purposes with respect to cutting

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down trees and also, and also, as a pool for funding attacking my clients' application before the County. So obviously they are not going to contribute to a fund that some of the people in there have decided that they are going to use the funds. And there was never any formal meeting of the association. I think and I don't want to speak for some of the people opposed but the testimony last time from Ms. Coll was that she telephoned polled some of the folks in there and got their approval to use the funds in there. I suspect that that's not really proper and certainly my clients wouldn't agree with having their funds used in an action against them so that is why they haven't contributed.

COMMISSIONER GRAY: Have they or has any attempt been made to reach some sort of proposal or agreement toward the road maintenance alone aside from

MR. FRIEDMAN: I don't know what you mean by some sort of proposal?

COMMISSIONER GRAY: Well, they're using the road and they're not paying for it –

MR. FRIEDMAN: Right, but they have the right to use that road.

COMMISSIONER GRAY: But clearly the previous owners or the association are claiming that it costs money to maintain that road that they use and they have a legitimate road to say, We're paying for you to use this road.

MR. FRIEDMAN: Sure, and I think once this gets cleared up my clients are more than happy to put money into this loose-knit association.

COMMISSIONER GRAY: Well, that's my question. I know they're happy to do that. What is it that they're proposing in terms of coming to that arrangement?

MR. FRIEDMAN: We haven't been approached with respect to that.

COMMISSIONER GRAY: Okay.

MS. JENKINS: If I may, Chair, Commissioners, I think Ms. Carter can speak to this a little more carefully. It is absolutely a valid question and there has always been intent to participate with their neighborhood in terms of maintaining the roadways that they all share. Ms. Carter actually to complete our presentation does have a few brief comments and she would like to speak to this particular issue directly. I think hearing from the horse's mouth I think would be in everybody's best interest.

CHAIR MARTIN: Wait just a second. I have a clarification question. You speak about Sendero de Corazon as both a driveway and a road; is it –

MS. JENKINS: It's a driveway. It's a driveway. La Barbaria Trail is a road and I would venture to guess that Tortuga qualifies probably more as a driveway and Sendero Corazon is just on her property and only serves her property so that would qualify as a driveway.

CHAIR MARTIN: Okay, thank you. Any other questions from the Commission before okay.

[Duly sworn, Susan Carter testified as follows]

SUSAN CARTER: Good afternoon, Commissioners, it is an honor to be here. Thank you very much. To just address the question at hand; Shari and I are very much in support of supporting road maintenance and we definitely want to pay our share if not – however, it is allocated to us and we have talked to some of the neighbors about how that is actually accessed. We got the agreement in January or February of 2016, the

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actual newsletter from the person who chairs the loosely called association and we opted not to contribute yet until we had a clear understanding of how those funds were being spent because it is my understanding that the money that is being collected for that, the chair was actually the one that hired the attorney and I was under the impression that those funds were being used to pay the attorney. And I don't really want to support opposing counsel. So, I am sorry but I am not going to – if I had a clear understanding of how the money was being used I would be happy to support that. So I hope that you understand. But I am in no way not going to support that because I do in fact use that road and intent on being a very active participant in the neighborhood.

But anyway I would like to take a moment in introduce myself and my business partner who is also my very best friend and has been my very best friend for 42 years, Shari Scott, sitting right behind me, Dr. Shari Scott. Shari has spent her entire career delivering health care as a nurse therapist, nurse practitioner in psychiatry while I've spent mine in non-profit management. I've been – I was a founding employee of the Susan G. Komen Breast Cancer Foundation for 20 years. I handled all of their marketing and communications, developed the pink ribbon and the Race for the Cure Series. And just most recently left as the CEO of the Arthritis Foundation. So both of us have pretty much spent our careers really in contributing and ensuring the wellbeing and the health of others.

There is something else that Shari and I have in common and that's we share 56 years of sobriety. Shari has 33 years and I, myself, have 23. Last September when I left the Arthritis Foundation as CEO I decided that I no longer wanted to be in management. I wanted to assist people more directly with my friend Shari, like my friend Shari. And based on the increased rates of death and dying and relapse from treatment of addiction my best friend and I dreamed of being able to work together to help women find what we have been so graciously given which is sobriety and freedom from addiction.

In October through an uncanny series of events, I like to say the property at Sendero de Corazon found us. We didn't find it. It was perfectly suited in every way imaginable for what we envisioned for a small intimate healing environment for executive women. Prior to purchasing this property on November 15th we hired JenkinsGavin to conduct due diligence on our behalf. We learned shortly thereafter that the property was up for rezoning making retreats a permitted use. We also learned the previous owners, as Ms. Jenkins stated, invested close to \$500,000 to make the property safe for he and his wife and that included working with the Deputy Fire Marshal to improve the driveway with pullouts and guardrails and building an elaborate fire fighting system complete with a fire hydrant, two 10,000 gallon water tanks equivalent to 16 fire trucks and fire hoses throughout the property. Then in December we learned the rural fringe property had been zoned appropriately for our use and we excitedly submitted a contract in January.

Hearts Way Ranch will be a wellness retreat for four to six women who have completed detox and treatment. It's one thing to just quit drinking and drugging, it is an entirely different thing to discover why you're not comfortable in your own skin. This is for women to find their heart and come home to themselves in a way they've never known they could. Why here? Santa Fe is in an ideal setting for integrated healing holistic health care. The environment is beautiful healing and safe and the recovery community is robust and embracing here. The program is based on the four spiritual

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principles of the Zia Sun symbol: a strong body, a clear mind, a pure spirit and dedication to the well being of others by doing service work in the community.

The women will not have vehicles and will be traveling to and from town with us as we do. This endeavor will have much less of an impact on the roads than current permitted use of short- or long-term leasing of the casitas. We'll be installing sprinkler systems as you heard in the casitas and in the main house and we'll reduce the risk associated with any open flames and/or safety risk as we will have control over the guests who visit our property unlike that we have over those that rent from us. And we will benefit the Santa Fe community philanthropically and economically as a small business and a socially responsible corporate entity.

Commissioners, we hope that you will not let these variances stand in the way of the healing work we hope to do on this amazing property in La Barbaria Canyon. Thank you for your attention and your consideration of our request. Thank you.

CHAIR MARTIN: Thank you.

COMMISSIONER GONZALES: Chair, I would like to add a question.

CHAIR MARTIN: Commissioner Gonzales.

MS. CARTER: Sure.

COMMISSIONER GONZALES: Is your intent at all to improve this property in any way and make it bigger and have more than six women being treated at any one time?

MS. CARTER: Not right now, sir.

COMMISSIONER GONZALES: Thank you..

CHAIR MARTIN: Any other questions from the Commission? Thank you very much.

MS. CARTER: Thank you.

CHAIR MARTIN: Now this is the time for the public hearing. Would those that plan to speak please raise your hand so you can be sworn in at the same time.

[Those wishing to speak stood and were administered the oath.]

CHAIR MARTIN: Thank you very much and again I recognize that this is a free speech issue and we do want to hear from all of you who want to talk to us but I am asking those that follow the first speaker not to be duplicative or redundant. Thank you.

[Duly sworn, Paul Schweizer, testified as follows]

PAUL SCHWEIZER: Certainly. I am Paul Schweizer. I reside at 118 East Sunrise Drive, Santa Fe, 87506. I am here today to speak on behalf of the applicant and request that the variances requested by Hearts Way Ranch be approved as led by Susan Carter and Dr. Shari Scott.

Driving the brief roads from Old Santa Fe Trail to 34 Sendero de Corazon – loosely translated it is path to of our hearts – along the outskirts of Santa Fe County and into the foothills of the Sangre de Cristos along La Barbaria Trail one encounters few people or vehicles. There is no traffic. And one senses the allure that has drawn people to Santa Fe for centuries for gold, god and glory but since the late 19 Century for personal healing.

As recently as 2010 a writer for the *New York Times* asked, What is Santa Fe? Immediately answering, A place of healing. A spiritual mini-mecca for a semi-godless age. Further affirming that Santa Fe still holds out a promise of renewal of exactly what

DH Lawrence was looking for when he came to this area. A place that changes not only ones external life but ones internal, spiritual life. This is a city where the wounded come for healing and seekers come to find.

Today as a fellow Santa Fean I ask you to continue fulfilling such healing promise. Ms. Carter and Dr. Scott are contemporary standard bearers of such promise. Two people who have devoted their lives to serving others, helping others heal through wide acclaim as top executives for institutions such as Susan G. Komen For the Cure and personal advocacy groups offering therapy for patients desperately seeking to be healed. Ms. Carter and Dr. Scott are extraordinary women of integrity serving others.

Following its history and traditions Santa Fe should welcome Ms. Carter and Dr. Scott with outstretched arms and embracing arms. Some may argue that the road to Hearts Way Ranch is too long, not well maintained, too highly trafficked or otherwise inadequate. But the people seeking healing who are in deep need of this retreat will not have their own vehicles and those who make come and go to serve them will create no more traffic than any other adjacent resident. In fact, as a non-charity serving charitable causes Hearts Way Ranch will support Santa Fe County's tax base. In light of Santa Fe's history the wise people leading Hearts Way Ranch and the lack of impact on the surrounding community I urge you to join me in bringing this worthy endeavor to fruition. Thank you.

CHAIR MARTIN: Thank you, Mr. Schweizer. Yes, please come up.
[Duly sworn, Anne Reese testified as follows]

ANNE REESE: My name is Anne Reese and I live in Santa Fe and have for the last three years. I live at 3005 Monte Sereno in Santa Fe, 87506. I have known Susan Carter for over 40 years both personally and of her fine well regarded reputation in the field of helping others. She is an incredible leader and I know this through her reputation having lived in Dallas most of my life with Komen and with the Arthritis Foundation. And it is my honor to stand up and testify on her behalf. She is bright. She is conscientious, big hearted and very talented at what she does and what she will do.

I also have had the good fortune of knowing Dr. Shari Scott. I also am in the mental health field and worked in that field for many, many years in Dallas. I was a director of a family therapy program with a large private non-profit and through the mental health work in the community I came to know Shari Scott well. She is also highly, highly regarded in Dallas. Has multiple licenses and degrees and the combination of her degrees and background is absolutely exceptional. It was my good fortune to work with her, refer to her and receive referrals from her over the years. Dallas is losing an incredible clinician and Santa Fe and New Mexico are gaining an incredible clinician and devote woman to mental health.

In this position I know both of these women and can vow for their integrity, conscientiousness, and their dedication to community. They pay attention to every detail whether professionally, personally or spiritually. Hearts Way Ranch will not only be a gift to Santa Fe it will be a gift to this country. As a marriage and family therapist and someone who has worked in the field for many years, I often have trouble finding retreat centers post treatment where people can go. This will be an amazing gift to many women and it's an honor, again, to testify on Shari and Susan's behalf. Thank you.

CHAIR MARTIN: Thank you, Ms. Reese. And for the rest of the people who are going to be speaking I would ask you to limit your remarks to the issue of the

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variance, the use of the land. That's within our purview to make a decision about, thank you.

[Duly sworn, Ken Rowley testified as follows]

KEN ROWLEY: I am Dr. Ken Rowley. I'm a neighbor of these people. Commissioners, thank you for the opportunity to speak in regard to the three variances Susan Carter and Dr. Shari Scott are requesting. I live beside the road in question since 1997 and I know it quite well. This road is very well maintained, has been in use for 20 years and there never has been an accident. The proposed future of this road will have less traffic than it has had in the past and the heaviest vehicle traveling it will probably be one of those little brown UPS trucks.

The three areas in the road that are not to code if fixed will certainly require more than a road scrapper, bobcat and a pickup truck. And big equipment will equal big bucks. Just moving these huge machines to the sites that need to be reconstructed could cause considerable damage to what is considered an already very good mountain road and a stable mountainside. And you know, they will be using the largest equipment they can simply for efficiency sake and to get the job done in the least amount of time. Would this be days, weeks or unforeseen complications lasting even longer? Would this road be blocked for traffic and for how long? Or how much construction damage requiring additional repair and you know there are dangers when operating these large machines and especially in mountainous terrain.

I grew up in the mountains of West Virginia and I know how serious these dangers can be. For instance, I remember well when the Dimskyn twins grew up without a daddy. Carl Dimskyn operated these big machines until he was killed when one rolled over on him. It's an excellent mountain road. Three grades that have been successfully driven over for 20 years they're not to code. This currently is a stable road on a stable mountainside by the time three variances are fixed will it still be a stable road on a stable mountainside?

Commissioners, you're probably familiar with the old saying, If it ain't broke, don't fix it. I'm asking you as it says up there for the protection of their property please leave well enough alone and give Susan and Shari the three necessary variances. Thank you.

CHAIR MARTIN: Thank you, Dr. Rowley.

[Duly sworn, Bruce Delig testified as follows]

BRUCE DELIG: My name is Bruce Delig. I live at 100 Mountaintop Road in the Overlook Homeowners Association where I am a board member and all I can say is that driving up to Shari and – sorry, driving up to Hearts Way is an incredibly simple road compared to driving to my home at the top of Mountaintop Road which is opposite their property off of La Barbaria Road. And all I can say is I am very envious of the road they have to drive on. Thank you.

CHAIR MARTIN: Thank you, Mr. Delig.

[Duly sworn, Liz Sheffield, testified as follows]

LIZ SHEFFIELD: Hi. I am Liz Sheffield I live at 17 Camino Delilah, Santa Fe, 87506 and I have been sworn in.

I'm here to offer my support of granting the variances which would allow the opening of Hearts Way Ranch. I am a realtor in town and over the course of 16 years have probably traveled every road in Santa Fe County and it is my opinion that the

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existing road is safe and the retreat will not cause additional road traffic. As a matter of fact, if the two casitas were to be rented out as vacation rentals on a short-term basis as they had before the increase in traffic could be significant. That is not the case proposed here. The driveway that we talked about is for the use of the residents only. The casitas were both below the driveway and the guests as has been said recently is that they will not have cars.

Regarding the fire risk I've never seen a property in Santa Fe that has the added fire suppression features and safety measures that this property currently has in place and with the addition of the other measures that they're going to put into place, I've never seen anything like it in all my years in Santa Fe.

The addition of this retreat to Santa Fe will be a huge benefit to our city and to society at large. I know firsthand the need for such a facility in this country and would be honored that it be here in Santa Fe especially its unique environment for healing and growing.

I am in favor of Hearts Way Ranch and the women that would be running it. Thank you.

CHAIR MARTIN: Thank you, Ms. Sheffield.

[Duly sworn, James Clemens, testified as follows]

JAMES CLEMENS: My name is James Clemens and I am a principal in Clemens and Associates Landscape Architects and Contractors. I am in favor of granting the variances at Hearts Way Ranch. In April I was invited to visit the property by Susan and I walked the driveway from bottom to top. It is an excellent, stable, foothill road. I have seen far worse roads in such subdivisions as Hyde Park Estates and Apodaca Hill neighborhood. Thank you very much.

CHAIR MARTIN: Thank you, Mr. Clemens.

[Duly sworn, Alison Bruce Shaffer, testified as follows]

ALISON BRUCE SHAFFER: My name is Alison Bruce Shaffer and I live 10 Bluebell Court, Eldorado, New Mexico. And I've been to Hearts Way and I know Susan Carter through her work with the Komen Foundation and I found no trouble in getting up the road. As a matter of fact, I've been to other properties in Santa Fe which were actually more difficult to get through. And I support the variances. I think this is a good cause and I think that Susan and Shari will do a great job.

CHAIR MARTIN: Thank you, Ms. Bruce Shaffer; is that right?

[Duly sworn, Rhea Maxwell, testified as follows]

RHEA MAXWELL: Good afternoon. My name is Rhea Maxwell and I live at 1896 Lorca Drive in Santa Fe, 87505. Can you hear me? Is that better?

When you said you only wanted to hear about variances my – what I wrote was about Susan and Shari and the project but I drove up there again yesterday and I certainly support the fact that the variances should be approved. It was an easy drive and if there had been car that had needed to pass I wasn't – and I'm an old driver and I wasn't afraid.

But mainly I just am here to support Shari and Susan and this project because the plan to create a retreat that let's women get back their lives is really important. A woman touches many, many lives and a healthy and happy woman is a great contribution to society as we know it and that's what they are anxious to provide for us. So I hope you will approve their petition. Thank you.

CHAIR MARTIN: Thank you, Ms. Maxwell.

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[Duly sworn, Wendy Jordan, testified as follows]

WENDY JORDAN: Hi, my name is Wendy Jordan and I live at 50C La Barbaria Trail. I wasn't really planning on speaking but I think it is important for you to know that the people, the Dasberg Estate is directly on the south border of their property. I definitely hope you approve this variance because I would hate to see changes made into the road and have all the big equipment coming up to make any kind of changes which I don't even see as improvements because it is an amazing road. I've been up there several times. And to address one of the questions you had earlier about the maintenance, the owners of the property that I live on they maintain our roads in the winter and they do an excellent job and I believe that they are the ones that will also be taking care of that property. So, we've never had any problem getting up our roads and I know that as soon as there's any indication of snow coming they get ready and actually my partner that I live with is the backup so if the Dasbergs are out of town or the Sheltons I should say, we are the backup to taking up the plowing of those roads. So they always stay in very good condition.

CHAIR MARTIN: Thank you, Ms. Jordan.

[Duly sworn, Roger Said, testified as follows]

ROGER SAID: My name is Roger Said and I live at 3005 Monte Sereno Drive for the last four years and we chose to move to Santa Fe – I've never lived in Colorado, West Virginia or Colorado or New Mexico. The places I have lived have been on the prairie and very flat so introduction to terrain, elevation and inclines is all new to me but we chose to build a house four years ago and we had to go through a similar process of gaining variances due to the driveway length and the incline and we worked closely with Fire Marshal Gonzales. He looked at our situation and we accommodated with fire suppression systems and changes in the driveway but for the most part we were granted the variances that we needed to access our property and I see this as a very similar situation in which accommodations should be made to allow anywhere from two to six guests as clients to access the property on an off basis versus having long-term or short-term leases which would potentially cause more traffic.

So I clearly and totally support the application for these variances. Thank you.

CHAIR MARTIN: Thank you, Mr. Said.

[Duly sworn, Sandra Rowley, testified as follows]

SANDRA ROWLEY: I've been sworn in. I'm Sandra Rowley and I live at 38 Camino Tortuga and my house – I've lived there for 19 years. My property borders on Susan and Shari's property, quite a long border. And I have known this road for 19 years. And I just wanted to say that I ask you to approve these variances because I know this road well and I've seen it be improved and it is in excellent condition and I consider it an honor and a privilege to have this wellness center right next to my property.

CHAIR MARTIN: Thank you, Ms. Rowley.

[Duly sworn, Barbara Dorn Drew, testified as follows]

BARBARA DORN DREW: My name is Barbara Dorn Drew and I've lived in Santa Fe for 35 years and I currently live at 2307 Brother Loop Place, Santa Fe, 87505. And what I just wanted to add to all of this is that there are so many places for people to rent in Santa Fe and the Santa Fe area but there are no wellness centers like the one being proposed by Susan and Shari and this is a place that is going to transform lives and this is important to the world. All of this – these are women who have been

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successful in life and then came up on a stumbling block and so this is a way to change people and put them back out into society where they can give their gifts and transform other people's lives so I certainly hope you'll support these variances.

CHAIR MARTIN: Thank you, Ms. Dorn Drew.

[Duly sworn, Duchess Dale, testified as follows]

DUCHESS DALE: My name is Reverend Duchess Dale. I live in Park Plaza, Santa Fe, 87507. Good afternoon, thank you for this opportunity.

As per your request I am not going to address personal testimony for Susan or Shari. You can reference that in the letter I sent at the previous hearing but today I feel moved to address that in my line of work, ministry, healing could also be considered a variance of the body, mind or spirit. And so as had been stated eloquently even if the *New York Times* is now affirming what we know as residents here in Santa Fe and what our ancestors have known, this is a sacred land and therefore I am asking for a request to approve the variance so that it is an extended healing land with the opportunity for this retreat center to support our highest and best interests. Thank you for your time.

CHAIR MARTIN: Thank you, Reverend.

[Duly sworn, Walter Drew, testified as follows]

WALTER DREW: Good afternoon. My name is Walter Drew and I also reside at 2307 Brother Loop Place, 87505. I've lived in Santa Fe for 48 years. I actually built the Shelton's house just below this property. So I am intimately familiar with this road. I was there four weeks ago and my support for the variance is that this will be less intrusive from a traffic standpoint than utilizing the two casitas as rental properties. Thank you.

CHAIR MARTIN: Thank you, Mr. Drew. Are there other people to speak in favor of the application? If there are no others, Mr. Graeser.

CHRISTOPHER GRAESER: Chris Graeser, 316 East Marcy. I'm an attorney appearing under my oath.

Good afternoon. I do represent Catherine Joyce Coll and a group of road users who identify themselves as the La Barbaria Trail Association and who are parties to the road maintenance agreement and that road maintenance agreement is just for La Barbaria Trail there is none for the other roads. They have hired me because they are concerned about usage of the roads. They are concerned about impacts of the roads, particularly, La Barbaria Trail which is a private road.

We applaud the work of the applicants. It sounds like they are doing amazing and they have a huge amount of support for that work. If there is any criticism at all it would be that I think that's an opportunity that needs to be available for locals who can't afford this type of facility but they are doing great work, clearly. That's not why we are here. We are here because of La Barbaria Trail because of Camino Tortuga and because of Sendero de Corazon. They do not meet current road standards. They are steeper than allowed by the code. They are narrower than allowed by the code. And when I say code I mean both the Sustainable Land Development Code and the Uniform Fire Code.

This area would not be allowed to be platted now. You simply couldn't do a subdivision and build roads like that. But it is and there are people who live there. We don't need to make it worse and the requested variances are in furtherance of an application to change it from non-residential use to a commercial use.

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The roads are significantly below the applicable safety standards, very significant in some places. The driveway, there has been some discussion of what the slopes are, I believe you actually have a plan profile in your packet, if you don't, it's in the County's packet showing significant portions of that driveway up to 26 percent slopes I saw in there and bear in mind this is a driveway that is allowed 10 percent under the County code, 11 percent under the Fire Code.

La Barbaria Trail, this is a local road under the Sustainable Land Development Code the allowable slope is 7 percent. There is a statement in your staff report that the grade on this offsite road meets code requirements: that is not correct. La Barbaria Trail has slopes up to 14 percent, twice the allowable grade and this hasn't been part of the discussion and hasn't been part of the request for the variance because people were assuming it met the 7 percent grade: it does not. La Barbaria Trail is as narrow as 9-foot wide. Nowhere is it more than 18-foot wide. It's got a 20-foot easement: a 50-foot easement is required under the code. The intersections are also non-conforming.

Let me start with the Fire Department you were handed earlier. The new one from September 7th from Inspector Gilmore. This concerns me, this letter. In about the middle of the second paragraph it says, This project has been approved with the conditions previously stated.

CHAIR MARTIN: I'm sorry. Can you tell again the date on this letter?

MR. GRAESER: The September 7, 2016 letter. You were handed it at the beginning of the meeting. I think on yours it is properly red at the top there.

CHAIR MARTIN: Okay, yes.

MR. GRAESER: And of course, as typical, initially the Fire Department recommended the width and the grade for the road and then it recommended conditions of approval if it was approved anyway. Mr. Gilmore's letter says this project has been approved with conditions, that is incorrect. The Zoning Hearing Officer recommended approval but no one has approved this application at this time. This gives me significant concern because it makes approval look inevitable and makes it look like a decision has been made. And no decision has been made. It is your decision to make.

The second thing you'll notice about this letter is it does not recommend approval. The applicant stated that it recommended approval: it does not recommend approval. I challenge anyone to find that on there.

You know, but more to the point, there has been significant concern expressed about these roads, about this canyon, about the dangers of this canyon by the fire fighter professionals who have their boots on the ground in the area. I've handed you a packet of materials and I recognize that it is fairly large. It's also highlighted and I'll read through and you're welcome to do so at your leisure. I'll read a couple of key passages. On July 13, 2016, the current chief of the Hondo Fire District, which is the fire district for the location, Terry Protheroe, stated, and this is a letter to Ms. Joyce Coll, As we discussed, the fire danger conditions in your area have not changed since the letter from Chief Chilton – I'll get to Chief Chilton's letter – in the event of a wildland fire in La Barbaria Canyon evacuation would still present a considerable challenge to keeping residents safe and to our efforts of fire suppression. And along with that letter District Chief Protheroe provided a number of documents. The first one is what is called a Wildland Pre-plan Checklist. It's for advanced planning for emergencies. And there's a couple of different categories they rank. The first one is fire threat life/property: high to end of pavement

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transitioning to extreme/urban interface and rural. Roads/access: all roads are one way, narrow some with limited weight limits. Main roads are substandard with tight turns which will not allow large trucks to pass. Thick vegetation to roads, many drives are heavily rutted and will not allow for trucks to pass. Evacuation difficult, upper reaches impassable for trucks larger than type 6 engines. Again, this is all material from the Fire Department, for the district fire department. Communications, poor to no reliable radio communication to County main in much of area. Tactical channels also limited to line of sight. Portable repeater and/or radio relay system will be required for prolonged operations. Poor quality of radio reception presents a hazard to responders and residents. Evacuation and escape routes: large sections of main roads run through the bottom of heavily wooded bosque and are in chimneys posing extreme hazards to evacuees and first responders. Because of narrow roads and threat of large trucks closing the evacuation route off. Caution should be exercised before committing large trucks beyond the paved portion of La Barbaria.

