



**SUMMARY:**

On April 8, 2008, the BCC granted Final Plat and Development Plan approval for the referenced subdivision (refer to Exhibit "3") which consisted of 241 residential lots on 660 acres.

On April 13, 2010, the Applicant requested and was granted by the Board of County Commissioners a 36-month time extension for the Final Plat and Development Plan (Phase 1-4) of the Suerte del Sur Subdivision (refer to Exhibit "4") which expired on April 8, 2013.

The Applicant is now requesting a 24-month time extension of the Suerte del Sur (Phase 1-4) Final Plat and Development Plan approval under Santa Fe County Ordinance No. 2011-11.

In 2007-2008 road improvement agreements for the existing Los Suenos Trail and La Vida Trail and a road construction agreement for the remainder of Los Suenos Trail (Hager Road) were negotiated between the Applicant and other property owners within the area. Santa Fe County and Las Campanas Sewer Coop also implemented an agreement for water and sewer. During this period the project plats, support documents and cost estimates were revised and completed in preparation of recordation.

The Applicant states: "Due to the current market conditions and limited demand for residential lots, the owners of Suerte del Sur are requesting additional time to proceed with the development of the land.

At the time these approvals were granted, the subject property was located in the 5-mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Subdivision Regulations (ESR).

With the elimination of the Extraterritorial Zoning District in 2009, this development now falls under the regulations of the County Land Development Code.

Article V, Section 5.4.6 of the Code states, "An approved or conditionally approved Final Plat, approved after July 1, 1996 shall be recorded within twenty-four (24) months after its approval or conditional approval or the plat shall expire. Upon request by the subdivider, an additional period of no more than thirty-six (36) months may be added to the expiration date by the Board."

On December 13, 2011, the Board of County Commissioners adopted Resolution No. 2011-193 which found the existence of severe economic conditions and suspended enforcement of specified provisions of Article V of the Land Development Code that concern expiration of Master Plans, Preliminary Plats and Final Plats.

On December 13, 2011, the Board of County Commissioners also adopted Ordinance No. 2011-11, which states "the Board of County Commissioners ("the Board") may suspend provisions of Article V, Sections 5.2.7, 5.3.6, and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic

Index® for the United States for any quarter, and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of Master Plans Preliminary Plats and Final Plats for two years pending an economic recovery.”

As of April 8, 2013, the Final Plat and Development Plan for Suerte del Sur has expired. At the time of expiration, the Conference Board’s Leading Economic Index® (LEI) score is 94.7.

The Applicants request a 24-month time extension that would render the Final Plat approval valid until May 14, 2015.

**This Application was submitted on February 22, 2013.**

**Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Approval of a 24-month time extension of the Final Plat in accordance with Santa Fe County Ordinance No. 2011-11.

**GROWTH MANAGEMENT AREA:** El Centro, SDA-2

**HYDROLOGIC ZONE:** The development is located in the Basin Hydrologic Zone where the minimum lot size is 10-acres per dwelling unit. With .25-acre feet per year water restrictions lot size may be reduced to 2.5-acres per dwelling unit.

**FIRE PROTECTION:** Agua Fria Fire District

**WATER SUPPLY:** Santa Fe County Water System

**LIQUID WASTE:** Las Campanas Liquid Waste System

**VARIANCES:** No

**AGENCY REVIEW:** None

**STAFF RECOMMENDATION:** Approval for a 24-month time extension of the Final Plat for the Suerte del Sur Subdivision.

**EXHIBITS:**

1. Letter of request
2. Site Plans
3. April 8, 2008 BCC Minutes
4. April 13, 2010 BCC Minutes
5. Resolution No. 2011-193
6. Ordinance No. 2011-11
7. Photos of Site
8. Aerial Photo of Site and Surrounding Areas

# SANTA FE PLANNING GROUP, INC.

P.O. Box 2482,  
Santa Fe, NM 87504  
505.412.0309

April 02, 2013

Vicente Archuleta  
Santa Fe County Land Use Department  
102 Grant Avenue; P.O. Box 276  
Santa Fe, NM 87504

RE: Suerte del Sur Subdivision, Phases 1-4  
Case #: S 05-4842  
Case #: MIS 10-5120

Dear Vicky:

We respectfully request a 24-month time extension of the Final Plat & Development Plan approval (Phases 1-4) of the Suerte del Sur Subdivision, pursuant to Santa Fe County Resolution No. 2011-193 and Santa Fe County Ordinance No. 2011-11. The property is located along Los Suenos Trail, south of Las Campanas, north of Pinon Hills Subdivision, within Section 24, Township 17 North, Range 8 East, and Section 19, Township 17 North, Range 9 East (Commission District 2).

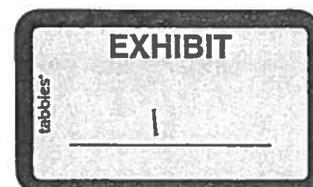
## History

The case file for Suerte del Sur is very extensive with a history that extends back almost ten-years. In year 2002, the project was conceptually designed and presented to Santa Fe County and nearby neighborhoods for review. The project proceeded through numerous public hearings through year 2006 including the master plan and platting approvals, and the re-platting of the project to account for a then-new affordable housing ordinance (that required that 30% of the project's density meet affordable housing requirements). The project received final plat approval on April 08, 2008, and was approved for a 36-month extension in April, 2010.

In years 2007/2008 road improvement agreements (for Los Suenos Trail and La Vida Trail) and road construction agreement (Hager Road) were also negotiated and completed. Water and sewer agreements were also struck with Santa Fe County and Las Campanas Sewer Coop respectively. Also during this period the project plats, support documents, and cost estimates were revised and completed in preparation for recordation. The project status is fully approved and active but "unrecorded," Phases 1-4. Phase 5 still requires approval for Final Plat.

## Request

Santa Fe County Resolution No. 2011-193 found the existence of severe economic conditions and suspended enforcement of specified provisions of Article V of the land development code that



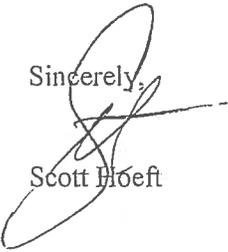
concern the expiration of final plats. Santa Fe County Ordinance No. 2011-11 suspended provisions of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the code based upon a finding of economic necessity, defined as a score of 100 or less on the Conference Board's Leading Economic Index for the United State for any quarter, and for three years following any such event. The BCC recognized that these conditions were present and desired to temporarily suspend enforcement of those sections of Article that set forth expirations of, in this case, final plats, for two years pending an economic recovery, so long as an order approving the specific suspension for the development in question is approved by the BCC. This application is requesting such action and requests approval by the BCC.

Due to current market conditions and limited demand for residential lots, the owners of Suerte del Sur are requesting additional time to proceed with the development of the land. It should be noted that the development plan for Suerte del Sur was approved at this same hearing. It is understood that previously approved development plans, formerly within the Extraterritorial Zoning District but now governed by Santa Fe County, do not expire.

Please schedule this case for public hearing at **May 13, 2013** meeting of the BCC.

Thank you for considering our request. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,

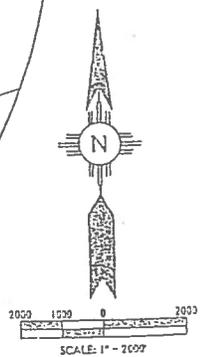
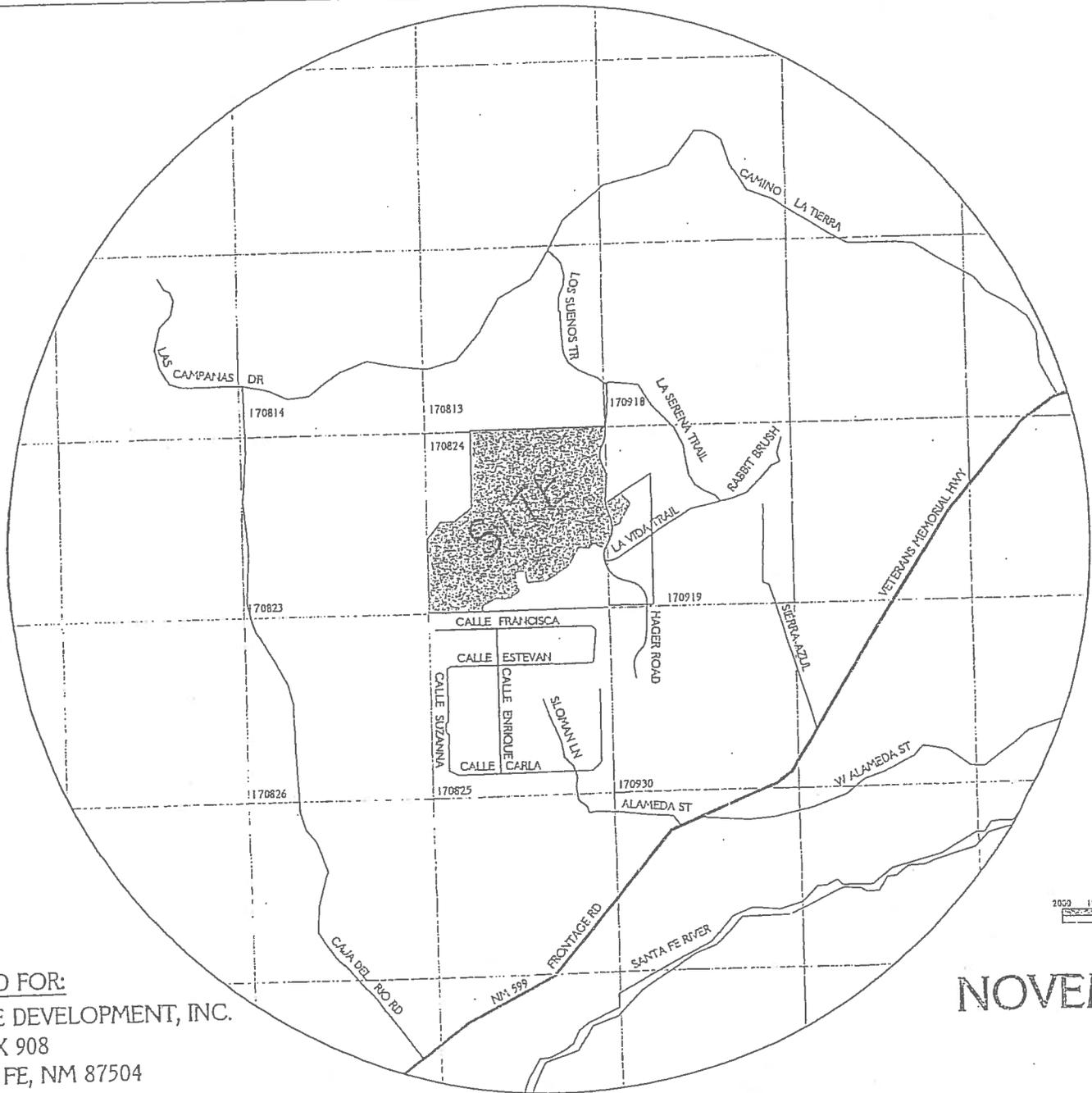


