

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

**CDRC CASE # ZA/S 14-5491 SALEH
MASTER PLAN AMENDMENT, PRELIMINARY AND FINAL PLAT AND
DEVELOPMENT PLAN
SENEMAR, LLC, APPLICANT
DESIGN ENGINUITY, AGENT**

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on January 12, 2016, on a request by Senemar, LLC (Applicant) for a Master Plan Amendment to allow 12 commercial lots on a 64 ± acre site and to increase the amount of seating allowed in the church/religious institution use. The Applicant also requests Preliminary and Final Plat and Development Plan approval to create 3 commercial lots on 24 ± acres, for Saleh Phase 1. The Board, having reviewed the Application, supplemental materials, staff report, and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. The Applicant requested a Master Plan Amendment to allow 12 commercial lots on a 64 ± acre site and to increase the amount of seating allowed in the church/religious institution use. Additionally, the Applicant requests Preliminary and Final Plat approval, to create 3 commercial lots on 24 ± acres, and Final Development Plan for Saleh Phase 1, in conformance with Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code) as amended by Santa Fe County Ordinance 2000-12, the Community College District Ordinance (CCDO).

2. The Property is located on the south side of I-25 and east of Richards Avenue, within the Community College District, within Section 16, Township 16 North, Range 9 East, Commission District 5.

3. The owner acquired the Property by warranty deed recorded on November 28, 2005, as Instrument #1403256 in the record of the Santa Fe County Clerk. Design Enginuity is authorized by the Applicant to pursue the request for a Master Plan Amendment to the existing Master Plan for a Phased Mixed Use Development on a 64 acre \pm site, Preliminary and Final Plat, and Final Development Plan approval for Saleh Phase 1, as evidenced by a copy of the written authorization contained in the record.

4. On November 19, 2015, the County Development Review Committee (CDRC) recommended approval (5-1) of the request for a Master Plan Amendment to allow 12 commercial lots on a 64 \pm acre site, to increase the amount of seating allowed in the church/religious institution use, and for Preliminary and Final Plat and Development Plan for Saleh Phase 1 to create 3 commercial lots on 24 \pm acres.

5. Notice requirements were met as per Article II Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on December 22, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on December 22, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners.

6. On April 14, 2015, the Board approved a Master Plan to allow a Phased Mixed Use Development on a 64 acre \pm site. The approval included a variance of Santa Fe County Ordinance No. 2000-12, the Community College District Ordinance (CCDO), Section 6.E.3.c, which amends the Code to allow a no-outlet roadway to exceed 300 feet and a variance of the CCDO, Section 6.7, Road Design Standards, to allow deviation from design standards required of a Living Priority Road.

7. The uses allowed by the approved Master Plan for Phase 1, consisting of 24.16 acres, includes the following: 13.55 acres of Open Space which includes passive space, parks, plaza, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies (maximum 20 horses), and cemeteries; 7.39 acres of Neighborhood Center which includes cemeteries/funeral homes (maximum 5 acre cemetery and 10,000 square foot funeral home) and churches/religious institutions (maximum seating for 125 persons); and 1.82 acres of Employment Center which includes an air-conditioned storage facility with allowable caretaker unit (single building with a common entrance to all units, maximum 60,000 square feet) and an RV and boat storage facility.

8. The Master Plan Amendment will allow up to 12 lots to be created and will increase the seating for the church from 125 seats to 400 seats.

9. The Preliminary and Final Plat will create 3 commercial lots on 24 \pm acres, and Final Development Plan for Saleh Phase 1. The 3 commercial lots include 14.16 acres (58%) of open space and 2 roadways, which include wet and dry utilities installed in the roadways. There will be a 200 to 700 foot setback between the

commercial lots and Richard's Avenue. Saleh Avenue will be paved with curb and gutter and parking permitted along the street.

10. The applicable requirements under the Code as amended by the CCDO which govern this request are:

a. CCDO, Section 4.B.1.b states:

All lands within the Community College District are zoned for the uses allowed in the Land Use Table. The purpose of the Master Plan is to establish the extent and scope of the project including, without limitation, the uses for the project, the site specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with adjacent environment and its overall needs for services and infrastructure.

b. Article V, Section 5.2.1.b of the Code states:

A Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval.

c. Article V, Section 5.2.6.a, Amendments and Future Phase Approvals, of the Code states:

Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits.

d. Article V, Section 5.3.1c, Conformance with Master Plan and Preliminary Development Plan, of the Code states:

A preliminary plat may be submitted for only a phase or portion of the entire project so long as it conforms to the approved master plan and preliminary development plan submitted pursuant to Sections 5.2 and 7 of this Section, respectively.

e. Article V, Section 5.4.1a of the Code states:

...At the discretion of the Code Administrator, preliminary and final plats may be reviewed for approval simultaneously. Final plats for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with the master plan as specified in Section 5.2. above. The final plat shall comply with the New Mexico Subdivision Act and these regulations.

11. The following facts support the request for a Master Plan Amendment, Preliminary and Final Plat approval, and Development Plan approval for Saleh Phase 1. The Application established the extent and scope of the project including: the uses for the project, the zones of the project, specific information regarding the relationship between the landscape types, the relationship of the project's phases the interaction of the phases with the adjacent environment, and the project's overall needs for services and infrastructure. The Application is in conformance with the Santa Fe Growth Management Plan as amended by the Community College District Plan. The Application established the viability of the project to function at each completed phase. The Application established conformance to the CCDO in regards to roads and trails, community facilities, design and construction standards, and open space standards. The Applicant's proposed Master Plan Amendment conforms to the eligible uses allowed under a Neighborhood Center and Employment Center. The Application satisfies the submittal requirements set forth in the CCDO, Section 4.B.2, Submittals, and the Code's submittal requirements.

12. The review comments from the following State Agencies: New Mexico Department of Transportation (NMDOT), New Mexico Environmental Department

(NMED), New Mexico Historic Preservation Department (SHPO), and the Office of the State Engineer (OSE), as well as, County staff have established that that the Application is in compliance with State requirements, CCDO requirements, and Code requirements.

13. At public hearing before the Board on January 12, 2016, staff recommended approval for a Master Plan Amendment to allow 12 commercial lots on a 64 ± acre site and increase the amount of seating allowed in the church/religious institution use; Preliminary Plat, Final Plat, and Development Plan approval for Saleh Phase 1 to create 3 commercial lots on 24 ± acres, subject to the following conditions recommended by both staff and the CDRC:

- 1) The Applicant shall comply with all review agency comments and conditions as per Article V, Section 7.1.3.c. Conditions shall be noted on the recorded Master Plan Amendment, Plat and Development Plan.
- 2) The Partial Assignment of the Water Contract must be conveyed to the Applicant prior to recordation of the Final Plat.
- 3) The County shall not execute the Water Delivery Agreement until the Applicant pays all outstanding Service Charges due under the Water Contract that are attributable to the 10% interest created by the Partial Assignment. The Applicant shall pay all such charges and enter into the Water Delivery Agreement before recordation of the Final Plat for Phase 1 in the records of the Santa Fe County Clerk.
- 4) SFCU shall not provide water service to Saleh unless and until the Applicant and the County enter into a Water Delivering and Line Extension Agreement ("Water Delivery Agreement), the Applicant designs, constructs and dedicates to the County all required infrastructure in accordance with SFCU specifications, the County accepts the dedication, and water delivery is scheduled for Saleh in accordance with Resolution 2006-57.
- 5) Applicant must incorporate the 8 recommended technical review conditions onto the plat for Phase 1, as written in the November 3, 2015, letter from SFCU.

- 6) Saleh shall seek to have the wastewater connected to the City or other wastewater treatment facility. Saleh shall connect to a community waste water system for Phase 2 and shall abandon and remove the Phase 1 septic system. Any on-site wastewater facility shall be permitted by and come under the regulation of the New Mexico Environmental Department or the Water Quality Control Commission Regulations, as appropriate.
- 7) Preliminary and Final Plat and Development Plan for Saleh Phase 1 with appropriate signatures shall be recorded with the County Clerk, as per Article V, Section 5.4.5.
- 8) The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Plat recordation of Phase 1, as per Article V, Section 9.9.
- 9) Master Plan Amendment with appropriate signatures shall be recorded with the County Clerk, as per Article V, Section 5.2.5.
 - a) Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board (Article V, Section 5.2.7).

14. Orallynn Guerrerortiz, Agent, spoke in favor of the Application and addressed all questions and concerns raised by the Board.

15. At the public hearing no one spoke either in favor or opposition to the Application.

WHEREFORE the Board of County Commissioners for the County of Santa Fe hereby approves the request for a Master Plan Amendment to allow 12 commercial lots on a 64 ± acre site and increase the amount of seating allowed in the church/religious institution use; Preliminary and Final Plat and Development Plan approval for Saleh Phase 1 to create 3 commercial lots on 24 ± acres. The motion to approve the Application passed by a unanimous 5-0 vote.

IT IS SO ORDERED

This Order was approved by the Board of County Commissioners for the County of Santa Fe on this ___ day of _____, 2016

The Board of County Commissioners for the County of Santa Fe

By: _____
Miguel M. Chavez, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

SFC CLERK RECORDED 02/10/2016

consideration tonight and I'm happy to answer any questions you have.
 CHAIRMAN CHAVEZ: Does the applicant accept the conditions of approval, if this passes?
 MR. HENRY: Yes.
 CHAIRMAN CHAVEZ: Okay.
 COMMISSIONER STEFANICS: Mr. Chair, I have a question.
 CHAIRMAN CHAVEZ: I'll go to Commissioner Stefanics and then Commissioner Roybal.
 COMMISSIONER STEFANICS: Okay, so Mr. Chair, the question for the applicant is explain why you need that extra four feet.
 MR. HENRY: To do away with six steps to bring it into the 14-foot height.
 COMMISSIONER STEFANICS: So could there not be a ramp?
 MR. HENRY: Well, in 365 square feet it would pretty much eat it up. It's a one in twelve ramp and it would be 50 feet long.
 COMMISSIONER STEFANICS: If the 18 foot was granted, how many steps would it include and exclude?
 MR. HENRY: Six steps, I believe.
 COMMISSIONER STEFANICS: Would be taken away.
 MR. HENRY: Yes.
 COMMISSIONER STEFANICS: And how many would remain?
 MR. HENRY: Oh, it would be at the same level.
 COMMISSIONER STEFANICS: That's all for right now. Thank you.
 CHAIRMAN CHAVEZ: Commissioner Roybal, you had a question.
 COMMISSIONER ROYBAL: Actually, I didn't have a question. I was just going to make a motion for approval with staff recommendations.
 CHAIRMAN CHAVEZ: I still want to provide the public, anyone here, I would like to give them the opportunity to speak either in support or opposition of this land use case. Seeing none, then we'll close the public hearing portion and we have a motion. Do I hear a second?
 COMMISSIONER HOLIAN: I'll second that.
 CHAIRMAN CHAVEZ: We have a motion and a second. Any further discussion? Seeing none.

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact.]

- IX. B. 2. **CDRC CASE # ZA/S 14-5491 Saleh, Scenemar, LLC, Applicant, Design Enginuity, Agent, Request a Master Plan Amendment to Allow 12 Commercial Lots on a ±64-Acre Site and to Increase the Amount of Seating to the Allowed Church/Religious Institution Use. The Applicant also Requests Preliminary and Final Plat Approval, to Create Three Commercial Lots on ±24 Acres, and Final Development Plan Approval for Saleh Phase 1. The Property is Located on the**

South Side of I-25 and East of Richards Avenue, within Section
16, Township 16 North, Range 9 East (Commission District 5)
[Exhibit 11: Applicant's Supporting Material]

JOSE E. LARRAÑAGA (Case Manager): Thank you, Mr. Chair. On November 9, 2015 the County Development Review Committee recommended approval of the request for a master plan amendment to allow 12 commercial lots on a 64-acre lot, to increase the amount of seating allowed in the church/religious institution use, and for preliminary and final plat and development plan to create three commercial lots on 24 acres for Saleh, Phase 1.

On April 14, 2015, the Board of County Commissioners approved a Master Plan to allow a Phased Mixed Use Development on a 64-acre site. The approval included a variance of Santa Fe County Ordinance No. 2000-12, the Community College District Ordinance, Section 6.E.3.c, which amends the Santa Fe County Land Development Code, Ordinance No. 1996-10 to allow a no-outlet roadway to exceed 300 feet, and a variance of the CCDO, Section 6.7, Road Design Standards, to allow deviation from design standards required of a Living Priority Road.

The approved Master Plan defines the boundaries of the landscape types and thereby determines the configuration of the various zones on the Master Plan, taking into consideration the flatlands, hillsides, pinion/junipers, grasslands and arroyos of the CCDO Land Use Map and Land Systems Map. The Master Plan includes 7.4 acres of Neighborhood Center, 21.4 acres of Employment Center and 32.1 acres of open space. The remaining 3.1 acres consists of a road right-of-way.

The Applicant requests a Master Plan Amendment to allow 12 commercial lots on the 64-acre site and to increase the amount of seating allowed in the church/religious institution use.

The Applicant states: "we are requesting a Master Plan Amendment to clarify that up to 12 lots will be created within the Saleh project. In addition there is a need for a medium size church in our community. With the original Master Plan we requested zoning for a 125-seat church. We wish to increase that number to allow for a 400-seat church."

The Applicant also requests Preliminary and Final Plat approval, to create 3 commercial lots on 24+ acres, and Final Development Plan for Saleh Phase 1. The 3 commercial lots include 14.16 acres of open space and two roadways, which include wet and dry utilities installed in the roadways. There will be a 200 to 700-foot setback between the commercial lots and Richards Avenue. Saleh Avenue will be paved with curb and gutter and parking permitted along the street.

The uses allowed by the approved Master Plan for Phase 1, consisting of 24.16 acres, includes the following: 13.55 acres of open space which includes passive space, parks, plaza, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies and cemeteries; Neighborhood Center, consisting of 7.39 acres which includes cemeteries/funeral homes and churches/religious institutions; and an Employment Center consisting of 1.82 acres which includes air-conditioned storage facility with allowable caretaker unit and RV and boat storage facility.

The use list for Phase 2, consisting of 35.68 acres, includes the following: 16.13 acres of open space which includes passive space, parks, plaza, playground, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academics and cemeteries; Employment Center, consisting of 18.97 acres which includes apartments, condos or townhomes, shopping center, hotel and office/retail.

The Applicant states that due to the existing traffic congestion along Richards Avenue and the Oshara neighborhood, Phase 1 development will be limited to low traffic uses, while Phase 2 will not be developed until completion of the Northeast Connector.

Building and Development Services staff have reviewed this project for compliance with pertinent Code and CCDO requirements and have found that the facts presented support this request: the application has established the extent and scope of the project including the uses for the project, the specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with adjacent environment and its overall needs for services and infrastructure; conformance to the Santa Fe Growth Management Plan as amended by the Community College District Plan; the viability of the proposed phases of the project to function as completed developments; conformance to the CCDO in regards to roads and trails, community facilities, design and construction standards and open space standards; and the preliminary plat conforms to the approved master plan. The review comments from State Agencies and County staff have established findings that the Application is in compliance with state requirements, the CCDO requirements, and Article V, § 5.2.6.a; Article V, § 5.3.1.c; Article V, § 5.4.1.a; and Article V, § 7 of the Code.