It then goes on to a narrative. La Barbaria Road is fairly heavy with P&J, pinon and juniper, up to residence 81. At that point, road becomes choked with a heavy growth of P&J and dry river willow which will carry a fire quickly. The onset of a fire that starts at OST, which is Old Santa Fe Trail, bridge, even if moderate wind will travel that distance in less than an hour. With a strong morning up the canyon wind, travel will take less than one-half hour, meanwhile, spreading up the slope on both sides. Any residents above residence 81 will not escape down the road because of high heat and dense smoke until the fire passes. Cars will pile up on the road trying to get out.

This is what the fire district is saying. La Barbaria Trail is 15 feet wide and less in some area. As I've said there is evidence in the record that it 9 feet and less. Conclusions: the Arroyo Hondo with its tall, dry, continuous growth of stream willow is the wick to much loss of structures and very possibly lives. Any fire that travels up the arroyo at faster than a moderate advance will leave very little time for residents to escape. A fire in the Overlook area will quickly crown because of low branches and dense undergrowth. From that point on it will be difficult to stop it from spreading into the Apache Canyon. This road could quickly become blocked with fallen trees and branches making travel next to impossible.

Under fire threat to life and property it is listed as critical to extreme. Under hazards to roads and access, all one way in same way out. Mr. Chief Protheroe referenced the former chief, Chief Chilton's letter back in 2012 when someone else was requesting a variance in this same neighborhood that the then CDRC denied. As we have discussed much of the land east of intersection of Old Santa Fe Trail and La Barbaria Road has classification of extreme in the US Forest Service Fire Assessment System. There is only one means of egress for residents of the 140 plus homes that are accessed via La Barbaria Road. The possibility of congestion on this road is very high if a large number of residents choose to evacuate at the same time. This condition will be even more hazardous if smoke is impairing visibility. There are places in this area where the road is not wide enough for a 10-foot wide fire engine and a passenger vehicle to safely pass in opposition directions.

As I said, that was Chief Chilton's letter submitted at the time of a prior variance request was made and former Fire Captain Buster Patty testified to the CDRC in that meeting. Captain Patty said it is an extreme wildland area. It is a difficult road and area.

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Member Drobnis asked if the letter from District Chief Chilton accurately describes conditions in the area and Captain Patty said it does.

So three firefighting professionals with their boots in the ground in the area, two of them the district chiefs for Hondo District, are extremely concerned about this – the safety of this canyon.

There is a required legal analysis to grant a variance. I went into in detail in my letter which is in your packet. I also included it in the handout because the handout includes the exhibits that were not included in your packet. First – and these are all elements required to grant a variance, this isn't a kind of weighing test. Is it contrary to the public interest? This is a change of use on an already substandard roads. There is an extreme fire danger. We can't make the roads better as there has been significant testimony but we can prevent the situation from getting worse. There has been no traffic impact analysis. So we don't know what the impact will be. We've heard a lot of testimony almost entirely from people who don't live there as to what the prior use was, what the current use could be, what the new use will be. There has been no analysis of that by an engineer so we don't know.

The request for a variance here is one to violate safety standards. This is not a dimensional variance like I want to build my house taller, I want to reduce the setback. These are safety standards. Diminution in safety is not in the public interest by definition. It's a variance to fundamental safety standards and the bar for the variance should necessarily be very high. And this is a variance from provisions of the new code. This was just adopted. This is not an old outmoded regulation. This is brand new code that the County Commission just adopted and adopted for a reason.

Second, will it result in unnecessary hardship? This is what lawyers call a term of art. Unnecessary hardship has been defined by our supreme court and it means something specific. First, is the property distinguishable from other property that is subject to the same zoning restrictions? The answer here is, no. It is facing the same issues as all of those 140 properties on this subdivision or neighborhood or the same steep slopes. Everything in red is greater than 30 percent slopes. The orange, greater than 20 percent slope – here's the property we are talking about. Everything in the area is facing those same extreme slope conditions. There is nothing unique about this property. It is not distinguishable from properties, a required element of a variance analysis.

Next, will the owner be deprived of a reasonable return if the variance is denied? There has been no evidence whatsoever about that. I made this point in front of the Zoning Hearing Officer and there is still no evidence at this hearing. None whatsoever. It was a residential property. It was listed for sale as a residential property. It was used as a residential property. It was purchased as a residential property and it can still be used as a residential property. In fact, the listing materials indicated that the prior owner rented out the casitas and that covered most of the expenses. It is possible the current owners bought it thinking they would use it for business but the reality is that they didn't do their due diligence. Had they done their due diligence they would know that it's going to violate the road standards to try and get a commercial use here. It's unfortunate if they bought it in fact specifically for a business use that they did it without that due diligence. But they can continue using it for residential purposes. They can make a reasonable return on their investment and that is the test. Will the owner be deprived of a reasonable return?

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Mr. Said I believe talked about buying a property and needing variances to build a house. Very different situation because if he was denied the ability to build anything on his property that is a taking. That is depriving reasonable use of the property and variances are probably warranted there. Here, there is already a house there.

And, finally, the Supreme Court asks if any reasonable use can otherwise be made of the land and the answer is clearly true. Residential is a reasonable use. Keeping it residential is entirely reasonable.

The Zoning Hearing Officer did recommend approval. I've got several concerns about that recommendation. If you look at it, there's only one paragraph that actually addresses the findings of fact and that's paragraph two on page 5 and it's very, very summary conclusion, conclusory conclusion. The Supreme Court has told us that the decision making body should provide a clear statement of what it specifically believes after hearing and considering all of the evidence to be either relevant and important facts upon which a decision is based and a full explanation of why those facts led it to the decision it makes. And that is not in the Zoning Hearing Officer's proposed order. So I would suggest that this Board exercise its independent judgment as to this application and not feel bound by that proposed order. The order from the Zoning Hearing Officer does not address the relative grades and degrees of variance and here's an issue because by in large we don't know what the existing grades are. We don't even know what the variance request is. We don't know how much of a variance it is. Some of those, and we have a plan profile for the driveway so we know that. We've done some work, the last page of the packet I gave you is some work a surveyor did for us showing that La Barbaria Trail has up to 14 percent grade. So we know that their request is a doubling for the variance. But by and large we don't even know what the variance request is, much as we don't know what the traffic impact is going to be because no engineer has looked at it. We don't even know what – how much of a variance the applicant is requesting.

The Zoning Hearing Officer's proposed order doesn't address width, doesn't address how trucks can pass, doesn't address the required legal analysis for unnecessary hardship in granting a variance.

There are people who spoke in support. There are petitions and letters in support. The vast majority of those focus on the good works that the applicants are doing not on variance criteria and how this application meets those variance criteria. And, again, we are not opposed to them offering this service.

There was a reason that staff recommended denial and I've included in your packet the original staff report that includes staff's recommendation of denial. The recommendation of denial by staff has been removed from the report that went to you because the Zoning Hearing Officer subsequently saw it. But staff recommended denial, that's in the packet I gave you. And there's a reason they recommended denial. The Zoning Hearing Officer was off the mark and we ask you to independently review that.

I don't think I have anything else in my packet. Oh, you know what, let me address a couple of comments that were made.

The constant testimony that it's not going to be an intensification of use; again, we don't know because we just aren't given figures on that. But it's interesting how that play out with respect to the significant discussions about economic development, economic opportunity. Either it's a business that is going to provide jobs for a lot of people, in which case, there is going to be a lot of traffic going up that road or there is not

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going to be a lot of traffic going up that road but it is not going to be have that much of an economic impact. You can't really have those both ways. But, again, we don't know how many employees are going to be there. We don't know. We do know that there's – the materials indicate that there's various service opportunities. They certainly are going to be moving people in and out.

There was a discussion from Member Gonzales about water availability. They have a real problem here. There are covenants on the property that limit it to .4 acre-feet per year. Their water budget is 1 acre-foot. Those covenants were subsequently purported to be amended to allow an acre-foot but the original covenants include property owners who can enforce it and Dennis is at least one of those here today who has the right to enforce those original covenants. He never signed on to amending them. So he can still enforce that .4 acre limitation. Not that it is too relevant to the variance but it was brought up. They've got a significant water problem going forward.

There was a lot of confused testimony in statements about road maintenance and whether they are contributing or not and what the use of the contributions are. Ms. Joyce-Coll will testify that anything that has been contributed to pay me is different from road maintenance funds. But the fact is there is no obligation for the applicants to help maintain those roads. They can if they want. They have no obligation to do so.

And really there's been some discussion of the amount of current traffic, the condition of the roads – that's not so much what we are focused on. We are focused on the geometric roads of those roads, the width, the slopes.

Applicants say that this is perfectly suited in every way imaginable, except for it violates the code. You can't do the use without getting variances. That's a significant problem. And, again, stated don't let the variances stand in the way of healing work. Well, it is not the variances that are standing in the way: it is the code with safety regulations that are standing in the way of using this particular property for doing work that could be done anywhere else. There's a lot of discussion of, well, if the variances aren't granted we'll come back for variances to rebuild the roads differently. Well, this body doesn't have to grant those variances either. The point isn't the roads need to be rebuilt and scar the mountains more. The point is this use just probably shouldn't be at this property.

I appreciate your time and I'm happy to answer any questions.

CHAIR MARTIN: Thank you, Mr. Graeser. Are there questions for Mr. Graeser from the committee?

[Duly sworn, Richard Bank, testified as follows]

RICHARD BANK: I'm Dr. Richard Bank. I live at 6 Owl Creek Road, Santa Fe, New Mexico, 87505. I've lived there since 1986. I believe that I share a border, my wife and I, share a border with the applicants although I am not sure exactly how that parcel was ultimately subdivided. But if we do it is on their western edge and our eastern edge. And I'm speaking against granting the variances so there wasn't a little silver star on my lot and, in fact, again, and I mentioned this before the Hearing Officer too, they claim to have reached out to all the neighbors, we have still not been approached.

My concern is fire. But I'm not going to be repetitious because I'm a social scientist. My degrees are all in the social sciences and I'm going to talk about not the problem of getting trucks and fire equipment up to the land I'm going to talk about fire

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causes. There's a 2016 book on addiction studies, a monumental collection edited by a scholar named Victor Preedy and it's entitled *Neuropathology of Drug Addiction and Substance Misuse – Volume 1; Foundations of Understanding Tobacco, Alcohol and Opiates*. There is a study in that monumental work by Gaitland and Callahan entitled *Tobacco Related Mortality Among Individuals with Alcohol or Drug Use Disorders*. In the beginning of that article they talk about codependent, codependent addictions between tobacco and alcohol and tobacco and opiates and across all cohorts. Now this means they are looking at all kinds of people, every age, every gender, every social class, every religion across all cohorts of co-addiction with tobacco of people using alcohol or misusing alcohol is 75 percent. Which means that 75 percent of people who are addicted to alcohol are also addicted to cigarettes or tobacco. It ranges for alcohol as high as 90 percent when you exclude younger cohorts. So older people who drink tend to excess tend to smoke more. For opiates, cocaine in particular it's again, across all cohorts, it's 74 percent. For all other opiates and narcotics it's 79 percent.

So what do these statistics tell us? It says that the majority of the women who will be at this facility will be addicted to tobacco. I brought this up at the – before the Hearing Officer and the lawyer for the design company that works for the applicant said and I quote, I wrote it down, Smoking will not be permitted on the property. What does that mean? Does it mean that the addicts – and remember we are talking about addicts and not only are we talking about addicts but according to the applicants themselves we are talking about addicts who have not deal with the underlying issues that cause their addiction. The treatment that they've received for alcohol addiction or drug addiction, that is well and good, but have they received treatment for nicotine addiction? My guess is not. So what we have is a majority of these women are going to be smokers. They can't smoke on the property so what are they going to do? Walk into the adjacent National Forest and have a cigarette there? And if they do that on a windy spring day and carelessly toss just one cigarette butt the entire canyon is at risk and not just the canyon because the Santa Fe Watershed is just a hop, skip and a jump from that property. I know because I have hiked all around there long before these applicants bought that property and I continually get lost and run into fences that say Santa Fe Watershed do not enter. And, of course, I don't enter. I go back home, if I can find my way.

In any event, what does it mean to say that there will be no smoking on the property? We are talking about people who are going to want to smoke. If they say, No, no, we are not going to let them have cigarettes what does that mean; they're going to go cold turkey? Or are they going to be allowed to smoke in town when they take them in to do community service. But then, my god, are they going to have to search them and their belongings every time they go to town to make sure they don't have any cigarettes on their person? Is this consistent with the treatment model that is, I would assume, based on trust?

So I am very concerned with the danger that these clients are going to bring to our community. They don't understand the extreme fire danger that we face. They don't understand that. Someone from Vermont, they walk in their forest and throw cigarettes burning and they just go out it's so wet there but not here. And we all know this. So I'm wondering what they're going to do about this problem. The problem of smokers who they won't allow to smoke on the property and actually it would be safer if they did because they have all those fire suppression stuff to protect their own property but what

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about the rest of us who live up there. What about the Santa Fe Watershed? What about the liability of the County which has been informed of the risk and approves these variances and then watches this canyon and the Santa Fe Watershed destroyed by a wildfire. I wonder, I don't know, but I wonder about the County's liability for granting approval to a set of variances that allows this project to go forward.

I would also ask because I've been doing a lot of research – well, not as much as I used to do, but a lot of reading at least in this newly published work and – and I would reserve the right to respond to anything the applicants might say in rebuttal to what I have said. Thank you. I'll stand for questions.

CHAIR MARTIN: Are there questions of this witness? No? Thank you very much.

[Duly sworn, Catherine Joyce Coll, testified as follows]

CATHERINE JOYCE COLL: I am Catherine Joyce Coll. I'm the seemingly infamous neighborhood chairman and I just had a few comments that I wanted to make.

CHAIR MARTIN: Could you give your address for the record.

MS. JOYCE COLL: Oh, sorry. It's 83 La Barbaria Trail, Santa Fe, 87505. But before I make them you do have a letter from me in the packet that the County gave you that I wrote on behalf of all the neighbors opposing this which is all but two. And there are I think 14 of us. Also, I would like to say that the Dasberg property has a tenant in it, Wendy, who spoke and she is very much in favor of this project but the trustee for the property, Debbie Park, has voted against this project and she is adamantly against this project.

I wanted to clarify anything that you were wondering about that has to do with our neighborhood association. I have here a copy of the road maintenance agreement and this was signed and notarized and recorded with the County in late 1990 and it's always been understood – my husband and I did get a copy of this when we bought our house 15 years ago. And most – I'd say half the people who signed this still live there and the rest of us have assumed and I can't remember why, but I think a lawyer told me that when we were fighting another project, a big development down the road, that the obligation to pay road maintenance and participate travels with the deed to the property. So whether that is true or not, I don't know but that is what we have always thought. And everyone on La Barbaria Road and on Owl Creek which is off it and has four houses on it belongs to the road association. Tortuga was developed after this was written and it has three houses on it including the one that we're dealing with. Dennis Lopez who is sitting behind me lives up there. That was all his family land. The Rowleys live up there and Susan Carter and her friend Shari Hughes have their place there. And we do meet. We haven't met in I think three years. We have always taken phone polls on things sometimes. Somebody, Susan criticized our fire mitigation. We have raised dues several times. I think they were \$125 a month when we moved up there. We raised them to \$500 when we started inviting all of our fire chiefs to our neighborhood meetings and we've had five fire chiefs and every one of them has said we might have to shelter in place if there is a fire. They've said we needed to do fire mitigation so we raised the dues to \$500 a month. All of our votes have been totally unanimous. We have never had a serious conflict in this association until this project was proposed and it is dismaying to a great many of us.

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But our fire chiefs have all said that there's going to be great loss of life and property if a fire ever blows up La Barbaria Canyon. And we have had two scares and they got them out. Our Fire Department is incredible. But every one of us up there lives with fear when dry lightning strikes and there's been no rain for a month. We wake up at night, our road in spite of what they're claiming: two cars can't pass on probably a third of La Barbaria Road. We maintain it as well as we can. Every fall we grade the road after the monsoons which wash it out. A large fire truck can't get up and I had a long talk with Terry Protheroe yesterday, and I said what do I say, what do you bring up there? He said, If we can get passed the pavement on La Barbaria Road which is another mile down La Barbaria Road which is dirt and then a mile up our road, he said we'd bring brush trucks. Those are the little trucks and he said if the smoke is too thick and people are trying to get out we can't do that because you're all going to burn up if we start trying to bring any vehicles up there. We've put in two turnouts at the request of the Fire Department and we have another small one. But all they'll handle are little brush trucks and they're really for pulling over so that two cars can pass.

Anyway, we maintain the road the best way we can and for three years we have been doing fire mitigation thinning trees along the road. Now the three houses on Tortuga has always paid dues as long as I've been there. And that unfortunately changed when Susan and her friend bought that property. Hoping for neighborhood unity after we voted I took Susan to dinner at La Fonda. We had a lovely dinner and I told her that the neighborhood had voted to oppose this project. She told me that she wasn't going to pay dues then because we'd be using them to resist her project. Now the neighbors all know that we may have to do that. So far six neighbors have contributed and what we've paid so far in legal fees we have covered but we know that before this is over we're going to have to use some neighborhood association fees but since we have an easy majority in favor of this, it's fine. We vote on everything.

So that's the neighborhood association. They are not legal members up there but because they use the road in the past everyone has paid. Everyone has shown up at the meetings that we hold and everyone has participated in the phone votes that we do. And the reason that we don't meet more often is because so many people own their homes and are only part time residents. We try to have meetings when we do when we have as many people living there as possible and a lot of the people are retired and they travel a great deal. So it's hard to get a quorum at a meeting sometimes.

So that's the road. Are there any more questions about our association? We're not incorporated and I didn't even know that was necessary and I don't think anybody before me has. We've had lots of neighborhood chair people.

CHAIR MARTIN: Are there questions of Ms. Joyce Coll?

MS. JOYCE COLL: Okay, then I just had a few other comments I wanted to make. I'm sure you've all read my letter but one of them is that, you know, that obviously this is very rugged, steep terrain and it couldn't be built on now. It's a totally inappropriate place to put the kind of treatment center that they want to put there. I'm sure Santa Fe needs it although I question it because this is not something that most New Mexicans will ever be able to afford. Shari told me that they're charging \$15,000 a month per person. Most of the people that we know live on less than half of that. So none of these people testifying could probably afford to put their relatives or friends in the center. It's going to be very elite and Susan has said to the Hearing Officer and to me

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that they would be advertising out of state. So aside from the fact that they have a cleaning crew, probably a chef, possibly drivers for the people there, you know, this isn't going to create many jobs. It's going to cost a fortune and it's going to destroy an old beautiful neighborhood. There are very few of us. We know each other's cars and we are very careful with each other. There is rarely dissention. Some of us aren't the best of friends but we all get along and we love where we live. There's an amazing amount of wildlife. Bears took my bird feeders down last night. You know, New Yorkers, Texans from Dallas they are not people that will be safe wandering around with cougars and coyotes and everything else that we've had.

Let me see if there's anything else. Oh, they said that traditionally those casitas had been rented out. Well, that's kind of half true. James Rosenfeld lived in the lower casitas for about 10 years. The other casita was vacant all through the people who built the house they never had a tenant in it. And the Loftins never had a tenant in it. They kept it there for their grown children to come. Just be – when they put the house up for sale the Starks put a tenant in the house and she stayed there until the house was sold to Shari and her friend. But they traveled all the time so they weren't there very often and that house has never had a full-time owner, ever. They have all been part-time people. The Starks lived in Georgia and came out twice a year for a month. The Loftins stayed for a couple of months then bought a huge house in Texas because his wife didn't like Santa Fe. So, yes, they're already having a huge impact. I've had calls from neighbors saying that strange cars had run them off the road.

I guess that's the end of my comments. Whatever happens I would be really grateful if they paid their dues. I guess that's everything. Thank you.

CHAIR MARTIN: Thank you, Ms. Joyce Coll.

[Duly sworn, Mike Peterson testified as follows]

MIKE PETERSON: Good evening, I guess it's evening. I'll try and make it short. My name is Mike Peterson, 38 Owl Creek Road, 87505. Owl Creek is another one of the roads that goes off of La Barbaria Trail. My wife and I have lived on Owl Creek since 1998. My wife actually was in charge of the road association for about five or six years.

I can't say that I am adamantly opposed to this. I think it is a good cause. As I told Susan when she contacted me about it my real question is why here? I'm not sure that this is the best place for it. I leave that to other people. I don't get to make that decision. But let me make two comments, two of my concerns. One is that I fear that this is a foot-in-the-door. We moved to La Barbaria Canyon it was paradise and it is very, very rugged. We moved there primarily because I had three small boys and I wanted to have them have the opportunity to grow up in this environment. I know that the County has changed its zoning regulations. That was a concern to me because again I hate to see this area become commercialized. I doubt whether Hearts Way Ranch will make a big difference over the way things are right now through if the County gives its formal stamp of approval, will there be followers? The other thing that slightly concerns me is when Susan said in response to one of your questions about whether there would be more than four or six, she said we don't have plans for that at this time and I would hate to see this become a much larger retreat.

The second thing that concerns me is the road association. As I said, my wife ran it for around five years. We have paid lots of money into it and it bothers me that not

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everyone does pay money into it. And before this whole thing – ideally for me we'd have the road association straightened out and know who is responsible for what before we have these new uses on the road.

I guess the last thing I would say is that there was one comment about snow removal that is outside the road association. Jay Shelton, one of the people who lives on the road plows for everybody but we reimburse him for the time that he spends plowing. The road association dues for maintenance of the road is entirely separate.

[Ms. Joyce Coll speaks from the audience away from the microphone.]

Oh, okay, I'm sorry. I'm sorry. I live 38 Owl Creek means that it is 38/100th of a mile off La Barbaria Trail so I have to pay Jay for plowing Owl Creek Road and then my own driveway.

And then the last thing is fire is a concern in that canyon. We have been told several times by the Fire Department that they will not come to us if there is a fire. I remember when there was a fire, and I forget the name now, but the fire in the Pecos Canyon 15 years ago and there was a huge smoke plume. We were told that we would probably be told to evacuate in an hour. That was pretty startling. I can't say that I vigorously oppose it. I sympathize with Hearts Way Ranch and their objectives but as a neighbor who has now lived there 18 years I wanted to voice my concerns.

CHAIR MARTIN: Thank you very much, Mr. Peterson.

[Duly sworn, Dennis Lopez, testified as follows]

DENNIS LOPEZ: Dennis Lopez, 26 Camino Tortuga.

CHAIR MARTIN: I'm sorry, I didn't hear your last name.

MR. LOPEZ: Lopez, Dennis Lopez, 26 Camino Tortuga. I'm not much of a speaker. A couple of concerns: I always wondered how they got the three residences on there before for 10 years I tried to build a casita and never got it approved because of water restrictions. I don't know how he did it and I just found out today that the third one he did without permit. That surprised me but okay.

It's been in my family, this 80 acres, originally since the 20's. I ended up with 13 acres or 11.5 acres and Rowley is a neighbor. I take care of Camino Tortuga because he doesn't participate in that. He doesn't contribute. There is only two people here that talked on their side that were residents. Everybody else is not going to be impacted by this. Every year there are two or three people that slide off the road in the winter and you need a four-wheel drive to get up there in the winter. It's dangerous in the winter. The fire hazard everybody has spoken to. The reason why I didn't get my permit was water restrictions. I had a hydrologist, \$20,000 and about eight years trying to get that done. Never got that done. But who is responsible if all these extra people run our wells dry. I mean, we're all neighbors. We're probably all on the same aquifer. That concerns me.

And when this first came up the first representation I had it was going to be a drug and rehab center for women. After they looked at the zoning it became a retreat. I just have questions with all of this and I think it should be denied. Thank you.

CHAIR MARTIN: Thank you, Mr. Lopez. One are only allowing one statement –

[Mr. Rowley stands without a mike and says he is confused about the discussion when it should only be on the three places that don't fit code and require a variance.]

CHAIR MARTIN: Thank you, sir. I will turn that over to County Counsel. Would you like to address his question?

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ANDREA SALAZAR (Assistant County Attorney): Regarding the hearing itself, this is for the three variances and that is what they are discussing is solely the three variances.

CHAIR MARTIN: Thank you. Are there any other members of the public that would like to speak? If not, I'll hear one last time from the applicant.

MS. JENKINS: Thank you very much Chair Martin, Commissioners. I will be brief. I just wanted to clarify a few items that came up.

There was a comment made regarding the degree of the variances being requested so we provided engineer plans and profiles of the driveways, of Camino Tortuga as well as Sendero de Corazon. So I quantified it a little bit. The steepest part of the driveway is 21 percent for 13 linear feet. So probably like from there to maybe to like here. That's the steepest part. Then it drops down to 17 percent. Then it drops down to 14 and then to 13. In total approximately about 20 percent of the linear footage exceeds 10 percent. So if you want to quantify the variance that we are requesting with respect to the slope, with respect to the grade, it's 20 percent. Twenty percent of the linear footage of the driveway access exceeds a 10 percent grade. So I think that's helpful information and I am happy to have the opportunity to clarify that for you.

