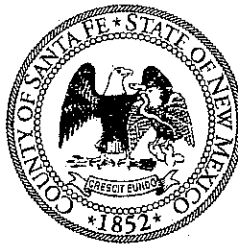


Daniel "Danny" Mayfield
Commissioner, District 1

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

BOARD OF COUNTY COMMISSIONERS

CASE NO. Z/S 08-5440
TIERRA BELLO SUBDIVISION
JOSEPH MILLER, APPLICANT
DANNY MARTINEZ, AGENT

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on May 14, 2013, on the application of Joseph Miller, (hereinafter referred to as "the Applicant"), and Danny Martinez (hereinafter referred to as the "Agent") for Master Plan Zoning approval for a 73-lot residential subdivision on 263.769 acres \pm and Preliminary and Final Plat and Development approval for Phase 1 which consists of 9 lots. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on May 14, 2013 on the request, finds that the Application is well-taken and should be granted subject to conditions and makes the following findings of fact and conclusions of law:

1. The Applicant requests Master Plan Zoning approval for a 73-lot residential subdivision on 263.769 acres \pm and Preliminary and Final Plat and Development approval for Phase 1 which consists of 9 lots.

3. The property is located at the Northeast intersection of Avenida de Compadres and Spur Ranch Road, south of Avenida Eldorado, within Sections 24 & 25, Township 15 North, Range 9 East.

4. In support of the Application, the Applicant's Agent submitted a development report including proof of legal lot of record, a ready, willing and able to serve letter from the Eldorado Water and Sanitation District, proposed survey plat and development plans, a traffic study, an archaeological report, a terrain management plan, subdivision covenants, a disclosure statement and water restrictive covenants.

5. On January 17, 2013, the County Development Review Committee ("CDRC") held a public hearing on the Application and tabled the case to allow the Community to review and discuss the most current information as submitted by the Applicant, and to allow the Applicant and the Court of Appeals mediator to meet with members of the community regarding concerns having to do with roads and traffic and the restrictive covenants

6. On February 21, 2013, the CDRC once again heard this case. A motion was made to recommend approval of the request. However, with only 6 members present the motion ended in a tie vote and therefore the case was tabled.

7. On March 21, 2013, the CDRC acted on this case. The decision of the CDRC was to recommend approval of the request.

8. On May 14, 2013, the BCC took public testimony on this Application. There were two members of the public who spoke against the Application. They raised concerns regarding water availability, road improvements to Avenida de Compadres, and the installation of gates at the secondary, emergency access points.

9. The Application complies with all relevant code requirements and therefore, staff recommends approval of the Application subject to the following conditions:

- a. The Applicant shall comply with all review agency comments and conditions, **Article V, Section 7.1.3.c.**
- b. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per **Article V, Section 5.2.5 and Section 5.4.5.**
- c. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months as required by **Article V, Section 9.9.**
- d. A market analysis will be required with the Preliminary Plat application for Phase 2 of the development, **Article V, Section 5.2.2.g.2.**
- e. Improvements to the deceleration lane from US 285 onto Avenida Eldorado will be required by NMDOT. NMDOT will determine at what phase of the development these improvements are to be completed, **Article V, Section 7.1.3.c.**

10. The Applicant was in agreement with all conditions.

11. The Master Plan and Preliminary and Final Plat and Development Plan are in accordance with Article V, Section 5.2 (Master Plan Procedures), Article V, Section 5.3 (Preliminary Plat Procedures), Article V, Section 5.4 (Final Plat Procedures), and Article V, Section 7 (Development Plan Requirements) of the Santa Fe County Land Development Code ("Code").

11. Under the circumstances and given the evidence and testimony submitted during the hearing, the Application should be approved subject to staff conditions.

WHEREFORE, THE SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY APPROVES the Application for Master Plan Zoning for a 73-lot residential subdivision on 263.769 acres \pm and Preliminary and Final Plat and Development approval for Phase 1 which consists of 9 lots subject to the conditions set forth in paragraph 9 above.

IT IS SO ORDERED:

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

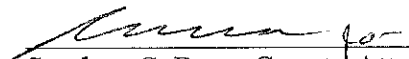
**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By _____
Kathy Holian, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

MR. CHRISTOPHER: Absolutely, yes.

COMMISSIONER MAYFIELD: Thank you. With that, Madam Chair, I would move for approval with staff's recommendations.

CHAIR HOLIAN: Is there a second.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay we have a motion and a second for approval of CDRC Case V 13-5050 with staff conditions. All those in favor signify by saying "aye."

The motion passed by unanimous [4-0] voice vote.

CHAIR HOLIAN: The variance is approved 4-0.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate Commissioner Mayfield bringing up the comments he did and commenting on the Code of the West and I just want to say that I penciled on my notebook over here that if you put into years the amount of time I've spent in the wilderness off the grid it equates into several years of time that on purpose I was off the grid where I couldn't be reached. But I will say this, I know Santa Fe County, Mr. Patty and emergency services will do everything to get to me if I needed some help. And, I understand if they can't get there but I think it's a good thing to have places where you're not accessible to anyone if that's what you so choose and if you understand that going in then who am I or any other governing body to tell you you can't do that.

So I appreciate the comments and I think we do need to figure out accommodations in the new code that deal with this very issue. So thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Anaya. And I know exactly what you're doing because my husband and I have done it ourselves. So good luck. Thank you.

- XVII. A. 9. CDRC CASE # Z/S 08-5440 Tierra Bello Subdivision. Joseph Miller, Applicant, Danny Martinez, Agent, Request Master Plan Zoning Approval for a 73-Lot Residential Subdivision on 263.769+ Acres and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of 9 Lots. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 and 25, Township 15 North, Range 9 East, (Commission District 5)**
[Exhibit 7: DOT memo dated 5/2/13; Exhibit 8: Resident (Bischoff/Lindahl) letter raising concerns; Exhibit 9: Emails cited by R. VanAmberg; Exhibit 10: MOU between the Eldorado Area Water and Sanitation District and the Board of County Commissioners]

VICKI LUCERO (Case Manager): This case was first heard by the CDRC on January 17, 2013. At that time the decision of the CDRC was to table the request to allow the community to review and discuss the most current information as submitted by the applicant and to allow the applicant and mediator to meet with members of the community regarding concerns having to do with roads and traffic and the restrictive covenants. This case went back to the February 21, 2013 where it was tabled due to a tie vote. On March 21, 2013, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request.

The Applicant is now requesting Master Plan Zoning approval for a 73-lot residential subdivision with Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 9 lots.

Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request. Staff recommendation is for approval of the request for Master Plan Zoning for a 73-lot residential subdivision and Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 9 lots subject to the following staff conditions. Madam Chair, may I enter those conditions into the record?

CHAIR HOLIAN: Yes, you may.

The conditions are as follows:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per Article V, Section 5.2.5 and Section 5.4.5.
3. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months as required by Article V, Section 9.9.
4. A market analysis will be required with the Preliminary Plat application for Phase 2 of the development, Article V, Section 5.2.2.g.2.
5. Improvements to the deceleration lane from US 285 onto Avenida Eldorado will be required by NMDOT. NMDOT will determine at what phase of the development these improvements are to be completed, Article V, Section 7.1.3.c.

MS. LUCERO: Thank you, Madam Chair. Also, we have a letter, an updated letter from NMDOT which we'll be handing out shortly and a letter of opposition from one of the neighbors as well.

CHAIR HOLIAN: Thank you, Vicki. Any questions for staff? Seeing none, is the applicant here?

RONALD VANAMBERG: Madam Chair, Ronald VanAmberg on behalf of Tierra Bello and Mr. Miller. And Mr. Martinez has a couple of handouts for the Commission.

CHAIR HOLIAN: Is there anything that you would like to add, Mr. VanAmberg?

MR. VANAMBERG: I don't have a whole lot to add to the staff's report. It reflects the fact that all requirements have been met and that the only opposition or the negative response was from the State Engineer's Office which I will address. I would like to say that this case was tabled in order to allow residents to meet with Mr. Miller and resolve any other issues that they might have or at least discuss them.

On April 11th as indicated in the emails that have been handed out, I reached out by email to Jim Garland who was the spokesperson for the community and there I stated that my understanding was that we had met previously, we had made some very good efforts in order to resolve our differences and I think we resolved most of them. There is a remaining issues as to how many roads – what kind of roads need to be improved but we had redone the covenants and adopted many of Mr. Garland's suggestions and I inquired of Jim whether or not he felt we needed to meet again and his response was, Hi Ron, your understanding is correct. I think we've clarified our respective positions as much as possible and further meetings are not likely to be productive, Regards, Jim.

Mr. Miller and Danny Martinez stood ready and able to meet with anybody who came forward and I think most of the negotiations took place prior to the tabling and there wasn't any further community contact that we were able to discern.

And, so concerning the State Engineer's position on the water at the last meeting I went over the Memorandum of Understanding which was entered into between the County and the Eldorado Area Water and Sanitation District and in that agreement the County quote, recognizes the right of the District under the water and sanitation District act to supply the water to existing and new customers and to supply new developments within its service area boundaries. The County agrees that it not extend its water facilities into the District service area without prior written approval of the District. The parties also agreed that quote, the County has statutory responsibility with respect to each such new development within the District's service area and the parties further agreed that the information provided for the District concerning the adequacy of its water supply is such that for a minimum of three years from the date of the execution of this agreement no further information is needed and the County will accept a quote will serve letter from the District that it is ready, willing and able to provide a customer with water service as adequate for purposes of the required review under the New Mexico Subdivision Act, Zoning Enabling Act, the Santa Fe County Growth Management Plan and the Santa Fe County Land Development Code without further technical review or inquiry. And finally, the agreement reflects the fact that subsequent to the agreement the County and the District – the County will negotiate with the District to provide the District with water from the Buckman Direct Diversion Project and with assist the District in times of drought and mechanical failure or otherwise agreed by the parties on terms specified in this subsequent agreement.

My understanding at our last meeting from Mr. Ross that negotiations were proceeding satisfactorily and I'm not sure if Steve had further update on where they are in these negotiations.

CHAIR HOLIAN: Steve, would you like to comment on that?

MR. ROSS: Well, Madam Chair, we have an agreement a form agreement from the attorneys for the Water District which as far as I'm concerned is approval as its written. We're discussing some refinements to that agreement with them right now and I expect it will be on a Commission agenda in two or three meetings from now.

So I think that it's fair to say that discussions are progressing very well. They had a buy after 150 acre-feet of Rio Grande water from us and also receive backup water as needed.

CHAIR HOLIAN: Thank you, Steve. Mr. VanAmberg.

MR. VANAMBERG: Madam Chair, I have with me Danny Martinez who is the planner on the project and if there are any questions either he or I are happy to respond.

CHAIR HOLIAN: Are there any questions for the applicant? I have a couple. Have you done a market analysis on this particular subdivision?

[Duly sworn, Danny Martinez testified as follows]

DANNY MARTINEZ: Danny Martinez, Land Development Planning for Mr. Miller. Madam Chair, member of the Commission, no, we haven't done a market analysis on this. We've got a market analysis a pro forma that was actually put together a while back that really is not representative of what today's economy is doing. So that would be the concern that we're testing the waters in our own way by moving these developments forth, however, that could pretty much establish any future market in the Eldorado Basin as what we're doing. And I understand that's one of the conditions that is stated by staff that under the next phase a market analysis would be performed.

CHAIR HOLIAN: What do you propose or what are you going to be asking for the lots? What's the range of prices that you're going to be asking for the lots that you're proposing?

MR. MARTINEZ: Madam Chair, Commissioners, at this point we're looking at \$100,000 or slightly less per lot. Each lot is on average of 2.75 or larger so that's about the market rates we're looking at.

CHAIR HOLIAN: And my understanding is that the interior roads to this subdivision are going to be private; is that correct? So the homeowners association will collect dues in order to maintain those roads eventually.

MR. MARTINEZ: Madam Chair, Commissioners, that is correct. It is part of our restrictive covenants and it will be part of our disclosure that the roads will be maintained by the homeowners association.

CHAIR HOLIAN: And in this letter from Lesley Bischoff and Richard Lindahl they who live apparently in Tierra Colinas, they ask about installing gates or barriers on the roads – I guess that adjoins Tierra Colinas and what's your response to that?

MR. MARTINEZ: Madam Chair, Commissioners, the two developments were originally connected when it was a 100-lot subdivision which was called Tierra Dorado. Once the Tierra Colinas portion was developed the road network as is the open space were pretty much tied together so that they made a complete development in some form. Well, at this point we have agreed to follow prior to Buster Patty's recommendation where we would be installing two gates at the two entrances and they would have Knox boxes on it for fire protection. It was of vital interest of the fire department that a fire access be maintained but we will have a gate with Knox boxes on them.

CHAIR HOLIAN: Okay, thank you, Mr. Martinez.

MR. MARTINEZ: Then again I'm reading the letter I see that there's an urgency and I think we're prepared to go there and put the gates up if we have to do it.

CHAIR HOLIAN: Okay, thank you. Any further questions for staff or for the applicant. Seeing, none this is a public hearing. Is there anyone here who would like to speak on this case either in favor or in opposition? Please come forward, state your name for the record and please be sworn in.

[Duly sworn, Richard Lindahl testified as follows]

RICHARD LINDAHL: My name is Richard Lindahl. I am the co-author of the letter that I hope you have before you and I truly wish that Commissioner Stefanics was here tonight because this is in her district and she's very familiar with this whole issue and this whole district. But, be that as it may. You've got that letter, I presume. We're the landowners in [inaudible] and we do commend Mr. Miller for working with the community.

I heard the testimony about Eldorado Water District and the County and all that stuff but, you know, I think the Office of the State Engineer they are the experts in this whole area in the entire state and I think the Office of the State Engineer should be given much greater attention. They issued a negative opinion apparently on the initial development due to the limited and insufficient water supply and I don't think that should be overlooked. They are the expert not the Eldorado Water District. Secondly, I think the County has previously a master plan for roughly 50 lots and now this is mushroomed to 73 and I don't know why given the severe drought that is existing in the area these days the proposed density which is increased density will just add to the strain on the community's water supply. Why doesn't the County stick with the initial 50 lots that were approved in the master plan?

And, then, thirdly, the history of this is that Mr. Miller began the development of this subdivision putting in roads and utilities without the proper authorization or permits from the County. As owners of a lot in Tierra Colinas that is one lot away from his proposed subdivision we've been impaired and we want to sell that lot because of this issue and we've already had two potential buyers that once they found out about his proposed subdivision and the blasted through of the road to Tierra Colinas that was a deal breaker. They didn't want to buy. So I appreciate the fact that the applicant is willing to put up a gate there. I don't know why the applicant blasted that road in through Tierra Colinas without any authorization from the County but, nevertheless, we commend him for proposing to put that gate up but I would request that maybe the Commission should table this proposal or postpone any determination until number one, he actually puts up that gate and then secondly maybe deny the proposed based on the current density of the proposed 73 lots and limit it back to the master plan approval for 50 lots.

So, thank you very much for your consideration. I do appreciation the opportunity to make a comment on this at least. Thank you.

CHAIR HOLIAN: Thank you, Mr. Lindahl. Is there anyone else here who would like to speak on this case?

[Duly sworn, Tom Whitson, testified as follows]

TOM WHITSON: I'm Whitson president of the Sun Ranch Homeowners Association that adjoins the new subdivision of Tierra Bello on the west side and we do have a road, just one road between us and that's what we have between us.

The thing that I see right now that is the biggest problem we've got is that that road is just graded. It's a dirt road and dust is just tremendous problem on that road. The other part is that the gravel road is so rough it will tear cars up if they just continue to go back and forth and I guess my proposal would be rather than waiting until Phase 3 for this subdivision to pave the road, go ahead and start with a paved road that way the lots would be more salable. It would be to the developer's potential for sales to help that a lot and I think it would increase the value for everyone in the area and allow us to prevent that dust from coming over our subdivision with all the traffic. So, thank you, so much

CHAIR HOLIAN: Thank you, Mr. Whitson. Is there anybody who would like to speak? Seeing none the public hearing is closed. Mr. Martinez or Mr. VanAmberg would you like to make some final comments?

MR. MILLER: Yes, Madam Chair, members of the Commission. Again, the road improvement that would be coming under this initial phase is about a \$500,000 road improvement to Compadres road which will include construction to County standards and it will be base coursed until we reach the 4th phase at which point the road will be paved to County standards and it will actually fall under the classification of a collector road at that point.

So the improvements of the road –

CHAIR HOLIAN: So, Mr. Martinez, if I understand you correctly you are going to improve the road even for Phase 1; is that correct?