Both staff and the CDRC recommend approval of the request for a master plan amendment to the existing master plan to allow 12 commercial lots on the 64-acre site and to increase the amount of seating to the allowed church/religious institution use. As well as approval of the preliminary and final plat, and development plan to create three commercial lots on 24 acres, for Saleh Phase 1, subject to the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIRMAN CHAVEZ: Yes, you may.

[The conditions are as follows:]

1. The Applicants shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded Master Plan Amendment, Plat and Development Plan.
2. The Partial Assignment of the Water Contract must be conveyed to the Applicant prior to recordation of the Final Plat.
3. The County shall not execute the Water Delivery Agreement until the Applicant pays all outstanding Service Charges due under the Water Contract that are attributable to the 10% interest created by the Partial Assignment. The Applicant shall pay all such charges and enter into the Water Delivery Agreement before recordation of the Final Plat for Phase 1 in the records of the Santa Fe County Clerk.
4. SFCU shall not provide water service to Saleh unless and until the Applicant and the County enter into a Water Delivering and Line Extension Agreement ("Water Delivery Agreement), the Applicant designs, constructs and dedicates to the

- County all required infrastructure in accordance with SFCU specifications, the County accepts the dedication, and water delivery is scheduled for Saleh in accordance with Resolution 2006-57.
5. Applicant must incorporate the 8 recommended technical review conditions onto the plat for Phase 1, as written in the November 3, 2015 letter from SFCU.
 6. Saleh shall seek to have the wastewater connected to the City or other wastewater treatment facility. Saleh shall connect to a community waste water system for Phase 2 and shall abandon and remove the Phase 1 septic system. Any on-site wastewater facility shall be permitted by and come under the regulation of the New Mexico Environmental Department or the Water Quality Control Commission Regulations, as appropriate.
 7. Preliminary and Final Plat and Development Plan for Saleh Phase 1 with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.4.5.
 8. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Plat recordation of Phase 1, as per Article V, § 9.9.
 9. Master Plan Amendment with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
 - a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board (Article V, § 5.2.7).

MR. LARRAÑAGA: Mr. Chair, I stand for any questions.

CHAIRMAN CHAVEZ: Are there any questions of staff at this time?

Then I'd like to ask the applicant if you have any other comments that you would like to add, and I would ask at this time if you're in agreement with the nine conditions of approval.

[Duly sworn, Orallynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: I'm Orallynn Guerrerortiz with Design Ingenuity, and to answer your question, yes, we are in agreement with the conditions. I do have a presentation if you'd like to see it.

CHAIRMAN CHAVEZ: What are the -

COMMISSIONER STEFANICS: Mr. Chair, I'd like to hear if there's any opposition. If there's no opposition we might not need to see the presentation.

CHAIRMAN CHAVEZ: Good point. Then are you okay with us going to the public hearing portion?

MS. GUERRERORTIZ: Certainly, sir.

CHAIRMAN CHAVEZ: Okay, again, on this item, this is a public hearing and if anyone would like to speak to this land use case now is your time. Okay. I will then close the public hearing portion of the meeting. Commissioner Stefanics, do you want a short presentation?

COMMISSIONER STEFANICS: No. Mr. Chair, I'm ready to make a recommendation for approval with the staff conditions.

COMMISSIONER HOLIAN: Second.

CHAIRMAN CHAVEZ: So there's a motion and a second to approve this land use case with conditions.

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact.]

IX. B. 3. CDRC CASE # S 08-5441 Tierra Bello Subdivision Phase 2 and Phase 3 Preliminary and Final Plat and Development Plan. Joe Miller, Applicant, Danny Martinez, Agent, Request Preliminary and Final Plat and Development Plan Approval for Phase 2 (Six Lots) and Phase 3 (Six Lots) of the Tierra Bello Residential Subdivision to Create 12 Residential Lots within a Previously Approved Master Planned 73-Lot Residential Subdivision. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 and 25, Township 75 North, Range 9 East (Commission District 5) [Exhibit 12: Letter from Spur Ranch Road Association]

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. On November 19, 2015, the CDRC met and recommended approval for preliminary plat, final plat and development plan for Phase 2 and Phase 3 of the Tierra Bello Subdivision. On May 14, 2013, the Board of County Commissioners approved the Master Plan for the 73-lot residential subdivision consisting of eight phases on 263.77 acres and preliminary plat, final plat and development plan for Phase 1, which consisted of nine lots.

The Applicant now requests preliminary and final plat and development plan approval for Phase 2 and Phase 3, which will consist of a total of 12 residential lots, one being an affordable lot, on 48.48 acres. Lot sizes range from 2.75 acres to 3.31 acres. A total of 12.28 acres will be dedicated as open space which includes roadway dedication, and is to be maintained by the Tierra Bello Subdivision Homeowner's Association.

Staff recommendation: approval of preliminary plat, final plat and development plan for Phase 2 and Phase 3, of the Tierra Bello residential subdivision to create 12 lots within a portion of a previously approved master planned 73-lot residential subdivision subject to the following conditions. Mr. Chair, may I enter those into the record?

CHAIRMAN CHAVEZ: Yes, you may.

1. The applicant shall comply with all review agency comments and conditions (per Article V, Section 7.1.3.c).
2. Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, (per Article V, Section 5.2.5 and Section 5.4.5).

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. V 15-5270
VARIANCE
KATHLEEN KAUPP, APPLICANT

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on January 12, 2016, on the Application of Kathleen Kaupp (Applicant) for a variance of Article III, Section 2.3.6b.2, Height Restrictions for Dwellings or Residential Accessory Structures, of Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code) and Section 3.8.2.d of Ordinance No. 2000-13 Tesuque Community Zoning District, (Tesuque Zoning Ordinance) in order to allow a 365 square foot accessory structure addition to exceed 14 feet on a ridgetop on 2.82 acres. The BCC, having reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. The Applicant requested a variance of Article III, Section 2.3.6b.2, Height Restrictions for Dwellings or Residential Accessory Structures, of the Code and Section 3.8.2.d of the Tesuque Zoning Ordinance in order to build a 365 square foot storage structure on a sloped area which will be an 18' flat roof, exceeding the 14 feet height requirement.

2. The property is located at 7 Thorpe Way, within Section 6, Township 17 North, Range 10 East (Property).

3. The Applicant acquired the Property by warranty deed recorded on June 9, 2015, as Instrument # 1766503 in records of the Santa Fe County Clerk.

4. The Property is part of the Bishops Lodge Estates Subdivision, which was created in 1988 and is recognized as a legal lot of record. Currently, there is an existing residence, garage, and studio on the property. The residence is 4,638 square feet and was permitted in 1999. In 2005, the Applicant obtained a permit for a 1,215 square foot garage/studio. The residence was approved at 14' in height from finished floor grade, and the garage/studio was approved at 14' in height from final cut grade.

5. On November 19, 2015, the County Development Review Committee (CDRC) recommended approval of the requested variance with staff's conditions, with a 4-2 voice vote.

6. Noticing requirements were met as per Article II, Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming the public notice posting regarding the Application was made for twenty-one (21) days on the property, beginning on October 22, 2015. Additionally notice of hearing was published in the legal notice section of the Santa Fe New Mexican on October 22, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailings of notices of the hearing were also contained in the record for all adjacent property owners.

7. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) which govern this application are:

a. Article III, Section 2.3.6b.2, Height Restrictions for Dwellings or Residential Accessory Structures, of the Code states:

On ridgetops as defined in Article X of the Code, only one story buildings are allowed. On ridgetops, the height of any dwelling or residential accessory structure shall not exceed fourteen feet (14'), except one story pitched roof style buildings may be allowed a maximum height of eighteen feet (18') provided such roof can be screened from a public way and pursuant to a site visit and approval of the Code Administrator.

b. Section 3.8.2.d, Height on Slopes and Ridgetops, of the Tesuque Zoning Ordinance, which amends the Code regarding specific restrictions in the Tesuque Area states:

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecountynm.gov

1) On ridgetops as defined in this Section, only one story buildings are allowed and the height of any structure shall not exceed fourteen feet (14'). Chimneys may extend three feet (3') beyond the height limitation.

c. Article II, Section 3, Variances, of the Code states:

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code upon adequate proof that compliance with a Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety.

d. Article II, Section 3.1 concludes that, "[i]n no event shall a variance...be recommended by [the] Development Review Committee nor granted by the Board if by doing so the purpose of the Code would be nullified."

e. Article II, Section 3.2 states, "[i]n no case shall any variation or modification be more than a minimum easing of the requirements."

8. The Applicant's Agent presented that the 365 square foot addition to the existing garage/studio is for use as a storage area, which will be associated with her studio. He also presented that Ms. Kaupp has the intention of keeping her home, the Applicants studio, and her garage accessible with the intention of aging in this home.

9. The Agent has asserted that a variance is needed to make the area one level and without stairs, which would make the area difficult and impossible for Ms. Kaupp to access. Ms. Kaupp would like to continue to live and work in the residence. Ms. Kaupp is 73 years old and if the variance were not granted six stairs would have to be installed because there is not enough room for a ramp. The need for the variance is due to the topography of the land and the current location of the garage and studio.

10. At the public hearing before the Board on January 12, 201, staff recommended denial of the Application, and suggested the following conditions if approval were granted:

a. The Applicant shall screen the structure to protect and enhance the visual appearance of natural hillsides. (As per Article III, § 2.3.10a.3)

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecountynm.gov

- b. The structure and roof shall be constructed in non-reflective earth tone colors. (As per Article III, § 2.3.8a.2)
- c. The Applicant must obtain a development permit from the Building and Development Services Department. (As per Article II, § 2)
- d. The Applicant shall comply with all Fire Prevention Division requirements at the time of development permit Application. (As per 1997 Fire Code and NFPA Life Safety Code)

11. In support of the Application, the Agent stated that the Applicant is in agreement with staff's conditions.

12. At the public hearing no one from the public spoke either in favor or against the application.

13. The Applicant stated that compliance with the Code would exact a hardship because without this variance the storage would be inaccessible to Ms. Kaupp. The Agent explained that this variance is a minimum easing of the requirement because this site, which is being proposed is on the south side of the studio and the way that the Property is positioned and sloped the storage area will never be seen from the east making a minimum visual impact on the surrounding neighborhood.

14. Granting a variance to allow a 365 square foot storage structure addition to remain at one floor level with a height of 18' will not result in conditions injurious to health or safety, it will not nullify the purpose of the Code, and it is a minimal easing of the Code.

WHEREFORE the Board of County Commissioners for the County of Santa Fe hereby approves the request for a variance of Article III, Section 2.3.6b.2, Height Restrictions for Dwellings or Residential Accessory Structures, of Santa Fe County Land Development Code, Ordinance No. 1996-10 and Section 3.8.2.d, Height on Slopes and Ridgetops, of Ordinance No. 2000-13 Tesuque Community Zoning District, to allow a 365 square foot storage structure addition

to exceed 14 feet on a ridgetop on 2.82 acres subject to staff conditions set forth in paragraph 10.

The motion to approve the variance passed by a unanimous 5-0 voice vote.

IT IS SO ORDERED

This Order was approved by the Board of County Commissioners for the County of Santa Fe on this
___ day of _____, 2016.

By: _____
Miguel Chavez, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

this is a public hearing so I want to ask if there's anyone from the public that would want to speak to this item. You'll be welcome and encouraged to do that. So questions to the County Attorney at this time? Okay, let's go ahead and go to the public hearing then. Again, is there anyone here that would like to speak to this issue? Seeing none, then I would ask for direction from the Board of County Commission.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I would move for approval of Ordinance

No. 2016-1.

COMMISSIONER ROYBAL: Second.

CHAIRMAN CHAVEZ: Okay, we have a motion and a second. Any further discussion? Seeing none, this is a roll call.

The motion passed by unanimous roll call vote as follows:

Commissioner Chavez	Aye
Commissioner Holian	Aye
Commissioner Roybal	Aye
Commissioner Stefanics	Aye
Commissioner Anaya	Aye [Commissioner Anaya recorded his vote after the fact.]

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: I just was notified that somebody was here earlier for a public comment and I wanted to find out if they were still in the audience. Is Becky Langford still here? Okay, thank you. I'll let everybody know what she wanted to talk about. Thank you.

CHAIRMAN CHAVEZ: And if she does join us I'm sure that we can accommodate her at some point during the session.

VIII. B. Land Use Cases

1. CDRC CASE # V 15-5270 Kathleen Kaupp Variance. Kathleen Kaupp Applicant, Michael Henry, Agent, Requests a Variance of Article III, Section 2.3.6b.2 (Height Restrictions for Dwellings or Residential Accessory Structures) of the Land Development Code and Section 3.8.1.d of Ordinance 2000-13 Tesuque Community Zoning District (Height on Slopes and Ridgetops) to Allow a 365 Square Foot Accessory Structure Addition to Exceed 14 Feet in Height on a Ridgetop. The Property is 2.82 Acres and Located at 7 Thorpe Way, within the Bishops Lodge Estates Subdivision, within Section 6, Township 17 North, Range 10 East (Commission District 1). John Lovato, Case Manager

JOHN LOVATO (Case Manager): Thank you, Mr. Chair, Commissioners. Kathleen Kaupp applicant, Michael Henry, agent, request a variance of Article III, Section 2.3.6b.2 (Height Restrictions for Dwellings or Residential Accessory Structures) of the Santa Fe County Ordinance No. 1996-10, and Section 3.8.1.d of Ordinance 2000-13, Tesuque Community Zoning District (Height on Slopes and Ridgetops) to allow a 365 square foot accessory structure addition to exceed 14 feet in height on a ridgetop. The property is located at 7 Thorpe Way, within the Bishops Lodge Estates Subdivision, within Section 6, Township 17 North, Range 10 East, Commission District 1.

On November 19, 2015 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the variance with a 4-2 voice vote.

The subject lot is part of the Bishop's Lodge Estates Subdivision which was created in 1988, and is recognized as a legal lot of record. Currently, there is an existing residence, garage and studio on the property. The residence is 4,638 square feet and was permitted in 1995. In 2005, the applicant obtained a permit for a 1,215 square foot garage/studio. The residence was approved at 14 feet in height from finished floor grade, and the garage/studio was approved at 14 feet in height from final cut grade.

The applicant wishes to construct a 365 square foot addition to the existing garage/studio for storage. The applicant's studio and proposed addition are located on a ridgetop. The proposed addition is 18 feet in height with a flat roof and located on the western portion of the property. The maximum allowable height for ridgetops is 18 feet for a pitched roof and 14 feet for a flat roof. The Applicant is seeking a variance of the height requirements in order to meet the current height of the existing structure.

The applicant states, a variance is needed due to the topography of the land and wants the existing structure and proposed addition to remain on one level. The applicant states that having steps is difficult and would make it impossible to access.

