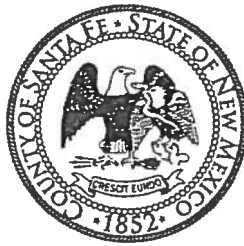


**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**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*

**CASE NO. MIS 07-5503**  
**APACHE SPRINGS SUBDIVISION TIME EXTENSION**  
**BEVERLY CHAPMAN, APPLICANT**  
**JOE ORTIZ, AGENT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners ("BCC") for hearing on November 13, 2012, on the Application of Beverly Chapman, (hereinafter referred to as "the Applicant") for a 1-year time extension of the Preliminary and Final Plat and Development Plan approval of the Apache Springs Subdivision. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing, finds that the Application is well-taken and should be granted and makes the following findings of fact and conclusions of law:

1. Article V, Section 5.3.6 of the County Land Development Code states, "An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Prior to the expiration of the preliminary plat, the subdivider may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six (36) months."

2. Article V, Section 5.4.6 of the County Land Development 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.”

3. The Applicant obtained Preliminary and Final Plat and Development Plan approval on November 18, 2008.

4. On December 14, 2010, a 24-month time extension of the Preliminary and Final Plat and Development Plan approval was granted for the Apache Springs Subdivision

5. The Applicant now requests a 1-year time extension of the Preliminary and Final Plat and Development Plan approval of the Apache Springs Subdivision which consists of 16 residential lots within a 40-acre area.

6. The property is located 87 Camino Valle , within Sections 10, 11, 14 and 15, Township 15 North, Range 10 East.

7. In support of the Application, the Applicant submitted a letter of request, proof of ownership, and proof of legal lot of record and approved plans.

8. The Applicant states that since the BCC’s approval of the Final Development Plan and Plat, due to the slow economy and lack of funding through the banking system, they have not been able to proceed with the development. They are currently awaiting final approval of the Affordable Housing Agreement and are in the process of obtaining signatures on the plat and securing a financial guarantee for the site improvements.

**WHEREFORE, THE BCC HEREBY APPROVES** the Application for a one-year time extension of the approved Preliminary and Final Plat and Development Plan for the Apache Springs Subdivision which will now expire on November 18, 2013.

**IT IS SO ORDERED:**

This Order was approved by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

By: \_\_\_\_\_  
Kathy Holian, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen C. Ross, County Attorney

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period of time in which to do that or in which to make drastic changes to the business. Any further comments? And I truly do appreciate Commissioner Vigil's comments for the community. I also appreciate that this is the family's livelihood, but unless there's going to be drastic changes it's not going to go forward anyway.

So we have a motion, we have a second, we have an amendment. All those in favor of the amendment first, please say aye.

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

CHAIR STEFANICS: Okay, so there is an amendment adopted. Now we are back onto the motion with the amendment that if this is approved, this variance, that the master plan would have to come back to us before the end of eight months.

**The motion passed by majority [3-2] voice vote with Commissioners Anaya, Mayfield and Stefanics voting with the motion and Commissioners Holian and Vigil voting against.**

CHAIR STEFANICS: Thank you very much. It's 3-2. You have eight months.

[Commissioner Vigil left the meeting.]

- XVII. A. 4. **BCC CASE # MIS 07-5502 Apache Springs Subdivision Extension.** Beverly Chapman, Applicant, Joe Ortiz, Agent Request a One-Year Time Extension of the Preliminary and Final Plat and Development Plan Approval for the Apache Springs Subdivision. The Property is Located at 87 Camino Valle, within Section 10, 11, 14, and 15, Township 15 North, Range 10 East, (Commission District 4)

VICKI LUCERO (Case Manager): Thank you, Madam Chair. On December 14, 2010, the BCC granted approval of a two-year time extension of the Preliminary and Final Plat and Development Plan for the Apache Springs Subdivision. On May 13, 2008, the BCC granted Preliminary Plat and Preliminary Development Plan approval for the Apache Springs Subdivision which consisted of 16 residential lots on 40 acres.

On November 18, 2008 the BCC granted Final Plat and Development Plan approval for the Apache Springs Subdivision.

Article V, Section 5.3.6 of the County Land Development Code states, An approved or conditionally approved preliminary plat shall expire twenty-four months after its approval or conditional approval. Prior to the expiration of the preliminary plat, the subdivider may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six months.

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 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 months may be added to the expiration date by the Board.

The Preliminary and Final Plat and Development Plan for the Apache Springs Subdivision will expire on November 18, 2012. The Applicant stated that due to the slow economy and lack of funding through the banking system, they have not been able to proceed with the development. They are currently awaiting final approval of the Affordable Housing Agreement and are in the process of obtaining signatures on the plat and securing a financial guarantee for the site improvements. The Applicant is requesting a one-year time extension of the Preliminary and Final Plat and Development Plan approval which would render the approval valid until November 18, 2013.

Staff recommendation: Approval of the request for a one-year time extension of the approved Preliminary and Final Plat and Development Plan for Apache Springs. Thank you, Madam Chair, I stand for questions.

CHAIR STEFANICS: Thank you. I believe you might not be looking at the new redistricting maps and Commissioner Holian believes this is in Commission District 4, not 5. So is this east of 285?

MS. LUCERO: Madam Chair, yes it is east of 285.

CHAIR STEFANICS: Okay. I think you need a redistricting map in your office because there are a couple other ones that have come forward, so you might want to just correct that. Okay, so are there questions or comments to staff? This is a time extension. Is the applicant present. Do you have anything you'd like to come up and say? [From the audience the applicant's agent decline to add any information.]

CHAIR STEFANICS: Is there any objection? Commissioner, do you want to move? It's your district.

COMMISSIONER HOLIAN: I move for approval, Madam Chair.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay. So there's a motion and a second for the extension.

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

COMMISSIONER ANAYA: I just want to say for the public listening or the people watching, this extension has been consistent with other requests that have come before us in recent times to afford people the opportunity to get through a tough economic time and hopefully things will change and improve. So this is consistent with other approvals this Commission has granted in recent months. Thanks.

CHAIR STEFANICS: Thank you.





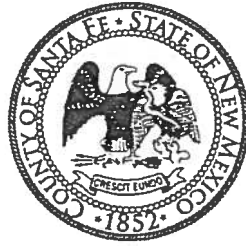




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**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*

**CASE NO. MIS 12-5350  
TURQUOISE TRAIL SUBDIVISION NORTH PHASE TIME EXTENSION  
RCS-TURQUOISE TRAIL SOUTH I, LLC., APPLICANT  
KARL SOMMER, AGENT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners ("BCC") for hearing on November 13, 2012, on the Application of RCS-Turquoise Trail South I, LLC. (herein after referred to as "the Applicants") for a request for a 24-month time extension of the Preliminary and Final Plat and Development Plan approval of the Turquoise Trail Subdivision North Phase. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing, finds that the Application is well-taken and should be granted and makes the following findings of fact and conclusions of law:

1. Article V, Section 5.3.6 of the County Land Development Code states, "An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Prior to the expiration of the preliminary plat, the subdivider may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six (36) months."
2. Article V, Section 5.4.6 of the County Land Development 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.”

3. On December 13, 2011, the BCC 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.

4. On December 13, 2011, the BCC also adopted Ordinance No. 2011-11 which states: “The BCC 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 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 Plan, Preliminary Plats and Final Plats for two years pending an economic recovery”.

5. At the time of expiration of the Plat approval for the Turquoise Trail Subdivision North Phase, the Conference Board’s Leading Economic Index® (LEI) score was 97. As of September of 2012, the LEI was 95.9.

6. Applicants obtained Preliminary and Final Plat and Development Plan approval on February 14, 2006.

7. The Applicant now requests a 24-month time extension of the Preliminary and Final Plat and Development Plan approval of Turquoise Trail Subdivision North Phase which consists of 290 single-family residential units within a 101.57-acre area.

8. The property is located off of New Mexico State Highway 14, within Sections 24 and 25, Township 16 North, Range 8 East.

9. In support of the Application, the Applicant submitted a letter of request, proof of ownership, and proof of legal lot of record and approved plans.

10. The Applicant states that since the BCC's approval of the Final Development Plan and Plat, due to the slow economy they have not been able to move forward with the subdivision. Their hope is that the economy will improve within the next couple of years and they will be able to put in the infrastructure and finish the subdivision.

11. The Application should be approved subject to:

A. Compliance with the conditions of the original Preliminary and Final Plat and Development Plan approval.

**WHEREFORE, THE BCC HEREBY APPROVES** the Application for a 24-month time extension of the Preliminary and Final Plat and Development Plan for the Turquoise Trail Subdivision North Phase Development which will now expire on November 13, 2014.

**IT IS SO ORDERED:**

This Order was approved by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

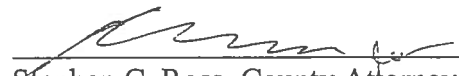
**BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

By: \_\_\_\_\_  
Kathy Holian, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Stephen C. Ross, County Attorney

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- XVII. A. 5. BCC CASE # MIS 12-5350 Turquoise Trail Subdivision North Phase. Time Extension RCS-Turquoise Trail South I, LLC, a Colorado LLC, Requests a 24-Month Time Extension of the Previously Approved Preliminary and Final Plat and Development Plan Approval for the North Phase of the Turquoise Trail Subdivision Consisting of 290 Dwelling Units on 101.57 Acres. The Property is Located off of New Mexico State Highway 14, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5)

VICENTE ARCHULETA (Case Manager): Thank you, Madam Chair.

CHAIR STEFANICS: I do believe this is Commission District 5.

MR. ARCHULETA: I'm not sure. I'll double-check that.

CHAIR STEFANICS: Okay. So that's why I'm saying there needs to be a redistricting map in Land Use please to come forward with the correct districts on this since it's part of the record.

On February 14, 2006, the BCC granted Preliminary and Final Plat and Development Plan approval for the North Phase of the Turquoise Trail Subdivision which consists of 178 Single Family residential lots, 100 Multi-family residential homes and 12 live/work units for a total of 290 residential units on 101.57 acres.

Article V, Section 5.3.6 of the County Land Development Code states, An approved or conditionally approved Preliminary Plat shall expire twenty-four months after its approval or conditional approval. Prior to the expiration of the Preliminary Plat, the subdivider may request, from the Board, an extension of the Preliminary Plat for a period of time not exceeding thirty-six months.

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 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 months may be added to the expiration date by the Board.

The Preliminary and Final Plat and Development Plan for the Turquoise Trail Subdivision North Phase expired on February 14, 2009.

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 Commissioner also adopted Ordinance No. 2011-11, which states the Board of County Commissioners 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,

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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.

At the time of expiration of the Plat Approval for the Turquoise Trail Subdivision North Phase, the Conference Board's Leading Economic Index® score was 97. As of September of 2012 the LEI was 95.9.

The Applicants are requesting a 24-month time extension that would render the Preliminary and Final Plat and Development Plan approval valid until November 13, 2014.

Recommendation: Approval of the request for a 24-month time extension of the approved Preliminary and Final Plat and Development Plan for the Turquoise Trail Subdivision North Phase. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Are there any questions for the staff? Is the applicant here?

KARL SOMMER: Yes, Madam Chair.

CHAIR STEFANICS: Do you have anything that you need to say?