There was a lot of talk about safety but yet no evidence at all that what is being proposed with the retreat has any safety implications at all. Quite the opposite. You have testimony that the driveway is in excellent condition. It was improved to the tune of hundreds of thousands of dollars with the collaboration and direction of the Fire Marshal's Office. How do we make it better? How do we make it as safe as possible without scarring the hillside and in addition you have a memo from the County Fire Department recommending approval. I think that maybe there was some semantics and the County Fire Department is here so I would encourage you to question them to clarify their wording in the memo with the addition – in addition to the 20,000 gallons of water storage, in addition to the draft hydrant, in addition to the hoses, in addition to the turnouts, in addition in addition, sprinklers in all three dwellings. So if there is such concern about safety these should be applauded if we're so concerned about safety. My clients are concerned about safety and can be investing even more in ensuring that this is one of the safest mountain properties in Santa Fe County, easily, easily.

There is nothing in evidence that anything here is going to make it worse, nothing at all. What is in evidence is that the temporary part-time guests in the casitas will not have cars. That is what is before you.

And with respect to the water covenants, I have the amended water covenants for Lot 4 that have been executed by Santa Fe County. They have been reviewed and approved by the County hydrologist as well as the County Attorney's office. I only have one copy but I am happy to provide this to you. Maybe you can share. I apologize that I did not bring additional copies. But this issue was vetted thoroughly with County staff as well. I might also point out this property is one of the largest in the area. The lots that were originally subject to the original covenants, 11 acres, 12 acres, 16 acres, this property is 39 acres. Significantly larger than all the other parcels.

And with that I would be happy to stand for any additional questions. I do really appreciate your time and attention. Thank you very much.

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CHAIR MARTIN: Are there any questions of the applicant? Thank you very much. This public hearing is closed. I will bring it back to the committee for discussion or a motion or both.

COMMISSIONER LOPEZ: Madam Chair, I make a motion that case number V16-5150, Hearts Way Ranch variance be approved.

CHAIR MARTIN: Do I hear a second?

COMMISSIONER GONZALES: Second.

CHAIR MARTIN: Is there any discussion?

COMMISSIONER BOOTH: Yeah. I'd like to bring a couple of things. I actually was – two things. I think we're putting the cart before the horse in this hearing. We're being asked to approve variances on a road without having really anything in writing about how that road is going to be used. How this property is going to change that road. To me, I would have rather heard the site development plan with the accompanying TIA to really know. We're hearing it's going to be two women, it's going to be four women, it's going to six women, maybe next week it'll 10 women. But we don't know because we don't have anything in writing. And so neither do the neighbors really know. And so they are concerned.

I was actually going to move to table this until we have the site development plan so that we would actually be basing our decision on real written information that had been publicly presented. So I am very hesitant to vote on a variance on something that I don't really know what it's going to be.

The second thing that really, really concerns me is that one of the things that we have to show in order to approve this variance is that it is not against the public interest. And in this case we're looking at different publics. And certainly I'm sure all of us are sympathetic with what a wonderful idea this is – a retreat center, alcohol addiction, etc – and that is a general public. In this case, I will lean towards those people who live on this road and their public interest because they are the ones who live in a wildland fire hazard area. They're the ones that have to face every day the tremendous high fire risk. Not the rest of us that are sitting down here going, Gee, it would be great to have a retreat center in Santa Fe for four women, that's fabulous. It is you people who live on this road every day. And in my – if something happened because of this intenseness increased use and someone and someone's house burnt down or someone got killed I wouldn't personally be able to live with myself.

And so in this case I will vote against this because I don't believe it is in the public's interest being the public interest of those people who live on that road and are going to be faced with, I believe, what will be an increased fire risk. So that's how I'm coming down on this vote and I encourage us – I wish I had a chance to put a table on it. I might vote very differently if we have a site development plan and I knew what I was voting for. But right now I am voting for a variance for something that could be as large as – who know, because we don't have anything in writing. So with that I encourage us, the rest of us, thank you –

CHAIR MARTIN: Excuse me, staff?

MS. LUCERO: Madam Chair, if I could just address Commission member Booth's comment about the site development plan and the traffic study.

CHAIR MARTIN: Please do.

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MS. LUCERO: The use of a retreat is actually a permitted use within this zoning district so the site development plan is going to be approved administratively. That will not be coming before the Planning Commission for approval. In researching our notes and the file the comments that we received from various reviewing agencies, a traffic impact analysis was not required for this particular type of development due to the minimal amount of traffic that would be generated by the proposed project.

COMMISSIONER BOOTH: How is that decision made because I thought that according to the code it is required?

MS. LUCERO: It is on an as-needed basis for a permitted use and that determination was made at the Technical Advisory Committee meeting in concurrence with the Public Works Department.

COMMISSIONER BOOTH: I am not crazy about that. But in any case, I still rest on that this is not in the public interest for those people who have to live there.

CHAIR MARTIN: Thank you, Commissioner Booth. Are there any other comments?

MR. FRIEDMAN: I just have a point of order, with all due respect.

CHAIR MARTIN: No, the public hearing is closed. The public hearing is closed.

So can I take a roll call vote? All those in favor of the motion to approve the variance please signify by saying aye.

COMMISSIONER GONZALES: Aye.

COMMISSIONER LOPEZ: Aye.

COMMISSIONER GRAY: Aye.

CHAIR MARTIN: And those against. Nay.

COMMISSIONER BOOTH: Nay.

CHAIR MARTIN: So the ayes have it [3-2] the variances are approved.

MR. GRAESER: Point of order, Madam Chair.

MR. FRIEDMAN: Thank you, Commissioners, thank you.

CHAIR MARTIN: We will take a 10 minute break there has been a point of order raised about the vote. So we will take a 10 minute break and come back at 25 after.

[The Commission recessed from 6:15 to 6:30]

CHAIR MARTIN: Okay, here is my virtual gavel and I am gaveling us back to order and we will hear from the County counsel, please.

MS. SALAZAR: Madam Chair and Commission members, in variance in Chapter 14 in Section 14.9.7.4, the review criteria states a variance may only be granted by a majority of all the members of the Planning Commission or the Board on appeal from Planning Commission where authorized by NMSA 1978, Section 3-2-8C which that section itself says all members of the zoning authority only a majority of them may grant variances. Because of that, because there are seven members and with Chair Katz removing himself, a majority would still need to be four. Since we have no procedure and this is not a tie there is no way to rehear this so it would virtually be a denial of the variance.

CHAIR MARTIN: Thank you very much.

MS. JENKINS: Wait, wait. May I? May I? This is an unusual situation, may I please be heard on this question? May I indulge –

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CHAIR MARTIN: Yes, you can be heard but then I will also hear from counsel from Mr. Graeser.

MS. JENKINS: That's fine. That's fine. So we have a motion, the motion was not affirmatively denied. The motion failed, granted. The motion failed for lack of a majority of the full Commission. So that means it is not in the affirmative. I have been in this exact situation in other jurisdictions. So the motion failed. So it is just done. So there needs to a new motion. Similar to Commissioner Booth's thoughts on tabling. So that is – I have been in this situation, I would ask the legal counsel for Santa Fe County because the motion failed but it was not an affirmative denial. And we have – and so what I would ask, what I believe is the appropriate next step. I am not an attorney but again, I have been in this exact situation before.

So what is appropriate is a new motion that would need to be approved and would have to have an affirmative vote of four people. So I would ask for that to be considered because this was not, by not any means, was this an affirmative denial.

MR. GRAESER: Thank you, Madam Chair. An affirmative denial is not required. The Zoning Hearing Officer made a recommendation to the Planning Commission. The Planning Commission did not accept that recommendation. The project is not approved. I don't think you need an affirmative denial. I don't see that in the code. And if a motion for an affirmative denial was not passed either it gets us right back to where we were, so I don't think it's required.

CHAIR MARTIN: Thank you, Mr. Graeser.

MR. FRIEDMAN: I respectfully disagree. It is not – it doesn't automatically get denied if it doesn't – if there's not an affirmative vote of the Commission. Basically, you have a Hearing Officer who said, I recommend approval, and if you can't decide one way or the other, my suggestion is to table it so that you would meet properly and you could have a vote and you have all the Commission members here.

CHAIR MARTIN: I'll again defer to County counsel.

MS. SALAZAR: So first off, variances under case law the burden of proof is on the applicant and so if there is not a majority the variance does fail. Secondly, the Hearing Officer, although they did write a recommendation, it does not have the binding authority. It is whether you approve or deny. You are the deciding body. Secondly, if you so choose you could make a new motion but if you choose not to the motion that you have made does remain. So those are – so those are the advice and the answers.

CHAIR MARTIN: Thank you. So I bring it back to the committee – Commission, sorry.

COMMISSIONER BOOTH: Just a legal question that we have made a motion and we voted on it so now we can't vote to table it. We can't make a new motion to table it because we've already done it; is that correct? How can we table something we voted on?

COMMISSIONER GONZALES: Chair, also why did we even hear the case? Why did we hear the case in the first place if we didn't have – if we weren't – and they – but we didn't –

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MS. SALAZAR: Chair Martin and Commission members Booth and Gonzales, you do have a quorum and there are four of you. If four of you did vote to pass or deny the motion that would be a majority of the Planning Commission.

COMMISSIONER GONZALES: But we didn't – you didn't know that until after we voted. We heard this case, if Commissioner Booth would have voted to table it everything is fine but we heard the case and we voted to approve – why did we hear the case? We weren't going to know what the outcome was at the beginning of the – without hearing it.

MS. SALAZAR: But you did hear the case and four of you could have voted on this.

CHAIR MARTIN: Well, it actually could have been an approval or a denial.

COMMISSIONER GONZALES: Yes, but we didn't know how it was going to turn out until we voted. How could you – because we did vote affirmative and there was a challenge on it by the attorney, that's what raised the flat. But we shouldn't have heard the case in the beginning if that was the case, if we didn't have enough.

MS. SALAZAR: But you do have enough to make a decision.

COMMISSIONER GONZALES: We have enough to table it but not to approve.

MS. SALAZAR: No, you have enough to approve –

COMMISSIONER GONZALES: But it's too late now, right?

MS. SALAZAR: Chair, I do leave it to you to make the decision.

CHAIR MARTIN: To make the decision. I would consider this very much a learning experience for the Planning Commission under the new SLDC. Because we could have had a final decision if there had been one vote difference and there could have been an approval and it would not have been –

COMMISSIONER GONZALES: But even if we vote again, we already know how it is going to come out.

CHAIR MARTIN: Any advice from counsel?

MS. SALAZAR: I don't have any further advice.

MR. FRIEDMAN: Can the Commission members make a new motion to reconsider the vote? I think they can, there is still four of them.

MS. SALAZAR: Under our rules of order I do not see that that is apparent thing that can happen.

MR. FRIEDMAN: Just based upon the fact that when they voted they didn't know that four was the necessary vote for approval or denial.

MS. JENKINS: Per counsel's advice, she left it open for this body to make a new motion and that is available to you per your counsel's advice.

MS. SALAZAR: I guess the only answer is if you would like to hear from the County Attorney I can bring him in.

CHAIR MARTIN: Is he here?

MS. SALAZAR: Yes.

CHAIR MARTIN: Have you discussed this with him already?

MS. SALAZAR: I have.

CHAIR MARTIN: So I don't think we'll hear anything new.

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COMMISSIONER BOOTH: The public part of this is closed and I am kind of uncomfortable with all of this – I think we gave both counsels time to talk.

CHAIR MARTIN: Yes, both counsels had an opportunity to address –

MR. GRAESER: Madam Chair, with all due respect there have been a lot of comments made subsequent; if I could just respond to that?

CHAIR MARTIN: Okay.

MR. GRAESER: This is a quorum of this body. A quorum can make a decision. A quorum of this body decided not to accept the recommendation therefore not to approve the project.

[Outburst of disagreement coming from the applicants' agent and counsel]

CHAIR MARTIN: I'll hear from the County Attorney on this case.

GREG SHAFFER (County Attorney): Madam Chair, Commission members, Greg Shaffer, Santa Fe County Attorney responding to your request that I come and attend this part of the meeting. What can I do for you?

CHAIR MARTIN: Has the present been presented to you about the situation that we face?

MR. SHAFFER: I believe that it has, Madam Chair, but I would prefer to hear it from you to make sure we all starting from the same premises.

CHAIR MARTIN: So, there was a motion made and seconded for approval of the variances before us. We're missing our Chair he recused himself from this case and we have another vacancy. The motion was voted on and it was a vote of three to two to approve the motion. And that point, then, the attorney for those in opposition to the variance made a point of order about the fact that, as I understand it, the new SLDC requires a majority of all the members of the Planning Commission in order to approve a variance and there are seven members of the Planning Commission and that would be four – that would require four affirmative votes to approve that, to approve a variance; is that correct?

MR. SHAFFER: So, Madam Chair, I guess where I would start with is since there is no requirement, if I understand things correctly, that all the variances stand or fall together it may have been a better way to proceed to have each of the variances voted on separately and subject to a separate motion. It would seem to me that nonetheless the Planning Commission took action on the motion as it was presented. A motion to reconsider that action under these circumstances might be order and if that motion is acted upon then the Planning Commission could seemingly table the matter to the next meeting in the hopes of having another member appointed or present so that you could get two-four given the current makeup or you could go through and have a separate motion on each individual variance. It might not change the outcome but seemingly those would be some options to consider.

CHAIR MARTIN: Thank you. Yes, Commissioner Booth.

COMMISSIONER BOOTH: What I understand from what was read from the plan was that because it was three to two, it not only did not pass but that then constituted a denial of those three variances; is that correct or incorrect?

MR. SHAFFER: Madam Chair, member, my understanding of the law is that when you are dealing with an administrative body that must vote in the affirmative for something to happen. If something fails to get the requisite number of votes then the

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matter is denied because the applicant who bears the burden of proof failed to meet that burden to convince their requisite number of people to vote in their favor.

COMMISSIONER BOOTH: And in this case it would be four people out of the seven?

MR. SHAFFER: Madam Chair, this is an issue that candidly hasn't come up in my time at the County in terms of do you reduce the requisite number of the members since you have a voluntary recusal so you have six which would get you to four but you have a vacancy on the board. So that's something, is it a majority of six or majority of five –

CHAIR MARTIN: Mr. Shaffer, I misspoke. It is not a vacancy. We have another board member who did not come. There's no vacancy. There's actually seven members serving on the Board.

MR. SHAFFER: Okay, thank you for that clarification, Madam Chair. So then you would need four even if you reduced it from seven to six, since three is not a majority of all the members.

Again, to sum up, if you need four and you don't get it my understanding of the law is the requested relief is denied because the applicant failed to carry their burden of proof.

CHAIR MARTIN: Thank you. So I'll bring it back to the committee for action or not.

COMMISSIONER LOPEZ: Madam Chair, I make a motion to approve case number V16-5150 – oh, I'm sorry. V16-5150 Hearts Way Ranch variance for approval.

COMMISSIONER GONZALES: Second. Same motion.

CHAIR MARTIN: That's not the motion.

COMMISSIONER GRAY: I move to, Madam Chair, I move to reconsider our earlier vote and just table the matter until we have enough to make a quorum for a vote.

CHAIR MARTIN: Do you withdraw your motion?

MR. SHAFFER: As a point of order, the Board has already acted so the motion that was made is seemingly in proper because the Board has already voted –

CHAIR MARTIN: -- that's right this the same. This is essentially revoting the same.

MR. SHAFFER: -- so you would need to, it seems to me have a motion to reconsider that earlier vote.

COMMISSIONER GRAY: So I have –

CHAIR MARTIN: So you have a motion to reconsider the case?

COMMISSIONER GRAY: Correct.

CHAIR MARTIN: Is there a second to that motion? That motion dies for lack of a second.

COMMISSIONER LOPEZ: He seconded.

COMMISSIONER GONZALES: She made a motion to reconsider the vote that we did; right?

CHAIR MARTIN: Yes.

COMMISSIONER GONZALES: Let her make the motion again. I didn't understand it.

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COMMISSIONER GRAY: Okay. Madam Chair, I make a motion to reconsider our earlier vote.

COMMISSIONER GONZALES: Second the motion.

COMMISSIONER LOPEZ: Okay, now do I have to make a motion to rescind?

COMMISSIONER GRAY: No.

CHAIR MARTIN: All those in favor of that motion please signify by raising your hand.

The motion passed by majority [3-2] vote with Chair Martin and Commissioner Booth voting against.

MR. SHAFFER: Now it seems to me that a motion to table would be in order to table the motion on the reconsideration. And you could table the action until you have your sixth member.

COMMISSIONER BOOTH: So because this is a learning experience that we're trying to figure this out. What I understood from the Sustainable – what you read was that four people were needed to change a variance.

CHAIR MARTIN: Four votes.

COMMISSIONER BOOTH: Four votes were needed to change a variance. This is not a change of variance this is just to reconsider so we only need three votes – a majority; is that correct?

MR. SHAFFER: That is correct. I am not telling the Board what to do but if you wanted to table the manner so that you would have six members present so that you could have the potential of another vote so you would have four votes in favor of the variances you could do that or you could proceed to --

COMMISSIONER GRAY: Madam Chairman, I motion that we table the manner until we have a sixth person to make that final vote.

COMMISSIONER GONZALES: I'll second it.

CHAIR MARTIN: The motion is seconded. Let me for a point of clarification, this does not mean a whole new public hearing. When we have a sixth member there would just be a vote; is that my understanding?

MR. SHAFFER: That's correct. It would be based upon the record submitted and made. The only clarification is that it would be a motion to table and our rules of order provide that it can only carry over for a few meetings. So if you don't have that sixth member then ultimately the Board would have to – it can't be out indefinitely. I think it would be a motion to table, if I could.

MS. JENKINS: May I offer something on the motion? May I be heard on the motion?

CHAIR MARTIN: No, no.

MS. JENKINS: Okay.

CHAIR MARTIN: So all those in favor to table signify by raising your hand. All those opposed. The motion carries. [3 to 2 vote.]

And now we're on to the --

COMMISSIONER BOOTH: May I ask one last question?

CHAIR MARTIN: One last question.

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COMMISSIONER BOOTH: Could I ask one last question? Excuse me, excuse me. I'd like to ask one last question. So, how will this work. We will have a member who will not have been at this public hearing. Will we now have it at the next meeting that we will have another vote on it without going through public hearing just based on record?

CHAIR MARTIN: Yes.

COMMISSIONER BOOTH: I just want to hear that publicly, you know.

MR. SHAFFER: That is correct and that is consistent with how the County has handled matters when a member is present at a future meeting we don't redo the public hearing. The vote is made upon the record that is presented and my understanding is that that process is allowed by law.

COMMISSIONER BOOTH: Good. I just wanted to get that out.

CHAIR MARTIN: Okay, thank you.

B. Presentation on Proposed Changes to the Suitable Land Development Code and Development Review Fee Ordinance

Penny Ellis-Green, Growth Management Director, said this is an informational item and advised the Commission that when the SLDC was approved the BCC requested that staff provide technical changes following a six month period of code implementation. In July, staff provided suggested changes to the BCC and additional changes on September 13th. She explained the editing method and said staff intends to go back to the BCC on September 27th and request authorization to publish title and general summary which is the legal proceeding prior to taking action. The draft SLDC will be presented to this body on October 20th for a public hearing and recommendations that will be forwarded to the BCC. The BCC will hold two public hearings in November.

Ms. Ellis-Green said if the changes are approved, it would be effective 30 days following action. The Planning Commission will be presented the entire SLDC restated. She highlighted a few of the changes as follows: setback variances, water harvesting variances, small-scale sand and gravel with setbacks to residential uses and a two-year timeframe, and the category on the use table regarding commercial and personal horse uses. Another major change will be within the sign section to reflect recent case law.

The County has developed a database/spreadsheet showing who requested what change(s) and whether or not the proposal is accepted by staff. At this point there are no major policy shifts, rather technical changes.

Commissioner Booth thanked and congratulated staff for their work on the SLDC.

In the event the Planning Commission was not prepared to take action on the SLDC, Ms. Ellis-Green requested a special meeting be held to maintain the BCC schedule.

C. Petitions from the Floor

None were offered.

D. Communications from the Committee

None were presented.

E. Communications from the Attorney

None were presented.

F. Matters from Land Use Staff

None were presented.

G. Next Planning Commission Meeting: October 20, 2016

H. Adjournment

Having completed the agenda and with no further business to come before this Committee, Vice Chair Martin declared this meeting adjourned at approximately 7:10 p.m.

Approved by:

Frank Katz, Chair
Planning Commission

Submitted by:

Karen Farrell, Wordswork

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: September 15, 2016

TO: Santa Fe County Planning Commission

FROM: John Lovato, Development Review Specialist Sr. *JP*

VIA: Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF.: CASE # V 16-5150 Hearts Way Ranch Variance

ISSUE:

Heart's Way Ranch, Susan Carter, Applicant, JenkinsGavin, Design & Development Inc., Agents, request three variances of the Sustainable Land Development Code (SLDC) to allow a retreat facility consisting of 2 casitas, a yoga area, and a main residence on 39.5 acres. The Applicant requests a variance of Chapter 7, Section 7.11.6.6 to allow the grade of the approach at the intersection to exceed 5%, a variance of Chapter 7.11.2, Table 7-13, to allow the overall grade of the driveway to exceed 10% in three separate locations in order to get to the casitas and main residence, and a variance of 7.11.2 Table 7-13 Local Road Design Standards to allow access from offsite roads that do not meet Code requirements. The 39.5 acre property is located at 34 Sendero de Corazon, via La Barbaria Trail within Section 9, Township 16 North, Range 10 East (Commission District 4), SDA-3

Vicinity Map:



SITE LOCATION



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SUMMARY:

On August 25 2016, the Application was presented to the Hearing Officer for consideration. The Hearing Officer supported the Application as memorialized in the findings of fact and conclusions of law written order (Exhibit 12)

At the August 25, 2016, Hearing Officer Meeting, seven member of the public spoke in favor of the Application and four spoke in opposition of the Application. The major concerns of opposition was due to the road issues and congestion associated with La Barbaria Trail.

The Applicant is the owner of the property as evidenced by warranty deed recorded in the records of the Santa Fe County Clerk on January 15, 2016, as Instrument # 1784180. The Applicant is represented by JenkinsGavin Design and Development Inc., to pursue the request for the three proposed variances.

On August 25, 2016, the Application presented three variances to the Hearing Officer for Public Hearing. The three variances are as follows: a variance of Chapter 7, Section 7.11.6.6 to allow the grade of the approach at the intersection to exceed 5%; a variance of Chapter 7.11.2, Table 7-13, to allow the overall grade of the driveway to exceed 10% in three separate locations in order to get to the casitas and main residence; and a variance of 7.11.2 Table 7-13 Local Road Design Standards to allow access from offsite roads that do not meet Code requirements. The Hearing Officer in support of the Application memorialized her findings of fact and conclusions of law in written order, which is attached.

Currently, there is a 3,651 square foot residence, two casitas —1,100 square feet each, a 1,000 square foot garage located at the main residence, a 750 square foot workshop, and a 400 square foot carport. All structures have been permitted through Santa Fe County. One of the casitas was permitted as a studio and later converted into the casita without a permit. The site contains two wells and a septic system that supports the two units.

The property is a 39.57 acre tract within the Rural Fringe Zoning (RUR-F) area as defined by Ordinance 2015-11, Sustainable Land Development Code (SLDC), Chapter 8, Section 8.6.3. Appendix B of the SLDC designates a retreat as a permitted use within the Rural Fringe Zoning District. The Applicants agent submitted an Application for a Site Development Plan, to request a retreat. It was discovered after submittal that the approach to the intersection exceeds grade requirements of 5% for 100 linear feet, and the grade of the driveway is 17%-21% in 3 locations. Permits were obtained in 1994, for a driveway with grades up to 14%. The approval was granted in accordance with the Extraterritorial Zoning Ordinance which allowed for grades of 15%. However, the driveway was not constructed to the approved plans. Therefore, variances are being requested.

Building and Development Services staff has reviewed the Site Development Plan for compliance with pertinent SLDC requirements. The driveway grade of 5% for 100 linear feet upon an intersection and the overall driveway grade to get to the casitas and main residence exceeds the

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required grade of 10%, and offsite roads do not meet the 20' driving surface. La Barbaria trail is a base course surface with a minimum width of 9 feet and a maximum width of 18 feet. The driveway that accesses the site is 14' in width with a base course surface and has pull out locations. Improvements were done for fire protection to include pull outs, and two 10,000 gallon water storage tanks with a draft hydrant that was placed at the main residence.

The Applicant addressed the variance criteria as follows:

1. Where the request is not contrary to the public interest.

The variance is requested for an existing private driveway and this is not contrary to the public interest. The driveway will be used primarily by the property owners for access to the single family residence at the top of the driveway. There will be four to six retreat guests that access the two casitas and provide overnight accommodations. In the past, full time tenants have rented the guest homes. Additionally, installing an automatic fire suppression system in the casitas and workshop will be in the public interest. The property owner implemented driveway improvements and the driveway is well constructed and in the context of the steep terrain which minimizes slope disturbance.

