

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

January 21, 2010

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Jon Paul Romero, on the above-cited date at approximately 4:05 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Jon Paul Romero, Chairman
Susan Martin, Vice Chair
Don Dayton
Juan José Gonzales
Charlie Gonzales
Jim Salazar
Maria DeAnda

Member(s) Excused:

None



Staff Present:

Jack Kolkmeier, Land Use Administrator
Shelley Cobau, Planning Division Director
Jose Larrañaga, Development Review Specialist
Ted Apodaca, Assistant County Attorney
John M. Salazar, Case Manager
Vicki Lucero, Review Team Leader

III. APPROVAL OF AGENDA

Shelley Cobau listed the tablings as follows:

- Case #V 09-5270, Bryan Berg Variance
- Case #A 09-5530, Joyas de Hondo Appeal (Pena)
- Case #A 09-5540, Joyas de Hondo Appeal (Hitt)
- Case #V 09-5500, Anita Ruthling Klaussen Variance

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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 25TH Day Of February, 2010 at 03:52:10 PM
And Was Duly Recorded as Instrument # 1591845
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

Valerie Espinoza
Deputy Clerk

Staff Counsel Ted Apodaca clarified the Berg tabling, noting there are issues involving interpretation of the Solar Rights Act and there is a possibility of litigation. He recommended a closed session at the next meeting in order to brief the committee on this case. He said the applicant would be provided a copy of the County's policies on litigation.

Member Martin moved to approve the agenda as amended and Member Dayton seconded. The motion carried unanimously.

IV. ELECTION OF CHAIR AND VICE CHAIR

Member Salazar moved to maintain Jon Paul Romero as chair. Member DeAnda seconded the motion and Chairman Romero was unanimously elected chairman.

Member J.J. Gonzales nominated Susan Martin to continue as vice chair and Member DeAnda seconded the nomination. There were no further nominations and Ms. Martin was unanimously named vice chair.

V. APPROVAL OF MINUTES

A. December 17, 2009

Member C. Gonzales recommended a change on page 8, where Member G. Gonzales should be changed to Member C. Gonzales. With that change Member Martin moved to approve the minutes. Member Dayton seconded and the motion passed unanimously.

VI. FINDINGS OF FACT

A. CDRC Case # APP 09-5380 Mineshaft Properties, LLC. Lori Lindsey, Applicant, requested an appeal of the Land Use Administrators decision to confine all music events on the property to the interior of the Mineshaft Tavern and not to allow any activity outside of the Mineshaft Tavern. The property is within the Traditional Community of Madrid at 2846 State Highway 14, within Section 36, Township 14 North, Range 7 East, (Commission District 3). The appeal was Denied 6-0, Jose E. Larrañaga, Case Manager

Member Salazar moved to approve the findings of fact and Member C. Gonzales seconded. The motion passed unanimously.

V. **NEW BUSINESS**

- B. **CDRC Case # MIS 09-5390 Matthew Malczewski Legal Lot Recognition.** Matthew Malczewski, applicant, requests recognition of a 0.52 acre lot as a legal lot of record. The property is located at 7 Calle Casitas within Section 12, Township 19 North, Range 8 East (Commission District 1) John M. Salazar, Case Manager

Ms. Cobau asked the case be moved to the end of the agenda since the applicant was not present. [The case was subsequently tabled. See page 12.]

