

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

April 15, 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 4:00 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
- Maria DeAnda
- Charlie Gonzales
- Juan José Gonzales
- Jim Salazar

Member(s) Excused:

- Don Dayton

Staff Present:

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

III. APPROVAL OF AGENDA

Ms. Cobau listed the tablings as follows:

- Case #APP 09-5450, Santa Fe Mountain Center Business License Appeal [*Exhibit 1: Tabling material*]
- Case #S/PDP 07-5101 Santa Fe Metro Center [*Exhibit 2: Tabling material*]

She clarified that old business item V 10-5100, Hansrote Variance was presented for vote only.

Member DeAnda moved to approve the agenda as amended and Member JJ Gonzales seconded. The motion carried unanimously. [Member Martin was not present for this vote]

IV. APPROVAL OF MINUTES: March 18, 2010: Regular Meeting

The following corrections were offered:

Page 2, regarding the Final Order, Chair ~~Gonzales~~ Romero seconded.

Page 9, Member Martin not Martinez seconded the motion regarding V 09-5430.

Member JJ Gonzales moved to approve the minutes as corrected. Member C. Gonzales seconded and the motion passed unanimously.

V. EXECUTIVE SESSION

NMSA 10-15-1 A (7) Pending or Threatened Litigation

Member JJ Gonzales moved to go into Executive session pursuant to NMSA 10-15-1 A (7) to discuss pending or threatened litigation. His motion was seconded by Member C. Gonzales and passed by unanimous voice roll call vote as follows: Members Romero, DeAnda, C. Gonzales, JJ Gonzales and Salazar voting in the affirmation. [Member Martin arrived during executive session]

[The CDRC met in closed session from 4:10 to 4:40.]

Returning to open session, Chair Romero announced that the only items that were discussed were those listed in the agenda. Mr. Salazar moved to return to open session and Member DeAnda seconded. The motion passed by unanimous voice vote.

VI. OLD BUSINESS

- D. **CDRC Case # V 10-5100 George Hansrote Variance: George Hansrote, applicant, David Smith, architect/agent, request a variance of Article III, Section 2.3.3 (Residential Uses) of the Land Development Code to allow the disturbance of 30 percent slopes for the construction of a single-family residence and a detached studio on 11.367 acres. The property is located at 59 Calle Encanto, within Section 17, Township 18 North, Range 10 East, (Commission District 1) [Exhibit 3: 3/18/10 CDRC minutes re: Hansrote Variance]**

Mr. Salazar reminded the Committee that this case was heard at last month's meeting and there was a tie vote. According to County practice the case returns for a new vote. He said the residence had been reduced to 3,100 from 5,100. The Los Caminitos

Subdivision architectural advisory committee approved the proposal. Further, he noted that 95 percent of this application is sited on terrain of 30 percent or more.

The architect displayed a model of the project.

Member JJ Gonzales moved to approve the variance with the staff-imposed conditions. Chair Romero seconded and the motion failed by a 2-4 vote.

Member Salazar moved to deny the variance. Member Martin seconded and the motion to deny passed by majority [4-2] voice vote with Members Salazar, Martin, C. Gonzales and DeAnda voting for and Members Romero and JJ Gonzales against.

B CDRC Case #V 09-5270 Bryan Berg Variance. and Kristin Carlson, Applicants, request approval of eight variances of the Uniform Fire Code and Urban Wildland Interface requirements and of Article VII, Section 2 (Liquid Waste Disposal), Article VII, Section 3 (Terrain Management), Article V, Section 8.2 (Road Design), and Article III, Section 2.3 (Site Planning Standards for Residential Use) of the Land Development Code: 1) to allow the height of a residence to exceed 18' feet and to allow the overall height (from highest parapet to lowest natural or finished cut grade) to exceed 30 feet; 2) to allow the slope of the driveway to exceed 11 percent; 3) to allow a driveway to be less than 14 feet wide (as required by Fire Code); 4) to allow a turn around that does not meet Fire Code requirements; 5) to allow a retaining wall greater than 10 feet in height; 6) to allow a conventional liquid waste disposal system rather than an advanced liquid waste system; 7) to allow disturbance of slopes greater than 30percent; and 8) to allow a finished floor elevation to exceed 5 feet above natural grade. The property is located at 11 Mountain Top Road, within the Overlook Subdivision, within Section 16, Township 16 North, Range 10 East (Commission District 4). [Exhibit 4: 12/10/09 Support letter – Richard Buccleu]

