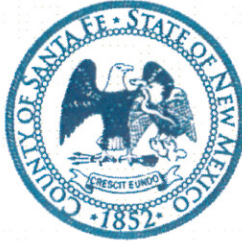


Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: January 8, 2013

TO: Board of County Commissioners

FROM: Vicente Archuleta, Development Review Team Leader

VIA: Penny Ellis-Green, Interim Land Use Administrator
Vicki Lucero, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

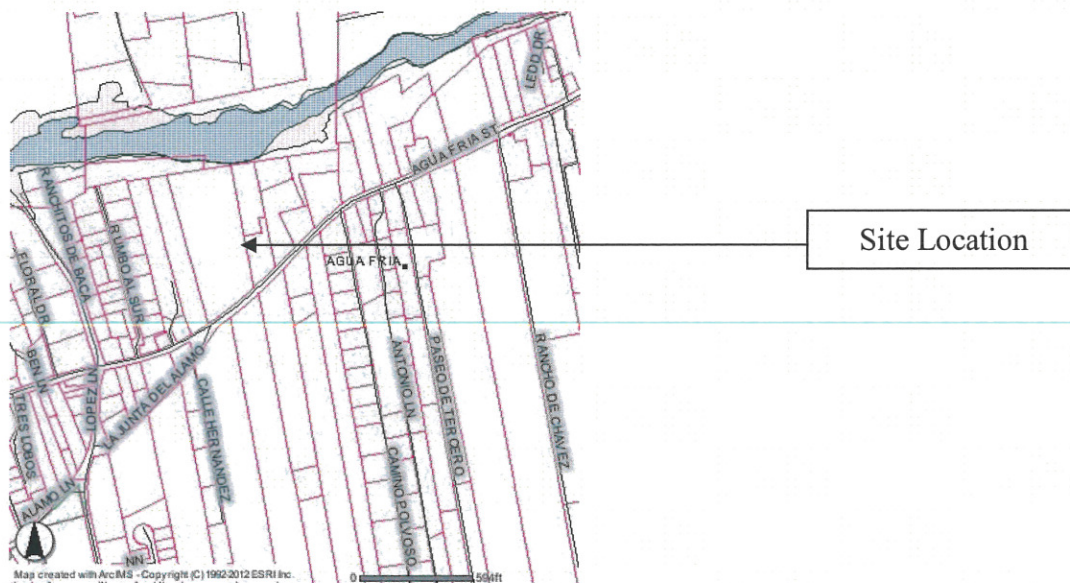
FILE REF.: BCC CASE # MIS 06-5271 Tavelli Master Plan Time Extension

ISSUE:

Michael A. Tavelli, Applicant, requests a 24-month Time Extension of the previously approved Tavelli Mixed-Use Subdivision Master Plan.

The property is located at 3969 Agua Fria Street, east of Lopez Lane, within Section 31, Township 17 North, Range 9 East, (Commission District 2).

Vicinity Map:



SUMMARY:

On January 8, 2008, the BCC granted Master Plan approval for a 17-lot mixed-use subdivision on 5.65-acres. The subdivision included fifteen (15) residential lots, two commercial lots and an area dedicated to the County for a park trailhead. (Refer to BCC Minutes in Exhibit 5).

Article V, Section 5.2.7 of the County Land Development Code states, "Approval of a Master Plan shall be considered valid for a period of five (5) years from the date of approval by the Board. Master Plan approvals may be renewed and extended for additional two (2) year periods by the Board at the request of the Developer."

The Master Plan for the Tavelli Mixed Use Subdivision will expire on January 13, 2013. The Applicant is requesting the extension in order to allow additional time for an economic recovery to take effect that would make development of the subdivision financially feasible. The Applicant also states that changes in the Affordable Housing requirements may ultimately impact the Final Development Plan of the Tavelli Subdivision and may require further review.

This Application was submitted on November 5, 2012.

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 2-year time extension of the Tavelli Master Plan in accordance with Article, V, Section 5.2.7 of the Santa Fe County Land Development Code.
-------------------------	---

GROWTH MANAGEMENT AREA: El Centro, SDA-2

HYDROLOGIC ZONE:	Traditional Community of Agua Fria. The minimum lot size in the Traditional Communities is .75-acres per dwelling. Lot size may be reduced to .33-acres per dwelling with where community water service and community sewer service systems are utilized.
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FIRE PROTECTION:	Agua Fria Fire District
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WATER SUPPLY:	City of Santa Fe Water System
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LIQUID WASTE:	City of Santa Fe Liquid Waste System
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VARIANCES:	No
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AGENCY REVIEW:	None
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STAFF RECOMMENDATION: Approval for a 2-year time extension of the approved Master Plan approval for the Tavelli Mixed-Used Subdivision.

EXHIBITS:

1. Letter of request
2. Site Plans
3. January 8, 2008 BCC Staff Memo
4. January 8, 2008 BCC Minutes
5. Photos of Site
6. Aerial Photo of Site and Surrounding Area
7. Agua Fria Village Association Letter of Opposition

November 5, 2012

Santa Fe County
Development Review Committee (CDRC)

Santa Fe County Board of County
Commissioners (BCC)

Dear Board and Review Committee members:

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... this letter is to formally request an extension of the Tavelli Master Plan in the Historic Village of Agua Fria approved by the BCC on January 8, 2008 and due to expire on January 8, 2013 for the maximum allowable time available. I am requesting the extension in order to allow additional time for an economic recovery to take effect that would make development of the subdivision financially feasible. I am also aware of BCC Ordinance 2102 – 1 concerning changes in the Affordable Housing requirements which may ultimately impact the final development plan of the Tavelli Subdivision and bears further review.

Respectfully,


Michael Tavelli
PO Box 1270
Angel Fire, NM 87710
505-603-2327



TAVELLI MASTER PLAN HISTORIC VILLAGE OF AGUA FRIA

C-90012

TOWNSHIP 17N, RANGE 09E, SEC 31

OWNERS:

MICHAEL TAVELLI
BOX 410
AGUA FRIA, NM 87710
505-377-2686 (PH)
505-377-1567 (FAX)

CONSULTANTS:

JAMES W. SIEBERT & ASSOCIATES, INC.
PLANNING CONSULTANT
915 MERCER STREET
SANTA FE, NM 87505
(505) 983-5581

INDEX TO SHEETS	
LIST OF SHEETS	SHEET NUMBER
PLANNING SHEETS	
COVER SHEET	1
GENERAL PHOTO	2
EXISTING CONDITIONS PLAN	3
TOPOGRAPHY, NATURAL DRAINAGE, SOILS & SLOPE PLAN	4
MASTER PLAN	5
CONCEPT UTILITY & FIRE PROTECTION PLAN	6
CONCEPT LANDSCAPE PLAN	7



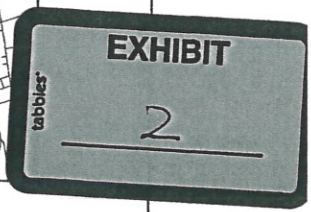
VICINITY MAP
1" = 1000'

PURPOSE:
THIS LOT CREATES 15 NEIGHBORHOOD MIXED USE LOTS, 2 SMALL SCALE COMMERCIAL LOTS AND 1 LOT FOR COUNTY PARK.