- D. **CDRC CASE # APP 09-5450 Santa Fe Mountain Center Business License Appeal.** Norman and Jeanne Boyles, Louisa S. Sarofim, Mary L. Porter, Greig and Helga Porter and Gayther and Susan Gonzales (the "Neighbors"), Applicant's, Joseph M. Karnes (Sommer, Karnes & Associates, LLP), agent, are requesting an appeal of the Land Use Administrators decision to approve a Business License for the Santa Fe Mountain Center and the conditions of approval for the Business License. The property is within the Traditional Community of Tesuque at 1524 Bishops Lodge Road, within Section 25, Township 18 North, Range 9 East (Commission District 1) [*Exhibit 1: Attorney Statement; Exhibit 2: Proposed Conditions; Exhibit 3: Letters of Opposition; Exhibit 4: Letters of Support*]

Mr. Larrañaga read the caption and reviewed the staff report as follows:

"On October 16, 2009, the Land Use Administrator approved a business license, with conditions, for the Santa Fe Mountain Center. The SFMC is an existing legal non-conforming non-profit business, in existence at the current location, prior to 1981. Prior to approval of the business license it was determined that the application met requirements set forth in Ordinance 1992-3; Ordinance 2000-13; Article II, Section 2.3.1.a; and Article III, Section 4.2.2.a and 4.2.4.b.

"Ordinance 1992-3, Section 4. (Land Use Administrator) states: 'Before a business license is granted, the County Land Use Administrator may review the Application and shall inform the applicant of any further requirements pursuant to life, health, welfare, and safety considerations. If the Land Use Administrator determines that restrictions or limitations should be placed on the licensed activity in order to protect the health, safety, or welfare of the citizens, he may impose requirements or conditions on the issuance of the registration or license, which shall be reasonably be related to the concerns for health, safety or welfare of the citizens of the County.'

"Ordinance 2000-13, Section 3.7.1 states 'Non-conforming legal land uses and lots shall meet the standards of Article II of the Code.'

“Article II, Section 2.3.1.a states: ‘The Code Administrator may approve or deny development permit applications for the following types of development without referring the application to the County Development Review Committee or the Board.’ The following types of development may be approved administratively: business license and permitted uses in any non-residential district as set forth in Article III, Section 4.

“Article III, Section 4.2.2.a states: ‘Traditional Community Districts established by the Code are intended to accommodate a mixture of uses such as agriculture, residential, large scale residential, community service, institutional, non-residential or recreational uses anywhere inclusive of the boundaries of the village, provided the performance standards and criteria set forth by the Code are met.’

“Article III, Section 4.2.4.a states: ‘Existing development will be allowed to continue as a non-conforming use, pursuant to Article III, Section 4.5’

“In a letter to the LUA, dated October 23, 2009, Joseph Karnes stated: ‘On behalf of the following owners of property in the immediate vicinity of the Santa Fe Mountain Center property: Norman and Jeanne Boyles, Louisa S. Sarofim, Mary L. Porter, Greig and Helga Porter and Gayther and Susan Gonzales, this letter appeals your October 16, 2009 issuance of a business license to the SFMC and the conditions to that business license.’

“Article II, Section 2.3.4.b states: ‘Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five working days of the date of the Code Administrator’s decision. The County Development Review Committee shall hear the appeal within sixty calendar days of the date the appeal is filed. The County Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications.’

“The Appellants State: The SFMC is a commercial business located in a quiet, residential area of Tesuque. Although there are numerous businesses in Tesuque, the SFMC programs are focused on outdoor experiences that can include loud and emotional sessions. The Neighbors recognize the value of the SFMC’s work and seek to reconcile the SFMC’s mission with the residential nature of the area. Hours of operation, traffic, access, parking, and expansion are issues the County needs to address.

“Staff Response: The LUA determined the application submitted for a business license by the SFMC met the requirements set forth in the Land Development Code as well as applicable ordinances. Land Use Staff made every effort possible to mediate conditions that would be amicable to all parties involved. The

conditions of approval for the business license address hours of operation, traffic, access, parking, and expansion.

“Recommendation: The following facts support the Land Use Administrator’s decision to approve the business license for the Santa Fe Mountain Center; The legal non-conformities of this property are difficult to prove or disprove and therefore making it difficult to determine the exact amount of post-Code growth on this site; the non-conforming use on the site have been in existence prior to 1981; existing development shall be allowed to continue as a non-conforming use pursuant to the Code; Traditional Community Districts established by the Code are intended to accommodate a mixture of uses anywhere inclusive of the boundaries of the village; conditions shall be imposed as a component of the business license to protect the health, safety, and welfare of the citizens.”

