

**Sol y Lomas Homeowner Association Annual Meeting  
Via ZOOM  
January 22, 2022**

**Board Members Participating:** Lucia Deichmann, President; Dave Steinkraus, Vice-President; Jackie Dulle, Secretary; Holly Porter, Treasurer; Trustees: Wally Ausserer, Jens Deichmann, Kathy Elsberry, Jeanette Goudaillier, and Susan Orth

**HOA Members:** Diane MacInnes and Warren Marr, Nina Dougherty and Jack Huberman, Judy Montano, Laurel Ausserer, Gary Kilpatric, Kathy Schepps, Deborah Leliaert and Paula Woolworth, Chris Worland and Steve Clark, Anne Wrinkle, Marlon and Aileen Castle, Bob Josephs and Donna Peth, Robert Glick and Jackie Helin, Michelle Egnor, Bruce Throne and Alaina Speraw, Lily O’Leary, Claire Johnson, John and Mary Ann Pound, Martha Reagan, Annie Campbell, Jayne Cotten, Mark Everett, Jeff Atwell, Marcia Lenihan, and Vic Tretiakoff

**CALL TO ORDER**

President Lucia Deichmann called the Zoom meeting to order at 10:06 a.m.

**INTRODUCTIONS**

The Board members listed above introduced themselves. It was noted that two Board members were retiring from the Board as of today, Susan Orth, who had served as President, and Kathy Elsberry, who had served as Treasurer. Lucia expressed gratitude to Susan and Kathy for their wonderful work on the Board. They will be missed. Then the HOA members listed above introduced themselves.

**MINUTES**

Lucia reported the minutes of the last Annual Meeting held on January 22, 2021, had been approved by the Board and are posted on the Association’s website, [www.SolyLomasHOA.org](http://www.SolyLomasHOA.org), as are the monthly Board meeting minutes.

**TREASURY REPORT**

Treasurer Holly Porter reviewed the 2021 Year End Financial Report which showed an income of \$7,216.13 from Dues, Transfer Fees and Donations. Expenses for 2021 amounted to \$4,159.44, leaving a balance of \$3,056.69. No questions were raised. Holly then reviewed the Proposed Budget for 2022 showing an estimated income of \$5,135.00, after a deduction of estimated uncollected HOA dues from 19 lots. Estimated expenses were shown in an amount of \$7,371.50, which is an increase from last year’s proposed budget because of inflation and also \$3,500 has been included for possible legal fees if needed to enforce the Covenants. There were no questions. Susan Orth made a motion that the proposed budget as presented be approved. Holly seconded the motion, and it carried unanimously.

**ELECTION OF TRUSTEES**

The following slate of homeowners was offered as Trustees:

Lucia Deichmann, President	Wally Ausserer
Dave Steinkraus, Vice-President	Jens Deichmann
Jackie Dulle, Secretary	Jeanette Goudaillier
Holly Porter, Treasurer	

Lucia asked for a vote on this slate of Trustees, which carried unanimously. She announced that there are two open slots on the Board for Trustees if anyone is interested in volunteering.

## **NEIGHBORHOOD NEWS**

### **House Sales**

Jackie reported there had been five house sales within the HOA boundaries in 2021; two on Calle Halcon, one on Calle Enlace, one on Calle Palomita, and one on Ridgecrest Drive.

### **Welcome Bags**

Jackie then reported there had been four Welcome Bags delivered to new Lot Owners within the HOA in the past year. Additionally just this past week, two more Welcome Bags were delivered and owners of those properties are on Zoom at this meeting today. Jackie stated that the delivery of three more Welcome Bags is pending until the property owners move in.