CONSENT OF OWNERS:
MICHAEL TAVELLI
DATE: 2/28/08

COUNTY REVIEW
APPROVED BY THE AGUA FRIA DEVELOPMENT REVIEW COMMITTEE OF SANTA FE COUNTY AT THEIR MEETING OF August 17, 2007
DATE: 8/17/07
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AT THEIR MEETING OF August 20, 2008
DATE: 8/20/08
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AT THEIR MEETING OF August 20, 2008
DATE: 8/20/08
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AT THEIR MEETING OF August 20, 2008
DATE: 8/20/08



JAMES W. SIEBERT AND ASSOCIATES, INC.		TAVELLI	
1115 MONTE STREET • SANTA FE, NM 87505	PLANNING SHEET	DATE: 2/28/08	DATE: 2/28/08
(505) 983-5581	PLANNING SHEET	DATE: 2/28/08	DATE: 2/28/08
	COVER SHEET		



579-0013

METES & BOUNDS INFORMATION TAKEN
FROM GEORGE VEDELER SURVEY PLAT
RECORDED IN BOOK 22, PAGE 33.



	DATE JULY 2008	SCALE 1"=50'
	DESIGNED BY JWS	DATE 3
JAMES W. SIEBERT AND ASSOCIATES, INC. 815 WINTON STREET • SUITE 11 • NEW WAGES, TEXAS 75854-1111 TEL (202) 888-7313 FAX (202) 888-7313	TAVELLI EXISTING CONDITIONS PLAN	
	DATE 06/30/2008	DATE 07/05/2008

SITE DATA
 SIZE OF PARCEL: 5.55 ACRES
 NUMBER OF LOTS: 17
 SMALLEST LOT: 9,418 SQ. FT.
 LARGEST LOT: 15,255 SQ. FT.
 AVERAGE LOT SIZE: 11,899 SQ. FT.
 PARK: 11,899 SQ. FT.
 (TO BE DEDICATED TO S.F. COUNTY)

DENSITY CALCULATION:

RESIDENTIAL: 246,114 SQ. FT. / 14,000 SQ. FT. = 17.56 LOTS
 RESIDENTIAL LOTS: 15
 MARKET RATE UNITS: 10
 AFFORDABLE UNITS: 5

COMMERCIAL STUDIOS: 2

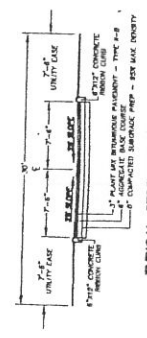
RESIDENTIAL COMMERCIAL LOTS: 2
 LOT C-1: 20,097 SQ. FT.
 BUILDING AREA: 14,269 SQ. FT. (1ST & 2ND FLOORS)
 LOT C-2: 25,227 SQ. FT.
 BUILDING AREA: 4,190 SQ. FT. (1ST & 2ND FLOORS)
 LOT C-3: 10,029 SQ. FT.
 BUILDING AREA: 10,029 SQ. FT.
 PARKING PROVIDED: 27 SPACES

LEGEND:

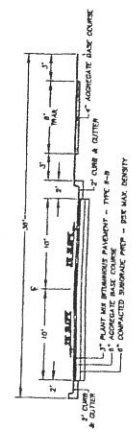
- 63 DENOTES LOT NUMBER
- (A) DENOTES AFFORDABLE HOUSING UNIT
- AREA WITHIN AGUA FRIA R.O.W. (11,397 SQ. FT.)

NOTES:

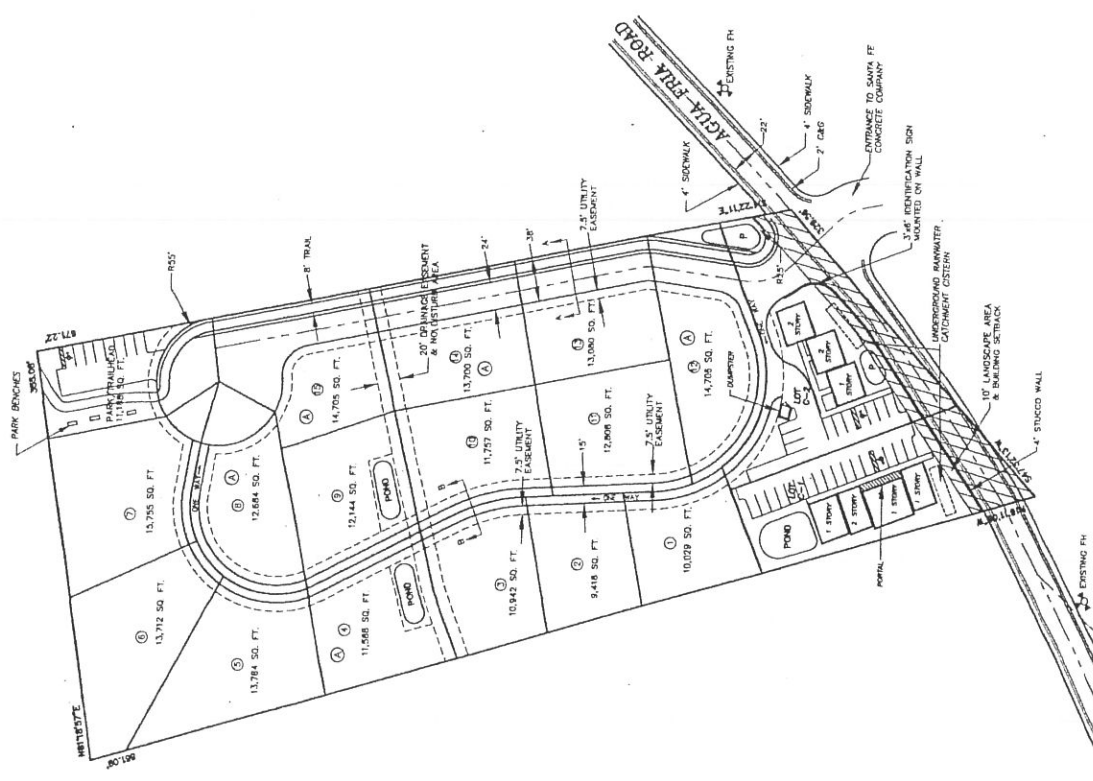
PARK TO BE DEVELOPED & ACCEPTED FOR MAINTENANCE BY THE BOARD OF COUNTY COMMISSIONERS
 ROAD R.O.W. FOR AGUA FRIA TO BE DEDICATED TO SANTA FE COUNTY.
 USE MORE THAN 2,500 SQ. FT. SHALL BE DEDICATED TO THE HOME BUSINESS USE.