Staff has inspected the site and determined that this is another locations on the north side of the garage/studio to construct the proposed addition to meet current height requirements. The applicant has chosen to place the addition on the southwest portion of the property with greater slopes. Therefore the applicant is seeking and requesting a variance.

Growth Management staff has reviewed the application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.

Staff recommendation: On November 19, 2015 the CDRC recommended approval of the requested variance of Article III, § 2.3.6b.2 of the Santa Fe County Land Development Code and of Ordinance No. 2000-13 Tesuque Community Zoning District to allow a 365 square foot addition to exceed 14 feet in height on a ridgetop.

If the decision of the BCOMMISSION is to approve the applicant's request, staff recommends imposition of the following conditions. Mr. Chair, may I enter those into the record?

CHAIRMAN CHAVEZ: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall screen the structure to protect and enhance the visual appearance of natural hillsides. (As per Article III, § 2.3.10a.3)
2. The structure and roof shall be constructed in non-reflective earth tone colors (As

- per Article III, § 2.3.8a.2).
3. The Applicant must obtain a development permit from the Building and Development Services Department (As per Article II, § 2).
 4. The Applicant shall comply with all Fire Prevention Division requirements at the time of development permit Application. (As per 1997 Fire Code and NFPA Life Safety Code).

MR. LOVATO: Thank you, and I stand for any questions.

CHAIRMAN CHAVEZ: Are there questions of staff before we go into the public hearing?

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN CHAVEZ: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Is this – would this be considered an accessory dwelling?

MR. LOVATO: Mr. Chair, Commissioner Stefanics, no, it's not an accessory dwelling. It only contains one bathroom, and so therefore it's under current code. It's not under the proposed code. So they're not asking for any kitchen or bathroom. They're just asking for an addition to the existing structure.

COMMISSIONER STEFANICS: An addition to the existing structure. Thank you.

CHAIRMAN CHAVEZ: Any other questions of staff? Okay, this is a public hearing. First the applicant, and then any other of the public that would want to speak to this issue. So we'll hear from the applicant first.

[Duly sworn, Michael Henry testified as follows:]

MICHAEL HENRY: Michael Henry. Good evening. I'm Ms. Kaupp's architect and I'll be her agent this evening as she will not be able to be with us tonight. As John pointed out we are requesting a variance of four foot on the height of a proposed storage area that is associated with a studio on her property. Ms. Kaupp has had the intention of keeping her home, her studio and her garage accessible with the intention of aging in place. Ms. Kaupp turned 73 last month and she has difficulty with stairs.

The code states that in consideration of a variance, in no case shall any variation or modification be more than a minimum easing of the requirements. This site, which is being proposed is on the south side of the studio. I'd like you to look at Exhibit 10. On the back side you'll see elevations. The variance request is really for the most part a west elevation, less so for the south and east because of the sloping conditions. Also, if you could turn to Exhibit 11, you can see that the main north-south ridge passes substantially higher to the east, so the storage area will never be seen from the east. And likewise would you see if from the north because of its relationship to the studio.

And from the south it's going to be very difficult to see as well because it's built in a small bowl. We feel that our proposal is a minimum easing of the requirements and it has a minimum visual impact on the surrounding neighborhood. We have no issue with staff's recommendation for approval. As you can see from the photographs there is quite a bit of vegetation in the proposed area and we have no problems with supplementing that where it's needed. The stucco, window and door colors will match the existing structure and the roof will be a non-reflective earth tone. Of course we still have the state building permit process and the blessing of the County Fire Department. Thank you for your

consideration tonight and I'm happy to answer any questions you have.

CHAIRMAN CHAVEZ: Does the applicant accept the conditions of approval, if this passes?

MR. HENRY: Yes.

CHAIRMAN CHAVEZ: Okay.

COMMISSIONER STEFANICS: Mr. Chair, I have a question.

CHAIRMAN CHAVEZ: I'll go to Commissioner Stefanics and then Commissioner Roybal.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, the question for the applicant is explain why you need that extra four feet.

MR. HENRY: To do away with six steps to bring it into the 14-foot height.

COMMISSIONER STEFANICS: So could there not be a ramp?

MR. HENRY: Well, in 365 square feet it would pretty much eat it up. It's a one in twelve ramp and it would be 40 feet long.

COMMISSIONER STEFANICS: If the 18 foot was granted, how many steps would it include and exclude.

MR. HENRY: Six steps, I believe.

COMMISSIONER STEFANICS: Would be taken away.

MR. HENRY: Yes.

COMMISSIONER STEFANICS: And how many would remain?

MR. HENRY: Oh, it would be at the same level.

COMMISSIONER STEFANICS: That's all for right now. Thank you.

CHAIRMAN CHAVEZ: Commissioner Roybal, you had a question.

COMMISSIONER ROYBAL: Actually, I didn't have a question. I was just going to make a motion for approval with staff recommendations.

CHAIRMAN CHAVEZ: I still want to provide the public, anyone here, I would like to give them the opportunity to speak either in support or opposition of this land use case. Seeing none, then we'll close the public hearing portion and we have a motion. Do I hear a second?

COMMISSIONER HOLIAN: I'll second that.

CHAIRMAN CHAVEZ: We have a motion and a second. Any further discussion? Seeing none.

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact.]

- IX. B. 2. **CDRC CASE # ZA/S 14-5491 Saleh, Senemar, LLC, Applicant, Design Egnuity, Agent, Request a Master Plan Amendment to Allow 12 Commercial Lots on a ±64-Acre Site and to Increase the Amount of Seating to the Allowed Church/Religious Institution Use. The Applicant also Requests Preliminary and Final Plat Approval, to Create Three Commercial Lots on ±24 Acres, and Final Development Plan Approval for Saleh Phase 1. The Property is Located on the**

this is a public hearing so I want to ask if there's anyone from the public that would want to speak to this item. You'll be welcome and encouraged to do that. So questions to the County Attorney at this time? Okay, let's go ahead and go to the public hearing then. Again, is there anyone here that would like to speak to this issue? Seeing none, then I would ask for direction from the Board of County Commission.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I would move for approval of Ordinance

No. 2016-1.

COMMISSIONER ROYBAL: Second.

CHAIRMAN CHAVEZ: Okay, we have a motion and a second. Any further discussion? Seeing none, this is a roll call.

The motion passed by unanimous roll call vote as follows:

Commissioner Chavez	Aye
Commissioner Holian	Aye
Commissioner Roybal	Aye
Commissioner Stefanics	Aye
Commissioner Anaya	Aye [Commissioner Anaya recorded his vote after the fact.]

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: I just was notified that somebody was here earlier for a public comment and I wanted to find out if they were still in the audience. Is Becky Langford still here? Okay, thank you. I'll let everybody know what she wanted to talk about. Thank you.

CHAIRMAN CHAVEZ: And if she does join us I'm sure that we can accommodate her at some point during the session.

VIII. B. Land Use Cases

1. CDRC CASE # V 15-5270 Kathleen Kaupp Variance. Kathleen Kaupp Applicant, Michael Henry, Agent, Requests a Variance of Article III, Section 2.3.6b.2 (Height Restrictions for Dwellings or Residential Accessory Structures) of the Land Development Code and Section 3.8.1.d of Ordinance 2000-13 Tesuque Community Zoning District (Height on Slopes and Ridgetops) to Allow a 365 Square Foot Accessory Structure Addition to Exceed 14 Feet in Height on a Ridgetop. The Property is 2.82 Acres and Located at 7 Thorpe Way, within the Bishops Lodge Estates Subdivision, within Section 6, Township 17 North, Range 10 East (Commission District 1). John Lovato, Case Manager

JOHN LOVATO (Case Manager): Thank you, Mr. Chair, Commissioners. Kathleen Kaupp applicant, Michael Henry, agent, request a variance of Article III, Section 2.3.6b.2 (Height Restrictions for Dwellings or Residential Accessory Structures) of the Santa Fe County Ordinance No. 1996-10, and Section 3.8.1.d of Ordinance 2000-13, Tesuque Community Zoning District (Height on Slopes and Ridgetops) to allow a 365 square foot accessory structure addition to exceed 14 feet in height on a ridgetop. The property is located at 7 Thorpe Way, within the Bishops Lodge Estates Subdivision, within Section 6, Township 17 North, Range 10 East, Commission District 1.

On November 19, 2015 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the variance with a 4-2 voice vote.

The subject lot is part of the Bishop's Lodge Estates Subdivision which was created in 1988, and is recognized as a legal lot of record. Currently, there is an existing residence, garage and studio on the property. The residence is 4,638 square feet and was permitted in 1995. In 2005, the applicant obtained a permit for a 1,215 square foot garage/studio. The residence was approved at 14 feet in height from finished floor grade, and the garage/studio was approved at 14 feet in height from final cut grade.

The applicant wishes to construct a 365 square foot addition to the existing garage/studio for storage. The applicant's studio and proposed addition are located on a ridgetop. The proposed addition is 18 feet in height with a flat roof and located on the western portion of the property. The maximum allowable height for ridgetops is 18 feet for a pitched roof and 14 feet for a flat roof. The Applicant is seeking a variance of the height requirements in order to meet the current height of the existing structure.

The applicant states, a variance is needed due to the topography of the land and wants the existing structure and proposed addition to remain on one level. The applicant states that having steps is difficult and would make it impossible to access.

Staff has inspected the site and determined that this is another locations on the north side of the garage/studio to construct the proposed addition to meet current height requirements. The applicant has chosen to place the addition on the southwest portion of the property with greater slopes. Therefore the applicant is seeking and requesting a variance.

Growth Management staff has reviewed the application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.

Staff recommendation: On November 19, 2015 the CDRC recommended approval of the requested variance of Article III, § 2.3.6b.2 of the Santa Fe County Land Development Code and of Ordinance No. 2000-13 Tesuque Community Zoning District to allow a 365 square foot addition to exceed 14 feet in height on a ridgetop.

If the decision of the BCOMMISSION is to approve the applicant's request, staff recommends imposition of the following conditions. Mr. Chair, may I enter those into the record?

CHAIRMAN CHAVEZ: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall screen the structure to protect and enhance the visual appearance of natural hillsides. (As per Article III, § 2.3.10a.3)
2. The structure and roof shall be constructed in non-reflective earth tone colors (As

- per Article III, § 2.3.8a.2).
3. The Applicant must obtain a development permit from the Building and Development Services Department (As per Article II, § 2).
 4. The Applicant shall comply with all Fire Prevention Division requirements at the time of development permit Application. (As per 1997 Fire Code and NFPA Life Safety Code).

MR. LOVATO: Thank you, and I stand for any questions.

CHAIRMAN CHAVEZ: Are there questions of staff before we go into the public hearing?

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN CHAVEZ: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Is this – would this be considered an accessory dwelling?

MR. LOVATO: Mr. Chair, Commissioner Stefanics, no, it's not an accessory dwelling. It only contains one bathroom, and so therefore it's under current code. It's not under the proposed code. So they're not asking for any kitchen or bathroom. They're just asking for an addition to the existing structure.

COMMISSIONER STEFANICS: An addition to the existing structure. Thank you.

CHAIRMAN CHAVEZ: Any other questions of staff? Okay, this is a public hearing. First the applicant, and then any other of the public that would want to speak to this issue. So we'll hear from the applicant first.

[Duly sworn, Michael Henry testified as follows:]

MICHAEL HENRY: Michael Henry. Good evening. I'm Ms. Kaupp's architect and I'll be her agent this evening as she will not be able to be with us tonight. As John pointed out we are requesting a variance of four foot on the height of a proposed storage area that is associated with a studio on her property. Ms. Kaupp has had the intention of keeping her home, her studio and her garage accessible with the intention of aging in place. Ms. Kaupp turned 73 last month and she has difficulty with stairs.

The code states that in consideration of a variance, in no case shall any variation or modification be more than a minimum easing of the requirements. This site, which is being proposed is on the south side of the studio. I'd like you to look at Exhibit 10. On the back side you'll see elevations. The variance request is really for the most part a west elevation, less so for the south and east because of the sloping conditions. Also, if you could turn to Exhibit 11, you can see that the main north-south ridge passes substantially higher to the east, so the storage area will never be seen from the east. And likewise would you see if from the north because of its relationship to the studio.

And from the south it's going to be very difficult to see as well because it's built in a small bowl. We feel that our proposal is a minimum easing of the requirements and it has a minimum visual impact on the surrounding neighborhood. We have no issue with staff's recommendation for approval. As you can see from the photographs there is quite a bit of vegetation in the proposed area and we have no problems with supplementing that where it's needed. The stucco, window and door colors will match the existing structure and the roof will be a non-reflective earth tone. Of course we still have the state building permit process and the blessing of the County Fire Department. Thank you for your

consideration tonight and I'm happy to answer any questions you have.

CHAIRMAN CHAVEZ: Does the applicant accept the conditions of approval, if this passes?

MR. HENRY: Yes.

CHAIRMAN CHAVEZ: Okay.

COMMISSIONER STEFANICS: Mr. Chair, I have a question.

CHAIRMAN CHAVEZ: I'll go to Commissioner Stefanics and then Commissioner Roybal.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, the question for the applicant is explain why you need that extra four feet.

MR. HENRY: To do away with six steps to bring it into the 14-foot height.

COMMISSIONER STEFANICS: So could there not be a ramp?

MR. HENRY: Well, in 365 square feet it would pretty much eat it up. It's a one in twelve ramp and it would be 40 feet long.

COMMISSIONER STEFANICS: If the 18 foot was granted, how many steps would it include and exclude.

MR. HENRY: Six steps, I believe.

COMMISSIONER STEFANICS: Would be taken away.

MR. HENRY: Yes.

COMMISSIONER STEFANICS: And how many would remain?

MR. HENRY: Oh, it would be at the same level.

COMMISSIONER STEFANICS: That's all for right now. Thank you.

CHAIRMAN CHAVEZ: Commissioner Roybal, you had a question.

COMMISSIONER ROYBAL: Actually, I didn't have a question. I was just going to make a motion for approval with staff recommendations.

CHAIRMAN CHAVEZ: I still want to provide the public, anyone here, I would like to give them the opportunity to speak either in support or opposition of this land use case. Seeing none, then we'll close the public hearing portion and we have a motion. Do I hear a second?

COMMISSIONER HOLIAN: I'll second that.

CHAIRMAN CHAVEZ: We have a motion and a second. Any further discussion? Seeing none.

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact.]

