

**Henry P. Roybal**  
Commissioner, District 1

**Anna Hansen**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Anna T. Hamilton**  
Commissioner, District 4

**Ed Moreno**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** September 21, 2017

**TO:** Planning Commission

**FROM:** John M. Salazar, Development Review Specialist Sr. JMS

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

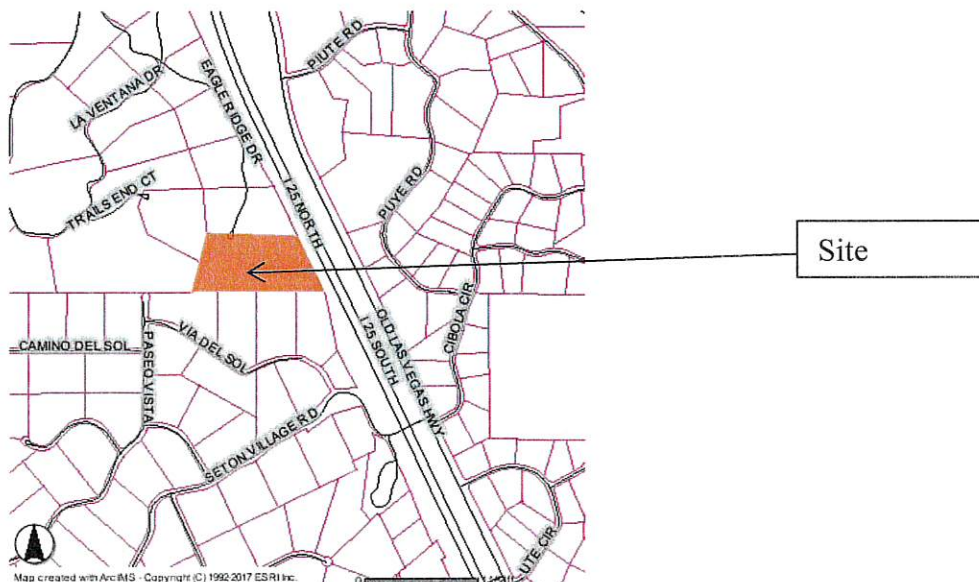
**FILE REF.:** CASE # V 17-5050 Barbara Stromquist/Randy Felker Ridgetop Variance

**ISSUE:**

Barbara Stromquist and Randy Felker, Applicants, James W. Siebert and Associates, Inc., Agent, are requesting a variance of The Sustainable Land Development Code Section 7.17.9.2 Steep Slopes, Ridge Tops, Ridgelines, and Shoulders Standards to allow the construction of a home on a ridgetop despite having other buildable area on the property.

The 14.79 acre property is located at 45 Eagle Ridge Dr. within Section 18, Township 16 North, Range 10 East (Commission District 4) SDA-2

**VICINITY MAP:**



## SUMMARY:

The Applicant's are requesting a variance of The Sustainable Land Development Code Section 7.17.9.2 Steep Slopes, Ridge Tops, Ridgelines, and Shoulders to allow the construction of a home on a ridgetop.

This matter came before the Hearing Officer on May 25, 2017. The decision of the Hearing Officer was to recommend denial of a variance of Chapter 7, Section 7.17.9.2. (Exhibit 10)

The Hearing Officer recommended denial based on the findings that there is insufficient evidence of special conditions that would result in undue hardship to the Applicants from a strict application of the Code.

The Applicant's Agent states the ridgetop location is 1060 feet from the southbound driving lane of I-25 and the alternate building location is 620 feet from the same southbound driving lane. The difference in distances results in two very different noise levels between the two sites. The lower site has a decibel level of 62.6 during daytime hours while ridgetop site has a decibel level of 59.1.

The Applicant's Agent addresses the Variance Criteria as follows:

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

The Applicants' Agent states the location of the building site is further from the visible line of site from I-25 than the site that is not in conflict with the ridgetop regulations. The primary purpose of the ridgetop regulations is to reduce the visual impact of structures from the more prominent locations of visibility, which in this case is I-25. The alternative site that is not in conflict with the ridgetop regulations would permit a building height of 24 feet measured from natural grade and 30 feet from the highest to lowest point on the structure. Since the alternative site slopes towards I-25 the most visible façade would be the side of the dwelling facing I-25. The building site on the ridgetop would be limited to a maximum height of 14 feet with dwelling set up to seven feet into the ground, with a total exposed height of 8 feet visible from I-25. The existing tree cover would provide a visual barrier from I-25 and the applicant would be willing to add evergreen vegetation to further obscure the visibility of the structure from I-25. The ridgetop location has limited visibility from other dwellings in the Arroyo Hondo Subdivision and surrounding subdivisions in the area. The ridgetop location is therefore not contrary to the intent of the Sustainable Land Development Code.

**Staff Response:** Although the Applicants state that the alternate building site has a greater visual impact than on top of the ridgetop, Section 7.17.9.2.1 of the SLDC specifically states: "No structure may be constructed on a ridge top, ridgeline, or shoulder unless there is no other buildable area on the property." By the Applicant's own admission, there is another buildable area on the property. Two thirds of the site has multiple buildable areas. Staff requested that the Applicant's Agent install story poles at each corner of the proposed residence, consistent with the proposed height in order to determine if the structure on the ridgetop will be visible from a major arterial road. During a site inspection conducted by Staff on May 19, 2017, Staff was able to view the story poles from



Old Las Vegas Highway and the I-25 right-of-way. Staff has concluded that either site will have a visual impact from I-25.

2. *where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner;*

The Applicants' Agent states a noise model prepared by a registered professional is submitted with the application. The closer to I-25, the greater the level of noise that is encountered on the site. In the case of the ridgetop location it is possible to locate the dwelling on the side of the ridge facing away from I-25 significantly reducing the ambient noise levels for patios and windows facing away from I-25. The structure itself serves as the buffer from the noise by setting the dwelling into the ground and minimizing the openings in the structure facing I-25. For the alternative location the slope facing I-25 will most likely require some excavation into the hillside. The side of the dwelling facing away from I-25 will be set into the hillside increasing the difficulty of creating pleasing outdoor spaces and openings in the structure.

**Staff Response:** The SLDC does not address noise as a mitigating factor for locating a residence. Section 7.21, Air Quality and Noise of the SLDC applies only to nonresidential development. There are more buildable areas on the lot further away from I-25 than the site the Applicant labels as site 2. On May 19, 2017, a deputy from the County Sheriff's Office (CSO) along with Staff conducted noise level readings at three locations within the property. The noise level readings were taken at the same two locations on the property where the Applicants' Agent conducted their own labeled as Site 1 and Site 2 in Exhibit 7 along with a third site closer to the cul-de-sac. The noise reading as recorded by CSO on Site 1 was 61 decibels, Site 2 61.4 decibels and the site near the cul-de-sac 62.9 decibels. The difference in sound between the two sites as shown by the Applicant's Agent is the difference of .4 decibels according to the noise reading instrument provided by the CSO. According to the Temple University Department of Civil/Environmental Engineering, 10 decibels is the equivalent to the sound of breathing. Staff finds that .4 of a decibel does not warrant a significant enough drop in noise for the Applicant to move the building site onto the ridgetop.

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

The Applicants' Agent states that the intent of the SLDC is to have structures on hillsides and steeper slopes less visible from the locations having high level of visibility. In this case, the highest level of visibility is I-25 which has an average daily traffic (ADT) of 24,032 in both directions. The setting of the home into the ground, maintaining existing vegetation around the building minimizes the visibility of the structure from I-25, much more so than a dwelling located at the alternative building site.

**Staff Response:** Two thirds of the lot contains less than 30% slopes with no other ridge on the property. The slope analysis provided by the Applicant shows a proposed driveway which will affect 20% slopes in order to get to the building site on the ridgetop. The proposed driveway may also disturb rock outcroppings which is prohibited by the SLDC and would require an additional variance. Utilizing the buildable area on the lower two thirds of the property will not affect any such slopes or rock outcroppings. The intent of the SLDC, Chapter 7, Section 17 in particular, is stated in the following sections:

7.17.1.3 Protect and retain rugged and steep terrain, natural landmarks and prominent natural features as open space;

7.17.1.4. Adapt development to the existing natural topography, soils, vegetation, geology, hydrology, landforms and other conditions existing on a lot or parcel prior to development...

The applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016 (SLDC), which governs this Application are the following:

Chapter 4, Section 4.9.7.1, Variances, Purpose

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 4, Section 4.9.7.4, 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) based upon the following criteria:

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

Chapter 4, Section 4.9.7.5 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 files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time.



Chapter 7, Section 7.17.9.2 Standards.

1. No structure may be constructed on a ridge top, ridgeline, or shoulder unless there is no other buildable area on the property. Only single story structures are allowed on ridges, ridge tops, and shoulders.

As required by the SLDC, the Applicants presented the Application to the Technical Advisory Committee (TAC) on November 3, 2016, at the regular scheduled monthly meeting, which satisfied the requirements set forth in Chapter 4, TAC Meeting Table 4-1.

The Applicant conducted a pre-application neighborhood meeting on January 12<sup>th</sup>, 2017 in accordance with Chapter 4 Section 4.4.4. Table 4-1

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 Applicants 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 April 12, 2017. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on April 12, 2017, 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 was submitted on February 24, 2017.

#### **RECOMMENDATION:**

**The Hearing Officer recommends denial of the Applicant's request for a variance to allow the construction of a home on a ridgetop. There are multiple other buildable sites on the property where the house and the driveway will not disturb 20% slopes.**

**If the decision of the Planning Commission is to approve the variance, staff recommends the following condition be imposed:**

1. The Applicant must obtain building permits for the residence meeting the standards set forth in Chapter 7 of the SLDC.
2. The height of the dwelling unit shall not exceed 14' in height.
3. The Applicant shall not disturb any rock outcroppings or 30% slopes.
4. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application

**EXHIBITS:**

1. Applicants Request
2. Aerial Photos of Site
3. Chapter 7, Section 7.17.9.2 Steep Slopes, Ridge Tops, Ridgelines, and Shoulders Standards
4. Chapter 4, Section 4.9.7.4, Variance Review criteria
5. Noticing
6. Fire Prevention Review
7. Aerial/Slope Analysis
8. Letters of Support
9. Additional Noise Readings from Applicant
10. Hearing Officer Recommendation and Order
11. Hearing Officer Minutes May 25, 2017



**VARIANCE FROM RIDGETOP  
REGULATIONS  
LOT 8, ARROYO HONDO VISTA  
SUBDIVISION**

**PREPARED**

**FOR**

**BARBARA STROMQUIST**

**PREPARED**

**BY**

**JAMES W. SIEBERT & ASSOCIATES,  
INC.**

**FEBRUARY, 2017**



NBE-7

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## APPENDICES

Appendix A	Recorded plat
Appendix B	Description of homes on ridgetop
Appendix C	Noise Level Study
Appendix D	Photos homes constructed on ridge

## FIGURES

Figure 1	Vicinity Map
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### Requested Variance

The variance that is requested pertains to Section 7.17.9.2 of the Sustainable Land Development Code that prohibits construction on a ridgetop if an alternative location meeting SLDC standards is available for construction of a dwelling. Figure 1 is a description of the location of the subject property relative to the road system in the area.

### History of Subdivision

The Arroyo Hondo Subdivision was recorded with the Santa Fe County Clerk on January 2, 1992, when building on the ridgetop was permitted, allowing the existing homes to be built on a ridgetop. Appendix A is a copy of the recorded plat. The subdivision was not subject to ridgetop regulations nor were conditions imposed via the plat that restricted the location of building sites. Since the recordation of the plat 15 homes have been built in the subdivision. Out of those 15 homes 9 homes have been constructed on what the Land Use staff has determined to be ridgetops. Appendix B is a description of the homes that are currently located on ridgetops within The Arroyo Honda Subdivision.

### Ridgetop and Alternative Location for Building Site

Sheet 1 of the plan set describes the location of the ridgetop and alternate building location superimposed on an aerial topographic map for lot 15. The ridgetop location is 1060 feet from the southbound driving lane of I-25 and the alternate location is 620 feet from the southbound driving lane on I-25. The difference in the distance from the I-25 travel lanes results in a difference in noise levels between the two sites. The lower site, closest to I-25 has a decibel level of 62.6 during the daytime hours. The ridgetop has a decibel level of 59.1 during the daytime hours. The noise calculations are provided by the same consultant as used by the County for the Northeast Connector environmental studies. The noise levels are based on a federally recognized software modeling program. The noise level study is attached as Appendix C.

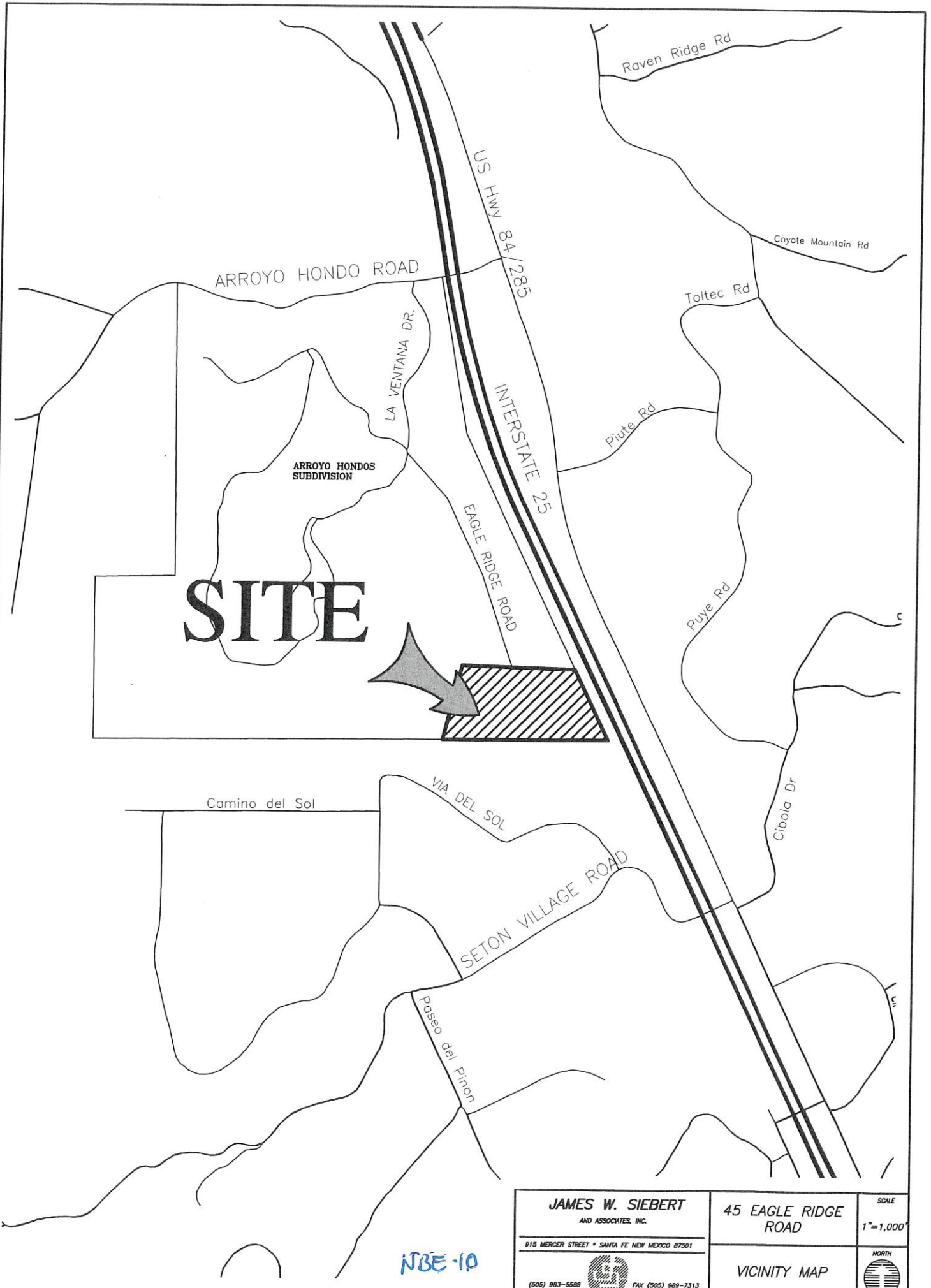
The noise levels assume dry pavements and no wind. When the pavements is wet on I-25 or when the wind blows out of the southeast it was observed that there is an increase in noise levels for both sites.

### Design Aspects of Ridgetop Location

Sheet 2 of the plan set describes the slope analysis relative to the building area for the two sites.

### Height

Maximum building height per code within the ridgetop is 14 feet from natural grade. The applicant agrees to this restriction. In addition the home will be set up to 7 feet into the hill. The façade visible from I-25 will range from 5 feet to 8 feet with the visibility from I-25 easily hidden with landscape.



NBE-10

<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE NEW MEXICO 87501 (505) 983-5588 FAX (505) 989-7313	45 EAGLE RIDGE ROAD	SCALE 1"=1,000'
	VICINITY MAP	NORTH 



### Vegetation

Construction areas will be defined by flagging and penalties will be assessed for disturbance of ground outside the defined construction areas. There is a considerable amount of existing pinon and juniper on the hillside facing I-25. This vegetation that lies outside the building area will provide a visual barrier for the building elevation facing I-25. Sheet 1 of the plan set shows the existing vegetation on the ridgetop lot.

Where needed additional evergreen trees will be added to the east side of the building to supplement the existing vegetation.