Ms. Lucero reminded the Committee that this case was tabled at the January 21, 2010 at the recommendation of the Assistant County Attorney due to the fact that there were issues involving interpretation of the Solar Rights Act and a possibility of litigation. She stated that the applicant has been working with the Hondo Fire Chief and the County Fire Marshal regarding the turnaround and the County Fire Marshal is recommending approval of this request with conditions.

The subject property is an existing 6.06-acre legal lot within the Overlook Subdivision. The lot is currently vacant however there is an existing 816-foot driveway and small building pad that was created by a previous owner. The Applicant is proposing to construct a 4,441 square foot, 3-story residence with a building footprint of 2,463 square feet which includes patio and portals, as well as a 330 square feet studio. The property consists primarily of difficult terrain with some small areas of 0 percent-20 percent, and 20 percent-30 percent; but the majority of slopes on site exceed 30 percent.

Ms. Lucero referred to the staff report and said staff supported the variance with the following conditions:

1. No grading or disturbance of ground beyond grading limits shown shall occur. Except for developable areas for building envelopes, roads, or driveways, disturbance of natural vegetation shall be prohibited. Cleared or graded areas, or cut and fill areas shall be re-vegetated to the approximate original density and type of vegetation existing prior to disturbance.
2. Per revised drawings the area at the end of the driveway nearest the proposed residence shall incorporate a modified hammerhead turnaround.
3. With the exception of an approximately 60' section of the driveway which is 12 to 13 percent in slope which the Fire Department feels it can safely negotiate, the maximum slope for the 14' wide driving surface shall not exceed 11 percent.
4. Installation of Automatic Fire Protection Sprinkler systems meeting NFPA13D requirements is required.

Duly sworn, applicant Bryan Berg discussed his request with the Committee. He said he has worked extensively with former Hondo Fire Chief Chilton and has addressed the turnaround. He said there was a very small percent of the property proposed for disturbance that was not previously disturbed. He said he has really tried to keep the house isolated to the areas that have been disturbed.

Duly sworn, Claudia Pavel, Positive Energy Solar, discussed the Bergs' commitment to use solar energy. She explained that the site was assessed for the best possible gain.

Mr. Berg discussed the two retaining walls stating it would be entirely invisible to his neighbors and not require the loss of any significant trees.

The depth of the structure was discussed and Member Salazar questioned whether some of the livable space could be relocated. Mr. Berg said western shade was needed to keep the heat within the structure down and also helps screen it from the neighbors. Moving the structure would reduce turnaround which has been deemed vital for emergency vehicles.

Member Salazar said he was looking to reduce the overall height of the structure and with the upper level only 500 square feet he was seeking to move it to the west side of the property. Mr. Berg said had that idea come up before Captain Patty signed off on the plan he could have entertained it.

In response to Member JJ Gonzales' question regarding what was done to secure the Fire Marshal's approval, Mr. Berg said he designed a hammerhead turnabout. The slopes were not a problem with the Fire Department.

Member JJ Gonzales said he was still concerned about the conventional gravel septic system the applicant has proposed. That system requires large trucks loaded with gravel to negotiate the roads. He encouraged the applicant to research alternatives to the gravel system.

Mr. Berg said he was willing to do so and withdraw that variance request.

Having recently returned from two-months in China, Mr. Berg said he is acutely aware of the importance of solar and the ability to generate clean energy.

Chair Gonzales lauded the applicant for his ongoing work with the County and permitting agencies.

Member C. Gonzales also commended the applicant but said he was not prepared to make a decision on the variances without making a site visit.

Member DeAnda agreed that a site visit would be beneficial and asked whether the story poles could be erected.

Mr. Berg discussed the importance of having someone familiar with the property and proposal present. Recognizing the Committee was not prepared to act on his request, he acquiesced to the tabling.