### **Memorial for Kellie Ontiveros**

At last year's Annual Meeting, the sudden death of Kellie Ontiveros, a wonderful postal lady for our neighborhood, was discussed. Sentiment was expressed for doing something in her memory, given her extraordinary skill in delivering the mail. One of the suggestions made was to plant a tree in her memory. At that meeting a motion was passed to use \$100 of HOA funds toward the memorial. Following the meeting voluntary donations from several HOA members arrived. The Board decided to advance with planting a tree in Kellie's memory with the offer from Lucia and Jens Deichmann to plant and nurture the tree on the edge of their property on Calle Tecolote. An email was sent out to the HOA membership informing them of this decision. No adverse reaction was received and more donations were received. So it was decided two trees could be planted, a Krauter plum and an apricot tree. On October 17<sup>th</sup>, the Board hosted an informal dedication ceremony for the trees and invited Kellie's family and friends, her co-workers at the USPS and all of the HOA members. There was a very nice attendance with a dozen of Kellie's family and friends, including her husband, daughter and son, granddaughters, and sisters. Two of her co-workers from the USPS also came, as well as all the HOA Board members and spouses, and 18 additional HOA neighbors. There was a good sharing of memories of Kellie and a terrific neighborhood gathering with food and drink to conclude the celebration. Since it was held outside and we recommended following the CDC COVID guidelines, it presented an occasion of relief during the on-going pandemic. A plaque was made to mark the trees, and while it is there at the base of one of the trees, it has not yet been permanently installed but will be soon. HOA members are invited to drive or walk by 2126 Calle Tecolote to view the trees. Jens Deichmann did explain that the trees were somewhat damaged by deer, and the trunks have been wrapped in burlap. Hopefully they will survive, but if not they will be replaced. Jackie concluded her report by saying while we miss Kellie, we are quite pleased with the neighborhood's new postman, Tom.

### **Architectural Review Committee (ARC) – Dave Steinkraus, Wally Ausserer, and Jens Deichmann**

Dave stated the current membership of the ARC is as shown in the line above. However, during the year, Holly Porter and Lucia Deichmann had both served on the committee but left it when they took on officer positions. Dave said the ARC's mission is to take care of the neighborhood and keep it in compliance with the Covenants. Dave reported the ARC had received 23 requests for projects which all had been approved. They included seven solar installations, two fences, one re-roof, two full remodels and 11 various other projects such as sheds, RV screening, driveway and landscaping. Additionally four inquiries with questions had been handled. Dave pointed out that the last vacant lot in the HOA now has a house built on it at the corner of Pinonero and General Sage.

Lucia presented an outline of the HOA ARC rules and purpose of the Sol y Lomas Covenants.

- The Covenants were put in place between 1964 and 1969 by the Stamm Development Company.
- The purpose of the Covenants is to maintain the character of the neighborhood as spelled out in the Covenants.
- The Board enforces the Covenants.
- All homeowners receive a copy of their Covenants when they buy a house in Units 1 through 6 of the Sol y Lomas Subdivision.
- The Covenants were revised and approved by the homeowners within Units 1 through 6 between 2014 and 2019.
- Copies of Covenants for Units One and Two, Three, Four, Five and Six can be found on the HOA website: [www.SolyLomasHOA.org](http://www.SolyLomasHOA.org)

Lucia then reported that the Board is charged with following the Covenants which state:

- 1.2 General Purpose: It is the general purpose of these Covenants that the Lots within the Subdivision be developed and maintained as a highly desirable rural residential area, that the present natural beauty, the natural growth and native setting and surroundings of the Subdivision shall always be protected by these Covenants and that the seclusion of each home site in the Subdivision from the neighboring home sites shall be protected insofar as is possible.
- Article IV of the Covenants sets forth the requirement of an architectural review that will be overseen by the Architectural Review Committee (ARC).

What needs approval (includes the following and all outdoor projects):

- All projects external to the home (such as pergolas, fences, walls, sheds, etc.)
- Any project that requires a building permit
- Remodels that impact the exterior of the home
- Solar installations
- Structures extending above the roof line
- Screening for recreational vehicles and utility vehicles parked on the property

The ARC process (described in more detail on the website)

- Homeowner emails ARC at [SolylomasHOA@gmail.com](mailto:SolylomasHOA@gmail.com) describing the project
- ARC responds with informational email
- Homeowner submits plan (sketch or architectural drawings) to ARC
- Homeowner notifies neighbors, gets signatures on web form and submits to ARC
- ARC does a site visit and comments on the project
- ARC votes on final project and notifies homeowner in writing of approval

Wally Ausserer then presented a summary of a current ARC dispute case with ongoing expenditure of funds for legal fees. A homeowner built a large structure to cover an RV that the ARC considers in violation of the Covenants. The homeowner disputes this claim. The Board approved up to \$3,500 in fees for legal advice.