### Building Location

As much of the dwelling has been moved to the west side of the ridge as possible without encroaching on 30 percent slopes, locating the structure away from I-25 visibility and noise. There is a limit to how far the house can be moved off the ridge, which is the beginning of the 30 percent slope where structures are not permitted. The home will be designed to be bermed into the hill reducing the profile of the house and its visibility from I-25. This is shown on the cross section that is discussed later. There is a house on the same road as the subject variance request, just to the north of Lot 15 that is an example of how the house on lot 15 will be constructed, which is bermed into the ground, is low lying and has saved the vegetation in front of the house. Pictures are provided in Appendix D that show the aspect of this house from the road. This house cannot be seen from I-25.

### Functionality

The residence proposed for the ridgetop location, allows for a residence on a single level without the need for interior steps. This is an important aspect since both of the future residents are in their late 60's and early 70's. The lower alternative residence has to comply with a maximum height of 5 feet from natural grade, most likely by requiring a split elevation and interior stairs between elevations.

### Alternate Location

#### **Height**

The maximum height allowed by the SLDC is 24 feet measured from natural grade. A maximum elevation difference of 30 feet between the highest point on the structure and the lowest point measured from natural grade is permitted. Given the slope it is unlikely that the downhill side of the house would achieve such an elevation height facing I-25. It is not unrealistic to assume that the maximum overall height of the house would be 20 feet and that would be for the façade facing I-25. That would be 12-15 feet higher than the façade facing I-25 for the ridgetop location.

### Comparable Cross Sections

It is easier to understand the positioning of the structures on the hillside with a hypothetical cross section for each building location. Each cross section is based on the same house size and length of the dwelling for the slope facing I-25. This provides a better understanding of the design solutions that evolve from each of the two locations shown on Sheet 1.

## Response to Variance Criteria

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

The location of the building site is further from the visible line of site from I-25 than the site that is not in conflict with the ridgetop regulations. The primary purpose of the ridgetop regulations is to reduce the visual impact of structures from the more prominent locations of visibility, which in this case is I-25. The alternative site that is not in conflict with the ridgetop regulations would permit a building height of 24 feet measured from natural grade and 30 feet from the highest to lowest point on the structure. Since the alternative site slopes towards I-25 the most visible façade would be the side of the dwelling facing I-25. The building site on the ridgetop would be limited to a maximum height of 14 feet with dwelling set up to seven feet into the ground, with a total exposed height of 8 feet visible from I-25. The existing tree cover would provide a visual barrier from I-25 and the applicant would be willing to add evergreen vegetation to further obscure the visibility of the structure from I-25. The ridgetop location has limited visibility from other dwellings in the Arroyo Hondo Subdivision and surrounding subdivisions in the area. The ridgetop location is therefore not contrary to the intent of the Sustainable Land Development Code.

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<sup>1</sup> Noise analysis prepared by Brinda Ramanathan



### Neighborhood Meeting

A meeting was held at the Eldorado Number 2 Fire Station on January 12, 2017 at 5:30 PM to present the request for a variance from the SLDC prohibiting the construction of a home on a designated "ridgetop" where another building site is available. Five people attended the meeting. Dr. Dameron, who is a close neighbor to the requested variance was there to state that he had no objections to the variance request. Four members of a family attended the meeting as representatives for their mother who is 94 and unable to attend. The family members asked questions and had no objections to the variance.

Randy Felker, representing the owner of the lot requesting the variance attended the meeting. The meeting adjourned at 6:00 PM.

**APPENDIX A  
RECORDED PLAT**

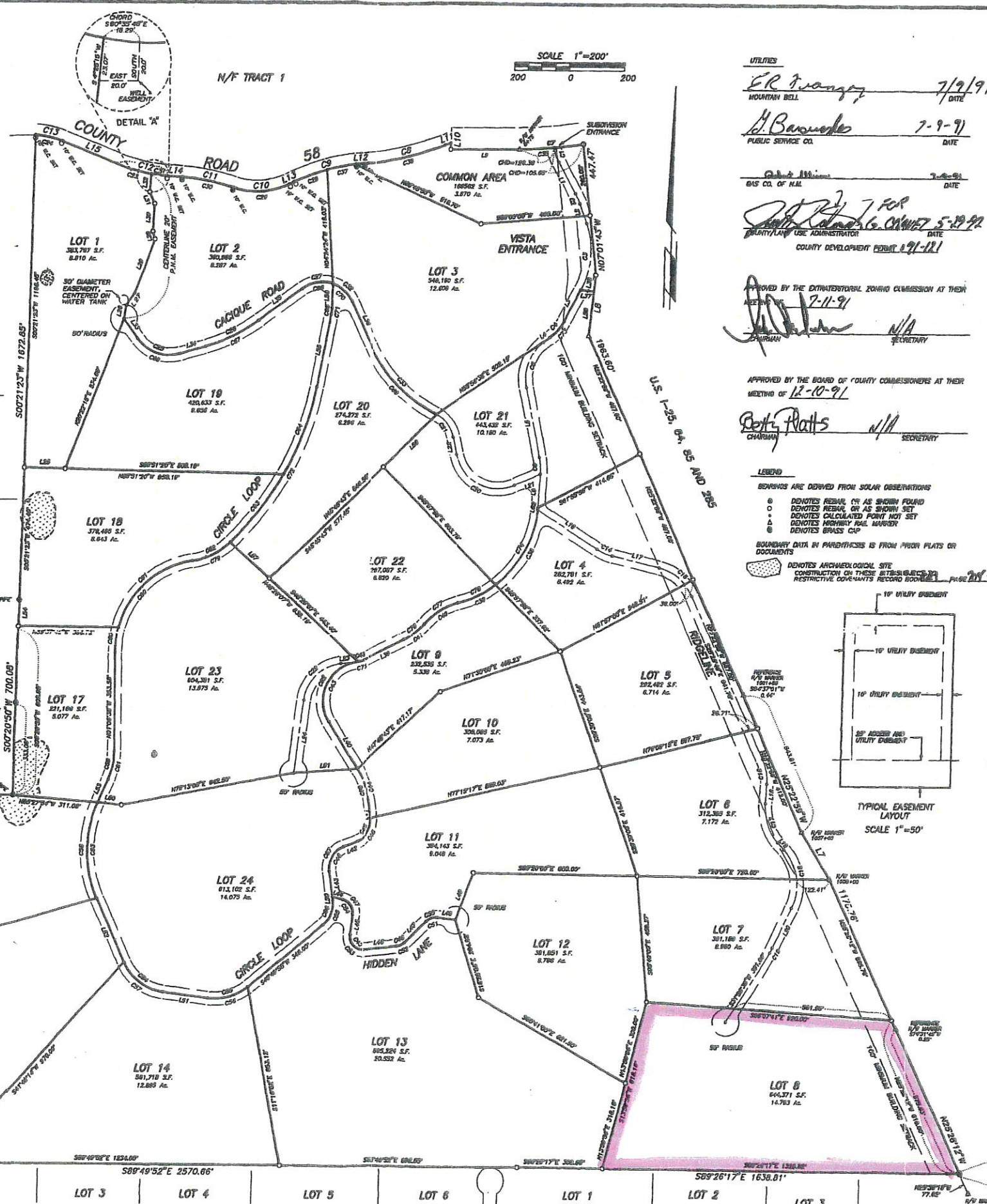


CURVE	BEAR	ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEAR
C1	213°35'	145.00	54.89	84.37	118.11	178°11'
C2	081°01'	350.00	40.39	40.39	58.92	081°01'
C3	47°57'	700.00	54.89	141.51	150.72	330°23'
C4	29°02'	175.00	78.53	78.53	103.45	29°02'
C5	84°33'	180.00	181.83	171.89	319.00	84°33'
C6	125°11'	250.00	88.35	88.10	130.40	125°11'
C7	084°02'	1300.00	132.10	271.82	394.63	084°02'
C8	121°02'	1307.01	311.87	311.29	577.18	121°02'
C9	181°12'	878.44	238.83	234.00	370.43	181°12'
C10	45°01'	271.33	268.23	263.10	380.74	45°01'
C11	149°09'	786.89	188.87	182.49	307.96	149°09'
C12	174°43'	684.49	183.33	182.45	307.96	174°43'
C13	180°00'	308.78	102.00	101.81	177.48	180°00'
C14	124°41'	100.00	62.25	61.97	106.99	124°41'
C15	39°19'	180.00	83.88	82.73	151.18	39°19'
C16	48°51'	180.00	101.35	102.16	180.00	48°51'
C17	181°21'	180.00	222.59	211.87	350.00	181°21'
C18	080°04'	180.00	50.42	50.41	89.53	080°04'
C19	080°04'	180.00	276.87	243.60	418.39	080°04'
C20	02°11'	125.00	108.89	108.39	197.81	02°11'
C21	72°22'	150.00	203.31	198.10	341.11	72°22'
C22	181°23'	654.49	133.89	133.73	247.25	181°23'
C23	19°03'	308.78	102.00	101.81	177.48	19°03'
C24	08°02'	180.00	178.33	168.84	317.91	08°02'
C25	20°48'	600.00	217.88	216.77	396.00	20°48'
C26	04°30'	125.00	118.13	114.67	208.53	04°30'
C27	10°43'	654.49	133.89	133.73	247.25	10°43'
C28	43°50'	271.33	268.23	263.10	380.74	43°50'
C29	149°09'	786.89	188.87	182.49	307.96	149°09'
C30	08°02'	180.00	50.42	50.41	89.53	08°02'
C31	08°02'	180.00	276.87	243.60	418.39	08°02'
C32	02°11'	125.00	108.89	108.39	197.81	02°11'
C33	72°22'	150.00	203.31	198.10	341.11	72°22'
C34	181°23'	654.49	133.89	133.73	247.25	181°23'
C35	19°03'	308.78	102.00	101.81	177.48	19°03'
C36	08°02'	180.00	178.33	168.84	317.91	08°02'
C37	20°48'	600.00	217.88	216.77	396.00	20°48'
C38	04°30'	125.00	118.13	114.67	208.53	04°30'
C39	10°43'	654.49	133.89	133.73	247.25	10°43'
C40	43°50'	271.33	268.23	263.10	380.74	43°50'
C41	149°09'	786.89	188.87	182.49	307.96	149°09'
C42	08°02'	180.00	50.42	50.41	89.53	08°02'
C43	08°02'	180.00	276.87	243.60	418.39	08°02'
C44	02°11'	125.00	108.89	108.39	197.81	02°11'
C45	72°22'	150.00	203.31	198.10	341.11	72°22'
C46	181°23'	654.49	133.89	133.73	247.25	181°23'
C47	19°03'	308.78	102.00	101.81	177.48	19°03'
C48	08°02'	180.00	178.33	168.84	317.91	08°02'
C49	20°48'	600.00	217.88	216.77	396.00	20°48'
C50	04°30'	125.00	118.13	114.67	208.53	04°30'
C51	10°43'	654.49	133.89	133.73	247.25	10°43'
C52	43°50'	271.33	268.23	263.10	380.74	43°50'
C53	149°09'	786.89	188.87	182.49	307.96	149°09'
C54	08°02'	180.00	50.42	50.41	89.53	08°02'
C55	08°02'	180.00	276.87	243.60	418.39	08°02'
C56	02°11'	125.00	108.89	108.39	197.81	02°11'
C57	72°22'	150.00	203.31	198.10	341.11	72°22'
C58	181°23'	654.49	133.89	133.73	247.25	181°23'
C59	19°03'	308.78	102.00	101.81	177.48	19°03'
C60	08°02'	180.00	178.33	168.84	317.91	08°02'
C61	20°48'	600.00	217.88	216.77	396.00	20°48'
C62	04°30'	125.00	118.13	114.67	208.53	04°30'
C63	10°43'	654.49	133.89	133.73	247.25	10°43'
C64	43°50'	271.33	268.23	263.10	380.74	43°50'
C65	149°09'	786.89	188.87	182.49	307.96	149°09'
C66	08°02'	180.00	50.42	50.41	89.53	08°02'
C67	08°02'	180.00	276.87	243.60	418.39	08°02'
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C69	72°22'	150.00	203.31	198.10	341.11	72°22'
C70	181°23'	654.49	133.89	133.73	247.25	181°23'
C71	19°03'	308.78	102.00	101.81	177.48	19°03'
C72	08°02'	180.00	178.33	168.84	317.91	08°02'
C73	20°48'	600.00	217.88	216.77	396.00	20°48'
C74	04°30'	125.00	118.13	114.67	208.53	04°30'
C75	10°43'	654.49	133.89	133.73	247.25	10°43'
C76	43°50'	271.33	268.23	263.10	380.74	43°50'
C77	149°09'	786.89	188.87	182.49	307.96	149°09'
C78	08°02'	180.00	50.42	50.41	89.53	08°02'
C79	08°02'	180.00	276.87	243.60	418.39	08°02'
C80	02°11'	125.00	108.89	108.39	197.81	02°11'
C81	72°22'	150.00	203.31	198.10	341.11	72°22'
C82	181°23'	654.49	133.89	133.73	247.25	181°23'
C83	19°03'	308.78	102.00	101.81	177.48	19°03'
C84	08°02'	180.00	178.33	168.84	317.91	08°02'
C85	20°48'	600.00	217.88	216.77	396.00	20°48'
C86	04°30'	125.00	118.13	114.67	208.53	04°30'
C87	10°43'	654.49	133.89	133.73	247.25	10°43'
C88	43°50'	271.33	268.23	263.10	380.74	43°50'
C89	149°09'	786.89	188.87	182.49	307.96	149°09'
C90	08°02'	180.00	50.42	50.41	89.53	08°02'
C91	08°02'	180.00	276.87	243.60	418.39	08°02'
C92	02°11'	125.00	108.89	108.39	197.81	02°11'
C93	72°22'	150.00	203.31	198.10	341.11	72°22'
C94	181°23'	654.49	133.89	133.73	247.25	181°23'
C95	19°03'	308.78	102.00	101.81	177.48	19°03'
C96	08°02'	180.00	178.33	168.84	317.91	08°02'
C97	20°48'	600.00	217.88	216.77	396.00	20°48'
C98	04°30'	125.00	118.13	114.67	208.53	04°30'
C99	10°43'	654.49	133.89	133.73	247.25	10°43'
C100	43°50'	271.33	268.23	263.10	380.74	43°50'

LINE	BEARING	DISTANCE
L1	S89°23'W	31.00'
L2	S89°14'W	18.00'
L3	S89°14'W	24.50'
L4	S89°17'W	18.00'
L5	S89°14'W	37.50'
L6	S89°12'W	11.00'
L7	N89°48'W	101.75'
L8	N89°48'W	20.00'
L9	S89°10'W	37.51'
L10	N89°48'W	15.00'
L11	S89°14'W	13.50'
L12	S89°09'W	11.71'
L13	S89°09'W	21.00'
L14	N89°52'W	18.00'
L15	N89°52'W	100.00'
L16	N89°17'W	118.13'
L17	S89°34'W	16.80'
L18	S89°34'W	16.80'
L19	S89°34'W	11.00'
L20	S89°34'W	11.00'
L21	S89°34'W	11.00'
L22	S89°34'W	11.00'
L23	S89°34'W	11.00'
L24	S89°34'W	11.00'
L25	S89°34'W	11.00'
L26	S89°34'W	11.00'
L27	S89°34'W	11.00'
L28	S89°34'W	11.00'
L29	S89°34'W	11.00'
L30	S89°34'W	11.00'
L31	S89°34'W	11.00'
L32	S89°34'W	11.00'
L33	S89°34'W	11.00'
L34	S89°34'W	11.00'
L35	S89°34'W	11.00'
L36	S89°34'W	11.00'
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L38	S89°34'W	11.00'
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L40	S89°34'W	11.00'
L41	S89°34'W	11.00'
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L43	S89°34'W	11.00'
L44	S89°34'W	11.00'
L45	S89°34'W	11.00'
L46	S89°34'W	11.00'
L47	S89°34'W	11.00'
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L50	S89°34'W	11.00'
L51	S89°34'W	11.00'
L52	S89°34'W	11.00'
L53	S89°34'W	11.00'
L54	S89°34'W	11.00'
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L57	S89°34'W	11.00'
L58	S89°34'W	11.00'
L59	S89°34'W	11.00'
L60	S89°34'W	11.00'
L61	S89°34'W	11.00'
L62	S89°34'W	11.00'



COUNTY CLERK  
SANTA FE COUNTY, NEW MEXICO  
RECORDED IN BOOK 115, PAGE 192  
JUNE 15, 1992  
J. G. AMILLO  
County Clerk, Santa Fe County, N.M.



### PLAT OF ARROYO HONDO VISTAS SUBDIVISION

BEING A SUBDIVISION OF TRACT 2, RECORDED IN THE OFFICE OF THE COUNTY CLERK IN BK.140, PG.054 WITHIN SECTION 18, T18N, R10E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO

**G. DAWSON & ASSOCIATES**  
PROFESSIONAL LAND SURVEYORS  
1570 ST. FRANCIS DR.  
SANTA FE, N.M.  
FILED 1756PLAT - DATE 6/13/91

**UTILITIES**  
ER Tronzo 7/9/91  
H. Barwick 7-9-91  
Public Service Co. 7-9-91  
B&S CO. OF N.M. 7-9-91  
SANTA FE COUNTY DEVELOPMENT FORM 1-91-121

APPROVED BY THE EXTRAORDINARY ZONING COMMISSION AT THEIR MEETING OF 7-11-91  
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT THEIR MEETING OF 12-10-91  
Bert's Platts N/A

**LEGEND**  
BOUNDARIES ARE DERIVED FROM SOLAR OBSERVATIONS  
• DENOTES REBAR, OR AS SHOWN FOUND  
• DENOTES REBAR, OR AS SHOWN SET  
• DENOTES CALCULATED POINT NOT SET  
• DENOTES HIGHWAY RAIL NUMBER  
• DENOTES BRASS CAP  
BOUNDARY DATA IN PARENTHESES IS FROM PRIOR PLATS OR DOCUMENTS  
• DENOTES ARCHAEOLOGICAL SITE  
CONSTRUCTION ON THESE SITES SUBJECT TO RESTRICTIVE COVENANTS RECORD BOOK 115, PAGE 192

**TYPICAL LOT FRONT EASEMENT**  
SCALE 1"=50'

**NOTES**  
1. RESTRICTIVE COVENANTS AFFECTING THIS SUBDIVISION ARE RECORDED IN BOOK 115, PAGE 192. AFTER WATER URGES IS RESTRICTED TO 1/2 Acre PER LOT.  
2. THERE IS TO BE NO DIRECT ACCESS TO HIGHWAY ROAD BE EXCEPT AT PLATTED SUBDIVISION ENTRANCE.  
3. THERE IS A 100' WIDE BUFFER BETWEEN ADJACENT INTERSTATE 1-25.  
4. THERE IS TO BE NO FURTHER SUBDIVISION OF LANDS SHOWN HEREON.  
5. GUEST HOUSES ARE ALLOWED.  
6. NO PORTION OF A SEPTIC DISPOSAL SYSTEM MAY BE LOCATED WITHIN 200' OF A WELL.  
7. ALTERNATIVE WASTE WATER TREATMENT SYSTEMS DESIGNED BY AN ENGINEER MAY BE REQUIRED AND MUST BE APPROVED BY E.L.O.