Scott Hoeft

Attachments:

- Application/Fee (\$400)
- Plan Set (11x17) (on file at the County)
- Warranty Deed (On file at the County)

# SUERTE DEL SUR - PHASES I, II, III, AND IV



PREPARED FOR:  
SUERTE DEVELOPMENT, INC.  
PO BOX 908  
SANTA FE, NM 87504

NOVEMBER  
2007

SANTA FE COUNTY, NEW MEXICO

SECTION 24, TOWNSHIP 17N, RANGE 8E NMPM &

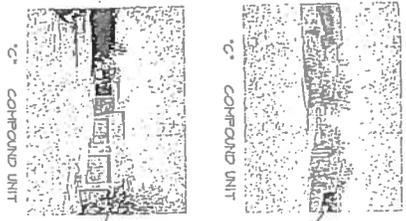
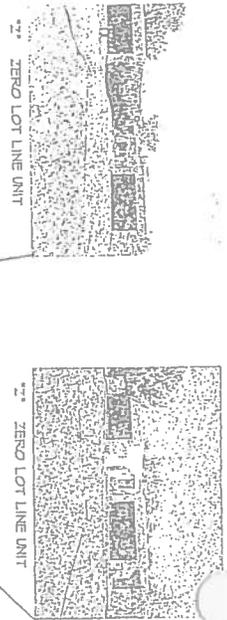
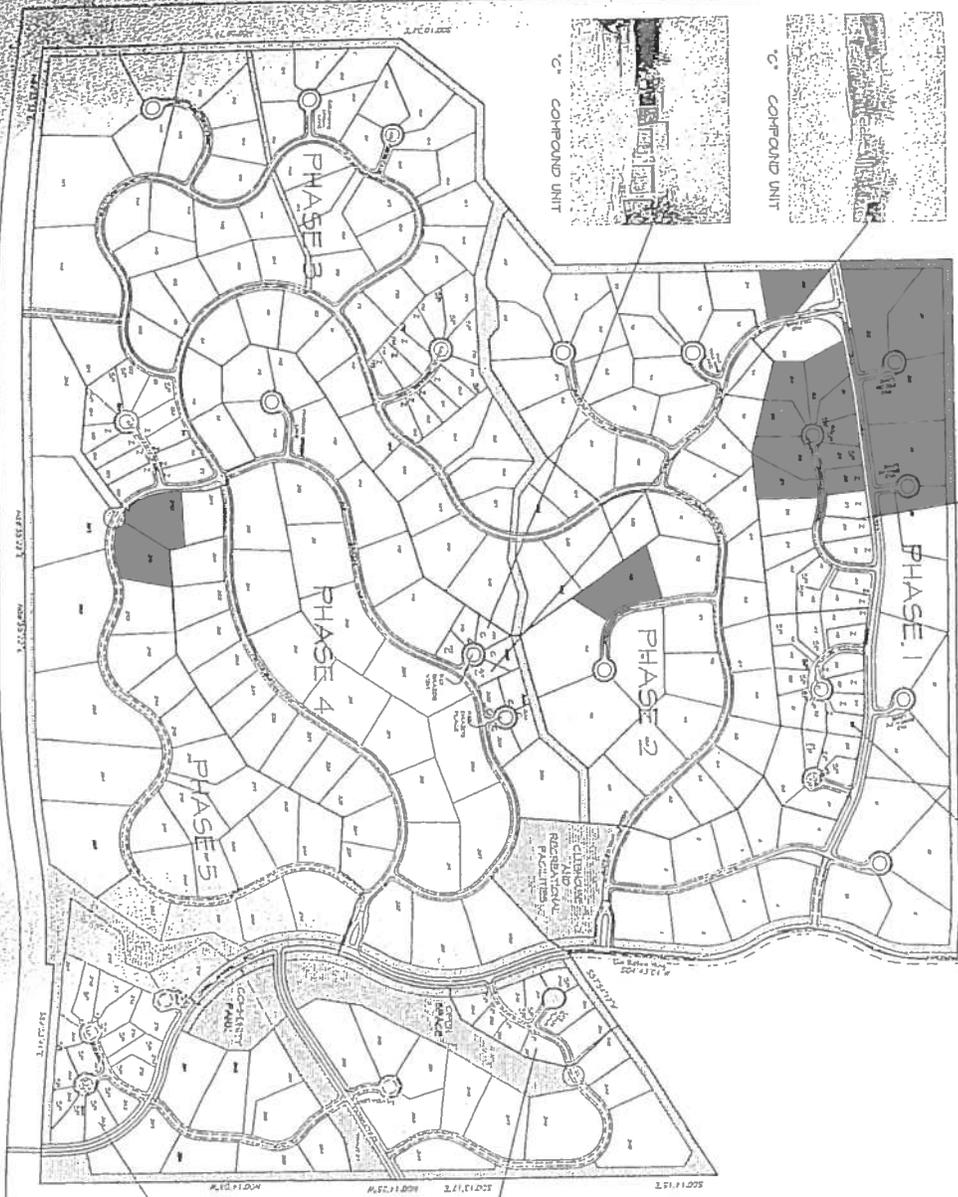
SECTION 19, TOWNSHIP 17N, RANGE 9E NMPM

tabbles

EXHIBIT

2

7



**PHASING LEGEND**

- PHASE 1
    - 11 AFFORDABLE RATE LOTS
    - 12 AFFORDABLE LOTS
  - PHASE 2
    - 12 MARKET RATE LOTS
    - 13 AFFORDABLE LOTS
  - PHASE 3
    - 62 MARKET RATE LOTS
    - 24 AFFORDABLE LOTS
  - PHASE 4
    - 50 MARKET RATE LOTS
    - 16 AFFORDABLE LOTS
  - PHASE 5
    - 44 MARKET RATE LOTS
    - 14 AFFORDABLE LOTS
- TOTALS ALL PHASES (660316 AC.)  
 60 AFFORDABLE HOUSING LOTS  
 224 MARKET RATE LOTS
- NOTE: AFFORDABLE HOUSING CALCULATION ASSUMES 50% OF THE APPROVED 204 MARKET RATE LOTS TO BE AFFORDABLE HOUSING. A 5% DENSITY BONUS HAS ASSUMED, 10% OF 204, OR 20.4 LOTS ARE TO BE ASSUMED TO BE AFFORDABLE HOUSING. THE TOTAL NUMBER OF LOTS IS 224 LOTS PLUS THE ASSUMED 20.4 LOTS IS 244.4 LOTS.



DATE	10/31/2007
BY	REVISIONS
NO.	
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PROJECT: "SUERTE DEL SUR"  
 SANTA FE COUNTY, NEW MEXICO

SHEET TITLE: AFFORDABLE HOUSING PLAN

DANSON SURVEYS INC.  
 PROFESSIONAL LAND SURVEYING  
 VALUE AND PACE  
 SANTA FE, NM

S F E C  
 Santa Fe Engineering  
 Consultants, LLC  
 1001 S. Fourth Street, Suite 100  
 Santa Fe, NM 87505  
 505.833.1134

Land Use Planning  
 Landscape Architecture  
 S F E C  
 PLANNING  
 GROUP INC.  
 P.O. Box 1405, Santa Fe, New Mexico, 87504  
 505.833.1134 fax 505.833.1021



look at this from the perspective of that is why the legislature granted local government the authority because we are the closest to the land and recognize probably more contemporaneously the changes that are occurring there. With the Department of Transportation's development of the highway there, the fact that its boundary to the north belongs to a sovereign nation and the boundary to the south has probably been grandfathered in in terms of commercial and knowing that piece of property, I think to a great extent the variance criteria may likely be met here because it actually follows a pattern of development that exists there. It follows a pattern of decision that we've made before, and I cannot imagine that there's any other possible use for this land. I do not see that a residence could be built here. We might even to come extent be creating a non-use for this if we don't consider what the full consequences are here. So with that, I'm ready to take a vote, Mr. Chair.

CHAIRMAN SULLIVAN: Any other comments?

The motion to approve passed by 4-1 voice vote with Commissioner Campos casting the nay vote.

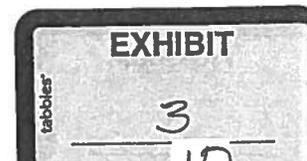
CHAIRMAN SULLIVAN: Item number 5 is tabled, that's the Joe Mier Variance, at the request of the applicant.

- XIII. A. 6. EZ Case #S 05-4842 Suerte del Sur Subdivision, Phases 1-4 - Santa Fe Planning Group (Scott Hoeft), Agent for Suerte Development, Inc. (Gerald Peters). Applicant is Requesting Final Plat and Development Plan Approval for 241 Residential Lots on 660 Acres, and a Request to Modify Conditions Previously Imposed. The Property is Located Along Los Sueños Trail South of Las Campanas within the Five-Mile Extraterritorial District, Section 24, Township 17 North, Range 8 East (Commission District 2) Joe Catanach, Staff Planner

JOE CATANACH (Technical Director): Thank you, Mr. Chair. Before I start the staff report we just passed out a letter. That letter came in after the packet was already out and that letter is clarification and additional information regarding condition 13. So that letter we just passed out is relevant to condition 13 and as we go through the staff report we can discuss that as we need to.

July 10, 2007, the BCC granted an amended master plan and preliminary plat development plan for a residential subdivision consisting of 304 lots on 660 acres to be developed in five phases. I included the minutes from that July 2007 BCC meeting, Exhibit B.

On March 13, 2008 the EZC recommended final plat and development plan



approval for the following. And I included the minutes of the March 2008 EZC meeting in your packet, Exhibit E. They recommended final approval for four phases. Phase 1, 11 affordable housing lots, 33 market, and an eight-acre tract for a community building. Phase 2 is 15 affordable housing lots, 42 market lots; Phase 3 is 24 affordable housing lots, 62 market lots; Phase 4, 16 affordable housing lots, 38 market lots.