MR. MILLER: Madam Chair, that's correct. In regards to the 50 lots: he is correct. Originally when this development was approved it was approved as Tierra Dorado. It was a 100-lot subdivision. The phase that we're working in was 50 lots as was Tierra Colinas so the 50 lot approval was basically taken away from Mr. Miller because of conditions that we don't want to go there right now but it was resolved and now we're back to this phase now. At one point there was a desire to go back and do the 50 lots but that would have to require that this Board of Commission would have to rescind their original vote taking away the 50 lots in order for us to go that process. We're so far into this thing that the 73 lots meet the density requirements. It's been six, seven years in the making so we've been working on this for quite some time now and, again, as far as the community we have gone extensively above and beyond to meet with these people. And I think that we're really satisfied that they're satisfied with everything that we've done today.

CHAIR HOLIAN: Okay, thank you. Any questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I have, I guess one question for the applicant and then I'm going to have some questions for the Mr. Ross, if you don't mind. So Madam Chair, and as far as the applicant, I guess the applicant's agent, Mr. Martinez, because you mentioned Phase 4 or Chairwoman mentioned Phase 4 but when do you think that Phase 4 – and the reason I'm bringing up Phase 4 is because of the letter we received from DOT that was handed to us and I can read it but they're talking about the turnout; so when do you think you'll have completion of Phase 4 if this is approved?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, our current master plan/phasing plan is calling that Phase 4 could possibly or conceivably come in as of 2014. We have to test this market and see what's going to happen with the lots. It's just

really difficult to put lots on the tax roll if they're not going to have a good market response so we're looking at, I would say, late 2014, possibly into 15 we would be looking into coming in with that Phase 4 development.

COMMISSIONER MAYFIELD: And, then, Madam Chair, Mr. Martinez and I think it's Mr. Whitson's point as far as starting on the paved road he just mentioned, you're going to be \$500,000 basecourse and everything but if you had some paved roads and I'm not telling you or suggesting where you start your phases or your build out but would there be a reason why you wouldn't want to start is that adjacent to that?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, the big concern that we have is that we have one affordable housing unit that comes in with the development also under Phase 1. We got \$250,000 we're going to be putting into one affordable housing and then we got the \$500,000 into the Compadres Road improvements so that's three quarters of a million before you sell your first lot so the concern was if we had to do the paving and had to make that road complete under Phase 1 what it does is that there's just no profit after trying to sell nine lots based on phasing. The paving alone will increase the costs of Compadres Road by another \$375,000. So that road improvement would now be a three quarter of a million dollar plus we have the affordable housing unit. So the development would have to spend a million dollars before he could sell his first lot. That's why we have requested that the paving be put off until Phase 4.

And, again, in relationship to the Highway Department letter they increased the speed limit on US Highway 285 to 55, well, when they did that it also increased the need for a longer acceleration lane that's where this letter comes in. So the developer has agreed that when we are paving under Phase 4 we would come in and we would make that improvement on 285 at the same time.

COMMISSIONER MAYFIELD: And, Madam Chair, Mr. Martinez I thought I understood Mr. Whitson as saying there are already some paved roads out there where that would make you – excuse me, put you in a position where you wouldn't have to invest those monies right now in new paving.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, the only paved roads out there is Avenida Eldorado. There's no paving – Avenida Eldorado. There's no paving on Compadres Road it's a real rough trail road right now is what it is and very limited access when it's wet. The improvement will bring it to County standards at that point though.

COMMISSIONER MAYFIELD: Okay, thank you. Madam Chair, Mr. Ross, because I don't want to drudge up any bad issues but as far as Mr. Lindahl's and I apologize if I've got your name wrong, sir, concerns, the 50 lots under the master plan and now we're proposing to 73 and what Mr. Martinez alluded to I guess you probably articulated it a little better, so did we initially approve 50 lots and pulled that back based on those settlement agreements and now they're proposing 73 and I guess I'm not understanding that and I'd rather you address that.

MR. ROSS: Madam Chair, Commissioner Mayfield, that's ancient history basically. I mean the problem with the original 50-lot master plan was that it expired and had been superseded by subsequent plans. When Mr. Miller filed his application he was told and correctly so that he could file for any number of lots that was consistent with the prevailing density and this is what he chose. There was no precedent that was test back 25 years ago.

COMMISSIONER MAYFIELD: So that 50 was a moot point.

MR. ROSS: It's gone.

COMMISSIONER MAYFIELD: Okay, thank you. Then the second issue that was brought up from Mr. Lindahl – well there were three issues. Putting in roads without the proper authorization or permits by our County. Can you address that in this letter?

MR. ROSS: Well, Madam Chair, Commissioner Mayfield, we did have an issue with Mr. Miller years ago when the road and other utilities were put in which we resolved through some of the litigation –

COMMISSIONER MAYFIELD: Okay, so that road is already addressed.

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: And then there was a request from Mr. Lindahl and I don't know if applicant Martinez and Mr. Miller and that is the issue with just installing a gate or a barrier on the road immediately. Is that something that could pretty easily be worked out?

MR. ROSS: Madam Chair, Commissioner Mayfield, that –

COMMISSIONER MAYFIELD: Maybe that's for Mr. Martinez –

MR. MARTINEZ: Again, Madam Chair, Commissioner Mayfield, Mr. Miller has agreed and he's prepared to go out there tomorrow if that's what it takes. The gates will go up.

COMMISSIONER MAYFIELD: Thank you, Mr. Martinez. Madam Chair, that's all I have.

CHAIR HOLIAN: Any further questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, one thing struck me about this case that I commented since I go on the Commission and a comment was made earlier by someone that reflected that the State Engineer is the responsible party for regulating water in New Mexico and that individual entities like the county or the city sometimes adopt requirements that are different or more stringent I should say. I actually concur that the State Engineer is the primary governing point for water in New Mexico and was established in state law to help be that person, correct, Mr. Ross?

MR. ROSS: Madam Chair, Commissioner Anaya, yes. Excepting in situations like this where the State Engineer is basically reviewing from an expert perspective applications based on the land development code not based on their own requirements.

COMMISSIONER ANAYA: That was, that was where I was headed and where I have some more questions. When I look at the letter dated March 21, 2013 I mean we're asking them for their expert assessment and they're utilizing the Subdivision Act and the County Code. In the absence of a county code, does the State Engineer provide reviews solely based on the Subdivision Act or do they have to provide reviews at all or is it just a courtesy request?

MR. ROSS: Madam Chair, Commissioner Anaya, in this case we've had issues with State Engineer about master plans, they don't want to review them. But there are

nine lots proposed for final, preliminary and final plat approval here so what they are required to review are those nine lots. The water supply for those nine lots.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross, the intent of having the State Engineer review our subdivision and planning documents is based on the assumption that they are the water governing entity for the State of New Mexico and they are put in place to help provide feedback and advice, correct?

MR. ROSS: Yes.

COMMISSIONER ANAYA: So, with that being said I'm looking at their letter and I'm just trying to understand their letter and their report but first it says – but first it says the office can't determine impact but then in the subsequent five, six, seven pages it actually goes into a far amount of detail as to why it does think there's an opinion. So first they say we don't have an opinion but then in the subsequent pages it talks about supply of water and connection to other wells.

So let me ask the question again, in other governmental entities does the State Engineer have a responsibility by law at all to review subdivision plats or developments? Do they have a responsibility in statute to review subdivisions?

MR. ROSS: Madam Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: Okay. So it's not just give us your expert opinion. There's a statutory provision that says the State Engineer shall review subdivisions?

MR. ROSS: And give their opinion, correct.

COMMISSIONER ANAYA: So that being said, the first problem that I'm having and maybe it's something that I should have brought up sooner but as I look at these reports some of which – I've seen these reports before, they go back and forth between what their statutory obligations are within the Subdivision Act and what the Code requirements are. And I guess where I'm having a problem with this – they're saying they're confusing about providing or don't maybe have the information that they need to provide a perspective but I think they need to differentiate between what's Subdivision Act and what's within their auspice and responsibility and I think the Code interpretation isn't for a third-party or outside party from the County, that's our responsibility.

So I guess in the future what I'm asking for is that they differentiate and clearly separate what is their obligation by law under the Subdivision Act and what the opinion. And the reason I'm saying this, and I know it's late, Madam Chair, but this is an issue that keeps coming up and is going to keep coming up – is that we talk about a 100 years supply in our code. Does the Subdivision Act speak to 100-year supply in the Subdivision Act, State Subdivision Act?

MR. ROSS: Madam Chair, Commissioner Mayfield, no.

COMMISSIONER ANAYA: So what does the Subdivision Act say as far as how long a project should sustain water?

MR. ROSS: Madam Chair, Commissioner, it doesn't. It requires the State Engineer to review according to the local ordinance. So the locality makes the choice in their ordinances what to require. So in our Code is 100-year water supply.

COMMISSIONER ANAYA: So is there a rule of thumb that the State Engineer uses or if an entity says we want to have a five-year water plan they would say, well, that's sufficient or is there a general guidelines that they use in the absence of a water

plan that the board utilizes because I guess what I'm struggling with is if Santa Fe County is – we have a requirement. We say 100 years. I think it's a little odd but I guess I'll continue to learn more, but I guess it's a little odd if we say we want 100-year supply but then we ask our neighbor in the State Engineer, Hey, can you verify that we have 100 year supply? I would think that the State Engineer because they are the water regulatory body, if you will, or you know, or guru expert that they would have a framework to work off. So, they don't have a framework or do we know?

MR. ROSS: Madam Chair, Commissioner Anaya, the 100 year requirement as best as I can determine came from guidelines promulgated 30 years ago from the Attorney General's Office and has just sort of been carried on sort of mindlessly by everybody in this business in a sense.

COMMISSIONER ANAYA: Really?

MR. ROSS: Yeah.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross as I look further into the detail of what they provide I think they do have some analysis in there that is worthy of our consideration. On page two of three at the top, water demand analysis and water conservation, they bring up that there were differing lot sizes within the subdivision that we're asking them to review. Do we rectify that and provide some clarity in our packet to the questions that they raised in section?

Because it does seem a little bit confusing. And I'm at the top of page two of three in the memorandum dated March 21, 2013 from the Office of the State Engineer.

MR. ROSS: I think Vicki may have some information on that.

MS. LUCERO: Madam Chair, Commissioner Anaya, the applicant has addressed those concerns. We haven't received an updated letter from the OSE as of yet but the applicant did address those concerns and noted there is consistency throughout the report.

COMMISSIONER ANAYA: On that piece?

MS. LUCERO: Correct.

COMMISSIONER ANAYA: Okay, so then they go on and so basically what I'm hearing from you, Steve, is that they have the Subdivision Act it doesn't speak anything to water supply over a period of time that we're aware of. We're not aware whether or not there's a general rule of thumb that they utilize in the absence of a governing body that has a term. So taking that at its face value what's puzzling to me and you have to help me understand is in a subdivision of 73 lots, okay, and we're only talking about nine. We're only talking about nine lots in the subdivision where we on numerous occasions have made it public and known that we have the water supply. I said many things at the last Commission meeting that dealt with a similar matter. We absolutely have a water supply that is coming into the area. Help me understand the justification or the remarks that they make in the memo that speak to not being able to substantiate nine lots? We're not talking 73. They're only speaking the nine lots and they're saying based on the information that they have and based on their analysis of our code and our requirements – I mean these are bona fide experts in water policy and they're saying you don't have enough to justify nine lots. I, I – you have to help me because it's important to this case but it's important to all future cases. What is it? Is that confusion of what we're expecting and what they're trying to analyze or where is the confusion at?

MR. ROSS: Madam Chair, Commissioner Anaya, there's two principle points of confusions I think that they're suffering from. Number one, I think they're discounting our efforts to hookup the Water and Sanitation District to our Buckman Direct Diversion water source. That's something they haven't been able to accept as of this plan and probably for a good reason because we haven't documented it but we're absolutely progressing that way and they know it. We have a project underway that takes water out to Canoncito which will supply Eldorado in two different points with backup water or direct water that they need. So whatever the State Engineer's criticism of the water rights put forward and the quality of the wells out there, it becomes sort of a moot point if they're hooked up to a source of supply like the Buckman that's capable of providing more than the entire Eldorado Area Water and Sanitation District needs in any given years. So that's issue number one.

The second issue I talked a lot with Karen about is the fact that the engineer for some reason is discounting the willingness or ability of the Water and Sanitation District to replace well once they become unusable. Wells they clog up after a period of time and for some reason the engineer is not willing to entertain the idea that over the course of this 100 years the Water and Sanitation District will replace those wells. So they're basically allowing the wells in their various water models to cease producing over the 100 years and they're not accounting for the fact that should the Eldorado District is going to be put money into new wells and new water sources and stuff like that.

We've had this problem periodically with the State Engineer. About three years ago we had to have a large meeting and kind of iron out all of this stuff and it seems to happen on about three year intervals and it's probably time to do it again.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross you have articulated some of the concerns that I have associated with this review. If you review the documents that we've been provided by the State Engineer, okay, and I don't know I would assume that the State Engineer himself doesn't have the ability to review every case that comes through but when you review the documents in front of us at face value and making the assumption that no well will ever be replaced which I think is an erroneous assumption, every mutual domestic, every city water company, every utility has a need not for future growth but for maintaining responsible use of existing water has a need and responsibility to over time upgrade their wells. And to deepen wells and to find new water sources and in this case one of the new possible alternate water sources is the Buckman Direct Diversion project. So when I read this it discounts, as you said, the entire Buckman Direct Diversion project, but it even goes further to say that not only can the wells that exist in the current fashion not sustain the nine lots but they can't even sustain what they have in place right now which if you don't do anything to your wells and you never deepen and you never modify as time goes on then you're not going to have water. I mean, individual well owners that have well in the Estancia Basin on a regular basis over decades of time have to go in and deepen their wells and drill new wells and attain new water. So, so, so I appreciate the explanation. I think there needs to be clarity and more definition between the Subdivision Act and the Code in future reports and I absolutely think that we need to as a Commission engage the State Engineer in a comprehensive discussion about how his office and he is evaluating water supply and use and continued maintenance of that use and how we can all reasonably work together to figure out what makes most sense so that we don't overuse an aquifer but that we

also make the right reasonable assumptions on how long a water supply would last and what accommodations need to be made when there is a lack of water.

Madam Chair, I don't have anything else.

CHAIR HOLIAN: Really. Are there any further questions? I'm afraid to ask are there any further questions for staff or the applicant? Seeing none is there a motion?

COMMISSIONER ANAYA: Madam Chair, on the nine lots alone I would move for approval.

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: I'll second, Madam Chair.

CHAIR HOLIAN: Any further discussion? I just would like to make a comment. First of all I would really like to thank Mr. Martinez and Mr. VanAmberg for meeting with the community and trying to address their concerns. I know that you've had many community meetings and you have done what you could to address the concerns of the people in that area. I do have some reservations about this case but I have to say with respect to water I am not really that concerned because I really believe that soon the Eldorado Area Water and Sanitation District will have County utility water as a backup. I also think that it is very appropriate that a market analysis be done before the developer comes forward with future phases and I know that is a condition. So I will vote for this but before I would support future phases I would really want to see a market analysis and I would wasn't to see that the developer has followed through on the conditions of developing this phase.

I believe we have a motion and a second with staff conditions?

COMMISSIONER ANAYA: That's correct, Madam Chair.

CHAIR HOLIAN: For approval of CDRC ZS 08-5440 Tierra Bello Subdivision. All those in favor – yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, just a comment for the applicant. I'm just hearing the community concerns and maybe you can work with temporary, temporary because I think you might want to have these properties interconnect, but just [inaudible] construction phase some egress and ingress issues with those gates, just if you would take that into consideration. Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Okay, we have a motion and second. All those in favor say aye.

The motion passed by unanimous [4-0] voice vote.

CHAIR HOLIAN: Any opposed? Motion carries.

XVIII. ADJOURNMENT

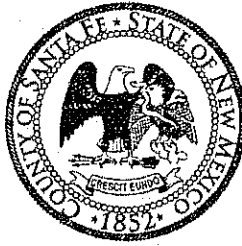
Upon motion by Commissioner Chavez and second by Commissioner Mayfield, Chair Holian declared this meeting adjourned at 11:20 p.m.