MR. SOMMER: Nothing that I need to say. I can answer questions you might have.

CHAIR STEFANICS: Thank you very much. We are now on that item – no questions? I would move approval of the extension.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay.

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

- XVII. A. 6. **CDRC CASE # S 12-5310 Turquoise Trail Subdivision South Phase RCS-TT South, LLC, Requests Preliminary and Final Plat Approval to Create 58 Additional Lots on Block 1 and Block 2 of the Turquoise Trail Subdivision South Phase, to Replace the 58 Previously Approved Condominium Units. The Property is located off of Carson Valley Way, Which is off of Highway 14, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5)**

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Having looked at the packet, this is almost the same situation associated with the last case. Is there anything different than the other one? I think in the interests of time do we need to go through the entire reading of it or could you just bring up differences?

MR. ARCHULETA: I can give you a summary. Basically, they're asking to



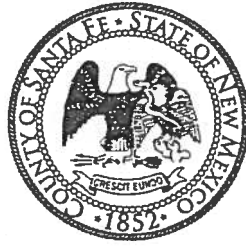




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**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*

**CASE NO. MIS 06-5271**  
**TAVELLI MASTER PLAN TIME EXTENSION**  
**MICHAEL A. TAVELLI, APPLICANT**  
**JAMES W. SIEBERT, AGENT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners ("BCC") for hearing on January 8, 2013, on the Application of Michael A. Tavelli, (herein after referred to as "the Applicant") for a 24-month time extension of the Master Plan approval for the Tavelli Mixed-Use Subdivision. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing, finds that the Application is well-taken and should be granted and makes the following findings of fact and conclusions of law:

1. Article V, Section 5.2.7 of the County Land Development Code states, "Master Plan approvals may be renewed and extended for additional two year periods by the Board at the request of the Developer".
2. On January 8, 2008, the BCC granted Master Plan approval for a 17-lot mixed-use subdivision on 5.65 acres.
3. The Applicant now requests a 24-month time extension of the previously approved Master Plan for the Tavelli mixed-use subdivision consisting of fifteen (15) residential

lots, two (2) commercial lots and an area dedicated to the County for a park trailhead on 5.65 acres.

4. The property is located off of New Mexico State Highway 599, within Sections 17 and 20, Township 17 North, Range 9 East.

5. In support of the Application, the Applicant submitted a letter of request, proof of ownership, and proof of legal lot of record and approved plans.

6. 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 states "Changes in the Affordable Housing requirements may ultimately impact the Final Development Plan of the Tavelli Subdivision and may require further review".

7. There was one person from the public who opposed the development that spoke in regards to this Application.

**WHEREFORE, THE BCC HEREBY APPROVES** the Application for a 2-year time extension of the Master Plan for the Tavelli Mixed-Use Subdivision which will now expire on January 8, 2015.

**IT IS SO ORDERED:**

This Order was approved by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

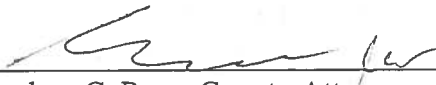
**BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

By: \_\_\_\_\_  
Kathy Holian, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Stephen C. Ross, County Attorney

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CHAIR HOLIAN: Okay. So we have a motion and a second to approve the variance in the Jytte Lokvig case with an added condition that neither piece of property will be sold for two years.

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

**XCII. A. 4. BCC Case # MIS 06-5271 Tavelli Master Plan Extension.  
Michael A. Tavelli, Applicant, Requests a 24-Month Time  
Extension of the Previously Approved Tavelli Mixed-Use  
Subdivision Master Plan. The Property is Located North of  
Agua Fria Street, East of Lopez Lane, within Section 31,  
Township 17 North, Range 9 East, Commission District 2**

VICKI LUCERO (Building & Development Manager): On January 8, 2008 the BCC granted master plan approval for a 17-lot mixed-use subdivision on 5.65 acres. The subdivision included 15 residential lots, two commercial lots, and an area dedicated to the County for a park trailhead. 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 years from the date of approval by the Board. Master plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer.

The master plan for the Tavelli mixed-use subdivision will expire – and it should say January 8, 2013, which is today. 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 change 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 find the project in compliance with County criteria for this type of request.

Staff recommendation is for approval of a two-year time extension of the approved master plan for the Tavelli Mixed-Use Subdivision. Madam Chair, I stand for questions.

CHAIR HOLIAN: Are there any questions of staff? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you. I have a letter here from a concerned resident who lives in the area. They're concerned not so much about the extension but have been led to believe that with this extension the density might change from what's being proposed to up to 26 units. Is that anywhere in their proposal?

MS. LUCERO: Madam Chair, Commissioner Chavez, their proposal has not changed from what was originally approved, so it would just be for the previous approval for the 17 lots total. If they wanted to change that they would have to submit an amended master plan.

COMMISSIONER CHAVEZ: So then the only other thing that might change the density would be the affordable housing component if they brought their

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development forward, they would have to comply with the new affordable housing requirements. Would that increase the density?

MS. LUCERO: Madam Chair, Commissioner Chavez, I don't believe it would increase the density as a whole. It would just probably decrease the number of affordable units that would be required.

COMMISSIONER CHAVEZ: So I just want to note for the record that there is some concern about the density and the surrounding residents would hope that this would be compatible to the extent possible, compatible with the existing density and development in the area.

MS. LUCERO: Madam Chair, Commissioner Chavez, that's correct. It's as I mentioned, nothing's changing from the prior approval. It's just an extension.

CHAIR HOLIAN: Okay. Any further questions? Is the applicant here? Would you please come forward and be sworn in please?

[Duly sworn, Thomas M. Tavelli testified as follows:]

THOMAS M. TAVELLI: My name is Thomas M. Tavelli, and I'm here – my brother regrets that he had to travel and he's out of state on business, but I'm a partner in the project and I'm representing him and we're requesting a two-year extension. I would give you a little history, particularly you, Commissioner Chavez.

2012 marked the 100<sup>th</sup> year that that property has been in our family. We have probably the oldest deed. Certainly anyone in Agua Fria is welcome to come forward, but the deed that we have passed, it's all come down from my mother's side of the family, was signed by Woodrow Wilson in 1912. And we have further proof of the property in the territorial area by the Spanish. So we're a long, long-time residents of Agua Fria and I hope that you would approve our two-year extension.

CHAIR HOLIAN: Thank you, Mr. Tavelli. Are there any questions for the applicant? Commissioner Chavez.

COMMISSIONER CHAVEZ: No, I would just say that I appreciate your presentation and I didn't mean to be critical but just concerned about the increased density in the area and if you're sensitive to that then –

MR. TAVELLI: That's never even been a consideration. I don't know where they got that idea.

COMMISSIONER CHAVEZ: It's just that we get feedback from citizens and we have to share that and I just would be remiss if I didn't share that with you now and your intentions I think are good and you have the history and the background, but we still have to ask the questions.

MR. TAVELLI: Okay. Thank you.

CHAIR HOLIAN: Any other questions? This is a public hearing. Is there anybody here who would like to speak on this case, either in favor or in opposition. William, please come forward and please be sworn in and state your name and address for the record.

[Duly sworn, William Mee testified as follows:]

WILLIAM MEE: William Mee. I'm the president of the Agua Fria Village Association, and I sent a letter last month for the December 11<sup>th</sup> meeting and basically, it came to our knowledge that the circumstances of even this approval have changed quite a bit, that the applicant actually had a guarantee of water from the City of Santa Fe, and

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right now, that City of Santa Fe waterline has actually been turned over to the Agua Fria Community Water Association. And so in order to get water for this subdivision they would have to apply to the community water association.

So if we approve it tonight there's no water for this subdivision. There were some other things that were done. Jim Siebert was the planner for the initial project and that's where the 26 lots came out. They were looking at a bunch of duplexes with live-work situations that would be living quarters above work studios and this type of thing.

The other thing was that Tom Tavelli was going to be the onsite manager of the properties, because that's something that he had worked out with the surrounding neighbors because they were afraid that you've got this subdivision going in. You've got all of these various live-work situations. Someone has to be in charge of that and so that's kind of what we had talked about. The other thing is that this particular plan was approved two months before our community plan was approved so it kind of – it didn't have to follow our community plan, which under the community plan it wouldn't really be eligible to be in this particular design or whatever. We do have the 17 lots but if they each have duplexes, we are having a much higher density than is being actually presented to you here tonight. And I don't know why the developer has let go of the planner and that type of thing. I'm not sure of all those details. But I would just like to maybe have the Village Association actually review the conditions and make sure that something that was done back in 2006 is basically current now in 2013.

CHAIR HOLIAN: Okay. Thank you, Mr. Mee. Is there anybody else here – I'll give you a chance to respond, Mr. Tavelli? Is there anybody else here who would like to speak about this case? Okay, seeing none, the public hearing is closed, and Mr. Tavelli would you like to respond?

MR. TAVELLI: With all due respect to Mr. Mee and our neighbors who we've tried to work with very, very hard during this whole process, there's also been a tremendous amount of misinformation which Mr. Chavez spoke to. None of them is true. Our plan has always been – we've never changed our plan. We've been through every review process there is. We went through when the Agua Fria Review Committee was here. We got a unanimous vote on that. We got a unanimous vote from the County Commission. The plan, you've got it in your file. None of that is true. It's exactly as we stated to the County.

And I don't know where these guys get this information. One of the examples of this is he mentioned that the plan had been approved before the Countywide approval for the Agua Fria Village Association was approved and that's not true. I sat on that committee and we were approved in 2008, two years after that thing was approved. So I don't know where this stuff comes from but it's not factual.

CHAIR HOLIAN: Okay. Thank you, Mr. Tavelli.

MR. TAVELLI: And I hope you will have Patricio speak on the water issue because that again is not factual. It's not an abandoned water line and it was not turned over to the Agua Fria water association. None of that's factual.

CHAIR HOLIAN: Are there any questions for staff or the applicant?  
Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I would like to have staff explain for the public here and for those listening what the mixed-use subdivision would entail, and then maybe staff could respond to the water availability.

MS. LUCERO: Madam Chair, Commissioner Chavez, the prior master plan was approved for 17 mixed-use lots. Fifteen of those lots will contain a residential dwelling unit on it, and then the two lots that are up along Agua Fria will be allowed to have commercial uses on there. I believe it was small-scale commercial uses such as office and small-scale retail that would be allowed within that designated area.

COMMISSIONER CHAVEZ: And the commercial lots, would they be the same size as the residential lots or would they be somewhat larger?

MS. LUCERO: Madam Chair, Commissioner Chavez, in looking at the site plan I'm not able to read the acreages but it appears that the commercial area is probably equivalent to a couple of the residential blocks, so they're probably about the same sizes as the residential lots.

COMMISSIONER CHAVEZ: So they would have to provide some parking.

MS. LUCERO: That's correct. And just for the record, once they choose to move forward with the application the commercial aspect of it will have to come back to the CDRC for review and approval under the current code.

COMMISSIONER CHAVEZ: Okay, and then the residential lots, are they able – are the lots large enough for them to do a primary residence and an accessory dwelling unit on those lots?

MS. LUCERO: Madam Chair, Commissioner Chavez, the lots are large enough, depending on the size of the residence, but most of them appear to be large enough for a main dwelling and an accessory structure.

COMMISSIONER CHAVEZ: And that would be allowable with the code in that general area.