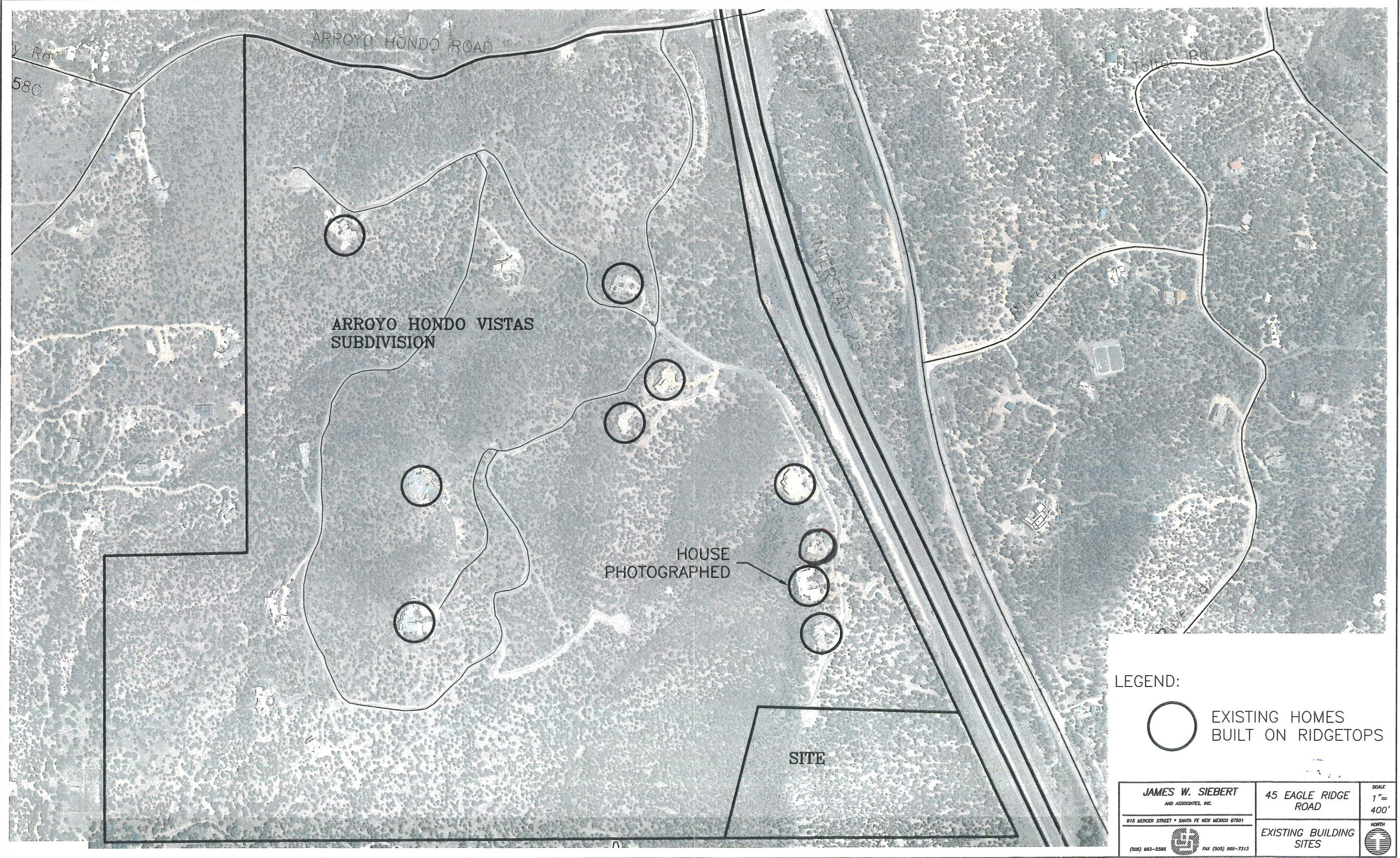
**VICINITY MAP**  
SITE  
SANTA FE COUNTY, NEW MEXICO



**APPENDIX B**  
**DESCRIPTION OF HOMES ON RIDGETOP**



\\SIEBSERVER\Public\Users Shared Folders\2016\201610\1610-base.dwg, 2/23/2017 2:36:43 PM



LEGEND:

○ EXISTING HOMES BUILT ON RIDGETOPS

<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 815 MERCER STREET • SANTA FE NEW MEXICO 87501 (505) 883-5588 FAX (505) 888-7313	45 EAGLE RIDGE ROAD EXISTING BUILDING SITES	SCALE 1" = 400' NORTH 
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NBE-17

APPENDIX A



**APPENDIX C**  
**NOISE LEVEL STUDY**

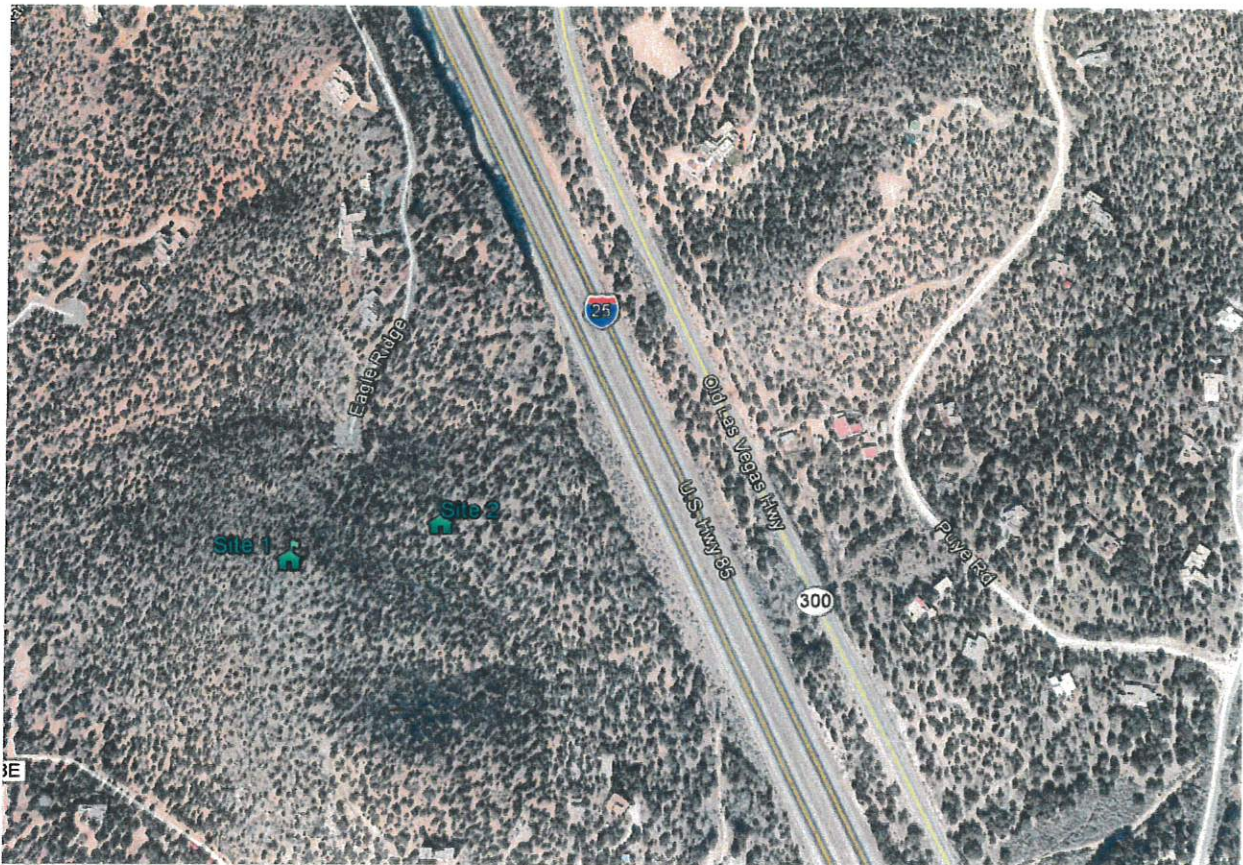
### Purpose

To determine traffic noise levels at two proposed locations for a residence.

### Background

The proposed locations are on Eagle Ridge road near I-25 between Pecos and Lamy exits. Google earth map of the two sites is given below.

**Figure 1 – Proposed Building Locations**



The U.S Housing and Urban Department (HUD) has published screening guidelines for traffic, aircraft, and rail noise impact and abatement for federal housing. The noise assessment model used by HUD is Day/Night Noise Level Assessment Tool<sup>1</sup>. The HUD tool gives the average day/night sound level over a 24-hour period. HUD uses a noise standard of 65 decibels for a threshold of compliance. Above 65 decibels, the HUD recommends noise abatement or moving the location to another location with less noise level.

<sup>1</sup> Housing and Urban Development (2016) <https://www.hudexchange.info/resource/2830/day-night-noise-level-assessment-tool/>, webpage accessed on December 10, 2016.



## Methods and Results

The HUD assessment tool was used to determine the suitability of the two proposed locations. The New Mexico Department of Transportation publishes annual daily average traffic data for roads in New Mexico. The current data available for 2015 was used to enter traffic information in the HUD noise assessment tool<sup>2</sup>. The traffic composition on Interstate-25 was assumed to be 95% automobiles, 5% heavy trucks and 5% medium trucks.

The location and traffic information used are given below.

**Table 1 – Location Details and Noise**

Description	Lat	Long	UTME (m)	UTMN (m)	UTM Zone	Distance to I-25 (ft)	DNL Noise (dB)
Site 1 (farther)	35.6100	-105.9185	416808.8	3941085	13	620	<b>59.1</b>
Site 2 (nearer)	35.6104	-105.9172	416929.1	3941120	13	1060	<b>62.6</b>

**Table 2 - Average annual daily traffic near Lamy interchange**

I-25 Traffic Volume	Total	Cars	Heavy Trucks	Medium Trucks
Maximum I-25M(South&West)	12,280	11,052	614	614
Maximum I-25P(North&East)	11,752	10,577	588	588
Total average annual daily traffic	24,032	21,629	1,202	1,202

## Conclusion:

The HUD Day/Night Noise Level Assessment Tool results show that both the building locations satisfy the HUD noise criterion of 65 decibels. However, the noise level at Site1 is 3.5 decibels less than Site 2 which is closer to I-25. A reduction in noise level of over 3 decibels is noticed as quieter. Thus, a noise level of 59.1 at Site 1 would be perceived as less noise than the noise level of 62.6 decibels at Site 2. From an ambient noise impact perspective, Site 1 is preferred for development due to the site being farther from traffic resulting in lower ambient noise level to the resident.

<sup>2</sup> New Mexico Department of Transportation (2016),  
[http://dot.state.nm.us/content/dam/nmdot/Data\\_Management/Cover\\_Page\\_for\\_TIMS\\_%20Database\\_Listings.pdf](http://dot.state.nm.us/content/dam/nmdot/Data_Management/Cover_Page_for_TIMS_%20Database_Listings.pdf)  
Webpage accessed on December 10, 2016



**APPENDIX D**  
**PHOTOS OF HOMES CONSTRUCTED ON RIDGE**  
**(SEE LOCATION ON APPENDIX B)**





NBE-22





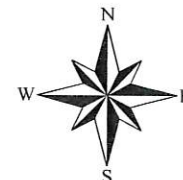
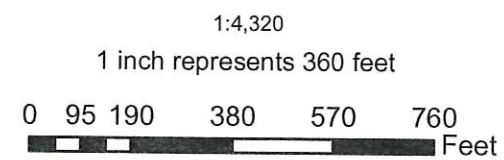
NBE-23





## Legend

- ROADS
- Parcels



2015 Orthophotography  
2 FOOT CONTOURS

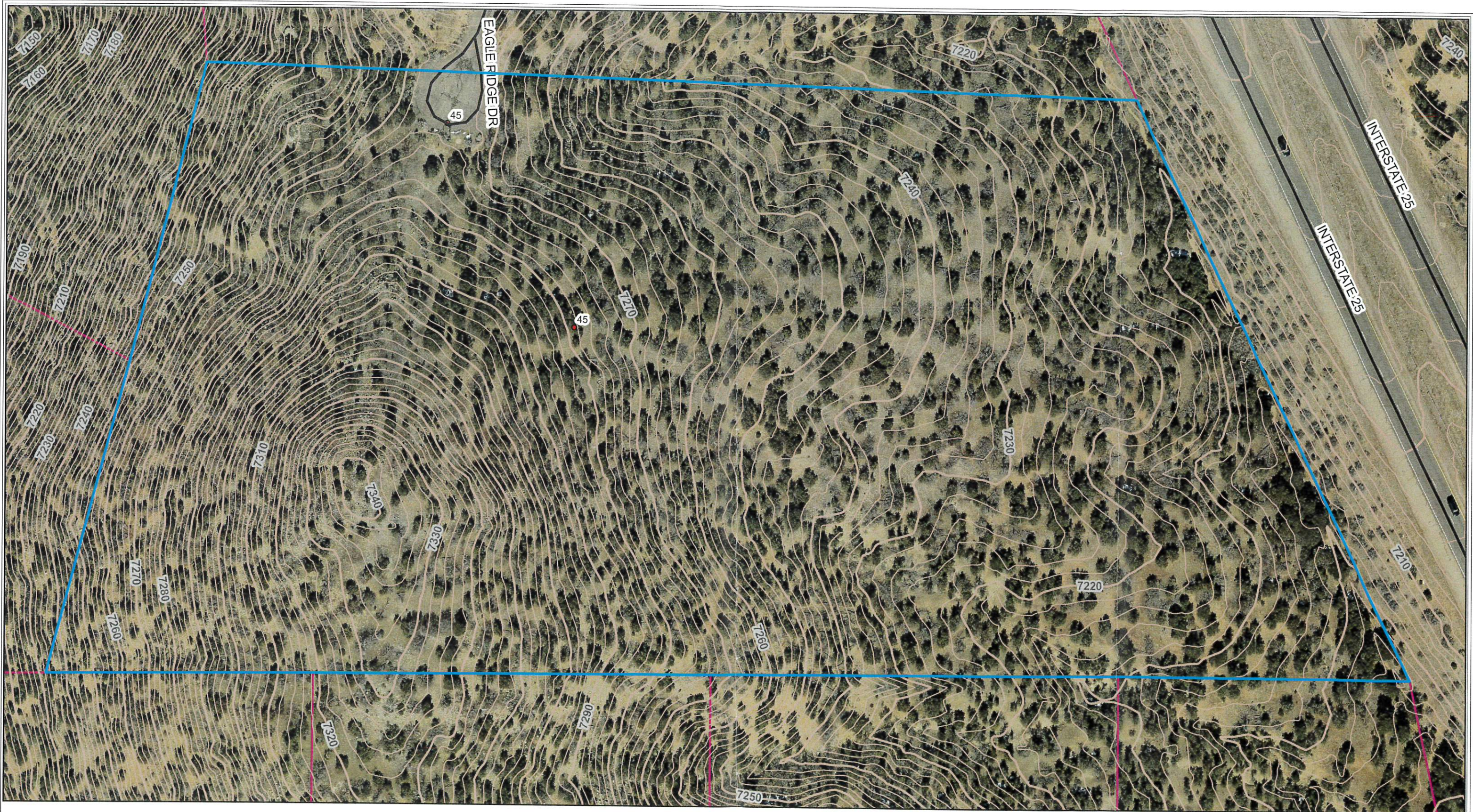
This information is for reference only.  
Santa Fe County assumes no liability for  
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User are solely responsible for  
confirming data accuracy.



NBE-24

April 19, 2017

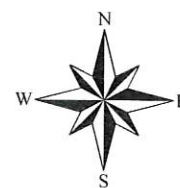




## Legend

- ROADS
- Parcels

1:1,080  
1 inch represents 90 feet  
0 20 40 80 120 160 Feet



2015 Orthophotography  
2 FOOT CONTOURS

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



NBE-25  
April 19, 2017



with limits of disturbance (LOD) fencing or construction barriers prior to any grading or clearing.

**7.17.6.5.** No grading is permitted within one foot of a property line, except for roads driveways and utilities.

**7.17.6.6.** Temporary fencing shall be installed to protect natural vegetation.

**7.17.6.7.** Retaining walls shall not exceed ten (10) feet in height.

**7.17.7. Restoration of Disturbed Areas.**

**7.17.7.1.** Disturbed areas not stabilized by landscaping shall be permanently revegetated to approximate the density and species or vegetation at the site prior to grading.