2. Where owing to special conditions, a literal enforcement of the SLDC would result in unnecessary hardship to the Applicant.

Special conditions exist that the subject lot comprised of steep terrain and reconstruction of the driveway would cause scarring of the hillside. The previous owner worked in collaboration with the County Fire Marshall in effort to conform to safety standards. Reconstruction of the driveway to the SLDC standards would result in unnecessary hardship to the Applicant.

3. So that the Spirit of the SLDC is observed and substantial justice is done.

Maintaining the existing driveway is consistent with the SLDC as stated in Section 1.4.2.20 "Ensure that building projects are planned, designed, constructed and managed to minimize adverse environmental impacts. The driveway was constructed to minimize adverse environmental impacts, while satisfying the requirements with emergency access and life safety.

Staff Response:

Although tenants have moved in and out of the casitas, this area is in an Extreme Wildland Fire Hazard Area. During inclement weather, and on slopes in excess of 10%, emergency access may

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not be possible due to the severity of the steep slopes. The structures will be utilized as a retreat center, and the use may increase tenants which can increase traffic use. Chapter 14, Section 14.9.7.4, Variance Review criteria states, Where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the Applicant. The road was not constructed per approved plan, but road design standards have changed since that time, and the Applicant is now requesting to change the use from residential to non-residential. Staff acknowledges that it would be difficult to widen the road width, reduce the road grade or widen these area without disturbing large amounts of 30% slope, and causing visual scarring.

Fire Review Comments:

- Fire is requiring that Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 20' width. Roads, turnouts and turnarounds shall be County approved and all-weather driving surface and un-obstructed vertical clearance of 13'-6" within this type of proposed development.
- The Driveway /fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.
- The entrance gate at the top of Sendero Del Corazon shall be set to open further to allow for the increased turn and radius into the Casita B driveway.
- Due to the potential access issues and remote location of this project, for life safety and property protection this office shall require the installation of Automatic Fire Protection Sprinkler systems meeting NFPA13R requirements in the Casitas A&B.
- This development location is rated within an extreme Wildland Hazard Area and shall comply with all applicable regulations within the SFC Ordinance 2001-11/ EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such area.
- This project shall also have a vegetation management plan as required by the Urban Interface Fire Code 2001-11. This plan shall be submitted in advance for review and approval. (Exhibit 3)

The Applicant addressed the variance criteria as follows:

1. Where the request is not contrary to the public interest.

The request is not contrary to the public interest. La Barbaria Trail is an existing local roadway which has been serving the vicinity for several decades. As stated in the variance criteria answers above, Hearts Way Ranch will be used by the property owners and their guests to access the existing residence and casitas.

2. Where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the applicant:

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The Local Road classification calls for two 10-foot wide driving lanes. As stated above, La Barbaria Trail lies within a 20-foot easement. The width of the easement, as well as the area's exceptional steep terrain, render it impossible to widen the road. A literal enforcement of the SLDC would result in unnecessary hardship to the applicant by essentially rendering access to Hearts Way Ranch an impossibility.

3. So that the spirit of the SLDC is observed and substantial justice is done.

This Variance request is intended to allow for a locally owned business with requisite zoning to move forward and commence operations. As stated above, Hearts Way Ranch is proposed sober-living wellness retreat center, which is permissible use in the Rural Fringe Zoning District. The request therefore observes the spirit of the SLDC as stated in Section 1.4.2.11: Accommodate within appropriate zoning districts, regulations for protection and expansion of local small businesses, professions, culture, arts and crafts including live/work, home occupations and appropriate accessory uses in order to support a balanced, vigorous local economy.

Staff Response:

Although the proposed use is permitted in this zoning district, all requirements of the Sustainable Land Development Code shall be met. La Barbaria Trail is a private road that does not meet the road standards of the Sustainable Land Development Code. La Barbaria trail is required to have a minimum of a 20 foot driving surface with two lanes that are 10 foot each, a 50 right of way, and adequate drainage. Many locations of La Barbaria Trail are 9 feet in width at minimum and 18' in width at maximum. There are limited areas that may allow for road width to be increased due to adjacent drainage and steep slopes in excess of 30%. The grade on this offsite road meets Code requirements and the road is in good condition.

The applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2015-11 (SLDC), which govern this Application are the following:

Chapter 14, Section 14.9.7.1, Variances (Purpose) states:

The purpose of this section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this Code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the Code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

Chapter 14, Section 14.9.7.4, Variance Review criteria states:

A variance may be granted by only a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) where authorized by NMSA 1978, Section 3-21-8(C):

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1. Where the request is not contrary to public interest;
2. Where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the applicant; and
3. So that the spirit of the SLDC is observed and substantial justice is done.

Chapter 14, Section 14.9.7.5 Variance Conditions of approval.

1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
3. All approved variances automatically expire within one year of the date of approval, unless the applicant takes affirmative action consistent with the approval.

As required by the SLDC, the Applicant's agents presented the Application to the Technical Advisory Committee (TAC) on May 19, 2016.

Notice requirements were met as per Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC. In advance of a hearing on the Application, the Applicant provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for fifteen days on the property, beginning on August 10, 2016. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on August 10 2016, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record.

This Application for the three variances was submitted on May 26, 2016.

RECOMMENDATION:

On August 25, 2016, the Application for a variance of Chapter 7, Section 7.11.6.6 to allow the grade of the approach at the intersection to exceed 5%; a variance of Table 7-13 to allow the grade of the driveway to exceed 10%; and a variance of 7.11.2 Table 7-13 Local Road Design Standards to allow access from offsite roads that do not meet Code requirements was presented to the Santa Fe County Hearing Officer. The Hearing Officer supported the Application as memorialized in the findings of fact and conclusions of law written order.

If the decision of the Planning Commission is to approve the Application, you may consider adopting the Hearing Officer's finding of fact and conclusion of law in the written recommendation. (Exhibit 13)

EXHIBITS:

1. Variance request
2. Proposed Plans
3. Fire Review
4. Aerial Photo of Site
5. Chapter 7, Section 7.11.6.6
6. Chapter 7, Section 11.2, Table 7-13
7. Chapter 14, Section 14.9.6.1
8. Notice
9. Letters Opposition
10. Letters of Support
11. August 25, 2016, Hearing Officer Meeting Minutes
12. Recommended Decision and Order
13. Draft Order

NBA47



jenkinsgavin
DESIGN & DEVELOPMENT INC

May 27, 2016

Jose Larranaga, Development Review Team Leader
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

**RE: Heart's Way Ranch Retreat
Variance Application**

Dear Jose:

This letter is respectfully submitted on behalf of Susan Carter and Shari Scott in application for a variance to be heard by the Hearing Officer on July 28, 2016 and by the Planning Commission at their meeting of September 15, 2016. The 39.57-acre subject property is located in La Barbaria Canyon, in SDA-3, and is zoned Rural Fringe.

Project Background

A Site Development Plan has been submitted for Heart's Way Ranch, a proposed sober-living wellness retreat center on the subject property. Per the SLDC Use Matrix, retreats are a permissible use in the Rural Fringe zoning district. The property is improved with 8,001 square feet of single story structures as outlined below. The retreat center will utilize the existing buildings and access, and no new construction is proposed.

- Main Residence, two bedrooms – 3,651 sf
- Casita A, two bedrooms – 1,100 sf
- Casita B, two bedrooms – 1,100 sf
- Garage at main house – 1,000 sf
- Workshop – 750 sf
- Carport – 400 sf

Access

The property is accessed via La Barbaria Road (County Road 67F). From there, La Barbaria Trail and then Camino Tortuga lead to the access driveway, both of which are 20-foot wide Ingress, Egress, and Utility Easements as depicted on the Boundary Survey included in the submittal plans. The access drive (Sendero de Corazon) is 14 feet wide with five pull-out areas constructed along the driveway to permit vehicles to pass one another. Each pull-out area is a minimum of 10 feet wide and 70 feet long. There is also a vehicular gate equipped with a Knox Box and an emergency turnaround area at the top of the driveway at the main house.



NB947a

Fire Protection

There are two 10,000 gallon water storage tanks adjacent to the main house, which are connected to a draft hydrant. Furthermore, the casitas and workshop will be retrofitted with a NFPA 13-R automatic fire suppression system. Although portions of the driveway exceed a 10% grade, the site conditions have been inspected by the Fire Marshal. He has approved the access in consideration of the existing and proposed on-site fire protection systems, as well as the above described pull-out areas and turnaround.

Variance Requests

As stated above, portions of the existing driveway exceed the maximum allowable grade of 10%. Furthermore, the intersection of Sendero de Corazon at Camino Tortuga exceeds the maximum allowable 5% grade for the first 100 feet. Therefore, we are requesting two variances as detailed below.

- Variance from Table 7-13: *Rural Road Classification and Design Standards (SDA-3)*, to allow for greater than a 10% grade.
- Variance from Section 7.11.6.6: *Grades at the approach of intersections shall not exceed five percent (5%) for one hundred (100) linear feet prior to the radius return of the intersection, excluding vertical curve distance.*

The applicant's responses to the Review Criteria in 14.9.7.4 are outlined below.

1. *Where the request is not contrary to the public interest;*

The variance is requested for an existing private driveway and thus is not contrary to the public interest. The driveway will be used primarily by the property owners for access to the single family residence at the easternmost end of the drive, and by four to six retreat guests to access the two casitas that will provide overnight accommodations. Historically, the casitas have been rented to full time tenants, so the proposed retreat will actually result in a decrease in the use intensity of the property. Additionally, installing the above mentioned automatic fire suppression systems in the casitas and workshop will be in the public interest.

The property's previous owner implemented significant driveway improvements, and the driveway is well constructed in the context of the steep terrain. Its design minimizes site impacts while providing the requisite emergency access improvements.

2. *Where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the applicant;*

NBA 48

Special conditions exist in that the subject property comprises very steep terrain. The above mentioned driveway improvements were constructed to minimize slopes while working within the constraints of the existing terrain. Reconstructing the driveway to comply with the grade requirements of the SLDC would excessively damage the terrain and would also be prohibitively expensive. As described above, the previous owner improved the driveway in collaboration with the County Fire Marshal, in an effort to conform to safety standards as much as possible given the naturally occurring site constraints. Thus, reconstructing the driveway to SLDC standards would result in unnecessary hardship to the applicant.

3. *So that the spirit of the SLDC is observed and substantial justice is done.*

Maintaining the existing driveway conditions is consistent with the Purpose and Intent of the SLDC as stated in Section 1.4.2.20: "*Ensure that building projects are planned, designed, constructed, and managed to minimize adverse environmental impacts...*" The driveway was constructed with the intent to minimize adverse environmental impacts, while satisfying the requirements for emergency access and life safety. Reconstructing the driveway to meet SLDC standards would be counter to the spirit of the SLDC. The required improvements would have significant negative impacts by scarring the hillsides, destroying natural vegetation, and necessitating extensive retaining walls that would create not only an environmental impact, but a negative visual impact for the surrounding neighborhood. Moreover, it meets the purpose of the road design standards as stated in SLDC Section 7.11.1.4: "*Provide for economy of land use, construction, and maintenance;*" and Section 7.11.1.5: "*Provide safe and efficient access to property.*"

In closing, the existing driveway design respects the natural terrain and rural beauty of the site, while addressing emergency access needs with the pull-outs and turnaround area. Furthermore, extensive efforts have been made to ensure life safety with the provision of 20,000-gallons of water storage and the installation of new automatic fire protection systems.

In support of this request, attached are a Development Permit Application and fee of \$600.00 (\$300.00 per variance). Your consideration of this application is greatly appreciated. Please contact me should you have any questions or require additional information. Thank you.

Respectfully,

JENKINS GAVIN, INC.



Jennifer Jenkins

NBA-49

Heart's Way Ranch

34 Sendero de Corazon Lot 4, S9, T16N, R10E Site Development Plans

**SANTA FE COUNTY, NEW MEXICO
DEDICATION AFFIDAVIT AND PURPOSE:**

Know all persons by these present that the undersigned owner has caused this Site Development Plan to be prepared. All that appears on this plan is made and the true contents are in accordance with the desires of the undersigned owner. This dedication lies within the planning jurisdiction of the County of Santa Fe, New Mexico.

Owner _____

Santa Fe County Public Works Division
Capital Projects Management Director

This instrument was acknowledged before me by _____

_____ this _____ day of _____, 20____

Notary Public _____
My Commission Expires on _____

COUNTY APPROVALS:

Approved by _____

County Land Use Administrator _____ Date _____

Approved by _____

County Fire Marshal _____ Date _____

Approved by _____

County Public Works Director _____ Date _____

Rural Addressing _____ Date _____

Sheet Number	Sheet List	Sheet Name
1	Cover	
2	Boundary Survey	
3	Topographic Survey	
4	Site & Utilities Plan	
4A	Site Plan Detail	
5A	Landscape Plan - Overall	
5B	Landscape Plan - Main Residence Detail	
5C	Aerial	
6A	Driveway Plan & Profile	
6B	Driveway Plan & Profile	
6C	Driveway Plan & Profile	
6D	Driveway Plan & Profile	
6E	Site Ponding - Castias / Workshop	
6F	Site Ponding - Main Residence / Garage	
7A	Main Residence Floor Plan	
7B	Casita Floor Plan (Typ.)	
7C	Garage, Workshop Floor Plans	
8A	Main Residence Elevations	
8B	Casita Elevations (Typ.)	
8C	Garage / Workshop Elevations	

COUNTY OF SANTA FE 1
STATE OF NEW MEXICO Jss

I hereby certify that this instrument was filed for record on the _____ day of _____ A.D. 20____ at _____ o'clock _____ M., and was duly recorded in Book _____ Page _____ of the records of Santa Fe County.

Witness my hand and Seal of Office
GERALDINE SALAZAR
County Clerk, Santa Fe County, NM

Deputy _____

Heart's Way Ranch
34 Sendero de Corazon

Revision Schedule
Numl Desc Date

Issue Date
Drawn by
Auditor

Checked by
Checker



Cover

Scale

1

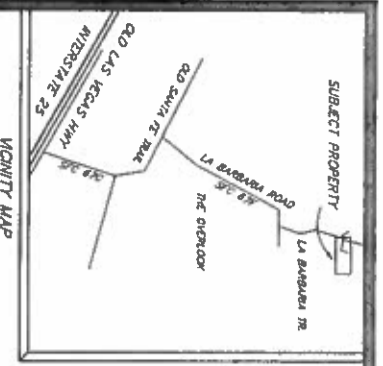
NBA-10



VICINITY MAP

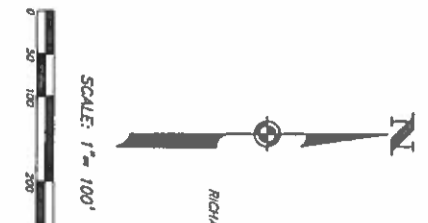
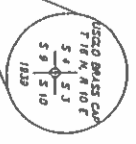


Zuerlings-GarrinHearts Way RanchHeads Way

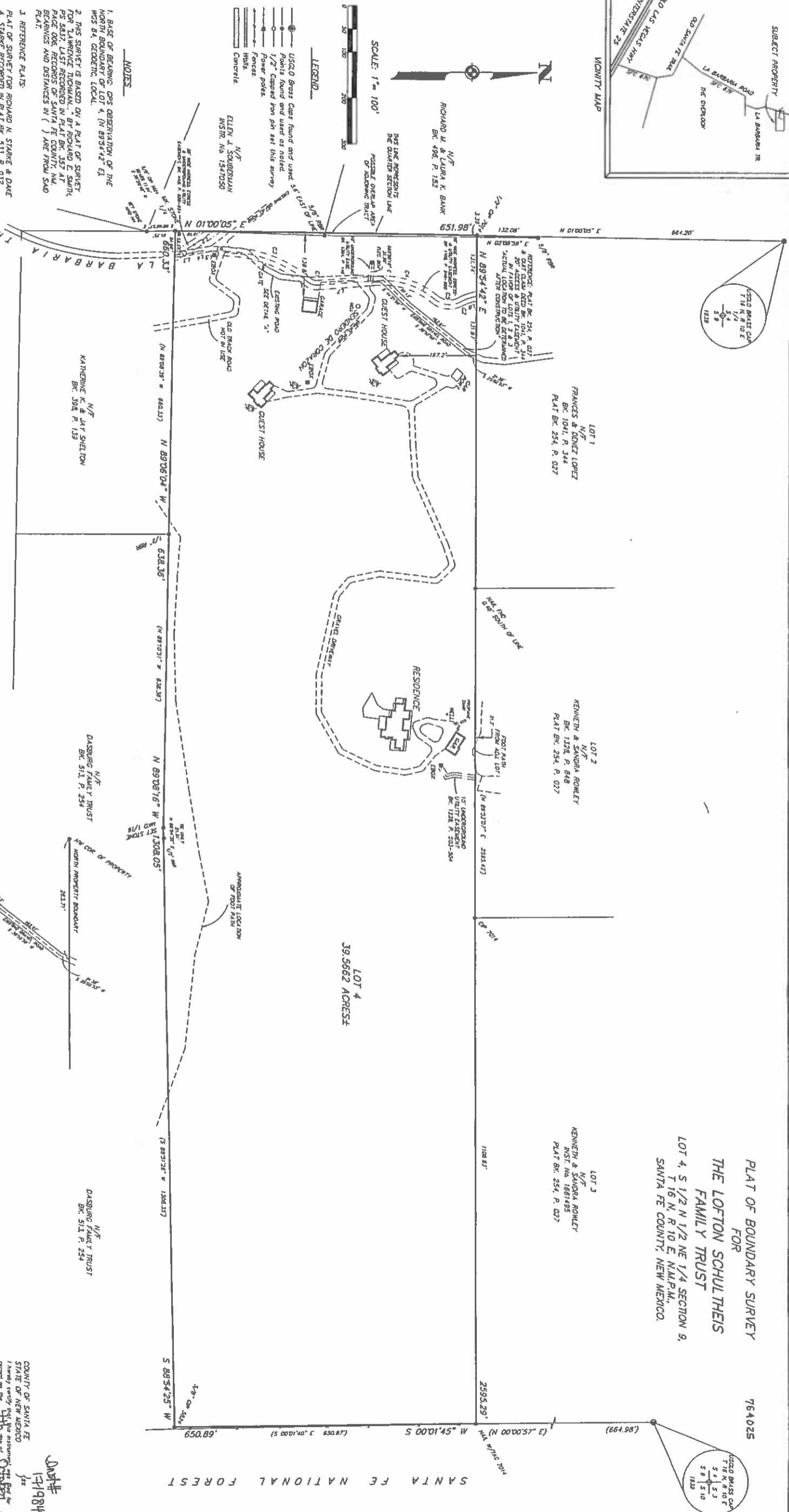


PLAT OF BOUNDARY SURVEY
FOR
THE LOFTON SCHULTHEIS
FAMILY TRUST
LOT 4, S 1/2 N 1/2 NE 1/4 SECTION 9,
SANTA FE COUNTY, NEW MEXICO.

764025



- LEGEND**
- USCO Brass Caps found and used.
 - Points found and used as noted.
 - 1/2" Capped iron pin set this survey.
 - Power poles.
 - Fence.
 - Halls.
 - Concrete.



NOTES

- BASE OF BEARING, GPS OBSERVATION OF THE NORTH BEARING OF LOT 4 (N 89°54'22" E).
- THIS SURVEY IS BASED ON A PLAT OF SURVEY FOR LAWRENCE TUCHMAN, BY RICHARD E. SMITH, PLS 2547, LAST RECORDED IN PLAT BK. 357 AT PAGE 008, RECORDS OF SANTA FE COUNTY, N.M. BEARINGS AND DISTANCES IN () ARE FROM SAID PLAT.
- REFERENCE PLATS:
 - PLAT OF SURVEY FOR RICHARD N. STARR & DAKE & STARR, RECORDED IN PLAT BK. 321 P. 022.
 - PLAT OF SURVEY FOR JAMES G. LOPEZ ESTIMATE... BK. 254 AT PAGE 027.
 - PLAT OF SURVEY FOR "ANW DASHBURN," BY CRISTIANO MARTINEZ PLS 1895, RECORDED IN PLAT BK. 148 AT PAGE 010, RECORDS OF SANTA FE COUNTY, N.M.
 - REFERENCE DEED: BK. 251, P. 306.
 - FEIA FROM PANEL No. 35049C-0419D, ZONE X.

CERTIFICATE

I, Philip B. Wagon, a duly registered Professional Surveyor in the State of New Mexico hereby certify that I conducted and am responsible for this survey, that this survey and plat reported on reflect survey made in the manner and according to the laws and rules of the State of New Mexico, and that the information contained herein is true and correct to the best of my knowledge, information and belief.

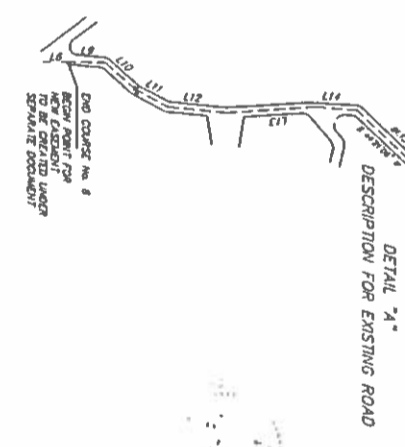
I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this is a boundary survey plat of an existing tract or tracts.

Philip B. Wagon
19 SEPTEMBER, 2013
P.S. No. 9758
Scriba Fe, NM
P.O. Box 22773



CURVE TABLE

LINE	BEARING	LENGTH	CHORD	ANGLE
C1	N 101°00'55" E	580.37	578.87	88°57'02"
C2	N 89°06'04" W	638.36	637.75	90°00'00"
C3	N 89°08'16" W	628.37	627.76	90°00'00"
C4	N 89°08'16" W	308.05	307.46	90°00'00"
C5	N 89°08'16" W	100.37	100.37	90°00'00"
C6	S 88°54'25" W	650.89	650.30	91°02'58"
C7	S 88°54'25" W	1200.17	1199.40	91°02'58"
C8	S 88°54'25" W	1200.17	1199.40	91°02'58"
C9	S 88°54'25" W	1200.17	1199.40	91°02'58"
C10	S 88°54'25" W	1200.17	1199.40	91°02'58"
C11	S 88°54'25" W	1200.17	1199.40	91°02'58"
C12	S 88°54'25" W	1200.17	1199.40	91°02'58"
C13	S 88°54'25" W	1200.17	1199.40	91°02'58"
C14	S 88°54'25" W	1200.17	1199.40	91°02'58"



PUBLIC NOTICE

THE SANTA FE COUNTY LAND USE ADMINISTRATION HAS NOT REVIEWED THIS PLAT OF SURVEY BEFORE ITS FILING IN THE OFFICE OF THE COUNTY CLERK. THIS PLAT IS NOT BEING FILED AS A MATTER OF COURSE AND THE FILING THEREOF DOES NOT ALTER THE BOUNDARIES OF ANY EXISTING LOTS OR TRACTS. ANY PERSONS WHOSE INTERESTS ARE AFFECTED BY THIS PLAT ARE ADVISED TO FILE WITHIN THE OFFICE OF THE COUNTY CLERK ANY OBJECTIONS TO THE FILING OF THIS PLAT.



COUNTY OF SANTA FE
STATE OF NEW MEXICO
I, Philip B. Wagon, duly registered Professional Surveyor in the State of New Mexico, do hereby certify that I conducted and am responsible for this survey, that this survey and plat reported on reflect survey made in the manner and according to the laws and rules of the State of New Mexico, and that the information contained herein is true and correct to the best of my knowledge, information and belief.

Philip B. Wagon
19 SEPTEMBER, 2013
P.S. No. 9758
Scriba Fe, NM

Project No.	12090668
PLAT	BY
DATE	09/17/13
NO.	51

TOPOGRAPHIC PLAN ONLY NOT A BOUNDARY SURVEY



NEW MEXICO
STATE PLANE COORDINATE
SYSTEM (NAD 83)
(FROM SANTA FE SECTION)
E-118132.13 D-7772.4

NEW MEXICO
STATE PLANE COORDINATE
SYSTEM (NAD 83)
(FROM SANTA FE SECTION)
E-118132.13 D-7772.4

ORIENTATION NOTE:
THE BOUNDARY OF LOT 4 HAS BEEN ROTATED TO MATCH
THE STATE PLANE COORDINATE SYSTEM FOR THE USE OF THE SANTA
FE COUNTY DATA BASE TOPOGRAPHIC PLAN SHOWN HEREON. ALL
TOPOGRAPHIC DATA SHOWN HEREON IS STATE PLANE COORDINATE SYSTEM GRID.