MS. LUCERO: That's correct. An accessory structure, not a second dwelling unit but an accessory structure.

COMMISSIONER CHAVEZ: Not a dwelling unit. Okay. So that's the maximum that they would be able to increase the density on the individual residential lots.

MS. LUCERO: Madam Chair, Commissioner Chavez, each of the residential lots would be allowed one dwelling unit and then an accessory structure such as a garage or a shed or something of that sort. Not a second dwelling unit under the current code.

COMMISSIONER CHAVEZ: Okay. Let's talk about the height restrictions. Are there height restrictions on this development and if so what are they?

MS. LUCERO: Madam Chair, Commissioner Chavez, the height restrictions would follow what's in the current County code and the Agua Fria Ordinance, so the maximum height would actually be 24 feet.

COMMISSIONER CHAVEZ: And that's allowable throughout the area.

MS. LUCERO: That's correct.

COMMISSIONER CHAVEZ: So then just water, if staff could respond to the water.

DRAFT

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, Commissioners, I'm here to answer questions regarding the water, but first I would like to explain what the situation is with the existing utility lines. In 2009 the County and the Agua Fria Mutual Domestic Association signed a JPA, joint powers agreement for improvements and for the management of those improvements after they were installed. A 12" line was installed under Agua Fria. A line that would serve or would bring water from BDD to Agua Fria should they ever need it but would also allow Agua Fria to convey water from their existing facilities – their well, their tank and their pump stations, into the rest of their service area.

Mr. Tavelli's land is clearly within the boundaries of the service area that Agua Fria is responsible for. Agua Fria Mutual Domestic is responsible for it. Back in 2005, 2006 actually, Mr. Tavelli had indeed received a commitment from the City of Santa Fe to provide water after the association denied his request for service. So Mr. Tavelli also met all the requirements and spent capital in meeting the requirements that the City had for making such a service commitment. So at this point, given an official agreement, the 2008 annexation agreement which makes any commitment prior to 2008 that the City had to serve outside its boundaries would be honored either by the City directly or through the County which at this time owns a water utility and owns utility lines within the service area.

So it is our position that Mr. Tavelli does have already a commitment for service. The commitment might not be directly exercised by the City because the City no longer owns a line in that area, but at this point the County, because it has interest in honoring and respecting the boundaries of the Agua Fria Mutual Domestic, we the County utilities would go and discuss with the mutual domestic the provisions that would be used for the County to serve the property.

And the way I see it today is that the County will go and say, Mr. Tavelli, your primary water utility will be Agua Fria. However, we, the County would have to work out the details on how that provision is going to be exercised. And the thing is, even though we have the ability to transfer water from BDD into Agua Fria directly, we have a meter at Henry Lynch and we have the pressure and the volume required, the actual service, everyday service is provided by the well, the groundwater well, the tank and the pump station that Agua Fria Mutual Domestic owns and operates.

COMMISSIONER CHAVEZ: So then, Pego, would they be billing the customer?

MR. GUERRERORTIZ: So the idea is, somehow we would work out the details so that Mr. Tavelli and his subdivision would be customers of the mutual domestic. That's correct.

CHAIR HOLIAN: Okay. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Guerrerortiz. This is just a comment. This master plan and my perspective is the same it's been on all the previous approvals. It's consistent with the extensions that we've granted in the past and I think in fairness and equity this falls in that same category. So that's my comment. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Any further questions? Commissioner Chavez.



DRAFT

COMMISSIONER CHAVEZ: No, I don't have questions but I would go ahead and move for approval, hope for a second, and then we could continue with discussion.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay, I have a motion and a second for the Tavelli Master Plan Extension. Is there any further discussion?

COMMISSIONER ANAYA: Well, what I would – I was remiss. My motion would include all staff recommendations.

CHAIR HOLIAN: I don't believe there are any staff recommendations in this case. Is that true, Vicki? Other than the two years.

MS. LUCERO: Madam Chair, the application would still be subject to the conditions of approval on the prior master plan but we don't have anything additional.

CHAIR HOLIAN: I see. Thank you. Okay, I have a motion and a second.

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

- XVII. A. 5. CDRC CASE #V 12-5060 Jay Shapiro Variance. Jay Shapiro, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 10.21 Acres. The Property is Located at 94 Cloudstone Drive, within Section 5, Township 16 North, Range 10 East, Commission District 4**

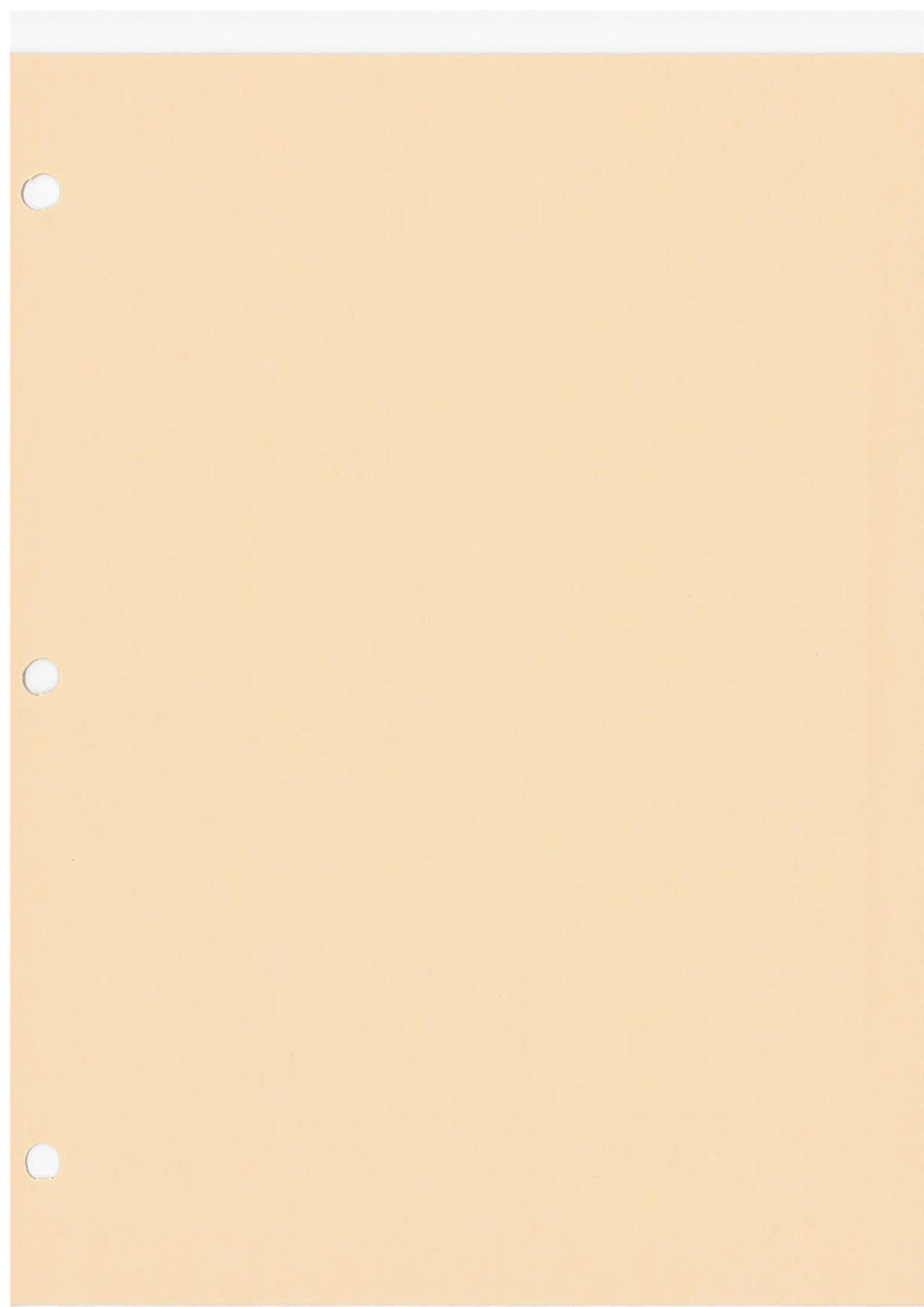
MS. LUCERO: Thank you, Madam Chair. On September 20, 2012, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the request. The applicant requests a variance of Article III, § 10, Lot Size Requirements, of the Land Development Code to allow two dwelling units on 10.21 acres. The property is located in the Mountain Hydrologic Zone where the minimum lot size is 20 acres per dwelling unit with water restrictions of 0.25 acre feet per year. The 10.21-acre lot was created as part of a pre-code subdivision in 1976. At that time there were no water restrictive covenants imposed on these lots.

There are currently two dwelling units on the subject property. The structures consist of a main residence and an accessory structure. The accessory structure which was permitted on May 13, 2010 showed a bathroom, but no kitchen facilities. At the time of permitting, the Applicant signed a Development Affidavit stating that the accessory structure would not be converted at any time into a dwelling unit. The accessory structure has been converted into a dwelling with both kitchen and bathroom facilities.

"The State Construction Industries Division informed the County that the accessory structure was constructed as a residence after they conducted a Final Inspection. The County issued a Notice of Violation for exceeding density and the Applicant immediately came in to submit a request for a variance.

During the final stages of design, after permits were issued, the Applicant added an area for a kitchen, which the Agent states was approved by the Homeowner's Association. The Agent also states that the structure in question is keeping with the character of the neighborhood and the other accessory dwelling units in the subdivision,



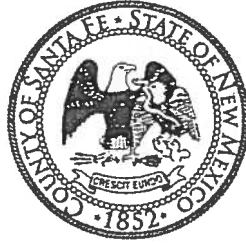




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**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*

**CASE NO. MIS 12-5380  
CONCIERTO AT LAS CAMPANANS TIME EXTENSION  
LAS CAMPANAS LAND HOLDINGS, APPLICANT  
SCOTT HOEFT, AGENT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners ("BCC") for hearing on December 11, 2012, on the Application of Las Campanas Land Holdings, (herein after referred to as "the Applicants") for a 24-month time extension of the Preliminary and Final Plat and Development Plan approval for the Concierto at Las Campanas Phases I and II. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing, finds that the Application is well-taken and should be granted and makes the following findings of fact and conclusions of law:

1. Article V, Section 5.3.6 of the County Land Development Code states, "An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Prior to the expiration of the preliminary plat, the subdivider may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six (36) months."

2. Article V, Section 5.4.6 of the County Land Development 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.”

3. On December 13, 2011, the BCC 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.

4. On December 13, 2011, the BCC also adopted Ordinance No. 2011-11 which states: “The BCC 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 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 Plan, Preliminary Plats and Final Plats for two years pending an economic recovery”.

5. At the time of expiration of the Plat approval of the Concierto at Las Campanas Subdivision, the Conference Board’s Leading Economic Index® (LEI) was 97. As of October 2012, the LEI was 96.

6. On January 13, 2009, the Applicants’ obtained Preliminary and Final Plat and Development Plan approval for 62 residential lots and Master Plat/Preliminary and Final Plat approval for 108 residential lots on 105 acres.

7. The Applicant now requests a 24-month time extension of the previously approved Preliminary and Final Plat and Development Plan approval for the Concierto at Las Campanas Subdivision Phases I and II which consist of 170 lots on 105 acres.