TYPICAL STREET SECTION B-B
 N.T.S.



TYPICAL STREET SECTION A-A
 N.T.S.



<p>JAMES W. SIEBERT AND ASSOCIATES, INC. 115 KENNER STREET • SANTA FE, NEW MEXICO 87505 TEL: (505) 426-7313</p>	TAVELLI			
	MASTER PLAN		DATE: 01/20/08 DRAWN BY: JHS CHECKED BY: JHS NOTED BY: JHS REVISIONS: 01/20/08 02/17/08 03/10/08	SHEET: 5 SCALE: 1"=50' PROJECT NO.: 2008-01

MEMORANDUM

DATE: January 8, 2008
TO: Board of County Commissioners
FROM: John M. Salazar, Development Review Specialist II
Via: Jack Kolkmeyer, Land Use Administrator
Shelley Cobau, Development Review Manager

FILE REF.: AFDRC CASE # MP 06-5270 Tavelli Mixed-Use Subdivision Master Plan.

ISSUE:

Michael and Tom Tavelli, Applicants, Jim Siebert, Agent, are requesting Master Plan approval of a 17-lot mixed-use subdivision on 5.65-acres. The subdivision will include fifteen (15) residential lots, two commercial lots and an area dedicated to the County for a park trailhead.

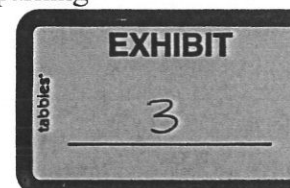
The property is located on Agua Fria Road east of Lopez Lane within the Traditional Historic Community of Agua Fria, in Sections 6, 7, & 31, Township 16 North, Range 9 East (Commission District 2).

SUMMARY:

On August 1, 2007 the Agua Fria Development Review Committee met and acted on this case. The decision of the AFDRC was to recommend approval with Staff conditions.

The Applicant requests Master Plan approval for a 17-lot mixed-use subdivision consisting of 15 residential lots with an average lot size 11,667 square feet and two (2) commercial lots with a lot size of 20,057 square feet for Lot C-1 and 25,227 square feet for Lot C-2.

The project is located in the Traditional Historic Community of Agua Fria where the minimum lot size is 0.33-acres with community water and community sewer services. Mixed-use is permitted in this area pursuant to the Agua Fria Traditional Community Plan. The project includes the dedication of one lot for a public trailhead including 8 parking spaces and several benches, providing public access to the San Ysidro River Park.



This application was reviewed for the following:

Phasing

The project will be done in one single phase.

Affordable Housing

Santa Fe County Ordinance No. 2006-02 (Affordable Housing) requires sixteen percent (16%) affordable units for a Minor Project (2.4 Units). The Applicant is proposing five affordable units in order to meet the City requirements which exceed the County's requirements. Two affordable units will be administered by the County while the remaining three will be administered by the City. The County's Affordable Housing Administrator comments as well as a letter from the City are attached in Exhibit E.

Existing Development

The property is currently vacant. Adjacent properties are developed, with existing commercial use to the east and south of the project and residential use to the west.

Access and parking

The proposed development will utilize a single paved access road off Agua Fria Road. This access point will be immediately across from the entrance to the Santa Fe Concrete Co. The internal site access will be provided by a one-way lane, connecting to the two-way main ingress/egress along the project's easterly boundary. This two-way access road also provides public ingress/egress to the trailhead for the San Ysidro River Park. The roadway complies with the criteria set forth in Article 3.5 of the Subdivision Regulations.

The commercial lot includes a parking area serving the studio units. This parking area includes 15 regular parking spaces and two handicap spaces. This parking area will be screened from Agua Fria Road by a 10' landscape buffer and 4' stucco wall. Parking provided meets Code requirements.

The application has been forwarded to the New Mexico Department of Transportation and the Santa Fe County Department of Public Works for review. Agency comments are attached as Exhibit E.

Terrain management/ Water Harvesting

The site has minor slopes, with no slopes in excess of five percent. Storm water runoff sheet flows from east to west and with historic flows from the northerly portion intercepted by an acequia which bisects the parcel. This acequia will be preserved in a 20' drainage and no-disturb easement. The development will utilize four storm water ponding areas located throughout the site. The applicant will install a water harvesting system for the studio units and residential homes over 2500 square feet per Ordinance 2000-7.

Water

The Applicant is proposing that the development will be served by the City of Santa Fe Water System. (Exhibit E)

The Applicant originally received a “ready, willing and able to serve” letter from the Agua Fria Community Water System (AFCWS) on December 21, 2005 (Exhibit D). This was subsequently retracted by the AFCWS on August 17, 2006 (Exhibit D), because the AFCWS indicated that they could not comply with the Code criterion which requires a Community Water System to prove 100-year water supply, based on consultation with the County Hydrologist. The AFCWS is currently interconnected with the City of Santa Fe Water System and AFCWS has a contract with the City for water service, as well as a contract with Santa Fe County for water service from the Buckman Direct Diversion. Staff has subsequently consulted with the AFCWS and determined the following:

- AFCWS cannot provide fire protection at this time to the proposed development;
- A study has recently been completed by Souder Miller on the AFCWS system that identifies system needs for upgrades including new wells, new storage, and new distribution and fire protection needs;
- Approximately \$ 2.6 million in improvements are needed to improve distribution and storage, and funds have been allocated in the amount of \$ 2.3 million by the State legislature;
- Because the AFCWS is unwilling to cease water deliveries to customers for 96-hours, the AFCWS cannot establish 100-year water supply for the development if only the groundwater sources are considered, but AFCWS may be able to establish such a supply through the City and County contracts. The AFCWS owns water rights including 42.5 ac. feet in adjudicated water rights, 22.5 acre feet of water rights which will expire in 2027, and as noted, AFCWS has a contract with Sangre de Cristo to deliver water on a supplemental basis to meet system demands for up to 50% of total system needs, and a contract with the County representing up to 36 acre feet of San Juan Chama water; and
- As new wells are drilled, pump tests will be performed on the new and existing wells which will then address current Code requirements for a 96-hour pump test; the AFCWS currently cannot perform such a test as all users (250 connections, 562 actual users) would be shut-off for this time period

The Applicant received a “Letter of Commitment” from the City of Santa Fe (Exhibit D), and has identified the water source for this development as the City of Santa Fe. The Applicant’s agent has indicated that no water rights will be transferred to the City of Santa Fe (Exhibit J), and that water use can be satisfied based on retrofits.