**7.17.7.2.** Abrupt angular transitions and linear slopes shall be stabilized.

**7.17.7.3.** All structures except retaining walls or soil stabilization improvements shall be set back from the crest of fills or the base of cuts for a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope. Retaining walls may be part of a building.

**7.17.8.** [Reserved]

**7.17.9 Steep Slopes, Ridge tops, Ridgelines, and Shoulders.**

**7.17.9.1 Applicability.** This Section applies to development of any structure on a slope whose grade exceeds fifteen percent (15%), areas where slope exceeds thirty percent (30%); and to a ridge, ridge top, ridgeline, or shoulder.

1. Where a ridgetop measures more than five hundred feet (500') from shoulder to shoulder, the ridgetop standards and requirements shall apply within two hundred feet (200') of the shoulder of the ridge.

**7.17.9.2 Standards.**

1. No structure may be constructed on a ridge top, ridgeline, or shoulder unless there is no other buildable area on the property. Only single story structures are allowed on ridges, ridge tops, and shoulders.

2. Buildable areas on a ridge top, ridgeline, or shoulder shall be set back 25 (twenty five) feet from the shoulder.

3. No structure may be constructed on a natural slope of thirty percent (30%) or greater.

4. Utilities, drainage structures, slope retention structures, and access roads and driveways may be located on a natural slope in excess of thirty percent (30%) so long as they disturb no more than three separate areas not exceeding 1,000 square feet each.

5. No structure may be constructed on a slope where evidence exists of instability, rock falls, landslides, or other natural or man-made hazards.





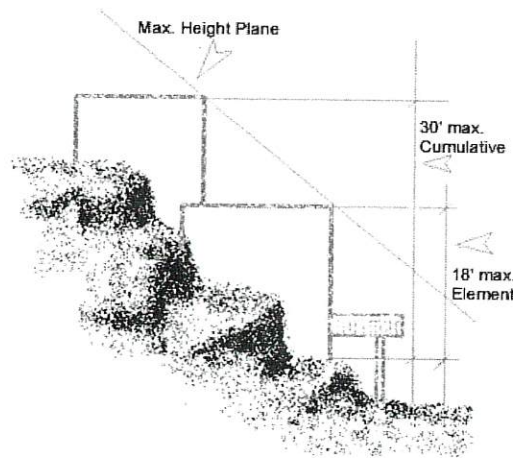
6. The finished floor elevation of any structure built on a natural slope between fifteen percent (15%) and thirty percent (30%) shall not exceed five feet above the natural grade at any point.

7. No significant tree may be removed from slopes greater than thirty (30) percent.

#### 7.17.9.3 Height.

1. The height of any structure located on land that has a natural slope of fifteen percent (15%) or greater shall not exceed eighteen feet (18'). The distance between the highest point of the structure and the lowest point at the natural grade or finished cut shall not exceed thirty (30) feet, unless the portion of the slope over fifteen percent (15%) is incidental to the entire site.

**Figure 7.6: Height of Structures in Steep Slope Areas.**



2. Structures on ridges, ridgelines, and shoulders shall not exceed fourteen (14) feet in height and shall be limited to one story. However, a structure on a ridge or ridgeline that is a one story pitched roof structure shall not exceed eighteen (18) feet in height so long as the structure is screened from view from an arterial or major arterial road.

#### 7.17.9.4. Architectural and Appearance Standards.

1. A Structure located on a slope in excess of fifteen percent (15%) shall be designed to conform to the natural terrain by following contours to minimize cuts and fills, fitting into existing landforms and solidly meeting the ground plane. Any pier foundations shall be enclosed so that exterior walls appear to meet the ground and such a foundation system shall not exceed five vertical feet above the natural grade.

2. Buildings should be designed within variations in height and orientation, and within offset walls to reduce the visible mass or bulk.

3. Roof colors, windows, walls and facade colors visible from adjacent properties or from arterial or collector roads shall be muted and of non-reflective or non-glossy materials with a Light Reflective Value (LRV) of less than 40

c. the proposal conforms to the SLDC and is consistent with the goals, policies and strategies of the SGMP.

**2. Minor Amendments Causing Detrimental Impact.** If the Administrator determines that there may be any detrimental impact on adjacent property caused by the minor amendment's change in the appearance or use of the property or other contributing factor, the owner/applicant shall be required to file a major amendment.

**3. Major Amendments.** Any proposed amendment, other than minor amendments provided for in Section 4.9.6.9.1, shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original CUP development approval.

**4.9.6.10. Expiration of CUP.** Substantial construction or operation of the building, structure or use authorized by the CUP must commence within twenty-four (24) months of the development order granting the CUP or the CUP shall expire; provided, however, that the deadline may be extended by the Planning Commission for up to twelve (12) additional months. No further extension shall be granted under any circumstances, and any changes in the requirements of the SLDC, or federal or state law shall apply to any new CUP development approval application.

#### **4.9.7. Variances.**

**4.9.7.1. Purpose.** 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 and standards of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

**4.9.7.2. Process.** All applications for variances will be processed in accordance with this chapter of the Code. A letter addressing Section 4.9.7.4. review criteria must accompany the application explaining the need for a variance.

**4.9.7.3. Applicability.** When consistent with the review criteria listed below, the planning commission may grant a zoning variance from any provision of the SLDC except that the planning commission shall not grant a variance that authorizes a use of land that is otherwise prohibited in the relevant zoning district.

**4.9.7.4. Review criteria.** A variance may be granted only by a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) based upon the following criteria:

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



The newspapers of **New Mexico** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web ([www.PublicNoticeAds.com](http://www.PublicNoticeAds.com)), not scattered among thousands of government web pages.

**County:** Santa Fe

**Printed In:** Santa Fe New Mexican

**Printed On:** 2017/04/12

LEGAL #82465

Case # V 17-5050 Barbara Stromquist/Felker Variance

Notice of Public Hearing

Notice is hereby given that a public hearing will be held to consider a request by Barbara Stromquist and Randy Felker, Applicants, James W. Siebert and Associates, Inc., Agent, are requesting a variance of the Sustainable Land Development Code Section 7.17.9.2 Steep Slopes, Ridge Tops, ridgelines, and Shoulders Standards to allow for the construction of a home on a ridgetop despite having other buildable area on the property. The 14.79 acre property is located at 45 Eagle Ridge Dr. within Section 18, Township 16 North, Range 10 East. (Commission District 4)

A Public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 27th day of April 2017, at 3:00 p.m. on a petition to the Santa Fe County Hearing Officer and on the 15 day of June, at 4:00 p.m. on a petition to the Santa Fe County Planning Commission.

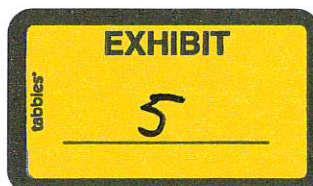
Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Hearing Office/Planning Commission taking action.

All comments questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276. Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Published in the Santa Fe New Mexican on April 12, 2017.

**Public Notice ID:**



NBE-29



**CERTIFICATION OF POSTING**

I hereby certify that the public notice posting regarding Land Development

Case # 17-5050 was posted for 15 days on the property beginning

The 12 day of April, 2017. \*\*

  
Signature

\*Photo of posting must be provided with certification

**\*\*PLEASE NOTE:** Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 15 days. It is the applicant's responsibility to ensure that the notice is on the property for the full 15 days.

STATE OF NEW MEXICO    }  
                                     }  
COUNTY OF SANTA FE    }

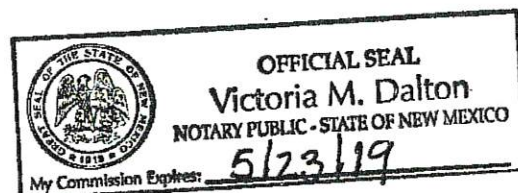
The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of  
April, 2017,

By Heather Fuentes

  
Notary Public

My Commission Expires:

5/23/19





NBE-31





NBE-32

Christopher J & Sophia Michas  
741 Maclean  
Kenilworth IL 60043

Joseph A Hall  
8820 Horacio PL NE  
Albuquerque NM 87111

John M Revoc Trust Yoeckel  
616 NW 144<sup>th</sup> St  
Edmond OK 73013-1861

Robert E & Karin A Martin  
65 Puye Rd  
Santa Fe NM 87505

Rand & Catherine M Levitt  
PO Box 9460  
Santa Fe NM 87504

Eric Knee  
10 Camino Del Monte  
Santa Fe NM 87508

Deborah L Fritz  
PO Box 4491  
Santa Fe NM 87502

Jose Luis Cateriano  
HC 46B Box  
Pecos NM 87552

Hondo Properties LLC  
1911 Wyoming Blvd NE  
Albuquerque NM 87112

Kenneth R & Gillian L Mickelson  
57 Puye Rd  
Santa Fe NM 87505

Jeanne E Gerald W Arnold  
53 Puye Rd  
Santa Fe NM 87505

Martin R Moya  
45 Puye Rd  
Santa Fe 87505

Carl & Minnie Jo Horwich  
59 Puye Rd  
Santa Fe NM 87505

Carole Sue Marsh  
101 Paseo Vista  
Santa Fe NM 87505

Joseph E P & Lorraine Barela  
PO Box 23463  
Santa Fe NM 875023463

James R Damron  
31 Eagle Ridge Drive  
Santa Fe NM 87508

Bryan & Brigitte Reid  
9 Trails End Ct  
Santa Fe NM 87508-9034

Terry L & Robert G Arrington  
Lester  
240 Botanical CIR  
Anchorage AK 99515

Russell G Jr & Lind Kirkland  
44 Puye Rd  
Santa Fe 87505

Eugene Scott & Janet L Romer  
518 Old Santa Fe Trl #282  
Santa Fe NM 87505



Henry P. Roybal  
Commissioner, District 1

Anna Hansen  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Anna T. Hamilton  
Commissioner, District 4

Ed Moreno  
Commissioner, District 5

Katherine Miller  
County Manager

## Santa Fe County Fire Department Fire Prevention Division

### Official Development Review

Date	04/11/2017		
Project Name	Barbara Stromquist & Randy Felker		
Project Location	45 Eagle Ridge Drive, Santa Fe, New Mexico 87508		
Description	Ridgetop Variance	Case Manager	JM Salazar
Applicant Name	Barbara Stromquist	County Case #	17-5050
Applicant Address	911 Old Pecos Trail Santa Fe, New Mexico 87508	Fire District	Hondo
Applicant Phone	505-983-5588		
Review Type:	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Lot Split <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/>
Project Status:	Family Trans <input type="checkbox"/>	Inspection <input type="checkbox"/>	Wildland <input type="checkbox"/> Variance <input checked="" type="checkbox"/> Zone No. _____
	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input type="checkbox"/>

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:

### Conditions of approval

This access road/driveway does not meet the requirements of the Santa Fe County Sustainable Land Development Code (SLDC) and shall require a variance. Upon approval of the Variance by the Santa Fe County Land Use Office, the Fire Prevention Division will review for implementation of Fire Code requirements.

Renee Nix, Inspector

*Renee Nix*  
Code Enforcement Official

4-11-17  
Date

Through: David Sperling, Chief  
Jaime Blay, Fire Marshal *JRB*

File: DEV/BarbaraShromquist/SLDC/041117/H

Cy: JM Salazar, Land Use



Henry P. Roybal  
Commissioner, District 1

Anna Hansen  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Anna T. Hamilton  
Commissioner, District 4

Ed Moreno  
Commissioner, District 5

Katherine Miller  
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Review Type:	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Lot Split <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/>
Project Status:	Family Trans <input type="checkbox"/>	Inspection <input type="checkbox"/>	Wildland <input type="checkbox"/> Variance <input checked="" type="checkbox"/> Zone No. _____
	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input type="checkbox"/>

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:

### Conditions of approval

This access road/driveway does not meet the requirements of the Santa Fe County Sustainable Land Development Code (SLDC) and shall require a variance. Upon approval of the Variance by the Santa Fe County Land Use Office, the Fire Prevention Division will review for implementation of Fire Code requirements.

Renee Nix, Inspector

*Renee Nix*  
Code Enforcement Official

4-11-17  
Date

Through: David Sperling, Chief  
Jaome Blay, Fire Marshal *JRB*

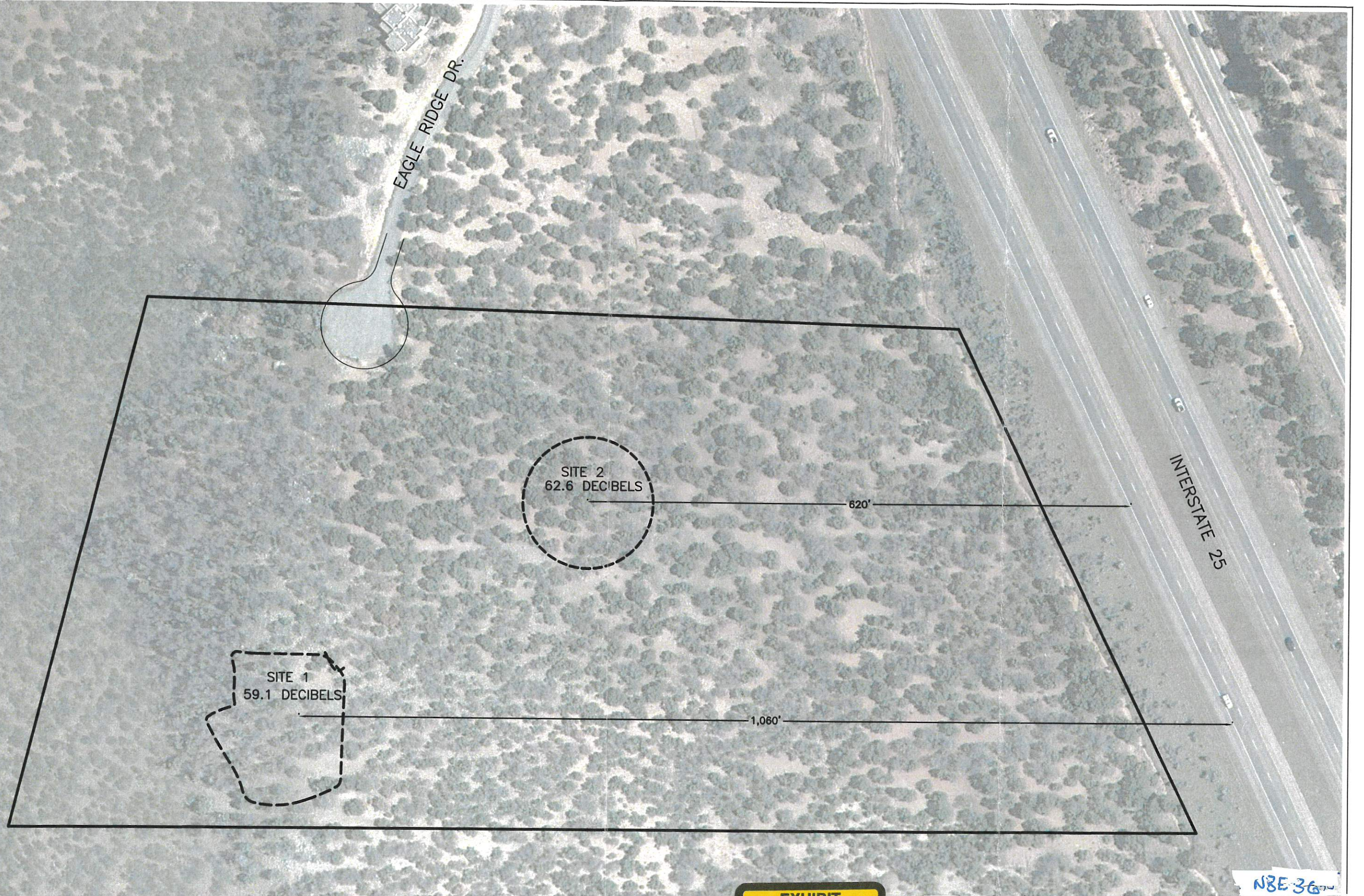
File: DEV/BarbaraShromquist/SLDC/041117/H