8. The property is located along Las Campanas Drive north of the Caja Del Rio intersection, within Sections 14 and 15, Township 17 North, Range 8 East.

9. In support of the Application, the Applicant submitted a letter of request, proof of ownership, and proof of legal lot of record and approved plans.

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

**WHEREFORE, THE BCC HEREBY APPROVES** the Application for a 24-month time extension of the Preliminary and Final Plat and Development Plan for the Concierto at Las Campanas Subdivision which will now expire on December 11, 2014.

**IT IS SO ORDERED:**

This Order was approved by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

By: \_\_\_\_\_  
Kathy Holian, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Stephen C. Ross, County Attorney



DRAFT

MS. DIAZ: Thank you, Commissioner, and we also have press releases that we sent out earlier in November about this case and so you can have more information about it in writing and we'll give that to Julia as well.

CHAIR STEFANICS: Thank you very much. Is there anybody else from the public that wishes to speak on a non-action item? Yes, sir. Did you have an item? Come on forward. And if you'd just introduce yourself for the record.

ROBERT BERNARD: My name is Robert Bernard and I live at #2 Summer Night and I want to ask is this an appropriate time to comment on the application for an extension of the master plan for Tessera Subdivision?

CHAIR STEFANICS: No. Is that an item on the agenda for tonight?

MR. BERNARD: It was and we think that – yes.

CHAIR STEFANICS: No. When we have the case come in front of us we actually have public comment at that time. Now, what item was it? It's actually number three. We're going to it next. #1 has been tabled. We'll be hearing #2 and then #3 and then you can comment.

MR. BERNARD: Okay. Thank you.

CHAIR STEFANICS: Thank you for being here. Is there anybody else who wanted to comment on a non-action item? Okay.

## **XVI. PUBLIC HEARINGS**

### **A. Growth Management Department**

- 2. BCC Case # MIS 12-5380 Concierto at Las Campanas Time Extension. Las Campanas Land Holdings, Applicant, Requests a 24-Month Time Extension of the Preliminary and Final Plat and Development Plan Approval for the Concierto at Las Campanas Subdivision, Phases I and II, Consisting of 170 Residential Lots on 105 Acres. The Property is Located Along Las Campanas Drive, North of the Caja del Rio Intersection, within Sections 14 and 15, Township 17 North, Range 8 East (Commission District 2) Vicente Archuleta, Case Manager**

VICKI LUCERO (Case Manager): Thank you, Madam Chair. Las Campanas Land Holdings, applicant, requests a 24-month time extension of the previously approved preliminary and final plat and development plan for the Concierto at Las Campanas, phases 1 and 2, consisting of 170 lots on 105 acres. The property is located along Las Campanas Drive, north of the Caja del Rio intersection, within Sections 14 and 15, Township 17 North, Range 8 East, Commission District 2.

On January 13, 2009 the BCC granted preliminary and final plat and development plan approval for 62 residential lots and master plat, preliminary and final plat approval for 108 residential lots on 105 acres. At the time these approvals were granted the subject property was located in the five-mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Subdivision Regulations. 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 5.3.6 of the County Code states an approved or conditionally approved preliminary plat shall expire 24 months after its approval or conditional approval. Prior to the expiration of the preliminary plat the subdivider may request from the Board an extension of the preliminary plat for a period of time not exceeding 36 months. The Code also states an 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 preliminary and final plat and development plan for the Concierto at Las Campanas expired on January 13, 2011. On December 13, 2011 the BCC adopted a resolution which found the existence of severe economic conditions and suspended enforcement of specified provisions of Article V of the Code that concern expiration of master plans, preliminary plats and final plats. The Board also adopted an ordinance which states the Board of County Commissioners may suspend provisions 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 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 enforcement of those sections that set forth expirations of master plans, preliminary plats and final plats for two years pending an economic recovery.

At the time of expiration of the plat approval for Concierto at Las Campanas Subdivision the Conference Board's Leading Economic Index score was 97. As of September 2012 the LEI was 95.9. The applicants are requesting a 24-month time extension that would render the preliminary and final plat and development plan approval valid under December 11 of 2014.

Staff recommendation: Approval for a 24-month time extension of the approved preliminary and final plat and development plat for the Concierto at Las Campanas Subdivision. Madam Chair, I stand for questions.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, we have questions from Commissioners for staff. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Vicki, this is consistent with other requests that we've granted previously on extension and this recommendation is similar to those prior recommendations. Correct?

MS. LUCERO: Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Thank you.

CHAIR STEFANICS: Thank you. Commissioner Vigil. Please remember this is a public hearing as well.

COMMISSIONER VIGIL: Right. But I do have a question that might need a legal response but our legal counsel isn't here, so I'll hold off.

CHAIR STEFANICS: Okay. So let's go to public hearing and then we'll go to legal response. Is the applicant here? Would you like to make a short statement?

[Duly sworn, Scott Hoeft testified as follows:]

DRAFT

SCOTT HOEFT: I'm Scott Hoeft, Santa Fe Planning Group, 109 North St. Francis. I simply want to agree with the staff report and I'll stand for questions.

CHAIR STEFANICS: Thank you. This is a public hearing. Is there anyone here who came to speak for or against this application for an extension of time? Okay, seeing none we are back to the Commission and we're waiting for our County Attorney or two to return.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Certainly. Commissioner Holian.

COMMISSIONER HOLIAN: I have a question for Mr. Hoeft, I guess. Did you see a copy of this letter from Judy and Mel Feldman, by any chance, who express some concerns? [Exhibit 8]

MR. HOEFT: Commissioner, I did. I did talk with her via phone. Looking at her comments – well, first of all, this is a hearing for an extension so we're not exactly opening up the whole formal approval and looking at the issues as best I understand it according to Steve, but addressing the three points that she had, the first was color, and the color is dictated by Las Campanas guidelines. The second one was parking; that also is dictated by guidelines. The third one was building heights and at the time, we did get as part of that approval the option to do two-story structures. I will say that two-story structures didn't go over very well. I think two or three were developed in the development and it's probably unlikely that we'll do that again in Las Campanas but the door is still open I think to try that. But it's likely we'll use every bit of those two years if this is granted tonight to try to work out exactly what's going to happen.

COMMISSIONER HOLIAN: So as I understand it, Mr. Hoeft, this particular subdivision would be under, somehow, the Las Campanas Homeowners Association, or do they have some kind of an association that sets certain guidelines?

MR. HOEFT: Yes, it will be part of Las Campanas Homeowners Association. Those subsets of subdivisions within the development have little tweaks to the overall design guidelines. Los Santeros, for example is the previous development that permitted the two-story structure or the higher density. And so there's small tweaks but overall there is the umbrella of Las Campanas guidelines.

CHAIR STEFANICS: Thank you. Commissioner Vigil had a question for you, Mr. Ross.

COMMISSIONER VIGIL: Well, Mr. Ross, but Scott I had something for you too but I'll wait to ask. Steve, when these developments come before us, the extension, this particular development, does it allow for administrative approval or does it have to come before the Commission, and maybe that's a question for Vicki. Let me get the answer to that first and then I'll ask Mr. Ross his.

MS. LUCERO: Madam Chair, Commissioner Vigil, so if I understand your question, you're asking whether these extensions have to come before the Board of County Commissioners?

COMMISSIONER VIGIL: No. I'm asking once the building starts to build is there another approval process that needs to come before the Commission or does it get administrative review and approval?

DRAFT

MS. LUCERO: Madam Chair, this phase of the development actually got final plat and development plan approval so if their proposal is consistent with what was approved then it's all administrative after this.

COMMISSIONER VIGIL: Okay. So if it isn't, and it doesn't comply with the original final plat and development then it will come to the Commission.

MS. LUCERO: Right. For example, if they're changing the number of units or that sort of thing it will have to come back as an amended –

COMMISSIONER VIGIL: Okay. My question to you, Steve, is will these developments that we provide extensions for be required to comply with the Sustainable Growth Plan Code?

MR. ROSS: Let's see. Madam Chair, Scott, is this in the development agreement? Las Campanas is a little different than some of the other developments in that they have a 1992 development agreement. So no.

COMMISSIONER VIGIL: Then my question to you, Scott, because most of the concerns that the folks are bringing forward have to do with development design, density, covenants, those kinds of things. Are all of these developments design and build, density and requirements going to comply with the homeowners association with the covenants in specific that Las Campanas puts forth?

MR. HOEFT: This particular development will have its own set of covenants that will be recorded at the same time the final plat is recorded, Commissioner. So that again would be done administratively.

COMMISSIONER VIGIL: Okay. So will those covenants differ or affect the design and build density or any issues that folks might have?

MR. HOEFT: Well, they're tailored for this particular parcel.

COMMISSIONER VIGIL: Right.

MR. HOEFT: So the issues that the neighbor brings up, the parking, the height, that's all been specified within those covenants.

COMMISSIONER VIGIL: And what about density? That cannot be increased, correct? Based on the final plat approval.

MR. HOEFT: That's correct.

COMMISSIONER VIGIL: Those things need to be part of the record because people's concerns with the new purchaser is that everything is going to change and I think that one of the things that needs to be done, Judy in particular and others, to know that there is exactly a final development plan that's been approved and that's what's required to be complied with and perhaps they need to be informed as to what that final development plan is.

MR. HOEFT: Well, according to the letter, they were at the original hearing that we had back in 2009 and so it sounds like they are familiar with what was ultimately approved. So I guess as we proceed down the road, a couple of years from now, as the folks are aware, proceeding at that time and that we're submitting to the County for final essentially recordation and bonding at that time.

COMMISSIONER VIGIL: And Scott, part of the problem is that there are new owners in that area and some of them weren't at the original hearing, so as much

communication as can occur with those new owners and I think you're probably creating a larger benefit for the development and for the current and existing owners.

MR. HOEFT: Correct, Commissioner.

COMMISSIONER VIGIL: Thank you, Madam Chair.

COMMISSIONER HOLIAN: Any other questions. All right. I think we've had the public hearing, right. There's nobody from the public that would like to speak on this case, for or against? Okay. Do I have a motion? What are the wishes of the Board?

COMMISSIONER ANAYA: I'll move for approval, Madam Chair.

COMMISSIONER HOLIAN: Is there a second?

COMMISSIONER VIGIL: I'll second it.

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

- XVI. A. 3. **BCC Case # MIS 10-5550 Tessera Master Plan Time Extension.**  
**Homewise Inc., Applicant, Requests a 24-Month Time Extension of the Previously Approved Tessera Subdivision Master Plan (Formerly College Hills) Consisting of 166 Residential Lots on 145.90 Acres. The Property is Located on the North Side of State Road 599, at its Intersection with Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East, (Commission District 2) Vicente Archuleta, Case Manager**

COMMISSIONER HOLIAN: Vicki, are you taking this?

MS. LUCERO: Yes, Madam Chair, I'll be presenting this. Homewise Inc., applicant, requests a 24-month time extension of the previously approved master plan Tessera Subdivision, Formerly College Hills, consisting of 166 residential lots on 145.90 acres. The property is located on the north side of State Road 599, at its intersection with Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East, Commission District 2.

On December 14, 2010 granted approval of a two-year time extension of the master plan for the Tessera Subdivision. On December 8, 2001 the EZA granted master plan zoning approval of the Tessera Subdivision which consisted of 166 residential lots on 145.97 acres to be developed in two phases.