Mr. Larrañaga stated the Land Use Administrator’s interpretation of the Land Development Code and applicable ordinances has established findings that the Santa Fe Mountain Center is in compliance with Ordinance 1992-3; Ordinance 2000-13 (Tesuque Community Zoning District); Article II, Section 2.3.1.a; and Article III, Section 4.2.2.a and 4.2.4.b. In support of the Land Use Administrator’s decision staff recommends denial of the appellants’ request and solicits the support of the County Development Review Committee to deny the appeal.

Mr. Apodaca advised the committee that the appellants sought to have the case tabled to allow time for both parties to work together. However, the Mountain Center did not agree to the tabling and under the Land Use Code an appeal must be heard within 60 unless both parties agree to table.

Member DeAnda established the Center had been in existence prior to 1981 and asked if that was true of all their activities or just some. Mr. Larrañaga acknowledged there has been some expansion but it was difficult to determine to what extent. Therefore it was granted grandfather status. Member DeAnda asked if the property itself was enlarged and Mr. Larrañaga explained that apart from a lot line adjustment in 2008 the property is more or less the same size.

Chairman Romero asked for further clarification on the expansion of use. Mr. Larrañaga stated there are now climbing towers.

Noting the neighbors call this a commercial use, Member Salazar asked how staff classifies the usage. Mr. Larrañaga said it could be “other development” or a “community service facility” if it came in for rezoning.

Attorney for the appellants, Joseph Karnes distributed information. *[Exhibit 1]* He said the property owners will talk about their history with the Center. He outlined recent efforts to come to an agreement between parties. He compared the situation to that of the recent Mine Shaft Tavern case where it was determined a master plan was needed. He said there are inherent conflicts stemming from non-conforming uses in a residential

neighborhood. In working with County staff and the Center they have come up with conditions of approval.

Mr. Karnes said the County initially put forth conditions in July and ultimately issued the business license. The neighbors then appealed and began to work with the Mountain Center staff directly. He said there have been good faith efforts to deal with the remaining conditions and he had hoped the negotiations could continue. He again requested a tabling. He said there are four or five issues, including access and hours of operation, that remain in dispute. [Exhibit 2] If the neighbors' conditions are adopted it would address his clients' concerns and provide a basis for moving forward in a cooperative fashion.

Outlining the issues, Mr. Karnes said they were asking that no loading or unloading be done on Bishop's Lodge Road. He said this is a public safety issue. He stated concerns were raised 23 years ago about expansion of use on the property, but there was no follow-through at that point. Thus, over the years modifications to the buildings and addition of various activities, including overnight camping have occurred.

Mr. Karnes reiterated it is their desire to cooperate on the remaining conditions.

Chairman Romero applauded the efforts at cooperation and asked how many people were present in the audience to support the Center. [Approximately 40 individuals raised their hands.] He asked staff if they believed an agreement could be reached.

Ms. Cobau said a significant amount of compromise has been reached thus far, however, the Code requires the case be heard within 60 days. Mr. Apodaca agreed the appellees were entitled to have the matter heard.

Member DeAnda noted the hours of operation are confusing and she found the requested conditions to be reasonable. She said she would prefer the matter to be settled by mutual agreement. She asked for amplification of the bus unloading issues.

Mr. Karnes said it would be preferable to have buses enter the property to drop off participants. He said three driveways go back to the Center property and one of these should be means of access, possibly after improving the roadway. He asked if a decision was required within the 60-day time period.