Cy: JM Salazar, Land Use

*113E-35*



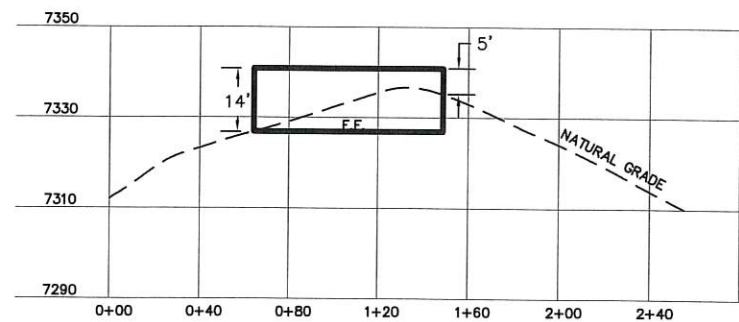
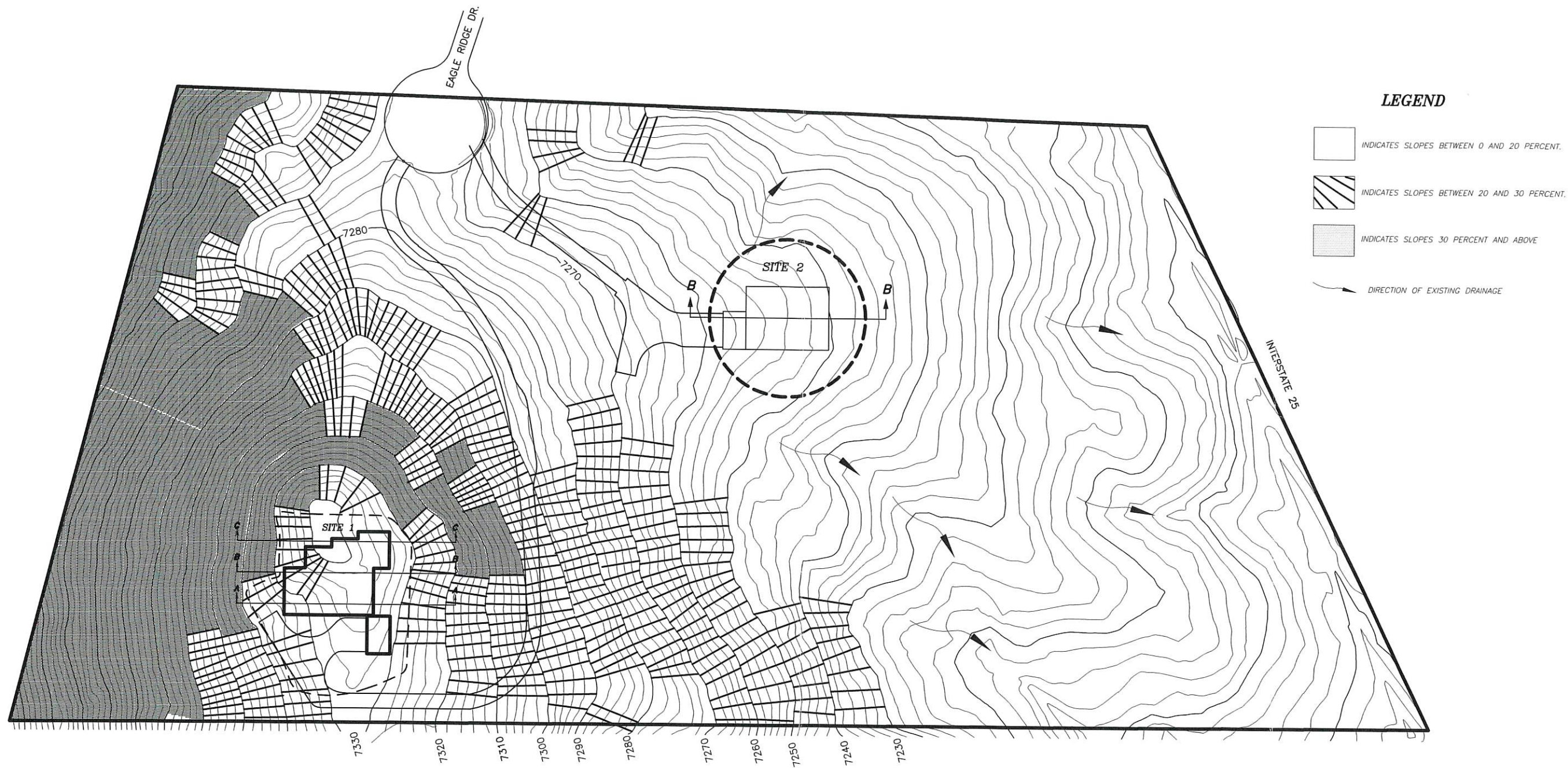
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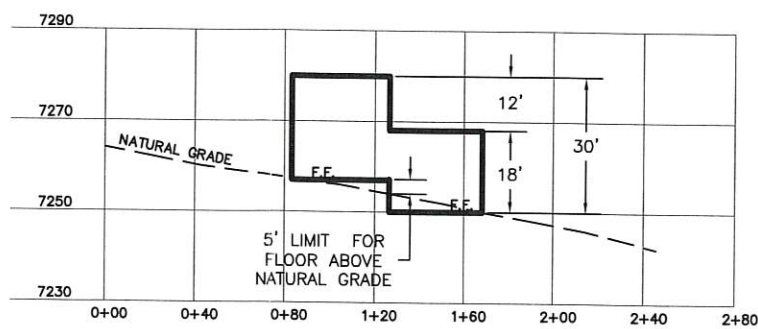
<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE NEW MEXICO 87505 (505) 983-5588 FAX (505) 989-7313		45 EAGLE RIDGE ROAD		SCALE: 1"=50'	DATE: JANUARY 2017	NORTH: 
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				WORKED ON: 00/00/00		



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SECTION A-A  
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VERT: 1"=80'

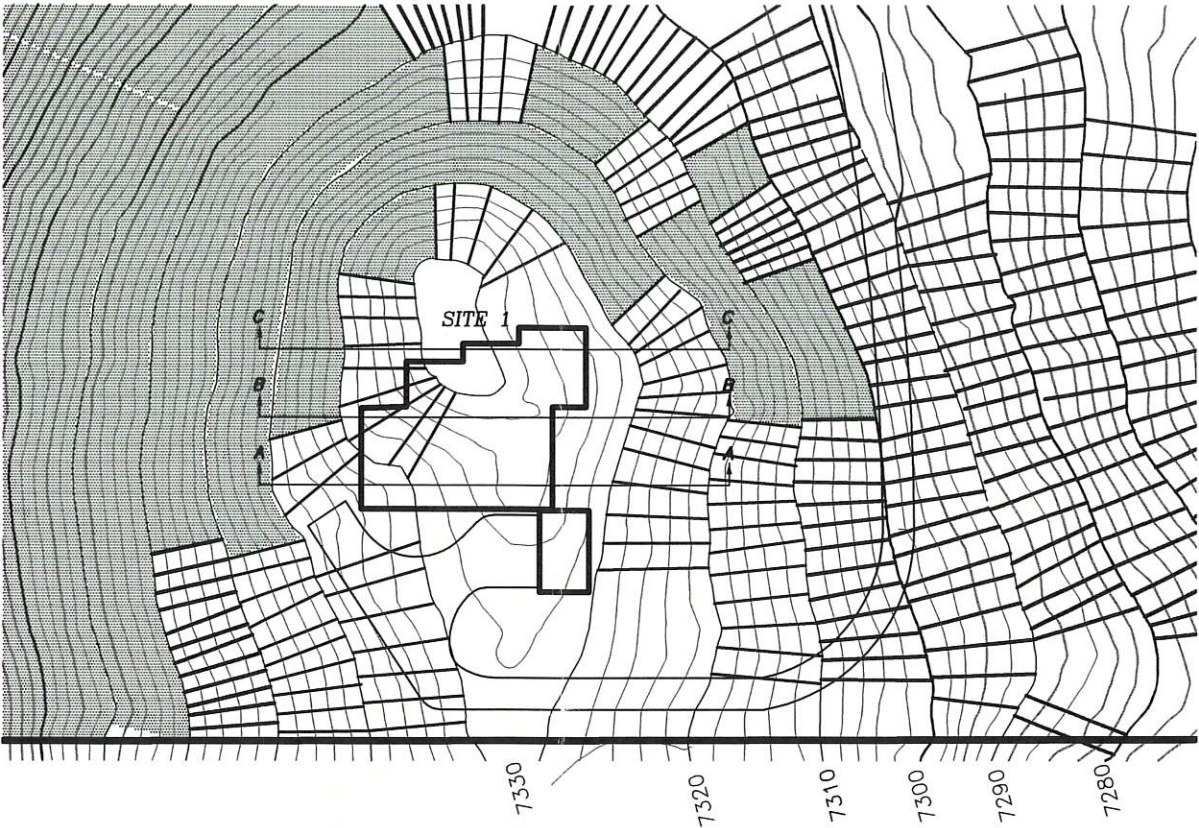


SECTION B-B  
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VERT: 1"=80'

<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE NEW MEXICO 87505 (505) 983-5588		<b>45 EAGLE RANCH ROAD</b>  <b>BUILDING SITE LOCATIONS &amp; CROSS SECTIONS</b>		SCALE: 1"=50' DRAWN BY: HP REVISED: 00/00/00 WORKED ON: 00/00/00	DATE: JANUARY 2017 CHECKED BY: JWS FILE NAME: 201810 1610-SITE LOCATIONS	NORTH:  SHEET: 2 of 3
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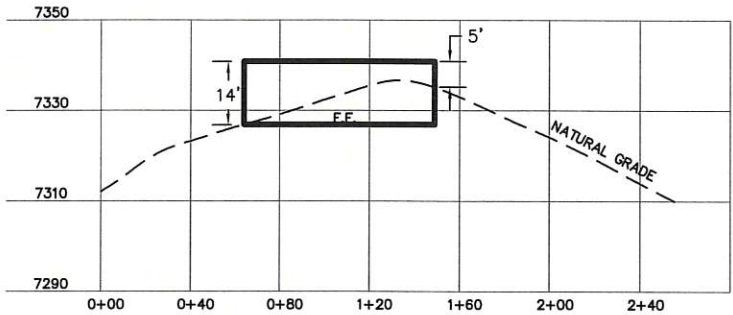


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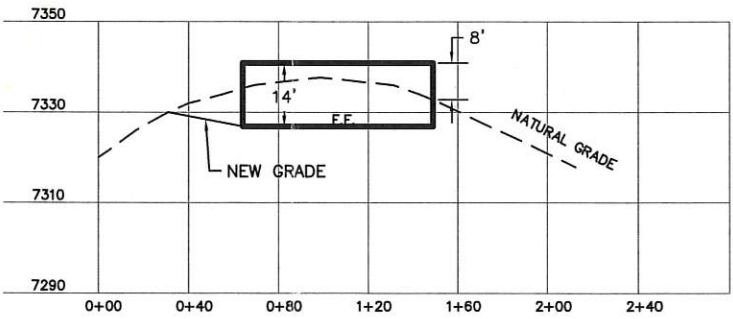


LEGEND

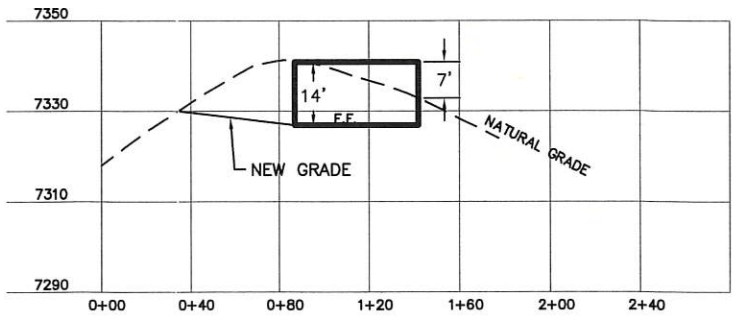
- INDICATES SLOPES BETWEEN 0 AND 20 PERCENT.
- INDICATES SLOPES BETWEEN 20 AND 30 PERCENT.
- INDICATES SLOPES 30 PERCENT AND ABOVE



SECTION A-A  
HORZ: 1"=40'  
VERT: 1"=80'




SECTION B-B  
HORZ: 1"=40'  
VERT: 1"=80'



SECTION C-C  
HORZ: 1"=40'  
VERT: 1"=80'

NBE-38

<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE NEW MEXICO 87505 (505) 983-5588	45 EAGLE RANCH ROAD		SCALE: 1"=50'	DATE: JANUARY 2017	 NORTH: SHEET: 3 of 3
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			WORKED ON: 00/00/00		

COUNTYLAND USE ADMIN.OFFICE  
RE: CASE # V17-5050

LETTER OF SUPPORT

TO WHOM IT MAY CONCERN:

I AM THE OWNER OF LOT 2, BLOCK 1 OF THE SUNLIT HILLS SUBDIVISION,  
WHICH IS THE LOT DIRECTLY ADJACENT TO LOT 8 OF THE ARROYO HONDO  
VISTAS SUBDIVISION.

I HAVE NO OBJECTION TO THE APPLICATION OF BARBARA STROMQUIST  
FOR A VARIANCE TO BUILD A RESIDENCE NEAR THE RIDGE TOP OF LOT 8  
OF THE ARROYO HONDO VISTAS SUBDIVISION, AND I SUPPORT HER  
APPLICATION.

THROUGHOUT THE SUNLIT HILLS SUBDIVISION AND THE ARROYO HONDO  
VISTAS SUBDIVISION, OWNERS HAVE CONSTRUCTED HILLTOP  
RESIDENCES. THE PROPOSED LOCATION OF BARBARA STROMQUIST'S  
RESIDENCE IS IN KEEPING WITH DEVELOPMENT IN THE AREA.

IT IS MY HOPE THAT MY PROPERTY WILL NOT BE ADVERSELY IMPACTED  
BY ANY "NEW" LIMITATIONS AND/ OR RESTRICTIONS DUE TO THE  
VARIANCE AS MY LOT HAS LIMITED AREAS TO BUILD. IF THIS IS CORRECT  
I HAVE NO OBJECTIONS.

*Margaret C. Hall* 4-18-17  
\_\_\_\_\_  
MARGARET C. HALL  
8820 HORATIO PLACE NE  
ALBUQUERQUE, NM 87111  
505-298-7983





## JOHN M. YOECKEL

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Telephone 405-842-4035

Cell 405-833-0317

e-mail address: jyoeckelj@kplproduction.com

616 NW 144th Street  
Edmond, OK 73013-1861

April 18, 2017

County Land Use Administrator  
P O Box 276  
Santa Fe, NM 87504-0276

RE: Case # V 17-5050 Barbara Stromquist/Felker Variance

To Whom It May Concern:

I am the owner of the property adjacent to the subject site at, 37 Eagle Ridge Drive, also within Section 18-16 North-10 East, Santa Fe County.

My home is on the ridgeline to the west of Eagle Ridge Drive along with four of my neighbors who are similarly sited. The Stromquist house, if approved as requested, would be closer to me than to any other neighbor.

Building a house close to I-25 would be more visible to motorists and our neighbors and would not serve the intent of the Sustainable Land Development Code Section 7.17.9.2 Steep Slopes, Ridge Tops, Ridgelines and Shoulder Standards Ordinance and would, in fact, be counter to the intent.

Our subdivision has very detailed covenants governing building heights when constructed on hilltop or ridgeline sites, limiting the building height to 14 feet above the lot's high point. Those limits do not apply to building sites below the top or ridgeline of the lots. The covenants require Architectural Review Committee approval of all construction within the subdivision including many issues in addition to building height, including but not limited to style, stucco siding, type and unbroken plane length. The review of the Stromquist/Felker application by our Architectural Review Committee will serve the interests of the general public and the other homeowners in Arroyo Hondo Vistas, in my judgement.

NBE-40

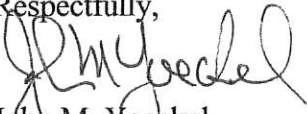


County Land Use Administrator  
April 18, 2017  
Page 2

I have no objection to the proposed building site and no objection to the variance request.

I am unable to the hearing on the 27<sup>th</sup> of April. I am happy to address any issues raised in my letter. I can be reached by email and the cell phone number above.

Respectfully,



John M. Yoeckel

NBE-41





**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

---

**915 MERCER STREET \* SANTA FE, NEW MEXICO 87505  
(505) 983-5588 \* FAX (505) 989-7313  
jim@jwsiebert.com**

August 30, 2017

Vicki Lucero  
Building and Development Services Manager  
102 Grant Avenue  
Santa Fe, NM 87504

Re: 45 Eagle Ridge Road

Dear Ms. Lucero:

This letter is in regards to supplemental information being submitted for the Randy Felker variance request.

The Hearing Officer recommended that two issues should be addresses by the Applicant, which are to present evidence as to the difference between the County's noise readings and to address additional buildings sites. Attached as Exhibit A is a slope map showing buildable sites.

On Thursday August 24, 2017, decibel readings (sound meter) was taken on the property to provide information that supports the need for the requested variance. This information proves that noise from I-25 is greater on the lower building site then the upper building site. Mr. Felker is getting up in age and is very sensitive to noise. The following are the readings from the sonometer (REED model R8080). Graphs attached as Exhibit B.