Affordable housing lots range in size from .25 to .90 acre and the market lots primarily range in size from .50 acre to 3.5 acres with nine ranch lots consisting of five acres including 54.6 acres as common recreational open space for a public trail. A house and accessory studio are proposed for each residential lot. An 8,000 square foot community building with an outdoor swimming pool and hard courts is proposed for the community tract. The applicant has submitted letters requesting a modification of previously imposed conditions regarding a road maintenance agreement with established homeowner associations that are responsible for maintaining Los Sueños Trail and consideration of a commitment to participate in the maintenance of La Vida Trail. The applicant's letters are in your packet as Exhibit A, after the staff report, requesting these modifications of these previously imposed conditions and considerations.

The applicant has represented that executing road maintenance agreements cannot be accomplished. Therefore the applicant is requesting the following amended condition and consideration regarding maintenance agreements for Los Sueños Trail and La Vida Trails. Mr. Chair, Commissioners, this first request for modification is directly relevant to condition #15 in the staff report and the applicant would be requesting a change to condition 15 as it's written in the staff report, and he's requesting the following: Applicant will pay for the total upgrade to a minor arterial for the offsite section of Los Sueños Trail that extends north of the proposed subdivision and connects with Las Campanas Drive, provided that Northwest Ranches, LLC will pay its share as previously required by the BCC. No road maintenance agreement between applicant and property owners served by Los Sueños Trail is required. The construction will be subject to bonding as an offsite road improvement and the applicant will seek to dedicate Los Sueños Trail to the County upon completion of the upgrade.

The second issue or request is directly relevant to condition #12 in the staff report, and this applicant is requesting consideration regarding that condition 12, that the applicant has complied with the condition regarding the road maintenance agreement with Tierra de la Vida Homeowner association for maintaining La Vida Trail on the basis that the applicant has agreed to pay 50 percent of the expense for maintaining La Vida Trail but cannot agree to terms and conditions that are being requested by Tierra de la Vida's Homeowner association regarding paving of the offsite section of La Vida Trail.

As we come to the recommendation and the staff report we can talk about staff's review of those requests.

Roads and access: A traffic impact analysis has been submitted for review by the County and State Department of Transportation. State DOT has indicated that the proposed subdivision and the extension of Los Sueños Trail can proceed as it relates to traffic

impacts with State Road 599, however, subject to an updated traffic study prior to recording Phase 3, and an additional traffic study when Phase 5 is submitted for final approval including in the fair-share cost analysis.

Los Sueños Trail will be primary access, which is an existing road with a 66-foot right-of-way that is designated as an arterial for connection with County Road 70, which connects to State Road 599 frontage road in accordance with the Extraterritorial Road Plan and is subject to a conditional dedication to the County for future ownership and maintenance when the County accepts the dedication. A condition of the master plan and the preliminary plat and development plan required a cost-sharing agreement with this developer and the property owner south of the proposed subdivision for extension of Los Sueños Trail to County Road 70. The final cost-sharing agreement has been executed and submitted in accordance with the conditions, and final engineering plans are in progress.

The Extraterritorial Road Plan also designates a future arterial road intersecting off Los Sueños Trail and extending west through the proposed subdivision. Subdivision plat is providing a 66-foot right-of-way for continuation of that designated arterial for future connection to Caja del Rio Road and subject to a conditional dedication to the County for future ownership and maintenance at such time the County accepts the dedication.

La Vida Trail is an existing road that intersects off Los Sueños Trail and extends east through the proposed subdivision within a 66-foot right-of-way that provides secondary alternative access and is subject to a conditional dedication to the County for future ownership and maintenance at such time the County accepts the dedication. The existing proposed roads would have a paved asphalt surface and three road intersecting off Los Sueños Trail for access to the subdivision will have gates.

Water/Wastewater: The subdivision will utilize County water utility based on an amended water service agreement and water budget for 45 acre-feet with a .25 acre-feet water restriction per lot. The water service agreement was executed and became effective November 2, 2007. This allocation of water will support the 175 market lots and the community building, including line loss and common area landscaping within the four phases as propose and the County will provide water for the affordable housing in accordance with the preliminary approval. The subdivision will utilize the Las Campanas wastewater treatment facility. An executed agreement has been submitted form Las Campanas sewer cooperative and a modified discharge permit for expansion of the facility has been approved by the New Mexico Environment Department.

Terrain, Common Area, Landscaping, Archeology: The property is not within a flood hazard zone. Development areas are in conformance with slope standards. Common retention/detention ponds will control post development drainage. Recreational facilities are proposed for the community building and a public trail around the perimeter and the interior of the subdivision. Landscaping will be provided within the common area, community tracts and the road landscaping corridors.

An archeological survey conducted on the property determined several significant sites that will need to be preserved in easements or subject to a data recovery plan as

approved by the State Historic Division. Homeowner association, homeowner covenants and disclosure statement address use and development of the lots including ownership and maintenance of the roads, common areas and facilities and solid waste removal.

Recommendation: The proposed subdivision is in accordance with the approved master plan and preliminary plat development plan and conforms with Extraterritorial Subdivision Regulations. Conditions imposed for preliminary approval have been addressed with consideration for amendment of a condition as requested by the applicant. Staff recommends final approval subject to applicable conditions previously imposed and final conditions recommended by staff including amendment of the condition regarding a road maintenance agreement for Los Sueños Trail and consideration that the applicant is in agreement to pay 50 percent towards maintenance of La Vida Trail. And again, staff is in agreement with the applicant's request to change condition 15 regarding their commitment to pave the entire offsite section of Los Sueños Trail north of the subdivision.

Regarding condition 12, the applicant is committed to pay 50 percent towards maintenance of La Vida Trail. Staff has evaluated and found that if Los Sueños Trail is upgraded to a minor arterial standard the County Public Works Department has indicated that the entire length of Los Sueños Trail from the intersection with Las Campanas Drive to the intersection with County Road 70 would be recommended for acceptance by the County as a relevant road network in the public interest. Therefore eliminating the need for a road maintenance agreement with homeowner associations.

Staff recommends that the section of La Vida Trail within the applicant's property be paved to a collector standard in Phase 1. And I would just point out or identify that that recommended condition to pave La Vida Trail within the applicant's property to a collector standard is final condition #4. The road would probably not be accepted by the County until the entire offsite section is paved to a collector standard. Therefore a road maintenance agreement is necessary and the applicant's commitment to pay 50 percent of the expense to maintain La Vida Trail is relevant and the applicant is in agreement. And again, that's relevant to condition #12. The applicant is in agreement to pay 50 percent of the maintenance of La Vida Trail.

Mr. Chair, that concludes the staff report if I can enter the conditions into the record.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
  - A) State Engineer
  - B) State Environment Department
  - C) State DOT
  - D) Soil and Water District
  - E) County Hydrologist
  - F) County Water Utility
  - G) County Public Works
  - H) County Technical Review

- I) County Fire Dept.
  - J) State Historic Preservation Division
  - K) Santa Fe School District
  - L) Affordable Housing Administration
  - M) County Open Space, Parks and Trails Division
2. Development plan submittals shall include but not be limited to the following:
    - A) Address archeological sites with proposed road alignments, driveways and building sites as approved by State Historic Division; site development plan shall be consistent with plat regarding location of sites that will be preserved within non-disturbance easements
    - B) Provide shared driveway access for the purpose of maintaining a minimum separation of 300 feet between driveways extending off Rio Lobo Road (future arterial)
    - C) Provide trail section detail meeting minimum standards
    - D) Traffic control/street signs
    - E) Extension of asphalt pavement for Los Sueños Trail, from end of existing off-site pavement to La Vida Trail intersection
    - F) Maintain a minimum separation of 1,500 feet between access roads intersecting off Rio Lobo Road (future arterial) and Los Sueños Trail
    - G) Project sign in conformance with minimum standards
    - H) Right-of-way for Rio Lobo Road shall be extended to the west boundary of the subdivision for future continuation
  3. Community recreation facilities will be subject to administrative staff approval of a site development plan prior to issuing a building permit.
  4. Final plat shall include but not be limited to the following:
    - A) Conditional dedication of a right-of-way to County for Los Sueños Trail, La Vida Trail and Rio Lobo Road. Conditional dedication shall specify that maintenance of roads is the responsibility of the homeowners association until such time that the BCC determines that the roads can be accepted for ownership and maintenance
    - B) An on-lot drainage pond shall be required if impervious surface exceeds 11,000 square feet on the lot
    - C) Specify road and utility easement on the south to provide emergency access for Pinon Hills Subdivision
    - D) These lots are required to use the County water system and Las Campanas sewer system
    - E) Compliance with plat checklist
    - F) Rural addressing
  5. Submit cost estimate and financial surety for completion of required improvements as approved by staff.
  6. Final homeowner documents (covenants, bylaws, articles of incorporation, disclosure statement) subject to approval by staff and shall include but not be limited to the following:

- A) Water restrictions and conservation measures, including installation of water storage tanks for collecting roof drainage and prohibit non-native grass
  - B) Homeowners association shall contract with a private company that is registered for the collection and disposal of solid waste
  - C) All of the lots shall be connected to the Las Campanas sewer system and the County water system; prohibit wells and septic systems
  - D) Prohibit division of lots and prohibit rental or lease of accessory studio as a permanent full-time residence
  - E) Maintenance plan for road, trail and drainage facilities
7. Submit solid waste fees in conformance with Extraterritorial Subdivision Regulations.
  8. Submit final cost-sharing agreement for extension of Los Sueños Trail prior to final plat/development plan for phases 1 and 2, pursuant to the terms and conditions of the cost-sharing agreement.
  9. Submit updated traffic impact analysis with final plat/development plan for subsequent phases as required by State DOT.
  10. Compliance with water service agreement for subsequent phases prior to final plat/development plan approval.
  11. Submit final agreement for use of the Las Campanas sewer system prior to final plat/development plan, and submit documentation from CID regarding the status of the expansion for the Las Campanas wastewater facility prior to recording phases 1 and 2.
  12. Applicant shall consult with Tierra de la Vida Homeowners Association to determine if a road maintenance agreement is necessary for La Vida Trail prior to submitting a final plat/development plan, and applicant is in agreement to contribute 50 percent of the expense for maintenance of La Vida Trail.
  13. Access for construction traffic shall be from the south end of Los Sueños Trail, and the applicant shall enforce this as much as possible. This shall be disclosed and included in contractual agreements with contractors and lot owners.
  14. The applicant shall contribute their fair share for an intersection or interchange as approved or required by the MPO and New Mexico Department of Transportation at the intersection of County Road 62 and County Road 70.
  15. The applicant shall execute a road maintenance agreement with other homeowner associations that are responsible for maintaining Los Sueños Trail prior to final plat/development plan, and the applicant shall agree to participate in a request to the BCC for ownership and maintenance of Los Sueños Trail by the County.
  16. Compliance with Affordable Housing Ordinance (Ordinance No. 2006-02).
  17. Off-site section of Los Sueños Trail that extends north of the proposed subdivision and connects to Las Campanas Drive shall be upgraded to a minor arterial standard.
  18. Submit final affordable housing agreement in conformance with the affordable housing plan as approved by County staff.