Witter Tidmore, board chair of the Mountain Center, was placed under oath and agreed that compromises have been made and more time would be helpful. However, this organization impacts many members of the community and supporters of the Center have taken time to come to the meeting to be heard. He said they are a non-profit organization that provides outdoor experiential education and are recognized nationally. He noted the climbing tower was built with funds from the County. Because of the range of activities the hours of operation "don't quite fit in the box" of traditional businesses. Some outdoor activity occurs offsite and overnight camping does take place on the premises. He said

they try hard to be good neighbors, but curtailing activities would severely jeopardize its mission.

Regarding the access issue, Paseo la Vida has been used for many years on a limited basis and if that were closed it would limit their ability to function.

Duly sworn, SFMC Executive Director Sky Gray stated there has been progress in the negotiations. Regarding the issue of expansion, she said, "We are not building an empire." The Center came into existence in 1979 and the ropes course established in 1984. The climbing tower was built three years ago with capital outlay money that flowed through the County. It not near any of the neighbors. In the 1980s there were ten staff members and there are now 12 full-time staffers. Their funders include CYFD, Department of Health, McCune and Frost Foundations and individual donors. They respond to pressing social issues statewide and help at-risk students and other underserved populations.

Ms. Gray sought to break down the fears surrounding "expansion" saying the building has not expanded at all. In response to questions she stated they work with families, so the age range would be six years to 80 years old. Due to confidentiality issues the primary volunteer core staff is the board of directors. There are five to six program days per week, each having ten to twelve students. Most programs happen between 8:30 and 5:00. Girls Inc. has an after-school program that with daylight savings time could go to 6:30. If overnight camps were disallowed it would prevent their fulfilling their mission. On average, there are less than 17 overnights per year and they brief the kids on being good, respectful neighbors. Camping involved 12 to 15 kids in tents and there are no bonfires or bands. There are sometimes small campfires when possible.

Ms. Gray explained that there have been no safety-related incidents bus drop-offs and all protocols are followed. The Santa Fe Public School System and the County signed off on the bus plan. Activities include anti-bullying classes and team building. The average group size is 12 people except when whole classes attend, which happens four to six times per year. Participants bring lunches. They have an approved septic system and make use of portable toilets. She described the challenge courses to build trust, self-esteem and communication. They follow the weather advisories of the public schools, and there is a basement for occasions of inclement weather.

Member Dayton asked if they would be amenable to doing a master plan. Ms. Gray said they are currently undergoing a master plan process in Glorieta, and if they did contemplate expansion they would engage in a master plan process.

Member Salazar asked how they get clients and Ms. Gray said they are principally referred by counselors in the school system, CYFD, residential treatment centers, correctional facilities, probation and parole systems, as well as tribal and private organizations. Confidence and team-building activities have been a part of the Center since the beginning.

Member DeAnda asked about the restrictions suggested by the neighbors; Ms. Gray said discussions are continuing on that and the County has asked that noise-producing activities cease at 7:00.

Audience members wishing to speak in favor of the Mountain Center were placed under oath.

Doug Conwell, Emergency Management Specialist with Santa Fe Public Schools, informed the committee that the SFMC is used as an offsite, safe location for Tesuque Elementary School in case there is an evacuation.

Dr. Angelique Hart stated she spoke for herself and for her husband, Dr. Roy Halprin and they are new neighbors of the SFMC. She said she believes in neighbors helping one another and in community service. She works out of her home and she can occasionally hear voices and it doesn't bother her. She said she has offered to combine her Stericycle truck services with the SFMC.

Javier Rios indicated he is the coordinator of AIDS services in New Mexico, working with the empowerment project with a goal of preventing the spread of AIDS and to help those living with HIV. He said the mentoring program and community building are very valuable. He said on overnight camping visits the participants are specifically advised to be respectful of the neighbors.

Charles Enclerk stated the Mountain Center played a fundamental role in his post-HIV diagnosis and his ability to cope. He said, "Don't underestimate the importance of the role that they play in our community."

Robert Sturm said he runs a non-profit in New Mexico that has funded some of the Center's programs. He has been on the property 30 or 40 times in the last year and there is minimal noise which is not disruptive. He has offered out his own property in Rio Arriba County and they leave the property better than they found it.