Fire Protection

Two City of Santa Fe hydrants exist on Agua Fria Road in close proximity to the project. The application has been forwarded to the Santa Fe County Fire Marshal for review. The applicant shall comply with all Fire Marshal requirements. Agency comments are attached as Exhibit E.

Liquid and Solid Waste

The applicant has submitted a letter from the City of Santa Fe’s Waste Management Division indicating that the City will accept liquid waste from this project. An 8” public

sanitary line will be required and must be designed and supplied by the applicant and reviewed and approved by the City's Wastewater Management Division prior to connection to the City's system. The applicant has included a letter from City's Wastewater Management Division. (Exhibit D)

A private trash collection service will be utilized to transport all solid waste to the County landfill; this will be coordinated by the Homeowner's Association.

Landscaping

Landscaping will be provided along Agua Fria Road within a 10' landscape buffer. In addition, ponding areas for drainage will include trees and shrubs and the two-way access road will have landscaping along the westerly frontage. All proposed trees and shrubs are to be of drought tolerant varieties and will be maintained by the Homeowner's Association. All landscaping shall comply with the Land Development Code.

Archeology

The site is located in an area designated "high archeological potential". Tamarch Cultural Resource Management Services prepared an archeological survey and report for this project. The historic acequia bisecting the parcel will be preserved in a no-disturb easement. The report has been forwarded to the State Historic Preservation Office for review. Agency comments are attached as Exhibit E.

Signage

An eighteen (18) square foot sign is proposed at the site entry. The sign will be natural stone or concrete, mounted on a stucco wall. All proposed signage shall conform to the Land Development Code.

Lighting

A street light is proposed at the entry to the project. Internal subdivision lighting is restricted by covenants. All proposed outside lighting shall be shielded and shall conform to the Land Development Code.

Trails and Open Space

The proposed development includes a trailhead with parking area for access to the San Ysidro River Park. The parking area will be fenced, and benches provided. A gravel trail has also been provided adjacent to the two-way access road to provide public access through the site.

REQUIRED ACTION:

The BCC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions or modifications or to table for further analysis of this request.

RECOMMENDATION:

As previously stated herein, on August 1, 2007, the Agua Fria Development Review Committee (AFDRC) recommended Master Plan approval with a unanimous vote. Staff believes that the project meets the criteria for development in the Agua Fria Traditional Historic Community as outlined in Ordinance 2006-2 (Village of Agua Fria Zoning District) and recognizes the Applicant has worked closely with County staff to resolve the majority of development issues and is providing a trailhead access to the San Ysidro River Park.

Development Review staff has received correspondence from both the City of Santa Fe and the County's Affordable Housing Administrator which indicates that the project can comply with both City and County Affordable Housing Ordinances (Exhibit E). It is clear that under normal circumstances, the City and County affordable housing ordinances cannot coexist. In this case the City's Affordable Housing Administrator believes both can apply.

Identification of a valid water source is required for Master Plan approval, and the applicant has a letter of service from the City of Santa Fe's Sangre de Cristo Water (Exhibit E) indicating that the City of Santa Fe is willing to provide water for this development, so therefore staff concurs with the recommendation by the AFDRC for approval of the applicant's request for Master Plan for a 17-lot mixed-use subdivision on 5.65-acres based upon the following conditions:

1. Compliance with applicable review comments from
 - (a) State Engineer's Office
 - (b) County Technical Review
 - (c) State Historic Preservation Division
 - (d) County Public Works Department
 - (e) County Hydrologist
 - (f) State Environmental Department
 - (g) County Fire Department
 - (h) City Water and Wastewater
 - (i) County Affordable Housing Administrator
 - (j) County Open Space and Trails
2. All Staff redlines must be addressed, original redlines will be returned prior to Master Plan recordation.
3. This application is subject to final inspection by the County Fire Marshal. The applicant shall comply with all Fire Marshal requirements.
4. A dumpster, with a 6' masonry screen wall shall be provided for the studio units.
5. Right-of-way shall be provided along Agua Fria Road for the existing roadway improvements. The total width required shall be coordinated with the Public Works Department.

6. Affordable units shall be provided per the County Affordable Housing Ordinance. Residual fees (if any) and context of the Affordable Housing Agreement will be determined by and paid to the Santa Fe County Housing Authority prior to recordation of the Final Plat.
7. Proposed structures shall comply with rainwater harvesting criteria as established by Ordinance # 2003-6. A water-harvesting plan shall be submitted with the Final Development Plan application.
8. The height of non-residential structures shall not exceed 24 feet.
9. The Master Plan with appropriate signatures will be recorded with the County Clerk's office.
10. A detailed lighting and signage plan must be submitted for review and approval prior to Final Development Plan approval.
11. The Applicant is directed to routinely meet with community and business entities as they proceed with Final Development Plan approval in accordance with Section 10.9 of Santa Fe County Ordinance No. 2007-2.
12. Once AFCWS has the capacity to serve the development, the Applicant shall disconnect from the City utility and connect to AFCWS.

ATTACHMENTS:

Exhibit "A" - Applicant's report
Exhibit "B" - Applicant's plans
Exhibit "C" - Vicinity Map
Exhibit "D"- Letters from utility providers
Exhibit "E" - Reviewing Agency Responses
Exhibit "F"- June 6, 2007 AFDRC Minutes
Exhibit "G" – Applicants Additional Information
Exhibit "H" – August 1, 2007 AFDRC Minutes
Exhibit "I" – Santa Fe County Ordinance #2005-2
Exhibit "J" – Agent's Memo from September 24, 2007
Exhibit "K" – June 13, 2007 City Council Minutes

that interchange. And so I doubt very seriously if they would actually affect this piece of property. That would be one big interchange if they did that. So my gut reaction is that it probably would have no effect on this property.

CHAIRMAN SULLIVAN: Okay. Did we get DOT comments on this?

MR. WALKER: DOT? We had City staff and we had County staff.

CHAIRMAN SULLIVAN: I didn't see any DOT comments.

MR. WALKER: No DOT comments. The City is controlling that part of Airport Road.

CHAIRMAN SULLIVAN: The City controls Airport. I know that. So you're not aware of any impact from the interchange proposed at 599 and Airport.

MR. WALKER: No, I'm not.

CHAIRMAN SULLIVAN: Okay. Thank you. Anything else, Mr. McFall?