Final Conditions:

1. Subdivision plat shall be signed by Las Campanas Sewer Cooperative.
2. Provide cross-reference for recording affordable housing agreement and identify affordable housing lots on site development plan.
3. A Traffic Impact Analysis shall be submitted for review and approval by the State DOT prior to recording phase 3 subdivision plat.
4. The section of La Vida Trail within applicant's property shall be paved in phase 1 to a collector road standard.

CHAIRMAN SULLIVAN: Questions for Mr. Catanach? Commissioner Vigil

COMMISSIONER VIGIL: Thank you. Mr. Catanach, this whole issue of the roads was one that was at one point in time of contention between many of the neighborhoods and the residents around there. Has that been resolved with the proposal that we have tonight?

MR. CATANACH: Mr. Chair, Commissioner Vigil, I believe it has. This applicant has represented and has committed to upgrade the entire section of Los Sueños Trail north of the subdivision to a minor arterial standard. This applicant has entered into a cost-sharing agreement for the section of Los Sueños Trail south of the subdivision. And this applicant has indicated that their commitment, has represented their commitment to pay 50 percent of the expense of maintaining La Vida Trail. I believe those issues have been adequately addressed.

COMMISSIONER VIGIL: Okay. And I'll also ask the applicant that. There was a point in time through this process that I asked that bicycle trails be included in the plan and design of this. Is that - I don't see that specifically as a component. Is it there?

MR. CATANACH: Well, La Vida Trail will be built to a minor arterial standard with a shoulder. The bicycles generally ride on that shoulder. There'll be an additional trail for pedestrians alongside La Vida Trail within the applicant's property as it extends all the way to County Road 70. So the shoulder of the minor arterial will primarily be used by bikes. It's very possible that both bikes and pedestrians will also use the trail along La Vida Trail and also around the perimeter of the subdivision and the interior of the subdivision. That trail will be able to accommodate pedestrians and bicycles.

COMMISSIONER VIGIL: And Los Sueños Trail, are we talking about the same trail? La Vida and Los Sueños, they're separate, right?

MR. CATANACH: Well, Los Sueños Trail is the main road that extends from Las Campanas Drive all way down to County Road 70. That's the main road. La Vida Trail is a road that intersections off Los Sueños Trail.

COMMISSIONER VIGIL: Okay. And what is the condition of Los Sueños Trail currently?

MR. CATANACH: Well, right now Los Sueños Trail is a paved collector road. It's paved before it gets to the applicant's property, so what we have is we have a paved collector road that extends from Las Campanas Drive just before you get to the

applicant's property and from there it transitions into a basecourse dirt road. Basecourse road and then an unimproved dirt road within the applicant's property.

COMMISSIONER VIGIL: And that will be improved.

MR. CATANACH: Oh, yes.

COMMISSIONER VIGIL: Will bike trails be a part of that improvement?

MR. CATANACH: Well, like I say, that road is going to be upgraded to a minor arterial, which includes a shoulder.

COMMISSIONER VIGIL: And a walking trail, but you're saying that the walking trail or the shoulder either/or could be used -

MR. CATANACH: For bicycles.

COMMISSIONER VIGIL: Okay. Also, Mr. Catanach, some of the emails I've received, and I receive a lot of them because I represent this district, has talked about, not with this particular development but with other development that has occurred in that area. When the development is actually breaking ground there are a lot of trees that are being cut down and not replaced. When we approve these master plan and final development plans, the landscape plan, does it make up for the loss of trees? When we do affect the ecology that way is there an analysis that's done through the landscape design to not adversely impact the area?

MR. CATANACH: Well, when you think about trees that are being removed for road construction and buildings, when you think about that, and I don't think this applicant has made a proposal to transplant existing trees. That's not to say that they're not going to do it or they will do it. To try to answer your question, this applicant is proposing some landscaping. Obviously as homes get built, people that buy these homes, they landscape these properties. I don't think there's actually been an evaluation that in fact the trees that are going to be removed are going to be exactly replaced but it seems reasonable to believe that the proposed landscaping that would occur in the common areas and the community building and people that landscape their own lots that it's probably reasonable that it's a trade off.

COMMISSIONER VIGIL: Interesting.

MR. CATANACH: A lot of those trees that are being removed may be dead as well, trees that are being removed for roads and buildings. Those may be some of those pinon trees that were affected by bark beetle.

COMMISSIONER VIGIL: It's a double-edged sword. On the one hand it could create a benefit to remove some of those trees and on the other, you are adversely impacting a terrain, an ecological balance that has actually existed there. I'm not too sure if new landscaping and new designer landscaping may or may not be a trade off. It's an interesting question and one that I didn't have an answer for. Do we evaluate the landscape design when it's brought forth at all? Because the only times I've ever seen them are on design projects brought forth and it's usually just sketched out.

MR. CATANACH: The Subdivision Regulations, the landscaping that's required under Subdivision Regulations are not trees and shrubs but more revegetation, to

reseed and revegetate disturbed areas in order to control erosion and soil stabilization. I do not – the Extraterritorial Subdivision Regulations, I don't believe have requirements to evaluate that landscaping that is being removed needs to all be replaced tree for tree, if I understand the question.

COMMISSIONER VIGIL: Well, that's part of the question. I guess it's larger and then it can be smaller. But that's it. That's all I have, Mr. Chair.

CHAIRMAN SULLIVAN: The question that I had for staff under this first bullet condition that is apparently being proposed, paying for the total upgrade to the minor arterial, Mr. Catanach. It seems that that is conditioned on provided that Northwest Ranches pays its share, and my experience has been that it's always problematic to have conditions that are conditioned on someone else doing something that they were told to do. What's the status of Northwest Ranches, LLC? Have they paid their share or will they pay their share?

MR. CATANACH: I believe the applicant included that in order that that not – that still may be a relevant condition.

CHAIRMAN SULLIVAN: Who is Northwest Ranches and are they a part of this subdivision or –

MR. CATANACH: No, it's a subdivision that was approved probably last year and it was for a property owner by the name of Jacques Constant.

CHAIRMAN SULLIVAN: Is it to the south? To the north?

MR. CATANACH: It's to the north of the applicant's subdivision.

CHAIRMAN SULLIVAN: But to the north is paved road, isn't it?

MR. CATANACH: The pavement ends before you get to the applicant's property.

CHAIRMAN SULLIVAN: But does it end before you get to Northwest Ranches property?

MR. CATANACH: It did, yes.

CHAIRMAN SULLIVAN: I remember there was just a very short section until you turn left onto –

MR. CATANACH: That's correct. It was a short section.

CHAIRMAN SULLIVAN: Onto La Vida Trail.

MR. CATANACH: It was a short section where the pavement would have to be extended before you turn into the – no, it's off Los Sueños Trail.

CHAIRMAN SULLIVAN: Northwest Ranch is?

MR. CATANACH: Is off Los Sueños Trail.

CHAIRMAN SULLIVAN: Yes, I understand. But Los Sueños Trail is paved up to the applicant's property, right?

MR. CATANACH: Before the applicant's property.

CHAIRMAN SULLIVAN: Before the applicant's property. And how far is it till you get to the applicant's property?

MR. CATANACH: I was thinking about a half mile, but maybe this

applicant could clarify that. About 2,000 feet.

CHAIRMAN SULLIVAN: I still think it's a problem to structure a condition that lets the applicant off the hook if Northwest Ranches, LLC doesn't do its job. I think the applicant has a responsibility to do its portion, whatever it is. Are we saying that the applicant is paying their pro rata share or are they paying 50 percent for the offsite section? What are they paying for?

MR. CATANACH: I believe that the discussion that Jim Rubin has had with various – the attorney for the applicant has had with various homeowner associations is that it would be based on number of lots. So Northwest Ranches I think was less than 24 lots. I'm sorry, Commissioner –

CHAIRMAN SULLIVAN: I'm not comfortable with us getting in the middle of an argument between Northwest Ranches and Los Sueños Trail. We need to specify what Los Sueños Trail is required to do and agrees to do.

MR. CATANACH: I certainly understand your issue. I guess as I evaluated the condition and the request to modify as per the applicant's request is that the applicant wanted to keep that requirement alive, but if Northwest Ranches – it was not going to – the applicant is still going to have to upgrade the entire north section of Los Sueños Trail whether that developer pays their fair share or not.

CHAIRMAN SULLIVAN: Oh, see I don't read that. I see what you're saying. Let's say Northwest Ranches is moving at a slower pace than this applicant. So this applicant has to pave the whole section. They then have a separate agreement with Northwest Ranches to reimburse them. Northwest Ranches goes bankrupt or for any reason doesn't reimburse them, I don't think it's the County's responsibility to mediate that.

MR. CATANACH: No, I don't believe that's the County's responsibility either. I think that's a private matter.

CHAIRMAN SULLIVAN: And that's the way I read it, is that the applicant will pay for the total upgrade, provided that Northwest Ranches will pay its share. And that language is nothing but red flags to me. So I think that can be restructured to indicate that the applicant has to pay for the total upgrade to a minor arterial and then it can be reimbursed by Northwest Ranches and if it isn't it has attorneys on staff and it can do what attorneys do, I guess, which is attempt to enforce that agreement.

MR. CATANACH: I certainly understand your concern.

CHAIRMAN SULLIVAN: That's one comment I had. The other question I had was you mentioned when you were talking about La Vida Trail, upgrading to a collector in condition 4. I don't see anything in condition 4 regarding a collector. Could you explain that?

MR. CATANACH: I'm sorry. It's final condition #4, towards the end of the staff report.

CHAIRMAN SULLIVAN: Yes, I'm looking at that. Final condition 4.

MR. CATANACH: Final condition 4 states that the section of La Vida Trail within the applicant's property shall be paved in phase 1 to a collector road standard.