Steven Hayes stated he is a volunteer with the empowerment program and an HIV counselor. He is involved in the Adventure Out Program which is beneficial in building emotional frameworks. He supports the program and believes it should not be crippled.

Victoria Dean said she is on the Youth Council for the Gay-Straight Alliance. She stated the noise rules are vehemently enforced and they are generally not outside in the evenings. When they are outside the noise mostly consists of encouragement. She said insisting on 8 to 5 hours would confine them to a conventional box they are trying to get past. More people are served through flexible hours.

Christine Warren, Bishop's Lodge Road, indicated she has often hiked past the property and witnessed the sorts of special activities that occur there. She is a supporter of the Center and has met with the staff. She supports the attitude of respect for the neighbors and the conciliatory spirit.

Dan Kauffman said his daughter is a participant in the Center's programs and she has been affected in a great way. The weekend events have had a great impact.

Shidoni CEO Scott Hicks said he was raised in the vicinity and surprised to learn there are 17 overnight camps, since he has had no trouble beyond one littering incident. The noise mostly consists of gleeful voices of kids accomplishing something. "They're really excellent neighbors...I applaud their behavior and participation with the kids."

Michael Trent stated he was also on the Gay-Straight Alliance Youth Council and a Boy Scout. The Center has provided the most impacting experience of his life so far. He travels the state counseling other youth. The overnights he has participated in have very strict rules.

Nancy Trent, mother of the previous speaker indicated the Center has built her son's confidence and self-esteem and fostered an awareness of the community.

Juan Antonio Dixon said he has been working with the Mountain Center for four years and has been active in working on business license issues. He said many generations have participated in the events. It is part of the Tesuque community and he is proud to be an employee. He rejected the comparison between the Center and the Mine Shaft Tavern as previously mentioned. The Center does not use loud speakers, bands or alcohol. In the last few years there have only been between five and ten overnight camps per year. Curfews tend to be at 8:00 in the summer. If the bus drivers felt it was an unsafe situation they would say so.

Member DeAnda asked what he meant by curfew. Mr. Dixon said if they are inside it's lights-out at 10:00. Outside, there are no more activities after 8:00.

Mark Van Syckle, GSA Youth Council, said the overnights are not loud. He said he has made amazing friends there and a memorial service was held for one of the victims of the drunk driving accident last summer.

Beverly Billie said she has worked for the Center for nearly six years and is the project coordinator for programs involving domestic violence and trauma survivors. Respect is key. She serves the Native American community and when groups such as the Jicarilla come from farther away they have to stay overnight. Due to the intense activities by 5:00 people need down-time. The Center serves at-risk populations and makes big changes in people's lives. It has a ripple effect and is getting better and better. She noted there is a protocol of safety briefings. "The work that I do is really close to my heart."

Nicole Lovato of Santo Domingo Pueblo indicated she has been involved with the Center since her troubled-teen days in 1995. She now works there. She said she grew up there and wants to give back what she got out of it.

Social Worker Sheilah Galen stated she used to be the coordinator for the Rio Arriba Drug Court, working with long-time heroin users. A highlight of the work was taking them

to the Mountain Center, where they were made to feel welcome. The Center also went out of their way to work with Amistad Treatment. She now works for the Mountain Center doing mobile rural outreach. When she arrives at night she often cannot even hear the campers. She said the Mountain Center has never said no to the community and it creates an a safe environment for people to heal.

Diana Saiz said she is a teacher at the Indian School. She pointed out the significant changes wrought by the Center. The 700 kids at the Indian School are relatively isolated, but the Mountain Center has reached out to them to make them feel part of the Santa Fe community.

Claudia Gonzales stated she has been involved with the center for approximately four years and has done several overnights. Out of respect for the neighbors they no longer have bonfires. The work is amazing.