Approved by:

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 13-5050

VARIANCE

PATRICK CHRISTOPHER & MARGA FRIBERG, APPLICANTS

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on May 14, 2013, on the Application of Patrick Christopher & Marga Friberg (hereinafter referred to as "the Applicant") for a variance of Article III, Section 2.4.1a.2.b (Access) of the Santa Fe County Land Development Code ("Code") and a variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the construction of a residence on 15.3 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. The Applicants request approval of a variance of Article III, Section 2.4.1a.2.b (Access) of the Code and Section 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the construction of a residence on 15.3 acres on property located at 250C Kalitaya Way, within Section 29, Township 19 North, Range 8 East ("Property").

2. Article III, Section 2.4.1a.2.b of the Code states that all development sites under this Section shall demonstrate that access for ingress and egress, utility service and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code.
3. Article V, Section 8.1.3 of the Code states that legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of the Code. Parcels to be accessed via a driveway easement shall have a twenty foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles.
4. Ordinance No. 2008-10 states that at no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access.
5. Article II, Section 3.1 of the Code states that where in the case of a proposed development it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an Applicant may file a written request for a variance. It further states that a Development Review Committee may recommend to the BCC and the BCC may vary, modify or waive the requirements of the Code upon adequate proof that compliance with the Code provision issue will result in an arbitrary and unreasonable taking of the property or exact hardship, and proof that the variance from the Code will not result in conditions injurious to health or safety. Section 3.1 provides that in no event shall a variance be recommended by the Development Review

Committee nor granted by the BCC if by doing so the purpose of the Code will be nullified. Additionally, it states that in no case shall any variation or modification be more than a minimum easing of the requirements.

6. The Applicants request a variance to allow the construction of a residence on property consisting of five lots which total 15.3 acres. The lots consist of 3.84 acres, 3.87 acres and three 2.5 acre lots. The subject properties are part of a subdivision created in the 1940's with the US Government's "Small Parcel Act" which assisted veterans in acquiring their own property. The properties all have Land Patents from the US Government dating from 1962, and are recognized as legal lots of record.
7. As part of the permitting process, the Applicants have agreed to consolidate all five lots in order to have the proposed residence on one lot consisting of 15.3 acres.
8. The property is accessed by Old Buckman Road (County Maintained Road on BLM Land) and Kalitaya Way (Public Road on BLM Land). Old Buckman Road is a dirt/sand driving surface and is located in, and crosses two FEMA designated Special Flood Hazard Areas, numerous contributing arroyos and drainage ways. The portion of Old Buckman Road that services the property is approximately 9 miles in length. Kalitaya Way is a dirt driving surface and crosses one FEMA designated (SFHA) contributing arroyo and several drainage ways. The portion of Kalitaya Way that services the property is approximately 2.5 miles in length. Both Old Buckman Road and Kalitaya Way do not have an all-weather driving surface and may be frequently impassible during and after inclement weather. Neither is all weather accessible.
9. The Applicants state that they are not in a position to upgrade 9 miles of Old Buckman Road to County standards or 2.5 miles of Kalitaya Way. The Applicants also state that

after consulting with County staff and the Fire Prevention Division, they understand that there are certain items that can be incorporated into the building plans to substantially enhance the protection against fire danger. These improvements may include a turnaround on the property, a water storage tank, sprinkler system, a vegetation management plan, and compliance with the Urban Wild Land Interface Code for building materials for any proposed structures on the property.

10. Following a hearing on the Applicants' request for a variance, the CDRC, at its March 21, 2013 meeting, recommended denial of the variance request.

11. Staff recommended denial of the Application, but recommended imposition of the following conditions if the Application was granted:

i) Water use shall be restricted to 0.25 acre foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office;

ii) The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review and Development Permit Application;

iii) A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval for the lot consolidation;

iv) A note must be placed on the Plat regarding the lack of all weather access to the subject lot. This restriction shall include language as follows: The access to the property

does not meet minimum standards set forth by County Ordinance and Code. Site access, including access by emergency vehicles, may not be possible at all times.

12. In support of the Application, the Applicants agreed with the conditions recommended by staff.
13. No members of the public spoke in favor of or in opposition to the Application.
14. In this case strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicants because of unusual topography or other such non-self-inflicted conditions.
15. Granting the requested variances is a minimal easing of the Code requirements to address obstacles to construct a residence on a legal lot of record.
16. Granting this variance request will not nullify the purpose of the Code.

WHEREFORE the Board of County Commissioners of Santa Fe County hereby approves the request for a variance of Article III, Section 2.4.1a.2.b (Access) of the Code and a variance of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the construction of a residence on 15.3 acres on property located at 250C Kalitaya Way based upon the Applicant complying with the conditions as stated in Paragraph 11.

IT IS SO ORDERED

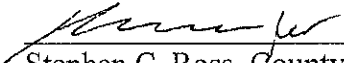
This Order was approved by the Board of County Commissioners of Santa Fe County on this ____ day of June, 2013.

By: _____
Kathy Holian, Chair

Attest:

Geraldine Salazar, County Clerk

Approved as to form:



Stephen C. Ross, County Attorney

~~COMMISSIONER MAYFIELD: Madam Chair, I do have a question for the applicant. Mr. Senutovich, hopefully, I got your name correct, are you amenable to staff's recommendation if this is approved by the County Commission tonight?~~

~~MR. SENUTOVICH: Yes, it's going to look great. Thank you.~~

~~COMMISSIONER MAYFIELD: Thank you. Madam Chair, with that I will I would move for approval with staff conditions.~~

~~COMMISSIONER CHAVEZ: Second.~~

~~CHAIR HOLIAN: Okay, I have a motion and second for approval of CDRC Case V 13-5030 with staff conditions. All those in favor signify by saying "aye."~~

~~The motion passed by unanimous [4-0] voice vote.~~

~~CHAIR HOLIAN: The variance is approved 4-0.~~

- XVII. A. 8. CDRC CASE # V 13-5050 Patrick Christopher & Marga Friberg Variance. Patrick Christopher & Marga Friberg, Applicants, Request a Variance of Article III, Section 2.4.1a.2.b (Access) of the Land Development Code and a Variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow the Construction of a Residence on 15.3 acres. The Property is Located at 250C Kalitaya Way Off Old Buckman Road, within Section 29, Township 19 North, Range 8 East (Commission District 1)**

WAYNE DALTON (Building and Development Services Supervisor):
Thank you, Madam Chair. The Applicants request a variance to allow the construction of a residence on property consisting of five lots which total 15.3 acres. The lots consist of 3.84 acres, 3.87 acres and three 2.5-acre lots. The subject properties are part of a subdivision created in the 1940's with the US Government's "Small Parcel Act" which assisted veterans in acquiring their own property. The properties all have Land Patents from the US Government dating from 1962, and are recognized as legal lots of record.

As part of the permitting process, the Applicants have agreed to consolidate all five lots in order to have the proposed residence on one lot consisting of 15.3 acres. The Applicants intend to sell the property contingent upon the outcome of the variance process and the buyer of the property will be constructing the residence.

Madam Chair, I was just informed by the applicant today that the deal for the property has fallen through so the applicants will actually be constructing the residence on the property.

CHAIR HOLIAN: Pardon, say that again, please, Wayne.

MR. DALTON: The applicants were intending to sell this property and that deal has fallen through so actually it will be the applicants constructed the residence on the property.

CHAIR HOLIAN: Oh, I see. The applicants.

MR. DALTON: The property is accessed by Old Buckman Road which is a

County maintained Road on BLM Land and Kalitaya Way which is a public road on BLM Land. Old Buckman Road is a dirt/sand driving surface and is located in, and crosses two FEMA designated Special Flood Hazard Areas, numerous contributing arroyos and drainage ways. The portion of Old Buckman Road that services the property is approximately 9 miles in length. Kalitaya Way is a dirt-driving surface and crosses one FEMA designated special flood hazard areas, contributing arroyos and several drainage ways. The portion of Kalitaya Way that services the property is approximately 2.5 miles in length. Both Old Buckman Road and Kalitaya Way do not have an all-weather driving surface and may be frequently impassible during and after inclement weather, and thereby are not all weather accessible.

The Applicants state they are not in a position to upgrade 9 miles of Old Buckman Road to County standards, nor the 2.5 miles of Kalitaya Way. However they are interested in doing all they can to build responsibly. The Applicants also state that after consulting with County staff and the Fire Prevention Division, they understand that there are certain items that can be incorporated into the building plans to substantially enhance the protection against fire danger. These improvements may include a turnaround on the property, a water storage tank, sprinkler system, a vegetation management plan, and compliance with the Urban Wild Land Interface Code for building materials for any proposed structures on the property and that is to be determined by Fire Prevention Division..

On March 21, 2013, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the Applicants request by a 5-2 vote. Minutes are attached as Exhibit 1.

Staff recommendation: Denial of a variance from Article III, § 2.4.1a.2.b , Access of the Land Development Code and denial of a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management).

If the decision of the BCC is to approve of the Applicant's request for variances, staff recommends imposition of the following conditions, and Madam Chair, may I enter those into the record?

CHAIR HOLIAN: Yes, you may.

The conditions are as follows

1. Water use shall be restricted to 0.25 acre foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. ~~The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review and Development Permit Application~~ (As per 1997 Fire Code and 1997 Life Safety Code).
3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval for the lot consolidation (As per Article III, § 2.4.2.
4. A note must be placed on the Plat regarding the lack of all weather access to the subject lot. This restriction shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance and

Code. Site Access, including access by Emergency vehicles, may not be possible at all times. (As per Ordinance 2008-10).

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

COMMISSIONER ANAYA: Madam Chair, Mr. Dalton, just to a few clarifying questions to have onto the record under my request. This application reduces five lots which total 15.3 acres to one lot?

MR. DALTON: Madam Chair, Commissioner Anaya, that's correct. Right now as it stands we're looking at five legal lots of record. The applicants have agreed to consolidate all five lots into one lot which would total 15.3 acres.

COMMISSIONER ANAYA: Madam Chair, Mr. Patty, is Mr. Patty still here? There was a question that I asked before I ask of you, Mr. Patty, just one second. It was asked of the applicants – it was noted that the road conditions are very difficult and the applicants fully understand that and it was also added on the conditions, if approved, similar to the last case or the case before that that we just approved that there would be a notation on the deed that speaks specifically to a note must be placed on the plat regarding lack of all weather access to the subject lot. This restriction shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site Access, including access by Emergency vehicles, may not be possible at all times. Are the applicants here? Do you fully understand that particular item? When you come up in a while –

CHAIR HOLIAN: Commissioner Anaya, I haven't called the applicants forward yet.

COMMISSIONER ANAYA: Okay, I just wanted to ask that question. Mr. Patty, you were asked at the CDRC if the – something to the effect if the landowners accepted all responsibility for fire or emergency services would that suffice? And your comments was something to the effect that we're going to respond to any and all emergencies could you kind of restate that or clarify my statement?

FIRE MARSHAL PATTY: Madam Chair, Commissioner Anaya, yes, this is in an area that has so many low water crossing and the road is so substandard and they are not able to do anything to it that the road for the most part isn't passable with our equipment. If you were to grant this and they were out and they called 911 call, we're not going to say we're not coming. We're going to make every attempt to try to go but we have – the applicant has to know for themselves or whomever they may sell this piece of property to that we may not be able to make it regardless of weather conditions the way it is right now.

COMMISSIONER ANAYA: And as it stands if it would go through that's a deed restriction that would be noted on the deed of the property currently and for conveyance.

MARSHAL PATTY: Madam Chair, Commissioner Anaya, yes, we were requiring some language like that on the plat when it was recorded.

COMMISSIONER ANAYA: Thank you, Mr. Patty. Thank you, Madam Chair.

CHAIR HOLIAN: Any further questions for staff. Seeing none, is the applicant present? Would you please come in and be sworn in and state your names for the

record.

[Duly sworn, Marga Friberg, testified as follows:]

MARGA FRIBERG: Marga Friberg.

CHAIR HOLIAN: Is there anything that you would like to add, Ms. Friberg?

MS. FRIBERG: Yes, I would just like to say that I'm a homeowner in the historic Guadalupe District. I have a house that is 900 square feet. I share a wall with my neighbor on one side. I have the Boys and Girls Club behind on the other. I have my other neighbor 10 feet away on the south side and across one car lane I have my neighbors in front of me and I absolutely adore it. However, I'd love also to go walking and hiking and get away to a retreat and I like to drive if that's what I have to do and leave town. It was wonderful to be able to build a small retreat cabin. To be able to just be quiet and alone. We know that it's out in the middle of nowhere and that's what we love. We're both architects and we embrace the idea of being able to design something that fits with the land and is very light on it. Thank you.

CHAIR HOLIAN: Mr. Christopher would you like to add anything?

[Duly sworn, Patrick Christopher testified as follows:]

PATRICK CHRISTOPHER: Yes, I'm Patrick Christopher. And I also live in the Guadalupe neighborhood very close to the church. I've worked on a number of projects in the past as an architect that are off the grid and in places that are wild and undeveloped and absolutely gorgeous and this is exactly, we looked a long time to find these lots. We had no idea that they even existed and we were startled to find that such a thing was there in Santa Fe County and we do understand that Buckman Road is not really passable with large emergency equipment and Kalitaya Way is not either. On the other hand, we love everything about these remote lots just because they are not citified and the skies are dark and brilliant at night and they're quiet and it's a place to really commune with New Mexico in way that you can rarely find in this County and we respect that.

We also, maybe because we've been architects for some time and have worked in some remote areas we fully understand what it means to be kind of unreachable and to take these risks of maybe spending a weekend or a week at a cabin where emergency access is not available. And we understood that from the beginning. It is quite apparent when you're out there. We spent a year working with the Bureau of Land Management to go through every step that they required so that we could have legal access to this property. We wanted to do exactly the same with Santa Fe County and follow every single step. There were a few people out there who are squatting and who had just brought in their RVs and doing whatever and that's not the way we operate and we wanted to do it properly but we also want to proceed.

We've spent two years doing this. We've got a million design ideas and we would love to proceed with your help.

CHAIR HOLIAN: So Mr. Christopher, you understand all the restrictions that go with that property, correct?

MR. CHRISTOPHER: We do indeed. In fact, we worked very closely with the planning staff here. I think this is all entirely appropriate and, yes, we do.

CHAIR HOLIAN: Do you plan to live out there full time or use it as a cabin?

MR. CHRISTOPHER: Yes, it's a retreat property, a cabin, a weekend use, that sort of thing. No we love living in the center of Santa Fe.

CHAIR HOLIAN: I have to make full disclosure. My husband and I built a cabin somewhat like you're describing on the top of Glorieta Mesa and we don't have access year-round either, as a matter of fact. So I know exactly what you're facing.

MR. CHRISTOPHER: I know we're not alone in this. I've explored a lot of parts of northern New Mexico. But I think this addition – this limitation, this wording for the deed is something that we feel is appropriate and that that kind of communication needs to be on the plat to be very clear with any future owners as well.

CHAIR HOLIAN: And have you investigated homeowners insurance?

MR. CHRISTOPHER: We understand that it will be tricky to say the least, yes. Our ideas are to build with fire retardant materials to be as careful as we can. To have water onsite but obviously we can't cover for every possible incident.

CHAIR HOLIAN: Any further questions for the applicants or for staff?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, staff, as far as the area and I think I'm pretty familiar with it, but what basin is in as far as the water basin? It's not in Pojoaque Basin is it?

MR. DALTON: Madam Chair, Commissioner Mayfield, this is actually in the basin fringe hydrologic zone.

COMMISSIONER MAYFIELD: And, I'm sorry. I am having audio problems but I'm also having some heat problems.

MR. DALTON: Madam Chair, Commissioner Mayfield, this is actually in the basin fringe hydrologic zone. I'm not sure what basin it is in.

COMMISSIONER MAYFIELD: Is this upside of the Otowi gage or downside of it?

CHAIR HOLIAN: Commissioner Mayfield, if I might answer that question because I've been out there. I don't know if you've taken the tour of the BDD project but you know the road that goes out to where the intake area is? It's before you get to the intake area. It's maybe about half way down that road.

COMMISSIONER MAYFIELD: Before to the right?

CHAIR HOLIAN: To the right?

MR. DALTON: Yes.

COMMISSIONER MAYFIELD: So then it could potentially be on the upside of the Otowi gage, right? Do you all know? Does the applicant know; are you on the upside of the Otowi gage?

CHAIR HOLIAN: It's on the downside of the Otowi gage because it's along that road before you get to the intake for the BDD project.

COMMISSIONER MAYFIELD: Okay, [inaudible] the Pojoaque Basin, okay. Fair enough.

CHAIR HOLIAN: Ms. Friberg, would you like to comment on that? Come up and speak into the mike.

MS. FRIBERG: At this point we're not looking at drilling a well any way.

COMMISSIONER MAYFIELD: Oh, I know [inaudible] thank you.