ACCURACY NOTE:
THE SANTA FE COUNTY TOPOGRAPHIC INFORMATION USED HEREON HAS BEEN
FIELD VERIFIED ON 3/23/2018 BY SO ELEVATION CHECK SHOTS OF
THE BOUNDARY POINTS AND THE BOUNDARY POINTS ARE NOT
MORE THAN ONE-HALF OF THE CONTOUR INTERVAL. BY NO
THIS MAP HAS BEEN TESTED FROM AN INDEPENDENT SOURCE OF HIGHER
ACCURACY AND MEETS THE MINIMUM STANDARDS FOR A TOPOGRAPHIC MAP
COMPILED AT A SCALE OF 1"=100' WITH A CONTOUR INTERVAL OF 1'

LEGEND & NOTES

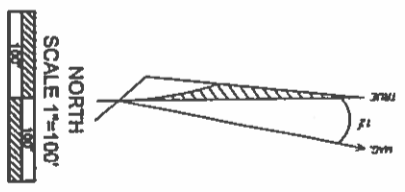
- DENOTES POINT FOUND AS PER PLAT OF NOTE 1
OR NAIL SET FOR CRUS SOLUTION BENCHMARK
- DENOTES POINT CALCULATED
CONTOUR INTERVAL = 1'

1. PLAT OF BOUNDARY SURVEY FOR LORTON SCHULTZERS FAMILY TRUST
BY PHILIP B. WIEGEL, MAPS#9738 AND RECORDED IN THE OFFICE OF
THE SANTA FE COUNTY CLERK IN PLAT BOOK 784, PG. 023.
THE BOUNDARY INFORMATION SHOWN IS DIRECTLY FROM THIS PLAT
AND NOT FROM AN INDEPENDENT SOURCE OF HIGHER ACCURACY.
THE STATE PLANE SYSTEM BEARING BASE DETERMINED BY CRUS
SOLUTION POINTS SHOWN.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS TOPOGRAPHIC PLAN HAS BEEN POSITIONED AND
VERIFIED FOR ACCURACY BY ME OR UNDER MY DIRECTION ON 3/23/2018 AND
MEETS THE MINIMUM STANDARDS FOR SURVEYS IN NEW MEXICO AND IS TRUE AND
CONNECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

RICHARD A. CHATROOP
NMP-511011 DATE 3/23/18



COUNTY OF SANTA FE
STATE OF NEW MEXICO
I, RICHARD A. CHATROOP, Surveyor, do hereby certify that the above-mentioned map was
prepared by me or under my direction and that it meets the minimum standards for
surveys in New Mexico and is true and correct to the best of my knowledge and
belief.

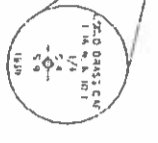
LOT 4, 39.5662 ACRES

3

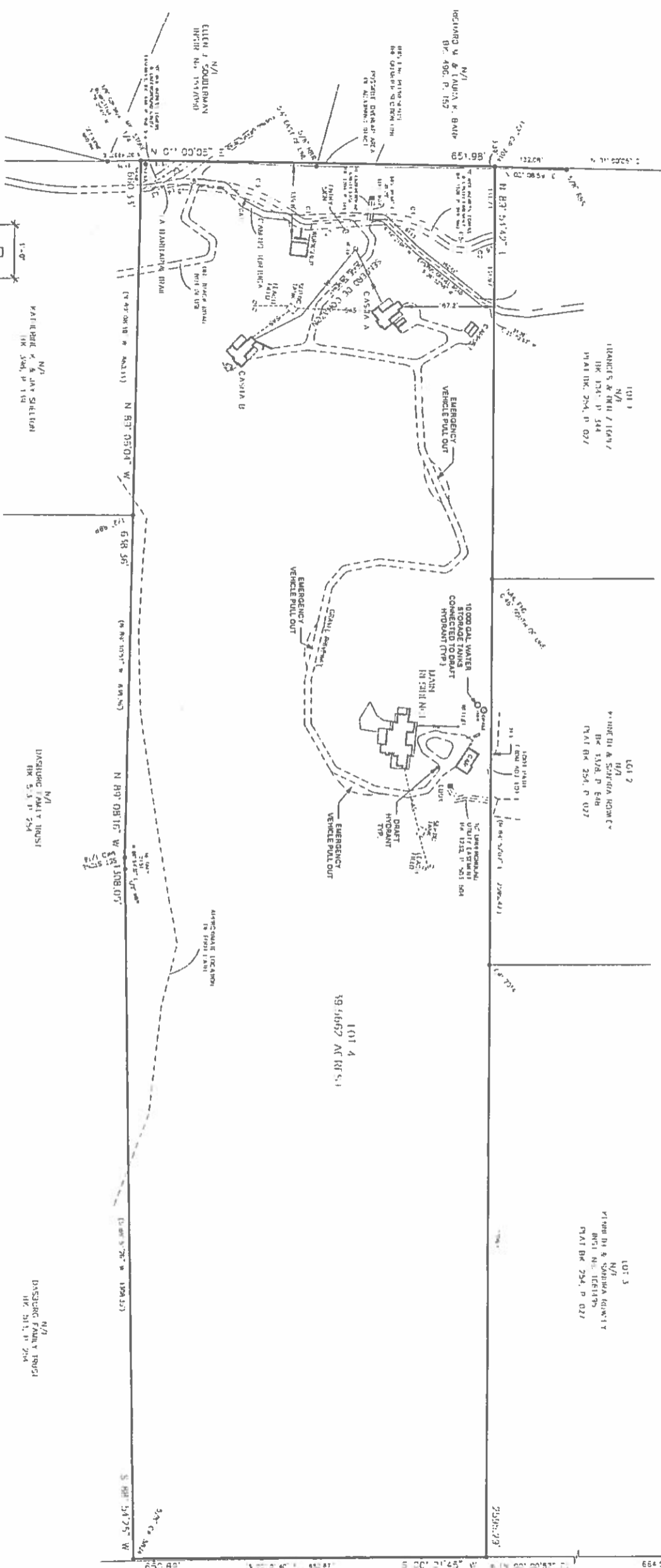
RICK CHATROOP
PROFESSIONAL LAND SURVEYOR

NEW MEXICO REGISTRATION NO. 11011
110 WILSON ROAD, S.W. CERRILLOS, NM 87109
(505) 479-0027

LOCATION: LYING WITHIN SECTION 9 T18N, R10E, NMPN, SANTA FE CO., NM.



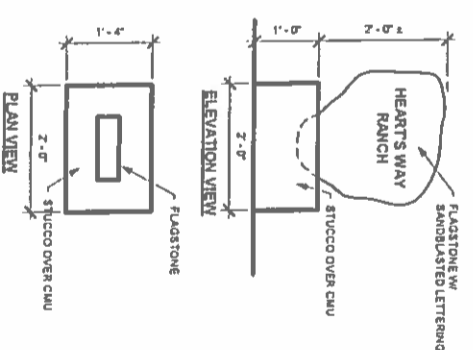
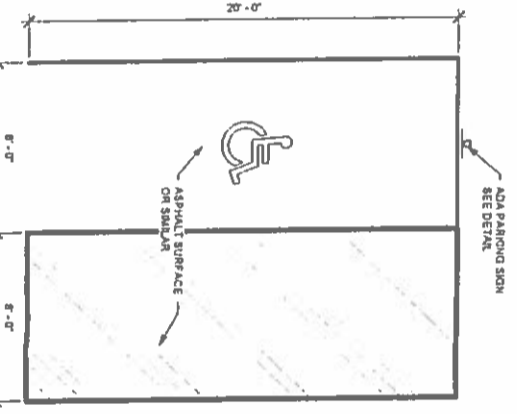
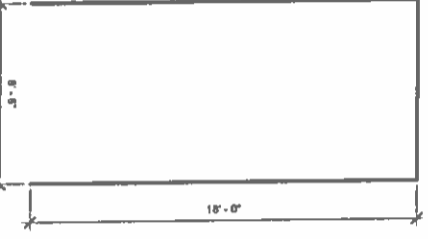
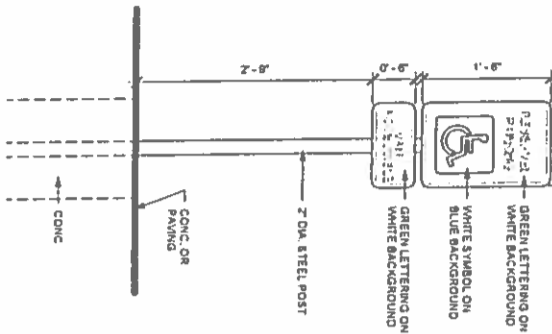
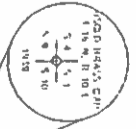
22494



LOT 1
N/A
HEART'S WAY RANCH
TRAC P 344
PLAT BK 254, P 027

LOT 2
N/A
HEART'S WAY RANCH
TRAC P 344
PLAT BK 254, P 027

LOT 3
N/A
HEART'S WAY RANCH
TRAC P 344
PLAT BK 254, P 027



NBA-53

2. Vehicle-Heart's Way Ranch/Heart's Way Ranch, TX

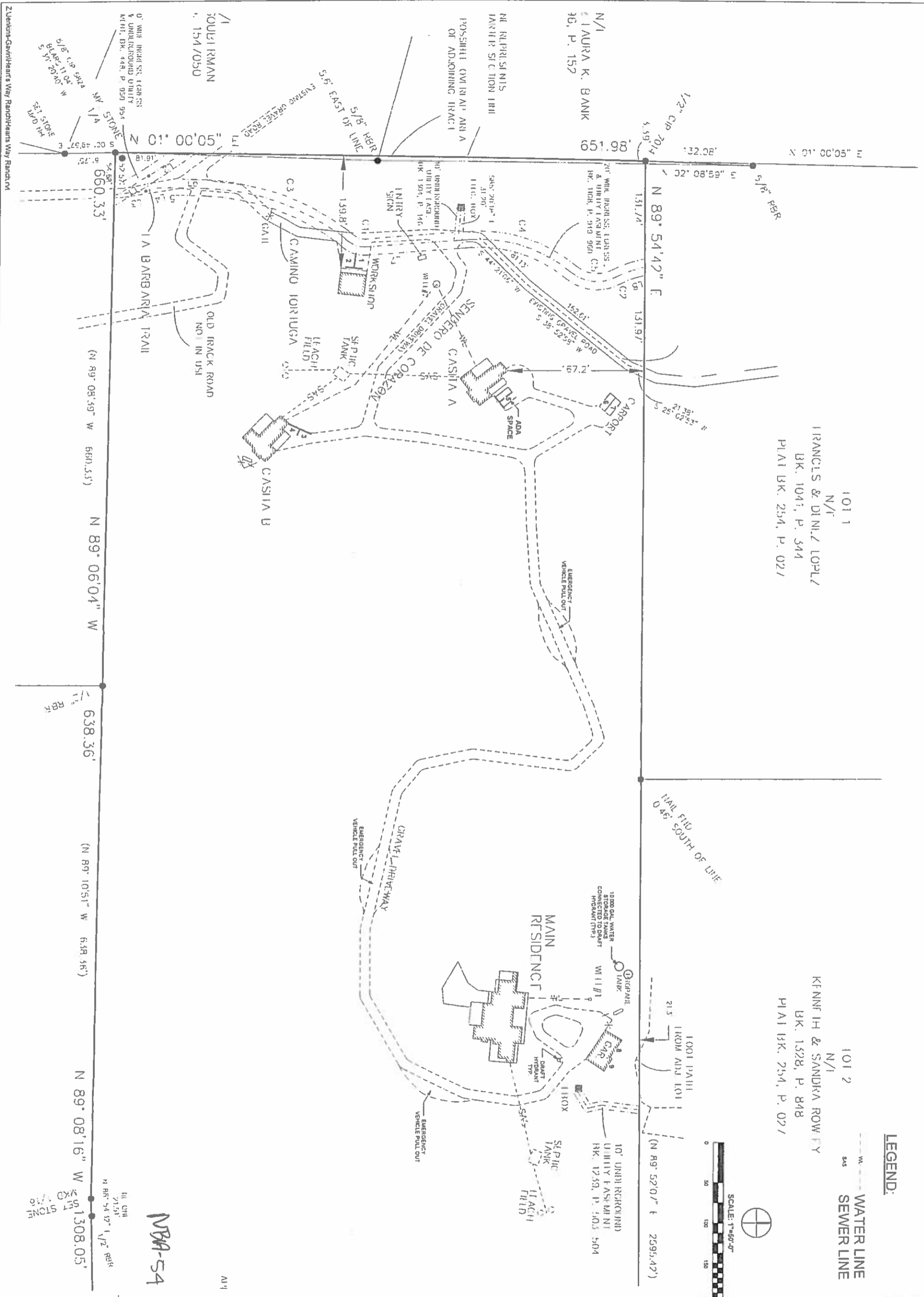
1. Parking Sign

2. ADA Space

3. Entry Sign

110 Canal Avenue, Suite 101 Santa Fe, New Mexico 87501	
Site & Utilities Plan	
Scale:	As indicated
4	

Heart's Way Ranch 34 Sendero de Corazon	
Revision Schedule	Numl Desc Date
Date	Issue Date
Drawn by	Author
Checked by	Checker



101 1
N/I
FRANCIS & DINI, L OPL/L
BK. 1041, P. 344
PLAT BK. 254, P. 027

101 2
N/I
KENNETH & SANDRA ROWLEY
BK. 1528, P. 848
PLAT BK. 254, P. 027

LEGEND:

- WATER LINE
- SEWER LINE



SCALE: 1"=50'-0"



Heart's Way Ranch
34 Sendero de Corazon

Revision Schedule	
Num	Date

Date	
Issue Date	
Drawn by	
Author	
Checked by	
Checker	

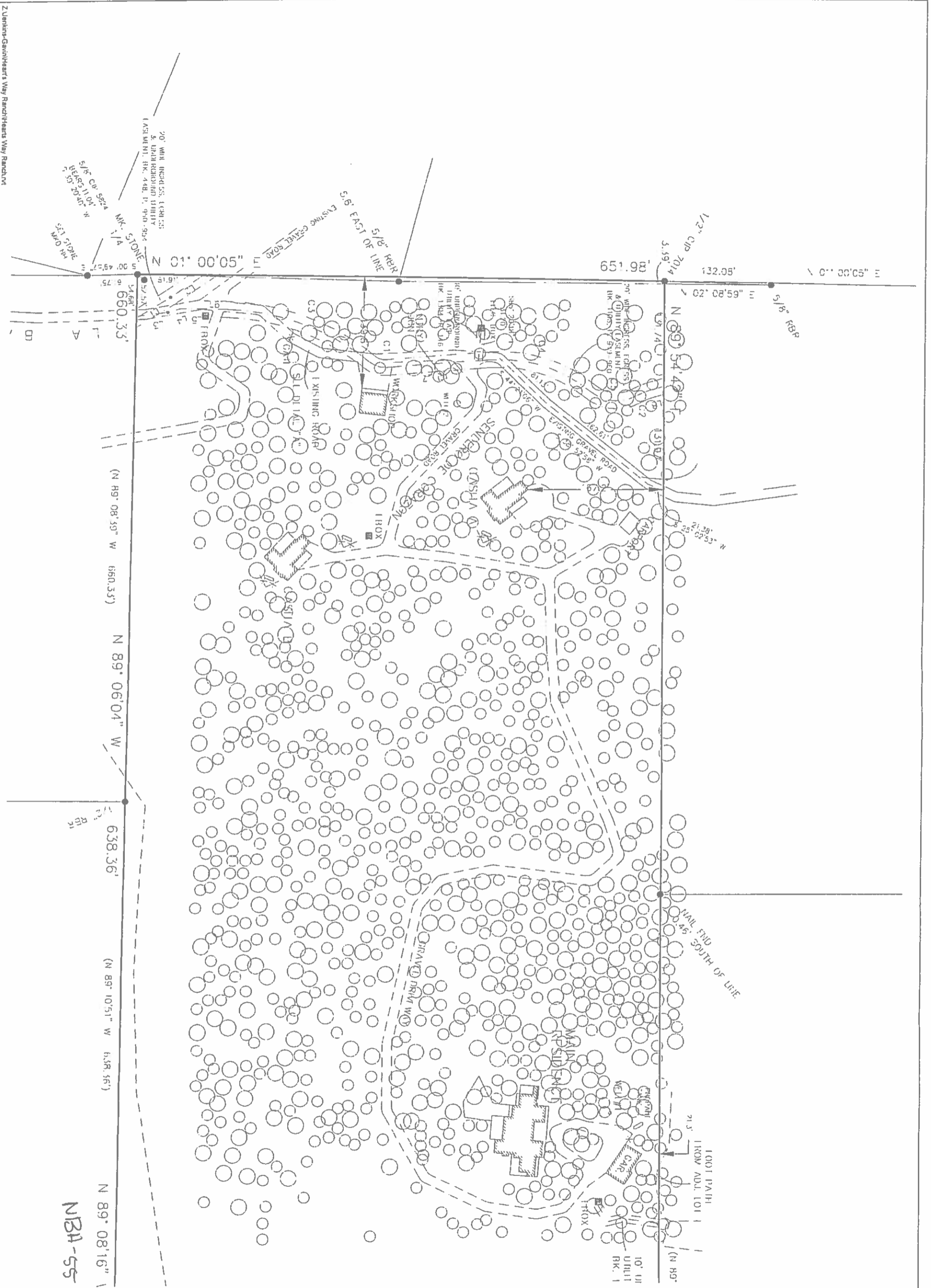
Jenkins Gavin
ARCHITECTS & PLANNERS, INC.
130 Canal Avenue, Suite 101
Santa Fe, New Mexico 87501

Site Plan
Detail

Scale
1" = 50'-0"

4A

NBA-54



Heart's Way Ranch

34 Sendero de Corazon

Revision Schedule	
Num	Date

Date	
Issue Date	
Drawn by	
Author	
Checked by	
Checker	



Jenkinsgavin
ARCHITECTS & DEVELOPERS INC.
130 Cant Avenue, Suite 101
Santa Fe, New Mexico 87501

Landscape Plan - Overall

Scale 1" = 50'-0"

5A

Z Jenkins-Gavin/Heart's Way Ranch/Heart's Way Ranch/04



LEGEND

- Points found and used as noted
- Fences
- Walls
- Concrete



PINON TREE (APPROX DIA.)
NO. = APPROX HEIGHT



JUNIPER TREE (APPROX DIA.)
NO. = APPROX HEIGHT

OTHER TREES AS NOTED



NBA-516

Heart's Way Ranch

34 Sendero de Corazon

Revision Schedule		
Numl	Desc	Date

Date	
Issue Date	
Drawn by	
Author	
Created by	
Checker	

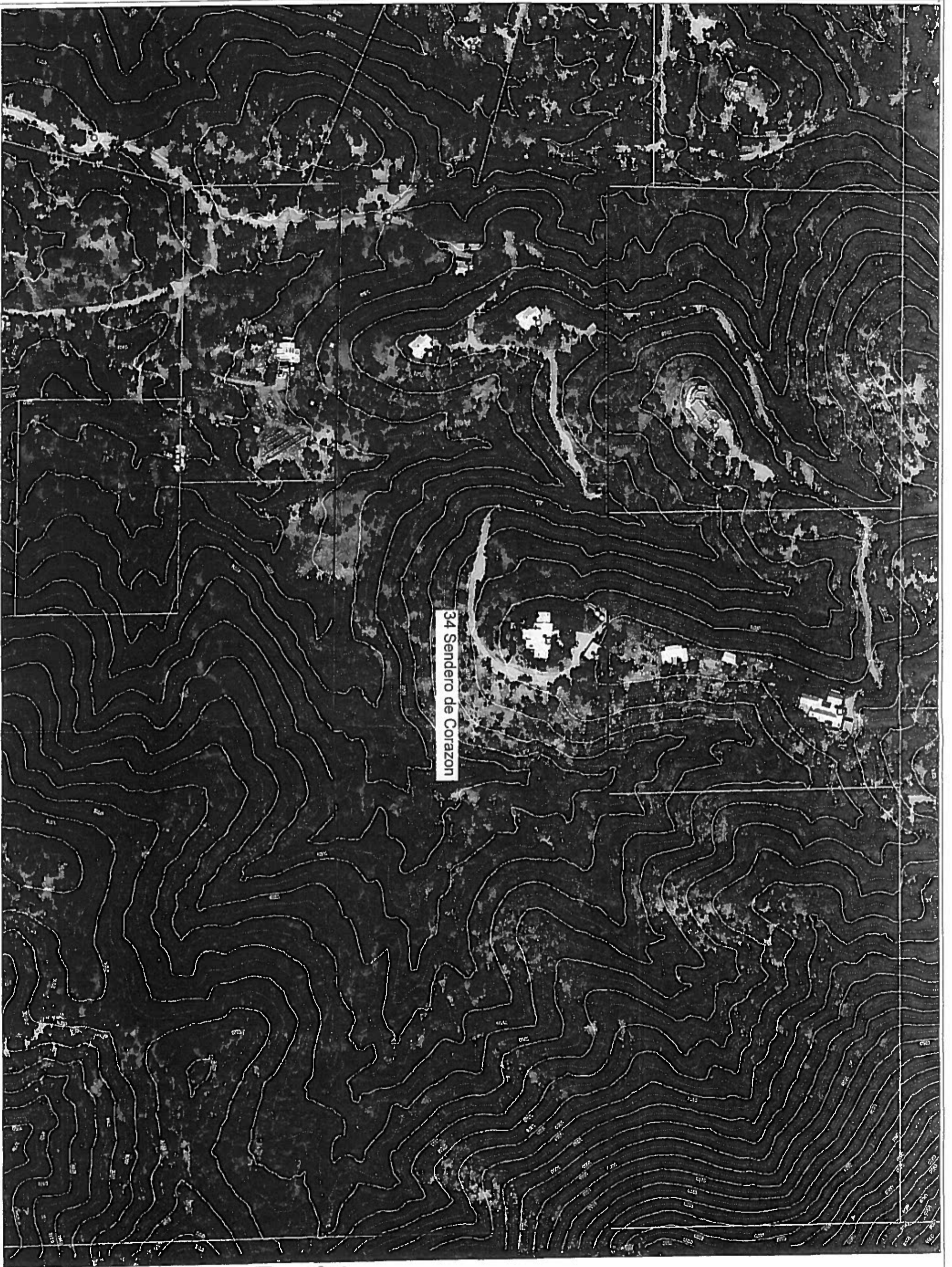


JenkinsGavin
DESIGN & DEVELOPMENT INC.
130 Camp Avenue, Suite 101
Santa Fe, New Mexico 87501

Landscape
Plan - Main
Residence
Detail

Scale 1" = 10'-0"