On December 12, 2002 the EZA granted preliminary plat and development plan approval for phase 1 of the Tessera Subdivision which consisted of 88 lots. On January 13, 2004 the BCC granted final plat and development plan approval for phase 1. At the time these approvals were granted the subject property was located in the two-mile EZ District and therefore under the jurisdiction of the Extraterritorial Zoning Ordinance. The EZO stated that approval of a master plan shall be considered valid for a period of five years from the date of approval by the EZA. This would have maintained the validity of the master plan until December 18, 2006. The EZO also stated that progress in the planning or development of the project approved in the master plan consist with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. Progress means the submission









**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*

**CASE NO. MIS 12-5400**  
**TESSERA SUBDIVISION TIME EXTENSION**  
**HOMEWISE INC., APPLICANT**  
**JAMES W. SIEBERT, AGENT**

### **ORDER**

**THIS MATTER** came before the Board of County Commissioners ("BCC") for hearing on December 11, 2012, on the Application of Homewise Inc., (herein after referred to as "the Applicant") for a request for a 24-month time extension of the Master Plan approval for the Tessera Subdivision. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing, finds that the Application is well-taken and should be granted and makes the following findings of fact and conclusions of law:

1. Article V, Section 5.2.7 of the County Land Development Code states, "Master Plan approvals may be renewed and extended for additional two year periods by the Board at the request of the Developer".
2. On December 18, 2001, the Extraterritorial Zoning Authority ("EZA") granted Master Plan Zoning approval to Northwest Villages LLC (Michael Hurlocker) for the Tessera Subdivision (previously College Hills). At the time the approvals were granted, the subject property was located in the 2-mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Zoning Ordinance ("EZO").

3. On December 14, 2010, the BCC granted approval of a twenty-four month time extension of the Tessera Subdivision Master Plan.

4. The Applicant now requests an additional 24-month time extension of the Master Plan for Tessera subdivision consisting of 166 lots on 145.90 acres.

5. The property is located off of New Mexico State Highway 599, within Sections 17 and 20, Township 17 North, Range 9 East.

6. In support of the Application, the Applicant submitted a letter of request, proof of ownership, and proof of legal lot of record and approved plans.

7. The Applicant states that "The prior owner, Northwest Villages Inc, (Michael Hurlocker) returned the development back to the bank that provided the development loan. Homewise Inc. has recently purchased the property and requests an opportunity through the time extension to evaluate the existing improvements and prior commitments to existing lot owners. There have been discussions of a transfer of the utilities from the City to the County. Homewise Inc. would like to more carefully review what impact that may have on the project. Homewise Inc. anticipates designing housing prototypes and developing a marketing strategy over the next year before pursuing an aggressive construction schedule."

8. There were two people from the public who spoke in regards to this Application. One person opposed the project and the other had questions about Affordable Housing.

9. The Application should be approved subject to the condition that the Applicant submit a new letter of credit for remaining improvements that need to be completed in Phase I of the Tessera Subdivision.

**WHEREFORE, THE BCC HEREBY APPROVES** the Application for a 24-month

time extension of the Master Plan for the Tessera Subdivision which will now expire on December 18, 2014, provided that the Applicant submit a new Letter of Credit for the required improvements that need to be completed in Phase I of the Tessera Subdivision

**IT IS SO ORDERED:**

This Order was approved by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

By: \_\_\_\_\_  
Kathy Holian, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen C. Ross, County Attorney

communication as can occur with those new owners and I think you're probably creating a larger benefit for the development and for the current and existing owners.

MR. HOEFT: Correct, Commissioner.

COMMISSIONER VIGIL: Thank you, Madam Chair.

COMMISSIONER HOLIAN: Any other questions. All right. I think we've had the public hearing, right. There's nobody from the public that would like to speak on this case, for or against? Okay. Do I have a motion? What are the wishes of the Board?

COMMISSIONER ANAYA: I'll move for approval, Madam Chair.

COMMISSIONER HOLIAN: Is there a second?

COMMISSIONER VIGIL: I'll second it.

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

- XVI. A. 3. **BCC Case # MIS 10-5550 Tessera Master Plan Time Extension.**  
**Homewise Inc., Applicant, Requests a 24-Month Time Extension of the Previously Approved Tessera Subdivision Master Plan (Formerly College Hills) Consisting of 166 Residential Lots on 145.90 Acres. The Property is Located on the North Side of State Road 599, at its Intersection with Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East, (Commission District 2) Vicente Archuleta, Case Manager**

COMMISSIONER HOLIAN: Vicki, are you taking this?

MS. LUCERO: Yes, Madam Chair, I'll be presenting this. Homewise Inc., applicant, requests a 24-month time extension of the previously approved master plan Tessera Subdivision, Formerly College Hills, consisting of 166 residential lots on 145.90 acres. The property is located on the north side of State Road 599, at its intersection with Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East, Commission District 2.

On December 14, 2010 granted approval of a two-year time extension of the master plan for the Tessera Subdivision. On December 8, 2001 the EZA granted master plan zoning approval of the Tessera Subdivision which consisted of 166 residential lots on 145.97 acres to be developed in two phases.

On December 12, 2002 the EZA granted preliminary plat and development plan approval for phase 1 of the Tessera Subdivision which consisted of 88 lots. On January 13, 2004 the BCC granted final plat and development plan approval for phase 1. At the time these approvals were granted the subject property was located in the two-mile EZ District and therefore under the jurisdiction of the Extraterritorial Zoning Ordinance. The EZO stated that approval of a master plan shall be considered valid for a period of five years from the date of approval by the EZA. This would have maintained the validity of the master plan until December 18, 2006. The EZO also stated that progress in the planning or development of the project approved in the master plan consist with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. Progress means the submission

of preliminary or final development plan or preliminary or final subdivision plat for any phase of the master plan project.

With an automatic two-year renewal for the preliminary plat approval of phase 1 and another two-year renewal for the final plat approval of phase 1 the master plan approval was valid until December 18, 2010. With the omission of the EZ District in 2009 this development now falls under the regulations of the County Land Development Code. The language in the code regarding expirations and renewals of master plans is consistent with the EZO.

Article V, Section 5.2.7 of the Code states master plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer.

With the previous two-year time extension that was granted by the BCC in 2010 the master plan for the Tessera Subdivision will expire on December 18, 2012. The applicant's agent states, having recently purchased the property, Homewise, Inc. requests an opportunity through the time extension to evaluate the existing improvements and prior commitments to existing lot owners. There have been discussions of a transfer of the utilities from the City to the County. Homewise would like to more carefully review what impact that may have on the project. Homewise, Inc. anticipates designing housing prototypes and developing a marketing strategy over the next year before pursuing an aggressive construction schedule.

The improvements in phase 1 of the Tessera Subdivision are substantially complete and significant infrastructure has already been constructed in phase 2 of the development. The applicant is requesting a two-year time extension of the master plan approval which would render the approval valid until December 18, 2014.

Staff recommendation: Approval for a two-year time extension of the approved master plan for the Tessera Subdivision, phases 1 and 2, subject to the following condition. And that condition would be:

1. The applicant shall submit a new letter of credit for remaining improvements that need to be completed in phase 1 of the Tessera Subdivision.

Thank you, Madam Chair. I stand for questions.

COMMISSIONER HOLIAN: Thank you, Vicki. Commissioner Vigil.

COMMISSIONER VIGIL: Vicki, have you been out to this site at all to identify what improvements have occurred in phase 1 and the infrastructure improvements in phase 2?

MS. LUCERO: Madam Chair, the case manager did go out to the site. I have not been out to the site. The previous owner for Tessera actually had a financial guaranty pending with the County but now that the ownership changed the new owners will also have to submit a letter of credit for the remaining improvements but I'm not clear as to what exactly those are. Perhaps the agent will be able to address that.

COMMISSIONER VIGIL: What happens to the letter of financial credit when there is a transfer of ownership?

MS. LUCERO: Madam Chair, Commissioner Vigil, the current owner or the new owner would have to resubmit a letter of credit under their name to the County. So if any of the improvements aren't made to the County requirements then we would take out the letter of credit to do the improvements on our own.

COMMISSIONER VIGIL: And there's some representatives here. The improvements to phase 1, what do they constitute? What are they? Are there actual homes out there?

MS. LUCERO: Madam Chair, Commissioner Vigil, the improvements would actually include like road improvements, utilities, drainage, that sort of thing.

COMMISSIONER VIGIL: Now, that's what is claimed is infrastructure improvements in phase 2. I guess what I'm asking is if we know specifically what the improvements are in phase 1.

MS. LUCERO: Madam Chair, Commissioner Vigil, I can't answer that question. I don't know but the agent may have more information.

COMMISSIONER VIGIL: I'll wait to ask that question then. Thanks.

COMMISSIONER HOLIAN: Okay. Is the applicant here? Would you like to add anything?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer. To give you a little background on this, the original developer of the subdivision, because of economic circumstances had to give the land back to the bank. Homewise then subsequently purchased the land from the bank. Part of the complexities in this, and the reason we're asking to take more time is that both the water and the sewer is provided by the City of Santa Fe and it's our understanding that there will be an exchange of utilities at some point in time, but we're really not fully understanding how that's going to take place or what the consequences are.

Madam Chair, Commissioner Vigil, in terms of the improvements, all the improvements are basically in. Utilities are in, roads are in. The only outstanding – the principal outstanding item is one lift of asphalt. There is asphalt down there now. It's missing one lift to basically finalize all the improvements in phase 1. The way this particular subdivision works is they began from the back in phase 1 and then were proceeding forward with phase 2 which is closest to 599 frontage road. The reason for that, because I was involved in the planning for phase 1 and the master plan is the intent was to not have construction equipment and trucks going through the first phase of development to get to the second phase.

So there is, in terms of what kind of improvements are in what would be phase 2 is that there's a considerable amount of improvements because it's a loop road. So utilities and roads and curb and gutter, with the exception of one lift of asphalt had been completed through probably 50 percent of phase 2. And I'll answer any other questions you may have.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Is your client Homewise?

MR. SIEBERT: Yes.

COMMISSIONER VIGIL: Okay. So my question to you would be does Homewise recognize that the original final plat and development plan have to be complied with? Or are they going to come before the Commission for an amendment or a change to that in any way?

MR. SIEBERT: Well, at this time they're kind of taking their time evaluating what the market condition is. If they would come with a change and that change is an

intensity in use, and I'm not saying there is going to be, that's something that would require going back to both the CDRC and to the County Commission. If there's an amendment to the plan within the existing intensity of use then it would still have to go back to the CDRC. If there's a change in the plan or the plat there will have to be another hearing to consider that.

COMMISSIONER VIGIL: That's my understanding, Madam Chair, and that is the issue that becomes problematic for homeowners in the area because their anticipation and expectation was a different development and now they're looking at a development that was not part of the final plat approval. It is on the books but whether or not it will remain that way I think will be their concern. So I guess what I would recommend as one of my last statements, and I've done this Jim, since you've been here. You need to work with the neighbors if there is going to be any kind of a change because they will have concerns with regard to what actually gets requested for a change. As it stands right now there's no request for that so I think the final development plan exists and it complements the current development patterns out there. Will a new one do that? I don't know. I would just recommend that Homewise work very closely with them and I know they're capable of doing that with many of the developments that they've done.