CHAIR HOLIAN: Commissioner Mayfield, you still have the floor.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. So let's go back to this real quick on this section. They're consolidating the property. Let me look at something real quick, give me a second, Madam Chair, please. So, again, as far as the lot consolidation what are the lot size requirements and this is for staff, sir. What are the lot size requirements out in the area and I appreciate the applicant is doing this on their own?

MR. DALTON: Madam Chair, Commissioner Mayfield, the minimum lot size in this area is 12.5 acres per dwelling unit.

COMMISSIONER MAYFIELD: Okay, 12.5 that's fine. Again, if they decided to do anything they would be under grandfathered status and they could use the lot size as existing.

MR. DALTON: Madam Chair, Commissioner Mayfield, yes, these lots are all legal lots of record, pre-code lots so yes.

COMMISSIONER MAYFIELD: So they're doing something different. And on that, how many homes are in the area because I think there are quite a few?

MR. DALTON: Madam Chair, Commissioner Mayfield, in this vicinity there are not homes in this area.

COMMISSIONER MAYFIELD: None. Then -- there's an area out there off of Old Buckman Road that has a few homes because me and Mr. Ross were looking at an issue with some roads and I think even Commissioner Chavez when we approved a limited use road somewhere in that area we talked about some roads. Where is that road area that I'm thinking of, Steve? That's the one that's more to the right.

MR. ROSS: Madam Chair, Commissioner Mayfield, that's more to the north. It's probably to the northeast of this area.

COMMISSIONER MAYFIELD: I'm getting off point, okay. So, and I appreciate the applicants' comments as far as being off the grid. Maybe wanting to stay on a more undeveloped area because that's -- and this is more for staff. Now we're kind of going through a code rewrite in some remote areas and I just hope that we do have this consideration because we put a lot of requirements on potential applicants when we vote for this permitting process and rightfully so. You know, we want to protect all of our public out there and we also want to protect our response team out there that have to get to these areas. But there are a lot rules and regulations, I would put justifiably so. We ask -- you know we pass the night sky ordinances. There are a lot of the residents that I represent that want unimproved roads and the reason they want them is because they're an equestrian community and they want to still ride their horses. They want to still do some biking. They want to do some walking and they don't always want to do it on asphalt. So they just do like that type of scenery but they also understand that they may not have that emergency access all the time. They also don't sometimes want us to approve cell towers in their area so they know they may not have cell communications.

So I just think going forward with our new Code rewrites and stuff that that's something that we should definitely consider too and knowing that if we put these recommendation or these denials, if that's what this Commission so chooses to do, that we just recognize that. That some people still may want to choose to build where they want to

build and I think they're understanding that they may not have that immediate response time that we will make every effort to get there but it just may not be able to be there within a half hour or an hour. But they make those decisions.

I also will just also like to make mention of former Commissioner Mike Anaya who passed the Code of the West just to let individuals know that. You know, Santa Fe County is still a remote area and it can really just be the urban fringes and it's a very remote area and it may not just be immediately accessible and just approved a couple cases a little earlier on low-water crossing variances. Some Santa Fe County roads up in the northern part of Santa Fe County and this is my district, District 1, low-water crossings and these are County roads going through BLM and actually the whole road is a low-water crossing that could run whenever we have water and hopefully we do have some water.

So that's just a point, an observation I want to make, because I think people do understand that there may not be immediate response time not that we don't want to get there. And the County can put out all these restrictions or deny somebody's opportunity to have a home and we really should think that out before we pass that denial.

But one other thing that I want to ask, as far as our BBD site that we're partners with that's kind of down in this facility do we maintain that road, Mr. Ross or Penny Ellis-Green? How far does Santa Fe County maintain that road to the actual BDD site or extraction point where we divert that water?

MR. ROSS: Madam Chair, Commissioner Mayfield the County maintains the entirety of Buckman Road.

COMMISSIONER MAYFIELD: All the way down to –

MR. ROSS: All the way down to the treatment diversion, yes.

COMMISSIONER MAYFIELD: Okay, and that road was probably in pretty bad conditions all the way down to that road at one time or another, right?

MR. ROSS: Madam Chair, Commissioner Mayfield, it requires a lot of grading.

COMMISSIONER MAYFIELD: Right, a lot of grading. And I just want to make that point that those roads in that area are in pretty bad shape. We elected to take that on but – and, Madam Chair, I'll just stop talking but I think people know what they're getting into when they want to build in these remote areas and I know we have codes that we have to abide by but I would just, I guess this more directed toward our code rewrite that we take this into consideration.

That's all I have, Madam Chair, I don't know if you've closed public comment, but I'd like to make a motion when that's done.

CHAIR HOLIAN: Any further questions? Seeing none, this is a public hearing. Is there anyone here from the public who would like to speak on this case either in favor or in opposition? Seeing none the public hearing is closed.

What are the wishes of the Board?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I guess I do have one – I apologize, I have one question for the applicant. Is the applicant amenable to the staff recommendations if this Commission elects to move forward with this?

MR. CHRISTOPHER: Absolutely, yes.

COMMISSIONER MAYFIELD: Thank you. With that, Madam Chair, I would move for approval with staff's recommendations.

CHAIR HOLIAN: Is there a second.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay we have a motion and a second for approval of CDRC Case V 13-5050 with staff conditions. All those in favor signify by saying "aye."

The motion passed by unanimous [4-0] voice vote.

CHAIR HOLIAN: The variance is approved 4-0.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate Commissioner Mayfield bringing up the comments he did and commenting on the Code of the West and I just want to say that I penciled on my notebook over here that if you put into years the amount of time I've spent in the wilderness off the grid it equates into several years of time that on purpose I was off the grid where I couldn't be reached. But I will say this, I know Santa Fe County, Mr. Patty and emergency services will do everything to get to me if I needed some help. And, I understand if they can't get there but I think it's a good thing to have places where you're not accessible to anyone if that's what you so choose and if you understand that going in then who am I or any other governing body to tell you you can't do that.

So I appreciate the comments and I think we do need to figure out accommodations in the new code that deal with this very issue. So thank you, Madam Chair.

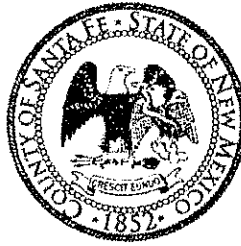
CHAIR HOLIAN: Thank you, Commissioner Anaya. And I know exactly what you're doing because my husband and I have done it ourselves. So good luck. Thank you.

~~XVII. A. 9. **CDRC CASE # Z/S 08-5440 Tierra Bello Subdivision. Joseph Miller, Applicant, Danny Martinez, Agent, Request Master Plan Zoning Approval for a 73-Lot Residential Subdivision on 263.769+ Acres and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of 9 Lots. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 and 25, Township 15 North, Range 9 East, (Commission District 5).**~~
~~[Exhibit 7: DOT memo dated 5/2/13; Exhibit 8: Resident (Bischhoff/Lindahl) letter raising concerns; Exhibit 9: Emails cited by R. VanAmberg; Exhibit 10: MOU between the Eldorado Area Water and Sanitation District and the Board of County Commissioners]~~

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. MIS 13-5020
LAS CAMPANAS TIME EXTENSION
CIENDA PARTNERS, APPLICANT
SCOTT HOEFT, AGENT

ORDER

THIS MATTER came before the Board of County Commissioners ("BCC") for hearing on May 14, 2013, on the Application of Cienda Partners, (herein after referred to as "the Applicant") for a 24-month time extension of the previously approved Final Plat for the areas known as Black Mesa, Mesa del Oro and Las Terrazas Phase III formerly known as Estancias at Las Campanas consisting of 125 lots on 161 acres. 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 5.4.6 of the County Land Development Code states, "An 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 by the Board."

2. On December 11, 2001, the BCC granted Preliminary and Final Plat and Development Plan approval for 125 lots on 161 acres.

3. In 2004, this project received an extension to maintain the original approvals. Black Mesa and Mesa del Oro received an extension in 2008 and were expected to be recorded within two years, by no later than 2010.

4. On June 14, 2006, Las Terrazas Phase I consisting of 19 lots was recorded.

5. On November 13, 2007, Las Terrazas Phase II consisting of 12 lots was recorded.

6. Las Terrazas Phase III expired in 2009.

7. The Applicant now requests a 24-month time extension of the previously approved Final Plat for the Black Mesa, Mesa del Oro and Las Terrazas Phase III at Las Campanas residential subdivision consisting of 125 residential lots, on 161 acres.

8. 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.

9. On December 13, 2011, the BCC also adopted Ordinance No. 2011-11, which states "the Board of County Commissioners (the Board) may suspend provisions of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index® for the United States for any quarter, and for three years following any such event and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement

of those sections of Article V that set forth expiration of Master Plans, Preliminary Plats and Final Plats for two years pending an economic recovery.”

10. The property is located along Paseo Las Terrazas, off Trailhead Drive and Las Campanas Drive, within Sections 2, 11 and 12, Township 17 North, Range 8 East.

11. 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.

12. 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 “Due to the current market conditions and limited demand for residential lots, the owners of Black Mesa, Mesa del Oro and Las Terrazas Phase III are requesting additional time to proceed with the development of the land.”

WHEREFORE, THE BCC HEREBY APPROVES the Application for a 2-year time extension of the Final Plat for the Black Mesa, Mesa del Oro and Las Terrazas Phase III Residential Subdivision which will now expire on May 14, 2015.

IT IS SO ORDERED:

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

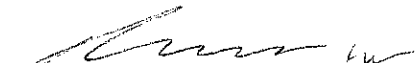
**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Kathy Holian, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

**XVII. A. 3. BCC CASE # MIS 13-5020 Las Campanas Time Extension
formerly Estancias at Las Campanas Cienda Partners, Applicant,
Scott Hoeft, Agent, Request a 24-Month Time Extension of the
Previously Approved Final Plat Approval for the Areas Known as
Black Mesa (25 Lots), Mesa del Oro (23 Lots) and Las Terrazas
Phase III (46 Lots), Formerly Known as Estancias at Las
Campanas Which Consisted of 125 Lots on 161 Acres (31 Lots
Have Been Developed). The Property is Located Along Paseo Las
Terrazas, off of Trailhead Drive and Las Campanas Drive within
Sections 2, 11 and 12, Township 17 North, Range 8 East
(Commission District 2)**

VICENTE ARCHULETA (Case Manager): It should be clarified that this case is separate from the existing Estancias subdivision which was approved in 2003. Las Campanas ownership on occasion changed the marketing names of the projects in order to suit the needs of the development. These names are now inconsistent with the names of the project at the time of approval. This case is now known as Black Mesa, Mesa del Oro and Las Terrazas Phase III.

On December 11, 2001, the BCC granted Preliminary and Final Plat and Development Plan approval for 125 lots on 161-acres. In 2004, this project received an extension to maintain the original approvals. Black Mesa and Mesa del Oro received an extension in 2008 and were expected to be recorded within two years from 2008 or 2010.

Black Mesa is Unit I which consists of 25 lots. Mesa del Oro is Unit II, which consists of 23 lots and Las Terrazas is Unit III which consists of 77 lots. Of the 77 lots in Las Terrazas, 31 homes have been constructed leaving 46 approved undeveloped lots. The major infrastructure including Camino La Tierra and Buckman Road as well as Trailhead Drive were completed and approved in 2007. Las Terrazas Phase I consists of 19 lots and was recorded on June 14, 2006 and Las Terrazas Phase II consists of 12 lots and was recorded on November 13, 2007, both of which have been developed. Las Terrazas Phase III consisting of the remaining 46 undeveloped lots expired in 2009.

The Applicant states: "As you can see from the milestones noted, we have been very diligent in keeping the approved subdivisions of Las Campanas active, either through extension, infrastructure completion, Buckman Direct Diversion or even completing lots."

At the time these approvals were granted, the subject property was located in the 5-mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Subdivision Regulations. With the elimination of the Extraterritorial Zoning District in 2009, this development now falls under the regulations of the County Land Development Code.

Article V, Section 5.4.6 of the Code states, "An approved or conditionally approved Final Plat, approved after July 1, 1996 shall be recorded within 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.”

On December 13, 2011, the Board of County Commissioners adopted Resolution 2011-193 which found the existence of severe economic conditions and suspended enforcement of specified provisions of Article V of the Land Development Code that concern expiration of Master Plans, Preliminary Plats and Final Plats.

On December 13, 2011, the Board of County Commissioners also adopted Ordinance 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, 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 time of the Plat expiration (December 2009) for the Black Mesa, Mesa del Oro and Las Terrazas Subdivisions, the Conference Board’s Leading Economic Index score was approximately 101.6. As of April of 2013 the LEI was 94.7.

The Applicants request a 24-month time extension that would render the Final Plat approval valid until May 14, 2015 and that should be – that’s correct, May 14th two years from today.

Staff recommendations: approval for a 24 month time extension of the final plat for the Black Mesa, Mesa de Oro and Las Terrazas Phase III at Las Campanas Subdivision. I stand for questions.

CHAIR HOLIAN: Thank you any questions for staff?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Vicente, this extension is consistent with requests for extension that the Commission has been seeing for quite some time now, correct?

MR. ARCHULETA: Madam Chair, Commissioner Anaya, that’s correct.

COMMISSIONER ANAYA: And all of those extensions that we’ve had prior have been granted, correct?

MR. ARCHULETA: Madam Chair, Commissioner Anaya, that’s correct.

COMMISSIONER ANAYA: Thanks, Madam Chair.

CHAIR HOLIAN: Is the applicant here?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group. I do not have a presentation this evening, I stand for questions.

CHAIR HOLIAN: Thank you, Mr. Hoeft. Are there any questions for the applicant? I have one. I noted that the preliminary and final plat and development plan approval was granted in 2001 and so which was quite a long time ago. What do the developers have in mind at this point, for the next 24 months?

MR. HOEFT: From this point heading forward?

CHAIR HOLIAN: Uh huh.

MR. HOEFT: We're looking to try and get started on these final areas. We've just been waiting for the market to rebound and to find a comfortable time to bring more lots on the market. Right now bringing more lots on the market isn't exactly comfortable. We're looking for a developer as well who is willing take down some of those lots and put structures on those lots.

CHAIR HOLIAN: Okay. Thank you, Mr. Hoeft. This is a public hearing is there anyone here who would like speak on this case either in favor or in opposition to it. Seeing none, the public hearing is closed. Are there any further questions for staff or the applicant? Seeing none, is there a motion.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I'm going to make a motion to approve the BCC Case MIS 13-5020 Las Campanas time extension and I guess one more for the three different subdivisions is appropriate.

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, yes.

CHAIR HOLIAN: Okay, we have a motion do we have a second?

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Motion and second. All those in favor signify by saying "aye."

The motion passed by unanimous [3-0] voice vote. Commissioner Mayfield was not present for this action.

- XVII. A. 4. BCC CASE # MIS 13-5021 Las Campanas Time Extension
(formerly Tesoro Enclaves) Cienda Partners, Applicant, Scott Hoeft, Agent, Request a 24-Month Time Extension of the Previously Approved Final Plat for the Area Known as the Estancias Phase III (Formerly Tesoro Enclaves) Consisting of 37 Lots of the 128 Lot Residential Subdivision on 432 Acres. The Property is Located Off of Las Campanas Drive within Sections 2 and 11 Township 17 North, Range 8 East (Commission District 2)**

MR. ARCHULETA: Madam Chair, this case is identical to the previous one just a different area of the subdivision. Do you want me to go ahead and read the summary?

CHAIR HOLIAN: Penny, do we need the summary read into the record?

MS. ELLIS-GREEN: Madam Chair, I believe we can enter the report into the record.

CHAIR HOLIAN: Okay, please enter the report into the record then.

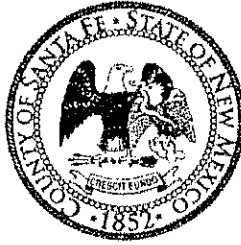
The report is as follows:

On August 14, 2001, the BCC granted Preliminary and Final Plat and Development Plan approval of the Estancias at Las Campanas (formerly Tesoro Enclaves) for a 128 lot residential subdivision on 432-acres.

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

**CASE NO. MIS 13-5021
LAS CAMPANAS TIME EXTENSION
CIENDA PARTNERS, APPLICANT
SCOTT HOEFT, AGENT**

ORDER

THIS MATTER came before the Board of County Commissioners ("BCC") for hearing on May 14, 2013, on the Application of Cienda Partners, (herein after referred to as "the Applicant") for a 24-month time extension of the previously approved Final Plat for the area known as The Estancias Phase III, formerly known as Tesoro Enclaves consisting of 37 lots of the 128 lot residential subdivision on 432 acres. 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 5.4.6 of the County Land Development Code states, "An 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 by the Board."