A discussion ensued to schedule a site visit in compliance with the Open Meetings Act.

Chair Romero said he wanted to hold the site visit before the next meeting and make a decision at the May meeting.

Member C. Gonzales moved to table CDRC Case V 09-5270 until the May meeting. His motion was seconded by Member DeAnda and passed by unanimous voice vote.

Chair Romero directed staff to coordinate the site visit.

VII. NEW BUSINESS

A. CDRC CASE V 06-4572 GRABOWSKI VARIANCE Edward and Pam Grabowski, Applicants, Javier Ortega, Agent, request three variances of the County Land Development Code: 1) to allow disturbance of 30percent slopes and greater; 2) to allow the height of the residence to exceed 18'; and 3) to allow retaining walls to exceed 10' in height in order to construct a 6,862 square feet residence on 1.12 acres. The property is located off Old Santa Fe Trail at 59 Cloudstone Drive within Section 6, Township 16 North, Range 10 East (Commission District 4).

Ms. Lucero recited the case caption and provided the staff report as follows:

“On November 30, 2006, the EZA denied the applicants’ previous request for variances of slope standards, building height and visibility for a 9,876 square foot residence. The applicants’ revised their proposal and submitted a new application in January of 2007 for variances regarding slope disturbance, height of building,

height of retaining walls and visibility standards to allow construction of an 8,345 square foot residence. On March 29, 2007, the EZA granted approval of the variances requested.

“The decision of the EZA was appealed to District Court by neighbors of the applicant. The EZA’s decision was overturned by the district court. The applicants appealed the District Court’s decision, however, before a ruling was made the applicants entered into a settlement agreement with the neighbors. The result was a revised proposal which is before the CDRC today. With this proposal the applicant has decreased the size of the house by almost 1,500 square feet and is asking for the same variances that were previously approved by the EZA with the exception of the variance on visibility which is not a requirement of the County Code.

“The applicant is requesting three variances of the County Land Development Code: 1) to allow disturbance of 30 percent slopes and greater; 2) to allow the height of the residence to exceed 18’; and 3) to allow retaining walls to exceed 10’ in height in order to construct a 6,862 square feet residence on 1.12 acres.”

Ms. Lucero said the applicant has responded to the variance criteria and staff recommends approval variances because the subject property is a legal lot of record and therefore would be entitled to a development right for a single residence. She said it is staff’s objective is to maintain a compact low profile residence in order to minimize environmental and visual impacts. Staff considers the requested variances to be reasonable within the terms of county land development code due to the unusual topography present on the site. Staff recommends approval of the variances requested.

Ms. Lucero confirmed this property was formerly within the MSRD and variances related to that district have been eliminated.

Duly sworn, Javier Ortega, agent, thanked staff for their help in this case. He noted that the footprint of the dwelling has been significantly reduced and the impact on the site altered to satisfy the neighbors’ concerns.

Mr. Ortega said the structure will be an earth tone color. He said he has been involved in the project for four years.

There were no other speakers regarding this case.

Member C. Gonzales moved to approve CDRC Case V 06-4572. His motion was seconded by Member Martin and passed by unanimous voice vote.

B. CDRC CASE # V10-5060 Hari Hari Khalsa Variance. Hari Hari Khalsa, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a second dwelling unit on 0.59 acres. The property is located at 8 Athenas Way, within Section 7, Township 20 North, Range 9 East, Commission District 1

Mr. J.M. Salazar recited the case caption and presented the staff report as follows:

“The Applicant, requests a variance of Article III, Section 10, lot size requirements, of the Land Development Code to allow a second dwelling unit on 0.59 acres. The property is located within the Community of Sombrillo within the Basin Hydrologic Zone. Article III, Section 10 states the minimum lot size in this area is 2.5-acres per dwelling unit.

“The Applicant originally applied for an accessory structure development permit on November 13, 2007. Staff issued a permit for a studio type accessory structure on December 6, 2007. In January of 2010, the Land Use Department received an anonymous letter stating the Applicant had installed a full kitchen, along with a full bath and is now living in the accessory structure full-time. County Ordinance No. 1998-9 describes an accessory structure as “a structure that is incidental and subordinate to the principal dwelling or us and that shall: a) Not be used as a dwelling or designed such that it could be converted into a dwelling; b) Be non-commercial, except for approved home occupations; c) Be served by utilities from the principal dwelling or as otherwise approved by the Land Use Administrator; d) be operated and maintained for the benefit or convenience of the occupants to the principal dwelling.”