Justin Braman, employee at SFMC, indicated an effort is being made to expand the outdoors program. He takes kids out to the woods and into nature. More than half of the activities take place in the wilderness. Regarding access, in the past three years use of the roadways has been limited and attempts made to respect the neighbors.

Stewart Chavez, Indian School Student said he is involved in a program that occurs once a month. Participants are conscious of their environment. He said the Center is unique and it would be sad to close it, since students learn a lot from the program.

Wendy Leighton stated she has been involved with the Mountain Center for over ten years as a teacher and as a participant in courses. She is also involved with the GSA and said the Center has had a great impact on her life and the lives of the youth. Young participants have become facilitators and have led workshops for adults and kids.

Ms. Gray returned to the podium and explained the Rio Arriba County intervention program and the stericycle truck. She clarified that at the Department of Health's request they took over a harm reduction contract. Harm reduction is an evidence-based intervention involving needle exchange, case management, water and food distribution and Narcan training. As a result of this a stericycle truck periodically picks up biohazard waste according to OSHA guidelines. That process will be streamlined in the future.

Mr. Karnes reiterated that his clients support the goals and the objectives of the Mountain Center but remain concerned about the quality of life and the inherent conflicts between the Mountain Center and the residents. He again stated progress is being made in arriving at a set of conditions. He hoped that the matter could be tabled after the committee heard from the residents and that the matter would not have to be heard again.

Under oath, Norman Boyles said he spoke for others in the vicinity who had to be away. He stated they have never been opposed to the goals and missions of the Center, but the neighbors are concerned with the growth, traffic and impact on the residential area. He cited the description on the plat of the property mentions residential properties. He built his

house in 1976 and looked forward to a quiet life as an artist. Due to disturbance from the center he has had to move his modeling indoors. He reviewed the history of the property and its changes over the years.

He said they expressed their concerns in letters to the County as early as 1986. They were told that the Center was seeking a new location, but this never occurred. He said the size of the property had increased and he characterized this as expansion without regulation. He said the Land Use Department has been unresponsive.

Chairman Romero asked where his property was in relation to the Center. Mr. Boyles said it was slightly over 100 yards from the SFMC building. He added sound carries significantly in the valley. He said there was a coyote fence between his property and the access easement.

Duly sworn, Susan Gonzales said she also purchased her property, which is a couple hundred yards to the north, in 1976. She said the Center does fine work but in the last four or five years the programs have intensified and the Center doesn't realize how loud they are. She said currently they are allowed to operate 24/7, 365 days a year. "We need a break." As gardeners working outdoors they notice noise every day, especially on weekends. She said the noise dies down after 5:00 but there is often yelling and screaming and sometimes it is audible indoors.

Chairman Romero asked if there was any barrier between the properties and Ms. Gonzales said the barn and the parking lot fall between the properties

Gayther Gonzales, under oath, said the neighbors are not trying to shut down the Mountain Center or prevent them from having a business license. He has been supportive and has served in the capacity of watchdog for them on occasion, stopping vandals and bears.

In response to questions by Member C. Gonzales, Mr. Gonzales said they cannot hear the nearby church but can hear the elementary school.

Mr. Karnes emphasized they were requesting tabling to allow for more negotiations. The suggested conditions as presented are not set in stone.

Chairman Romero thanked all the speakers for their input. He emphasized the importance of being a good neighbor and felt there has to be compromise on both sides. He indicated it would be better for the parties to work things out themselves and not leave it to the committee. He said he was in favor of a 30-day tabling. He said he would like to visit the property in the interim, and suggested walls could help the situation.

He moved to table Case #APP 09-5450. Member Martin seconded.

Member Dayton asked if this hearing fulfilled the legal requirements. Mr. Apodaca said it did, noting that both parties are agreeing to the table.

The tabling motion passed unanimously.

[The committee recessed from 6:35 to 6:45.]