2. On August 14, 2001, the BCC granted Preliminary and Final Plat and Development Plan approval for 128 lot residential subdivision on 432 acres.

3. On September 12, 2003, the Estancias was re-designed for 128 residential lots in three phases of development.

4. In 2003, Estancias Phase I consisting of 24 lots was recorded.

5. In 2004, Estancias Phase II consisting of 67 lots was recorded.

6. Therefore, Estancias Phase III consisting of the remaining 37 lots would have needed to be recorded by 2009.

7. The Applicant now requests a 24-month time extension of the previously approved Final Plat for the Estancias at Las Campanas residential subdivision consisting of 128 residential lots, on 432 acres.

8. 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.

9. On December 13, 2011, the BCC also adopted Ordinance No. 2011-11, which states "the Board of County Commissioners (the Board) may suspend provisions of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index® for the United States for any quarter, and for three years following any such event and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of Master Plans, Preliminary Plats and Final Plats for two years pending an economic recovery."

10. The property is located off Las Campanas Drive, within Sections 2, and 11, Township 17 North, Range 8 East.

11. 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.

12. 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 "Due to the current market conditions and limited demand for residential lots, the owners of the Estancias at Las Campanas are requesting additional time to proceed with the development of the land."

WHEREFORE, THE BCC HEREBY APPROVES the Application for a 2-year time extension of the Final Plat for the Estancias at Las Campanas Residential Subdivision which will now expire on May 14, 2015.

IT IS SO ORDERED:

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

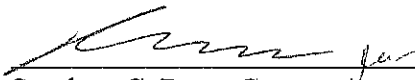
**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Kathy Holian, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

CHAIR HOLIAN: Uh huh.

MR. HOEFT: We're looking to try and get started on these final areas. We've just been waiting for the market to rebound and to find a comfortable time to bring more lots on the market. Right now bringing more lots on the market isn't exactly comfortable. We're looking for a developer as well who is willing take down some of those lots and put structures on those lots.

CHAIR HOLIAN: Okay. Thank you, Mr. Hoeft. This is a public hearing is there anyone here who would like speak on this case either in favor or in opposition to it. Seeing none, the public hearing is closed. Are there any further questions for staff or the applicant? Seeing none, is there a motion.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I'm going to make a motion to approve the BCC Case MIS 13-5020 Las Campanas time extension and I guess one more for the three different subdivisions is appropriate.

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, yes.

CHAIR HOLIAN: Okay, we have a motion do we have a second?

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Motion and second. All those in favor signify by saying "aye."

The motion passed by unanimous [3-0] voice vote. Commissioner Mayfield was not present for this action.

- XVII. A. 4. **BCC CASE # MIS 13-5021 Las Campanas Time Extension**
(formerly Tesoro Enclaves) Cienda Partners, Applicant, Scott Hoeft, Agent, Request a 24-Month Time Extension of the Previously Approved Final Plat for the Area Known as the Estancias Phase III (Formerly Tesoro Enclaves) Consisting of 37 Lots of the 128 Lot Residential Subdivision on 432 Acres. The Property is Located Off of Las Campanas Drive within Sections 2 and 11 Township 17 North, Range 8 East (Commission District 2)

MR. ARCHULETA: Madam Chair, this case is identical to the previous one just a different area of the subdivision. Do you want me to go ahead and read the summary?

CHAIR HOLIAN: Penny, do we need the summary read into the record?

MS. ELLIS-GREEN: Madam Chair, I believe we can enter the report into the record.

CHAIR HOLIAN: Okay, please enter the report into the record then.

The report is as follows:

On August 14, 2001, the BCC granted Preliminary and Final Plat and Development Plan approval of the Estancias at Las Campanas (formerly Tesoro Enclaves) for a 128 lot residential subdivision on 432-acres.

On September 12, 2003, the Estancias went back to the BCC for plat approval and was redesigned for 128 residential lots in three phases of development. Estancias Phase I consists of 24 lots, which was recorded in 2003 and Estancias Phase II consisting of 67 lots, was recorded in 2004. Homes have been completed on Phase I and Phase II. Phase III would have needed to be recorded by 2009.

The Applicants are now requesting a 24-month time extension for Phase III of the Estancias at Las Campanas consisting of the remaining 37 lots.

The Applicant states: "We have been very diligent in keeping the approved subdivisions of Las Campanas active, either through extension, administrative approvals, infrastructure completion, the Buckman Direct Diversion infrastructure or even completing lots." In 2007, the Camino la Tierra and Buckman Road infrastructure improvements were embarked upon, completed and signed off by Santa Fe County.

At the time these approvals were granted, the subject property was located in the 5-mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Subdivision Regulations (ESR). With the elimination of the Extraterritorial Zoning District in 2009, this development now falls under the regulations of the County Land Development Code.

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

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

On December 13, 2011, the Board of County Commissioners also adopted Ordinance No. 2011-11, which states "the Board of County Commissioners ("the Board") may suspend provisions of Article V, Sections 5.2.7, 5.3.6, and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index for the United States for any quarter, and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of Master Plans Preliminary Plats and Final Plats for two years pending an economic recovery." At time of the Plat expiration (August 2009) for the Estancias at Las Campanas Subdivisions, the Conference Board's Leading Economic Index score was 101.6. As of April of 2013 the LEI was 94.7.

The Applicants request a 24-month time extension that would render the Final Plat approval valid until May 14, 2015. Staff recommendations: approval for a 24 month time extension of the final plat

CHAIR HOLIAN: Are there any questions for staff?

COMMISSIONER CHAVEZ: Well, I have a question.

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Archuleta, this case MIS 13-5021 Las Campanas time extension, is that the correct title? I mean Las Campanas is pretty broad. So this is – the extension would be for the Estancias Phase III?

MR. ARCHULETA: Madam Chair, Commissioner Chavez, that's correct. The Estancia Phase III was formerly Tesoro Enclaves which was another area of the subdivision.

COMMISSIONER CHAVEZ: So, I guess, the umbrella, the subdivision, as you say would be Las Campanas?

MR. ARCHULETA: Madam Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: And these are phases within Las Campanas itself.

MR. ARCHULETA: That's correct.

COMMISSIONER CHAVEZ: Okay, thank you, Madam Chair.

CHAIR HOLIAN: Is the applicant here.

MR. HOEFT: Madam Chair, I stand for questions.

CHAIR HOLIAN: Okay, and would you identify yourself and be sworn in please – oh, you have been sworn in. Are there any questions for the applicant? This is a public hearing. Is there anyone here who would like to speak on this case either in favor or in opposition to the case? Seeing none, the public hearing is closed.

Are there any further questions? Is there a motion?

COMMISSIONER CHAVEZ: Yes, Madam Chair. I'd like to make a motion to approve the 24-month time extension for final plat for the Estancias at Las Campanas with staff recommendations.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Thank you. Were there staff conditions on this? I don't believe so.

MR. ARCHULETA: Madam Chair, there were no staff conditions.

COMMISSIONER CHAVEZ: Well, I'm looking at the criteria then for this type of request. It says if they're not conditions of approval I would like to enter them into the minutes because it does mention that the development is located in the basin hydrologic zone where the minimum lot size is 10 acres per dwelling unit with .25 acre-feet per year water restrictions, lot size may be reduced to 2.5 acres per dwelling unit – so that's the criteria and the criteria will be part of the minutes as well.

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, that's actually in the summary portion of our report so I don't know what the lot size is for this subdivision individually but the overall Las Campanas area would meet these lot sizes. So sometimes between the areas there is a density transfer. So this is just background information for the Board at this point any of the conditions of approval that were put on when the final plat was approved would still carry forward so the only thing the applicant is asking for is a 24-month extension.

COMMISSIONER CHAVEZ: So the .25 acre-feet per year water restriction would also follow with the lot size?

MR. ARCHULETA: Madam Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: Okay.

CHAIR HOLIAN: Okay we have a motion and we have second for approval of the time extension. All those in favor signify by saying "aye."

The motion passed by unanimous [3-0] voice vote. Commissioner Mayfield was not present for this action.

XVII. A. 5. BCC CASE # MIS 10-5121 Suerte del Sur Time Extension. Suerte del Sur LLC, Applicant, Scott Hoeft, Agent, Request a 24-Month Time Extension of the Previously Approved Final Plat and Development Plan (Phases 1-4) of the Suerte del Sur Subdivision Consisting of 241 Residential Lots on 660 Acres. The Property is Located Along Los Suenos Trail, South of Las Campanas, North of Pinon Hills Subdivision, within Section 24, Township 17 North, Range 8 East and Section 19, Township 17 North, Range 9 East (Commission District 2)

MR.. ARCHULETA: Thank you, Madam Chair. On April 8, 2008, the BCC granted Final Plat and Development Plan approval for the referenced subdivision which consisted of 241 residential lots on 660 acres.

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

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

Madam Chair, the rest of the report is the same as the previous two. May I enter those into the record?

CHAIR HOLIAN: Yes, you may.

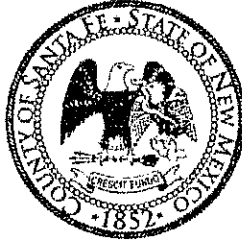
The report reads as follows:

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

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. MIS 10-5121
SUERTE DEL SUR FINAL PLAT AND DEVELOPMENT PLAN TIME EXTENSION
SUERTE DEL SUR LLC., APPLICANT
SCOTT HOEFT, AGENT

ORDER

THIS MATTER came before the Board of County Commissioners ("BCC") for hearing on May 14, 2013, on the Application of Suerte del Sur LLC., (herein after referred to as "the Applicant") for a 24-month time extension of the Suerte del Sur Final Plat and Development Plan (Phases 1-4) approval for the Suerte del Sur 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 5.4.6 of the County Land Development Code states, "An 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 by the Board."

2. On April 8, 2008, the BCC granted Final Plat and Development Plan approval for a 241-lot residential subdivision on 660 acres.

3. On April 13, 2010, the BCC granted a 36-month time extension for the Final Plat and Development Plan (phase 1-4) for the Suerte del Sur Subdivision.

4 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.

5. On December 13, 2011, the BCC also adopted Ordinance No. 2011-11, which states "the Board of County Commissioners (the Board) may suspend provisions of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index® for the United States for any quarter, and for three years following any such event and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of Master Plans, Preliminary Plats and Final Plats for two years pending an economic recovery."

6. The Applicant now requests a 24-month time extension of the previously approved Final Plat and Development Plan for the Suerte del Sur residential subdivision consisting of 241 residential lots, on 660 acres.

7. The property is located along Los Suenos Trail, south of Las Campanas, north of Pinon Hills Subdivision, within Sections 24, Township 17 North, Range 8 East and Section 19, Township 17 North, Range 9 East.

8. 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.

9. 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 "Due to the current market conditions and limited demand for residential lots, the owners of Suerte del Sur sre requesting additional time to proceed with the development of the land."

WHEREFORE, THE BCC HEREBY APPROVES the Application for a 2-year time extension of the Master Plan for the Suerte del Sur Residential Subdivision which will now expire on May 14, 2015.

IT IS SO ORDERED:

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

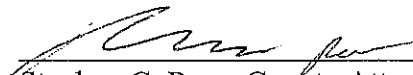
**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Kathy Holian, Chair

ATTEST:

APPROVED AS TO FORM:

Geraldine Salazar, County Clerk



Stephen C. Ross, County Attorney

COMMISSIONER CHAVEZ: So the .25 acre-feet per year water restriction would also follow with the lot size?

MR. ARCHULETA: Madam Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: Okay.

CHAIR HOLIAN: Okay we have a motion and we have second for approval of the time extension. All those in favor signify by saying "aye."

The motion passed by unanimous [3-0] voice vote. Commissioner Mayfield was not present for this action.

XVII. A. 5. BCC CASE # MIS 10-5121 Suerte del Sur Time Extension. Suerte del Sur LLC, Applicant, Scott Hoeft, Agent, Request a 24-Month Time Extension of the Previously Approved Final Plat and Development Plan (Phases 1-4) of the Suerte del Sur Subdivision Consisting of 241 Residential Lots on 660 Acres. The Property is Located Along Los Suenos Trail, South of Las Campanas, North of Pinon Hills Subdivision, within Section 24, Township 17 North, Range 8 East and Section 19, Township 17 North, Range 9 East (Commission District 2)

MR.. ARCHULETA: Thank you, Madam Chair. On April 8, 2008, the BCC granted Final Plat and Development Plan approval for the referenced subdivision which consisted of 241 residential lots on 660 acres.

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

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

Madam Chair, the rest of the report is the same as the previous two. May I enter those into the record?

CHAIR HOLIAN: Yes, you may.

The report reads as follows:

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

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

At the time these approvals were granted, the subject property was located in the 5-mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Subdivision Regulations (ESR). With the elimination of the Extraterritorial Zoning District in 2009, this development now falls under the regulations of the County Land Development Code.

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

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

On December 13, 2011, the Board of County Commissioners also adopted Ordinance No. 2011-11, which states "the Board of County Commissioners ("the Board") may suspend provisions of Article V, Sections 5.2.7, 5.3.6, and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index® for the United States for any quarter, and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the

Enforcement of those sections of Article V that set forth expiration of Master Plans Preliminary Plats and Final Plats for two years pending an economic recovery." As of April 8, 2013, the Final Plat and Development Plan for Suerte del Sur has expired. At the time of expiration, the Conference Board's Leading Economic Index® (LEI) score is 94.7.

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

CHAIR HOLIAN: Is there any questions of staff? Is the applicant here? Are there any questions for the applicant? Seeing none, this is a public hearing. Is there anyone here who would like to speak about this case either in favor or in opposition? Sir, did you want to – please come forward and be sworn in for the record and state your name.

[Duly sworn, Spencer Terrell testified as follows:]

SPENCER TERRELL: I am Spencer Terrell. I've never done this before. One simple question, I wonder if there are any updates to the plat since 2011 that our subdivision Tierra de la Vida could be afforded?

CHAIR HOLIAN: Mr. Hoeft.

MR. HOEFT: Madam Chair, the plat stands as approved there have been no changes since the original approval back in 2008 and then it was extended it was extended in 2009. So it stands as the original approval.

CHAIR HOLIAN: Okay, thank you. Anyone else from the public who would like to speak on this case. Seeing none, the public hearing is closed. Are there any further questions for staff or the applicant? Seeing none, is there a motion?

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I'm going to go ahead and make motion to approve the 24-month time extension for the final plat for the Suerte del Sur subdivision. Suerte del Sur subdivision consists of 241 residential lots on 660 acres in Las Campanas.

CHAIR HOLIAN: Is there a second.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay we have a motion and we have second for approval of the time extension. All those in favor signify by saying "aye."

The motion passed by unanimous [4-0] voice vote.

CHAIR HOLIAN: The time extension is approved 4-0. Thank you for your patience.

- XVII. A. 6. CDRC CASE # V 13-5040 Roddy & Sherry Leeder Variance.**
Roddy & Sherry Leeder, Applicants, Ralph Jaramillo Agent,
Request a Variance of Article III, Section 2.4.1a.2.b (Access) of the
Land Development Code and a Variance of Article 4, Section 4.2
of Ordinance No. 2008-10 (Flood Damage and Stormwater
Management) to Allow the Placement of a Manufactured Home on
7.68 Acres. The Property is Located at 25 Bar D Four Road, in the
Vicinity of Arroyo Seco, within Section 18, Township 20 North,
Range 9 East (Commission District 1)

MR. LOVATO: Thank you, Madam Chair. The Applicant requests a variance to allow the placement of a manufactured home on 7.68 acres. Access to the subject property would be off Bar D Four Road which is a dirt road/private roadway crossing a FEMA designated Special Flood Hazard Area, via an existing low water concrete dip section which may be frequently impassible during inclement weather, and thereby is not all weather accessible.

There is currently a residence and the proposed manufactured home on the property. The residence was permitted in July of 2010, under permit number 10-343. The proposed manufactured home was allowed temporary placement on the property for a period of 90 days while the Applicant proceeds through the variance process.

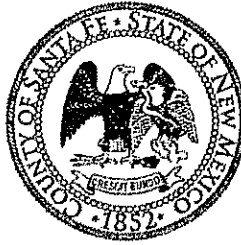
The Applicants state they have seven children and it is expensive to live in the market at the current moment and they want to help their children with housing.

On March 21, 2013, the CDRC met and acted on this case, the decision of the CDRC was to recommend approval of the Applicant's request by a 4-3 vote.