MR. MCFALL: I was going to say, this parcel was originally - there's a lot line that you may be able to see that we're abandoning. This lot was half again as big and the storage units ended up picking up half of one of the lots. This is a consolidation. So I can't remember the exact distance from Airport but we're a substantial distance from Airport Road. I mean from 599.

CHAIRMAN SULLIVAN: Okay. Thank you. This is a public hearing. Is there anyone present who would like to speak for or against the project? Seeing none, we'll close the public hearing. What's the pleasure of the Commission?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I move that we go with staff recommendation for approval of master plan and preliminary development plan with final development plan to be approved administratively, and with the conditions.

COMMISSIONER VIGIL: I'll second that.

CHAIRMAN SULLIVAN: We have a motion and a second. Is there further discussion?

The motion passed by unanimous [3-0] voice vote.

- XIV. A. 4. AFDRC Case # Z/S 06-5271 Tavelli Mixed-Use Subdivision - Michael Tavelli, Applicant, Jim Siebert, Agent, Request Master Plan Approval for a 17-Lot Mixed -Use Subdivision on 5.65 Acres. The Subdivision will Include Fifteen (15) Residential Lots, Two Commercial Lots and an Area Dedicated to Santa Fe County for a Park Trailhead. The Property is Located on Agua Fria, Within Sections 6,7, & 31, Township 16 North, Range 9 East (Commission District 2)

JOHN M. SALAZAR (Case Planner): Thank you, Mr. Chair. Michael



Tavelli, applicant, Jim Siebert, agent, request master plan approval for a 17-lot mixed - use subdivision on 5.65 acres. The subdivision will include fifteen residential lots, two commercial lots and an area dedicated to the County for a park trailhead. The property is located on Agua Fria, in Sections 6,7, and 31, Township 16 North, Range 9 East, Commission District 2.

On August 1, 2007 the Agua Fria Development Review Committee met and acted on this case. The decision of the AFDRC was to recommend approval with staff conditions. The applicant requests master plan approval for a 17-lot mixed-use subdivision consisting of 15 residential lots with an average lot size of 11,667 square feet and two commercial lots with a lot size of 20,057 square feet for Lot C-1 and 25,227 square feet for Lot C-2.

The project is located in the Traditional Historic Community of Agua Fria where the minimum lot size is 0.33 acres with community water and community sewer services. Mixed use is permitted in this area pursuant to the Agua Fria Traditional Community Plan. The project includes the dedication of one lot for a public trailhead including eight parking spaces and several benches, providing public access to the San Ysidro River Park.

This application was reviewed for the following: affordable housing - the applicant is proposing five affordable units, access and parking - the proposed development will utilize a single paved access off Agua Fria Road, water - the applicant is proposing that the development will be served by the City of Santa Fe water system. The applicant received a letter of commitment from the City of Santa Fe and has identified the water source for this development as the City of Santa Fe. The applicant's agent has indicated that no water rights will be transferred to the City of Santa Fe and that water use can be satisfied based no retrofits.

It was also reviewed for phasing, existing development, terrain management, water harvesting, fire protection, liquid and solid waste, landscaping, which the applicant proposed a 10-foot landscape buffer between the project and Agua Fria Road, archeology, signage, lighting, trails and open space, and as mentioned before, the development includes a trailhead for access to the San Ysidro River Park.

Staff recommendation: as previously stated here on August 1, 2007 the AFDRC recommended master plan approval with a unanimous vote. Staff believes that the project meets the criteria for development in the Agua Fria Traditional Historic Community as outlined in Ordinance 2006-2 and recognizes the applicant has worked closely with County staff to resolve the majority of development issues and is providing a trailhead access to the San Ysidro River Park.

Development Review staff has received correspondence from both the City of Santa Fe and the County's affordable housing administrator which indicates that the project can comply with both City and County affordable housing ordinances. It is clear that under normal circumstances the City and County affordable housing ordinances cannot coexist. In this case the City's affordable housing administrator believes both can apply.

Identification of a valid water source is required for master plan approval and the

applicant has a letter of service from the City of Santa Fe's Sangre de Cristo Water Department indicating that the City of Santa Fe is willing to provide water for this development. So therefore staff concurs with the recommendation by the AFDRC for approval of the applicant's request for master plan for a 17-lot mixed-use subdivision on 5.65 acres based upon the following conditions:

1. Compliance with applicable review comments from
 - (a) State Engineer's Office
 - (b) County Technical Review
 - (c) State Historic Preservation Division
 - (d) County Public Works Department
 - (e) County Hydrologist
 - (f) State Environmental Department
 - (g) County Fire Department
 - (h) City Water and Wastewater
 - (i) County Affordable Housing Administrator
 - (j) County Open Space and Trails
2. All staff redlines must be addressed; original redlines will be returned prior to master plan recordation.
3. This application is subject to final inspection by the County Fire Marshal. The applicant shall comply with all Fire Marshal requirements.
4. A dumpster, with a 6' masonry screen wall shall be provided for the studio units.
5. Right-of-way shall be provided along Agua Fria Road for the existing roadway improvements. The total width required shall be coordinated with the Public Works Department.
6. Affordable units shall be provided per the County Affordable Housing Ordinance. Residual fees (if any) and context of the Affordable Housing Agreement will be determined by and paid to the Santa Fe County Housing Authority prior to recordation of the final plat.
7. Proposed structures shall comply with rainwater harvesting criteria as established by Ordinance #2003-6. A water-harvesting plan shall be submitted with the final development plan application.
8. The height of non-residential structures shall not exceed 24 feet.
9. The master plan with appropriate signatures will be recorded with the County Clerk's office.
10. A detailed lighting and signage plan must be submitted for review and approval prior to final development plan approval.
11. The applicant is directed to routinely meet with community and business entities as they proceed with final development plan approval in accordance with Section 10.9 of Santa Fe Ordinance No. 2007-2.
12. Once AFCWS has the capacity to serve the development the applicant shall

disconnect from the City utility and connect to AFCWS.

CHAIRMAN SULLIVAN: Questions for staff?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: John Michael, you said that the City affordable housing administrator said that both City and County affordable housing ordinances can coexist? Can you explain that?

MR. SALAZAR: Mr. Chair, Commissioner Montoya, it's my impression that their housing administrator, along with our affordable housing administrator have worked together to administer this project.

COMMISSIONER MONTOYA: So, under the City's ordinance, how many affordable units would there be?

MR. SALAZAR: I believe it was 2.6, and I think it was either at the City Council meeting or at the Public Utilities Committee meeting where one of the City Councilors asked the applicant to up that to an even three and the applicant agreed.

COMMISSIONER MONTOYA: And what about under our ordinance?

MR. SALAZAR: Our ordinance is 2.4.