- IX. B. 2. CDRC CASE # ZA/S 14-5491 Saleh, Senemar, LLC,
Applicant, Design Egnuity, Agent, Request a Master Plan
Amendment to Allow 12 Commercial Lots on a ±64-Acre Site
and to Increase the Amount of Seating to the Allowed
Church/Religious Institution Use. The Applicant also Requests
Preliminary and Final Plat Approval, to Create Three
Commercial Lots on ±24 Acres, and Final Development Plan
Approval for Saleh Phase 1. The Property is Located on the

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. Z06-5033
VILLAGE AT GALISTEO BASIN PRESERVE ("TRENZA") MASTER PLAN
AMENDMENT
COMMONWEAL CONSERVANCY (TED HARRISON), APPLICANT

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on November 10, 2015, on the Application of Commonweal Conservancy (Ted Harrison), Applicant, for a Master Plan Amendment to reconfigure the Planning Envelope and reduce the size from 10,360 acres to 2,502 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses, a green cemetery and a 60-seat outdoor amphitheater. The request also includes a of the original five (5) phase development to seven (7) phases which would take place over a period of 10 years. The Board, having reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing, finds that the Application is well taken and should be granted subject to certain conditions, and makes the following findings of fact and conclusions of law:

1. The Applicant requested an amendment to the previously approved Master Plan for the Trenza (formerly Village at Galisteo Basin Preserve) mixed use subdivision to reduce the size from 10,360 acres to 2,502 acres, reducing the size of the development from 965 dwelling units and

150,000 square feet of commercial and civic land uses to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses, a green cemetery, a 60-seat outdoor amphitheater and a revision of the original five (5) phase development to seven (7) phases, which will take place over a period of 10 years.

2. The project is located south of Eldorado, west of US 285, south of the Railroad tracks, within Sections 1, 3, 11-14, 23 and 24, Township 14 North, Range 9 East; Sections 5-7 and 18, Township 14 North, Range 10 East; Sections 34-36, Township 15 North, Range 9 East; and Sections 30 and 31, Township 15 North, Range 10 East.

3. On June 12, 2007, the Board granted Master Plan zoning approval for a mixed use development consisting of 965 residential units; 150,000 square feet of commercial, institutional, educational, and recreational land uses; and open space, which includes parks and trails on 10,316 acres.

4. On February 9, 2010, the Board granted Preliminary Plat and Development Plan approval for Phase 1 of the referenced subdivision which consisted of 131 single family residential lots and 3 multi-family residential lots for a total of 149 residential units, and 5 non-residential lots within a 60 acre development envelope; Phase 1 was set to expire on February 9, 2012.

5. On December 13, 2011, the Board granted a 36-month time extension of the previously approved Preliminary Plat and Development Plan for Phase 1. The 36-month time extension expired on February 9, 2015.

6. On November 20, 2014, the County Development Review Committee (CDRC) met and recommended approval for a Master Plan Amendment to reconfigure the Planning Envelope from 10,360 acres to 3,560 acres, reducing the size of the development from 965 dwelling units and

150,000 square feet of commercial and civic land uses to 450 dwelling units and 88,500 square feet of commercial and civic land uses, which included a green cemetery, a 60-seat outdoor amphitheater and a modification of the original five (5) phase development to six (6) phases that would take place over a period of 12 years.

7. The Application was scheduled to be presented to the Board on January 13, 2015. At the request of the Applicant, the Master Plan Amendment was deferred from consideration by the Board in order to address questions about the Application that Los Alamos National Bank (LANB) expressed prior to the hearing. LANB's questions related to whether the Application would affect the bank's collateral interest on a portion of the lands contained within the Master Plan Amendment planning envelope. LANB was unable to give Trenza clear directions as to its needs. Therefore, the Application was withdrawn.

8. On October 15, 2015, the CDRC recommended approval of the Master Plan Amendment to reconfigure the planning envelope and reduce the size from 10,360 acres to 2,502 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses, a green cemetery, a 60-seat outdoor amphitheater, which revised the original five (5) phase development to seven (7) phases over a 10 year period.

9. In support of the Application, the Applicant submitted a letter of request, a development plan report including proof of legal lot of record and proof of ownership, a development plan set of drawings, and survey plat.

10. Notice requirements were met as per Article II, Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for

twenty-one (21) days on the property, beginning on September 24, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on September 24, 2015, as evidenced by a copy of that legal notice contained in the record.

11. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) which govern this amendment are:

a. Article V, Section 5.2.3, Master Plan Review, of the Code states:

The master plan shall be submitted to the Code Administrator or his authorized representative with a written application for approval. The Code Administrator will review the plan and submit analysis, written comments and a recommendation to the County Development Review Committee and the Board. Master plans shall be reviewed by the County Development Review Committee which shall make determinations regarding compliance with the County General Plan or the Extraterritorial Plan and the Code and shall forward the plan to the Board with the Committee's recommendation. The Board may adopt, amend, supplement, or reject the County Development Review Committee recommendation.

b. Article V, Section 5.2.6.a, Amendments and Future Phase Approvals, of the Code, states:

Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each Phase of the development plan must be considered on its own merits.

c. Article V, Section 5.2.6.d, Amendments and Future Phase Approvals, of the Code states, "[t]he phasing may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan."

12. The Applicant's reasoning behind the change to the Trenza Subdivision is, "[i]n the face of a deep and protracted economic recession, Commonweal has been re-evaluating its economic opportunities and development ambitions for Trenza and the larger Galisteo Basin Preserve."

13. At the public hearing before the Board on November 10, 2015, staff recommended approval of the Application to amend the Master Plan of the Trenza (formerly Village at Galisteo Basin Preserve) Subdivision, subject to the following conditions:

- a) The Amended Master Plan must be recorded with the County Clerk's office prior to Preliminary Plat Application.
- b) An Affordable Housing Agreement must be prepared and submitted for consideration by the Board of County Commissioners along with Final Plat and/or Development Plan for the projects first development phase.
- c) The Applicants shall meet all Preliminary and Final Plat and Development Plan requirements for each phase.
- d) The Applicants shall construct the Community Water and Community Sewer system with Phase 1B. Design plans for the Water and Sewer System shall be submitted with the Preliminary Plat Application.
- e) Written documentation that sufficient water rights are available for the development will be required at Preliminary Plat submittal.
- f) Model runs used to determine the regional and long term drawdown shall be required at Preliminary and Final Development Plan submittal.
- g) Updated calculations of lowest practical pumping level shall be required at Preliminary and Final Development submittal.
- h) A Terrain Management Plan must be submitted with the Preliminary Plat and Development Plan.
- i) Required Open Space shall be designated on the Plat of Survey for each phase and dedicate as Permanent Open Space. The Applicant is clustering the development and shall identify the Open Space for each phase.
- j) Design plans for the on-site drip irrigation system must be submitted with Preliminary and Final Development Plan submittal

14. In support of the Application, the Applicant's Agent stated that the Applicant was in agreement with all of Staff's conditions.

15. At the public hearing no one from the public spoke either in support or opposition to the Application.

WHEREFORE, the Board of County Commissioners for the County of Santa Fe hereby approves the Application for the Master Plan Amendment for Trenza Subdivision to reconfigure the Planning Envelope and reduce the size from 10,360 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses, a green cemetery, a 60-seat outdoor amphitheater, and a revision of the original five (5) phase development to seven (7) phases, which would take place over a period of 10 years subject to the staff conditions set forth in paragraph 13. The motion to approve passed by unanimous (5-0) voice vote.

IT IS SO ORDERED:

This Order was approved by the Board of County Commissioners for the County of Santa Fe on this _____ day of _____, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Miguel M. Chavez, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I really so no compelling reason to grant this variance for the retaining wall. The risks of flood damage are not insignificant and we do have a letter from someone who lives in the area who presumably has looked at the wall and evaluated it as far as the possibility of flood damage in the case of a heavy rain, and furthermore, our staff has analyzed it as well. Mr. Arras does have a possible remedy. He can have a technical drainage analysis done and so it would be possible for him to keep the wall in that case. I really think that approving this without requiring the technical drainage analysis would set a bad precedent. Therefore I move for denial of the variance.

COMMISSIONER STEFANICS: I second for denial.

CHAIR ANAYA: There's a motion from Commissioner Holian and a second from Commissioner Stefanics. Any further discussion?

The motion to deny passed by majority [3-2] voice vote with Commissioners Holian, Stefanics and Chavez voting with the motion and Commissioners Anaya and Royal voting against.

- VIII. B. 4. CDRC CASE # Z 06-5033 Village at Galisteo Basin Preserve ("Trenza") Master Plan Amendment. Commonweal Conservancy (Ted Harrison), Applicant, Requests a Master Plan Amendment for the Village at Galisteo Basin Preserve (aka "Trenza") to Reconfigure the Planning Envelope from 10,360 Acres to 2,502 Acres, to Reduce the Size of the Development from 965 Dwelling Units and 150,000 Square Feet of Commercial and Civic Land Uses to 275 Dwelling Units and 71,000 Square Feet of Mixed Use, Commercial and Civic Land Uses, a Green Cemetery and a 60-Seat Outdoor Amphitheater. The Applicant also Requests a Revision of the Original Five-Phase Development to Seven Phases that Would Take Place Over a Period of 10 Years. The Property is Located South of Eldorado, West off US 285, South of the Railroad Tracks, within Sections 1, 3, 11-14 23 and 24, Township 14 North, Range 9 East; Sections 5-7 and 18, Township 14 North, Range 10 East; Sections 34-36, Township 15 North, Range 9 East; and Sections 30 and 31, Township 15 North, Range 10 East (Commission District 5)

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. Commonweal Conservancy, applicant, requests a master plan amendment to a previously approved master plan to reconfigure the planning envelope and reduce the size from 10,360 acres to 2,502 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses, a green cemetery

and a 60-seat outdoor amphitheater. The applicant also requests a revision of the original five-phase development to seven phases that would take place over a period of 10 years. The Property is located south of Eldorado, west off US 285, south of the railroad tracks, within Sections 1, 3, 11-14 23 and 24, Township 14 North, Range 9 East; Sections 5-7 and 18, Township 14 North, Range 10 East; Sections 34-36, Township 15 North, Range 9 East; and Sections 30 and 31, Township 15 North, Range 10 East, Commission District 5.

On October 15, 2015 the County Development Review Committee recommended approval of a master plan amendment to the previously to reconfigure the planning envelope and reduce the size from 10,360 acres to 3,560 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses, a green cemetery and a 60-seat outdoor amphitheater. The CDRC also recommended approval of a request for a revision of the original five-phase development to seven phases that would take place over a period of 10 years.

On June 12, 2007, the Board of County Commissioners granted Master Plan Zoning approval for a mixed-use development consisting of 965 residential units; 150,000 square feet of commercial, institutional, educational, and recreational land uses; and open space, parks, and trails on 10,316 acres. On February 9, 2010, the BCC granted preliminary plat and development plan approval for Phase I of the referenced subdivision which consisted of 131 single-family residential lots and three multi-family residential lots for a total of 149 residential units, and five non-residential lots within a 60-acre development envelope. This approval was set to expire on February 9, 2012.

On December 13, 2011, the BCC granted a 36-month time extension of the previously approved preliminary plat and development plan for Phase 1. The 36-month time extension expired on February 9, 2015. A new preliminary and final plat conforming to the master plan will need to be submitted. On November 20, 2014, the County Development Review Committee met and recommended approval for a master plan amendment to reconfigure the planning envelope from 10,360 acres to 3,560 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial to 450 dwelling units and 88,000 square feet of mixed use, commercial, and civic land uses, which included a green cemetery and a 60-seat outdoor amphitheater. The applicant also requested a modification of the original five-phase development to six phases that would take place over a period of 12 years.

The application was scheduled to be presented to the BCC on January 13, 2015. At the request of the applicant, the master plan amendment was deferred from consideration by the BCC in order to address questions about the application that Los Alamos National Bank expressed prior to the hearing. LANB's questions related to whether the application would affect the bank's collateral interest on a portion of the lands contained with the master plan amendment planning envelope. LANB was unable to give Commonweal clear direction as to its needs. Therefore, this application was withdrawn.

Commonweal is now proposing to reconfigure and reduce the planning envelope of the previous master plan amendment application to remove the lands held as collateral by LANB. For the proposed reconfiguration the applicant requests a master plan amendment to the planning envelope from 10,360 acres to 2,502, reducing the size of the

development from 965 dwelling units and 15,000 square feet of commercial to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses which includes a green cemetery and a 60-seat outdoor amphitheater. The applicant also requests a revision of the original five-phase development to seven phases which would take place over a period of ten years.

The applicant states, that in the face of a deep and protracted economic recession, Commonweal has been re-evaluating its economic opportunities and development ambitions for Trenz and the larger Galisteo Basin Preserve. Although the building envelope is still expected to encompass approximately 235 acres the density of the development will be reduced relative to the existing approved plan. The total number of residential units is 275 and the total area for commercial and civic use is 71,000 square feet. Approximate lot size will be 8,500 square feet.

Due to the changed size and scale of the proposed development, the project's water budget will be reduced. Specifically the water budget for the development uses will involve a 46.40 acre-feet allocation for residential uses and an 18.73 acre-feet allocation for mixed use, commercial and civic land uses. By this allocation, the proposed water demand at full build-out in 2026 would total 65.13 acre-feet. The Applicant also requests a modification to the original master plan to change the location of the proposed Memorial Landscape. The Memorial Landscape will be relocated slightly south of its current location to an area that will allow for improved access from Morning Star Ridge Road.

Phase 1-A of the development includes an 11-acre memorial landscape/green cemetery and a 60-seat outdoor amphitheater/community performance space. Given the natural landscape objectives of the green cemetery, a water allocation equivalent to a single residence is projected for the cemetery at 0.16 acre-feet per year. The amphitheater will include a composting toilet facility and a two-faucet hand-washing facility. The water budget associated with the amphitheater is expected to be minimal given the event calendar planned for the facility.

In Phase 1-B, a residential neighborhood will consist of 11 residential units ranging in size from 750 square feet to 1,450 square feet. The water demand of the residential development is budgeted at 0.16 acre-feet per lot. The remaining five phases will consist of the remaining 264 residential units and 68,000 square feet of commercial and civic uses.

Staff's recommendation: Staff's recommendation and the decision of the CDRC was to recommend approval of a master plan amendment to reconfigure and reduce the planning envelope from 10,360 acres to 2,502 acres, reducing the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 275 dwelling units and 71,000 square feet of mixed use, commercial and civic land uses, which includes a green cemetery and a 60-seat outdoor amphitheater. The applicant also requests a revision of the original five-phase development to seven phases that would be developed over a period of 10 years, subject to the following conditions. Mr. Chair, may I enter those into the record?

CHAIR ANAYA: Yes, you may, Vicente.

[The conditions are as follows:]

1. The Amended Master Plan must be recorded with the County Clerk's office prior

11/10/2015 12:08:12 PM

- to Preliminary Plat Application.
2. An Affordable Housing Agreement must be prepared and submitted for consideration by the Board of County Commissioners along with the Final Plat and/or Development Plan for the projects first development phase.
 3. The Applicants shall meet all Preliminary and Final Plat and Development Plan requirements for each phase.
 4. The Applicants shall construct the Community Water and Community Sewer system with Phase 1B. Design plans for the Water and Sewer System shall be submitted with the Preliminary Plat Application.
 5. Written documentation that sufficient water rights are available for the development will be required at Preliminary Plat submittal.
 6. Model runs used to determine the regional and long-term drawdown shall be required at Preliminary and Final Development Plan submittal.
 7. Updated calculations of lowest practical pumping level shall be required at Preliminary and Final Development submittal.
 8. A Terrain Management plan must be submitted with the Preliminary Plat and Development Plan.
 9. Required Open Space shall be designated on Plat of Survey for each phase and dedicate as Permanent Open Space. The Applicant is clustering the development and shall identify the Open space required for each phase.
 10. Design plans for the on-site drip irrigation system must be submitted with Preliminary and Final Development Plan submittal.