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

BOARD OF COUNTY COMMISSIONERS

CASE NO. V 13-5030
SENUTOVITCH VARIANCE
WLADIMIR&DIANE SENUTOVITCH, APPLICANTS

ORDER

THIS MATTER came before the Board of County Commissioners ("BCC") for hearing on May 14, 2011, on the Application of Wladimir and Diane Senutovitch (herein after referred to as "the Applicants") for a request for a variance of the Santa Fe County Land Development Code ("Code") reconstruction of a driveway to access an existing residence on two parcels totaling 7.33 acres. The request would require a variance of Article VII, § 3.41.c.c.i (No Build areas) to allow four (4) separate areas of 30% slope disturbance. The first isolated occurrence is 388 square feet, the second occurrence is 2,801 square feet, the third is 308 square feet, and the fourth is 2,806 square feet. The total combined disturbance is 6,303 square feet. 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. The Applicant requests a variance of Article VII, § 3.4.1.1c.c.i (No build areas) and of the "Code" regarding slope disturbance the reconstruction of a drive to access a residence on two parcels totaling 7.33 acres.
2. The property is located at 214 and 216 State Road 76 within, Section 6, Township 20 North, Range 9 East.

3. Article VII, Section 3.4.1.c.1.c of the Code provides that natural slopes of 30% or greater are “no build” areas and shall be set aside from use for development. The proposed lot contains some scattered areas that are less than 30% slopes. The Applicants are requesting a variance to allow disturbance of 30% slopes (approximately 6,303 sq. ft.) in order to reconstruct a driveway to a residence and allow accessibility for emergency vehicles, life safety concerns, and meet fire code requirements.

4. Article II, Section 3.1 (Variances) of the Code states, in part: “Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance.”

5. On March 12, 2013, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the variance request.

6. Staff recommends approval of the Application subject to conditions:

- a. The Applicant must obtain a development permit from the Building and Development Services Department for construction of the driveway.
- b. The Applicant shall comply with all Fire Prevention Division requirements at time of development.

7. The Applicant agreed to the conditions at the March 12, 2013 BCC meeting.

8. At the March 12, 2013 BCC meeting there was no one from the public present to speak in regards to this Application.

9. The lot is limited by excessively steep terrain which makes it difficult to construct a driveway that meets Code requirements. Staff has conducted a site visit and reviewed the slope

analysis and determined that there is no other area on the site to construct a driveway. The variances requested are unavoidable due to the rugged terrain on the property.

10. Strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicant.

WHEREFORE, the BCC hereby approves the Application for a variance for the reconstruction of a drive to access a residence on two parcels totaling 7.33 acres, subject to staff conditions as stated in paragraph 6 above.

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

CHAIR HOLIAN: -- approve the variance with staff conditions; is that what the motion is?

COMMISSIONER MAYFIELD: Yes, ma'am.

CHAIR HOLIAN: Yes, is there a second?

COMMISSIONER ANAYA: Madam, I would second and just have a comment under discussion.

CHAIR HOLIAN: Okay, we'll go to discussion now. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I just want to state for the record that this particular item we've had cases similar to this in the northern district, District 1 and other parts of the County where there are multiple residents that are serviced off of a water crossing. A lot of discussion over what the fire ordinance requirements are and what reality is. And within those discussions I think I would just comments that I think all of the members of the community that live in these situations would love to have the ability to have a full-blown bridge or any upgraded version of a crossing but I think Commissioner Mayfield and other Commissioners, not just Commissioner Mayfield, in the past have brought up the fact that we have our County low water crossings. I have one in Galisteo that is on County Road 42 that when that water runs through that low water crossing you can't pass it period. And so we have our own areas that we want to improve and work on but that based on those conditions and I think based on the added restriction on the warranty deed that makes it blatantly clear of what the applicant is accepting as a responsibility of, I think makes sense for the current owner and any future owner that might have it -- that they're aware what the potential condition might be. So, that's all I have, Madam Chair, thanks.

CHAIR HOLIAN: Okay. We have a motion for approval of CDRC Case V 13-5040 with staff conditions. All those in favor signify by saying "aye."

The motion passed by unanimous 4-0 voice vote.

CHAIR HOLIAN: The motion is approved 4-0, thank you, Mr. Jaramillo.

MR. JARAMILLO: Thank you, Madam Chair. Thank you, Commissioners and good night.

**XVII. A. 7. CDRC CASE # V 13-5030 Wladimir & Diane Senutovich
Variance. Wladimir & Diane Senutovich, Applicants Request a
Variance of Article VII, Section 3.41.c.c.i (No-Build Areas) to
Allow Four (4) Separate Areas of 30% Slope Disturbance for a
Proposed Driveway on Two Parcels Totaling 7.33 Acres. The
Property is Located at 214 and 216 State Road 76 in the Vicinity of
Santa Cruz, within Section 6, Township 20, North Range 9 East
(Commission District 1)**

MR. LOVATO: Thank you, Madam Chair. The Applicants request a variance to allow the reconstruction of a driveway to access an existing residence on two parcels totaling 7.33 acres. A permit was issued on June 19, 1998, under permit # 98-823

for a residence and a driveway. The existing access contains grades greater than 15 percent which exceed access requirements for Fire and Emergency vehicles. The proposed grade would be within fire requirements of 11 percent.

The request would require a variance of Article VII, § 3.41.c.c.i, No Build areas, to allow four separate areas of 30 percent slope disturbance. The first isolated occurrence is 388 square feet, the second occurrence is 2,801 square feet, the third is 308 square feet, and the fourth is 2,806 square feet. The total combined disturbance is 6,303 square feet. The Applicants state it is their intent to make their house accessible with a driveway that can be used by emergency vehicles such as ambulance and fire apparatus.

On March 21, 2013, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request subject to conditions imposed by staff by a 7-0 vote.

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

Staff recommends and staff acknowledges this request does not meet Code requirements. However, staff feels this could be considered a minimal easing of code requirements due to the proposed driveway being more accessible for emergency vehicles and life safety concerns and meeting fire code requirements. Therefore, Staff recommends approval of the Applicants request.

If the decision of the BCC is to approve the Applicant's request for a variance, staff recommends imposition of the following conditions. Madam Chair, may I enter those into the record?

CHAIR HOLIAN: Yes, you may.

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

Conditions are as follows:

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

CHAIR HOLIAN: Any question for staff? Is the applicant here? Please be sworn in and state your name for the record.

[Duly sworn, testified as follows:]

WLADIMIR SENUTOVICH: Wladimir Senutovich.

CHAIR HOLIAN: Sorry, Mr. Senutovich.

MR. SENUTOVICH: It's a hard name.

CHAIR HOLIAN: Is there anything that you would like to add, Mr. Senutovich?

MR. SENUTOVICH: The whole project looks great, thank you.

CHAIR HOLIAN: Are there any questions for the applicant? Seeing none, this is a public hearing; is there anyone here who would like to speak on this case either in favor or in opposition? Seeing none, the public hearing is closed. Are there any further questions for staff or the applicant? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I do have a question for the applicant. Mr. Senutovich, hopefully, I got your name correct, are you amenable to staff's recommendation if this is approved by the County Commission tonight?

MR. SENUTOVICH: Yes, it's going to look great. Thank you.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, with that I will I would move for approval with staff conditions.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, I have a motion and second for approval of CDRC Case V 13-5030 with staff conditions. All those in favor signify by saying "aye."

The motion passed by unanimous [4-0] voice vote.

CHAIR HOLIAN: The variance is approved 4-0.

- XVII. A. 8. ~~CDRC CASE # V 13-5050 Patrick Christopher & Marga Friberg Variance. Patrick Christopher & Marga Friberg, Applicants Request a Variance of Article III, Section 2.4.1a.2.b (Access) of the Land Development Code and a Variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow the Construction of a Residence on 15.3 acres. The Property is Located at 250C Kalitaya Way Off Old Buckman Road, within Section 29, Township 19 North, Range 8 East (Commission District 1)~~**

WAYNE DALTON (Building and Development Services Supervisor): Thank you, Madam Chair. The Applicants request a variance to allow the construction of a residence on property consisting of five lots which total 15.3 acres. The lots consist of 3.84 acres, 3.87 acres and three 2.5-acre lots. The subject properties are part of a subdivision created in the 1940's with the US Government's "Small Parcel Act" which assisted veterans in acquiring their own property. The properties all have Land Patents from the US Government dating from 1962, and are recognized as legal lots of record.

As part of the permitting process, the Applicants have agreed to consolidate all five lots in order to have the proposed residence on one lot consisting of 15.3 acres. The Applicants intend to sell the property contingent upon the outcome of the variance process and the buyer of the property will be constructing the residence.

Madam Chair, I was just informed by the applicant today that the deal for the property has fallen through so the applicants will actually be constructing the residence on the property.

CHAIR HOLIAN: Pardon, say that again, please, Wayne.

MR. DALTON: The applicants were intending to sell this property and that deal has fallen through so actually it will be the applicants constructed the residence on the property.

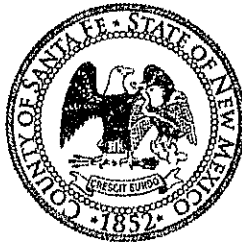
CHAIR HOLIAN: Oh, I see. The applicants.

MR. DALTON: The property is accessed by Old Buckman Road which is a

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 12-5360

VARIANCE

HENRY SANCHEZ, APPLICANT

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on May 14, 2013 on the Application of Henry Sanchez (hereinafter referred to as "the Applicant") for a variance of Article III, Section 2.3.6b2 (Height Restrictions for Dwellings Or Residential Accessory Structures) to allow an existing 1,000 square foot Accessory Structure to exceed 18' feet in height on 2.5 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 Article III, Section 2.3.6b2 (Height Restrictions for Dwellings Or Residential Accessory Structures) to allow an existing 1,000 square foot Accessory Structure to exceed 18' feet in height on 2.5 acres
2. The property is located at 35 Heather Lane, within Section 5, Township 18 North, Range 10 East ("Property").

3. The Applicant received a building permit from Santa Fe County which erroneously authorized an accessory structure to be constructed at a height of 19 feet despite the code limitation of 18 feet. In reliance on the permit, the Applicant constructed the accessory structure at 18 feet 8 inches in height.

4. There is currently a building permit approved for a dwelling unit which will be constructed on the property which has a height limit of eighteen feet for the pitched roof portion and fourteen feet for the flat roof portion.

5. Article II, Section 3.1 of the Code states that where in the case of a proposed development it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an Applicant may file a written request for a variance. It further states that a Development Review Committee may recommend to the BCC and the BCC may vary, modify or waive the requirements of the Code upon adequate proof that compliance with the Code provision issue will result in an arbitrary and unreasonable taking of the property or exact hardship, and proof that the variance from the Code will not result in conditions injurious to health or safety. Section 3.1 provides that in no event shall a variance be recommended by the Development Review Committee nor granted by the BCC if by doing so the purpose of the Code will be nullified. Additionally, it states that in no case shall any variation or modification be more than a minimum easing of the requirements.

6. The following individuals spoke in opposition to the Application: Gary S. Friedman, the attorney for the Vista Redonda Neighborhood Association; Jill Bossory; Harvey Stone; Beverly Martin; and Kietha Leonard. Opponents voiced concerns about the Application, including concerns about health and safety, the reflectivity of the current roof, the color that the roof should be, the need for screening, and the importance of holding all land owners to the requirements of the Code.

7. The primary health and safety concern expressed by opponents had to do with the reflectivity of the roof, a problem which the Applicant has agreed to address by altering the color of the roof to comply with Code restrictions on roof color.

8. Staff recommended that the Application be granted and that the following conditions be placed on the approval:

A. The Applicant shall submit a landscaping plan to be approved by staff and shall screen the structure to protect and enhance the visual appearance of the natural hillsides;

B. The structure and roof shall be constructed in non-reflective earth tone colors;

C. The Applicant must update the approved development permit from the Building and Development Services Department to reflect the correct height of the accessory structure.

9. In support of the Application, the Applicant's agent stated that the Applicant was in agreement with staff's conditions.

10. Granting a variance to allow the accessory structure's pitched roof to remain at a height of eighteen feet eight inches represents a minimal easing of the height requirement and is necessitated by a non-self inflected condition.

11. Granting the requested variance for an already built accessory structure which already exceeds the height limitations for ridgetops would not nullify the intent of the Land Development Code.

12. Granting the variance request will avoid exacting a hardship on Applicant and will not result in conditions injurious to health or safety.

WHEREFORE the Board of County Commissioners of Santa Fe County hereby approves the request for a variance of Article III, Section 2.3.6b2 (Height Restrictions for Dwellings Or Residential Accessory Structures) to allow an existing 1,000 square foot Accessory Structure to remain as constructed with a height of 18 feet 8 inches subject to the conditions as stated in Paragraph 8.

IT IS SO ORDERED

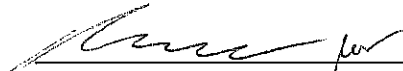
This Order was approved by the Board of County Commissioners of Santa Fe County on this ____ day of July 9, 2013.

Kathy Holian, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

The motion passed by unanimous [4-0-] voice vote.

CHAIR HOLIAN: The liquor license is approved, 4-0.

- XVII. A. 2. **CDRC CASE # V 12-5360 Henry Sanchez Variance.** Henry Sanchez, Applicant, James McCreight, Agent, Request a Variance of Article III, Section 2.3.6b2 (Height Restrictions for Dwellings or Residential Accessory Structures) to Allow an Existing 1,000 Square Foot Accessory Structure to Exceed 18 Feet in Height on 2.5 Acres. The Property is Located at 35 Heather Lane, within the Vicinity of Chupadero, within Section 5, Township 18 North, Range 10 East (Commission District 1)
[Exhibit 3: Four emails from neighbors in support of the variance; Exhibits 4 and 5: Applicant supplied caselaw supporting the variance; Exhibit 6: Cassutt, Hays & Friedman letter to CDRC re: opposition to variance with color photos dated 2/21/13]

JOHN LOVATO (Case Manager): Thank you, Madam Chair. John Lovato, Building and Development Services. The Applicant requests a variance of Article III, Section 2.3.6b.2, Height Restrictions for Dwellings or Residential Accessory Structures, to allow an existing 1,000 square foot Accessory Structure Garage to exceed 18 feet in height. The structure was originally permitted through Santa Fe County under permit number 11-522, and the structure is near completion. County staff approved a building permit for the residence which met height requirements. The permit was later amended with an accessory structure garage. Staff approved the permit at a height of 21 feet. After receiving a complaint regarding the structure and the roof reflectivity, staff conducted an inspection and found the structure was built within the height approved in the permit but exceeded the height permitted in the code as it was located on a ridgetop.

The permit for the garage was issued in error. However, the applicant relied on the permit and built in accordance with the permit. Staff is therefore recommending that the variance be approved. If the variance were denied the County could be financially liable to reduce the building height.

The structure exceeds height requirements for ridgetops. The maximum allowable height for ridgetops is 18 feet for a pitched roof and 14 feet for a flat roof. The Applicant states, a variance is needed due to the expense it would cost to bring the structure into compliance with the height requirements for ridgetops. The Applicant further states during the submittal process they thought they were allowed a maximum height of 24 feet.

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

Staff Recommendation: On February 21, 2013, the CDRC met and acted on this case, the decision of the CDRC was to recommend denial of the Applicant's request by a 5-0 vote. After further review of the application and approved building permit, the applicant was approved at a height of 21 feet and has constructed the structure at 18'-8".

Therefore, Staff recommends approval of the requested variance.

If the decision of the BCC is to approve the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter the conditions into the record?

CHAIR HOLIAN: Yes, you may.

Conditions:

1. The Applicant shall screen the structure to protect and enhance the visual appearance of natural hillsides. (As per Article III, § 2.3.10a.3)
2. The structure and roof shall be constructed in non-reflective earth tone colors (As per Article III, § 2.3.8a.2).
3. The Applicant must update the approved development permit from the Building and Development Services Department to reflect the correct height of the accessory structure (As per Article II, § 2).

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

CHAIR HOLIAN: Are there any questions for staff?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Yes, I would just like to read in the conditions please.

CHAIR HOLIAN: John.

MR. LOVATO: Madam Chair, Commissioner Mayfield. Number one, The Applicant shall screen the structure to protect and enhance the visual appearance of natural hillsides. Two, the structure and roof shall be constructed in non-reflective earth tone colors and three, the Applicant must update the approved development permit from the Building and Development Services Department to reflect the correct height of the accessory structure.