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CHAIRMAN SULLIVAN: Wait a minute. I'm looking at page 5. Is that where it is?

MR. CATANACH: Page 7.

CHAIRMAN SULLIVAN: Oh, that condition 4. So we have two condition 4's. The other conditions are still in effect, are they not?

MR. CATANACH: Yes, Mr. Chair. They are.

CHAIRMAN SULLIVAN: So you're talking about final condition four. Okay. Collector standard. And then the other question I had was on this letter that you passed out from the Rubin Katz law firm dated April 1, 2008. [Exhibit 6] Where does this fit into it? It's some conditions about adding - it doesn't cost them anything but apparently just adding some language to each and every owner shall be required to include a provision in any construction contract concerning his or her lot required that contractors, subcontractors and material men shall access Suerte del Sur by Hager Road. It's talking about addressing an EZC concern.

MR. CATANACH: Yes, Mr. Chair. The applicant is providing clarification and additional information regarding condition 13.

CHAIRMAN SULLIVAN: That's 13?

MR. CATANACH: Yes, it is, on page 7.

CHAIRMAN SULLIVAN: Okay. And how and who enforces that? That clarification. Who enforces which way the contractors are going to come in, whether they're going to come in from the north or the south?

MR. CATANACH: Well, the applicant is attempting to specify how that will be enforced.

CHAIRMAN SULLIVAN: Well, it says further down the subdivider shall be responsible for enforcing this provision against its contractors. Now that's, I assume, the contractors who are building the lots in the subdivision. But that doesn't seem to have anything to do with the individual homeowners. Would that be your interpretation?

MR. CATANACH: The condition actually applies to building the infrastructure within the subdivision as well as the individual homes and individual contractors. Any individual contractor hired by homeowners.

CHAIRMAN SULLIVAN: Okay, and so it says in condition 13 the applicant shall enforce this as much as possible. What does that mean?

MR. CATANACH: Well, again, the applicant has submitted a letter trying to clarify how they will accomplish that.

CHAIRMAN SULLIVAN: I don't think this clarifies too much because it just says they're putting it on the backs of the homeowners except for their own contractors. At the bottom it says the subdivider, which I assume is the applicant, shall be responsible for enforcing this provision against its contractors. So at least it appears to me what we're doing is weakening condition 13.

MR. CATANACH: Well, actually, the applicant would be including it in purchase agreements and covenants, so when you sign a purchase agreement you're

agreeing to have your contractors access from the south, and the covenants of the subdivision are requiring that, meaning that the developer, as the homeowner association as the initial owner can enforce that.

CHAIRMAN SULLIVAN: Through the homeowner association.

MR. CATANACH: Through the homeowner association and the purchase agreement.

CHAIRMAN SULLIVAN: But the applicant's out of it. The applicant no longer has an obligation to help control that traffic, because they've put it over onto the homeowners.

MR. CATANACH: Well, the applicant will be the homeowner association for a while.

CHAIRMAN SULLIVAN: For a while they'll be the association. Okay. That seems to be pretty vague to me, but those are my comments. Any other questions of staff? Okay, is the applicant present?

COMMISSIONER VIGIL: I have a real quick question before Scott. The applicant is the homeowner association, Mr. Catanach, up until what? Ninety percent of the building? What do the covenants say there?

MR. CATANACH: Commissioner Vigil, I think there's probably different bylaws, but generally up until the applicant has sold over 50 percent of the lots.

COMMISSIONER VIGIL: Fifty percent, sold the lots, not built and constructed?

MR. CATANACH: Sold.

COMMISSIONER VIGIL: Okay. Thank you. And Scott, you may have a different answer to that.

[Duly sworn, Scott Hoefst testified as follows:]

SCOTT HOEFST: Scott Hoefst, Santa Fe Planning Group, 109 St. Francis, 87505. I also have with me this evening Jim Rubin who's the attorney on the project and Mike Gomez who is our civil engineer and traffic engineer. You've obviously touched upon all the issues that we've been dealing with over the last year which has been primarily roads. We came out of the chambers last July tasked with refining the affordable housing plan but also solving all of these road maintenance agreements and I have a plan in front of me down below that shows the site in its proximity to all of the roads that are in the area we've been dealing with. To summarize Joe's review, heading north is Los Sueños Trail, and earlier you asked a question, Commissioner Vigil, regarding the bike way, and I think Mr. Catanach was referring to La Vida Trail. I think he meant to say Los Sueños Trail. That's the road that we're going to be improving all the way up to Las Campanas Drive into the site and that will have a six-foot shoulder for bikes, for that purpose. So that essentially addresses your question on that.

We do have internal trails on the project and I can get to that in a little bit. The other issue that we've been working to solve is the Hager Road which heads all the way down south, shown on this plan here. That agreement we reached pretty quickly, and

again, Mr. Peters is paying 2/3 of the cost of the construction of that road. So keep in mind that Mr. Peters is improving Los Sueños Trail up to Las Campanas Drive. He's also creating Hager Road all the way down to 70.

And then La Vida Trail, which again we have two agreements. When we started off Hager Road was pretty quick. Los Sueños Trail we were dealing with I believe ten different associations and after a while we realized to try to get to some sort of understanding and agreement regarding how we were going about approving that and getting fair share it was going to be an impossible event, so we just agreed at that time to just pay for it ourselves.

La Vida Trail, at the last hearing at the EZC last month, Mr. Etre Was concerned and we point that out, headed in that direction toward Aldea. He wanted us to contribute to paying his portion of the road and at the hearing that night he kind of understood our position and realized that paving La Vida Trail wasn't our responsibility because we had so little traffic heading in that direction. But we did, as Joe pointed out, pave this purple section on our site immediately. So even though that's in a latter phase of development we agreed with Joe that paving La Vida Trail on our site was appropriate and Mr. Etre We agreed to 50 percent of the improvements of the maintenance of La Vida Trail offsite.

So these are the major issues. It's take us about a year to get back to this Board, almost a year. This is what we've been dealing with in getting these agreements in place and it's been quite a bit of effort. So if you consider that the first years of the project were design, the second years of the project we're dealing with water. Last year we were dealing with affordable housing and coming to terms with that. 2007 was primarily dealing with these cost-sharing agreements which took quite a bit of effort.

Going to your revegetation question, Commissioner Vigil, our company, Santa Fe Planning Group does the landscape work for the project and the design of it and we do have about five sheets within the submittal that addresses landscaping. Unlike the City, the County doesn't have a policy or a Code that requires you to transplant the trees that you remove. I will say that the property itself is 660 acres and heavily treed. And trees, in terms of transplanting, weren't going to be our initial goal. The trees that will be removed are for the roadways. Of course when we cut the roads in those trees will be removed and the roadsides revegetated.

The lots themselves, the market rate lots as you recall are all large. They're approximately 2.5 acres on average. Those lots remain as is. We're not talking about mass grading here. Those lots remain until sold and then each lot has a buildable area within that lot that the homeowner is allowed to improve upon and the balance of the lot is left natural. And that's even the case for the affordable lots as Joe mentioned in the staff report. You have affordable lots that are extremely large on this property, relative to most affordables in the county that go up to .9 acres in size, almost an acre in size, and those are the same way. Mass grading will not occur. So most of the vegetation that's on the property, with the exception of the roads will remain intact.

And if you consider - I've stated this at previous hearings - if you've got 660

acres and you consider a building pad for each lot, combined with roads, you're going to have about 400 acres of the property preserved, relatively.

COMMISSIONER VIGIL: Mr. Hoeft, the covenants, do they address xeriscaping?

MR. HOEFT: Yes, they do.

COMMISSIONER VIGIL: Okay, and to what extent? What do the covenants require in terms of landscaping and xeriscaping?

MR. HOEFT: The County requirements, in terms of what can be planted, in terms of materials, the materials that you can use, where you can plant on a land. Typically, you want to keep the balance of the property in its natural state and that most of the new plantings occur around the residence. So of course you have revegetation for driveways and roadways.

COMMISSIONER VIGIL: Thank you.

MR. HOEFT: Now you have, Commissioner Sullivan brought up three questions regarding roadways and I would prefer that Mr. Rubin handle those. Let me just kind of summarize those questions because they're all very good. One was Northwest Ranches and I would prefer Mr. Rubin deal with that. I'm 95 percent sure, and Joe can address this, that Northwest Ranches had the same condition that we have regarding Los Sueños Trail because they came through, I believe the same night back in 2007 for preliminary approval or that could have been final approval. Mr. Rubin had that conversation. Jim Siebert is the planner on that and so he's had conversations with Mr. Siebert and they came to terms. La Vida Trail as a collector, again I would prefer Mr. Rubin to address that, and then the contractor - that was quite a bit of discussion that came up in front of the EZC last month regarding contractors and how people were going to approach and access the property in the short term.

Now keep in mind, as I stated earlier, we've got to improve Los Sueños Trail right off the bat. We've got to build Hager Road right off the bat, and the folks above wanted most of our traffic coming from below into the site. So that's what our goal is and we've laced the covenants with that terminology, but with that I would like to turn those questions over to Mr. Rubin as well as Commissioner Vigil's question regarding the HOA and the point at which it's turned over to the members. Thank you.

CHAIRMAN SULLIVAN: Mr. Hoeft, are there any other changes to the plan between the preliminary plan and the final plan?

MR. HOEFT: No, Commissioner Sullivan.

CHAIRMAN SULLIVAN: So there's no changes in lot configuration, in the affordable housing configuration, or anything else other than these road conditions?

MR. HOEFT: That's correct, Commissioner.

CHAIRMAN SULLIVAN: Okay.

JIM RUBIN: Good evening, Commissioners, thank you for hearing us tonight. It's been a long haul on this project. Let me try to address these specific questions. Chairman Sullivan, Commissioner Vigil, the turnover point for the association is 90

percent of lot sales. It doesn't have anything to do with the build-out of lots. It's at 90 percent. Additionally, we're paying standby fees to the County of \$25 per market rate lot per month. In February Suerte Development wrote a check for \$140,000 to the County Water Utility now that the billing has finally been straightened out, because when we entered into our original water service agreement it was for 304 market lots. We've had major pieces of legislation that you've adopted during the course of this subdivision process, and so we're now down to where we pay \$5600 a month. That's \$25 per lot for 224 market rate lots each and every month that we're funding to the County Water Utility. Those payments have to continue until the taps, the meters, are actually installed on the lots when somebody's going to start building. So we're also paying that into the water utility. \$134,000 of that \$140,000 was clearing up the billing situation from previously because of the changes in the affordable and market rate lots from where we started.