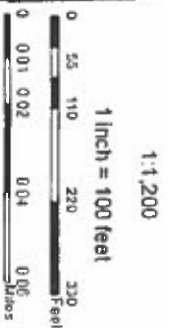
5B



34 Sendero de Corazon

Heart's Way Ranch

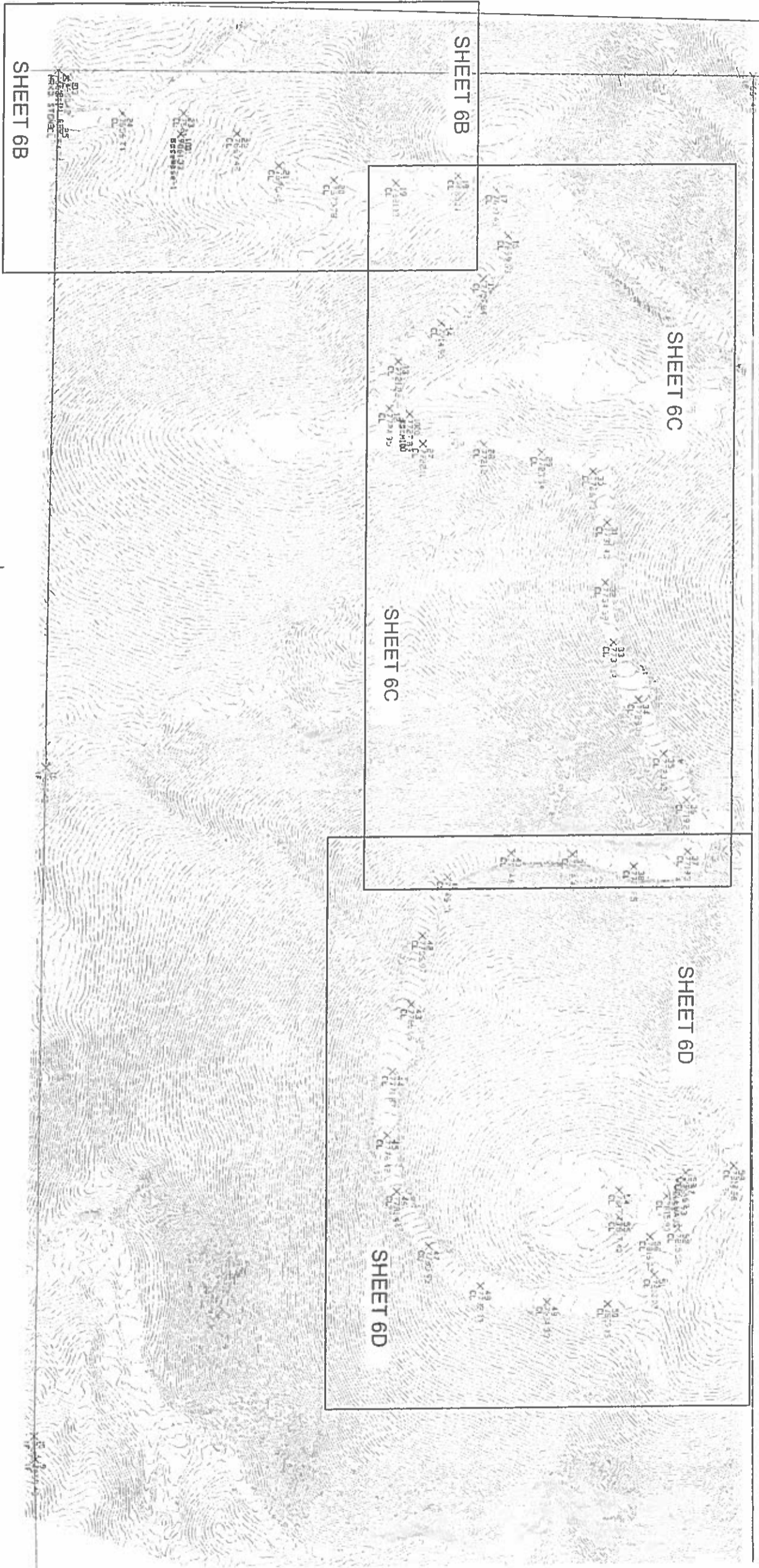
34 Sendero de Corazon



Aerial

5C

NRA 57

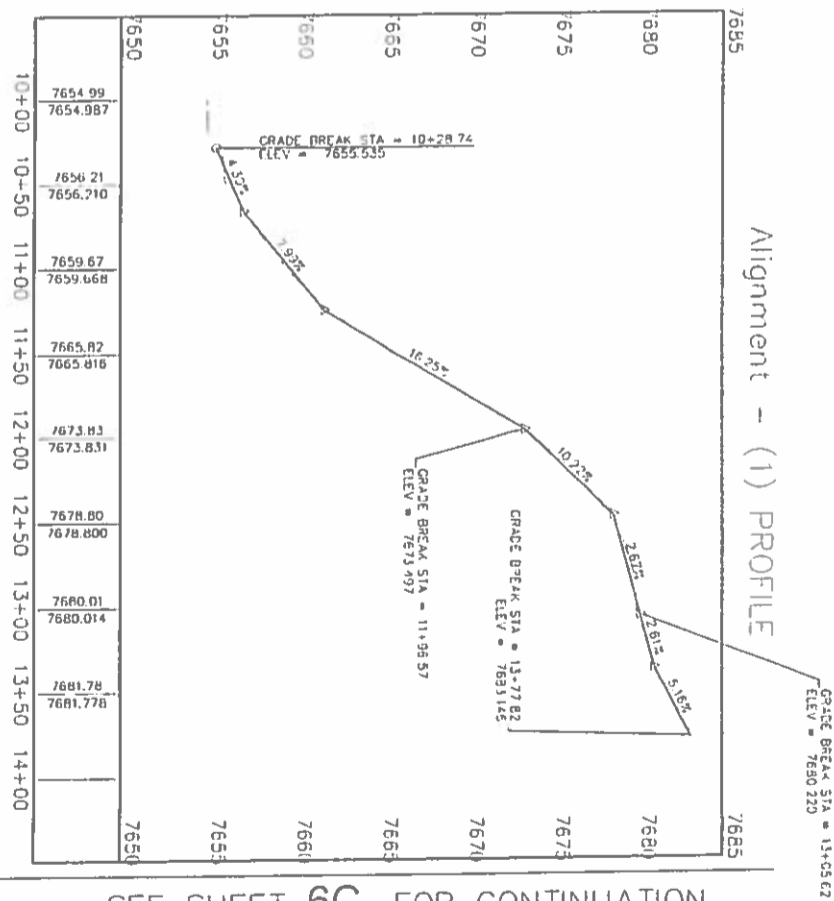
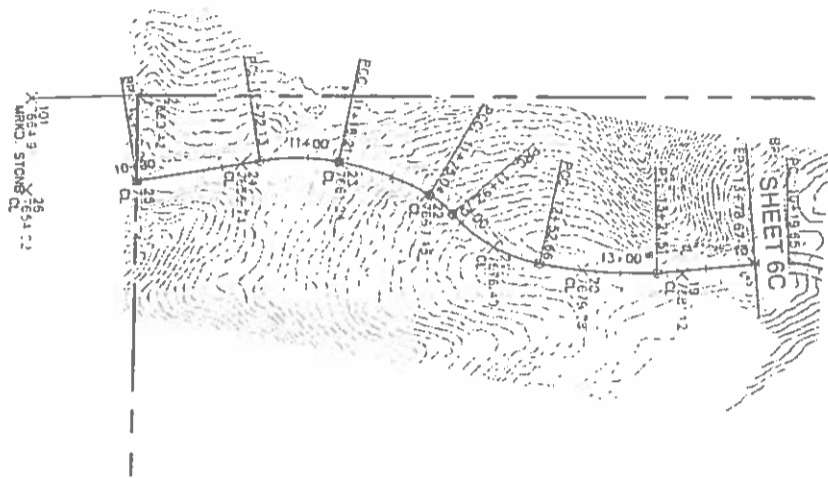


SCALE: 1" = 50'
 CONTOUR INTERVAL = ONE FOOT (1')
 HORIZONTAL SCALE 1" = 50'

NBA-58

6A	COUNTY REVIEW		PROJECT: HEART'S WAY RANCH		Civil Engineering • Water Resources • Traffic Engineering	
	DEPARTMENT	SIGN-OFF	DATE	SHEET TITLE: DRIVEWAY SHEET LAYOUT		W·E Walker Engineering
	LAND USE PLANNER			PROJECT: 16-121 DESIGNED BY: P.L.H.		
	PUBLIC WORKS DIRECTOR			FILE: 131 GRADE DRAWN BY: P.L.H.	965 Camino Sierra Vista, Santa Fe, NM 87505	
	ST. WATER COMPANY			DATE: 04/19/15 CHECKED BY: M.E.W.	505-820-7800	
				SCALE: AS NOTED	FAX 505-820-3530	
					E-MAIL: civil@walkerengineering.net	

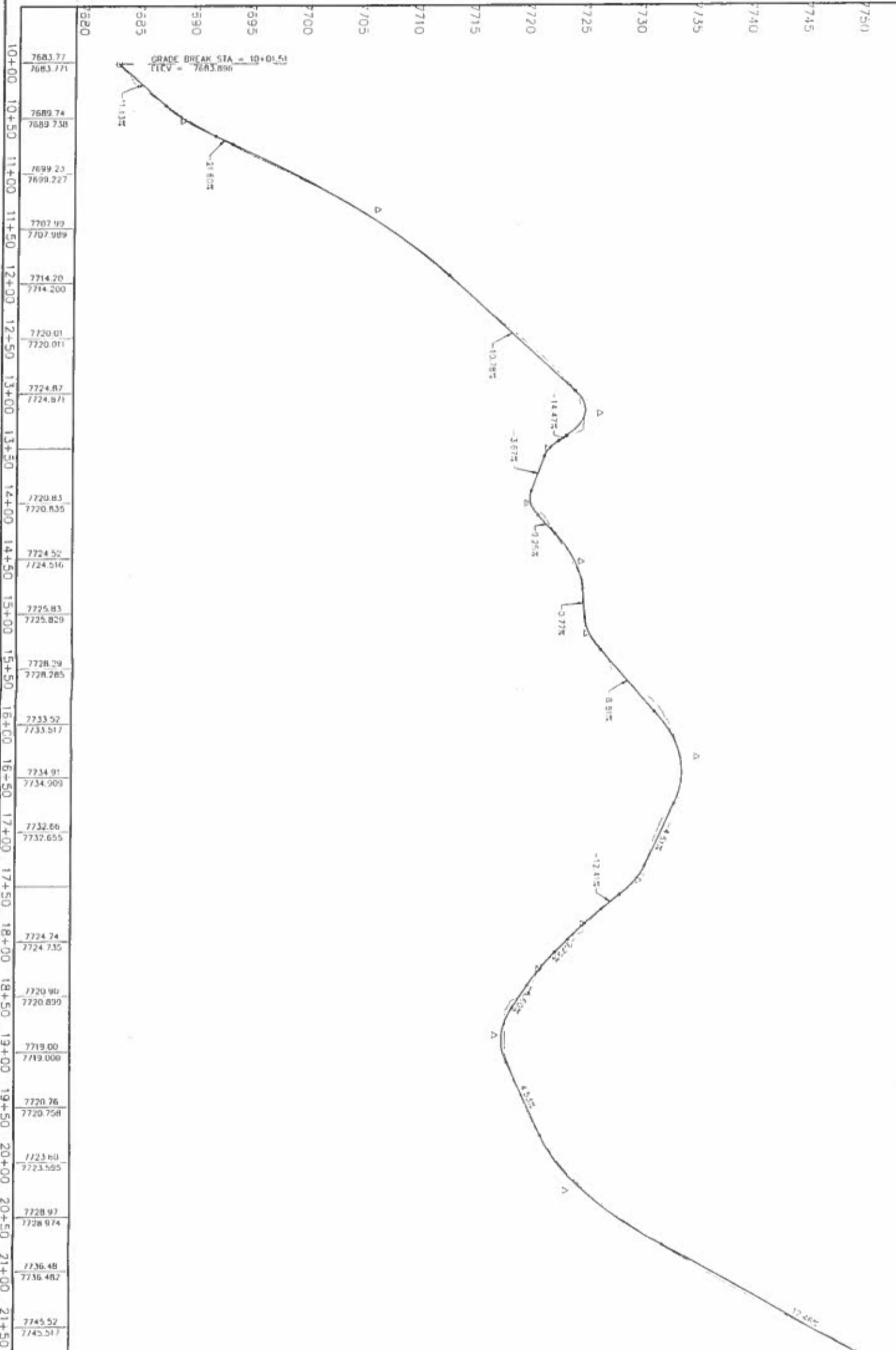
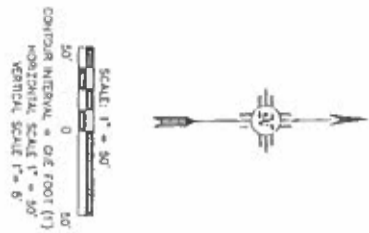
SCALE: 1" = 50'
 50' 0 50'
 CONTOUR INTERVAL = ONE FOOT (1')
 HORIZONTAL SCALE 1" = 50'
 VERTICAL SCALE 1" = 5'



SEE SHEET 6C FOR CONTINUATION

WEP-59

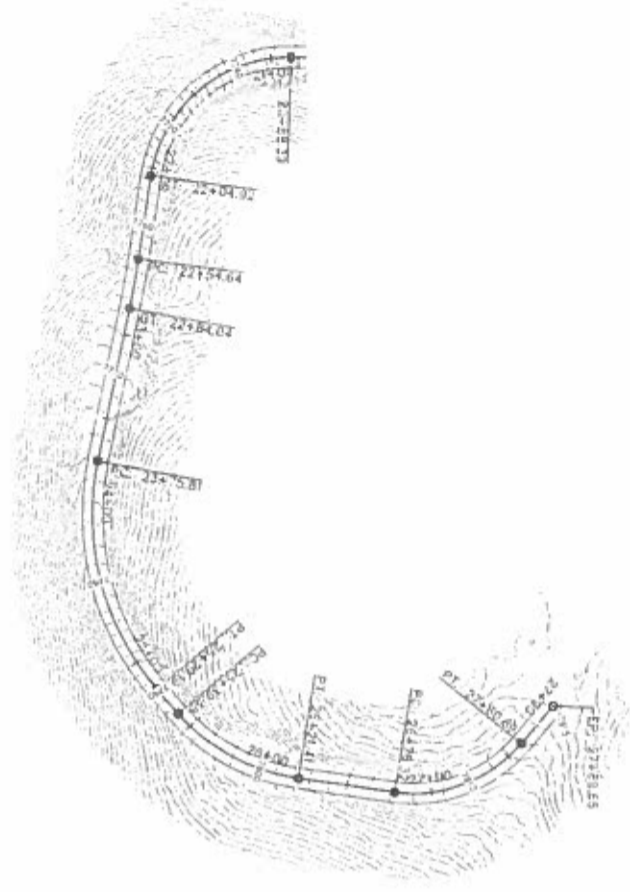
6B	COUNTY REVIEW			PROJECT: HEART'S WAY RANCH				Civil Engineering • Water Resources • Traffic Engineering				
				34 SENDERO DE CORAZON				W·E Walker Engineering				
				SHEET TITLE: DRIVEWAY PLAN AND PROFILE				005 Camino Sierra Vista, Santa Fe, NM 87505				
	COUNTY USE ONLY							505-820-7990 FAX 505-820-3530 E-MAIL: civil@walkerengineering.net				
DEPARTMENT			SIGN-OFF		DATE		No. REVISION		BY		APP. DATE	
LAND USE PLANNER							PROJECT: 16-131		DESIGNED BY: P.L.B.			
PUBLIC WORKS DIRECTOR							FILE: 131 GRADE		DRAWN BY: P.L.B.			
S.F. WATER COMPANY							DATE: 04/10/16		CHECKED BY: N.E.W.			
							SCALE:				AS NOTED	



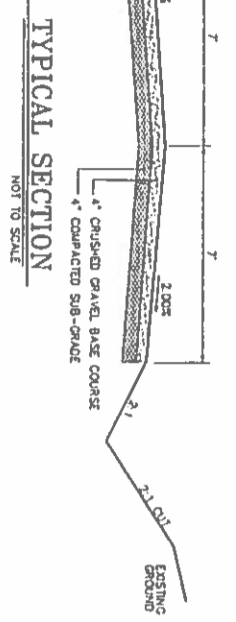
SEE SHEET 6D FOR CONTINUATION

NBA-60

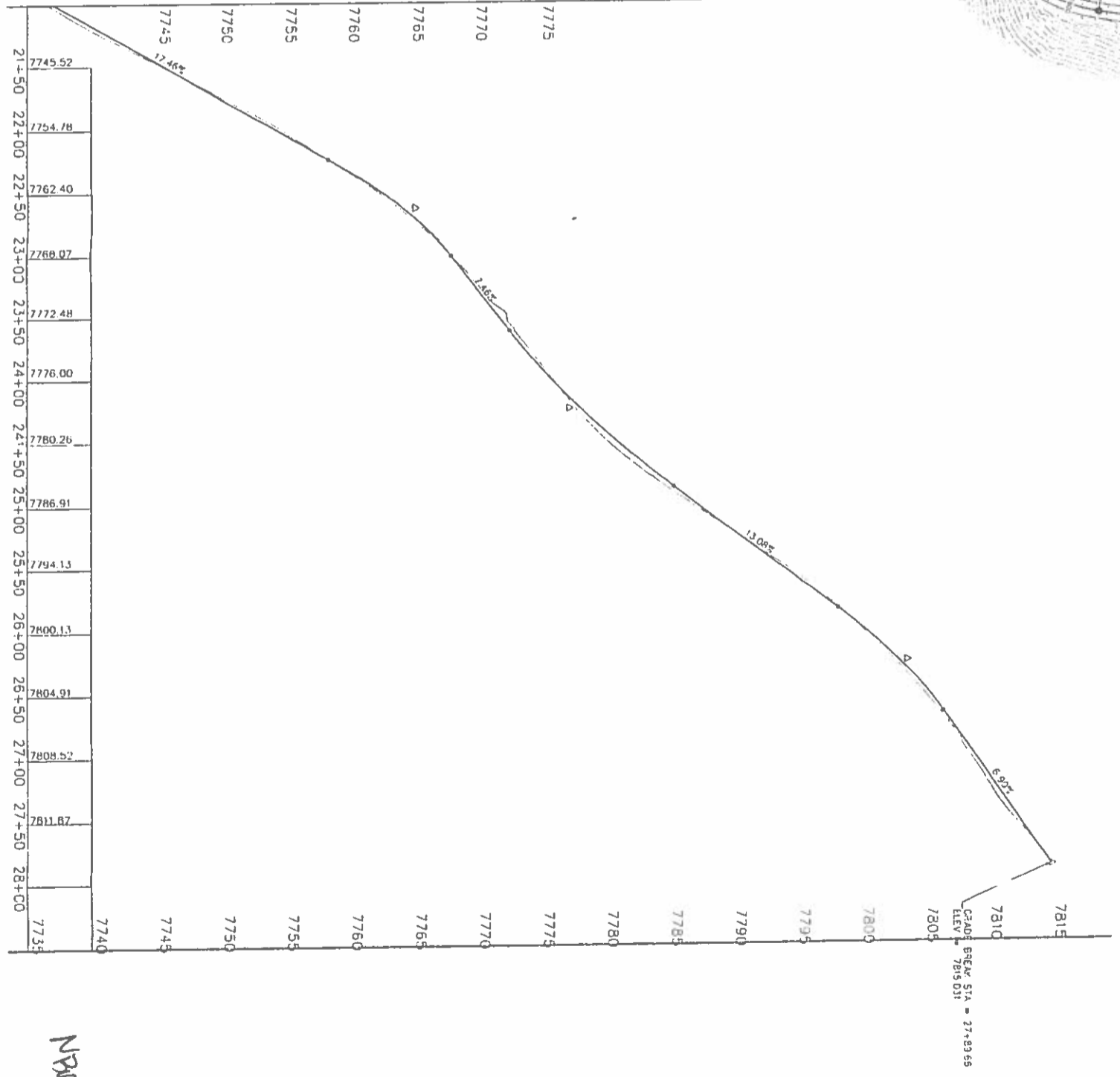
6C	COUNTY REVIEW		PROJECT: HEART'S WAY RANCH			No. REVISION BY APP. DATE		Civil Engineering • Water Resources • Traffic Engineering W·E Walker Engineering 905 Camino Sierra Vista, • Santa Fe, NM 87505 505-820-7990 FAX 505-820-3590 E-MAIL: civil@walkerengineering.net
	DEPARTMENT	SIGN-OFF	DATE	SHEET TITLE: DRIVEWAY		PROJECT: 18-131	DESIGNED BY: P.L.B.	
	LAND USE PLANNER			34 SENDERO DE CORAZON		FILE: 131 GRADE	DRAWN BY: P.L.R.	
COUNTY USE ONLY				PLAN AND PROFILE	DATE: 07/21/16	CHECKED BY: M.E.W.	SCALE: AS NOTED	



SCALE 1" = 30'
 50' 0 50'
 HORIZONTAL SCALE 1" = 50'
 VERTICAL SCALE 1" = 10'



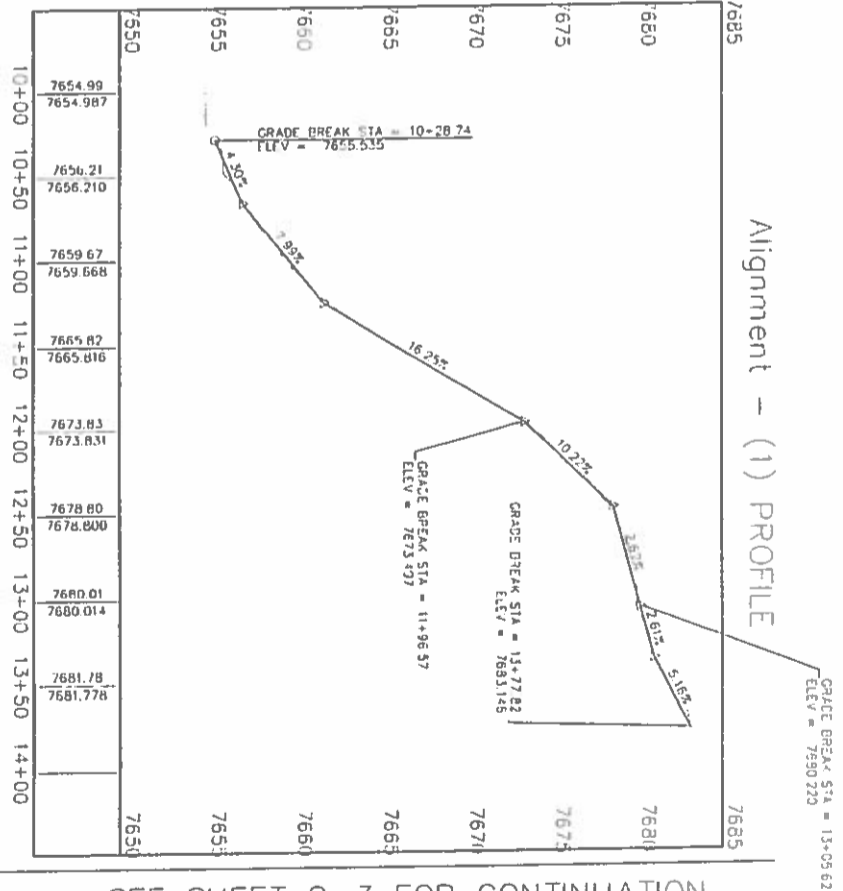
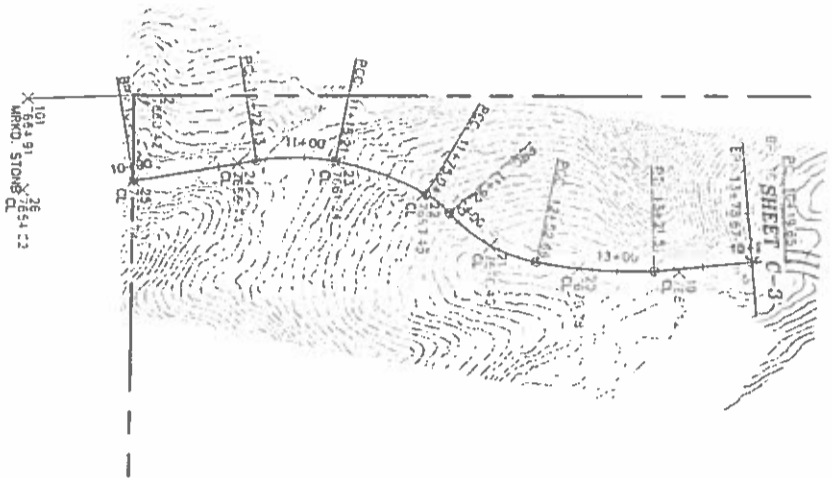
SEE SHEET 6C FOR CONTINUATION



NBA-101

6D	COUNTY REVIEW		PROJECT: HEART'S WAY RANCH 34 SENDERO DE CORAZON SHEET TITLE: DRIVEWAY PLAN AND PROFILE	No. REVISION BY APP. DATE _____ _____ _____		Civil Engineering • Water Resources • Traffic Engineering W·E Walker Engineering 905 Camino Sierra Vista, • Santa Fe, NM 87505 505-820-7900 FAX 505-820-3530 E-MAIL: civil@walkerengineering.net
	DEPARTMENT	SIGN-OFF		PROJECT: 18-131 DESIGNED BY: P.L.B. FILE: 131 GRADE DRAWN BY: P.L.B. DATE: 07/21/10 CHECKED BY: M.E.F. SCALE: AS NOTED		
	LAND USE PLANNER					
COUNTY USE ONLY SHEET NO. _____ DATE _____						

SCALE: 1" = 50'
 CONTOUR INTERVAL = ONE FOOT (1')
 HORIZONTAL SCALE 1" = 50'
 VERTICAL SCALE 1" = 5'