COMMISSIONER MONTOYA: So if they added them up both they could do six? I'm just kidding.

CHAIRMAN SULLIVAN: Mr. Sill is here. Do you want to speak to that?

COMMISSIONER MONTOYA: Oh, Duncan, is that -

CHAIRMAN SULLIVAN: Mr. Sill, would you come forward please? I thought the City's requirement was five units, but correct me if I'm wrong, Mr. Sill.

DUNCAN SILL (Affordable Housing Administrator): Mr. Chair, Commissioners, the City's affordable housing requirements that the City is mandating is a 30 percent requirement for a project this size, so in fact the applicant would actually have to provide five affordable units for this particular development. Under our jurisdiction, under County requirements, our requirement is calculated - this is considered a minor project so they're subject to a 15 percent affordable housing requirement, which results in a 2.4 affordable unit requirement. And since the City's requirement is more stringent at five units the applicant is actually already meeting the County's requirement as a result.

The point that we discussed with City staff, with their affordable housing office, is actually how if there's a way for us to allow the requirements to be met and have the administration of these requirements to be reasonable we deliver - to be monitored and managed. We have been able, to the best of our ability, with the applicant's participation and agreement to work something out and it's delineated in your packet how that may occur. There's also a letter from the City affordable housing office, Cathy McConnick, their director, stating that arrangement -

COMMISSIONER MONTOYA: So the final number hasn't been determined yet, if it's going to be three or five?

MR. SILL: The final – the overall project requirement would be five. The applicant has agreed to provide five.

COMMISSIONER MONTOYA: Oh, okay.

MR. SILL: Total units, of which three units would actually be administered by the City and two units would be administered by us and that would satisfy both our requirements.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN SULLIVAN: And Mr. Sill, there was some comment in there about the applicant requesting that we waive a portion of the fee, the partial fee. Could you explain that?

MR. SILL: Yes. Under normal circumstances there were two affordable housing requirements under different jurisdictions that the applicant would have had to have met. For simplicity, if it were a regular County project that only had our requirements for affordable housing, the applicant would have had to provide 2.4 units of affordable housing, and the .4 is usually considered a fraction for a residual fee. That's calculated based on a formula pursuant to our regulations resulting in a dollar amount that the applicant would have to submit to the County. Under this particular situation, the applicant, since they're already providing three additional units for a total of five affordable units within this project, they are seeking a waiver of that residual fee because of their commitment to provide additional units for affordable housing within this project, a point of view – it's my opinion that this is a reasonable request and certainly the ultimate decision is up to the policy makers, to you guys, to determine whether or not that waiver can be granted and certainly that could be discussed with the applicant. But I believe that this is something that's reasonable.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Why is the City requiring that the applicant comply with their affordable housing ordinance?

MR. SILL: Pursuant to the – my understanding and anybody here can correct me – my understanding is that their water and wastewater extension outside of the city limits there's a provision in a paragraph in there that they must meet the requirements of the Santa Fe HOMES program. I believe that's Section 14.8.1.1 in their particular ordinance. I believe it's – I don't have that in front of me but I could certainly go and get it to you and read it to you guys. But I believe paragraph i in there states that any request for water and wastewater extension you have to meet the requirements of the Santa Fe HOMES program.

COMMISSIONER VIGIL: Okay. My next question, I guess to Steve Ross. Steve, this seems like a joint jurisdiction, really, application that's coming before us. I guess my concern would be, even though there's a proposed joint administration where the County administers a certain amount of units and the City administers a certain amount of units, it tends to complicate it to the extent that their requirements when it comes to resale and those kinds of things are different than ours.

What are we doing here? Creating a joint jurisdiction or what?

MR. ROSS: Mr. Chair, Commissioner Vigil, under normal circumstances I would have thought that it would be almost impossible to comply with both the City and the County affordable housing ordinances in the same development, but really the only way it can be done where the applicant is willing to comply with both. The trickiest part of it all is the administration as Mr. Sill says. The County requirements are much different from the City requirements, particularly with respect to the affordability liens and things like that.

Those run in favor of the County. The City has different instruments that run in favor of the City. So the only way a multi-jurisdictional problem like this can be solved is if, as Mr. Sill has described, some of the houses are administered completely under the City program and others are administered under the County program. I'm going to alert Mr. Katz of these issues after this case is resolved and see if there's a way for us to get together and agree how these kinds of cases are to be resolved in the future. It's not really a situation where the City is exercising jurisdiction in the county. It's really a situation of an agreement, or in the City's case, an ordinance that governs the extension of water and wastewater services in an area that's in the county.

So it's not really a multi-jurisdictional question because they're not exercising jurisdiction per se in the county, but a permissive activity, that is providing water and wastewater service, is subject to those unusual conditions. So it's a tough problem.

COMMISSIONER VIGIL: It is, and it seems to me that the enforcement component is difficult also to comprehend with regard to how does a city enforce an ordinance that's not within their municipal boundaries. So that's questionable to me. But I appreciate the work you put on it and I have other questions with regard to this.

CHAIRMAN SULLIVAN: Any other questions of the Board on the affordable housing issue right now? Okay, What are your other questions, Commissioner?

COMMISSIONER VIGIL: They probably have more to do with the water and perhaps - I don't know, John, if you want to address those. I know their agent is here.

CHAIRMAN SULLIVAN: You want to have Mr. Siebert discuss those?

COMMISSIONER VIGIL: We still have part of the public hearing to go on. Yes, let's continue the public hearing.

CHAIRMAN SULLIVAN: Well, we still have the applicant to make a presentation.

COMMISSIONER VIGIL: I want to hear that. John, I'll hold off.

CHAIRMAN SULLIVAN: We'll wait on those questions, and I had a water question as well. So would the applicant like to step forward.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Mr. Chair and Commissioners, my name is Jim Siebert. My address is 915 Mercer, Santa Fe. Let me begin with an aerial photograph of this property, which is upside down. This is Agua Fria Street here. The Santa Fe River is on the north

side here and this particular tract sits within the black line here. As you can see, what you have is on the side to the east are legal non-conforming commercial uses. There's a mobile home park here. The Montano excavating and sand and gravel and concrete is here. There's a vacant residential strip that's right adjacent to it that's owned by another party, and then it's residential from that point to the west.

We actually began this project about two years ago and we've had several meetings with the community association, the Agua Fria Association and with immediate neighbors. And during that process what happened is the Agua Fria plan was adopted and the Agua Fria zoning was adopted. So what we did is we kind of backtracked a little, took a look at the project and reconfigured it to fit with the Agua Fria plan and the Agua Fria ordinance, which this does.