CHAIR ANAYA: Are there any questions of staff at this time? Is the applicant present?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Santa Fe, 87505. Thank you very much for moving this case forward. We're double-booked this evening with the City Council so I appreciate the move up. This case is an effort to size the project accordingly for the next ten years. The density has been reduced by almost two-thirds. Commercial has been reduced as well by almost half, which in turn reduces the water budget and it reduces the overall scope of the project.

We agree with Vicente's staff report as well as the conditions of approval and we will stand for questions. Thank you.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I don't really need it right now but I would like the applicant to occasionally send us little updates on what's happening with the property. Occasionally we'll read something in the newspaper but we won't really know what's happening and so we would like to know. Don't go into it right now. We have a long agenda. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Any other questions of the applicant? This is a public hearing. Is there anybody here to speak in favor or against this particular application? Is there anybody here to speak in favor or against this application? Seeing none the public hearing is closed. What's the pleasure of

the Board?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I will move approval.

COMMISSIONER HOLIAN: Second.

COMMISSIONER STEFANICS: Are there staff conditions? With staff conditions.

CHAIR ANAYA: Motion to approve from Commissioner Stefanics, second from Commissioner Holian. The only comment I would have is I know that there was outreach and communications with surrounding communities that are impacted – Galisteo, Lamy residents, all three districts, District 4, District 5 and District 3 are in close proximity to this project, so I'm appreciative of those communications and efforts for outreach. There's a motion and second. Seeing no further discussion –

COMMISSIONER HOLIAN: Mr. Chair, I just wanted to make a comment. I would really like to just commend Mr. Harrison and the Commonweal Conservancy for adapting to changing conditions that are happening out in the rural areas of our county as far as development is concerned. And I would also like to commend you on the progressive elements of your design. For example, terrain management, dealing with stormwater in a very progressive way and also, I really appreciate the significant inclusion of open space and trail. This property is actually going to benefit our whole community. So thank you very much.

CHAIR ANAYA: Thank you, Commissioner Holian, Seeing no other questions or comments.

The motion passed by unanimous [5-0] voice vote.

~~VIII. B 2. CDRC CASE # V 15-5140 Vernon DeAgüero Sign Variance.
Vernon DeAgüero, Applicant, Alberto Alcocer, Agent, Request a Variance of Article VIII, § 7.15 (Prohibited Signs) of the Land Development Code in Order to Allow an Existing 96 Square Foot Sign Advertising an Off-Site Business on 2.213 Acres. The Property is Located at 267 Rabbit Road, within Section 10, Township 16 North, Range 9 East, (Commission District 4)~~

~~JOHN MICHAEL SALAZAR (Case Manager): Thank you, Mr. Chair and Commissioners. Vernon DeAgüero, applicant, Alberto Alcocer, agent, request a variance of Article VIII, § 7.15 (Prohibited Signs) of the Land Development Code in order to allow an existing 96 square foot sign advertising an off-site business on 2.213 acres. The property is located at 267 Rabbit Road, within Section 10, Township 16 North, Range 9 East, Commission District 4.~~

~~The owners of the property, Vernon, Jennifer and Grace DeAgüero acquired the property with a small house and a smaller unpermitted sign which advertises an offsite~~

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

**CASE NO. MIS 06-5212
LA BAJADA RANCH (FORMERLY SANTA FE CANYON RANCH) MASTER PLAN
TIME EXTENSION
SANTA FE COUNTY, APPLICANT**

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on November 10, 2015, on the Application of Santa Fe County, (Applicant) for a 24-month Time Extension of the La Bajada Ranch (formerly Santa Fe Canyon Ranch) Master Plan approval under Article V, Section 5.2.7.b of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code) consisting of 156 residential lots on 470.55 acres, more or less. The Board reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted subject to conditions, and makes the following findings of fact and conclusions of law:

1. The Applicant requested a 24-month time extension for the La Bajada Ranch (formerly Santa Fe Canyon Ranch) Master Plan consisting of 156 residential lots on 470.55 acres, more or less.

2. The property is off of Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community, within Sections 1, 2, 10, 12 and 13, Township 15 North, Range 7 East and Sections 5, 6, 7 and 8, Township 15 North, Range 8 East.

3. The Applicant acquired the real property by warranty deed recorded on the 25th day of November, 2009, as Instrument No. 1584321, in the records of the Santa Fe County Clerk.

4. On September 30, 2008, the Board granted Master Plan approval of the Santa Fe Canyon Ranch residential subdivision consisting of 162 lots (174 residential units) on 1,316 acres to be developed in three (3) phases. Approval of the Master Plan is valid for five years; the expiration of the Master Plan was September 30, 2013.

5. On September 10, 2013, the Board granted a 24-month time extension of the previously approved Master Plan of the Santa Fe Canyon Ranch residential subdivision. This extension made the Master Plan valid till September 10, 2015.

6. On August 12, 2014, the Board approved a Master Plan Amendment to the previously approved Santa Fe Canyon Ranch Master Plan removing six tracts of land (containing 845 acres) and 18 dwelling units from the approved Master Plan.

7. The amendment also included a variance of Article VII, Section 6.6.2g, Water Budgets and Conservation Covenants, and Ordinance No. 2007-1 (Swimming Pool Ordinance) to allow the installation of a swimming pool on the 845 acres utilizing permitted water rights, to amend the Water Restrictive Covenants to reflect the allowance of a swimming pool and to specify that Water Restrictions for landscaping and irrigation restrictions shall apply to NMSA 1978, Section 72-12-1 wells only.

8. Noticing requirements were met as per Article II, Section 2.4.2 of the Code. In advance of a hearing on the Application, the Applicant provided certification of posting of notice of the hearing, confirming the public notice regarding the Application was made for twenty-one (21) days on the property, beginning on October 20, 2015. Additionally, notice of hearing was

published in the legal notice section of the Santa Fe New Mexican on October 20, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailings of notices of hearing were also contained in the record for all adjacent property owners.

9. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10 (Code) which govern this application are:

Article V, Section 5.2.7.b, Expiration of Master Plan, of the Code states:

- a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board.
- b. Master plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.
- c. Progress in planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final subdivision plans for any phase of the master planned project.

10. At the public hearing before the Board on November 10, 2015, staff recommended approval of the Application for a 24-month time extension for the La Bajada Ranch (formerly Santa Fe Canyon Ranch) Residential Subdivision, which will render the Master Plan valid until September 10, 2017.

11. At the public hearing, no one from the public spoke in favor or against the Application. Although, the La Cienega Valley Association submitted a letter stating they are not opposed to the project.

WHEREFORE the Board of County Commissioners for the County of Santa Fe hereby approves the 24-month time extension for the previously approved La Bajada Ranch (formerly Santa Fe Canyon Ranch) residential subdivision. The motion to approve the time extension passed by a unanimous 5-0 vote.

IT IS SO ORDERED

This Order was approved by the Board of County Commissioners for the County Santa Fe on this ____ day of _____, 2016.

By: _____
Miguel M. Chavez, Chair

Attest:

Geraldine Salazar, County Clerk

Approved as to form:



Gregory S. Shaffer

College District, within Sections 19 and 20, Township 16 North, Range 9 East (Commission District 5)

MR. ARCHULETA: Thank you, Mr. Chair. Univest-Rancho Viejo, applicant, James W. Siebert and Associates, Agent, request an amendment of the master plan, preliminary plat, final plat, and development plan for La Entrada Phase 1 to sub-phase the previously approved La Entrada Phase I Residential Subdivision into four sub-phases. Sub-Phase 1, the 500 Series, Sub-Phase 2, the 600 Series Lots, Sub-Phase 3, the 700 Series Lots, and Sub-Phase the 800 Series for a Total of 166 Lots. The property is located north of Rancho Viejo Boulevard and west of Avenida del Sur, within the Community College District, within Sections 19 and 20, Township 16 North, Range 9 East.

On October 16, 2015 the County Development Review Committee recommended approval of this case. On June 9, 2015 the BCC approved the request for the amendment to the preliminary plat and final plat and development plan for La Entrada Phase 1, reducing the number of lots and the layout.

The applicant requests another amendment to the master plat, preliminary plat, final plat and development plan for La Entrada Phase 1 in order to sub-phase the previously approved La Entrada Phase 1 residential subdivision into four sub-phases.

Staff recommends approval of the amendment to the master plan, preliminary plat, final plat, and development plan of the La Entrada Phase 1 Subdivision creating four sub-phases subject to the following conditions. May I enter those into the record?

COMMISSIONER CHAVEZ: Yes, you may.

[The conditions are as follows:]

1. Compliance with all conditions of the approved Master Plan, Preliminary Plat, Final Plat, and Development Plan.
2. Each sub-phase of the Final Plat and Development Plan must be recorded in the office of the County Clerk.

MR. ARCHULETA: Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Are there any questions from staff? No. Okay. This is a public hearing then. Is there anyone here to speak in favor of or against this request? Please come forward. Seeing none, that closes the public hearing portion.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: I will move for approval with staff conditions.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: Okay. There's a motion and a second with staff recommendations. Any other further discussion? Seeing none.

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact, see page 65.]

VIII. B .6. CDRC Case 06-5212 La Bajada Ranch (Santa Fe Canyon Ranch) Time Extension. Santa Fe County, Applicant, Requests

a Two-Year Time Extension of the Previously Approved Master Plan for the La Bajada Ranch (Formerly Santa Fe Canyon Ranch) for a Residential Subdivision Consisting of 156 Residential Lots on the 470.55 Acres to be Developed in Three (3) Phases. The Property is Located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3)
[Exhibit 9: Letter from the La Cienega Valley Association]

MR. ARCHULETA: Thank you, Mr. Chair. On September 30, 2008, the Board of County Commissioners granted master plan approval of the Santa Fe Canyon Ranch residential subdivision consisting of 162 lots on 1, 316 acres to be developed in three phases. On September 10, 2013 the BCC granted a 24-month time extension. The applicants are requesting a 24-month time extension of the La Bajada Ranch.

Staff recommendation: Approval for the 24-month time extension of the master plan for the La Bajada Ranch, formerly Santa Fe Canyon Ranch residential subdivision which will render the master plan valid until September 10, 2017. Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Thank you, Mr. Archuleta. Questions of staff? Seeing none, this is a public hearing. Anyone here that would like to speak in support or opposition to this request please come forward. Anyone that would like to speak in opposition or support of this request please come forward at this time. Seeing none, Mr. Chair, I will close the public hearing portion of the meeting.

CHAIR ANAYA: Mr. Chair.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: I've move for approval of the extension.

COMMISSIONER HOLIAN: Second, and I would just like to make a couple of comments.

COMMISSIONER CHAVEZ: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would just like to let the public know that we are slowly, I admit, developing a plan for this piece of property and my personal firm goal is that whatever plan we develop that all of the people of Santa Fe County will benefit from the planned use for this property. I think that it would be very premature at this point to let the master plan expire and I will also note that the development rights are actually valuable. They could be used to seed a transfer of development right program that the County is planning on putting in place with our new code. Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: So we have a motion and we have a second. Any further discussion? Seeing none.

The motion passed by unanimous [5-0] voice vote.

CHAIR ANAYA: Mr. Chair, I would let the record reflected, we voted on the last item as well, item La Entrada, I would vote I favor.

VIII. B. 7. CDRC CASE #Z 15-5200 Spotlight RV Park Master Plan, Rick Anaya, Applicant, Requests Master Plan Zoning Approval to Allow an RV Park Consisting of 54 RV Spaces, 20 Horse Stalls, Public Bathroom/Shower Facilities and an Existing Residence on an 11.57-Acre Tract. The Property is Located at 16 Ella Dora Road, within Section 31, Township 10 North, Range 9 East, (Commission District 3) [Exhibit 10: Petition in Support; Exhibit 11: Petition Against; Exhibit 12: Photographs]

CHAIR ANAYA: Mr. Chair.

COMMISSIONER CHAVEZ: Yes.

CHAIR ANAYA: Pursuant to our own Code of Ethics, the next case, CDRC Case 15-5200, the applicant is my brother. I do not have any involvement with the application that was submitted and it's his property, but in accordance with our ethics I'm going to turn the chair over to you, Mr. Chair, and recuse myself on this case.

COMMISSIONER CHAVEZ: Okay. Thank you.

MR. SALAZAR: Thank you, Mr. Chair. On September 17, 2015, the County Development Review Committee met and recommended denial of the master plan approval by a 3-1 vote. This request is under large-scale residential uses as they are allowed anywhere in the county provided the requirements of the code are met. The applicant states that the proposed RV park will be designated as a transit park as opposed to a destination park. Transit parks typically have guests who stay no longer than three days, as a quick stop before their final destination. Each of the proposed 54 RV spaces are to be designed to provide access to water, power and sewage for RV owners along with a barbecue grill and a picnic table. Each space will be constructed using base course material and each space will be landscaped with one evergreen tree. The Applicant is proposing to develop the proposed RV park in three phases. The first phase will consist of design and building the water, fire protection sewage system with the appropriate connections for water and sewer for 21 RV spaces on the western end of the development. The existing residence will be converted into living quarters with an attached office for the park manager. The bathroom and laundry facilities along with four horse corals and four tack sheds would be constructed in this first phase as well. The Applicant is estimating this phase to be completed within 12 months from permit issuance. Phase 2 will consist of building 18 more RV spaces with water and power connections along with 4 more horse corrals and 4 tack sheds. That phase is estimated to be completed within 12 months as well. The final phase will consist of the construction of the final 15 RV spaces, remaining horse stalls and tack sheds. This phase is estimated to be constructed within 12 months after the second with a total estimated time of three years to complete the entire development.

Staff recommendation: The CDRC recommends denial of the request for master plan. Staff has reviewed this application and has found the following facts support staff's

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

**CASE NO. S15-5363
ST. FRANCIS SOUTH MASTER PLAN AMENDMENT AND VARIANCE
VEGAS VERDES, LLC., APPLICANTS
JENKINSGAVIN DESIGN AND DEVELOPMENT INC., (JENNIFER JENKINS), AGENT**

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on November 10, 2015, on the Application of Vegas Verdes, LLC., (Applicant) and JenkinsGavin Design and Development Inc., (Jennifer Jenkins, Agent) for a Master Plan Amendment and variance for the St. Francis South mixed-use subdivision to establish a maximum allowable residential density of 250 dwelling units and 760,000 square feet of non-residential development on 68.94 acres. The Board, having reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing, finds that the Application is not well taken and is **denied**, and makes the following findings of fact and conclusions of law:

1. The Applicant requested an amendment to the previously approved Master Plan for St. Francis South Mixed-Use Subdivision to establish a maximum allowable residential density of 250 dwelling units and 760,000 square feet of non-residential development on 68.94 acres, and a variance of Article III, Section 10, Lot Size/Density Requirements, of the Santa Fe County Land Development Code, Ordinance No.1996-10 (Code).