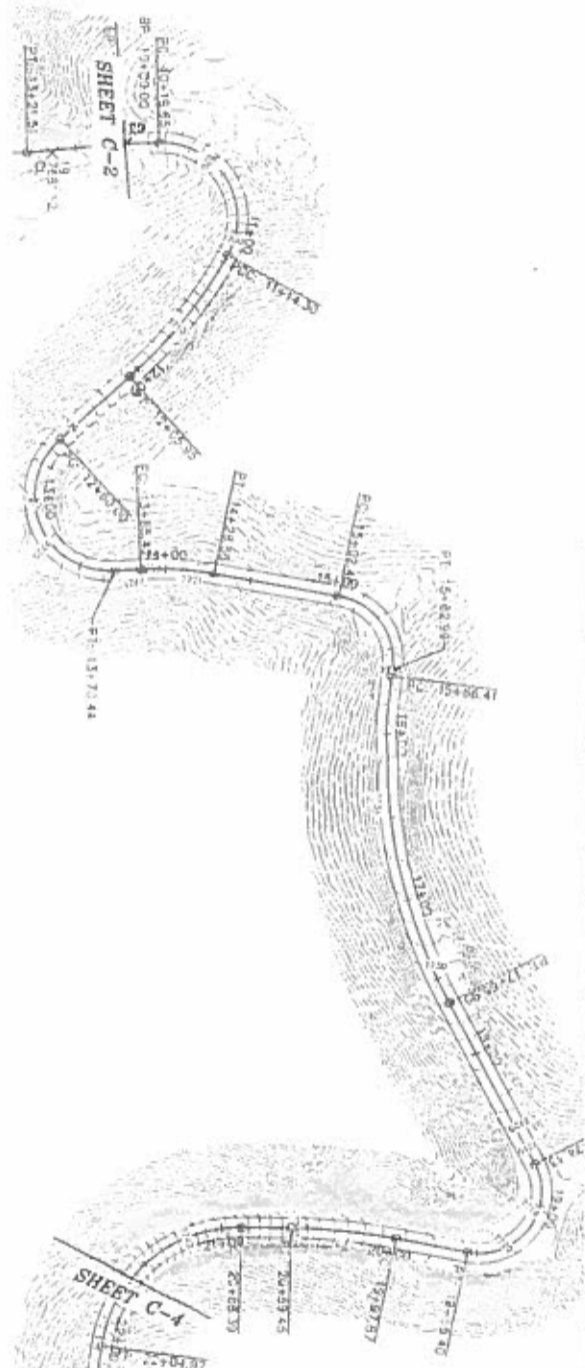
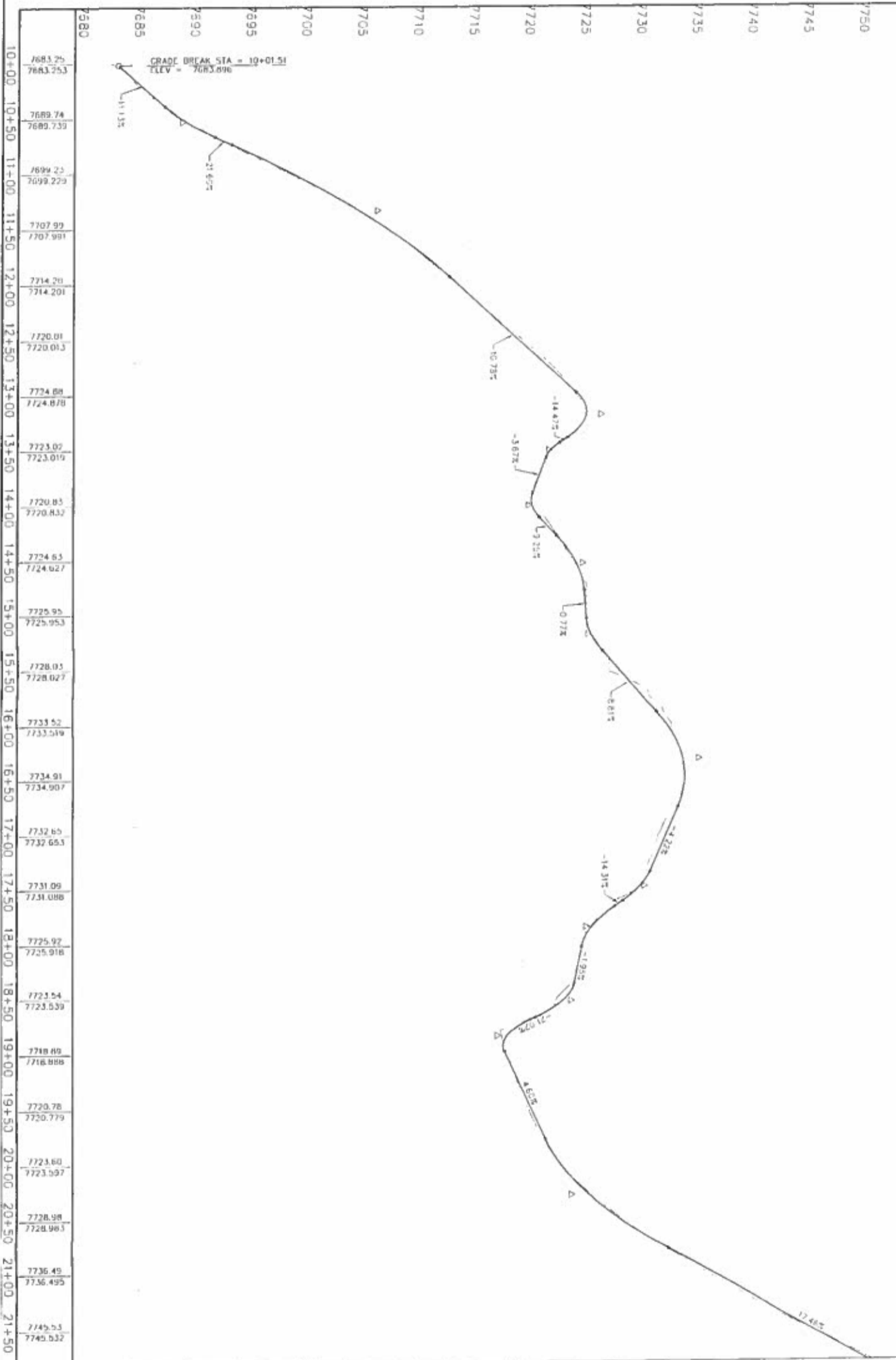
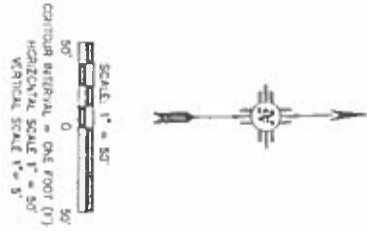


SEE SHEET C-3 FOR CONTINUATION

USA-102

C-2	COUNTY REVIEW			PROJECT: HEART'S WAY RANCH 34 SENDERO DE CORAZON SHEET TITLE: DRIVEWAY PLAN AND PROFILE				No. REVISION BY APP. DATE _____ _____ _____				Civil Engineering • Water Resources • Traffic Engineering W·E Walker Engineering 905 Camino Sierra Vista, • Santa Fe, NM 87505 505-820-7000 FAX 505-820-3539 E-MAIL civil@walkerengineering.net			
	DEPARTMENT	SIGN-OFF	DATE					PROJECT: 16-131	DESIGNED BY: P.L.B.	FILE: 131 GRADE	DRAWN BY: P.L.B.	DATE: 04/19/18	CHECKED BY: M.E.W.	SCALE:	AS NOTED
	LAND USE PLANNER														
PUBLIC WORKS DIRECTOR															
S.F. WATER COMPANY															
COUNTY USE ONLY															

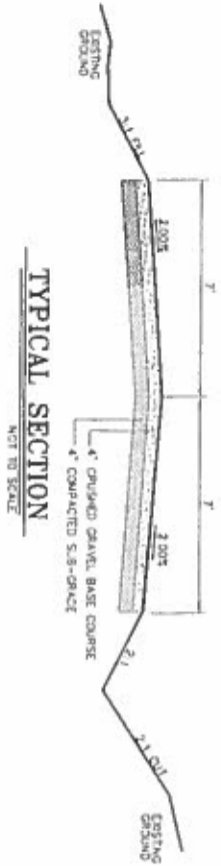
SEE SHEET C-2 FOR CONTINUATION



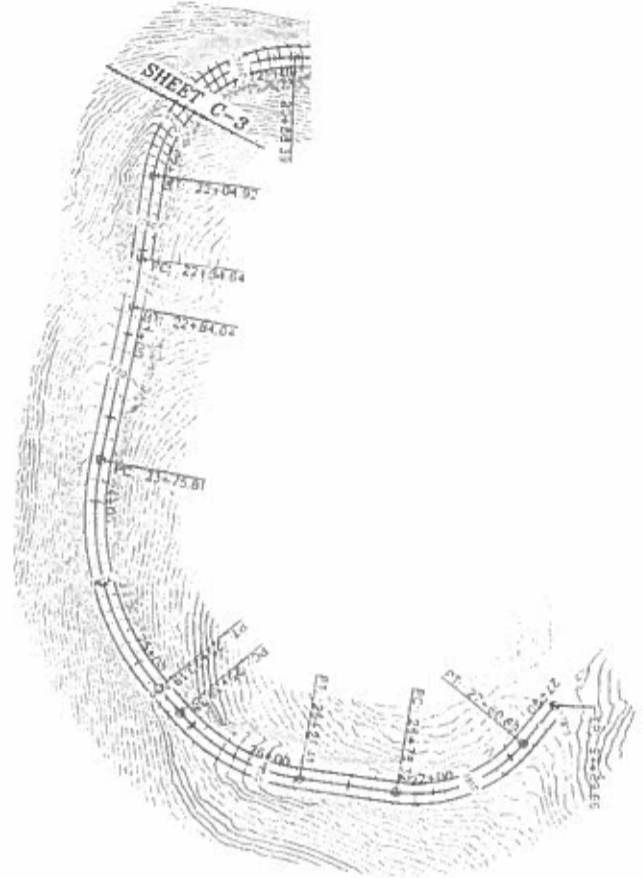
SEE SHEET C-4 FOR CONTINUATION

NBA-423

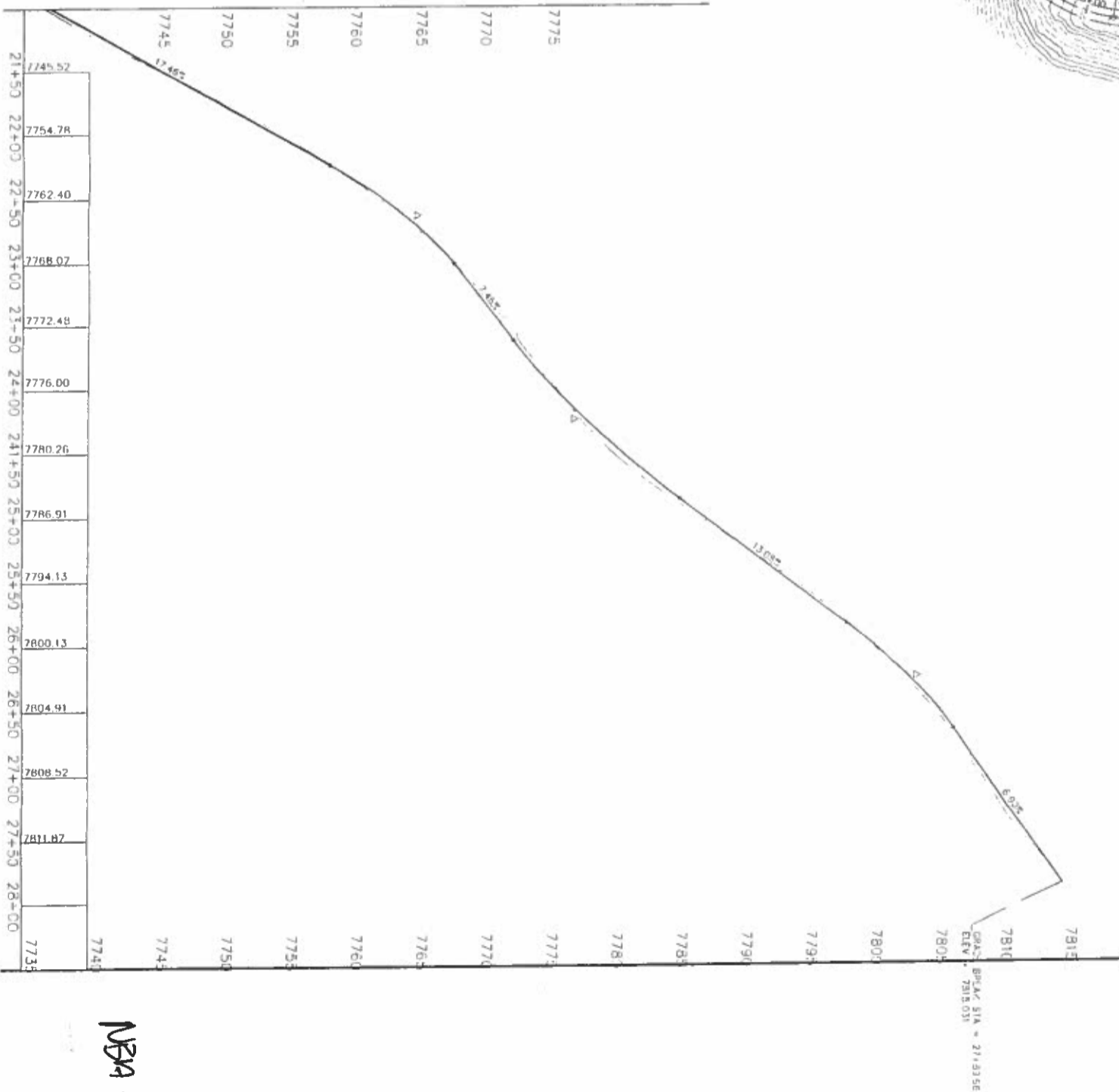
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	DEPARTMENT	SIGN-OFF	DATE	COUNTY USE ONLY				PROJECT: 16-131 DESIGNED BY: P.L.B. FILE: 151 GRADE DRAWN BY: P.L.B. DATE: 04/19/16 CHECKED BY: M.E.W. SCALE: AS NOTED		
	LAND USE PLANNER									
	PUBLIC WORKS DIRECTOR									
S.F. WATER COMPANY										



SCALE: 1" = 30'
 HORIZONTAL SCALE 1" = 30'
 VERTICAL SCALE 1" = 5'

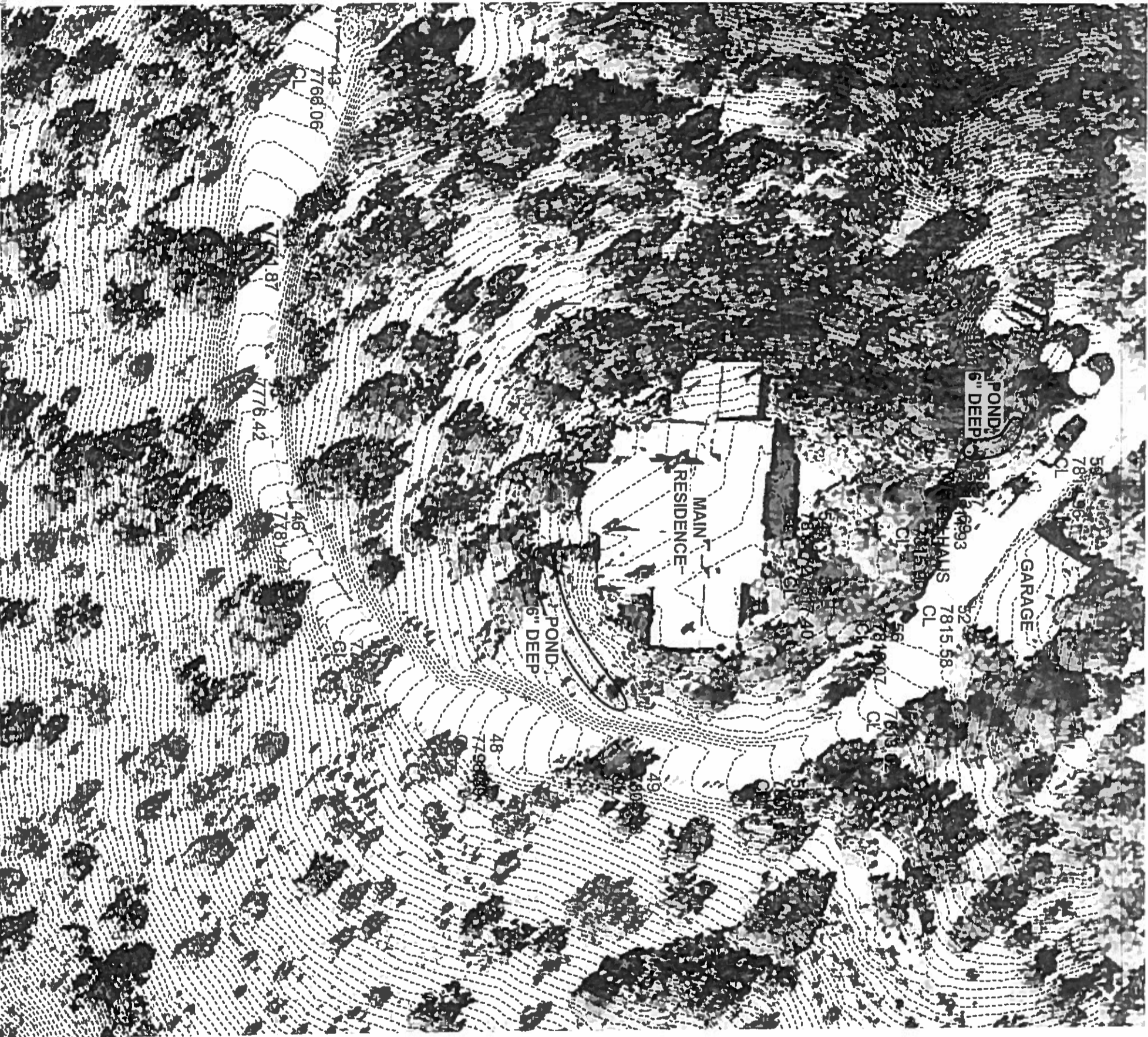


SEE SHEET C-3 FOR CONTINUATION



NBA-104

C-4	COUNTY REVIEW		PROJECT: HEART'S WAY RANCH		No. REVISION BY APP. DATE		Civil Engineering • Water Resources • Traffic Engineering W·E Walker Engineering 905 Camino Sierra Vista • Santa Fe, NM 87505 505-820-7590 FAX 505-820-3530 E-MAIL civil@walkerengineering.net
	DEPARTMENT	SIGN-OFF	DATE	SHEET TITLE: DRIVEWAY PLAN AND PROFILE		PROJECT: 16-131 DESIGNED BY: P.L.B.	
	LAND USE PLANNER					FILE: 131 GRADE DRAWN BY: P.L.B.	
	PUBLIC WORKS DIRECTOR					DATE: 04/18/16 CHECKED BY: M.E.W.	
S.F. WATER COMPANY					SCALE: AS NOTED		
COUNTY USE ONLY							



**MAIN RESIDENCE
RUNOFF AND PONDING CALCULATIONS**

WEIGHTED "C" METHOD

WEIGHTED "C" FORMULA:
 Q=C^{1.4}A(CF)^{0.7} WHERE:
 C = RUNOFF COEFFICIENT
 A = AREA (ACRES)
 Q = RUNOFF (CFS)
 1 = 3.0 IN./24 HRS (1.00) RL. STORM INTENSITY

VO = C^{1.1} (1.2 * A)^{0.5}

RUNOFF COEFFICIENTS:

ROOF	C	A (SF)	A (AC)	Q (CFS)	W2	V (CF)
PRE-DEVELOPMENT	0.5	3	2986	0.07	0.11	0.25
NATIVE SO.					0.11	0.25
TOTAL						412

POST-DEVELOPMENT:

ROOF	0.95	3	2986	0.07	0.20	0.35
TOTAL						712

INCREASE IN RUNOFF VOLUME (PONDING REQUIRED) (CUBIC FEET)

STORMWATER DETENTION PROVIDED (CUBIC FEET)

300

320

**GARAGE
RUNOFF AND PONDING CALCULATIONS**

WEIGHTED "C" METHOD

WEIGHTED "C" FORMULA:
 Q=C^{1.4}A(CF)^{0.7} WHERE:
 C = RUNOFF COEFFICIENT
 A = AREA (ACRES)
 Q = RUNOFF (CFS)
 1 = 3.0 IN./24 HRS (1.00) RL. STORM INTENSITY

VO = C^{1.1} (1.2 * A)^{0.5}

RUNOFF COEFFICIENTS:

ROOF	C	A (SF)	A (AC)	Q (CFS)	W2	V (CF)
PRE-DEVELOPMENT	0.55	3	586	0.11	0.12	0.25
NATIVE SO.					0.12	0.25
TOTAL						81

POST-DEVELOPMENT:

ROOF	0.95	3	586	0.11	0.04	0.25
TOTAL						139

INCREASE IN RUNOFF VOLUME (PONDING REQUIRED) (CUBIC FEET)

STORMWATER DETENTION PROVIDED (CUBIC FEET)

59

75

NBA-105

Heart's Way Ranch
34 Sendero de Corazon

Revis	Schedule
Num	Date

Date
Issue Date

Drawn by
Author

Checked by
Checker

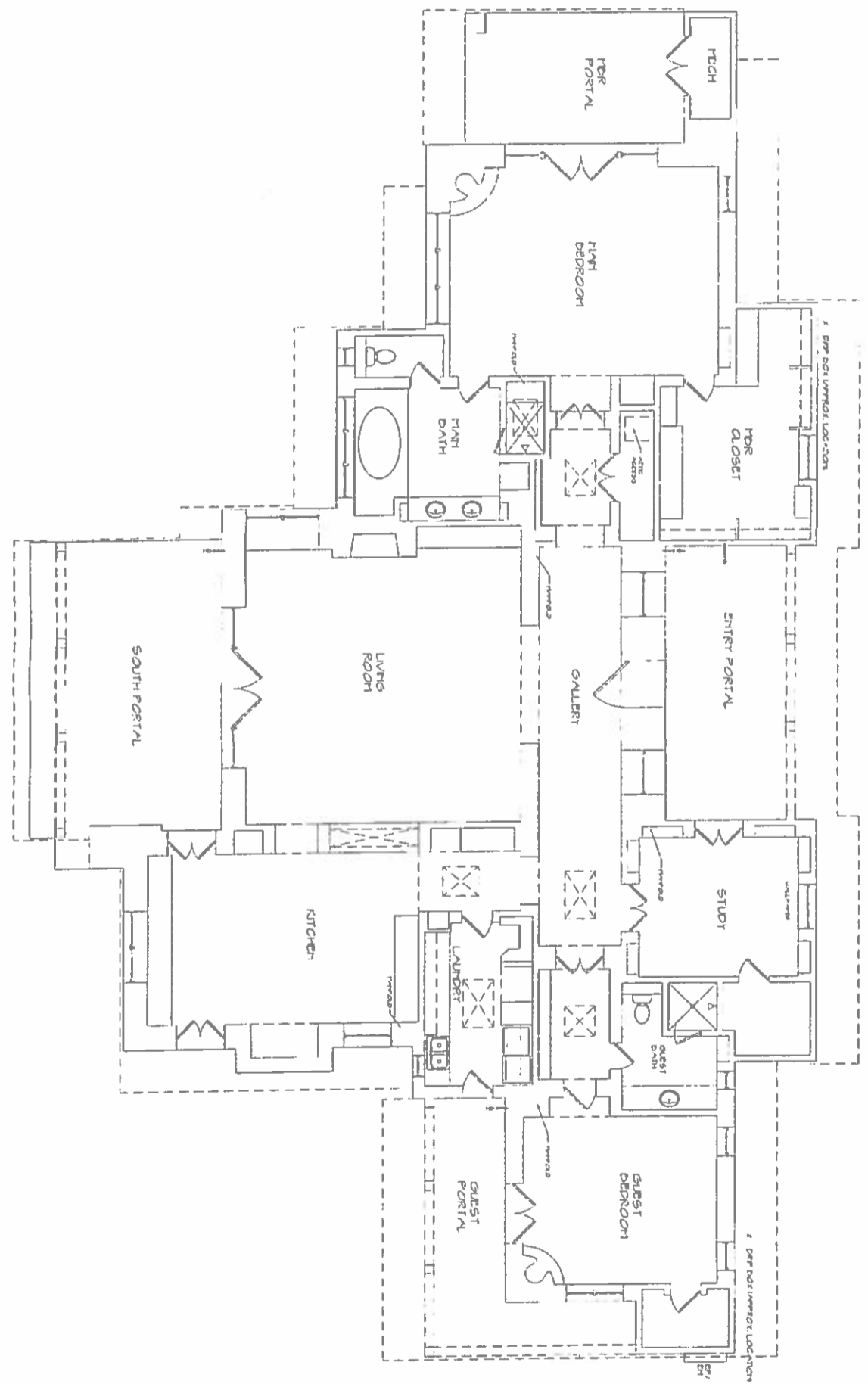


jenkinsgavin
310 Grant Avenue, S. # 101
Santa Fe, New Mexico 87501

Site
Ponding -
Main
Residence
/ Garage

Scale: 1" = 20'-0"