Northwest Ranches. Back in July Mr. Constant was two cases ahead of us that night. He was tabled that night but came back the following month and was approved. We were looking at two different portions of how Los Sueños Trail would be treated, and that goes into this road-sharing question too. We looked at deferred maintenance on Los Sueños Trail. And that deferred maintenance cost was estimated by Mr. Gomez somewhere around \$120,000 to \$150,000. And what happened - and then over and above that there's about another \$500,000 to \$600,000 for the actual upgrade to take it from a plain collector road up to a minor arterial. So it's a significant cost.

What we had sought to do was to share in the deferred maintenance cost for Los Sueños Trail with all those different homeowner associations, and the condition that you imposed was that Northwest Ranches should pay its pro rata share for deferred maintenance. You didn't impose the upgrade to minor arterial on them. We are willing, if it makes it any better, we'll collect from Northwest Ranches, because we have a good working relationship with them. We made an agreement regarding setbacks between our two subdivisions. We supported what they were doing. We're going to try to coordinate on the bike trail in between the two properties. There's a lot of kind of synergy there between the two. So we don't expect the County to collect that for us; we'll take care of that with them. We just don't want to waive, have the BCC waive that condition that Northwest Ranches was supposed to contribute a pro rata share. So we're happy to change that condition accordingly so that we'll take care of the collections. It's not an issue for us.

CHAIRMAN SULLIVAN: You don't have any problem, Mr. Rubin, with deleting the phrase provided that Northwest Ranches, LLC will pay its share as previously required by the BCC?

MR. RUBIN: No. No, Commissioner, so long as you make a statement tonight that you haven't waived that condition for Northwest Ranches.

CHAIRMAN SULLIVAN: I can't make any statement as to what the Commission might or might not do, particularly after December 31, 2008. But I don't think that there's any recommendation here that we're changing any conditions of Northwest Ranches, are we, Mr. Catanach?

MR. CATANACH: No, Mr. Chair.

MR. RUBIN: Okay. We're okay then, Commission. With respect to La Vida Trail, we have negotiated the form of a road maintenance agreement acceptable to Mr. Etre and his association. They had a meeting in mid-March. Notice he's not here tonight. It's interesting, on the very last page of your packet, second paragraph down, it shows Mr. Etre's testimony and at the end he discussed a three-way stop west of the subdivision and that would be paved and for the record said that he appreciated the support and willingness the applicant has offered. So we have an agreement with them to pay one half of the actual maintenance expenses of La Vida Trail as they occur. I can tell you that in 2007 they spent about \$2300. So we will pay that as soon as we're billed on it. And that's our agreement with them.

The contractor involvement issue. There was a discussion and we do have at least one neighbor here tonight. There was a discussion about how to ensure that this construction traffic comes from the south on Hager Road. Of course we cannot break ground on Suerte until Hager Road is built. That is an existing condition. So there's not going to be anybody coming in from the north. They've got to come in from the south to begin with and we can't even start turning our dirt. When we do, we will under paragraph 4 of my letter put this language into the construction contracts with Suerte's infrastructure contractors.

Now there was a discussion of this matter at the hearing and Commissioner Long brought up the issue that we, meaning the developer, can really not get into individual contracts. We totally agree with this too as a matter of law. We can't get in the middle of individual contracts between lot owners and their contractors. So the best way that I thought to go from a pure legal standpoint was to disclose to each and every purchaser, and I've already changed this language in the disclosure statement that we previously submitted to the County, disclose to everybody their construction traffic has to come in from the south. That goes forever. That's what's supposed to be. Put it in the covenants. I've changed the covenants to make sure it comes in from the south. And in each and every agreement, 304 sales agreements between Suerte Development and the individual property owners, whether they be market rate lots or affordable lots, it will say in them that they acknowledge and understand that their construction traffic must come in from the south.

And so we have covered it the best ways possible that I can think of from a pure legal standpoint. This would be of record in perpetuity as part of the covenants.

CHAIRMAN SULLIVAN: Let me stop you there a minute on that point. So then if I'm a property or a lot owner and my neighbor doesn't do this. Do I complain to you? Let's say you still own 80 percent, or say only 80 percent of the lots have been sold so the homeowner association is still controlled by the developer. Do I come to you to enforce that then?

MR. RUBIN: Commissioner Sullivan, I don't think we're going to hear from the next-door neighbor. I think we're going to hear from this gentleman over here who is the neighbor to the north representing one of the homeowner associations. We are

going to hear about truck traffic coming down from the north and people building in Suerte. When they call the association or the developer, if they are able to trace where these trucks are going and tell us about it we will take action as an association to try to stop that type of traffic.

Now, we must tell you, and they've got a problem right now that we are fully aware of. The traffic comes in on Los Sueños Trail, comes through the subdivision, runs over to La Vida Trail and out and there's been heavy trucks coming through that way to properties that are to our east or to our south. We have no control over that type of traffic. I do urge the Commission with respect to any properties, any development plans or master plans for any other properties out there that a similar condition is imposed on them. But we do know now and I believe our neighbors have traced where those trucks are going but they certainly aren't going onto our property except via the right-of-way.

So again, we will hear from our neighbors. The homeowner association will hear about it. They will notify the individual lot owner, assuming that lot owner has been identified, and I think that's a pretty good way that neighbors work together.

CHAIRMAN SULLIVAN: Then let's assume that we have met your requirement, that we've identified the truck and that it ends up on a lot in Suerte del Sur. And then you notify the owner. What happens then? How will you enforce the condition?

MR. RUBIN: Well, Commissioner I don't know whether or not you do -

CHAIRMAN SULLIVAN: We the County don't enforce conditions. You know that.

MR. RUBIN: Excuse me.

CHAIRMAN SULLIVAN: The County doesn't enforce homeowners conditions.

MR. RUBIN: Of course not.

CHAIRMAN SULLIVAN: My question to you is you've identified the vehicle or vehicles, they're going to the Suerte lot, they're coming in from the north, the conditions say that they are not supposed to come in from the north. You've notified the owner, the owner doesn't do anything. What will you as the association now do?

MR. RUBIN: Well, to tell you the truth, Commissioner, I doubt that we are going to spend \$10,000 to go to court. So we're going to figure out what to do with this homeowner. We're going to have to look at suspending their voting rights, which they're in violation of the covenants they have a right to do that. We have a right for special assessments against that homeowner. We have a right to do a lot of different things. The covenants are in the package. I personally believe they're a good set of covenants. I've worked on a lot of different covenants with different types of remedies. Different homeowners within the subdivisions also have the right to enforce the covenants against each other.

So I think there's a number of things that can be done. Can I speak today for what the board is going to do 25 years from now? No, sir, I cannot. I probably won't be here 25 years from now.

CHAIRMAN SULLIVAN: The question was while the developer is still in control of the subdivision homeowner association.

MR. RUBIN: What are we going to do? Are we going to spend \$10,000 to take this person to court? Now, we cannot take the contractor to court. We have no contract with the contractor. We can only take our contractors to court. So we have no right at all to do that. We have enforcement options against the individual homeowner for not causing his or her contractor to come in from the south. I think that these matters are going to be resolved by the homeowner doing something about it. We can require the homeowners to put other provisions in their covenants with penalties for contractors who don't come in from the south. Do we know what they're going to do? No. We are not involved in that contract process.

CHAIRMAN SULLIVAN: I guess what I'm getting at in terms of enforcement, I understand, and that's the reason I brought it up, is that it's very iffy to be able to enforce this condition which I think why the condition is of moderate value. Perhaps if you wrote the condition to say that every documented incident shall result in a fine to the homeowner of \$250, that might put some teeth into it, where you wouldn't have to go to court. By signing the homeowner association agreement they would agree to be assessed that amount. Would something like that work?

MR. RUBIN: I'm not going to commit to that?

CHAIRMAN SULLIVAN: That wasn't my question. My question was would something like that work?

MR. RUBIN: To tell you the truth, I don't think they do work.

CHAIRMAN SULLIVAN: You don't think that -

MR. RUBIN: I think that causes significant problems among neighbors, within homeowner associations. This is supposed to be a community. What we have done since day one, going back years, is to say that we wanted to restrict the traffic from the north to take care of the concerns of the neighbors of the north. I agree with Commissioner Long. I prepared this letter to go along with what was discussed at the EZC meeting and I respect Commissioner Long as a real estate attorney too. And that's what I did here. And I think this solves the condition that was requested before. I think that the neighbors will be happy with that. And I think that fines within homeowner associations can create some very serious problems, and I can tell you the boards don't always impose them, even if it says you can, they don't.

CHAIRMAN SULLIVAN: Is that all?

MR. RUBIN: That's my answer to your question.

CHAIRMAN SULLIVAN: Other questions from the Commission for the applicant, for Mr. Rubin or Mr. Hoefft? Okay, seeing none, this is a public hearing. Is there anyone in the audience that would like to speak in favor of or in opposition to this application or any portion of it? Come on forward sir. Have the recorder swear you in.

[Duly sworn, K. Paul Jones testified as follows:]

K. PAUL JONES: My name is K. Paul Jones, 6 Desert Rain. I am a

member of the board and president of the Los Sueños Subdivision Homeowner association and have been acting as facilitator with the residents of the El Prado Subdivision immediately to our north which borders directly on Las Campanas Drive. My subdivision borders directly above where the Suerte del Sur Subdivision will be, and then also there's the subdivisions Sonrisa and La Serena that are off to the east. Sonrisa is the third one that also borders on the northern side of Suerte del Sur.

You've had communications from us before, both in writing and our presence here at previous meetings of the BCC. We have consistently expressed support in general for the request, preliminary and now final based on the existence of the conditions, now final conditions that have been put in place which were very important to us, among others, condition #13 where indeed we have repeatedly expressed a concern that there not be a volume of traffic moving from the north to south, but rather coming up from 599 from the south to north, most particularly at the state of development of the lots. And then secondarily, with regard to the movement of construction vehicles related to the construction of houses on those lots.

The wording that was originally there in 13 was very vague and said "as much as possible" but didn't clarify how that was to be implemented in any way that had, as Commissioner Sullivan has mentioned, any enforcement to it. This was an issue I raised at the most recent EZC meeting, I related to this proposal, and there I was myself pleased with the oral responses I received from Mr. Rubin regarding what could be done beyond just putting up a sign telling people which way they're supposed to access it. I am myself quite pleased with what has been elucidated in writing now with this memo of the 1<sup>st</sup> of April. I am optimistic with regard to significantly controlling movement, limiting it from the south versus not from the north. I'm realistic enough to believe there's no way we're going to prevent some movement of vehicles. What we're concerned with is any major evidence of movement. An occasional violator is not going to be a problem to us, but if the general procedure comes to be that there's movement from the north rather than from the south, then we will indeed be very concerned.