Once again, we have Agua Fria Road down here, Santa Fe River here, John Michael talked about the trailhead, what's being proposed is that the owner of this property would dedicate a tract to Santa Fe County for a trailhead that would go on to the - there's a bicycle and walking path that's proposed along the Santa Fe River. So you'd have a connection and a place where you could get on to the path at that particular point.

There are 15 lots with residential lots within the project. There's two commercial lots and the idea of these commercial lots that would have small units on the order of like 900 square feet, would be for small-scale commercial that would be consistent with Agua Fria and consistent with the Agua Fria plan.

As mentioned earlier, the project is served by City water and City sewer. We originally approached the Agua Fria Water Association to provide service. It proved out that that wasn't really a viable option at this time. There was a concern about the proximity to some existing commercial development or legal non-conforming commercial development on the east side. If you'll notice, what we've done is we've attempted to buffer that by putting both the road and the park adjacent to those particular uses.

With regard to affordable housing, I'm not sure that we still all have the same understanding but the County's requirement is 2.4 affordable housing units. The .4 is something that would normally be paid for in cash in lieu of. In this particular case because we're providing five units, we're asking that that requirement be waived because we're considerably exceeding the affordable housing requirements for the County.

This project did receive approval from the Agua Fria Development Review Committee and we're in agreement with all conditions as stated by staff.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I still want to hear more from the public.

CHAIRMAN SULLIVAN: Oh, okay. Let me ask a question then, Jim. It says on the water, one of the conditions is that once Agua Fria Community Water System has the capacity to serve, the applicant will disconnect from the City utility and connect to the Agua Fria Water System. Why would they want to do that?

MR. SIEBERT: It was simply a condition that was imposed by staff, and that was something that occurred relatively recently.

CHAIRMAN SULLIVAN: Let me ask Shelley or anybody, it seems that once you're hooked up to the City, why would you go to all the problems of hooking up to Agua Fria?

MS. COBAU: Mr. Chair, members of the Commission, after a great deal of discussion with both the Agua Fria Community Water System, the applicant, members of the staff, we felt that this was a viable solution. The Agua Fria Community Water System is going to be doing a considerable improvement to their system in the near future. This is a master plan approval only. We don't know when this project may come forward for preliminary and final development plan, and we wanted to underline the point that there is another water system there that is likely to be able to serve this site at some point, perhaps before they're ready to go to construction. So we felt that would be an important condition to add.

CHAIRMAN SULLIVAN: So is your thought in writing this condition that if this occurs prior to construction that the applicant would be required to connect to Agua Fria?

MS. COBAU: Commissioner Sullivan, no. We would like the project to connect to the Agua Fria Community Water System when the community water system is able to provide service. There was some concern about City water in the village. When this went to the Agua Fria Committee, they were very concerned about this project being connected up to City water and this was done after a great deal of discussion amongst staff. We felt that this was a viable means of showing support for the Agua Fria Community Water System and disconnecting from the City's system where the City would no longer have any jurisdiction over this property in the Traditional Historic Community of Agua Fria.

CHAIRMAN SULLIVAN: So they thought this was a foot in the door or something and they were concerned that doing this would somehow subject Agua Fria to the City.

MS. COBAU: Mr. Chair, I believe that's correct.

CHAIRMAN SULLIVAN: Okay. And the other question I had, I still have a concern for that because when you switch from one water system to another, that's a cost. Someone has got to bear that cost and I assume it's going to be the homeowners, or how do you enforce it. Let's say that happens five years from now. Do you go door to door and collect money or how do you do that?

MS. COBAU: The Agua Fria Community Water System has a line in very close proximity to this project. The cost to connect to their system once they're able to upgrade their distribution and their delivery system would be marginal, I would think. The water - their line is there in A gua Fria, very close proximity to this project.

CHAIRMAN SULLIVAN: But someone would have to build the line and someone would have to make the connections and the way our condition says the applicant - well, the applicant once he's sold the lots is going to be gone. And I'm just concerned, how do you have an enforcement for that condition?

MS. COBAU: That's something that we would require that the applicant include in their subdivision disclosure statement and that would be a cost that would be borne by the homeowners association at some point in the future.

CHAIRMAN SULLIVAN: Oh, okay. Commissioner Vigil, your comment?

COMMISSIONER VIGIL: Shelley, I need some clarification, because my understanding is that the Agua Fria Water Association was not not in a position to provide water delivery, but that the County required a shut-down of the system in order for them to do a geo-hydro for a certain amount of time, and the system, being a small but solid water system really could not accommodate that request because it would mean that all of their customers would be without water for a certain amount of time. And that is the barrier that really created the opportunity for this water association to be the water delivery provider for this project. Is that not correct?

MS. COBAU: There's a long story that goes along with that, Mr. Chair, Commissioner Vigil. The applicant originally approached the Agua Fria Community Water System for water for this site, because all they have to provide at master plan is they have to name their source and prove water for the first sustainable phase of this development. They had a ready, willing and able to serve letter from the Agua Fria Community Water System which was later retracted, based on our Code criteria which would require the Agua Fria Community Water System to provide a 96-hour pump test, which in order to do that it would have to shut down their system.

We've had four or five meetings with the Agua Fria Community Water System, people who run that water system, and in the staff report it outlines on page 3, there's some bullet points regarding water and they have conveyed to us that they're not able to provide fire protection for this site. They can't maintain the delivery to provide fire protection so even if the site - this development at this time were to connect for potable water they would still have to connect to the City for fire protection.

The Agua Fria Community Water System has recently done a study and that study identifies needs for upgrades to their system for which they have \$2.6 million in funding needs and they have \$2.3 million that was allocated by the state legislature. They can't cease water deliveries to customers for the 96-hour pump test so they can't establish the 100-year water supply at this time for the development. In our staff report we cite that as new wells are drilled pump tests will be performed on the new and existing wells which may then be able to address our Code criteria to prove 100-year water supply. So this may all happen before this goes to final development plan. So we're hoping that they're actually able to connect to Agua Fria water once Agua Fria is able to drill a new well. I think they're very close to being able to do that.

COMMISSIONER VIGIL: It seems to me that is a viable alternative. I think there are representatives from the Agua Fria Water Association here that I'd like to hear from. One of the issues that we're dealing with the City now is that there are current residents there that are hooked up to the wastewater for this sewage delivery system, and what happens when they aren't in the jurisdiction of the city limits is rate fees get increased

without notices, rate fees get increased across the board. There are some people who pay for a monthly hookup but aren't actually utilizing the lines. So it does create jurisdictional problems. It would make sense to me that there should be a real clear indication of delivery there.

And I also am conflicted by the fact that the City was willing to hook up to a development when they rejected a community center. It shows mixed priorities in my mind. Anyway, Mr. Chair, I'm ready to listen.