Chairman Romero announced the Matthew Malczewski Case (#MIS 09-5390) was tabled for the evening since he was involved in emergency snow removal. Ms. Cobau said that would automatically be carried over to the next meeting.

**VIII. F. CDRC CASE # MIS 09-5510 Edwin Tatum Accessory Structure.
Edwin Tatum, applicant, requests to combine two accessory structures into a single accessory structure greater than 2000 square feet on 9.15 acres that will be utilized for personal use. The property is located at 12 Laughing Horse Lane, within Section 13, Township 16 North, Range 9 East, (Commission District 4)**

Mr. Salazar read the caption and gave the following staff report:

“The applicant is requesting to construct a 1,235 square foot breezeway which would connect two existing 1,490 square foot barns. The applicant is in the process of remodeling the existing home on the property and once completed, will live their full time. The applicant is proposing to construct the breezeway in order to alleviate the drainage problems occurring between the two barns when it rains and snows.

“The applicant states the barn will be for private use only to house his three horses along with hay and other items utilized for the care of his horses.”

Mr. Salazar gave the staff recommendation, stating since the two structures already exist and the applicant is basically constructing a breezeway between the two structures, Staff recommends approval for the request of an accessory structure greater than 2,000 square feet with the following conditions of approval:

- ~~1. The applicants must receive administrative approval for a lot consolidation.~~
2. The applicant must comply with all other Santa Fe County and CID building permit requirements.
3. Compliance with minimum standards for Terrain Management as per the Environmental Requirements of the Land Development Code.
4. The structure shall not be utilized for commercial use.

He said the first condition did not apply and the applicant is in agreement with the remaining conditions.

Member J.J. Gonzales asked why there were two barns. Mr. Salazar speculated that two smaller barns were built to obtain administrative approval. He said the barn is made of wood and is being affected by the runoff between the two structures.

Duly sworn, Edwin Tatum indicated they are remodeling the house to make it more aesthetically friendly and are now attending to the problems with the barns. He said joining the two structures will alleviate problems with snowmelt and run off and they intend to make the barn more horse-friendly.

Member DeAnda asked for clarification on the floor plan and Mr. Tatum said there is a shed roof or porch to allow the horses more shade or warmth. Member DeAnda asked if he had any objection to a condition prohibiting human habitation in addition to commercial use. Mr. Tatum said he did not.

Member C. Gonzales asked if the floors were concrete and Mr. Tatum said there are dirt floors for the stalls and there is no stem wall. He said the horses are quarter horses bred for cutting.

There was no one from the public wishing to speak.

Member C. Gonzales moved to approve Case #MIS 09-5510 with conditions and Member Dayton seconded. The motion carried unanimously.

VI. PETITIONS FROM THE FLOOR

None were presented.

VII. COMMUNICATION FROM THE COMMITTEE

None were offered.

VIII. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

IX. COMMUNICATIONS FROM STAFF

Ms. Cobau announced the BCC reappointed the members whose terms had expired.

The next CDRC regular meeting was scheduled for 4 p.m., February 19th.

Mr. Kolkmeier stated they anticipate the latest draft of the Sustainable Land Development Plan will be ready for public review January 28th or 29th. A public hearing is tentatively scheduled for February 4th.

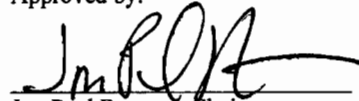
Member DeAnda asked if the newest version of the SLDC was shorter. Mr. Kolkmeier said it will be more readable. Dr. Freilich is now working on the Code.



Ms. Cobau said there would be a refresher training course for committee members and she suggested meeting at 3:00 instead of 4:00 to review procedures.

X. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Romero declared the meeting adjourned at approximately 7:00 p.m.

Approved by:


Jon Paul Romero, Chair
CDRC


ATTEST TO:

COUNTY CLERK

Before me, this _____ day of _____, 2010.

My Commission Expires: _____
Notary Public

Respectfully Submitted by:
Debbie Doyle, Wordswork