COMMISSIONER MAYFIELD: Um, Madam Chair. So as far three, the applicant must update the approved development permit from the Building and Development Services Department to reflect the correct height of the accessory structure; so what is the accessory structure right now? What are they asking for?

MR. LOVATO: Currently, we approved the permit at 21 feet. The actual structure is 18 feet 8 inches.

COMMISSIONER MAYFIELD: Okay, 18, 8. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Question to staff, the structure has already been built. It's 21 feet for a pitched roof or a flat roof?

MR. LOVATO: Madam Chair, Commissioner Chavez, it's actually 18 feet for a pitched roof and 14 for a flat.

COMMISSIONER CHAVEZ: Okay, so they're within the height requirement because they built at 18-8 right, that's the finished structure?

MR. LOVATO: Madam Chair, Commissioner Chavez, They are actually eight inches above what is required. The structure is a pitched roof.

COMMISSIONER CHAVEZ: Okay, thank you, Madam Chair.

CHAIR HOLIAN: Is the applicant here? Would you please be sworn in.

[Duly sworn, James McCreight testified as follows:]

JAMES MCCREIGHT: James McCreight.

CHAIR HOLIAN: Is there anything that you would like to add, Mr. McCreight?

MR. MCCREIGHT: Madam Chair, yes I would.

CHAIR HOLIAN: Pick the mike up just a little bit so we can hear you.

MR. MCCREIGHT: Surely. How about that?

CHAIR HOLIAN: That's good.

MR. MCCREIGHT: Thank you. Madam Chair, Commissioners what I'd like to do is just go over a list of a few things that we'd like to address this evening. The first one is how we got here this evening, a brief history of the subdivision, what we would request from the Board of County Commissioners and I would like to explain the reasons. We met the criteria and explain to the Commission why normal standards don't apply.

During tonight's process I also hope to establish a clear understanding that the only people who have the possibility to be harmed are the applicants and not the community of Vista Redonda.

I'd like to start with the history of the subdivision which took place back in 2004 when we came before the County Commission to subdivide eight lots on 30 acres. It was hotly contested by the Vista Redonda Homeowners Association at that time. During that process Judge Perez whose mother was one of the original owners of this property which they've had for over 70 years sent his daughter up as a representative, she's also an attorney, to try to table our subdivision because they felt that they had the right to drive through to get to one section of their 44 acres that they did not have access to from down in the valley. I showed the County Commission some USGS material that proved that they didn't have that right and also a letter of them having had their privilege to drive through that property by the Christian Brothers who were the former owners and that letter rescinded that permission.

At that time we came to a handshake agreement at the urging of the County Commission, that we would assist them in going forward and being able to develop that section of their property. That handshake agreement has followed through to this very day.

So what I'd like to do is just explain to you where this subdivision, it's right past, it's three miles past the new Four Seasons which is the former Rancho Encantado. Right before you get to our subdivision is the turn in to Vista Redonda so if you don't mind, I'd like to show you on the map so you have a clear understanding of what you're going to see on this video, Madam Chair.

CHAIR HOLIAN: Yes, please. And then if you can take the mike with you if you're going to speak so we can have it recorded.

MR. MCCREIGHT: Yes, Madam Chair. What we have here is a 592 which is here's Rancho Encantado, 592 and it's coming out—so it comes out here and this is, if you're familiar with the area, where the large water tanks are and right here is the entrance going into Vista Redonda and the corridor view that is in dispute is the first street which is Paseo Encantado where you make a right, right here. Our subdivision is here. The property that we allowed the Sanchezes to annex with us is right here. When you see this video, which is behind, that video is going to take place once you enter into Vista Redondo and make that right. That's where the view corridor begins and you can see the proposed

development, actually the current development. From here to their land is 1,500 feet, to that view corridor. So people who are disputing it live in front at 750 feet from their home to the actual garage site and there's another home over here which is 350 feet. Now, I built that home and I know that that home cannot from any place in the house see this structure and that they would have to walk out on our land and in the 10 years that I've been there I've never seen them out on our land.

So what I'd like to do is just start the video, there is no sound. But the first scan that you're going to see will be actually a smaller scale than you and I would actually see but as we go back and forth we keep increasing the scale so you can get a good perspective on the current architecture that's there and what we have already constructed and we also in the last few days put up the forms for the walls of the home which would be in front of the current structure and they block the view of that structure except for the 8 inches sticking out above. And one thing that I'd like to make mention of, even though we put in for a permit of 21 feet thinking we had 24 feet, we only built the roof to 18-8 because we were looking for a New Mexico pitch and once we got the pitch we didn't want to exceed it because we were looking for the look. But, ironically, if we were place a fireplace in that structure, the chimney could exceed 18 feet by 4 feet. That's the code. So what we're asking for is a variance of 8 inches because we exceeded it without knowing we that we were exceeding the 18 feet even though we gave – we received a permit which was signed off by Land Use and the Land Use Administrator at that time was Shelly Cobau.

So, if we could begin the video and as I mentioned you're going to see – and from here it's not that great, it's actually right dead center now, 12 o'clock is the structure and then what I want you to take notice of if you would, is as pan back, as we pan – there's the structure right there in the center. That's the sloped roof and that's it, that scale is probably close to the human eye scale and as we go back and forth we're going to blow it up just so you can see in detail what's really going on. So as we come to the left you're going to see those homes on the ridges out there which are two story homes built on ridges that go down into the arroyo probably 80 to 100 feet. There's three that are located up there.

Now we increase the size of it. That's the home that's under construction in front of us. One of the people that is protesting has a home that's off to the north of that but the elevation is considerably below our elevation so as you look at that structure you're going to see that they actually installed the forms for the 18 foot high wall that would be erected for the home which would totally block anyone's perspective at eye level that lives in Vista Redonda.

You could just run the video through, if you would please. Here's the homes up in the ridge that you're seeing from the same visual corridor that when we stopped to take the ones at the garage that you're seeing off to the west. You can see that they're in excess and that there's a variety of architectural designs out there so it's not like we're [inaudible] anyone's aesthetic respect here. And these are the homes totally blown up. This is the last scan that we have. Now this shot was shot a few days ago and you can see those forms in front now are 10 feet and this shot will last a few seconds and then we're going to show you at 18 feet what it looks like and in order to save some time my wife just photo shopped one section of the forms and put it on the right. You'll see it's blocking some trees once we get to it. And you'll see that all you can see, there it is now, so you can not see anything from

Vista Redonda except for that little stub that you can have at the top which would be 8 inches. Thank you.

One other thing that I would like to mention is that this is the property in question and to the east of it there is no homes. That's all National Forest and 500 acres that belong to the Christian Brothers.

CHAIR HOLIAN: Okay, thank you, Mr. McCreight. Do you have anything further?

MR. MCCREIGHT: Yes, I do, Madam Chair.

CHAIR HOLIAN: Please proceed.

MR. MCCREIGHT: Thank you. What I'd like to do in order to save some time is just to give you some caselaw that is applicable to this case, if I may?

CHAIR HOLIAN: Sure.

MR. MCCREIGHT: May I approach?

CHAIR HOLIAN: Well, yes, but if you're going to speak please take the mike with you.

MR. MCCREIGHT: No, I'm not going to speak.

CHAIR HOLIAN: Well, if you're just passing out things maybe you can give it to staff and then they would hand it us.

MR. MCCREIGHT: Thank you, Madam Chairperson. I know that we are running late so I just thought to continue on and you'll get the information as we go. I have two pages here that are applicable to the actual situation. One took place in Pennsylvania and I will show why it's applicable once I'm done. This is a case where someone went to subdivide and due to changing of law in that County they no longer had the proper amount of land for the building that they wanted to construct on it. They were given a variance which was opposed and the courts ruled on it and this is where it's applicable to what we're doing today. The zoning board may have the power to grant a variance where the variance sought is de minimis and the public interest is not affected even though the traditional grounds for a variance have not been established. This makes sense for this is not invasion of the legislative function in a minor de minimis variance of the type involved in the Pyzdrowski Case decision. It would seem appropriate, however, for the courts to leave the question of whether to grant such variances to the zoning board. Now, that took place in Pennsylvania. There's another case a larger case, the thicker one that I gave you took place here in Santa Fe County by the Santa Fe Commission and was ruled on by the New Mexico Supreme Court. This was a case where, it's probably most well known as the Gonzales Tower and what that case was about was they were granted a variance by this Commission and then it was opposed by neighbors and the Commission – it was verified by the New Mexico Supreme Court that the Commission made the right decision. And, what this case defined was that it's not just variances but there's use variance and there's area variance. Area variance is not as stringent as use. In an area variance you have dimensions and space which is applicable to our case. So what it was found to be was, it says it says that hardship is not defined in the code to determine the request hardship was – being sought by Sky High. Now this case, and I was going to show you why this case was applicable to the other case in Pennsylvania because the case that was used by the Santa Fe County Commission was also a case that took place in Pennsylvania. And the gist of this whole case was that the restricted height level was

24 feet for that tower but the Santa Fe County Commission allowed a variance to 189 feet for a cell phone tower. Why? Because the Commission determined there would be significant cost and economic deterrent to the applicant, even though hardship is not defined in the code they allowed for it. And, if you could go to page 12 where it says number 25193, it says the Santa Fe County Land Development Code, New Mexico 1980, further Article II, Section 3.2 provides in no case shall any variation or modification be more than a minimum easing of the requirements. So, I appeal to you that if 198 feet was still considered minimal, then 8 inches is really inconsequential. We're talking about this much space sticking up above two other peaks that will be like it and it will actually be behind the building and most people won't be able to see it but those that can, it'll be 70 feet back from the front of the home once that's constructed.

So, we appeal to the Commission not to put the applicant through this hardship and – we realize that no one can really be hurt by an 8 inch variance on this because it's not damaging to anyone. No one would even know that this was there, that it would be in violation or anything, unless someone told them it was there and they would have to go to a certain point just to see it.

And, before I end I would like to – oh, we have agreed to change the color at the applicant's cost. And I would like three to five minutes to respond to any information that may be inaccurate by the Vista Redonda Association, if I may, Madam Chair.

CHAIR HOLIAN: Yes, afterwards.

MR. MCCREIGHT: Thank you, Madam Chair.

CHAIR HOLIAN: Mr. McCreight, may I ask you, do you agree or does the applicant agree with all of the staff recommendations?

MR. MCCREIGHT: As far as changing the color, we agree. As far as reapplying, if we were granted permission to do this we would have no issue with reapplying in order to give the correct status. We put in for 21, we only built it at 18.8. We didn't know that we were over until the Vista Redonda Association made a complaint. We didn't know we were in violation. We thought that we conformed with everything that was required of us.

CHAIR HOLIAN: Thank you, Mr. McCreight. Any questions for the applicant?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, relative to that conditions what purpose would it serve, Ms. Ellis-Green, for us to have the applicant reapply for something we already understand fully? What's the purpose in that?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, it actually doesn't say reapply, it says update. What we would want is our files updated to show the correct height and we can do that through a letter, through initially the plans or something like that so it wouldn't need a new application.

COMMISSIONER ANAYA: Okay, thank you.

COMMISSIONER MAYFIELD: Madam Chair.

COMMISSIONER ANAYA: Thank you, Madam Chair, that was the only question I had.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Commissioner Anaya, thanks for asking that question. So an update are there any new additional fees associated with that update or is staff going to waive those fees?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, there wouldn't be any fees associated with it.

COMMISSIONER MAYFIELD: And they would just have to reflect the new 8 inches also or would they be in compliance I guess if this Commission so chooses to approve that?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, we'd put a copy of the findings if they were approved in the application and we would also have the applicant initial and write on the elevation.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, I'll still reserve some questions for after all the parties speak.

COMMISSIONER ANAYA: Madam Chair [inaudible].

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, you can answer this – tell me your name again, I'm sorry.

MR. MCCREIGHT: McCreight.

COMMISSIONER ANAYA: Mr. McCreight, the house that you showed in the video on the hill, the flat roof, two story houses, how high are those houses?

MR. MCCREIGHT: Well, they're probably up to what's allowed, 24 feet, 22 feet in that area. I would also, if I may, show you a photograph of when you riding down 592 when you get to the new Four Seasons, the old Rancho Encantado, there's a home that sits up on the ridge and that's your introduction to Vista Redonda. So if I may, Madam Chair, I'd just like to give you those two photographs. Thank you.

COMMISSIONER ANAYA: Does anybody know the answer to that? Do you know the answer to that?

CHAIR HOLIAN: Mr. McCreight, if you could give it to staff and then –

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, I don't know the height. They look like they're 22 to 24 foot high. Our height requirements for ridgetops were introduced in the middle to late 90s so if they were built before that they would have had either a 36 or a 24-foot height requirement.

COMMISSIONER ANAYA: Madam Chair, I don't have any more comments until after I hear the public hearing but I do have a comment that I would like to make at the end of this case; however, it comes out that deals with height because now in our code we're facing height issues throughout the County and so if I could reserve and have a comment at the end of the public hearing portion. Thank you, Madam Chair.

~~MR. MCCREIGHT: Madam Chair.~~

CHAIR HOLIAN: Yes, Mr. McCreight.

MR. MCCREIGHT: In addition the two photographs are one. As you're approaching the ridge in Vista Redonda you can see that home that is sticking out and it's not your normal type of architecture. And then I blew one up just so you can have a better idea. The other photograph that you were just given is what it actually looks like now that we have

the forms up and you would just have to replace those forms if you would with the actual walls of the home and you can see what's actually going to be showing above that wall.

~~Thank you very much.~~

CHAIR HOLIAN: Thank you. This is a public hearing. Is there anybody here who would like to speak on this case either in favor or in opposition to? Please come forward state and your name and be sworn for the record.

GARY FRIEDMAN: Madam Chair, Commissioners, actually, I'm the attorney for --

CHAIR HOLIAN: Oh, if you're an attorney you don't have to be sworn in.

MR. FRIEDMAN: My firm Cassutt, Hays and Friedman represents the Vista Redonda Property Owners Association.

CHAIR HOLIAN: And your name?

MR. FRIEDMAN: My name is Gary Friedman. Before I start I'd like to give you some handouts that were actually handed out at the CDRC meeting but for some reason not all of these got in the record for the meeting here tonight but they should be part of your consideration. So if I could please hand those out to you?

CHAIR HOLIAN: Yes, please. If you would give them to our staff and Mr. Lovato will hand them out.

MR. FRIEDMAN: I'll let Mr. Lovato hand those out and then I'll explain what they are real quickly. One of them I think you've already received which is a letter that I had addressed to the CDRC back in February before that meeting. The other documents are a letter from one of the homeowners that is actually situated very close to the subject property and that's a letter from George Martin. Mr. Martin, it's a two-page letter, that explains his objections to the variance and then also that's dated February 15, 2013. And, also, included for your review is a letter dated February 15, 2013 from the architectural committee at Vista Redonda explaining why they're concerned about this structure and the problems that exist with its non-compliance with the County Code. There are three photographs here that I'd like to review with you briefly. The first photograph is a view from Vista Redonda Road it's approximately half a mile away, it's marked on the bottom that's when you can clearly see the reflective nature of the roof. And that it is visible. These are County roads not private roads. Vista Redonda and Paseo Encantado so that's the picture from approximately about half a mile away taken by one of the residents.

Now there's another picture taken from Paseo Encantado southwest and that's approximately 8/10 of a mile away. That's further away but you can still how that roof reflects, the high visibility of the roof and that it sticks up out of the topography.

And then the third picture is for two purposes, this is this picture. The purpose of the picture is to number one show the reflectivity of the roof but also to show the background of behind the roof which comes into play when we're talking about how to fix that mirror effect that that roof has. I think the County had proposed in one of the recommendations to have the roof done in earth tones, I'll talk about the code in a little bit, but, actually, the code says that first you should look at the natural vegetation that exists surrounding the structure and we strongly want to make sure that this roof is done in a dark green color and have that as one of the conditions so that it blends in with the natural vegetation behind it. Making it a tan

color will not do that job. The structure itself we're okay with having it as a natural tone color but we have to address the roof also.

Obviously, I am here to oppose the variance on behalf of the Vista Redonda Association. The structure built by Mr. McCreight violates the code in a number of different ways. Number one, it exceeds 18 feet in height. The interesting thing to me is that when this case was presented first before the CDRC the height that was presented in public testimony was not 18 feet and 8 inches. It was 19 feet and 2 inches and that was what the staff had gone out there and measured. Somehow between that hearing and now the height got reduced to 18 feet 8 inches. And if you look at the minutes, I think they're included, if you look at the staff report for the CDRC it says 19.2 inches and I'm sure Mr. Lovato would confirm that. So to me there's two explanations for that. One is that it was either wrongly measured now or previously or that it was measured correctly both times and someone put in fill alongside the structure to raise up the ground level so that it would not be as problematic or to try to make it comply with the 18 feet.