CHAIRMAN SULLIVAN: Okay. I'll get back to -

KARL SOMMER: Mr. Chair, may I add some information to the water that's relevant to the criteria that was just mentioned?

CHAIRMAN SULLIVAN: Okay. Do you want to give your name and address and be sworn in please.

[Duly sworn, Karl Sommer testified as follows:]

MR. SOMMER: My name is Karl Sommer. My mailing address is Post Office Box 2046, Santa Fe, New Mexico. Mr. Chair, members of the Commission, Commissioner Vigil, one of the crucial items that is in the staff report, and I believe it is central to the issue of water supply. If the Commission would look at the fourth bullet point on page 3, right now, the Agua Fria water system has a contract with the City of Santa Fe. That means that the water is coming from the City's system, up to 50 percent of its total system needs. At this point, hydrologically, this system has not proved to be a 100-year supply for this development or other developments, and as I understand, and Ms. Torres is here, she can explain, this system has not proven a 100-year supply based on its existing water rights, so significant improvements, both legally and information hydrologically has to be produced. So the term about their ability to do it as a viable option is it simply is not viable under the County's requirements for a water supply.

If somebody was coming in for a two-lot subdivision or a three-lot subdivision they'd have to show a 100-year water supply. They'd have to have a system that showed a 100-year water supply. This Commission is dealing with this issue in Sunlit Hills. I have several clients out there who want to do lot splits and they're on the Sunlit Hills water system but they cannot come in and do a lot split because that system cannot show a 100-year water supply. It has limited wells and it has limited water rights. And until they can demonstrate that to the County, the division of land has been halted out there. And I'm not complaining, I'm saying that's just what the law is. It applies equally here because that's what the County requires.

So its viability at this point has not been demonstrated to the County. We would love for them to provide water for us. They simply can't. They simply are not in a position to do that for us.

COMMISSIONER VIGIL: Let me just say, and Mr. Sommer, because I'm still stuck with the fact that the reason why they haven't been able to prove the 100-year water supply is not because of anything else other than they could not shut the pumps down to conduct the test.

MR. SOMMER: I don't believe that's the case. I think that they have significant other problems.

COMMISSIONER VIGIL: Karen, could you respond to that?

KAREN TORRES (County Hydrologist): Good evening, Commissioners. I'm very familiar with the Agua Fria water system. When I worked for the State I permitted their new well and I'm familiar with their water rights portfolio that they do have. When I spoke to Gil Tercero - gosh, a year and a half ago now, if I can recall the conversation we had, it was mostly regarding their water rights that I had a concern about. They have one of these permits - it's a declining permit, where they can utilize so much water and then at a certain amount of time the water right gets reduced dramatically.

So currently they have sufficient water rights to cover their current needs, which is great. In perpetuity. It's this other permit that they have which goes away I believe in 2017, though I might be wrong.

COMMISSIONER MONTOYA: 2027.

MS. TORRES: Is it 27? Okay. 2027. I knew there was a seven in there. Which was of a little concern only because the County Code has such stringent water requirements for water rights, as well as actual wet water supply, and requiring it for 100 years. And so we discussed strategies of what they can do to acquire water rights. And I think that concerned them and that's why there was that issue. And then of course there's other issues of demonstrating availability, and we also discussed with them - there might be an alternative to doing a 96-hour pump test. We might be able to find another well in the area that can demonstrate that.

COMMISSIONER VIGIL: Okay.

MS. TORRES: I hope that explains a little bit.

COMMISSIONER VIGIL: It seems to me that they have 42.5 acre-feet in adjudicated water rights. We have allocated them some of the Buckman Direct Diversion and the only questionable amount of water rights are 22.5 acre-feet which will expire in 2027, and those are the ones that come from the City, I believe. Or no.

MS. TORRES: They have - I believe it's the 22, and I'm so sorry. I don't have their file in front of me. That part goes away in 2027. They do have a contract with the City that does expire right around the same time, and also they have the ability to obtain water from the County once Buckman Direct Diversion is on line, but that's a few years down the road as well. This is all just information that sort of trickled in. It hasn't all been assembled for staff to review as a plan to go forward, demonstrating their water.

COMMISSIONER VIGIL: Okay, and they are also are going through some adjudications I believe right now.

MS. TORRES: The Frenchy's and they have some other things going on too.

COMMISSIONER VIGIL: Okay. Thank you, Karen. Appreciate it.

CHAIRMAN SULLIVAN: Mr. Sommer, were you finished regarding the water issue?

MR. SOMMER: I was, Mr. Chair, I just wanted to point that out.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: So Karen, based on what you just said, it sounds like the applicant is going to a more secure source of obtaining water for the development. Is that correct?

MS. TORRES: My understanding was they did have an agreement from Agua Fria and that was withdrawn. And so then the applicant sought service from the City.

COMMISSIONER MONTOYA: Oh, okay. So the Agua Fria Water Association -

MS. TORRES: If I'm wrong, please correct me, but that's my understanding.

COMMISSIONER MONTOYA: Okay. Thank you

CHAIRMAN SULLIVAN: Thank you, Karen. Stick around. Mr. Siebert, one other question before we go to the public hearing. I'm a little confused about the so-called studio units and also the parking down there. There's 15 parking spaces in the studio units. Are the studio units live-work or are the studio units just commercial offices?

MR. SIEBERT: They're pure commercial; they are not live-work.

CHAIRMAN SULLIVAN: There's no live-work component to those?

MR. SIEBERT: No, there's not.

CHAIRMAN SULLIVAN: Okay. That wasn't clear to me. Because it said there's 15 spaces and those will be available for the studio units and two parking spaces. So that's about two spaces per studio unit. Is that what you have?

MR. SIEBERT: I know we meet the County parking - actually, we have 27 spaces. I think maybe you're looking - we have 15 on one lot and a certain number on the other. The total is 27.

CHAIRMAN SULLIVAN: Oh, okay. Because it says in the staff report the commercial lot includes a parking area serving the studio units. The parking area includes 15 regular parking spaces and two handicap spaces.

MR. SIEBERT: Actually, it's 27.

CHAIRMAN SULLIVAN: It's 27 instead of 17.

MR. SIEBERT: Right.

CHAIRMAN SULLIVAN: Okay. Where are your - which lots are designated for the affordable housing?

MR. SIEBERT: Actually, they're designated on this plan by A's. It's lot #\$, lot #15, lot #14, and lot #12. There's one other that we added later and it's lot #13 as I recall.

CHAIRMAN SULLIVAN: And what is that blue thing in the middle of the plaza?

MR. SIEBERT: These are ponds.

CHAIRMAN SULLIVAN: Retention ponds?

MR. SIEBERT: Correct. Here, here, here and here.