Mr. J.M. Salazar explained that an accessory structure may contain either a kitchen or cooking facilities or a bathtub or shower but may not contain both. County Code Enforcement conducted a site visit and discovered that a kitchen had indeed been installed in the studio and a Notice of Violation was issued on January 13, 2010. He noted that the Code requires 2.5 acres per dwelling.

The Applicant is requesting the variance in order to move her mother into the larger home. The Applicant states that the accessory structure was originally constructed to serve as an art studio but she began noticing how the wood floors helped alleviate pain in her hips and back. The Applicant further states that she installed the kitchen to reduce trips back to her main residence.

Mr. J.M. Salazar said staff recommends that the request for a variance be denied; Article III, Section 10 states that the minimum lot size in this area is 2.5 acres per dwelling unit. Further, the Code does not support granting a variance for hip and back pain, nor supports convenience, as these are not the type of hardships contemplated by the Code.

Chair Gonzales asked whether the property was within the traditional community of Sombrillo and Mr. J.M. Salazar responded it was not.

Chair Gonzales said he was familiar with the area and was aware of scores of lots smaller than 2.5 acres. Mr. J.M. Salazar said a majority of the properties surrounding the applicant's property are smaller than 2.5 acres.

Chair Gonzales said he was aware of the fact that this property may be within the area to be annexed by the City of Española. He recommended tabling this case pending annexation.

Speaking from the audience, the applicant agreed to be tabled.

Member DeAnda said the annexation was speculative in terms of when it would happen and at this point the applicant has been issued a citation.

Chair Gonzales said without a site map it was difficult to determine whether the property was within the proposed annexation area.

Member DeAnda said regardless of the annexation, the issue before the CDRC is a Code violation with a change in status of an accessory structure to a residence.

Land Use Administrator Kolkmeier said tabling this could create the same situation the County had with the City of Santa Fe leaving applicants in limbo for an extended period. He said it would behoove the applicant to make a decision.

Chair Romero moved to table until the May meeting. Member JJ Gonzales seconded and the motion failed by a tie [3-3] voice vote.

This case will return to the CDRC to break the tie in May.

VIII PETITIONS FROM THE FLOOR

None were presented.

IX. COMMUNICATION FROM THE COMMITTEE

None were offered.

X. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

XI. COMMUNICATIONS FROM STAFF

Mr. Kolkmeier advised the Committee that special CDRC meetings were scheduled for April 22nd and April 29th to work through the SLDP.

XII. ADJOURNMENT

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

Approved by:



Jon Paul Romero, Chair
CDRC



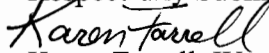
COUNTY CLERK

Before me, this ____ day of _____, 2010.

My Commission Expires: _____

Notary Public

Respectfully Submitted by:


Karen Farrell, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
PAGES: 18

I Hereby Certify That This Instrument Was Filed for Record On The 28TH Day Of May, 2010 at 11:46:37 AM And Was Duly Recorded as Instrument # 1600098 Of The Records Of Santa Fe County

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

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Roman Abeyta
County Manager



MEMORANDUM

DATE: April 15, 2010

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Commercial Development Case Manager *JE*

VIA: Jack Kolkmeier, Land Use Administrator
Shelley Cobau, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF: CDRC Case # S/PDP 07-5101 Santa Fe Metro Center

ISSUE:

Paul Parker, Applicant, Jim Seibert, Agent, Request Approval Of Preliminary Plat To Allow Twelve Industrial/Warehouse Lots On Nineteen Acres And Preliminary Development Plan Approval For The Nineteen Acre Site.

The Property Is Located On The East Frontage Road, Within Section 26, Township 16 North, Range 8 East, (Commission District 5).

SUMMARY:

This case is being tabled from the CDRC Agenda, at the request of the Applicant, due to the inability of the Applicant in acquiring a letter of water service to the property (table letter attached).