### **PROPOSED DEVELOPMENT AT OLD PECOS TRAIL (OPT) AND WEST ZIA ROAD**

Lucia introduced Bruce Throne, an HOA resident for the past 30 years and a retired lawyer, to give an update on the proposed development at OPT and West Zia Road. By way of background, Bruce informed the group that 15-20 years ago he assisted the residents in this neighborhood with respect to their legal and other concerns about the last developer request for approval of a proposed subdivision

of 31 housing units on this site. The proposal was rejected by the City's Planning Commission and subsequently by the City Council. Mr. Throne explained that the current proposal is for 22 lots and the developer is requesting re-zoning from R-1 to R-3.

There was an ENN meeting held on December 9, 2021 and Bruce reported he had noted at the meeting that a threshold legal issue for the proposed rezoning request is whether it complies with the City's criteria for approval of such request in the City Code and he claims it does not.

Quoting from the Code:

(C) Approval Criteria

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one of more of the following conditions exist:

(i) there was a mistake in the original zoning;

(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;...

Bruce reported that none of the information presented by Ms. Montoya at the December 9<sup>th</sup> ENN meeting provided any facts sufficient to show that any of the foregoing conditions for rezoning exist that would allow the Planning Commission or Governing body to approve the rezoning request.

Bruce was very complimentary of the number of HOA residents who have been canvassing the area collecting signatures on a petition: Protect Santa Fe's Old Pecos Trail Scenic Corridor from Rezoning. They include Annie Campbell, Diane MacInnes, Lily O'Leary, Mark Baker and Gail Walker. The petition can also be signed on-line:

[https://sign.moveon.org/petitions/protect-santa-fe-s-old-pecos-trail-scenic-corridor-from-rezoning?share=30897850-f0d1-4739-8df4-d94943ccd80a&source=email-share-button&utm\\_medium=&utm\\_source=email](https://sign.moveon.org/petitions/protect-santa-fe-s-old-pecos-trail-scenic-corridor-from-rezoning?share=30897850-f0d1-4739-8df4-d94943ccd80a&source=email-share-button&utm_medium=&utm_source=email)

Bruce stated there is a push by the City for infill without taking into account the character of the neighborhoods. He continued the potential higher densities in this area based on the City's "future land use policies" noted by Ms. Montoya at the December 9<sup>th</sup> ENN meeting do not eliminate or supersede the foregoing precondition for the Planning Commission and the Governing Body to grant a rezoning request.

Bruce has been communicating with Rick Martinez of the City, who has been most helpful. Mr. Martinez has indicated that there has to be another ENN meeting, because of the changes in the proposal being made by the developer, before it can be submitted to the Planning Commission. At this time if the developer wants to be on the April 7th Planning Commission meeting, it has to submit its application on February 21<sup>st</sup>, which means the last date possible for a second ENN meeting would be February 10<sup>th</sup> (always at least 10 days prior to the application date).

Another factor, the South Central Highway Corridor Protection District, into which the proposed development falls, requires that residential lots have a minimum of fifty percent open space. The subdivision as proposed does not meet that criterion.

Bruce did indicate, as have others, that there is no opposition to the development of this property at the existing zoning and to the specifications of the Old Pecos Trail Corridor Ordinance, although traffic issues would still need to be addressed.

Bruce encouraged the HOA residents to stay involved in this matter and to continue writing letters to the editor and OP-ED articles, always being respectful. He said it is best not to cc the Mayor or City Councilors but that the City Manager and City Attorney could be contacted because they do not vote on the proposal. In the coming week he plans to send another letter to the City requesting the developer identify FACTS that substantiate the request for rezoning the site from R-1 to R-3. Although the City has a valid infill policy, Bruce suggested that the location of this property, within the South Central Highway Corridor Protection District, makes this a front door issue for the city of Santa Fe, since it is the last remaining open-space corridor to the City and it is not a “not in my backyard” issue.

In conclusion, he suggested if the proposal is rejected, he would hope a conservation easement on this property could be obtained. Bruce then generously answered many questions. During discussion he suggested taking photos of residents walking their dogs or biking on the curve on West Zia just off OPT, where an ingress and egress to the development is being proposed. Nina Dougherty suggested taking photos of the wildlife in the neighborhood. All such photos should be sent in to Ms. Donna Wynant, City of Santa Fe, Senior Planner, Case Manager, [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov) Bruce said they would be placed in the packets the Planning Commissioners receive.

Bruce will be out of town January 30 – February 9. Lucia thanked Bruce for his informative presentation.

**ADJOURNMENT**

Lucia adjourned the meeting at 11:57 a.m.

Submitted by Jackie Dulle, Secretary