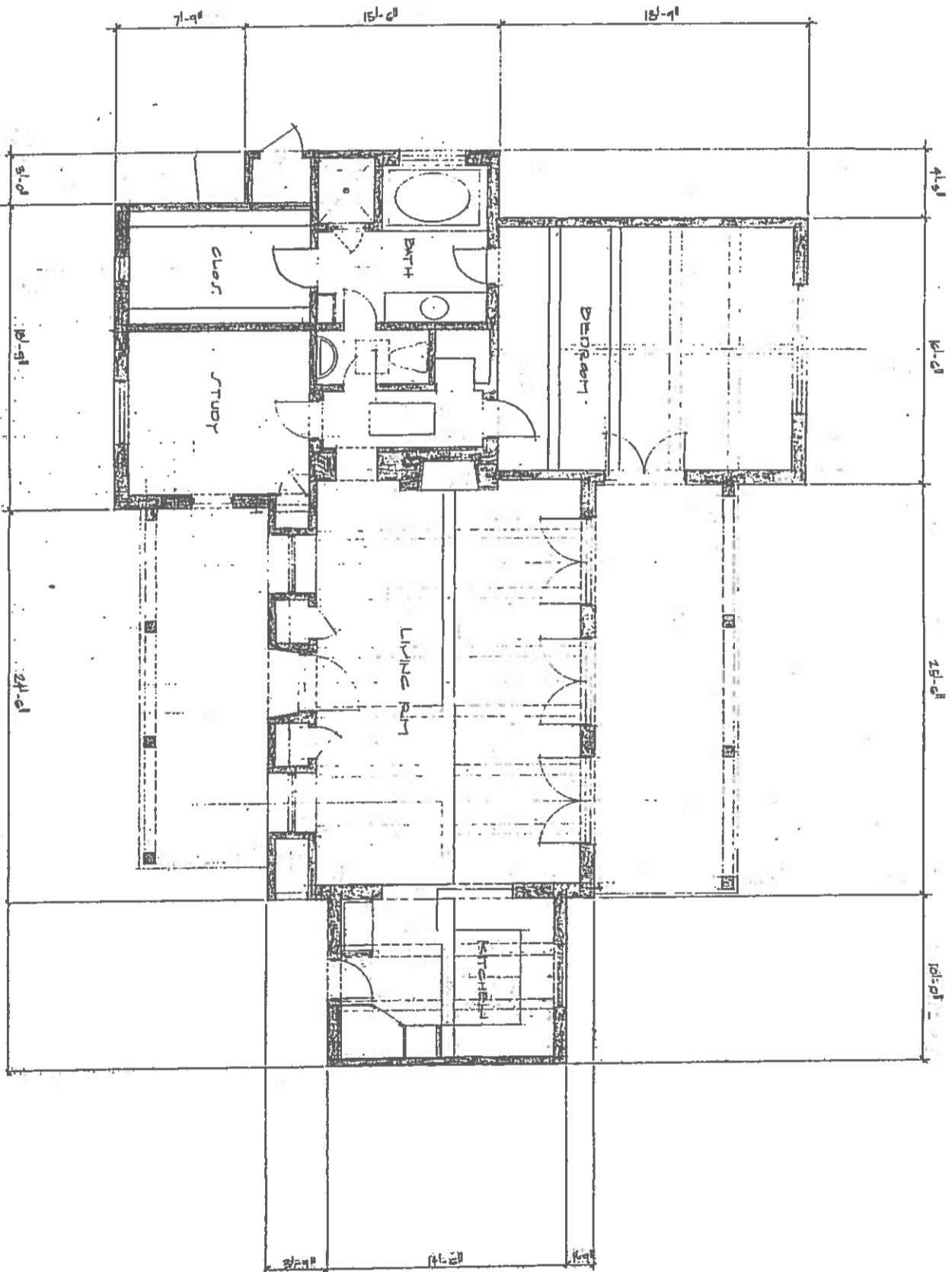
6F



1 Main Residence Floor Plan
1/4" = 1'-0"

NBA - LLC

<p>Heart's Way Ranch 34 Sendero de Corazon</p>	
<p>Revision Schedule Num: Date: Date</p>	<p>Date Issue Date Drawn by Auditor Checked by Checker</p>
<p>Jenkins-Garvin ARCHITECTS & DEVELOPERS, INC. 130 Grant Avenue, Suite 101 Santa Fe, New Mexico 87501</p>	
<p>Main Residence Floor Plan</p>	
<p>Scale: 1/4" = 1'-0"</p>	
<p>7A</p>	




NBA-017

Heart's Way Ranch

34 Sendero de Corazon

Revision Schedule		
Numl	Desc	Date

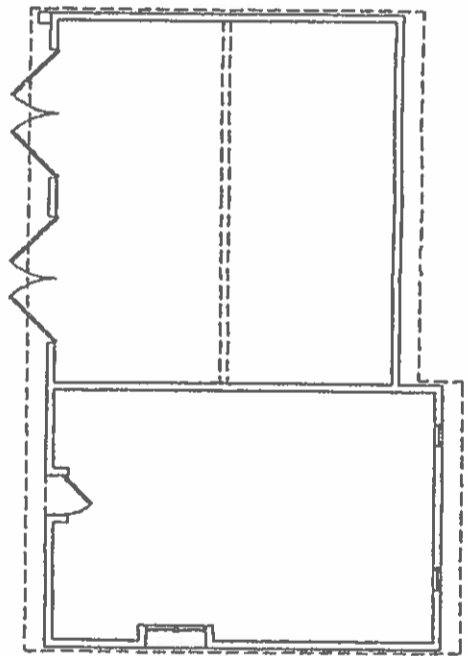
Date	
Issue Date	
Drawn by	
Author	
Checked by	
Checker	



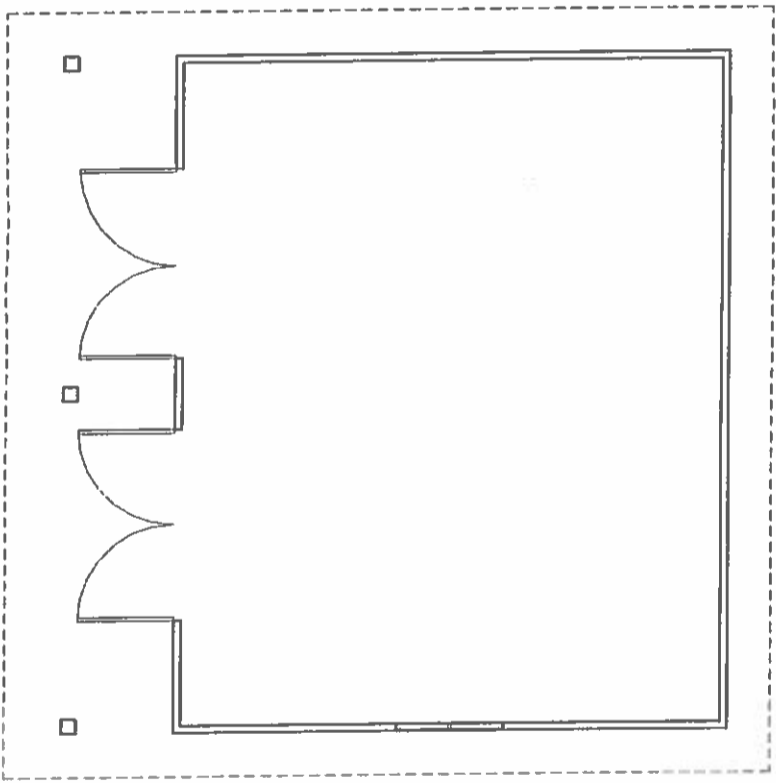
jenkinsgavin
ARCHITECTS & DESIGNERS, INC.
130 Cant Avenue, Suite 101
Santa Fe, New Mexico 87501

Casita
Floor Plan
(Typ.)

Scale: 1/4" = 1'-0"



1 Garage Plan
1/4" = 1'-0"



2 Workshop Plan
1/4" = 1'-0"

NBA-LEB

Heart's Way Ranch

34 Sendero de Corazon

Revision Schedule	
Numl	Date

Date	Issue Date

Drawn by	Author

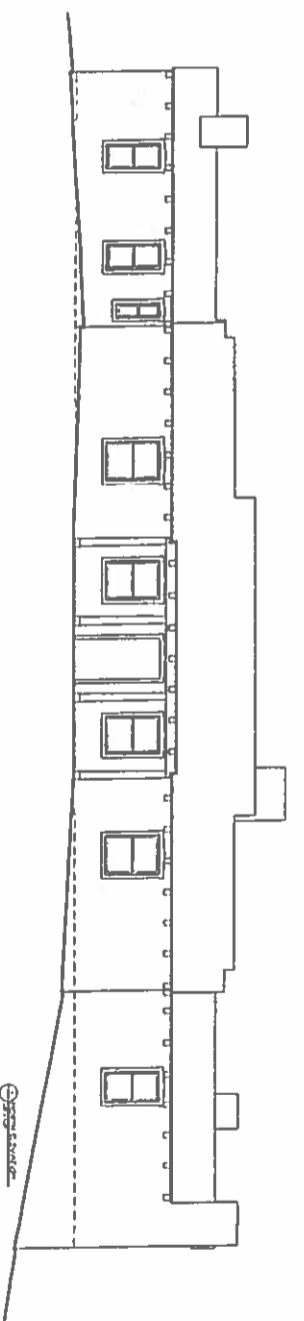
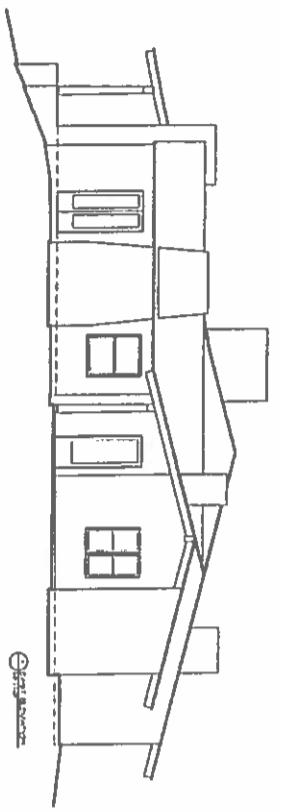
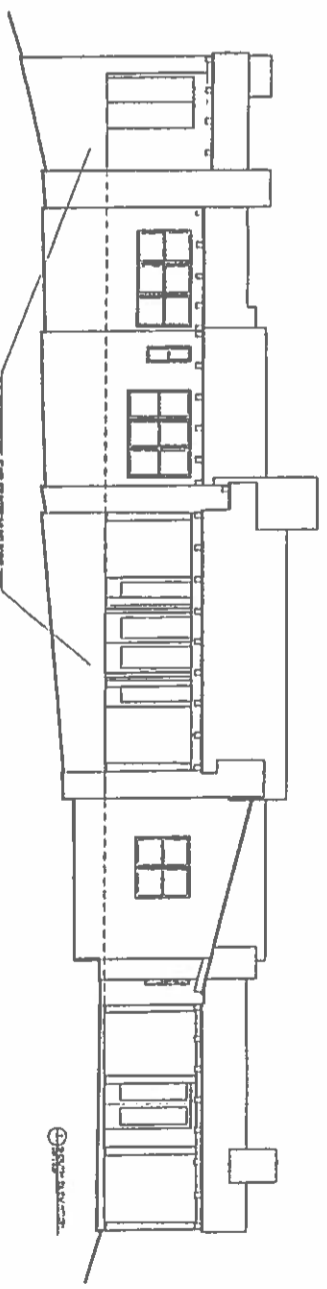
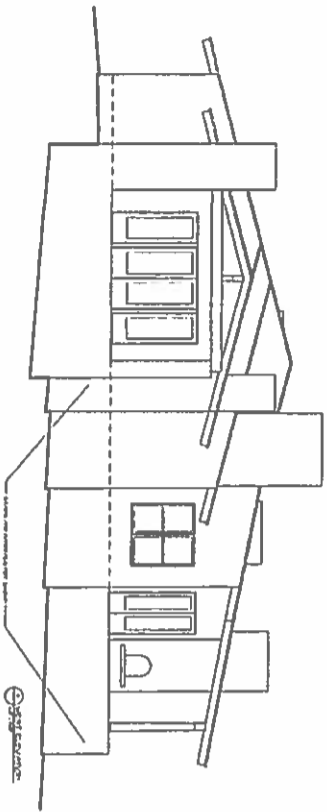
Checked by	Checker



JenkinsGavin
ARCHITECTS & DESIGNERS, INC.
110 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501

Garage,
Workshop
Floor Plans

Scale: 1/4" = 1'-0"



Heart's Way Ranch
34 Sendero de Corazon

Revision Schedule		
Num	Desc	Date

Date	
Issue Date	
Drawn by	
Author	
Checked by	
Checker	



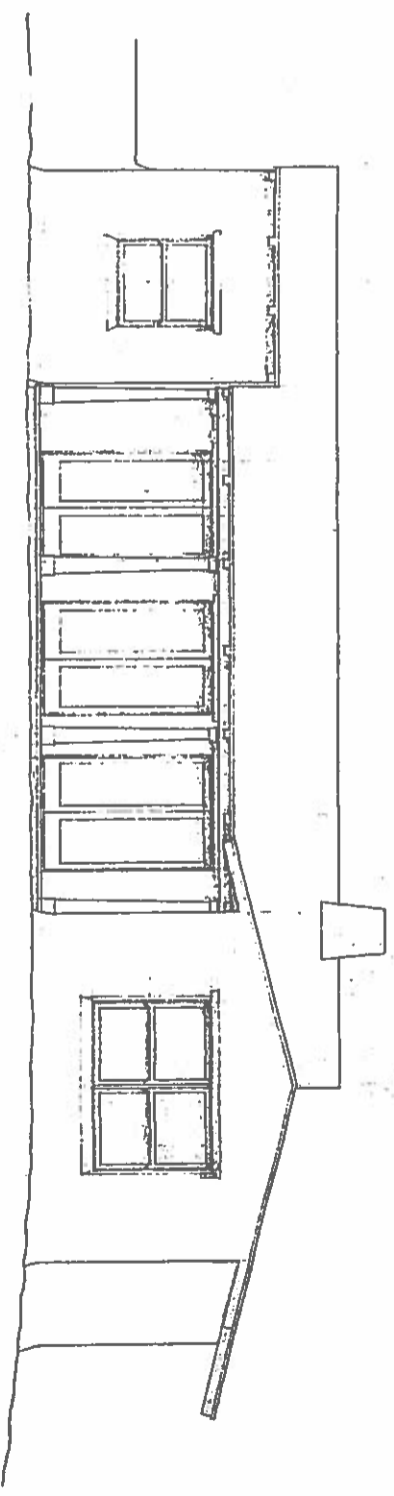
jenkinsgavin
DESIGN & DEVELOPMENT INC.
130 Canal Avenue, Suite 101
Santa Fe, New Mexico 87501

Main
Residence
Elevations

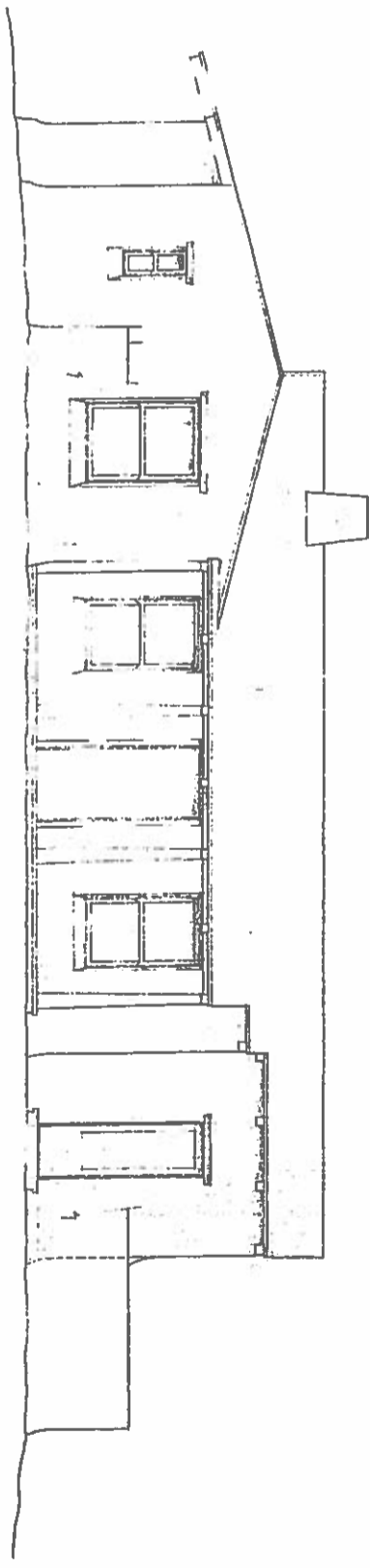
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8A

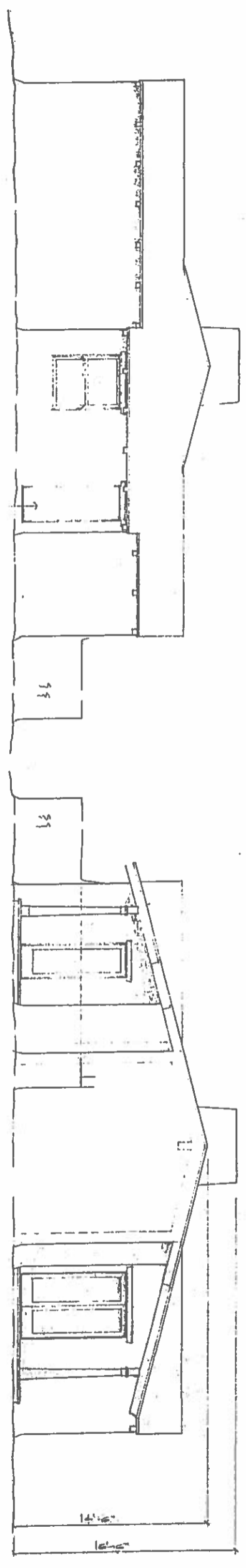
NBA - 4/21



REAR ELEVATION




FRONT ELEVATION

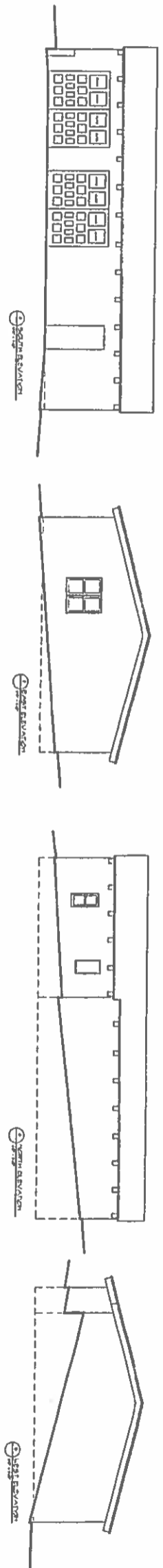


SIDE ELEVATION

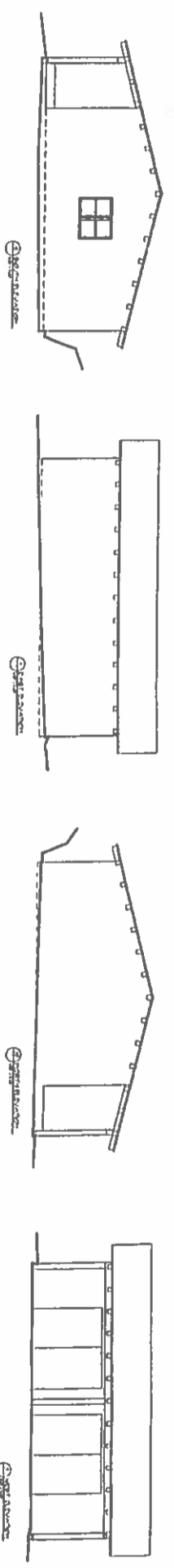
SIDE ELEVATION

NBA-70

<p>Heart's Way Ranch 34 Sendero de Corazon</p>	
<p>Revision Schedule Num Desc Date</p>	
<p>Date Issue Date Drawn by Author</p>	
<p>Checked by Checker</p>	
 <p>jenkinsgavin ARCH & DEVELOPMENT INC 110 Grant Avenue, Suite 101 Santa Fe, New Mexico 87501</p>	<p>Castia Elevations (Typ.)</p>
<p>Scale: 1/4" = 1'-0"</p>	<p>8B</p>



1 Garage Elevations
1/8" = 1'-0"



2 Workshop Elevations
1/8" = 1'-0"

NBA 71

Heart's Way Ranch
34 Sendero de Corazon

Revision Schedule		
Num	Desc	Date

Date	
Issue Date	
Drawn by	
Author	
Checked by	
Checker	



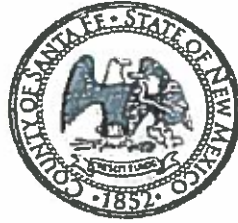
Jenkins & Associates
ARCHITECTS & ENVIRONMENTAL INC.
130 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501

Garage /
Workshop
Elevations
Scale 1/8" = 1'-0"

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanes
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review

Date	July 13, 2016		
Project Name	Hearts Way Ranch Retreat		
Project Location	34 Sendero de Corazon T16; R10; S9 "Extreme Wildland-Urban Hazard Area"		
Description	Wellness Retreat	Case Manager	John Lovato
Applicant Name	Susan Carter	County Case #	16-3048
Applicant Address	34 Sendero de Corazon Santa Fe, NM 87505	Fire District	Hondo
Applicant Phone	505-930-6149/Jenkins Gavin agent		
Review Type:	Commercial <input checked="" type="checkbox"/>	Residential <input type="checkbox"/>	Lot Split <input type="checkbox"/>
Project Status:	Family Trans <input type="checkbox"/>	Inspection <input checked="" type="checkbox"/>	Wildland <input checked="" type="checkbox"/>
	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input type="checkbox"/>
		Lot Line Adjustment <input type="checkbox"/>	Variance <input type="checkbox"/>
			Zone No. _____

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (Note underlined items):

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

Fire Access Lanes

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

Curbs or signage adjacent to the building, fire hydrant, entrances and landscape medians in traffic flow areas shall be appropriately marked in red with 6" white lettering reading "FIRE LANE - NO PARKING" as determined by the Fire Marshal prior to occupancy. Assistance in details and information are available through the Fire Prevention Division.

35 Camino Justicia



87508

www.santafecountyfire.org

NBA-11a

▪ **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 20' wide. Roads, turnouts and turnarounds shall be County approved all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development.

Driveways to residence and casitas shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13' 6". Final design and dimensions as approved by the Santa Fe County Fire Marshal

The driveway shall incorporate areas for emergency vehicle purposes that shall conform to the access, turnout and turnaround requirements and dimensions of the Santa Fe County Fire Department.

The radius and the driveways to Casita B and A shall be widened to allow for emergency vehicle access.

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

Buildings within a commercial complex shall be assigned, post and maintain a proper and legible numbering and/or lettering systems to facilitate rapid identification for emergency responding personnel as approved by the Santa Fe County Fire Marshal.

▪ **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

This driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

▪ **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

All gates shall be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System).

The entrance gate at the top of Sendero del Corazon shall be set to open further to allow for the increased turn and radius into the Casita B driveway.

Fire Protection Systems

▪ **Water Storage/Delivery Systems**

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

The Developer shall be responsible to maintain, in an approved working order, the water system for the duration of the development and until connection to a regional water system. The responsible party, as indicated above, shall be responsible to call for and submit to the Santa Fe County Fire Department for an annual testing of the fire protection system and the subsequent repairs ordered and costs associated with the testing.

▪ **Hydrants**

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

Section 903.4.2 Required Installations. (1997 UFC) *The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*

Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3 of the 1997 UFC.

Automatic Fire Protection/Suppression

Due to the potential access issues and remote location of this project, for life safety and property protection this office shall require the installation of Automatic Fire Protection Sprinkler systems meeting NFPA 13R requirements in the Casitas A & B. Assistance in details and information are available through the Fire Prevention Division.

For life safety and property protection, this office also *highly recommends* the installation of Automatic Fire Protection Sprinkler systems in the Main Residence. Assistance in details and information are available through the Fire Prevention Division.

All Automatic Fire Protection systems shall be developed by a firm certified to perform and design such systems. Copies of sprinkler system design shall be submitted to the Fire Prevention Division for review and acceptance. Systems will not be approved unless rough-in and final inspection is witnessed by the Santa Fe County Fire Department prior to allowing any occupancy to take place. Fire sprinklers systems shall meet all requirements of NFPA 13-R Standard for the Installation of Sprinkler Systems. It shall be the responsibility of the installer and/or developer to notify the Fire Prevention Division when the system is ready for testing.

The required system riser shall meet the requirements of the NFPA 13 1996.

Locations of all Fire Department Connections (FDC's) shall be determined and approved prior to the start of construction on the system. All FDC's shall have County threaded ports.

Fire Alarm/Notification Systems

Automatic Fire Protection Alarm systems shall be required as per 1997 Uniform Fire Code, Article 10 Section 1007.2.1.1 and the Building Code as adopted by the State of New Mexico and/or the County of Santa Fe. Required Fire Alarm systems shall be in accordance with NFPA 72, National Fire Alarm Code, for given type of structure and occupancy use.

The sprinkler system shall be electrically monitored by an approved central station, remote station or proprietary monitoring station. All Fire Alarm systems shall be developed by a firm certified to perform and design such systems. Copies of the fire alarm system design shall be submitted to the Fire Prevention Division for review and acceptance prior to installation. Systems will not be approved unless tested by the Santa Fe County Fire Department

▪ **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Portable fire extinguishers shall be installed in occupancies and locations as set forth in the 1997 Uniform Fire Code. Assistance in details and information are available through the Fire Prevention Division. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

▪ **Life Safety**

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a commercial occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

Urban-Wildland Interface

SFC Ordinance 2001-11, Urban Wildland Interface Code

This development's location is rated within an "Extreme Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas.

▪ **Building Materials**

Buildings and structures located within urban wildland interface areas, not including accessory structures, shall be constructed in accordance with the Fire Code, the Building Code and the Urban Wildland Interface Code.

▪ **Location/Addressing/Access**

Per SFC 2001-11/EZA 2001-04, addressing shall comply with Santa Fe County Rural addressing requirements.

Per SFC 2001-11 / EZA 2001-04 Chapter 4, Section 3.2 Roads and Driveways: Access roads, driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions of the Fire Code and the Land Development Code. Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development.

▪ **Vegetation Management**

The project shall also have a vegetation management plan as required by the Urban Interface Fire Code 2001-11. This plan shall be submitted in advanced for review and approval.

General Requirements/Comments

▪ **Inspections/Acceptance Tests**

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

▪ **Permits**

As required

Final Status

Recommendation for Development Plan approval with the above conditions applied.

Tim Gilmore, Inspector


Code Enforcement Official

7/14/16
Date

Through: David Sperling, Chief *DMS*

File: DevRev H/HeartsWay 071316

Cy: Case Manager, Land Use
Battalion Chiefs
Regional Lieutenants
District Chief
Applicant
File



Legend

-  Roads
-  DRIVEWAYS
-  PARCELS



1:2,738
1 inch represents 228,147.819 feet



2015 Imagery
2 FOOT CONTOURS

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.



UBA-72