SFC CLERK RECEIVED
5/20/2010



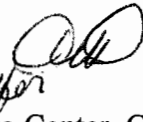
**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

**915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
siebert.associates@comcast.net**

MEMORANDUM

Date: April 13, 2010

To: Jose Larranaga

From: James Siebert 

Re: Santa Fe Metro Center, Case #S/PDP 07-5101 Santa Fe Metro Center

I am requesting tabling of the Santa Fe Metro Center Preliminary Plat for Tract 1 and Tract 2 Case # S/PDP 07-5101. I have not received the signed "Ready Willing and Able" letter from County Water and Wastewater Operations Division.

Without the letter my client cannot assess the terms of water service to the property. We have been assured by the Department that the letter is forthcoming.

Thank you for your attention to this matter.

Xc: Paul Parker



RECORDED 05/20/2010

Ms. Martinez said she wants to be there to help her mother and said there were other lots nearby that were much smaller with two and three houses. "We're trying to do the best we can...and just trying to help our parents," stated Ms. Martinez.

There were no further questions or speakers.

Member JJ Gonzales asked whether staff had conditions in the event the request is approved.

Staff offered the following conditions:

1. The application provide updated septic permits at the time of permitting the third dwelling.
2. A shared well agreement will be recorded.
3. Water restrictions of .25 afy per unit.

Member Dayton recommended condition 4:

4. The placement of the third dwelling is approved for 5 years after which staff will review the situation for applicability.

Member JJ Gonzales moved to approve #V 10-5070 with the four conditions. Member Martin seconded and the motion passed by unanimous [4-0] voice vote.

D. CDRC Case # V 10-5100 George Hansrote Variance: George Hansrote, applicant, David Smith, architect/agent, request a variance of Article III, Section 2.3.3 (Residential Uses) of the Land Development Code to allow the disturbance of 30 percent slopes for the construction of a single-family residence and a detached studio on 11.367 acres. The property is located at 59 Calle Encanto, within Section 17, Township 18 North, Range 10 East, (Commission District 1)

Exhibit 3: Support letter Los Caminitos Architectural Control Committee 3/18/10

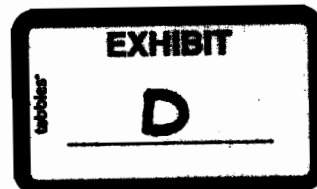
Exhibit 4: Aerials of the property

Exhibit 5: Footprint of comparable house and garage

Mr. Salazar reviewed the staff report as follows:

"The subject property is an existing 11.367-acre legal lot of record within the Los Caminitos Subdivision. The lot is currently vacant. The applicant is proposing to construct a 2,600 square foot residence with a garage and a 500 square foot studio and a driveway of approximately 175 feet from Calle Encanto to the proposed residence. The proposed studio building which will be located behind the residence will not have vehicular access to it.

"The original application proposed a 5,100 square feet residence with a garage, a 475 square foot detached studio with patio area and a 692-foot driveway. The applicant went before the Extraterritorial Land Use Commission on February 12,



Hansrote

2009, where the application received a recommendation of denial based on a unanimous vote. The ELUC wanted the applicant to move his building site closer to the road where the property is flatter. The applicant did not move forward to the ELUA and the subject property is now regulated by the County Land Development Code since the Extraterritorial Zone no longer exists.

“The property consists primarily of difficult terrain with some small areas of 0 percent-15 percent and 15 percent-30 percent; the majority of slopes on the site exceed 30 percent. Section 2.3.3a of the Land Development Code states: ‘No development sites may occur on a natural slope of thirty percent (30 percent) or greater.’ The proposed lot contains some scattered areas that are less than 30 percent. The applicant is requesting a variance to allow the disturbance of 30 percent slopes in order to construct a residence, studio and driveway. The studio disturbs the least amount of 30 percent slopes while an estimated 95 percent of the residence will disturb slopes 30 percent or greater.