CHAIR STEFANICS: Okay. Thank you. Any other questions for staff or the applicant? Okay, this is a public hearing. Is there anybody in the audience that would like to speak for or against? Would you please come up? You need to be sworn in and then you'll be providing your name and address for the record.

[Duly sworn, Robert Bernard testified as follows:]

ROBERT BERNARD: Robert Bernard, 2 Summer Night.

CHAIR STEFANICS: Welcome.

MR. BERNARD: Madam Chair, Commissioners, I just want to repeat or amplify the comments that Mr. Siebert made. There is in the transfer of property from the previous developer to Homewise, there is a discrepancy between the Tessera master plan as it's currently written and the mission of Homewise. The master plan in phase 1 calls for 80 market rates houses and 8 affordable houses, which complies with the County requirements. But Homewise's mission is, from discussion with some people at Homewise, their mission is to build only affordable houses and that's going to change the character of that subdivision and impact on the three houses that are already constructed there and their owners.

We're concerned, in our case, about the impact that that has on neighboring subdivisions such as Aldea and La Mirada where we live. Secondly, I wanted to amplify or second the statement Mr. Siebert said about the statement on the application for extension that the infrastructure for phase 1 was substantially complete. The road is in serious need of that second layer of asphalt. Part of the roads in that subdivision are used as an egress from Aldea, as part of the master plan requirement and we use that entrance and egress as do many other people from the subdivisions to the west.

And my third point is that the streets that are actually as built in that subdivision do not comply with the streets that show on the master plan. There are some major changes in the layout of streets. Some streets were intended to be built that aren't and some of the open space areas were specifically delineated by the streets that were in the master plan, but now those streets don't exist and there doesn't seem to be any explanation whether there was a change in the streets from the plan.

And my fourth and last point is that it seems that Homewise is already dumping fill from one of their other subdivisions on the – right off one of the streets in the Tessera Subdivision and when I inquired at the Land Use Department currently there is no permit open for that purpose. So it seems rather strange that Homewise or some subcontractor of Homewise is using that property even before they've got an extension of the plan. That's all I have to say. I bring those things to the attention of the Commission.

CHAIR STEFANICS: Thank you very much. Is there anybody else? Yes. Come forward, sir. If you'd come up and be sworn in.

[Duly sworn, Alan Hahn testified as follows:]

ALAN HAHN: Alan Hahn, 8 Via Alterra. I'm one of the current homeowners out there. There are three houses built. When I purchased my property in 2008 I purchased it under the auspices that it was approved by the County and the covenants and homeowners' regulations – whatever – were in place, and that the roads would be completed by December of 2010. Two years ago the developer came in and got a two-year extension and it still has not been completed. And as the former person just testified the roads are in fairly – starting to break up. The pavement is breaking up. And I can't concur on another two-year extension. I think it's unwise, and also it's not the expectations with which we bought the place or bought the land and we've built a home.

I've had discussions with Homewise and I haven't come away yet with a good feeling of what their intentions are with the subdivision. We bought it as it seemed to meet the minimum design requirements and whatever and I was unable to get any commitment that they're willing to agree to those or that they're going to come in and wholesale change them. That is not what we bought into as property owners and if they're willing to build it out as it was originally approved by the County Board – it probably wasn't you folks, that's fine. But if they want to make wholesale changes to that and reduce our property values it's basically a confiscation of property rights. It wasn't what was sold and it wasn't what we purchased.

And I would have to agree with the gentleman right before me, there is a huge pile of dirt being dumped out there and I haven't been able to find any permit and I maybe just haven't looked in the right spot. But I think a one-year extension would be sufficient to finish their completion of that project. That's all I have.

CHAIR STEFANICS: Thank you very much. Anybody else that wishes to speak on this case, pro or con? We haven't asked you any questions yet, so thank you very much. So, Commissioners, questions comments? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Actually I do have questions for Mr. Siebert. On the issue of affordable homes, can you tell me whether they are all intended to be affordable homes?

MR. SIEBERT: Madam Chair, Commissioner Holian, I have with me tonight Rob Gibbs who is the real estate development manager from Homewise and I'd like him to speak to that. And let me say I can understand the concern on the part of those homeowners and lot owners and I understand, Homewise understands there has to be a considerable amount of dialogue that goes on that will have to begin in serious here shortly. But with that let me have Mr. Gibbs discuss that.

COMMISSIONER HOLIAN: Thank you.

[Duly sworn, Robb Gibbs testified as follows:]



ROB GIBBS: Rob Gibbs, real estate manager for Homewise, 1301 Siler Road. Madam Chair and Commission, just to respond to some of the questions and comments that were brought up. We just purchased this property and closed on it in late September. We're in the process right now of just reviewing what the current market is and what our goals are going to be. We have met with Mr. Hahn, the president of the homeowners association. We have met with a couple neighboring associations to talk to them to find out what their thoughts and concerns might be and have been able to take notes on that.

Right now we have not made any formal plans of what our timeframe is and what we are proceeding to do. I can tell you this though. In phase 1, of the 88 lots there's 74 lots that we currently own and that we will be continuing to build those out as single family homes. Yes, there are eight affordable homes that are part of the master plan approval of the plat. Those will be affordable. We will be building market-rate homes throughout the development along with we probably will be selling off some lots to other custom home builders, because there's certain parts of the market that we don't serve that we want to make sure is served in the neighborhood because we do have a common interest to maintain values and neighborhoods in the community.

For this extension it's really for the second phase of the development which the infrastructure of that has not been completely designed at all, and so that's what we need a two-year extension for. In phase 1, there's a current letter of credit of around \$317,000 with the County. We are already in place with Los Alamos National Bank as a lender to come in and make the change on that as it matures here this month. So we will be replacing that, and the final lift of pavement is in our schedule to put in once the weather improves this next spring. I just received today an estimate from my contractor for the curb and gutter that needs repairs out there. There's some damaged curb and gutter, about 1,700 linear feet. I just received that. And then again, weather permitting, we'll get started on the removal and replacement of that curb and gutter.

So our plan is to go ahead and get that work all completed this next spring so it's all in good shape for the existing three homes that are built there and then for any of the lot owners that currently live out there that will be able to build in the future. In reference to do we have any wholesale changes or things we want to do to design guidelines or the covenants and restrictions, we're just in the process of reviewing all those and what our plan was is we don't plan to come in with wholesale changes in there. We will probably want to do some modifications to give us a bit more flexibility on some architectural design.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Gibbs. And do you have any comments about that fill dirt that was dumped out there?

MR. GIBBS: Sorry. On the fill dirt, there is an existing stockpile site on the development that was there for the first phase and so we placed some dirt there. We had some excess dirt from a site that was adjacent to it, because we're going to be needing some fill dirt, so that's why that was put in there.

COMMISSIONER HOLIAN: Okay. Thank you. Any other questions?

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this request, and this goes back to Vicki first I guess. This request is a request for time extension. It does not have any material changes to the existing plat whatsoever, correct?

MS. LUCERO: Madam Chair, Commissioner Anaya, that's correct. He's not making any changes to the originally approved master plan.

COMMISSIONER ANAYA: Any material changes as Commissioner Vigil brought up earlier would have to come back to the CDRC and the Commission, depending on the level of the change, correct?

MS. LUCERO: That's correct. Yes.

COMMISSIONER ANAYA: Madam Chair, I don't have any other comments. I would add that affordable housing houses firefighters, teachers, County employees, retail workers, construction workers. I would applaud the efforts if there's an ability to provide more than eight units to provide housing for those folks. I think the intent of the master plan is intact and I would defer if there's any other comments. I'd like to hear the rest of the Commission.

COMMISSIONER HOLIAN: Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: I guess I'm having a little difficulty with this because the original plan for this was in 2001. That precedes anyone on this Commission and I'm the most tenured Commission and it even precedes me. And that I guess is for the original master plan development. And then it was – at what year did Homewise purchase this? Was that in 2010?

MS. LUCERO: Madam Chair, Commissioner Vigil, I believe that was this year that they purchased it.

COMMISSIONER VIGIL: And I have a concern about roads and utility easements being substantially complete subdivision. It seems that a substantially complete subdivision might need to be revisited. So Vicki, how did you make the determination that that limited amount of investment was a substantially complete subdivision?

MS. LUCERO: Madam Chair, Commissioner Vigil, are you referring to the financial guaranty that they would need to submit?

COMMISSIONER VIGIL: I'm referring to the improvements in phase 1 of the Tessera Subdivision is substantially complete statement, and that is on the top of page 3, and that's a summary provided by staff.

MS. LUCERO: Madam Chair, Commissioner Vigil, that was based on the previous letter of credit that was submitted for the phase 1 development when they were approved for the final plat. They've requested several draw-downs as the improvements have been completed. So they were down to, I think, as Mr. Gibbs mentioned, \$317,000 from what started as I think it was close to \$3 million of a financial guarantee. So that's all that's left to do. It's probably a little under \$317,000 worth of improvements.

COMMISSIONER VIGIL: So I guess what you're saying you base your analysis of substantially complete on what has been drawn down from the letter of credit.

MS. LUCERO: On what was originally required and what has been accomplished.

COMMISSIONER VIGIL: Okay. Thank you, Madam Chair. That explains that.

CHAIR STEFANICS: Thank you. I'm sorry I had to step out. Anything else? Okay is there an action item?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: I believe this is just an extension of time and I move for approval.

CHAIR STEFANICS: Is there a second? I will second. And I should actually indicate before I take the vote is that this is about treating this application equitably with the other applications that have received the two years in my opinion.

**The motion passed by majority 2-1 voice vote with Commissioner Vigil opposing and Commissioners Holian and Mayfield not present.**

COMMISSIONER VIGIL: I'm going to oppose, Madam Chair, only because I do agree on the equitable assessment but I don't believe Concierto at Las Campanas had an approval of 2001. And so the extension for them doesn't have as much timeframe. But I think you've got the vote, Madam Chair.

**XVI. A. 4. CDRC Case # V 12-5290 William Keller Variance. William Keller, Applicant, Requests a Variance of Section 9.8 (Mountain Special Review District Standards) to Allow an Addition to an Existing Residence to Exceed 14 Feet in Height. The Property is Located at 20 La Barbaria Road, within the Vicinity of Old Pecos Trail, within Section 17, Township 16 North, Range 10 East (Commission District 4)**

JOHN LOVATO (Case Manager): Thank you, Madam Chair. William Keller, applicant, requests a variance of Section 9.8 (Mountain Special Review District Standards) to allow an addition to an existing residence to exceed 14 feet in height on 13 acres. The property is located at 20 La Barbaria Road, within the vicinity of Old Pecos Trail, within Section 17, Township 16 North, Range 10 East, Commission District 4.

There is currently one dwelling unit on the property and an accessory structure. The existing residence is 2,700 square feet and the addition is approximately 500 square feet. The residence on the property is recognized as a legal non-conforming structure which was constructed in 1974. The proposed addition to the existing residence would exceed height requirements but would match the existing height of the residence of 20'9". The proposed addition would consist of an office, a laundry room and a walk-in master closet.

Currently the existing structure consists of a master bedroom, a master bath, a kitchen, a bedroom, a bathroom, a weight room and a study area. The existing structure is a flat roof and the proposed addition would match the existing residence. The proposed addition will be located on the eastern portion of the residence and will not be visible from any major arterial but will be visible from La Barbaria Road.