Let me give as example. The Love Ranch Development that you're aware of which was put in with the Wildflower Extension. 300 dump trucks moved along Los Sueños Trail north to south to get to that. There was another way they could have done it. That's the way they chose to do it and we had no way to stop them from doing that. And therefore it is important to us that nothing equivalent to that should occur with regard to the development of Suerte del Sur. And we believe what's been presented to you, most particularly with the April 1<sup>st</sup> memo is sufficient to allay the concerns that we've had in the past.

If a problem were to arise, which means to us we would see too many vehicles moving, not an occasional. It's hard to tell where they're headed, although I did on occasion follow them to see where they were headed. But if we find that they're moving from north into Suerte del Sur, then during the stage of development of the lots we will bring that to the attention of the appropriate individual, whether that's Mr. Rubin or

someone else. We're optimistic that that can be resolved in a peaceful way. If worse came to worse we would at least threaten legal action. But we're optimistic with regard to that phase.

With the phase that the lots are sold and it's construction of houses, then too, during that phase where it's 50 or a greater percentage that they will still have control over it, they will be the avenue of our contact. Once they move out of it and there's some kind of homeowner association such as we have, then we will deal directly with the leadership of that association. It's been I think a year since I've looked at the proposed subdivision. I'm sure they've made changes to it. I can't remember if there's something in there comparable to what Los Sueños has had since the time Michael Hurlocker developed it and the other related subdivisions, namely, that when a house is to be constructed there must be an approval of that by the homeowner association – the plans, understanding of agreement with the contractor, etc. And you put a deposit down, and that deposit is only returned if the conditions are fulfilled. If those conditions are not fulfilled, the homeowner association has a right to keep – and they make the judgment, to keep a portion of that deposit. And if it turns out that we're to be what happens, we would ask that that deposit be given as a penalty payment to us.

We don't anticipate that being a problem but we envision ways in which it can be dealt with. And again, our concern is not with isolated instance of one or two or a few lot owners, but if it became a common pattern, then we will be complaining to the appropriate people.

Finally, I wish to express my support for the new approach with regard to condition 15. We did have differences of opinion regarding the degree of deferred maintenance and what was necessary. Those differences have melted away with their position now that they are prepared to cover the full cost for any upgrading, including anything that might be deferred maintenance related to upgrading to a minor arterial standard. And thus as a final statement, I support the request they've submitted to you and urge your support of this final approval. Thank you.

CHAIRMAN SULLIVAN: Thank you, sir. Any other individuals who'd like to comment? Okay, seeing none, the hearing is closed. We'll go back to the Commission. We have it appears to recommended modifications to conditions number 12 and 15, and an agreement by Mr. Rubin that the phase "provided the Northwest Ranches LLC will pay its share as previously required by the BCC" can be eliminated from the first bullet on page 2. We also have a letter, which I guess could be entered as additional applicant agreed upon conditions, dated April 1, 2008. Ladies and gentlemen?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Does the applicant agree to those conditions?

MR. RUBIN: Yes, we do, Commissioner.

COMMISSIONER ANAYA: I'll make a motion to approve with the conditions, modified conditions.

CHAIRMAN SULLIVAN: Motion by Commissioner Anaya.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Vigil. Discussion on the motion?

COMMISSIONER VIGIL: I do have some comments. I really recognize that there's been a lot of work put into this development. It's one of the developments we've struggled and toiled with. I really appreciate all the work that everyone has put into this inclusive of all the staff time and all the agents involved with this. I actually, at some point in time in thinking about moving forward with this project thought that it could be really held up as an example of what direction the County is going in with regard to subdivisions, particularly because of all of the issues that we worked out with the affordable housing. I think not only can it be held up to identify the future of where the County is going with growth management and growth management plans, as I said to the affordable housing, but the trails, the spacing, the development in general, particularly the interspersing of the community, which I think is going to be a huge part of its attraction.

I really recognize that this has not been easy. It has not been easy for the Commission. It has not been easy for the developer, for the agents of the developer, for staff, but I think based on the struggle that we've come to, the negotiations that we've had to tangle with prior to the negotiations that we've had, and the most recent one being the roads. I am so glad that there is a representative here tonight from that area, from the Los Sueños Subdivision. Thank you Mr. Jones for being here. I really appreciate that. It's always a concern for me, what the neighbors are saying and doing because they are the ones that have to live with the consequences of these decisions. So thank you.

Scott, Mr. Rubin and everyone else who worked on this, and for working with the neighborhoods on this I really appreciate it. That's it, Mr. Chair, for me.

CHAIRMAN SULLIVAN: Other comments? Questions? Speeches? No?  
Okay.

The motion passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

applicants request. Mr. Chair, I stand for any questions.

CHAIRMAN MONTOYA: Okay. Any questions for staff? Is the applicant here? Come forward please.

[Duly sworn, Lionel Naylor testified as follows:]

LIONEL NAYLOR: Lionel Naylor.

CHAIRMAN MONTOYA: Is there anything else you'd like to add?

CHAIRMAN MONTOYA: Any questions for the applicant? Okay. Thank you, Mr. Naylor. This is a public hearing. If anyone wishes to come forward and speak on this case please do so now. Okay, the public hearing is closed. What are the wishes of the Board?

COMMISSIONER ANAYA: So moved.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: Okay, we have a motion by Commissioner Anaya for approval. Second by Commissioner Stefanics. Any other discussion?

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

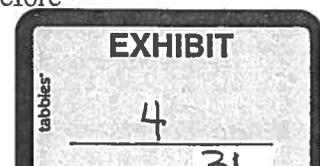
- XIV. A. 2. **CDRC Case # MIS 10-5120 Suerte del Sur Time Extension.** Suerte del Sur LLC, Applicant, Scott Hoeft, Agent Request a 36-Month Time Extension of the Final Plat & Development Plan Approval (Phase 1-4) of the Suerte del Sur Subdivision. The Property is Located Along Los Sueños Trail, South of Las Campanas, North of Piñon Hills Subdivision, Within Section 24, Township 17 North, Range 8 East and Section 19, Township 17 North, Range 9 East (Commission District 2). Vicki Lucero, Case Manager

VICKI LUCERO (Team Leader): Thank you, Mr. Chair. On April 8, 2008 the BCC granted final plat and development plan approval for the referenced subdivision, which consisted of 241 residential lots on 660 acres. Article V, Section 5.4.6 of the County Land Development Code states any approved or conditionally approved final plat approved after July 1, 1996 shall be recorded within 24 months after its approval or conditional approval, or the plat shall expire. Upon request by the subdivider an additional period of no more than 36 months may be added to the expiration date by the Board.

The applicant states that due to current market conditions and the limited demand for residential lots the subdivider has been unable to post a construction bond, record the final subdivision plat and commence construction. Therefore they are requesting a 36-month extension of the final plat and development plan approval in order for the market demand for residential lots in Santa Fe County to rebound.

Recommendation: There have not been any major changes in the ordinances that govern this area since the time of the previous approvals for this development. Therefore

SFC CLERK RECORDED 05/13/2010



County staff recommends the BCC grant an extension of the prior approval as requested by the applicant. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Questions for staff?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Vicki, has anything been done on the property up until now? Has there been any road construction or grading or any kind of infrastructure improvements?

MS. LUCERO: Mr. Chair, Commissioner Holian, there have not been any improvements. The plat has not been recorded yet and they haven't been able to post a financial guarantee for the improvements, so we haven't issued any permits.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Any other questions for staff? Commissioner

Vigil.

COMMISSIONER VIGIL: And I'm not sure if this goes to Legal or to you, Vicki. According to our rules and regulations, you mentioned there's no more than a 36-month extension. Is that the only extension that could be applied to? What if the economic downturn continues and in 36 months the applicant would like to come and request another extension. Is there a limitation of only one time extension?

MS. LUCERO: Mr. Chair, Commissioner Vigil, I believe that the way the code is stated it would limit them to one extension of 36 months.

COMMISSIONER VIGIL: Okay. Is that accurate?

MS. COBAU: Mr. Chair, Commissioner Vigil, I'll look that up and verify it in the code.

COMMISSIONER VIGIL: Okay.

CHAIRMAN MONTOYA: Any other questions for staff? And I don't know if you know this, or Jack, is this going to be something that in the future can be done administratively in the code, or is this going to be something that still comes back for approval?

JACK KOLKMEYER (Land Use Administrator): Mr. Chair, yes. This is exactly the kind of thing we'd like to do administratively so we don't have to go back to this process. It's our understanding that that's the philosophy we're taking in the plan that will carry on to the code.

CHAIRMAN MONTOYA: Okay. All right.

MS. COBAU: Mr. Chair, the code states that no more than a 36-month period may be granted, so I think that infers that it's a single 36-month extension.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Would the applicant come forward, Scott.

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, New Mexico, 875504. Commissioners, I agree with Vicki's report and I stand for

questions.

CHAIRMAN MONTOYA: Okay, any questions for the applicant? Okay. Thank you, Scott. This is a public hearing. If anyone would like to speak on this case please come forward. If you would state your name and address and be sworn in as well.

[Duly sworn, Tony Atkins testified as follows:]

TONY ATKINS: My name is Tony Atkins. I'd like to read a short statement.

CHAIRMAN MONTOYA: Okay.

MR. ATKINS: Must affordable housing equal bad planning? We object to the request for an extension of the development permit given to Gerald Peters, Suerte del Sur Corporation in 2008 to build 241 housing units or 304 when completely built out on land on the far west side of Santa Fe. The limit on the permit is expired. Mr. Peters is requesting a 36-month extension. Mr. Peters is using the affordable housing ordinance to pack this site with suburban type development including small lots and cul-de-sacs. The ordinance even gives him a development bonus of, I believe around 40 additional lots for doing so. The current plan will destroy most of the trees, vegetation and wildlife habitat in the large section of the far west side visible for miles.

It will put an undetermined strain on water resources and the aquifer. We support the commendable goals of affordable housing. It doesn't make any sense to pack a site at the periphery of Santa Fe where there are no schools, no services, not even a hope of public transportation, and it's 12 miles to a grocery store. Why not, for example, promote sensible transit oriented development around the Rail Runner stops or other established transportation links instead. We urge the County to reject this permit extension and take up its responsibility for sensible and comprehensive planning for County land development, not just apply rules that however well intentioned can be used by developers to suburbanize beautiful landscapes.