2. The project is located on Rabbit Road, via St. Francis Drive, within Section 11,

Township 16 North, Range 9 East.

3. The owner of the property acquired the property by warranty deed recorded as Instrument No. 1653390 in the Santa Fe county Clerk's records dated December 7, 2011.

JenkinsGavin Design and Development Inc., is authorized by the Applicant to pursue the request for a Master Plan Amendment and variance for the St. Francis South mixed-use subdivision to establish a maximum allowable residential density of 250 dwelling units and 760,000 square feet of non-residential development on 68.94 acres in conformance with the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code).

4. On September 16, 2010, the County Development Review Committee (CDRC) recommended approval of a request for Master Plan Zoning for a mixed-use subdivision (commercial, residential and community service) consisting of 22 lots and 760,000 square feet on 68.94 acres.

5. On December 14, 2010, the Board approved the Master Plan Zoning for the mixed-use subdivision consisting of 22 lots and 760,000 square feet on 68.94 acres.

6. On January 14, 2014, the BCC approved a request for Master Plat Authorization to proceed with the creation of up to 22 mixed-use lots on 68.94 acres.

7. On April 17, 2014, the CDRC recommended Preliminary Plat and Development Plan approval for Phase 1 of the St. Francis South mixed-use subdivision which consisted of 5 lots on 68.94 acres.

8. On June 10, 2014, the Board approved the Preliminary Plat and Development Plan for Phase 1 of the St. Francis south mixed-use subdivision consisting of 5 lots on 68.94 acres.

9. On September 17, 2015, the CDRC recommended approval of the Master Plan Amendment to establish a maximum allowable residential density of 250 dwelling units and

760,000 square feet of non-residential development on 68.94 and recommended a variance of Article III, Section 10, Lot Size/Density Requirements, of the Code.

10. Notice requirements were met as per Article II, Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one (21) days on the property, beginning on October 20, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on October 20, 2015, as evidenced by a copy of that legal notice contained in the record.

11. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) which govern this Application are:

- a. Article III, Section 6.4.2 , Large Scale Residential Uses/Density Review, of the Code states: “[no] Application shall be approved unless it is determined that the density requirements of the Code are met”.
- b. Article III , Section 10.1.1, Water Policies Governing Lot Sizes Where Development will Utilize permitted Water Rights, of the Code, states: “[t]he minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted”.
- c. Article II, Section 3, Variances, states:
Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the [BCC] and the [BCC] may vary, modify, or waive the requirements of the Code upon adequate proof that compliance with the Code provision at issue will result in an arbitrary and unreasonable taking of

property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health and safety.

d. Article II, Section 3.1, Variances, concludes that, “[i]n no event shall a variance...be recommended by [the] Development Review Committee nor granted by the [BCC] if by doing so the purpose of the Code would be nullified.”

e. Article II, Section 3.2, Variation or Modifications, states, “[i]n no case shall any variation or modification be more than a minimum easing of the requirements.”

12. The property lies within the Basin Hydrologic Zone which allows one dwelling unit per 10 acres without water restrictions, or one dwelling unit per 2.5 acres with .25 acre feet per year water restriction. In order to accommodate the proposed density for the project, a variance of Article III, Section 10, Lot Size/Density Requirements, of the Code is required.

13. In support of the Application, the Applicant’s agent submitted a letter of request, a development plan report including proof of legal lot of record and proof of ownership, a development plan set of drawings, and survey plat. The Applicant authorized JenkinsGavin Design and Development Inc., to act on behalf of Vegas Verdes, LLC., to present the Application for the St. Francis South mixed-use subdivision.

14. The Applicant stated: “[t]he multi-family uses permitted by the St. Francis South Master Plan and Large Scale Residential Code provisions cannot be feasibly developed at the single family density. Therefore, they are requesting a Master Plan Amendment and a variance to allow a maximum density of 18 dwelling units per acre, but with a density of 250 dwelling units on the entire 68.94 acres.”

15. In response Staff emphasized in the staff report that when the Master Plan was approved, the approval was for a Large Scale Mixed-Use development which included permitted

uses of senior housing, live/work and multi-family use in addition to the 760,000 square feet of non-residential development on 68.94 acres with a maximum of 18 dwelling units per acre.

16. The Applicant also stated: “[t]he Sustainable Growth Management Plan (SGMP) policies indicate that the development should comply with principles for sustainable development and should provide for rational development patterns and adequate public facilities and services at adopted levels of service. The SGMP defines the purpose/intent and General Character of Future Land Use Categories. The mixed-use designation is defined as a combination of residential and commercial areas and higher density development. It further defines the mixed use district to include multi-family residential, live work, and artistic opportunities that may require light industrial capabilities. The Mixed-Use Zoning District in the proposed Sustainable Land Development Code allows a maximum of 20 residential units per acre if at least 10% of the development is commercial.”

17. Staff’s response: The subject property is not designated as a Mixed-Use Zoning District, but is designated as a Planned Development District (PDD) on the proposed Zoning Map. A designation as a PDD allows the property to be developed in accordance with the approved Master Plan.

18. Additionally, the SLDC is not yet in effect. The allowable density in a Mixed-Use and Planned Development Districts are being analyzed as part of the changes to the SLDC that Staff is proposing. Staff is recommending a base density of 1 dwelling unit per acre in a PDD. A density of up to 15 dwelling units per acre can be achieved by a Transfer of Development Rights.

19. At the public hearing before the BCC on November 10, 2015, staff recommended denial of the Master Plan Amendment and Variance of Article III, Section 10, Lot Size/Density requirements of the Code to not allow a maximum density of 250 dwelling units for multi-family

use in addition to the 760,000 square feet of non-residential development on 68.94 acres.

20. At the public hearing, Richard Rotto, Eve Cohen, Simone Huertas Koutsouflakis, John Singleton, James Mokres, Louise Singleton, Barry Wolner, Charles Wilder, Deborah Seek and Greg McGregor spoke against the Application.

21. The Applicants did not present any evidence of a hardship. The granting of this variance will nullify the purpose of the Code, and is not a minimal easing of the Code.

WHEREFORE, the Board of County Commissioners for the County of Santa Fe hereby denies the Application for the Master Plan Amendment and Variance of Article III, Section 10, Lot Size/Density Requirements, of the Santa Fe County Land Development Code, Ordinance 1996-10, for a maximum of 250 dwelling units for multi-family use in addition to the 760,000 square feet of non-residential development. The motion to deny passed by unanimous (5-0) voice vote.

IT IS SO ORDERED:

This Order was approved by the Board of County Commissioners for the County of Santa Fe on this _____ day of _____, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Miguel M. Chavez, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

- VIII. B. 10. **CDRC Case No. S/V 10-5363 St. Francis South.** Vegas Verdes LLC, Applicant, JenkinsGavin Design and Development Inc., Agent, Request a Master Plan Amendment and a Variance of Article III, Section 10 (Lot Size Requirements) of the Santa Fe County Land Development Code to Establish the Maximum Density for the St. Francis South Mixed-Use Subdivision. The Request is to Allow a Maximum Density of 250 Dwelling Units on 68.9 acres. The Property is Located on the Northwest Corner of Rabbit Road and St. Francis Drive, within Section 11, Township 16 North, Range 9 East, (Commission District) [Exhibit 14: Aerial Map and Supporting Material; Exhibit 15: Letter from Campo Conejos Homeowners Association; Exhibit 16: Letters of Opposition]

MR. ARCHULETA: Thank you, Mr. Chair. Vegas Verdes LLC, applicant, JenkinsGavin Design and Development Inc., agent, request a master plan amendment to establish the maximum allowable residential density of 250 dwelling units and 760,000 square feet of non-residential development on 68.9 acres.

CHAIR ANAYA: Vicente, hold on one second. Hold on one second. Go ahead, Vicente.

MR. ARCHULETA: In order to obtain the density requested the applicants are requesting a variance of Article III, Section 10 of the Santa Fe County Land Development Code, Ordinance No. 1996-10. The Property is Located on the Northwest Corner of Rabbit Road and St. Francis Drive, within Section 11, Township 16 North, Range 9 East.

On December 14, 2010 the Board of County Commissioners approved the Master Plan Zoning for the mixed-use subdivision consisting of 22 lots on 68.94. On January 14, 2014, the BCC met and approved the preliminary plat and development plan for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres. On June 10, 2014, the BCC met and approved the Preliminary Plat and Development Plan for Phase 1 of the St. Francis South mixed-use subdivision which consists of five lots on 68.94 acres.

When the Master Plan was approved, the approval was for a large-scale, mixed-use development which permitted uses including senior housing, live/work and multi-family uses. However, the allowable residential density was not identified.

The Applicants are now requesting an amendment to the master plan to establish the maximum allowable residential density of 250 dwelling units for multi-family use in addition to the 760,000 square feet of non-residential development on 68.94 acres with a maximum of 18 dwelling units per acre.

The Applicant states: The multi-family uses permitted by the St. Francis South master plan and large-scale residential code provisions cannot be feasibly developed at the single-family density. Therefore, we are requesting the master plan amendment and a variance to allow a maximum density of 18 dwelling units per acre, but with a maximum density of 250 dwelling units on the entire 68.94 acres.

The Applicant further states: The Sustainable Growth Management Plan policies indicate that development should comply with the principles for sustainable development and should provide for rational development patterns and adequate public facilities and services at adopted levels of service. The mixed-use designation is defined as a combination of residential and commercial areas and higher density development. It further defines the mixed-use district to include multi-family residential, live-work, and artistic opportunities that may require light industrial capabilities.

The subject property is not designated as a Mixed-Use Zoning District, but is designated as a Planned Development District (PDD) on the proposed zoning map. A designation as a PDD allows the property to be developed in accordance with the approved master plan. Staff is recommending a base density of one dwelling unit per acre in a PDD. A density of up to 15 dwelling units per acre can be achieved by a transfer of development rights. However, a PDD designation would only allow development in accordance with the master plan.

Staff recommends denial of the Applicant's request for a Master Plan Amendment and Variance of Article III, Section 10 of the Land Development Code to allow 250 dwelling units for multi-family use in addition to the 760,000 square feet of non-residential development on 68.94 acres. If the decision of the BCC is to approve the applicant's request staff recommends the following conditions be imposed. May I enter those into the record?

CHAIR ANAYA: Yes, sir.

[The conditions are as follows:]

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
 - Applicant shall comply with all NMDOT regulatory requirements for this project (per SFC Public Works).
 - Traffic Impact Analysis will be required with future Phases II, III, and IV to insure that off-site improvements are addressed for the development (per SFC Public Works).
 - Speed change lanes and tapers re required as per original Traffic Impact Analysis (per SFC Public Works).
 - It is Staff's opinion that future Traffic Impact Analysis address St. Francis Drive/Old Galisteo Road concerns regarding the feasibility of a signal light or roundabout (per SFC Public Works).
 - Actual water usage shall be recorded on a monthly basis via metering and reported annually (per SFC Utilities).
 - The Applicant must enter into a Water Service/ Line Extension Agreement with SFC before final plat approval. The Agreement will specify requirements, such as construction standards, metering requirements, design approval process, infrastructure inspections and dedications, and payment schedules. The Applicant is responsible for the design and construction of this project in its entirety and pays for all costs associated with the water system (per SFC Utilities).
 - The Applicant must obtain a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is

needed in order to supply the proposed 62.81 acre-foot/year demand. St. Francis South shall provide SFCU with a copy of this letter, and agree to construct and dedicate all infrastructure needs identified by the City's water utility hydraulic modeling (per SFC Utilities).

- The Board of County Commissioners (BCC) must approve the New Water Deliveries (or the equivalent) for St. Francis South, as required by Resolution No. 2006-57, "Adopting a Santa Fe County Water Resource Department Line Extension and Water Service Policy" (as per SFC Utilities).
 - The BCC must approve the project's proposed water budget of 62.81 acre-feet/year, which is in excess of the maximum of 35 acre-feet/year identified in Resolution No. 2006-57, Section IX.C. It is the applicant's responsibility to justify the "extraordinary circumstances" that merit an exception to the water allocation limit (per SFC Utilities).
 - The Applicant shall develop the water budget and construct the project premised on the SF County Conservation Ordinance No. 2002-13, which enumerates required water conservation measures. If requested the Applicant will provide SFCU with additional data and calculations upon which the water budget was established. SFCU may adjust the Applicant's water budget as appropriate.
 - The Applicant must compensate SFCU for the market value of the quantity of water rights and supply assigned to St. Francis South per Resolution No. 2006-57, Article X and IV.A.3 of Attachment A. SFCU currently values water rights at \$11,000 per acre-foot (per SFC Utilities).
 - The Applicant shall meet all other conditions in Resolution No. 2006-57, Resolution No. 2012-88 and all other SFCU water-related ordinances and resolutions (per SFC Utilities).
 - The Applicant must provide adequate public facility requirements to include connection to water and sewer (per SFC Planning).
 - An updated Traffic Impact Analysis must be submitted with the future Phases (per NMDOT).
2. The Applicant must apply for an access permit from NMDOT prior to construction.
 3. Compliance with conditions of the Original Master Plan.
 4. A residential component shall be required at Phase 2 of the development.

MR. ARCHULETA: Thank you, Mr. Chair.

CHAIR ANAYA: Are there questions of staff right now? Is the applicant present?

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: Good evening, Mr. Chair, Commissioners. I'm Jennifer Jenkins with JenkinsGavin Design and Development here this evening on behalf of Vegas Verdes, LLC in request for a master plan amendment and the variance that Vicente mentioned. To my right I have Dave Gurule, who's the property owner, and behind me I also have Mike Gomez, who is the civil engineering consultant on the project.

So as Vicente mentioned, the master plan designating the 69-acre property as a large-scale mixed-use project was unanimously approved by this body in 2010 and at that time and that night of that hearing, I remember it very well, there was a lot of discussion about the extensive opportunities for this property and this project in this incredibly unique location, at the corner of St. Francis Drive, a major arterial, and an interstate, as to be a real economic driver for Santa Fe County.

And as part of the large-scale mixed-use project we have a mandate to have a residential component. And the residential component that was approved in 2010 was multi-family development, senior housing, those types of projects. At that time, we as the applicant were unaware that the requests that are before you this evening were necessary in order to allow for the multi-family development that is really our permissible residential use. So we are basically dotting an i and crossing a t just to resolve that inconsistency with the original master plan approval.

And just as a point of comparison, you may recall that last year I came before you with the senior campus at Caja del Rio with this exact same density variance request to accommodate the independent living senior housing that is proposed as part of that approved master plan. Exact same request that's before you this evening. So just to be clear, there's not a specific multi-family project or something of that nature that's before you tonight. This is just staff requested of us that we designate the maximum number of dwelling units that would be permissible in the project, which we done, as well as allow for the appropriate density for a multi-family project.

And as I mentioned, this property as you can see on the aerial I distributed, it's at a very unique location. It's 69 acres, has excellent access from St. Francis Boulevard and Interstate 25. But also in recognition of our unique location we have taken steps with respect to the master plan approval in recognition of our residential neighbors as well. So we have a 100-foot landscape buffer along Rabbit Road. The project incorporates 25 percent open space. These are the types of measures that we've taken in recognition of what's around us and the context of the community.