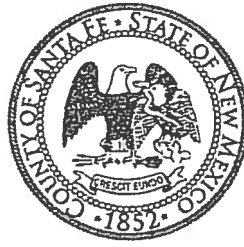




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**CASE NO. V 12-5290**

**VARIANCE**

**WILLIAM KELLER, APPLICANT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on December 11, 2012, on the Application of William Keller (hereinafter referred to as "the Applicant") for a variance of Section 9.8 (Mountain Special Review District Standards) to allow an addition to an existing residence to exceed 14 feet in height on 13 acres. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. Applicant sought a variance from Section 9.8 (Mountain Special Review District Standards) to allow an addition to an existing residence to exceed 14 feet in height on 13 acres.
2. Ordinance No. 2009-01 repealed Ordinance No. 1997-4 (Extraterritorial Zoning Ordinance) with the exception of Section 9.8 (Mountain Special Review District). Therefore, this Application is governed by Section 9.8 MSRDL Standards which limits the height of structures with a flat roof to 14' feet and 18' feet for pitched roofs.

3. The property is located at 20 La Barbaria Road, within Section 17, Township 16 North, Range 10 East ("Property").
4. The subject lot was created in 1996, and is recognized as a legal non-conforming lot.
5. There is currently one dwelling unit on the property which is recognized as a legal non-conforming structure constructed in 1974. The dwelling unit has a flat roof as would the addition.
6. The proposed addition to the existing residence would exceed height requirements but would match the height of the existing residence of twenty feet (20') nine inches (9").
7. The proposed addition will be located on the eastern portion of the residence and will not be visible from any major arterial but will be visible from La Barbaria Road.
8. No one spoke in opposition of the Application.
9. Staff recommends the following conditions of approval:
  - A. The Applicant shall comply with all Fire Prevention Division requirements at the time of development permit application.
  - B. The Applicant must obtain a development permit from the Building and Development Services Department for the proposed addition.
10. In support of the Application, the Applicant stated that she is in agreement with staff's conditions.
11. The allowance of an addition with a flat roof at a height of twenty feet and nine inches represents a minimal easing of the height requirement.



12. Granting the requested variance for an addition to a structure which already exceeds the height limitations of the MSRD would not nullify the intent of the Land Development Code.

**WHEREFORE** the Board of County Commissioners of Santa Fe County hereby approves the request for a variance of Section 9.8 (Mountain Special Review District Standards) to allow an addition to an existing residence to exceed 14 feet in height on 13 acres subject to the conditions as stated in Paragraph 9.

**IT IS SO ORDERED**

This Order was approved by the Board of County Commissioners of Santa Fe County on this \_\_\_\_ day of February, 2013.

\_\_\_\_\_  
Kathy Holian, Chair

ATTEST:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen C. Ross, County Attorney

DRAFT

CHAIR STEFANICS: Thank you. I'm sorry I had to step out. Anything else? Okay is there an action item?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: I believe this is just an extension of time and I move for approval.

CHAIR STEFANICS: Is there a second? I will second. And I should actually indicate before I take the vote is that this is about treating this application equitably with the other applications that have received the two years in my opinion.

**The motion passed by majority 2-1 voice vote with Commissioner Vigil opposing and Commissioners Holian and Mayfield not present.**

COMMISSIONER VIGIL: I'm going to oppose, Madam Chair, only because I do agree on the equitable assessment but I don't believe Encierto at Las Campanas had an approval of 2001. And so the extension for them doesn't have as much timeframe. But I think you've got the vote, Madam Chair.

**XVI. A. 4. CDRC Case # V 12-5290 William Keller Variance. William Keller, Applicant, Requests a Variance of Section 9.8 (Mountain Special Review District Standards) to Allow an Addition to an Existing Residence to Exceed 14 Feet in Height. The Property is Located at 20 La Barbaria Road, within the Vicinity of Old Pecos Trail, within Section 17, Township 16 North, Range 10 East (Commission District 4)**

JOHN LOVATO (Case Manager): Thank you, Madam Chair. William Keller, applicant, requests a variance of Section 9.8 (Mountain Special Review District Standards) to allow an addition to an existing residence to exceed 14 feet in height on 13 acres. The property is located at 20 La Barbaria Road, within the vicinity of Old Pecos Trail, within Section 17, Township 16 North, Range 10 East, Commission District 4.

There is currently one dwelling unit on the property and an accessory structure. The existing residence is 2,700 square feet and the addition is approximately 500 square feet. The residence on the property is recognized as a legal non-conforming structure which was constructed in 1974. The proposed addition to the existing residence would exceed height requirements but would match the existing height of the residence of 20'9". The proposed addition would consist of an office, a laundry room and a walk-in master closet.

Currently the existing structure consists of a master bedroom, a master bath, a kitchen, a bedroom, a bathroom, a weight room and a study area. The existing structure is a flat roof and the proposed addition would match the existing residence. The proposed addition will be located on the eastern portion of the residence and will not be visible from any major arterial but will be visible from La Barbaria Road.

Ordinance No. 2009-1 repealed Ordinance No. 1997-4, Extraterritorial Zoning Ordinance, with the exception of Section 9.8, Mountain Special Review District. Therefore this application is governed by Section 9.8, MSRD standards, which limits the height of structures with a flat roof to 14 feet and 18 feet for pitched roofs.

The applicant states a variance is needed due to the addition greatly improving the usability of the residence and would accommodate more room for his aging father-in-law and provide privacy. The applicant further states the appearance of the proposed addition is located on the eastern portion of the residence and would match the existing upper level.

On October 18, 2012 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the applicant's request by a 6-0 vote.

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

Staff recommendation: Denial of the variance of Section 9.8, Mountain Special Review Standards. If the decision of the BCC is to recommend approval of the applicant's request staff recommends the imposition of the following conditions. Madam Chair, may I enter those conditions into the record?

CHAIR STEFANICS: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit application (As per 1997 Fire Code and NFPA Life Safety Code).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the proposed addition. (As per Article II, § 2).

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

CHAIR STEFANICS: Thank you. Ms. Lucero, this is an anonymous letter. We don't usually take any anonymous letters. [Exhibit 9]

MS. LUCERO: Madam Chair, you're correct. It is an anonymous letter. I don't know if we need to strike it from the record at this point.

CHAIR STEFANICS: Well, I think it's really disingenuous if individuals have a comment and they don't want to put their name to it. Thank you. Questions for staff? Is the applicant here? Would the applicant like to say something?

[Duly sworn, Bryan Berg testified as follows:]

BRYAN BERG: Bryan Berg. Madam Chair, I think there's just a short list here, I think the most important being the original 1974 residence is unaltered and that the applicants are not really asking you for anything they don't already have. They're not asking to build the building any higher than it is. They're basically taking what's a really narrow, little, kind of awkward piece that sticks up and bumps out the back of it. So when you look at your documents, the photo – if you look at Exhibit 4, if you're looking at the same thing I have.

CHAIR STEFANICS: Exhibit 4?

DRAFT

MR. BERG: Yes. That's what you see when you come up La Barbaria headed towards the foothills. So their improvements would be on the backside of this so in addition to matching the existing height and building to the back they're also not following the greater, larger perimeter of the house. They're maintaining a setback to preserve the original volumetric qualities of the house.

All of this, mind you, is considerably more expensive than if they would have just followed the perimeter and just built on to the front. So they made a number of concessions to try to make what is quite frankly kind of unusual space viable.

So to repeat, you're not really – I know you can't set a precedent, so you're not giving them anything they don't already have. It's the same height. They just looking to bump it out a bit in the back. They're only in the MSRDL by 20 feet of elevation. In fact their neighbors around them are lower so everyone else around them can do all kinds of things that they can't.

Modifications are in the rear – I just said that. They're on 13 acres with quite a bit of tree cover for the large majority of the residence. It's a lot better for them to add square footage within the existing confines of the footprint than to add on to fragile slopes that surround the house. They have numerous family needs which John touched on and if you would like them to talk about I'm sure they would.

I have a belief that it's better for the County in the scope of their land use intentions to try to make older housing stock viable, because that's a contributing factor to sprawl. We have people who will drive out to what was the big ranch past Lamy because they might want to have a newer home. So I guess I personally feel like – and I actually live just up the hill from these people and I also know in my neighborhood up there that there's a lot of house that are way, way taller than this house. Some of them are much more visible and they're all going to need work done eventually and it's something that the County is really going to have to think about how you proceed with those things because those houses are just turning into garbage because people don't want to go through the process.

So I think it's really important to maintain the housing stock we have that's that close to town. And it was approved unanimously by the CDRC. There really wasn't, I don't think, any big difficulty. I do believe land use is required by the code and by their own rules to recommend denial because by the numbers it is not a minimal easy. It's not a matter of inches. It's a matter of feet. But in this case again, for not asking for one inch more than they already have and what they're asking for is in the rear of the building. I guess that's sort of the long and short of it really.

CHAIR STEFANICS: Okay. Thank you. This is a public hearing. Is there anyone here in the audience that is here to speak for or against this variance request? Is there anybody in the audience to speak on this request? Okay, questions from the Commissioners for staff or the applicant? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I very much appreciate the comments of the gentleman that just spoke. I think that he makes a very valid point that we need to take into consideration for the code as it relates to existing structures and expanding those existing structures if they stay within the same scope and framework as the existing structure. So I would ask Penny, you and Vicki to think about that because I think that's a very valid point. That's the only comment I have. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: I'm sorry, I sort of missed the beginning part of this, but I did read the packet and I guess, I just want to ask – I'm not sure who the appropriate –

CHAIR STEFANICS: Mr. Lovato.

COMMISSIONER HOLIAN: Okay. Mr. Lovato, I just want to confirm with you that the addition is going to be no higher than what exists there now. Correct?

MR. LOVATO: Madam Chair, Commissioner Holian, that is correct.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Thank you. Is there a motion?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: With the conditions?

COMMISSIONER HOLIAN: With the conditions. With staff conditions.

CHAIR STEFANICS: Okay. Any further discussion?

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

- XVI. 4. 5. CDRC Case # V 12-5120 John & Virginia Kraul Variance. John & Virginia Kraul, Applicants, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 0.90 Acres. The Property is Located at 7 Camino La Llorona, within the Traditional Community of Canada de los Alamos, within Section 27, Township 6 North, Range 10 East (Commission District 4). John Lovato, Case Manager. [Exhibit 10: Petition and Photos]

JOHN LOVATO (Case Manager): The property is located within the Traditional Community of Canada de los Alamos where the minimum lot size is 0.75 acres per dwelling. The subject lot was created in 1998, by way of a Family Transfer. There is currently a permitted residence, which is a modular unit with bath facilities which was permitted as an accessory structure and is now proposed to become a dwelling; an accessory structure used for storage; a garage; and a proposed storage shed on the property. The current accessory structure proposed for use as a residence is a 625 square foot modular unit.

In March of 1998, the Applicants obtained a permit for an accessory structure. The structure was then converted into a dwelling unit without authorization from the County, and the Applicant's sister resides in that unit. On October 7, 2011 a Notice of Violation was issued for exceeding density. Following issuance of the Notice of Violation, the Applicants converted the unit back to an accessory structure, as verified through an inspection. The Applicants are now in compliance with what was permitted in 1998.