“While the applicant has moved the building site location and reduced square footage from the 5,100 originally proposed to 2,600, the revised location remains on primarily 30 percent slopes. The applicant’s agent has stated that the buildable area on the property is ‘a small area at the low end that is within an arroyo.’ The applicant would also like to take advantage of the solar exposure the current siting provides, as it is south facing.”

Mr. Salazar said that staff believes that more suitable locations for building are available on the lower portion of the site and that relocation to the lower portion would also reduce driveway length and could further improve fire access. The arroyo area closer to the road has gentler slopes that would minimize the disturbance of 30 percent slopes. The applicant does not adequately demonstrate that strict compliance with the provisions of the Code would result in an extraordinary hardship since there are other buildable sites on the property; therefore staff recommends that the request for a variance be denied.

Mr. Salazar said he conducted a site visit this week. Using a site map, Mr. Salazar located the proposed building site and the site staff is recommending.

Duly sworn, the applicant’s agent/architect, David Smith, said the first design was predicated on privacy of the neighbors and Hansrotes and required six variances. Following a great deal of work with County staff, this second design has been moved to the front of the lot and is requesting one variance. Privacy and views are still a concern with the most important concern being the passive solar gains. Mr. Smith referred to a model of the footprint envelope showing that they have taken advantage of the terrain and solved the privacy problems and maintains the rural character.

Mr. Smith said the architectural committee has approved of the design. While they are requesting a variance for slopes, Mr. Smith said in all respects they have met Code and the association requirements. The footprint including the garage is approximately 3,200 square feet, down from the original 5,000+ footprint.

Member JJ Gonzales asked for additional information about slope disturbance. Mr. Smith said the disturbance is over 90 percent of the 30 percent slope. He said there will be two cuts of nearly 10 feet each and house will be step up. The side profile stays below 10 feet to 12 feet. He said the building will not exceed height requirements.

Mr. Salazar confirmed that if the variances were approved the applicant would be required to stay within the 20-foot height restriction and meet all building permit guidelines.

Duly sworn, William Sheer, Tesuque, said he was present representing the homeowners association and is the association president and a member of the architectural committee. He said he knows that a couple of the near neighbors still have reservations and objections to the house. He explained the architectural review committee process and how they consider the look to the entire community. The association covenants require a 50-foot setback from the road. The lot is difficult and recessing the residence into the hill is a good solution. The most recent design has been emailed to community members.

In response to the Chair's clarification that was he to understand Mr. Sheer was speaking in support of the proposal, Mr. Sheer stated nothing will be nice compared to the natural state of the hillside and no one is going to like it. Car and truck traffic is a great concern of the immediate neighbors. The architect has demonstrated sensitivity and is willing to angle the driveway and install screening to protect the neighbors.

Mr. Sheer said it is a good, and at this point the best, solution.

Duly sworn, Mr. Vahid, 61 Calle Encanto, said this is the second time he has been present to discuss the variances for this lot. He discussed the topography noting the three ridges on the property and the drainage. Rather than build on the obvious flat area of the lot, the owner wants to build up high for the view and that requires a variance. He provided history of the lot and the price of the lots. Mr. Vahid testified the lots were worth \$250,000 but the subject lot sold for \$80,000 because the site was not attractive. When the first design with all the variances was denied the lot was relisted at \$350,000.

Mr. Vahid said the owners are not New Mexico residents. He said the variance has nothing to do with hardship and that the owners merely want a view. The variance should not be approved and the applicant should build on the flat area.

Mr. Smith said the price and the sales history of the immaterial. He said his clients pay taxes on the lot and their residency was also immaterial. The variance will provide privacy and passive solar. The home will be LEED certified.

Member Dayton moved to deny CDRC Case V 10-5100 and Member Martin seconded. There was 2-2 tie vote (Members Martin and Dayton voting for and Members Gonzales and Romero voting against) and according to County rules the case would come back to the CDRC for vote only to break the tie.