And I would also like to point out in the staff report, staff states that the master plan and variance is consistent with the Sustainable Growth Management Plan principles related to future land use categories and the map, as well as the recently adopted Sustainable Land Development Code and draft zoning map. We are consistent with the SGMP and the SLDC as adopted. Again, we're just asking to rectify something that really should have been part of our application in 2010, we just weren't aware of it at the time.

And there has been some interesting press as of late that you may have read, for example, on Monday there was an article in the New Mexican, the headline reads, Rental housing market puts squeeze on business growth. "The tight rental housing market throughout the city continues to be one of the biggest issues facing business owners as they think of relocating or expanding in Santa Fe. The need for rental housing and a greater diversity of options affects businesses because it makes it harder for them to keep and retain younger workers, the ones who are mobile and not drawn to homeownership and its many encumbrances. The shortage in housing here drives employees to live outside the city, and we all are aware of that issue with housing options in Santa Fe. Santa Fe County is uniquely situated to really address this issue, and I can tell you as a

representative often of developers who are looking at senior housing opportunities, in our first phase of our preliminary plat that's been approved by this body last year we have a skilled nursing facility which is desperately needed in this community, and we really hope to attract some senior housing opportunities that would really be complementary to that type of use in this community as well.

And so with that I really do appreciate your attention. I'm just going to keep it as brief as I can in light of the late hour and I would be happy to stand for any questions. Thank you very much.

CHAIR ANAYA: Are there any questions of the applicant at this time?

MR. ARCHULETA: Mr. Chair, I failed to state that I had Jose hand out some letters of opposition that he just passed out to you.

CHAIR ANAYA: Yes, we have those. I was just looking at them. This is a public hearing. I'm going to open the public hearing. Ask people who would like to speak if you would please don't be redundant and if you want to all stand, if you're here to speak and be sworn at the same time, that would be greatly appreciated.

[Those wishing to speak were administered the oath.]

CHAIR ANAYA: And respectfully, and I say this completely respectfully, but we on this Commission can all read, and these documents that have been handed out are all provided as part of the record so it's not necessary for anybody to get up and read in the letters that they've provided. So if you would keep that in mind as you're coming forward to make their comments. I actually have a few questions based on some of the stuff I did get provided, that I did read. So please come forward, sir.

[Duly sworn, Richard Rotto testified as follows:]

RICHARD ROTTO: Mr. Chair, and Commissioners, my name is Richard Rotto. I live at 48 Camino Mariquita in Campo Conejos Subdivision, approximately, or less than one mile from the applicant's lot. I do represent the Campo Conejos Homeowners Association as the president. Campo Conejos is a 75-lot subdivision located on about 187 acres. We have an average lot size of 2.5 acres, in comparison to the applicant's lot of 68, 69 acres. Doing the math on the density proposed before you tonight, 250 units on that, that's about a 45 factor greater than the density that we have in Campo Conejos.

I'm not sure if I could ask, Mr. Chair, do you have a copy of our letter with the Conejo in the corner?

CHAIR ANAYA: Is this it?

MR. ROTTO: Yes.

CHAIR ANAYA: Excellent.

MR. ROTTO: Okay. So if that's already been read by the Commissioners I will not read it verbatim other than to say we are deeply concerned with this. We were kind of lately notified at the CDRC meeting. We only found out about it about a day before-hand and we had some members speaking out in opposition to that. We do have some members here tonight as well. One point to point out is the traffic volume generated from this subdivision is going to be significant. At 250 units with trip generation, I understand it would be well over 1,500 vehicles per day on Rabbit Road. That concerns us.

The viewshed is another concern. I'm not sure if the 760,000 square feet of

commercial is part of this variance or not. I'm not actually sure if that's part of it but that seems very excessive as well. That equates to 17 acres of commercial heated space. It is out of character with this side of I-25. We're in the county for a reason. We love the City of Santa Fe. I work in the City of Santa Fe but we live in the county; we like the open space.

The subdivision will require significant improvements on Rabbit Road. I think the original 2010 master plat showed acceleration-deceleration lanes on the full access intersection along with left turn pockets, you're talking about 40 feet wide of road there. That's very uncharacteristic of the two-lane Rabbit Road that we have today. So these are some of our concerns and we believe it's going to be a significant hardship upon us. We think it will devalue – at this density it will devalue our property and thank you for listening to our request.

I would like to close with we concur with staff's recommendation and urge you to deny this variance request. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Eve Cohen testified as follows:]

EVE COHEN: Thank you for the opportunity to speak to you. It's a late hour and I'll be brief. My name is Eve Cohen. I live in the Campo Conejos Homeowners Association at 5 Los Pinoneros Court. And I would just like to reiterate the points that have been raised by our homeowners association with particular attention to the traffic density on Rabbit Road, especially at this intersection at South St. Francis and Rabbit Road, which is already extremely busy. Once Rabbit Road was connected to Richards Avenue there's been a significant increase in traffic already to Rancho Viejo and the Community College as well as Richards.

The density proposed is definitely not in keeping with the area surrounding not just our development and I would urge you to consider your own staff recommendations. Thank you.

CHAIR ANAYA: Thank you very much.

[Previously sworn, Simone Huertas Koutsouflakis testified as follows:]

SIMONE HUERTAS KOUTSOUFLAKIS: Hello. My name is Simone Huertas Koutsouflakis. I live at 25 Calle Aguila in Campo Conejos. I moved here in 2003. I've been visiting Santa Fe since probably 1990, dreaming of moving to Santa Fe. I love this city. I will die in this city. What's being planned scares me. I have two children and what I'm seeing is going to change this place significantly. I understand wanting to squeeze a rock for everything it's worth but once we do this we'll never be able to go back. Go over in the summertime, you will see bicyclists going up and down Rabbit Road, connecting to the bike trails and that will disappear. There's no way you're going to see that with that many cars on the road.

And it's also going to be kind of scary when I get old, getting into that traffic, what's going to happen? I totally support the staff's position on denying this request. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, John Singleton testified as follows:]

JOHN SINGLETON: Mr. Chair and Commissioners, I'm John Singleton. I live at 4 Calle Aguila in the Campo Conejos Subdivision. The one point I would like to

make is that the institution of this large a commercial development on the south side of I-25 between Old Pecos Trail and State Highway 14, this is the first development of that size on the south side of I-25 in that area. Other than this it's a residential area and this is the nose of the camel under the tent. So I'm opposed this development and I'm very much in favor of the staff recommendation that the variance be denied.

CHAIR ANAYA: Thank you.

[Previously sworn, James Mokres testified as follows:]

JAMES MOKRES: My name is James Mokres. I live at 27 Old Galisteo Way. I just want to give you a break from the Conejo Campos contingent. I've lived at 27 Old Galisteo Way for 23 years and watched the evolution and the growth out in that part of the county. The latest, the most significant thing, other than just general building is the extension of Rabbit Road supplying another artery to Santa Fe Community College. And they're having trouble dealing with that and handling that traffic and there was other meetings about cutting in another road to provide even more access to the Community College. And it also is an artery road to Rancho Viejo and Windmill Ridge.

When I first saw one of the public meeting signs a couple years ago and it was talking about 22 residential lots I thought, wow, that's a lot, but, okay. Well, you know, we can probably handle it. This request is absolutely outrageous and it's just inconceivable that they would even begin to consider this kind of volume.

Now, this Jenkins group, I've encountered before. They represented a landowner who has a property further down on Old Galisteo Road, which is a very small, hardly two lanes. People have to stop and let people by, but they advocated with the landowner to pack as many lots as they could on, I think it was 14 acres. And again, everybody on the road was just really concerned about how this was going to affect their safety, amongst other things.

At the end of St. Francis there's a group of crash barrels and they're there for a reason. And every once in a while one of these things will be broken open. I think that allowing any sort of massive development on this property would seriously jeopardize public safety. And the only driving force for this is greed. The owner could sell the land just as it is and be a millionaire and I don't understand why there has to be so much on this parcel of land other than greed. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Louise Singleton testified as follows:]

LOUISE SINGLETON: First of all, I want to thank you for your patience. I admire your stick-with-it-ness. In a sense I'm amazed with this whole thing. First it was 21 units and suddenly we're talking 250 and commercial space. It's kind of like this variance to me is really buying a pig in a poke. We've seen no pictures. We have no idea of what's being laid out. There's nothing that - granted, we probably don't know but that's what worries me is that we don't know. So I would certainly concur with the staff that this variance be denied until there's a lot more clarity on what's being proposed here. So with that, thank you very much.

I didn't tell you who I was, did I? No, I didn't. I'm Louise Singleton and I live in 4 Calle Aguila.

CHAIR ANAYA: Thank you.

[Previously sworn, Barry Wolner testified as follows:]

BARRY WOLNER: I'm Barry Wolner, 52 Vereda Serena. I live in what we call Vista Vereda which is directly across Rabbit Road from the development that we all love so much. I know I've been here before and I've objected to the whole development before and I know the master plan is done and finished but I think that what we really want know is for this whole development to be good neighbors and there's a lot of aspects about the development, to me, that is not a good neighbor. 250 units is not a good neighbor. That's a big number of apartments across from a small development of about 12 or 15 homes.

In that development, in fact, is one of the applicants for this variance. I think that as the lady said, we don't know what this 250 units represents. The applicant told us at a homeowners meeting recently it was going to be similar to Zocalo and that big wall of red apartments. That doesn't feel good; that doesn't feel like a good neighbor.

What you guys granted in the master plan is so scary to us. I'm a photographer. I don't speak well. My pictures are worth a thousand words. I think my pictures tell better really how I feel about this so I made this picture, based on – and I'm going to show it to you – based on the entitlements that you have given these guys. If they got everything that you gave them, that you granted them, this is what our neighborhood would look like.

Sorry about my voice; I had vocal cord surgery. They could have a mini-mart. They could have – now they're asking for 250 units. They can have a gas station. They can have a fast food restaurant. All of those things in an area is now kind of in harmony with where we live. I know you said before that we have to get used to the fact that we're living in an urban area, no longer in a suburban area, and I agree with you. Things are changing dramatically. But it has to be consistent with the area around it. And what they're proposing is not consistent. I'm for really thoughtful development. I don't think what they're proposing is thoughtful. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Charles Wilder testified as follows:]

CHARLES WILDER: My name's Charles Wilder. I live at 8 Senda Torcida, a little bit further south and west of the development at this time. I am very concerned about the traffic patterns. You've already heard all that, and I'm concerned about what light pollution is going to turn up from a development that size. I like my dark skies out where I live and I'm watching it slowly fade away over the years, and I really don't want to see it disappear overnight with a development that size. That's all I have to say. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Deborah Seek testified as follows:]

DEBORAH SEEK: Good evening. My name is Deborah Seek. I live at 54 Vereda Serena in the Vista Vereda Subdivision, directly across Rabbit Road from this proposed project. Most of all I wanted to say I agree with those who have preceded me with their concerns, specifically Ms. Jenkins inferred that even though you may or may not approve 250 units on this property if you do agree with this request for a variance that will be completely up to them and that is way too much density. I personally live in a neighborhood that was required at the time of its development to do a archeological study. We were required by virtue of the Extraterritorial requirements which you have

recently, in the last few years dispensed with. We were required that we have no greater density than one private home on every 2.5 acres. And now you are this evening being asked to consider a density that far exceeds that.

I think we are very much aligned with our neighbors in Campo Conejo in our appreciation for the rural nature of the neighborhood in which we invested both our finances and our energetic resources and our hopes for a future for our families. So I would urge you to vote in accordance with the staff who have professionally evaluated the situation and recommended that the request be denied. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Greg McGregor testified as follows:]

GREG MCGREGOR: My name is Greg McGregor. I live at 4 Calle Cascabel, about one mile or less from the proposed development. I came from a big city in the Bay Area and we had densities there like 250 units for an acre, and I thought when I moved here and went into a rural community which I still consider south of 25 to be, that that would be it for life, that I got rid of the city. I'm very disappointed - I will be disappointed if this area is approved for that kind of density. It just seems in appropriate for this land and this location. It does set a precedent for development south of I-25 which to me was county, and I've been here 20, 30 years now. I urge you to deny this variance for that kind of intensity.

CHAIR ANAYA: Thank you. Seeing no other questions or comments from the public, this portion, the public hearing is closed. I will - do you have something else you want to add?

MS. JENKINS: Just a couple of brief clarifications, Chair, if I may. What we are fundamentally requesting this evening is an opportunity to develop this property in compliance with our master plan. That's all we want to do. We just want to develop the property in accordance with the master plan that this body approved almost five years ago. In accordance with the preliminary plat approval that this body approved last year. That's all we're asking for. That's it. Completely consistent with similar large-scale mixed-use projects that had to request the same type of variance, because although the County code, the current County code that this project was approved under clearly calls out multi-family housing as a permissible use. It's called out in the code as a permissible use when we're talking about large-scale residential projects. Our master plan says this is what you're permitted to do for residential. And we have to do residential; we're a mixed-use project.

But the absence in the current code is the appropriate density that permits that type of development. So we're just here addressing that basically area where the current code is silent. That's all we're requesting tonight.

With respect to traffic and there may be questions that come up about this but we conducted a traffic study as part of the master plan. We updated that traffic study as part of our preliminary plat. We also updated the traffic study as part of this application. All of which have been reviewed and approved by your Public Works Department as well as the Department of Transportation for the State of New Mexico. We will continue to update that study as the project develops over time, doing all requisite offsite improvements that are appropriate with respect to the project.

And just as a reminder, we received a recommendation for approval unanimously

from the CDRC and every single reviewing agency recommended approval of this request. And with that we also ask for your approval so we can move forward and develop this property in accordance with our master plan approval. Thank you very much for your attention.

CHAIR ANAYA: I'll go to Commissioners. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I don't have a question. It's a comment. I think that it is true that we need more good multi-family in the Santa Fe area but this proposal for allowing up to 250 dwelling units is probably too much for that particular area. It's in an area that's across the street that is Rabbit Road, across Rabbit Road, from a neighborhood that's quite rural in nature and it's in a place that already has traffic flow issues. So I really think that before we go any further that this proposal needs more thought and hopefully more community meetings to talk to people in the area to see what would work to make this sort of a transition area from a rural area to a more densely developed area in town.

So therefore I am going to make a motion to deny this master plan amendment and the associated variance.

COMMISSIONER CHAVEZ: I'll second that motion, Mr. Chair.

CHAIR ANAYA: There's a motion from Commissioner Holian and a second from Commissioner Chavez. Under discussion I have a few comments I want to make, questions. Is A. Lewis here? Several in the people in the packet spoke but did A. Lewis, is she here? Annette Lewis.

MR. ARCHULETA: Mr. Chair, she didn't show up for the meeting, sir. She submitted her letter.