This meeting of the County Commission is to consider Peters' request for an extension of the permit to build. Conditions have changed since the permit was given as was stated previously. The Commission should re-examine and stop this development and others like it until better planning practices can be put in place. Unthinking suburban sprawl has been rejected as a development practice in communities across the country. Do we want to support more of it in Santa Fe? I'll take any questions you may have.

CHAIRMAN MONTOYA: Thank you. Anyone else? Okay, this public hearing is closed. What are the wishes of the Board?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I have questions of Shelley. When was it approved again?

MS. COBAU: Mr. Chair, Commissioner Anaya, on April 8, 2008.

COMMISSIONER ANAYA: 2008. So a couple years?

MS. COBAU: Two years ago. The approvals are good for 24 months so that if they don't get something going in 24 months they have to either give up the project or come back and ask for an extension.

COMMISSIONER ANAYA: And what was the reason for not moving forward?

MS. COBAU: They couldn't get the project bonded and there's really not a market for it at this time. They want to wait until the market recovers before they record their final plat and post their bond. Because they have to post a bond for all the infrastructure associated with the project and that's difficult at this time. The banks aren't issuing bonds quite as easily as they had been in the past, so it's a little harder for them. They have to come p with more capital to get a bond.

COMMISSIONER ANAYA: So they're postponing it. This is the second time?

MS. COBAU: This would be the first time.

COMMISSIONER ANAYA: First time. They're postponing it because the market's not good?

MS. COBAU: Yes. They way they stated they would like to wait until the market rebounds.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Move for approval.

CHAIRMAN MONTOYA: I have a motion by Commissioner Anaya for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics. Any discussion? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Shelley, do we ever require cash bonds versus surety bonds?

MS. COBAU: Mr. Chair, Commissioner Stefanics, normally we require what's called a letter of credit, and they have a line of credit that is assured in the amount of the cost of their infrastructure and they provide a cost estimate for that amount.

COMMISSIONER STEFANICS: So we currently do not require cash bonds?

MS. COBAU: No, just a letter of credit from the bank.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Shelley, a few questions. If I recall correctly when we approved this project it was the first large subdevelopment that was approved requiring 30 percent affordable housing, and requiring that it be interspersed, that it not be clustered or anything of that nature. Is that correct?

MS. COBAU: Mr. Chair, Commissioner Vigil, you're remembering correctly. This project originally wanted to do a TDR and move the affordable to another location so we had many hearings regarding this project. And then they recorded their affordable and dispersed it through all phases of development.

COMMISSIONER VIGIL: Did we provide for any density bonuses for them?

MS. COBAU: They get to go half the minimum lot size on affordable lots. I

think that's the only bonus that they got. And they were also going to be constructing Suerte del Sur which would be an arterial roadway that would serve that area.

COMMISSIONER ANAYA: Okay. And with regard to any of the landscaping features, was one of the requirements of that approval to preserve as much as possible?

MS. COBAU: Mr. Chair, Commissioner Vigil, they have large open space corridors through the project. They have a pretty extensive trail network that they have provided and they were going to provide a trail along the entire length of Suerte del Sur.

COMMISSIONER VIGIL: And if I recall correctly, that was going to be both a horse and a walking and a bike trail to be utilized for whatever purposes.

MS. COBAU: That is correct.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Any other discussion?

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

- XIV. A. 3. CDRC Case # VAR 09-5420 Luke and Megan Stavrowsky Variance. Luke and Megan Stavrowsky, Applicants, Request a Variance of Article II, Section 4.3.2C (Family Proper) of the Land Development Code to Allow A Family Transfer Land Division of 40 Acres into Two 20-Acre Lots From a Child to a Parent. The Property Is Located At 3201 Highway 14, Within Section 17, Township 14 North, Range 8 East, (Commission District 3) John M. Salazar, Case Planner

JOHN MICHAEL SALAZAR (Review Specialist): Thank you, Mr. Chair. At its meeting of December 17, 2009, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval by a vote of five to one. The applicants are requesting to convey 20 acres to their parents by way of a family transfer. The applicants have stated their parents currently live in Texas and are both in the 80s and need more help both physically and financially. The applicants have owned the 40-acre property since 2003. The property lives within the Homestead Hydrologic Zone where the minimum lot size is 40 acres with water restrictions.

A family transfer land division allows for the creation of a lot of half the minimum lot size. The 40-acre lot has been in the family proper for over five years and can be divided as a family transfer into two 20-acre lots with water restrictions. The family proper is described in Article II, Section 4.3.2.c as lineal relations up to and including the third degree, i.e., grandparent, parent child. Linear in definition is the direct line of descent from an ancestor or hereditary.

The applicants are requesting the variance to allow for a family transfer land division to be deeded from son to father, which is not considered a line of descent per code.

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

RESOLUTION NO. 2011-193

A RESOLUTION

FINDING THE EXISTENCE OF SEVERE ECONOMIC CONDITIONS AND SUSPENDING ENFORCEMENT OF SPECIFIED PROVISIONS OF ARTICLE V OF THE LAND DEVELOPMENT CODE THAT CONCERN EXPIRATION OF MASTER PLANS, PRELIMINARY PLATS AND FINAL PLATS PURSUANT TO ORDINANCE NO. 2011-11.

WHEREAS, Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Santa Fe County Land Development Code ("the Code") and the former Extraterritorial Zoning Ordinance contain expiration dates for certain development approvals such as master plans, preliminary plats and final plats;

WHEREAS, Article V, Sections 5.2.7, 5.3.6 and 5.4.6 require an applicant to apply for an extension of these approvals and precludes an extension should the approval expire;

WHEREAS, the national, state and local economies have experienced a severe downturn in recent years which has heavily affected the housing sector, and signs of an economic recovery are ambiguous at best; and

WHEREAS, pursuant to Ordinance No. 2011-11, the Board of County Commissioners ("the Board") may suspend provisions of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index® for the United States for any quarter, and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of master plans, preliminary plats and final plats for two years pending an economic recovery.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Ordinance No. 2011-11, The enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 and related policies and procedures of the Land Use Department whereby master plans, preliminary plats and final plats expire are hereby suspended until approval of a subsequent resolution of this Board for those developments located within the unincorporated lands of Santa Fe County and those areas within the extraterritorial planning and platting jurisdiction as described in NMSA 1978, Sections 3-20-5 (1965) and 3-21-2 (1965), so long as an order approving the specific suspension for the development in question is approved by the Board.

EXHIBIT

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THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

ORDINANCE NO. 2011-11

AN ORDINANCE SUSPENDING ON A CASE-BY-CASE BASIS PROVISIONS OF  
ARTICLE V OF THE LAND DEVELOPMENT CODE CONCERNING EXPIRATION OF  
MASTER PLANS, PRELIMINARY PLATS AND FINAL PLATS UPON A FINDING OF  
ECONOMIC NECESSITY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF SANTA FE:

Section I. Suspension of Expiration. A new paragraph of Article V of the Santa Fe  
County Land Development Code is enacted, as follows:

The Board of County Commissioners may approve, by resolution, temporary retroactive  
suspension of enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of this Code  
concerning expiration of master plans, preliminary plans and final plats for any development  
located within the unincorporated lands of Santa Fe County and within the extraterritorial  
planning and platting jurisdiction as described in NMSA 1978, Sections 3-20-5 (1965) and  
3-21-2 (1965), upon a finding that severe economic conditions justify such a suspension  
either for a particular project or for a described class of projects. Any such resolution shall  
not suspend enforcement of Article V, Sections 5.2.7, 5.3.6 or 5.4.6 more than three (3)  
years, nor apply to a master plan, preliminary plan and final plat expiring more than three  
(3) years prior to the effective date of this ordinance, and such resolution may contain  
conditions that the Board deems appropriate to such approval. For purposes of this section  
"severe economic conditions" are present when the Conference Board Leading Economic  
Index® for the United States is less than 100 for any quarter, and for three years following  
any such event.

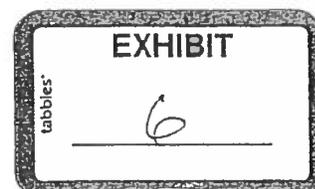
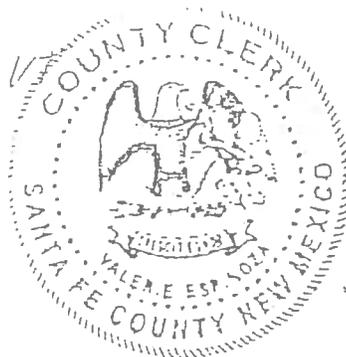
PASSED, APPROVED and ADOPTED THIS 13th DAY OF DECEMBER, 2011.

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

By: *Virginia Vigil*  
Virginia Vigil, Chair

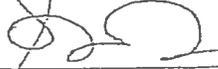
ATTEST:

*Valeria Espinoza*  
Valeria Espinoza, County Clerk



SEC CLERK RECORDED 12/16/2011

APPROVED AS TO FORM:



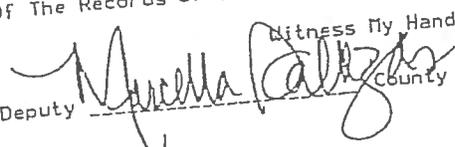
Stephen C. Ross, County Attorney

REC'D RECORDED 12/16/2011

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
BCC ORDINANCE  
PAGES: 2

I Hereby Certify That This Instrument Was Filed for  
Record On The 16TH Day Of December, 2011 at 10:32:21 AM  
And Was Duly Recorded as Instrument # 1654502  
Of The Records Of Santa Fe County



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

2. Any suspension of enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 granted by the Board pursuant to paragraph 1 herein shall be valid for a period of two (2) years from the date suspension is authorized.

ADOPTED THIS 13th DAY OF DECEMBER, 2011.

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

By: *Virginia Vigil*  
Virginia Vigil, Chair

ATTEST: *Valeria Espinoza*  
Valeria Espinoza, County Clerk



APPROVED AS TO FORM:  
*Stephen C. Ross*  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE ) BCC RESOLUTIONS  
STATE OF NEW MEXICO ) ss PAGES: 2

I Hereby Certify That This Instrument Was Filed for  
Record On The 16TH Day Of December, 2011 at 10:32:22 AM  
And Was Duly Recorded as Instrument # 1654503  
Of The Records Of Santa Fe County

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



**EXHIBIT**  
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