- Hours between 7:45 – 8:05 a.m. (Site 2) min 56.6dBs/max 72.2dBs
- Hours between 4:30 – 4:45 p.m. (Site 2) min 56.8dBs/max 67.5dBs
- **Average (Site 2) 62.9 dBs a.m. & 63.8dBs p.m.**
- Hours between 8:00 – 8:30 a.m. (Site 1) min 54.6dBs/max 67.9dBs

NBE-42



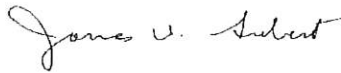


Vicki Lucero  
Felker Variance  
August 30, 2017

- Hours between 4:45 – 5:05 (Site 1) min 51.6dBs/max 67.5dBs
- **Average (Site 1) 58.4dBs a.m. & 58.6dBs p.m.**

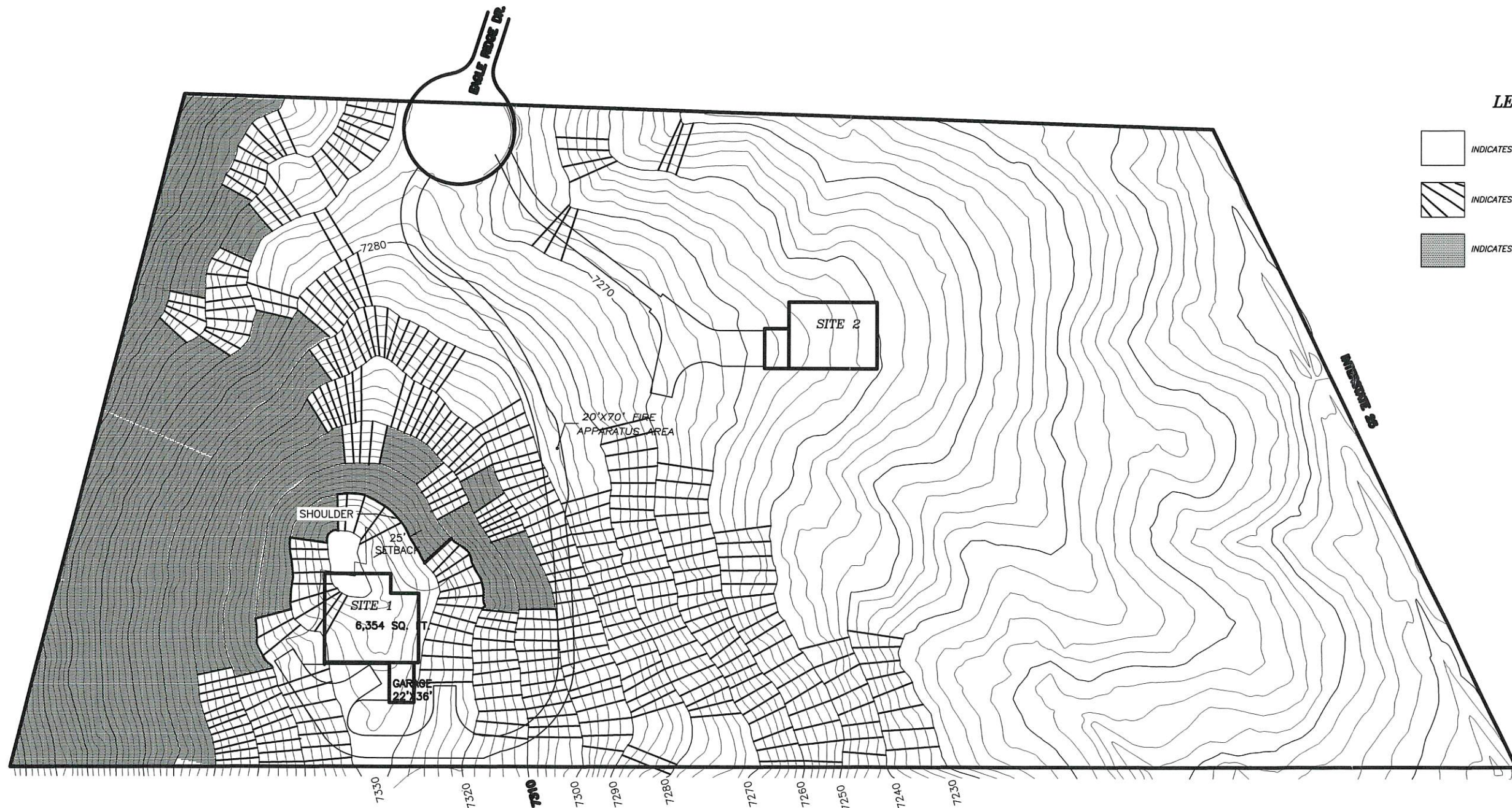
A video was also taken on Monday August 29, 2017, between the hours of 3:30 p.m. and 3:45 p.m. showing the amount of traffic on I-25 that Mr. Felker would have to endure on the lower building site (Site 2). We can include the video if you feel it's necessary.

Sincerely,



James W. Siebert





# LEGEND

- INDICATES SLOPES BETWEEN 0 AND 20 PERCENT.
- INDICATES SLOPES BETWEEN 20 AND 30 PERCENT.
- INDICATES SLOPES 30 PERCENT AND ABOVE

EXHIBIT A

NBE-44

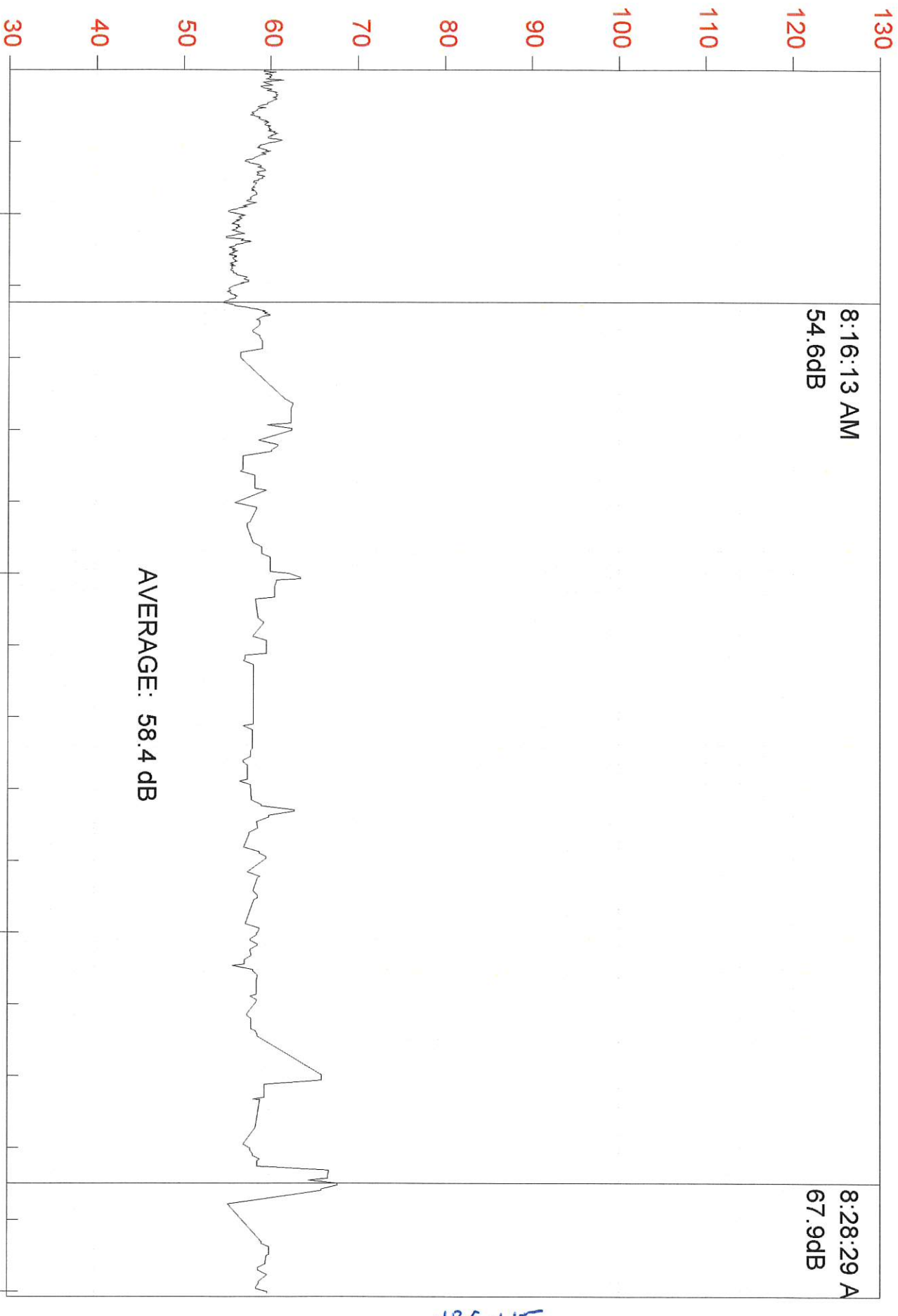
<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE NEW MEXICO 87505 (505) 983-5588	45 EAGLE RIDGE ROAD		SCALE: 1"=50'	DATE: AUGUST 2017	NORTH:  SHEET:
	TOPOGRAPHY & SLOPE MAP		DRAWN BY: HF	CHECKED BY: JWS	
			REVISED: 00/00/00	FILE NAME: 201810-17	
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# 45 EAGLE RIDGE ROAD

SITE 1 AM

dB



NBE-45

Aug 24 Thu 2017

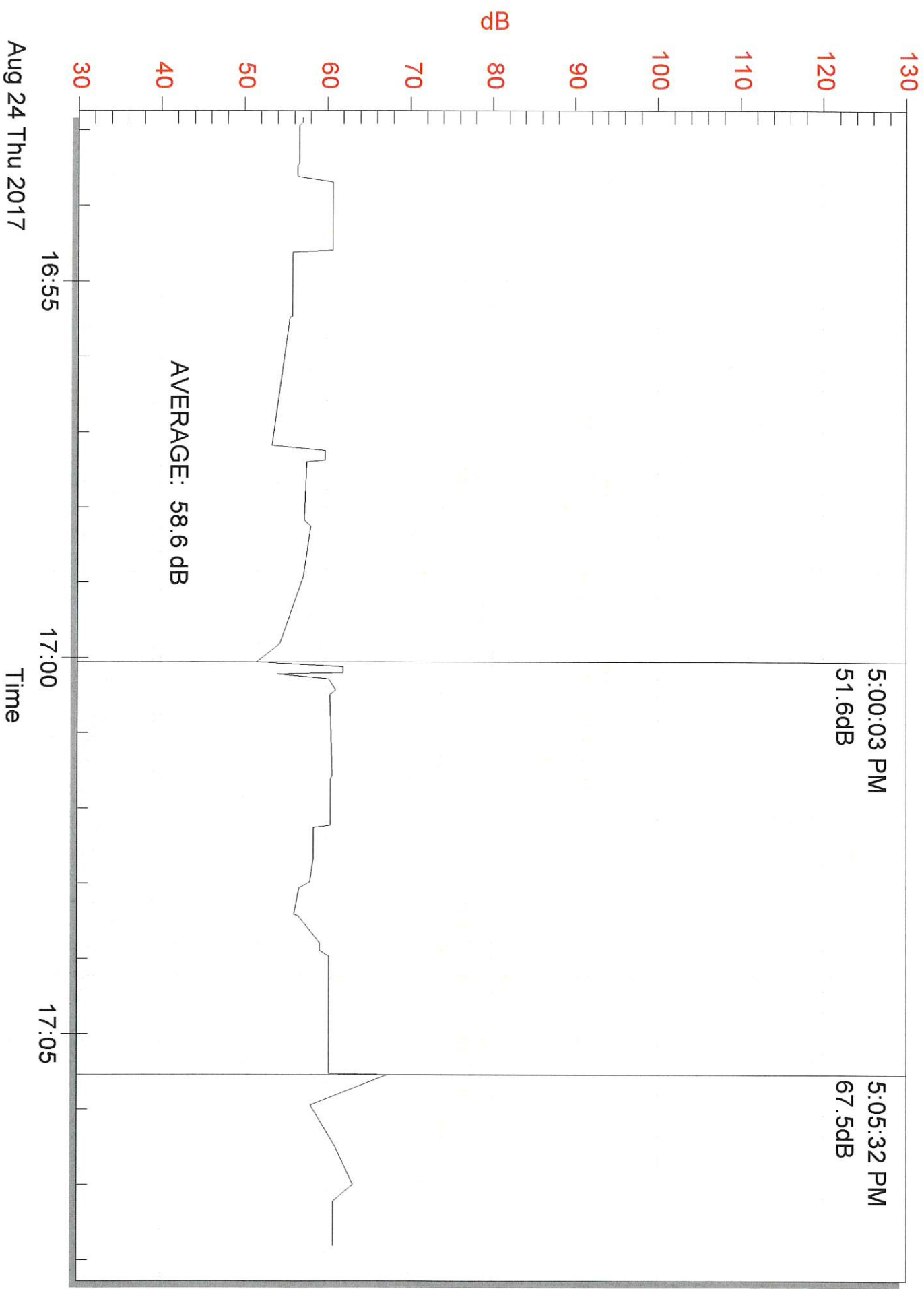
EXHIBIT B

Time



# 45 EAGLE RIDGE ROAD

SITE 1 PM

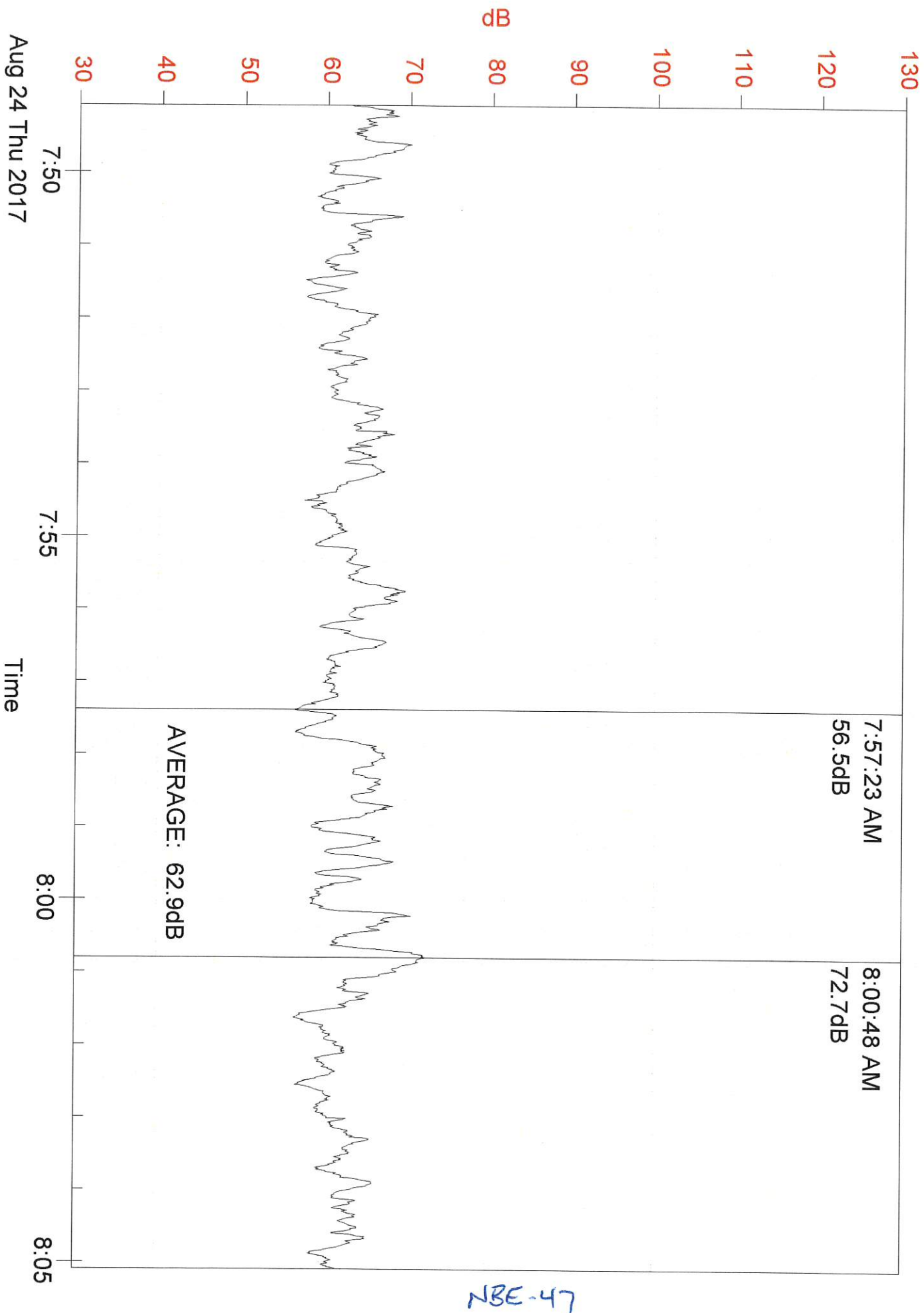


NBE-46



# 45 EAGLE RIDGE ROAD

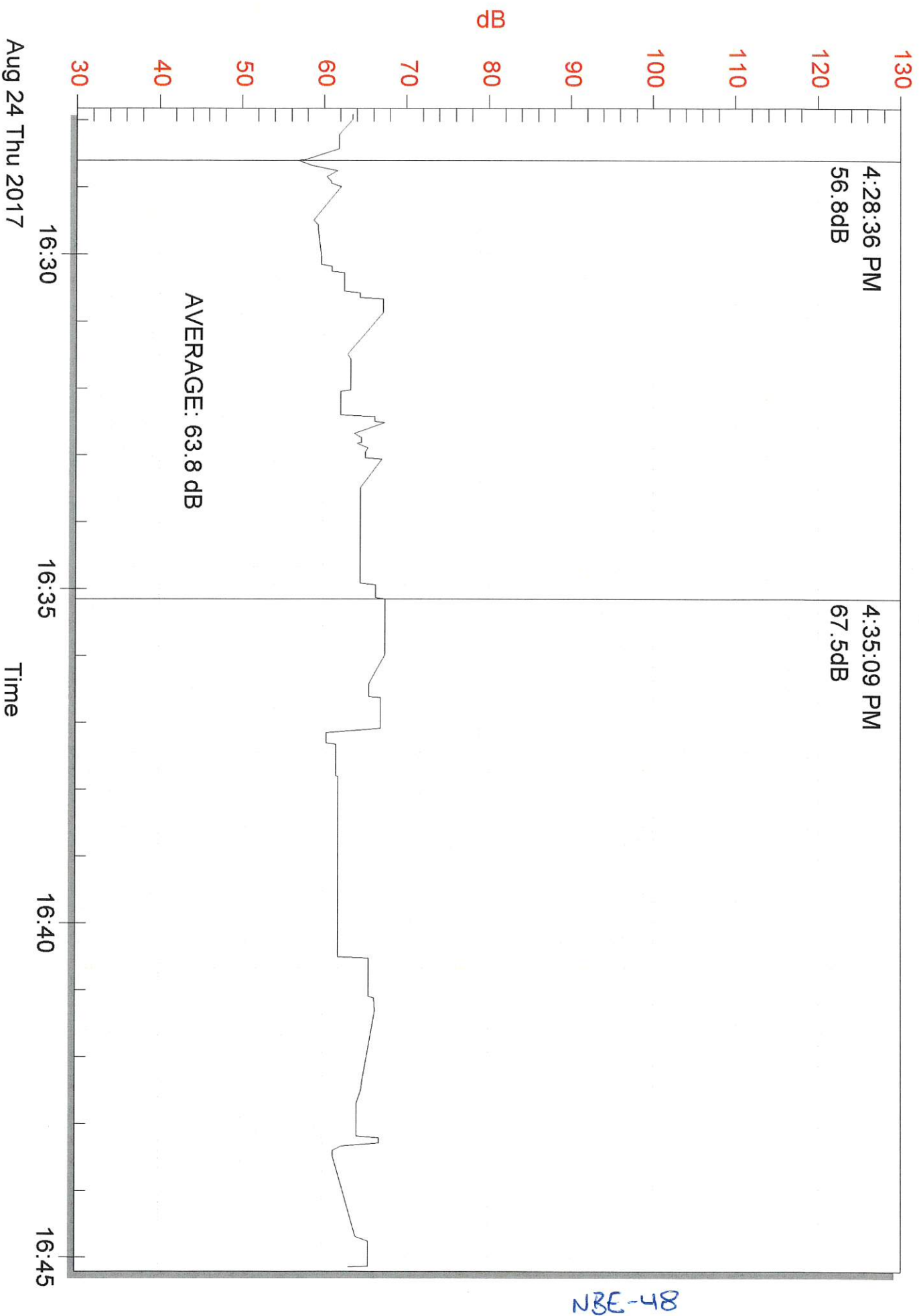
SITE 2 AM





# 45 EAGLE RIDGE ROAD

SITE 2 PM



NBE-48



**CASE NO. V17-5050**

**Barbara Stromquist and Randy Felker, Applicants**

**RECOMMENDED DECISION AND ORDER**

**THIS MATTER** came before the Sustainable Land Development Code Hearing Officer for hearing on May 25, 2017, on the application of Barbara Stromquist and Randy Felker, (Applicants) for a Variance of the Sustainable Land Development Code (SLDC). The Applicants sought a variance of Chapter 7, Section 7.17.9.2, Steep Slopes, Ride Tops, Ridgelines and Shoulders Standards to allow construction of a home on a ridgetop. The property is located at 45 Eagle Ridge Drive ("Property"), within Section 18, Township 16 North, Range 10 East SDA-2 (Commission District 4). The Hearing Officer, having reviewed the application, staff reports, and having conducted a public hearing on the request, finds that the application is not well-taken and should not be granted at this time, and makes the following findings of fact and conclusions of law:

1. On February 24, 2017, the Applicants submitted their application for the variance.
2. As required by the SLDC, the Applicants presented the application to the Technical Advisory Committee (TAC) on November 3, 2016, at the regular scheduled monthly meeting, which satisfied the requirements set forth in Chapter 4, Section 4.4.4.3 Pre-application TAC Meeting and Table 4-1.
3. The Applicants conducted a pre-application neighborhood meeting on January 12, 2017, in accordance with Chapter 4 Section 4.4.4 Table 4-1.
4. Notice requirements were met pursuant to Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC. In advance of the hearing on the application, the Applicants provided an affidavit of posting of notice of the hearing, confirming



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that public notice posting regarding the application was made for fifteen days on the Property, beginning on April 12, 2017. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on April 12, 2017, 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.

5. The following SLDC provisions are applicable to this case:

A. Chapter 7, Section 7.17.9.2. (Standards) provides:

No structure may be constructed on a ridge top, ridgeline or shoulder unless there is no other buildable area on the property. Only single story structures are allowed on ridges, ridge tops, and shoulders.

B. 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.

D. Chapter 14, Section 14.9.7.4, Variances, 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):

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



E Chapter 14, Section 14.9.7.5 Variances, Conditions of approval states:

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.

6. In support of the requested variance, the Applicants' agent stated as follows:

a) The ridgetop location is 1060 feet from the southbound driving lane of I-25 and the alternative building location evaluated is 620 feet from the same. The difference in distances results in two very different noise levels between the two sites. The ridgetop location has a lower noise level according to the Applicants' measurements.

b) The ridgetop location has less visual impact than the alternative site. The building site on the ridgetop would be limited to a maximum height of 14 feet with dwelling set up to seven feet into the ground, with a total exposed height of 8 feet visible from I-25. The existing tree cover would provide a visual barrier from I-25 and the applicant would be willing to add evergreen vegetation to further obscure the visibility of the structure from I-25. In contrast, because the alternative site slopes toward I-25, the most visible side would be the side of the dwelling facing I-25.

c) No additional variances will be required to construct the home on the ridgetop contrary to Staff's position that additional variances would be needed to build on the ridgetop.



7. The Applicants submitted letters from adjoining and neighboring landowners that supported the variance request and stating that many homes in the area are built on ridgetops. There were no letters in opposition to the application.

8. Staff responded to the requested variance as follows:

a) Two-thirds of the site has multiple buildable areas, including the alternative site identified by the Applicants.

b) The SLDC does not address noise as a mitigating factor for locating a residence.

c) When the County Sheriff's office measured noise levels at the two identified sites, the difference was minimal (.4 decibels), an insufficient decrease in noise levels to justify the ridgetop site.

d) Using story poles for the two sites, Staff determined that both the ridgetop site and the alternative site have a visual impact from I-25.

e) The slope of the proposed driveway to the ridgetop site will affect 20% slopes and disturb rock outcroppings which is prohibited by the SLDC and would require an additional variance. The proposed driveway to the alternative site poses no such concern.

9. At the public hearing, no spoke in opposition or support of the application, although, as indicated above, several letters of support were submitted into the record.

10. Based on the application and the evidence and testimony presented at the public hearing as described herein, the Hearing Officer finds there is insufficient evidence of special conditions that would result in undue hardship to the Applicants from a strict application of the Code.



11. The Hearing Officer finds further that sound and specifically sound from road noise could qualify as an extraordinary and exceptional situation or condition of property that could result in undue hardship to the owner and therefore meet the SLDC criteria for a variance.

12. The Hearing Officer disagrees with Staff's conclusion that because the SLDC does not address noise as a mitigating factor for locating a residence, no one may obtain a variance based on noise.<sup>1</sup> It is not possible, nor practical, to provide for every situation for which a variance could be granted in the SLDC. The nature of real property is such that each property is unique and so long as the variance request is related to conditions of the property, as this one is, an owner should not be foreclosed from seeking a variance based only on the grounds that the SLDC does not specifically deal with that condition.

13. The Applicants submitted a noise level study providing that the decibel (noise level) between the two sites evaluated was a difference of over three decibels. The County performed their own noise assessment, finding the difference between the two sites to be .4 decibel, and concluding the difference to be insignificant. The Applicants' agent stated in response that their noise expert was more qualified than the Sherriff's Office to conduct a noise study and their expert's noise readings were more accurate, as the readings eliminated environmental issues and dealt with interference and distance in a way that the County did not address. However, the noise expert was not present to explain the difference in her conclusions nor did she provide a rebuttal to Staff's noise readings.

14. The Hearing Officer also did not receive any evidence on Staff's assertion that there are other buildable areas on the Property further away from I-25 than the alternate site identified

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<sup>1</sup> Additionally, the section of the SLDC cited by Staff, 7.21, as the basis for the statement that the SLDC only addresses noise as a mitigating factor for nonresidential development, does not support that statement. Section 7.21 does not address the impact of noise on siting a structure but rather the requirement for nonresidential development to utilize noise mitigation efforts for noise the development causes.



by the Applicants and specifically whether those sites are further away than the ridgetop site; and if not, how the noise levels differ between those other buildable sites and the ridgetop site.

15. The Hearing Officer recommends that at the hearing before the County Planning Commission, the Applicants present evidence as to the difference between the County's noise readings and the Applicants' noise readings and should address the additional building sites as described in 14 above.

**WHEREFORE**, the Hearing Officer, based on the evidence presented, recommends disapproval of a Variance of Chapter 7, Section 7.17.9.2, Steep Slopes, Ridge Tops, Ridgelines and Shoulders at this time. The Hearing Officer recommends that the County Planning Commission consider any additional evidence submitted as to the noise levels and other alternate building sites to reach its decision.

Respectfully submitted,



Nancy R. Long  
Hearing Officer

Date: 6-9-17



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

SLDC HEARING OFFICER O  
PAGES: 6

I Hereby Certify That This Instrument Was Filed for  
Record On The 20TH Day Of June, 2017 at 03:44:02 PM  
and Was Duly Recorded as Instrument # 1828849  
Of The Records Of Santa Fe County

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



**TRANSCRIPT OF THE**  
**SANTA FE COUNTY**  
**SLDC HEARING OFFICER MEETING**  
**Santa Fe, New Mexico**

**May 25, 2017**

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

**Staff Present:**

Vicki Lucero, Building & Services Manager  
Rachel Brown, Deputy County Attorney  
Tony Flores, Deputy County Manager  
John Salazar, Development Review Specialist  
Mathew Martinez, Development Review Specialist  
Paul Kavanaugh, Building & Services Supervisor

**II. APPROVAL OF AGENDA**

Hearing Officer Long approved the agenda as presented.

- III. A. **Case # V 17-5050 Barbara Stromquist/Randy Felker Variance.** Barbara Stromquist and Randy Felker, Applicants, James W. Siebert and Associates, Inc., Agent, are requesting a variance of The Sustainable Land Development Code Section 7.17.9.2 Steep Slopes, Ridge Tops, Ridgelines, and Shoulders Standards to allow the construction of a home on a ridgetop despite having other buildable area on the property. The 14.79 acre property is located at 45 Eagle Ridge Dr. within Section 18, Township 16 North, Range 10 East (Commission District 4) SDA-2  
[Applicants' Exhibits A - D]

Hearing Officer Long recited the case caption. John Salazar presented the staff report as follows.

JOHN SALAZAR: Thank you, Hearing Officer, John Salazar, Development Review Specialist Senior. Hearing Officer Long, the applicant is as you stated requesting a variance of the SLDC, Section 7.17.9.2 in order to construct a home on top of a ridgetop.

The applicant addressed the variance criteria. Number one of the criteria, the applicant states that putting the proposed structure on top of the ridgetop will be less – you won't see it as much from I-25.



NBE-55



Staff conducted a site visit on May 19, 2017 after requesting that the applicant install story poles in order to see where the proposed structure would be on the ridgetop. Staff concluded after that site visit that the residence along with the driveway would still be visible from I-25. The applicant's agent also states that the noise levels are more significant in one of the building areas closer to I-25 whereas on top of the ridgetop it would be less by point, I believe it is .1 of decibel or 1.2 of a decibel.

Staff went out with the County Sheriff's office on May 19<sup>th</sup> as well and we conducted sound readings with Sergeant Tim Benavidez. Staff took noise readings at three different locations on the property. Site 1 is the same site as noted in the applicant's report. On site 1 we found that the noise reading was 61 decibels and we also took a noise reading closer to the cul-de-sac that the road ends on at the property, this reading was 61.4 or 62.9, excuse me. Site 2 as noted on the applicant's submittal is 61.4 decibels. The difference between site 1 and site 2 as the applicant states though our readings was .4 decibels and this was with the noise reading instrument provided by the County Sheriff's Office. Temple University Department of Civil/Environmental Engineering, states that 10 decibels is the equivalent to the sound of breathing. So staff finds that .4 of a decibel does not warrant a significant enough drop in noise for the applicant to move the building site onto the ridgetop. The SLDC does not address noise as a mitigating factor either, Hearing Officer Long, for locating a residence on a ridgetop.

The applicant's agent states that the intent of the SLDC is to have structures on hillsides and steeper slopes less visible from the locations having high level of visibility. That's why the applicant is proposing to put this on the ridgetop. They feel that it is less significant of impacting sight or viewsheds from I-25.

Two thirds of the lot contains less than 30 percent slopes with no other ridge on the property. The slope analysis provided by the applicant shows a proposed driveway which will affect 20 percent slopes in order to get to the building site on the ridgetop. The proposed driveway may also disturb rock outcroppings which is prohibited by the SLDC and would require an additional variance. Utilizing the buildable area on the lower two thirds of the property would not affect any such slopes or rock outcroppings.

I'll move to staff recommendations. Staff recommends denial of the applicant's request for a variance to allow the construction of a home on a ridgetop. As stated earlier, there are multiple buildable sites on the property where the house and the driveway will not disturb 20 percent slopes. If the decision of the hearing officer is to recommend approval of the variance staff recommends the following condition be imposed. Hearing Officer Long, may I enter those into the record?

HEARING OFFICER LONG: Yes, you may.

The conditions are as follows:

1. The Applicant must obtain building permits for the residence meeting the standards set forth in Chapter 7 of the SLDC.
2. The height of the dwelling unit shall not exceed 14 feet in height.
3. The Applicant shall not disturb any rock outcroppings or 30 percent slopes.
4. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application

MR. SALAZAR: And I'll stand for questions.

HEARING OFFICER LONG: In the report you state that staff concluded that either site will have a visual impact from I-25; were those the two sites that the applicant posed and one is the ridgetop site, correct?



MR. SALAZAR: Correct.

HEARING OFFICER LONG: And the other is just an alternate building site?

MR. SALAZAR: It's an alternate building site, lower closer to I-25.

HEARING OFFICER LONG: And staff concluded that either site would have roughly the same visibility?

MR. SALAZAR: That's correct, Hearing Officer Long. You're going to see the residence from either side.

HEARING OFFICER LONG: And I take it from your report that there are other sites that would be suitable for building that would not disturb 20 percent slopes in addition to site 2?

MR. SALAZAR: Yes, 2/3s of the site contains buildable areas.

HEARING OFFICER LONG: Okay, and then you state that the proposed driveway may also require a variance for the potential of disturbing rock outcroppings but that would be a variance that would be applied for later as the house was being designed.

MR. SALAZAR: Correct.

HEARING OFFICER LONG: Okay.

VICKI LUCERO (Building & Services Manager): Hearing Officer Long, if I could just clarify on the visibility point. The site that is on the ridgetop, the driveway to that site would actually be much more visible than the driveway leading to the site closing to the interstate.

HEARING OFFICER LONG: Because of the climb of that driveway up the slope?

MS. LUCERO: Because of the climb and the length of the driveway in order to get to the building site.

HEARING OFFICER LONG: Okay, thank you. Thank you. We'll hear from the applicant next.

[Duly sworn, Jim Siebert testified as follows]

JIM SIEBERT: My name is Jim Siebert. My address, business address is 915 Mercer, Santa Fe. I'm going to have Randy Felker start out here. I think there is some history to the subdivision that is important in consideration of this case. Randy, in fact, was one of the developers of the subdivision so he has some insight. So with that I will turn it over to Randy.

HEARING OFFICER LONG: All right. Mr. Felker, we'll have you come forward and be sworn in and give us your address.

RANDY FELKER: And also may I proceed.

HEARING OFFICER LONG: Yes, I'll ask you to be sworn in to start.

[Duly sworn, Randy Felker testified as follows]

MR. FELKER: My mailing address is 911 Old Pecos Trail, Santa Fe, 87505.

Hearing Officer, I was involved in the original purchase of this property in the 1980s a property that subsequently subdivided was approximately 200 acres of property which is generally located at the southeast portion of the intersection of the freeway and Arroyo Hondo Road. The property is hilly with ridgelines and a few valleys within the subdivided area.

There was an application with the County of Santa Fe for subdivision approval. The property was eligible for 50 lots at a 5-acre density. The density that was finally submitted for and approved by the County was for a 10-acre density. The density was slightly more than 10 acres. The lot that we're concerned with today is lot 8. Lot 8 I believe is the second largest lot within the subdivision and it's around 15 acres in size.

When the application was submitted to the County of Santa Fe, the County of Santa Fe worked with us and approved the covenants that were adopted for the property and the recorded



plat reflects that. The covenants provided for on ridgetop lots that there would be a 14 foot maximum height above the ground level. This was requested by the County and was granted by the developers. The developers were all Santa Fe residents. I and Barbara Stromquist, the other applicant, were married at the time, and the application was submitted and it was approved ultimately by the Planning Commission, it was not appealed. And the covenants were filed at the same time that the plat was approved. And the covenants required, and this was not a County requirements, but the covenants require that the architectural design review committee of the subdivision review in advance all plans and that they would reject the color scheme, the specification, plat plans and the building plans and the location of any structure that was not in harmony with the general surroundings or the proposed building site being near or adjacent to a location that would be incompatible with the area. That's on page 6 of the covenants. On page 8 of the covenants, the Santa Fe County did require this, that for ridgetop lots and those were lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 19, 22, 23, and 24 that there was a height limitation of 14 feet. The other sites the height limitation was 22 feet above natural ground level. And as I understand it, the County allows 24 feet and that would be over natural ground level so the bottom line with the covenants is that one building near a ridgetop is limited to 14 feet above the natural grade and one not building on the ridgetop is limited to either 22 feet above the original grade or 24 feet by the County standards. And the property was developed, in fact, Barbara Stromquist and I built a house within the subdivision on a ridgetop. It was approved by the County and the house that was built has been used as a demonstration of how a house can be built on a ridgetop and how a house can comport with the natural surroundings in an unobtrusive way. Several organizations have used that as an example. During this process of development of the subdivision most of the building lots have been developed and most of the ridgetop lots have been developed on the ridgetops. This property is located on Eagle Ridge Road and on Eagle Ridge Road every lot except this one has been developed and built on on the ridgetop approved by the County of Santa Fe – every single lots. And every single lot not only has been built on, there have been some guest houses that have been built so houses plus guest houses have been built on the ridgetop on this particular road and all but three lots that were ridgetop lots have been built on on the ridgetop.

And it is true that there is an alternate building site and I suppose depending upon how big you want to say a building site is, this lot, lot 8, could be built on a lower portion of the lot than this ridgeline and I think that is unquestionable but the bottom line is that if the building of a house on the lower portion of a lot is accomplished not only will the height restriction of 14 feet not be applicable, or the County's 24 feet or the subdivision's 22 feet above the highest ground level, original ground level, will come into play. And I think, notwithstanding staff's comment, and a 24-foot house or even a 14-foot house built closer to the freeway would be much more obstructive and much more visible than a house that is beyond the ridgetop and the planned house site here is not only on a level spot, it's not on an escarpment, and it is not near a rock escarpment and in fact the driveway does not cross or pass a rock escarpment. It is on a level field that is roughly about half the size of a football field and it's the best site, frankly, in the subdivision. It's the site I bought the lot for – I bought the lot many, many years ago. I've been paying taxes on it for many, many years and while we were married, Barbara Stromquist and I thought that that might ultimately be our dream house.