CHAIR ANAYA: So the question I was going to ask and then I'll see if somebody wants to address it that came to speak in opposition to the applicant, Ms. Lewis speaks of the school district and the capacity of the school district to accommodate additional housing, basically. Is there anybody here that is familiar with Ms. Lewis' letter and speaking to the capacity of the schools? It's interesting. The other thing that she includes is projected enrollments in the school district which is pretty interesting information. Not surprising but interesting, relative from what I can tell as fact of the exodus – I would call it an exodus – of students over a progression of time from the eastern part of the city of Santa Fe, including this segment and an increase, a huge increase in enrollment in the southwest sector that I represent as a Commissioner that has brought on many, many challenges and I guess whatever the decision is made today, the assumption that the absorption of students has to be in the southwest sector and that the development and the school expansion needs to only be there, I think is a false assumption.

I think we all collectively in our communities have a responsibility to have a broad array of housing and housing types and that no one segment of a community should bear the burden of multi-family housing as one example. So that's a comment I'll make. I wish she would have been here so she could have provided her thoughts and maybe expanded thoughts, but that's what I gathered from her documents in her letter that she provided.

The other thing I wanted to point out is that if you weren't aware of the location of the property and you were just listening in on the radio and didn't know much about

Santa Fe – and I respect and appreciate each comment that was made, but you would think that you guys were way out of town, and way out of the urban area, and you're not. You're right in the heart of the urban area of Santa Fe. Catty-corner to this property is a multi-family – and I see a gentleman shaking his head now, but catty-corner, right across the interstate is a very substantial multi-family housing property that serves many, many people, some of which that I know.

And so the assumption or some of the points that this is a rural part of the county, it's not. It's not a rural area. It's right next to one of the largest interchanges, that's going the largest interchange expansion in the whole county. And so I just felt compelled to put that on the record. Now, Commissioner Holian, I concur that maybe it's not 250, as far as the size, but to assume that every tract of land, because the adjacent parcel or the parcel across the road has to remain exactly the same as the other I think is a false assumption. I think that there does need to be an accommodation of various housing types and mixed uses to include multi-family housing.

I actually think there used to be more. Speaking as somebody that's been in affordable housing for most of my adult career over two decades and watching the evolution of some of the fears associated with multi-family housing dispelled over time, I can remember going to projects 20 years ago where you would think the devil was moving in next door, associated with some of the comments that were made about people who would live in multi-family housing. As recent as a couple of years ago, we had a project in the Community College District, assumptions drawn on who lives in multi-family housing and what types of people they might be, and I think we've evolved from that to a better place and in New Mexico in particular, I think it's becoming more and more prevalent that people don't want to live in a single-family dwelling and have a desire to have access to city services and be next to the community. And you can shake your head all day long, sir. You could shake it all day long.

I'm just letting everyone know, the reality is – time out. Time out. Just let me finish my remarks. You had your remarks and what I'm saying is that multi-family housing does have a place in the community and does have a place even in this area. Because of a common use that's directly across the interstate. So it's not a stretch to have this type of use there. But like I said before, I concur with Commissioner Holian that maybe the number of units needs to be evaluated. But as far as the housing type and the mixed use, I don't see an evolution into something that would disrupt the entire area as was presented in some cases tonight, and I see it as an opportunity where there could be a balance of multiple uses.

So I'll leave it at that. Commissioners, other comments? Seeing none, there's a motion, there's a second.

The motion passed by majority 5-0 voice vote.

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

**CDRC CASE # Z/PDP/DP 14-5370
PNM CAJA DEL RIO SOLAR ENERGY CENTER PROJECT
PUBLIC SERVICE COMPANY OF NEW MEXICO, APPLICANT**

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on December 8, 2015, on the Application of the Public Service Company of New Mexico (PNM or Applicant), Laurie Moye, Agent, to vacate a Master Plan Zoning, Preliminary and Final Development Plan approval which allowed a 5 megawatt electric Solar Facility on a 40 acre site, in accordance with an Order from the First Judicial District Court in Case D-101-CV-2015-01488. The Board, having reviewed the Application, supplemental materials, Staff report, and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted and makes the following findings of fact and conclusions of law:

1. The above referenced matter came before the Board of County Commissioners of Santa Fe County (Board) for hearing on March 24, 2015, on the Applicant's Application for Master Plan Zoning, Preliminary and Final Development Plan approval, in accordance with the Santa Fe County Land Development Code, Ordinance 1996-10 (Code), as amended by Ordinance No. 1998-15, which amended Article III § 8 (Other Development), to allow a 5 megawatt solar electric generating facility on a 40 acre site. The decision of the Board was to approve the application by a unanimous 4-0 vote.

2. The proposed site is located north of New Mexico Highway 599 and takes access via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East, Commission District 2.

3. The current owner acquired the Property by warranty deed recorded on April 16, 1995, as Instrument # 1152069 in the records of the Santa Fe County Clerk. PNM had a contract to purchase the Property from the owner for purposes of installation of a 5 megawatt electric solar facility.

4. On May 27, 2015, the Final Order was approved by the Board and recorded with the Santa Fe County Clerk's Office. Pursuant to Section 39-3-1.1 NMSA 1978, this Order may be appealed by filing a timely Notice of Appeal in District Court.

5. On June 22, 2015, Mr. Ronald VanAmberg, on behalf of Phillip Baca, Mathew Baca, and PMB, LTD, filed a Notice of Appeal with the Santa Fe County First District Court. The Notice of Appeal stated the following, "[c]ome now the Plaintiffs/Appellants and pursuant to Rule 1-074, NMRS 2001, appeal to this District Court as against the Defendants/Appellees the Order of the Santa Fe County Board of County Commissioners in CDRC Case # Z/DP 14-5370, entered and recorded on May 27, 2015."

6. On October 19, 2015, a Stipulated Order of Remand was filed with the office of the District Court Clerk. The Order stated the following:

The Public Service Company of New Mexico no longer intends to purchase and use the property at issue in this land use matter making its application moot. As a result, the parties have agreed to this stipulated order of remand. This matter is dismissed as being moot and is remanded to the Board of County Commissioners for Santa Fe County for consideration of PNM's request that the BCC's Order of May 27, 2015, approving the Application, including any possible effects on zoning, in CDRC case # Z/PDP/DP 14-5370, PNM Caja del Rio Solar Energy Center Project, be vacated. This dismissal is without prejudice to Appellant's right to appeal the BCC's May 27, 2015, Order that is subject of this

appeal or any additional orders on remand in the event the BCC does not vacate its May 27, 2015, Order.

7. Mr. Richard Cook, owner of the 40 acre tract on which PNM was approved for the Master Plan Zoning, Preliminary and Final Development Plan, is in agreement to vacate the BCC approval, as per the First Judicial District Court Order.

8. PNM submitted a letter which states:

PNM respectfully submits a request, due to the remand of October 19, 2015, from the State of New Mexico County of Santa Fe First Judicial District Court, that the Board of County Commission vacate PNM's approved Application of May 27, 2015, approving the Application, including any possible effects on zoning, in CDRC case # Z/PDP/DP 14-5370, PNM Caja del Rio Solar Energy Center.

9. Notice requirements were met as per Article II, Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one (21) days on the property, beginning on November 17, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on November 17, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners.

10. The Agent testified in support of vacating the Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt electric Solar Facility on a 40 acre site.

WHEREFORE the Board of County Commissioners for the County of Santa Fe hereby approves the request to vacate the Master Plan Zoning, Preliminary and Final Development Plan, to allow a 5 megawatt electric Solar Facility on a 40 acre site, in accordance with the Order from the First Judicial District Court, Case D-101-CV-2015-01488, Public Service Company of New Mexico. Commissioners Anaya, Chavez, and Roybal, were present and unanimously voted (3-0) to approve the Application's vacation, while Commissioners Holian and Stefanics were not present for this action.

IT IS SO ORDERED

This Order was approved by the Board of County Commissioners for the County of Santa Fe on this ___ day of _____, 2016.

By: _____
Miguel M. Chavez, Chair

ATTESTION:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

Center. The reality is that that progression happened over years and years. That wasn't the Amma Center's making. That was a consolidation of different projects and different divisions of land that evolved into a situation that is difficult. What we've done at this point and what we try to do with all projects is we try to figure out how do we, as best we can, mitigate as best we can, Mr. Patty if I can hopefully use the right words, a situation to make it a little better. Will this plan rectify and deal with a catastrophic event, nope, it won't. But will this plan provide for a framework where there can be a chipping away and an improved access, ingress and egress, and water supply, I think it probably will. It doesn't answer your question Ms. Martinez and your frustrations maybe with not just what evolved in those 28 years with this project but all the other houses and growth that happened. But we have to be cognizant that this isn't a brand new facility. This is an existing use and we have to figure out amongst one another with whatever decision happens after this how in the heck do we continue to reside amongst one another and work through other challenges so as Mr. Green said earlier we figure out how to work with the Commissioner and the Commission and the public works department to figure out how to work through the roads and improvements associated with the roads and access to a substation and there may be a need at some point to figure out that. Mr. Patty, I don't know that because of that ingress and egress issue I don't know that that would even fit into a planning phase but we always want to figure out ways to improve fire suppression and all of those other matters.

I'm going to leave it there but I'm going to say this, when the dust settles we reside among one another in the interest of the collective goodwill. I thank you all for your service that you do in the community for the homeless and others and I pray that there can be some common ground found at the end of the day to figure out how to respect one another continually and I don't imply that there was disrespect. I think people get emotional and they get frustrated but at the end of the day we're all in this together. And somebody earlier today and maybe it was even part of this case said, now more than ever in this society and the things that have happened in other parts of the country and the world I think we have to maybe agree to disagree, not always agree because that's just who we are as a world and a country but we have to resemble ourselves and put ourselves around some common cause and effort in the interest of goodwill amongst one another. So I'll leave it at that.

Commissioners, other questions or comments? All those in favor of the motion signify by saying "aye."

The motion passed by unanimous [5-0] voice vote.

CHAIR ANAYA: Motion carries.

MR. GRAESER: Thank you, Commissioners.

1. CDRC CASE #Z/DP 14-5370 PNM Caja del Rio Solar Energy Center Project. In Accordance with an Order from the First Judicial District Court in Case D-101-CV-2015-01488, Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, is Requesting to Vacate a Master Plan Zoning,

**Preliminary and Final Development Plan Approval which Allowed a 5 Megawatt Electric Solar Facility on a 40-Acre Site. The Property is Located North of New Mexico Highway 599 and Takes Access Via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East, (Commission District 2).
Jose E. Larrañaga, Case Manager.**

MR. LARRAÑAGA: Thank you, Mr. Chair. in accordance with an Order from the First Judicial District Court in Case D-101-CV-2015-01488, Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, is requesting to vacate a Master Plan Zoning, Preliminary and Final Development Plan approval which allowed a 5 megawatt electric Solar Facility on a 40-acre site. The property is located north of New Mexico Highway 599 and takes access via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East.

The above referenced matter came before the Board of County Commissioners of Santa Fe County for hearing on March 24, 2015, on the application of the Public Service Company of New Mexico for Master Plan Zoning, Preliminary and Final Development Plan approval, in accordance with the Santa Fe County Land Development Code, Ordinance 1996-10, as amended by Ordinance No. 1998-15, to allow a 5 megawatt solar electric generating facility on a 40 acre site. The BCC approved the application by a unanimous 4-0 vote.

The Final Order was approved by the BCC and recorded with the Santa Fe County Clerk's Office on May 27, 2015, which, pursuant to Section 39-3-1.1 NMSA 1978, may be appealed by filing a timely Notice of Appeal in the appropriate District Court.

On June 22, 2015, Mr. Ronald VanAmberg, on behalf of Phillip Baca, Mathew Baca, and PMB, LTD filed a Notice of Appeal with the Santa Fe County First Judicial District Court. The Notice of Appeal stated the following, "come now the Plaintiffs/Appellants and pursuant to Rule 1-074, NMRS 2001, appeal to this District Court as against the Defendants/Appellees the Order of the Santa Fe County Board of County Commissioners in CDRC Case # Z/DP 14-5370, entered and recorded on May 27, 2015."

On October 19, 2015, a Stipulated Order of Remand was filed with the office of the District Court Clerk. (Exhibit 4) The Order stated the following: The Public Service Company of New Mexico no longer intends to purchase and use the property at issue in this land use matter making its application moot. As a result, the parties have agreed to this stipulated order of remand. This matter is dismissed as being moot and is remanded to the Board of County Commissioners for Santa Fe County for consideration of PNM's request that the BCC's Order of May 27, 2015, approving the Application, including any possible effects on zoning, in CDRC case # Z/PDP/DP 14-5370, PNM Caja del Rio Solar Energy Center Project, be vacated. This dismissal is without prejudice to Appellant's right to appeal the BCC's May 27, 2015, Order that is subject of this appeal or any additional orders on remand in the event the BCC does not vacate its May 27, 2015, Order.

SFC CLERK RECORDED 01/14/2016

Mr. Richard Cook, owner of the 40 acre tract on which PNM was approved for the Master Plan Zoning, Preliminary and Final Development Plan, is in agreement to vacate the BCC approval, as per the First Judicial District Court Order.

PNM submitted a letter which states: PNM respectfully submits a request, due to the remand of October 19, 2015, from the State of New Mexico County of Santa Fe First Judicial District Court, that the Board of County Commission vacate PNM's approved Application of May 27, 2015, approving the Application, including any possible effects on zoning, in CDRC case # Z/PDP/DP 14-5370, PNM Caja del Rio Solar Energy Center.

CHAIR ANAYA: Mr. Larrañaga, on that note, move to staff recommendations. We have the packets in front of us with the balance of the summary in front of us, move to staff recommendation.

MR. LARRAÑAGA: Staff recommendation, the Board of County Commissioners vacate the Master Plan Zoning, Preliminary and Final Development Plan, to allow a 5 megawatt electric Solar Facility on a 40 acre site, pursuant to the Order from the First Judicial District Court, Case D-101-CV-2015-01488, Public Service Company of New Mexico.

CHAIR ANAYA: Is there any members here to speak in regards to this particular application? The applicant or others?

MR. LARRAÑAGA: Mr. Chair, the agent for PNM emailed me earlier and said that she couldn't make it tonight.

CHAIR ANAYA: Okay. Is there anybody here tonight to speak in favor or against this application?

Seeing none, what is the pleasure of the Board?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I make a formal motion to vacate the Master Plan Zoning, Preliminary and Final Development Plan, to allow a 5 megawatt electric Solar Facility on a 40 acre site, pursuant to the Order from the First Judicial District Court, Case D-101-CV-2015-01488, Public Service Company of New Mexico.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Motion by Commissioner Chavez and second by Commissioner Roybal. Any further discussion? Mr. Shaffer, is everything in order with the motion? Are we good?

Motion and second.

The motion passed by unanimous [3-0] voice vote [Commissioners Holian and Stefanics were not present for this action.

~~2. CDRC CASE # V 15-5220 Heidi Seizys Home Occupation
Variance, Michael and Heidi Seizys, Applicant, James Siebert,
Agent, Request a Variance of Article III § 3.2 (Home
Occupation Performance Standards) to Allow a Dog Rescue
Facility which Exceeds 50 percent of the Floor Area of the
Existing Dwelling on 6.52-Acres. The Property is Located at 94
Turquoise Trail Court, within Section 24, Township 15 North,~~