The Applicants state, a variance is needed due to the sister's medical condition. The





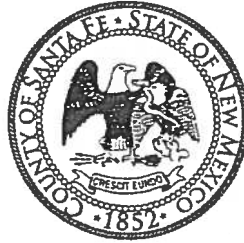




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**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*

**CASE NO. MIS 08-5211**  
**SANDSTONE PINES SUBDIVISION TIME EXTENSION**  
**ANASAZI MVJV LLC, APPLICANTS,**  
**MELVIN VARELA, VICE PRESIDENT ANASAZI MVJV LLC**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners ("BCC") for hearing on July 10, 2012, on the Application of Anasazi MVJV LLC, (herein after referred to as "the Applicants") for a 36-month time extension of the Preliminary and Final Plat and Development Plan approval of the Sandstone Pines Subdivision. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing, finds that the Application is well-taken and should be granted and makes the following findings of fact and conclusions of law:

1. Article V, Section 5.3.6 of the County Land Development Code states, "An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Prior to the expiration of the preliminary plat, the subdivider may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six (36) months."

2. Article V, Section 5.4.6 of the County Land Development 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.”

3. The Applicants obtained Preliminary and Final Plat and Development Plan approval on July 13, 2010.

4. The Applicants now request a 36-month time extension of the Preliminary and Final Plat and Development Plan approval of the Apache Springs Subdivision which consists of 12 residential lots within a 42.99-acre area.

5. The property is located in Glorieta, North of I-25, South of NM State Road 50 within Sections 1 and 2, Township 15 North, Range 11 East.

6. In support of the Application, the Applicant submitted a letter of request, proof of ownership, and proof of legal lot of record and approved plans.

7. The Applicant states that since the BCC’s approval of the Final Development Plan and Plat, due to the slow economy they have not been able to move forward with the subdivision. Their hope is that the economy will improve within the next couple of years and they will be able to put in the infrastructure and finish the subdivision.

8. There was one person from the public who spoke in regards to this Application and he was opposed to the Application.

9. The Application should be approved subject to the following conditions:

A. Compliance with the original Preliminary Plat and Development Plan approval.

B. A pump and water quality test must be conducted prior to actual development of the property.

**WHEREFORE, THE BCC HEREBY APPROVES** the Application for a 36-month time extension of the approved Preliminary and Final Plat and Development Plan for the Sandstone Pines Subdivision which will now expire on July 13, 2015.

**IT IS SO ORDERED:**

This Order was approved by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

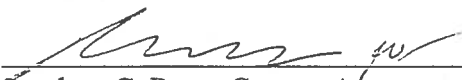
**BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

By: \_\_\_\_\_  
Kathy Holian, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Stephen C. Ross, County Attorney

but say, take this building right here, x-many square feet, if you have enough hydrants to meet the minimum fire flow you may not have to sprinkler the building, if you have that fire flow, depending on occupancy and use.

COMMISSIONER MAYFIELD: Madam Chair, I won't go down that – but Captain, I'm going to talk with you [inaudible] Madam Chair, that's all I have for questions and thank you, and all the applicants, thank you for being here and again, I know it's been a long, drawn-out process but I do appreciate your patience with this and also the comments from different folks. There are some letters in here – I know they've been stated but there is one asking for us to kind of hold off; they don't support this. I heard Ms. Lobato and there's many letters in this application in support. But this process has helped educate me a lot too so thank you all.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, Mr. and Mrs. Johnson, I really want to thank you for your patience, going through this process, and your persistence. With that I would like to move for approval of CDRC Case #MP/PDP/FDP 12-5210.

CHAIR STEFANICS: Ms. Lobato. The public hearing is completed. It is the Commissioners' time now. So Commissioner Holian, please continue.

COMMISSIONER HOLIAN: Ravens Ridge Bed and Breakfast with staff conditions.

CHAIR STEFANICS: Okay. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Thank you. Is there any further questions or comments from Commissioners?

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

- XVI. B. 3. BCC CASE # MIS 08-5211 Sandstone Pines Time Extension. Anasazi MVJV LLC, Applicants, Request a 36-Month Time Extension of the Previously Approved Preliminary and Final Plat and Development Plan for a 12-Lot Residential Subdivision (Sandstone Pines) on 42.99 Acres. The Property is Located in Glorieta, North of I-25, South of State Road 50, within Sections 1 & 2, Township 15 North, Range 11 East, Commission District 4**

MS. LUCERO: Thank you, Madam Chair. MVJV LLC, applicants, request a 36-month time extension of the previously approved preliminary and final plat and development plan for a 12-lot residential subdivision on 42.99 acres.

CHAIR STEFANICS: Excuse me one second. Is this part of the meeting televised, Penny? Then we need Ms. Lucero to come to the front please.

MS. LUCERO: MVJV LLC, applicants, request a 36-month time extension of the previously approved preliminary and final plat and development plan for a 12-lot residential subdivision on 42.99 acres. The property is located in Glorieta, North of I-25,

the County Commission deny the 36-month time extension of the previously approved preliminary and final plat and development plan for Sandstone Pines.

There have been two proposed subdivisions on this same plot of land. Case #SO 3-5920, Las Animas Subdivision was first heard by the CDRC March 2004. The proposal was denied by the CDRC in August 2004 and subsequently denied by the BCC at the September 20, 2004 meeting. A new subdivision the current Sandstone Pines was proposed in 2008 and the CDRC, after numerous meetings and testimony once again denied it at the March 18, 2010 meeting.

Our opposition to this subdivision on this property has always been concerning water – water quality and more important, water availability. CDRC and BCC from 2004 and the CDRC from 2010 have evidently found the testimony of evidence insufficient water presented by my hydrologist, Dr. Steven Finch, and the County Hydrologist from 2004, Dr. Stephen Wust, compelling enough that they voted to deny both proposed subdivisions. Surprisingly in the BCC in 2010, although by a narrow margin, subsequently approved the preliminary and final plat and development plan for the Sandstone Pines Subdivision, disregarding the recommendations of the 2010 CDRC and previous decisions by CDRC and BCC in 2004.

With the increasing current drought conditions in New Mexico we ask that the BCC deny the application for the subdivision extension. If drought conditions continue as they are predicted to it doesn't make sense to grant an unconditional 36-month extension. It makes more sense to require Anasazi to reapply when they are ready to start development and let CDRC and the BCC reassess the water availability at that time. If indeed a long-term water supply to support such a subdivision does not exist it could pose a threat to the current residents in this area and those who may purchase property in the subdivision itself. And I thank you.

CHAIR STEFANICS: Thank you very much. Is there anyone else in the audience that is here to testify on behalf of or in opposition to. Okay, this is coming back to my memory. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is a question for you, Vicki. There is an existing well on the property, correct?

MS. LUCERO: That's correct.

COMMISSIONER HOLIAN: And another pump test could be performed on that well in principle?

MS. LUCERO: Madam Chair, Commissioner Holian, yes, I believe that another pump test could be conducted.

COMMISSIONER HOLIAN: And I guess my other question is can – if we were to approve this, could we add conditions. Or if we approve a time extension do we have to go with the same conditions?

MS. LUCERO: Madam Chair, Commissioner Holian, I believe that if it is the wishes of the Commission to add additional conditions that they may do so.

COMMISSIONER HOLIAN: Okay. Thank you. And then I have a question for Captain Patty.

relative to economic conditions. Did we require additional conditions on those applicants? Mr. McCarthy comes to mind. I think it was Mr. McCarthy's property, and Mr. Hoeft. There was a couple. Galisteo Basin Preserve, Mr. McCarthy's property, we granted an extension I believe. Longford Homes. Those three. Those three come to mind relative to requesting an extension of time, based on some similar provisions that we granted. So I'm just curious.

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, I'm not sure that we added additional conditions to those applications.

COMMISSIONER ANAYA: So Madam Chair, I think we set some precedent. I think there's 17 conditions and you said there's another one? 18?

MS. ELLIS-GREEN: There's 17 on Exhibit 6.

COMMISSIONER ANAYA: I guess I'll listen to the rest of the comments but I think we set some precedents with some prior approvals. I don't know that it matters but I know we recently did that. Those three come to mind -- Longford Homes, I think, McCarthy -- and what was the other one I said? Galisteo Basin Preserve.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: I'd like to make a couple of comments and ask some questions of staff. Ms. Lucero, this was approved two years ago, and if we approve this three-year extension, will the applicant be eligible for any further extensions?

MS. LUCERO: Madam Chair, the code is specific to say that the BCC can extend the approval for no more than 36 months.

CHAIR STEFANICS: And if the applicant has not completed anything in the next three years and we have a new code, and something would change in that code, can the applicant reapply? Mr. Ross?

MR. ROSS: Madam Chair, it's actually the Subdivision Act and no, they cannot.

CHAIR STEFANICS: Thank you. I remember, Ms. Lucero -- I started looking at the map it kind of dawned on me and then I read the minutes. There was a lot of controversy about this at the time. Now, I don't see -- see one gentleman coming, and bless your heart for bringing public comment, but I'm wondering, is all the controversy gone with this whole project?

MS. LUCERO: Madam Chair, the only person I've heard from in regards to this application is the gentleman who is here today. I haven't received any phone calls or letters from anybody else within the community.

CHAIR STEFANICS: Okay. Thank you. Any further questions? Commissioner Vigil, did you have any questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just have a comment. I just know, because of water quality issues in Glorieta Estates, which is very close by this particular proposed subdivision, that it seems to me like it would be prudent to have another condition, and Mr. Varela has agreed to doing this, to do another water quality test prior to development. And I think that that is in the best interest of the people who would buy those lots because -- rather than them having to do the water quality tests. There was uranium found in water in Glorieta Estates, and that came up rather suddenly. And so I just think that

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes. Are you finished, Commissioner Holian?  
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would move for approval with an 18<sup>th</sup> condition of water quality testing and pump testing on the third well.

CHAIR STEFANICS: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Any further comments, questions, discussion?

COMMISSIONER MAYFIELD: Madam Chair, I had a question.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, this question is for staff. Madam Chair, didn't the County pass a resolution based on economic conditions that we will – didn't we pass something where people have an extension if they have something in the hopper with us?

MR. ROSS: Madam Chair, Commissioner Mayfield, no. It permits them to engage in a process when their master plan or preliminary plan or final plat has expired. You still have to file an application and go through a process.

COMMISSIONER MAYFIELD: Okay. Thank you. That's all I have, Madam Chair.

CHAIR STEFANICS: Thank you. I'm going to make a comment. I'm going to support the motion just because – I voted against this project in the first place and I still have the same concerns as then, but we have provided extensions to other projects. And so I feel like although I was in the minority, it did pass. We have provided extensions to other individuals, and so I think we should maintain that standard. Any other comments before we vote?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I just have a comment too. I do have concerns about the water quantity and quality in this area, but I hope that by doing – there will be another well drilled and there will be testing done and I hope that those things – if there is a problem that they will not be allowed to go forward, that they will have to prove that they have sufficient water at the time the development goes forward and that it is of sufficient quality.

CHAIR STEFANICS: Thank you very much. We have a motion to accept the staff recommendation and an 18<sup>th</sup> condition. We have a second.

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

CHAIR STEFANICS: Okay. You have it.