The value of the lot is substantial if I one can build on the ridgetop on this level building site. The value of the lot, if one is relegated to build near the freeway is insubstantial and I would say insubstantial I would say certainly more than \$100,000. In this process of our attempts to build on this property, and by the way, Barbara Stromquist and I were divorced and we're together



again in this process we start designing a ridgetop lot several years ago using a designer and obtained a building design on the ridgetop. When the building design was submitted to a local builder, who also had an architectural staff Tierra Concepts, it was pointed out to us that the County had just adopted the new land use plan I believe in 19 – excuse me, 2016 that would prevent this without an adjustment.

The plans have been scrapped according to the outcome of this hearing. In the interim, all the neighbors have been notified. The neighbors not only within the subdivision, the neighbors within the Sunlit Hills Subdivision were all notified. There was a public meeting. The people that attended the public meeting all were very supportive and spoke very highly of the proposal. There were absolutely no negative comments whatsoever. Every one of the neighbors that has been notified and all have been have supported the application. We have letters from the adjoining lot in Sunlit Hills and it's a lot right next to the building site. The owner of that lot is supportive of the application. The lots on Eagle Ridge Road are also supportive of the location. The one lot that has a house and a guest house built on the ridgeline has written letters of support. The adjacent has written a letter of support and there are letters of support in the files. This Eagle Ridge Road I believe there's something like, and Mr. Siebert will explain it, five houses or structures built on the ridgeline and there is one that is kind of an L on the ridge and there's another lot on that that is built on the ridgeline.

The application I believe is clear in my mind that this structure that would be built on the ridgeline would not nearly be as visible and obtrusive as a house or a structure built near the freeway. I'm somewhat skeptical of the sound readings. I have lived in the subdivision. I know when the wind is blowing one way the sound levels are very low and inconsequential. When the wind is calm or blowing the other way the sound levels are very consequential. And I can say from living there, the sound levels anywhere near the freeway are huge at certain portions of the day. For example, the 8 o'clock traffic, the 5 o'clock traffic when semi-trailers are going by, the sound levels are huge. The planned building site, even though staff believes it will be visible, yes it can be seen from a subdivision – excuse me, it can be seen from the subdivision and the freeway but the top of the planned house, the top of the elevation of the planned house is lower than the trees on either side of the projected house so the trees and Mr. Siebert will show you pictures, the trees are actually higher than the planned elevation and the highest elevation of the house as it's projected and that would not be the case if the house were built lower. And essentially the freeway would be looking almost at a level site when one would look at the house or a 24-foot house or a 22-foot house from the freeway they would be looking level. If they were looking at the planned house on the ridgeline the trees would eclipse the vertical levels of the house from the freeway in a much less obstructive manner.

We're asking that the County allow this. The plans and the application provides that we would berm the house in. The house would be built towards the other side of the ridgeline, away from the freeway and it would be built into the ground and not be built on top of the existing ground level. Doing so, as I mentioned, will bring the top of the house below the tree level on each side of the house. And as far as the road goes, the property is fairly heavily forested, most of the pinon trees are 12 to 14 feet high. It is heavily forested with pinons and junipers and they would all eclipse the view of the road. The road would be essentially at percentage grade and the trees towards the freeway would all block visibility of the road. In fact, I was out on the freeway the day before yesterday and then yesterday and I couldn't even see the flags from the freeway. I couldn't see the flags and the post from the freeway for the expected or intended building site on the ridgeline.



Mr. Siebert has got the letters of support from everyone of the neighbors. There has never been a protest of this. The whole subdivision has been developed on the ridgeline. This would be the only lot that development would not be allowed on the ridgeline. So I'll give this to Mr. Siebert.

HEARING OFFICER LONG: Thank you.

MR. SIEBERT: Madam Hearing Examiner, I'm going to hand out some exhibits that I'll be going through in my presentation. I've already given one to the recorder by the way. So I'm going to go through the boards first, well, let me just on this Exhibit A this is actually a portion of the covenants and it describes the height limit established by the covenants on certain lots, this being lot 8 and lot 8 is included as having the restriction to a 14-foot height.

This is I-25, this is the end of the cul-de-sac, this is the boundary of the property. We picked two different sites. One is located here and the reason for that is that this is below 30 percent but it is fairly, still fairly steep. There's a plateau here which seemed like another logical site because it did begin to flatten out in this particular area. There's a drainage on either side of it. This is the site that we're looking at for the variance. We'll talk about the noise study later but one thing that you can see by this particular photograph is the density of the vegetation. So, yes, there would a road coming down here but as Mr. Felker pointed out that majority of the road would be obscured by existing vegetation.

And then we did within the subdivision we did an analysis of how many lots currently are built on ridgetops and the ones with the circles on them currently were constructed on ridgetops. The one thing that is in your packet is a view of a house and actually it is taken from this road here and it's this particular house here. It's the – who is the doctor? Damron, Dr. Damron and he has a house and a guest house. Those pictures that you see in the packet are actually pictures of how you can build on ridgetops – I mean this is taken directly from the road and pretty much obscure the visibility of the unit. And the idea is the same. He took it, slid it slightly on the other side of the hill and sunk it into the hill. The concept that is proposed here is the same.

So this is a demonstration, just a section through each of the houses that the alternative site and the site that is up on the ridge and if you're comparing SLDC to SLDC the limit for this is on any ridgetop is 14 feet from any point on natural grade and that's what this represents here. The other site is one that would be, could be built under the SLDC and once again it's measured 25 feet from any point on grade and what I did is – and I think this is pretty logical, you'd step it down the hill and in order to meet that grade. One of the other limitations which we've taken into account is the finished floor can't be any higher than 5 feet above natural grade. So we've taken that into account as well. But what happens is the real visible height of the structure is actually 30 feet tall, although each point is only 24 feet from natural grade when you're looking at the structure overall it has a height of 30 feet.

So this is an enlargement and what we've done is taken several sections through the house to see how it actually fits into the land. And what takes place is at the point that is most visible which is point A actually, the A Section is 10 feet above grade. And then as you go up the hill it's going increasingly down into the slope so on the Section C you're 7.5 feet and on Section D which is this one here which is the furthest up the slope you're 4.5 feet out of the ground and actually 8 feet into the ground.

The Exhibit B, I noticed there were two letters in the packet which I believe you received. There is a total of four letters and they're all in support of the location up on the ridgetop. And these are people that are immediately adjacent to the particular property.

So, let me talk about the three issues that staff has raised. One is the noise readings. They



went out and took some noise readings and it ended up being a little different from our consultant came up with. The consultant we used is one that does noise readings as a profession. In fact, she is the consultant hired by the County to do the noise readings on the northeast connector road. I'd only received this packet two days ago and I had asked for her credentials that she would provide that to me. She's been out in the field and I will have to just simply supplement that later. But she's a nationally recognized noise expert. What she's using is a computer model and this model actually is accepted and I think it was even developed by the Federal Highway Administration. And when you think about it what are the elements of noise? It's the interference between the remitter and the receiver, what kind of obstructions are there? Is it trees, is it buildings, is it houses? And distance. And she took those two factors and what it does is it eliminates the kind of environmental issues. It doesn't depend on wind. It doesn't depend on rain and it is very – I was out there one day when it had just rained and it is very noisy – probably much noisier than what was estimated in the study. But it eliminates those factors. It is strictly just a scientific assessment accepted by a variety of agencies including the Federal Highway Administration. We never had the opportunity to ask if the noise instrument had been recently calibrated or, you know, what kind of experience the operator had in using the instrument.

The other issue is that this requires a variance from the fire standards. Once again, we only two days to work on those. We have been in contact with Renee Nix which the Fire Department explaining to her – we asked her what kind of drawings she got. Apparently, they may have been old drawings. We feel confident that we can work this out with the Fire Department and a variance is not required from the fire standards.

In terms of the rock outcropping, what in the exhibit, and it's called Exhibit C, we've provided what we consider to be a real outcropping. No doubt about it. We don't disturb this rock outcropping. In our opinion, we don't disturb any rock outcropping. Let me read the section of the code and this is from the SLDC and what it says is, this is a definition of rock outcropping: An area that is a part of a rock formation or geologic formation structure that is exposed or visible at the surface of the earth naturally or artificially and is unobscured by soil, vegetation or water. So what this other photo demonstrates is – and this is at the highest – what would be the highest point on the site are various loose rocks with soil and vegetation between them. This is kind of the worst situation you would see there. In our opinion, it is simply no a rock formation, not a rock outcropping so it doesn't meet the definition stated by the SLDC.

The other last two, Exhibit D, is the view that was taken from I-25 pull off to the side of the road. And, yes, you can see two of the poles. These are poles that are 10 feet tall. We painted them red at the top to increase their visibility. As you can see, that actually the tree behind it would be taller, at least in one case, and slightly in the other, would be actually taller than the 10 foot pole itself. And then what we did was used a telescopic lens which I think was either 500 or 1,000 millimeters to show where exactly this would fit on the lot and then once again you have to remember that as you go up the hill, which is to the right, everything gets more into the ground.

In addition, I was talking to my client today and they would accept a condition that they would plant enough evergreen vegetation that 50 percent of the façade would be totally covered by vegetation that would be visible from I-25.

So in summary why we think the ridgetop is a preferable location is that it is further away from I-25, it further away from the noise, there's a significant reduction in noise by simply sinking it into the ground and then buffering that particular side. The other thing is that it is just simply less visible, in our opinion, much less visible from I-25. You could have a much higher, much taller building at the lower site which not only would be closer to I-25 but in our opinion it would



be much more visible from I-25. And I think one of the real advantages that this house can be constructed on one level. And the advantages, I was talking to Barbara today and she said this is going to be our last house and I think the idea is to live there as long as possible and having elevations in the house is really a disadvantage as you get older.

The ridgetop, the house on the ridgetop also is oriented, if you take a look at it, it's oriented away from I-25. It has the ability to create patios that are the same level that would face in the opposite direction of I-25. If you take a look at the other site not only would the patio have to be down probably two stories but it would also be facing, unless you want to build a humongous thing into the hill, would have to face toward I-25.

And I think the last thing, the neighbors most immediately impacted by this project, think this is the preferable location. So with that we'll answer any questions you have.

HEARING OFFICER LONG: Thank you. Thank you for the presentation by both of you. It was very thorough and well organized and I appreciate that. I think I have a few questions for you, Mr. Siebert.

In the staff response and in their report today there is the statement that the SLDC does not address noise as a mitigating factor. Are you including noise as an exception situation or condition of the property under that category for meeting a variance?

MR. SIEBERT: I would certainly think it falls in the exceptional category. You know, like I stated, I've been out there several times on the site and, you know, obviously, noise levels fluctuate according to environmental conditions and weather conditions but it's a serious factor. I guarantee you I wouldn't want to live next to I-25 in that particular location.

HEARING OFFICER LONG: And then regarding the rock outcropping issues, I think what you're saying if I'm understanding it is, that you may be seeing rock outcroppings differently from the way staff is seeing it. You provided me the definition from the code but that some of those rocks that would have to be disturbed to build this house you're not seeing as a rock outcropping as defined under the Code?

MR. SIEBERT: That's correct.

HEARING OFFICER LONG: Okay. And then in regard to the fire standards are there any issues with complying with the Fire Prevention Division requirements?

MR. SIEBERT: Well, the last one, we meet the 9 percent grade, and the last thing I heard in our conversation with Renee Nix, she said I don't see any evidence that the turnaround at the top meets the 3 percent grade and, in fact, we had not prepared that in the original submittals. So we did ask the engineer to take a look at that. So this is the turnaround here, and originally we had it extending this way and what we did was turned it more or less parallel to the grade and by doing that we're able to meet the 3 percent grade that is required by the SLDC. And I admit because we only have two days the engineer worked on it last night and staff hasn't had the opportunity to look at that.

HEARING OFFICER LONG: And in regards to the ridgetop lots as they're defined in the covenants, there is the height restriction for those particular lots of 14 feet; correct?

MR. SIEBERT: Correct.

HEARING OFFICER LONG: And is that height limitation in effect for anywhere on that lot?

MR. SIEBERT: I assume it is only if you build on a ridgetop; is that correct?

MR. FELKER: May I?

HEARING OFFICER LONG: Yes, you may answer that question.

MR. FELKER: The height limitation for these particular lots is 14 feet above the



highest point of the lot. And so conceivably somebody could build a 200-foot high building if the building code allowed that on a lower portion. So on a property that is on the ridgetop can only be built 14 feet high. Anything lower than that, however, can be a maximum height. I'm not sure if I understand your question or if I've satisfactorily answered yours.

HEARING OFFICER LONG: The way I'm reading the covenant is that on lots, and it lists all the lots and so your Lot 8 is there, no structure shall exceed 14 feet above the highest natural, undisturbed, original, ground level on the lot or 20 feet above the natural, undisturbed, original, ground level at the base of its walls whichever is less. So my question was is that height limitation applicable to the entire lot and not just where you might build on the lot. That's the way I'm reading it. Is it anywhere on Lot 8 the height could only be 14 feet above the natural grade?

MR. FELKER: That's interesting. I wrote this with the permission of the County and that hasn't ever been interpreted that way. Now all of the other houses if interpreted the way you do, it would – they would all be in violation of the covenant and nobody has claimed that.

I would like to make a point too. Barbara Stromquist and I are not people that are moving into town and trying to build a monument on a ridgeline or a castle or something like that that will be obtrusive. Barbara was born here. Her parents were business people here. Barbara was a school teacher here. I've lived here for I think almost for 50 years. We want to build our end house, our last house and we want to do it nicely. We want to berm it in. We want to shield it. Our record of doing so has been proven, I think, and we are just hoping that we will not have to build a house right next to the freeway. I don't think we would do that. I think the property would be sold at a substantial loss. But we relied on the County's approval of these documents. Now the County approved the height limitations. The County in its plat approval designated, I believe, five no build areas within the subdivision and this isn't one of the. I relied on that by buying what I thought was the best lot in the subdivision and paying taxes on it for 20 some odd years. And I'm hoping that we'll be able to build a nice house that blends in with the surroundings. The letter that Mr. Yoeckel wrote and the letter that the Damrons wrote in support of this all point out that we have a very, very, let's say active homeowners architectural review committee that imply these standards of being in harmony with the surroundings and the other structures. And we must deal with that. And none of these people have indicated any waiver of the architectural standards from the architectural review committee. They're only requesting that the County give a variance on the ridgetop development.

HEARING OFFICER LONG: Thank you. Let me ask if there's anyone here for this hearing that would like to speak to this application. The applicants are here and the applicant's agent. I don't see anyone else. But I will state for the record that there is no one that wishes to speak to this application.

Let me ask staff a few questions. Did the new Sustainable Land Development Code change what could be built on this lot? In other words, prior to the implementation of the code would the applicant have been able to build where they're proposing to build without a variance?

MS. LUCERO: Hearing Officer Long, if I could just go back to when the subdivision was originally approved which was back in 1992. At that time the County did not have terrain management regulations. Our regulations for terrain management came into effect in 1996 and this particular area has been under several different jurisdictions. It was originally under the Extraterritorial Zone and then under the County code and now under the Sustainable Land Development Code. But under the previous codes, they were allowed to build on ridgetops but they had to meet certain requirements and I believe the height limitation was one of their



requirements, setback requirements – so those regulations were in effect under the old code.

HEARING OFFICER LONG: Thank you. And I think I should have asked this question of Jim. Do you believe that another variance may be required for the driveway if this driveway is granted an upheld?

MR. SIEBERT: No, we do not.

HEARING OFFICER LONG: Okay. Was there anything else that staff wanted to offer in response to the applicant's presentation?

MS. LUCERO: Hearing Officer Long, as far – I think I heard the applicant or the agent state that they may be willing to move the structure, shift the structure, if that's the case we would have to analyze it to assure that they meet the setback requirements based on their new proposed location.

Can you hear me?

HEARING OFFICER LONG: It doesn't sound very loud but I'm sure it's on.

MS. LUCERO: Is that any better? Hearing Officer Long, what I was stating is that I had thought I heard the applicant or the agent mention that they may want to shift the building in one direction or the other and there are setback requirements from the ridgeline so we would have to analyze any new proposed location to assure that it meets the setbacks.

MR. SIEBERT: Just to clarify. We are not shifting the building. The only thing we shifted was the turnaround. We actually shifted it further away from the property line.

HEARING OFFICER LONG: Thank you for your presentations. As I said it was very well done. You certainly have neighborhood support, there is no question about that. There was no one here that spoke in opposition to your request. It is a difficult request as I see it because there are pretty strict applications for a variance that have to do with the conditions of the land. I do think the noise factor can be a serious one just not in the evidence that was presented here today, but I think we all know how noise from a major highway can affect the livability of a structure and your outside area. That's something I'm going to have to think about. I make a decision that is only a recommendation to the Planning Commission and I have 15 days to do that. So I will issue a written decision and then that will be forwarded on to the Planning Commission for their consideration.

All right. Thank you.

## B. Adjournment

With no further business, Hearing Officer Long adjourned the meeting at 3:55 p.m.

Approved by:

*Nancy Long*  
Nancy Long, SLDC Hearing Officer  
Santa Fe County

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

I Hereby Certify That This Instrument Was Filed for  
Record On The 29TH Day Of June, 2017 at 02:29:37 PM  
And Was Duly Recorded as Instrument # 1829767  
Of The Records Of Santa Fe County

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

Deputy