December 10, 2009

County Land Use Administrator
C/O Vicki Lucero
P.O. Box 276
Santa Fe, New Mexico 87504-0276

Richard Buccleu
12 Mountain Top Road
Santa Fe, NM 87505

Parcel # 057-094-152-510 and 057-094-134-510

Staff of the Santa Fe County Land Use Department:

I am writing to express my support for the proposal submitted by Bryan Berg and Kristin Carlson for 11 Mountain Top Road. I am certain that I am the only resident of the Overlook who will actually be able to see the development proposed by Bryan and Kristin, and I feel relieved to know that what is being proposed is in the very best interest of the landscape and the neighborhood in general. Additionally, I own the land through which much of Bryan and Kristin's very long driveway easement passes, and I am very opposed to the extensive re-grading and tree cutting associated with bringing the driveway to code as well as the fire truck turn around that would be required by the code. I have reviewed the plans and walked the site and feel very certain that the more minimal treatment of the land as outlined and proposed by Bryan and Kristin is very workable and is much more appropriate for the topography in question.

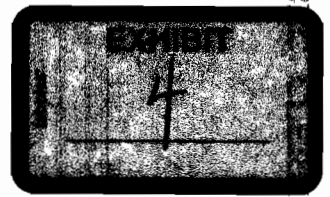
Many people have looked at purchasing the subject property in the years that I have lived in the Overlook. Many of the prospective buyers would stop at my home and ask me questions about the property and in general seem very intimidated by the idea of attempting to build on the parcel. Bryan and Kristin came along, and were not only able to figure out how to build on the parcel, but in such a way that keeps the trees and the scenery the way it was intended to be. Not all applicants would be so kind to the land, and I sincerely hope you will see the excellence in this proposal and give it your support.

I intend to attend the hearing on December 17, but there is a chance I will not yet be back in town to support Bryan and Kristin in person. I hope you will take this letter as proof of my support for this excellent project, and I strongly encourage you to support it as well. If Bryan and Kristin are denied, and at a later date someone else makes a proposal for the same parcel, it is more than likely it will not be so thoughtfully considered.

You may contact me on my mobile: 505.310.7958

Very Truly Yours,

Richard Buccleu



RECORDED 05/20/2010

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

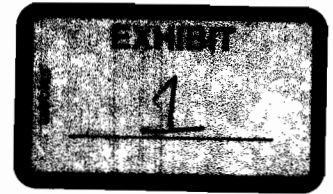
Michael D. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Roman Abeyta
County Manager



MEMORANDUM

DATE: April 15, 2010

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Commercial Development Case Manager *jel*

VIA: Jack Kolkmeier, Land Use Administrator
Shelley Cobau, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF: CDRC CASE # APP 09-5450 Santa Fe Mountain Center Business License Appeal.

ISSUE:

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).

SUMMARY:

On January 21, 2010, the CDRC recommended the Santa Fe Mountain Center and the Appellants work on the conditions of the Business License to satisfy the needs and concerns of both parties.

The Appellants and the Santa Fe Mountain Center request this case to be tabled from the CDRC Agenda as they are reviewing the conditions for the Business License which were finalized by the Land Use Administrator.

Jose Larranaga

From: Joseph M. Karnes [josephk@sommer-associates.com]
Sent: Thursday, April 15, 2010 8:20 AM
To: sky; Jose Larranaga
Cc: Witter Tidmore; Melanie MacGillivray
Subject: RE: meeting
Attachments: image003.jpg; image004.gif

Jose,

In light of Sky's email regarding the revised conditions provided by your office, my clients agree to the tabling requested by the SFMC.

Please confirm that staff will recommend the tabling and that there will be no need for either party to attend the CDRC meeting.

Thank you,

Joseph Karnes
Sommer, Karnes & Associates, LLP
200 West Marcy Street, Suite 142
Santa Fe, NM 87501

(505) 989-3800 x 202

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From: sky [mailto:sky@santafemc.org]
Sent: Wednesday, April 14, 2010 3:23 PM
To: 'Jose Larranaga'; Joseph M. Karnes
Cc: 'Witter Tidmore'; 'Melanie MacGillivray'
Subject: meeting

Hi all;

I have talked to Witter and we are unable to accept or sign the revised documents, as several key areas have been removed from the document we thought was approved last week. We request to table the meeting until we can meet with the county and Joseph to clarify our concerns and come to resolution.

Thank you,
Sky



Santa Fe
**MOUNTAIN
CENTER**

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-Andy Offutt Irwin

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