I don't know the answer to that but I am presenting it before the Commission because it is a problem for me because the evidence has changed from one county, I mean from one County board to the other.

And now I also have a situation where the staff recommended denial before the CDRC and staff now is recommending approval of the height variance before the County Commission. And, that's an issue that the homeowners I represent have questions about. I understand the rationale presented by County staff and obviously I don't have any problems with County staff they're great. But I do have a problem with how the whole process was handled. The drawings that were submitted to the State Construction Industry Division did not show any elevations for the garage. Did not actually show how high it was. So the only way the staff is determining that is now doing a scale after the fact and saying it was 21 feet and that we stamped it and approved it and we should have known better.

So, it's an error. It's up to the Commission to how you want to deal with that but I wanted to present all the facts before you.

So there's three concerns here. One is height. One is visibility of the roof. And, three, is the screening. All three are covered by the code. The accessory structure exceeds the height allowed under the code and Article III of the code when it talks about variances says, The applicant must show that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of usual topography or other such non self-inflicted conditions. So, on behalf of the property owners in Vista Redonda we're asking the Commission to deny the variance with respect to the height because this matter does not, in our opinion, involve any unusual topography issues or non self-inflicted conditions.

~~Mr. McCreight is an experienced developer and builder. He says as he mentioned~~ himself, he's built in that area before. He knows that neighborhood. I don't think it's an excuse for him to say that I just didn't know. There's a requirement, you know, to have knowledge especially if you're an experienced builder and he didn't check it out and so he presented it before the staff and then he built it above what the County requirements require. And if you look at Exhibit 10, the last exhibit, it's the CDRC hearing minutes in that page 8 actually of those minutes. And in the second paragraph and the bottom, the last sentence, the

second paragraph on page 8, Mr. McCreight is testifying there that the additional height was an honest mistake in construction and then later he goes on to say if you look at the third paragraph from the bottom, that he said the – Member Anaya asked, what changed between the time the plans were drawn and the time the roof was completed. And, Mr. McCreight answered that the work was done by inexperienced constructor workers. In other words, human error.

Since the applicant's request for a variance is based upon his own human error and not being aware of the County code we think that's not an adequate justification for the granting of the variance. The criteria for a variance does not include financial hardship or human error as a rationale. Furthermore, Article 2, Section 3 states, that in no event shall a variance, modification or waiver be recommended by a development review committee or granted by the Board if by doing so the purpose of the Code would be nullified. In this case, we think the purpose of the Code would be negated if the variance application is granted.

The second issue I want to address is visibility. And, before I do that not everyone from Vista Redonda is going to speak but I'd just everyone here from the neighborhood to stand. Thank you. The structure as some of the property owners will tell you is highly visible from the Vista Redonda residences and the public roads. The public roads I'm talking about as I mentioned before are Paseo Encantada, Vista Redonda and also it's visible from Highway 592. Moreover the bright reflectivity of the roof is an important issue. The development code for ridgetop structures is designed to assure that buildings blend into the natural vegetation and landscape and this is what I mentioned before. The Code states that open quotation, neutral and darker shades of color shall be used for exterior walls, facades and roofs which blend in with the natural foliage of the native trees or other vegetation. So that's why we want the roof to be green. Roof colors from adjacent properties and all walls and facades, the Code also says, shall be muted and of non-reflective or non-glossy materials with a light reflective value of less than 40. She we want to make sure that when those conditions are placed that they comply with the code as I'm stating here.

So my clients request that the County require the roof to be made a dark green color to blend in with the surrounding trees. Our also concern here is one of time. The roof has been there for a long time. The mirror effect has been there for a long time. We want to make sure that that problem is resolved within a short period of time so we'd like as part of the conditions for the Commission to say you have 30 days to do it or you have 60 days to do. It's not going to take a long time for some folks to get up there and paint that roof, it's a day's work so I think that a 30-day timeframe period is more than ample to get it done.

The third issue regarding screening is also important to the residents and under Article III, the applicant is required to screen a large structure from the public way to protect and enhance the visual appearance of natural hillsides. In the Code it says that such screening is subject to a site visit and approval by the Code Administrator. I didn't see that in the recommendations of staff but I think that should be in there also.

So as mentioned by the letters I've handed out and what I've just talked about, we're asking the Commission to please deny the variance request, thank you very much.

CHAIR HOLIAN: Thank you, Mr. Friedman. Is there anyone else here who would like to speak on this case either for or against? Please come forward, be sworn in and state your name for the record. Also, those of you who would like to speak please come

forward so that we can move this along. Also, for the people from the community I am going to ask that you stick to a two-minute time limit – okay, so you will see the time up there.

.....[Duly sworn, Jill Bossory, testified as follows:]

JILL BOSSORY: My name is Jill Bossory I am resident of Vista Redonda. I live on Paseo Encantado Northeast. And, Madam Chair, Commissioners, thank you very much for hearing our case. Vista Redonda is a development which has been in existence now for over 35 years. Most of us or I should say all of us who purchased homes in Vista Redonda moved there because of the beautiful mountain, the great homes, the varied that we have in Vista Redonda and also the protections in knowing that the area around Vista Redonda will be protected against those wishing to infringe on the rights of Vista Redonda residents. I am on the architectural committee as is [inaudible] Larson who is one of the people who is most being affected by this roof issues. Bill Larson's father passed away and he could not be here so I am here in his stead. There has been a long history of problems between James McCreight and Vista Redonda. Our homeowners association in several instances had to hire attorneys in the past to protect our wonderful community in regards to Mr. McCreight's building plans. He has a history of building structures that suit himself but do not always complement the aesthetics of the area. He also has another project that he is about to embark on that is in sight of my home especially that is probably going to do the same kind of thing that he's trying to do on the building that we're talking about now.

Allowing James McCreight the variance on this structure which has a roof higher than the County ordinance in addition to the high reflectiveness which causes a health and safety hazard will only grant him permission to continue breaking the laws of the County in the future projects. To sum it up, give him an inch and he'll take a mile. Thank you.

CHAIR HOLIAN: Thank you, Ms. Bossory. Next.

COMMISSIONER ANAYA: May I ask a question.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I'm sorry, ma'am, tell me your name again.

MS. BOSSORY: Jill Bossory.

COMMISSIONER ANAYA: Bossory?

MS. BOSSORY: Bossory B-o-s-s-o-r-y.

COMMISSIONER ANAYA: Thank you, Ms. Bossory. You made a comment at the end that the roof would be a health and safety hazard.

MS. BOSSORY: Yes.

COMMISSIONER ANAYA: Could you tell me how?

MS. BOSSORY: It's a health and safety hazard because of the reflectiveness of the roof. There are times during the day when our bright New Mexico sunshine that you're driving on one of the several of the roads in Vista Redonda and it totally blinds you. I mean, you can't—I don't care how thick your sunglasses are, you can't see the road in front of you. It is a health and it is a safety hazard. It's like shining a huge bright light in your eyes where you can't—you can't see.

COMMISSIONER ANAYA: And this particular roof does that or just reflective roofs?

MS. BOSSORY: Yes. No, this particular roof.

COMMISSIONER ANAYA: And then you said that the subdivision has been in existence for 35 years?

~~MS. BOSSORY: Absolutely, over 35 years. We have homes that were built prior to the change in your building standards, your building height standards.~~

COMMISSIONER ANAYA: Are there houses in the subdivision that are higher than the standard after the ridgetop –

MS. BOSSORY: You know, I can't answer that. I'm a resident. I don't have knowledge of that, I'm sorry.

COMMISSIONER ANAYA: Okay, thank you. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Ms. Bossory. Next.

[Duly sworn, Harvey Stone testified as follows:]

HARVEY STONE: Madam Chair, Commissioners, my name is Harvey Stone. I'm a past president of Vista Redonda Water and Property Owners Association and a current board member. Mr. McCreight started off his presentation with a perspective which is that the only one who will be harmed could be the applicant here. And, I'd like to provide a different perspective. A perspective, in fact, that we as a board have had to spend a good deal of time discussing this because the entire board is so concerned about this issue and because we are being stopped and called up by residents who are not on the board who are also very concerned and obviously feel harmed or could be harmed if a variance is allowed to go through here. And to the degree that we have even taken association dues to pay for a lawyer to present today in front of you. So there is a great deal of concern about this amongst the community and we are a reasonable group of people. And, we have, for instance, worked very closely with Commissioner Mayfield and the County on the upgrading of our roads the public roads that go through the subdivision. So I want to emphasize that this is not a simple issue of oh yeah, we'll grant him a variance and what's a few inches here or there. There really is a great deal of concern by a great deal of people about this issue and on behalf of the board we would like to encourage you to truly deny the variance so that all the issues can be settled here and that future buildings that McCreight does can also follow within the guidelines of the County.

CHAIR HOLIAN: Thank you, Mr. Stone. I have a question.

MR. STONE: Yes.

CHAIR HOLIAN: If the variance were denied is your suggestion that the structure be torn down?

MR. STONE: I don't know how that gets handled. I'm not a builder or architect.

CHAIR HOLIAN: Okay, thank you.

COMMISSIONER MAYFIELD: Madam Chair.

~~CHAIR HOLIAN: Yes; Commissioner Mayfield.~~

COMMISSIONER MAYFIELD: This is more of a question and I was going to save all of them to the end and I'm glad Mr. Stone did bring up, I work very well with the Vista Redonda community association and Mr. McCreight also on different issues. I will just say that he's helped immensely with water issues within the neighbors a little I guess more east of you all with Chupadero and Rio en Medio. So with that note, I'm just going to throw it out there and I'll going to make a lot of comments tonight and some people may be happy

with my comments and some people may not be happy with my comments. But community and working together – this Commission in the past has done this, and I'm just going to throw that out there of asking for cooperation, collaboration, and mediation. I'm just going to put that out there right now just for a thought to my colleagues and to this community and I'm going to hear all the rest of the comments and I'm just going to make some of my own observations and comments, just so everyone can have that in the back of their minds please.

[Speakers were sworn as a group]

CHAIR HOLIAN: Thank you, Mr. Stone. Is there anyone else who would like to speak?

[Duly sworn, Beverly Martin testified as follows:]

BEVERLY MARTIN: My name is Beverly Martin. We look directly across the ravine to this site where the house is being built. I have a neighbor – I feel very strongly that everyone should be able to fulfill their dream and build what they want to build but I also feel very strongly that we have to as a community appreciate the environment and try to live within guidelines and not do things that are illegal. And I feel like what is being done right now is threatening to the residents of Vista Redonda because there are many lots involved and we just don't want this to continue. So I'm hoping that we can compromise and work together and try to friendly in this arrangement so that we can continue later to be more civilized with one another.

CHAIR HOLIAN: Thank you, Ms. Martin.

[Duly sworn, Keitha Leonard testified as follows:]

KEITHA LEONARD: My name is Keitha Leonard. I'm also a resident of – Keitha K-e-i-t-h-a, it's an odd name. My name is Keitha Leonard. I am also a resident of Vista Redonda and I'll be very brief I just wanted to say a few things. First of all we see this building, we see this structure everyday from the road, from several roads in Vista Redonda and also from our properties. Not just mine but many of my neighbors have mentioned this as well so certainly it is clearly visible from Vista Redonda. And for us the main issues are the reflective roof and also the color of the building. And that I think is – well, certainly, that is why I'm here tonight to make sure that those issues are taken care of. The reflective roof is really difficult for all of us as Jill mentioned earlier it is a health and safety hazard and of course the color of the building. The building may not be finished, I don't know. I have not been up there. I've only seen it from both the roads and my property. But certainly those are my two biggest issues with that particular structure.

We are also concerned for the future. We want to make sure that all additional building or all future buildings including the structure that is possibly going to screen this particular structure that we're talking about we want to make sure that those meet code. That those aren't somehow mistakes or somehow don't meet code. We all met code and so we think it's only fair that any additional buildings up there meet code as well.

A couple of questions were asked that I think I can probably answer about Vista Redonda. First of all as far as I know and I have been a resident there for quite a while all the structures are permitted in terms of all the two story structures. They are certainly permitted and they do meet the County code at that time. So, in fact, they're not higher than what was allowed at that point. And I think there was one other question – oh, about whether or not we would ask that it be torn down. No, we simply ask that it be the correct height or barring that

that it at least that it not have a hugely reflective roof and some sort of strange color. It's a dark color know and again it may not be finished but the color of the building itself is a problem.

CHAIR HOLIAN: Thank you, Ms. Leonard. Is there anyone else who would like to speak on this case? Ms. Martin, please be brief.

MS. MARTIN: The picture that was shown that was photo-shopped by your wife shows a wall of 18 feet and I'm under the impression that that was supposed to be a flat roof –

CHAIR HOLIAN: Please speak into the mike. I'm afraid it's not being recorded.

MS. MARTIN: I was under the impression that was supposed to be a flat roof building which should only be 14 feet by Code so I just would like to have that explained by Mr. McCreight since I was confused by that.

CHAIR HOLIAN: Okay, thank you. This public hearing is closed. Mr. McCreight, would you like to respond?

MR. MCCREIGHT: Thank you very much, Madam Chair, Commissioners. You know my integrity came into question this evening and this is a community that is requesting you to execute the proper procedures but yet they have failed to do that themselves. I have here a letter that was sent to Commissioner Mayfield and one of the things that it says in here is this it says, Last week as the roof was being constructed it appeared inconsistent with the plans I reviewed in the County as approved. A visit to the property reflected the following. Now, that visit was trespassing. This has been going on with them time and time again. Now, their attorney submitted some photographs tonight. That photograph shows again that they trespassed again. Now, the gist of this letter here, it says here it's addressed to Mr. Archuleta and what it's implying is that he's not doing his job and it's sent to the Commissioners to show that he's not doing his job but yet they go through all these things – I've been unsuccessfully over the past week in reaching you by phone and having received a return call so I've decided to send this quick note and he goes on to discuss his concerns. Thank you for your consideration. It's not signed, okay. This is a ploy. They mention Mr. Larson. Mr. Larson's house is up for sale, by the way. Here's the first letter that was sent to Mr. Larson he ripped it open saw who it was sent from and denied the letter. So he's supposedly concerned. This isn't about his father dying this was from the last meeting two months ago.

CHAIR HOLIAN: Mr. McCreight, I would actually like to ask you to stick to the issue at hand and the technical facts please.

MR. MCCREIGHT: Madam Chair, I will. First of all I did make the statement that maybe it was sloppy construction because I'm not running that job. It's an owner/builder job. I'm a liaison person. If the permit that was submitted was 18 feet and they went to 18'6", that's sloppy construction. Okay. That's not responsibility. At that point in time what the land use did when that was discovered they took the plans and they ran it to scale and the scale was 21 feet. Not 18 feet. So they weren't in violation of it. I thought they were saying that the plan was at 18 feet and that somebody did 18'6", that's sloppy construction in my perspective but to constantly call me into question when I've had so many things violated by that community is ridiculous.

So, I'd like to stick with the issues. One, we moved that structure over to the south to be out of the line of Mr. Larson's house and if we would have left it there it would have been, it not would have been in what's known as the escarpment act. To explain to you about the subdivision it's 37.5 acres and that's the only lot that is in the escarpment act and it's the lowest lot in the subdivision. So we have no issue with redoing color of the roof and we'll conform to what's in the county standards, Madam Chairperson, but this has been going on and on again where they question my integrity. I think Mr. Mayfield has some information that I sent to him on some of the things that they've done to us that were against the law. We have police reports and –

CHAIR HOLIAN: Please, Mr. McCreight.

MR. MCCREIGHT: I understand but it's very frustrating, Madam Chairperson to have these people come up here and act like they're all do gooders when they have done nothing but asinine things to our subdivision.

CHAIR HOLIAN: Mr. McCreight, please I ask you not to make statements about --

MR. MCCREIGHT: I understand. I apologize for that but you know what you can --

CHAIR HOLIAN: -- their motivation.

MR. MCCREIGHT: -- thank you for your time.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have questions and then I'm going to defer, listen to my colleagues and particularly Commissioner Mayfield who represents this area.

Just some comments about the structure and building construction. You know just looking at it and I just asked Commissioner Chavez who is more of a building and carpenter than I am, but I definitely have been exposed to some, the structure has an 8:12 pitch on it and if you took it to a 6:12 pitch just for assumption, discussion on a 29 foot stand, you'd probably end up with close to what you needed to get or maybe in the 4:12 but as far as visibility is concerned and the pictures that were provided and provided by the attorney, I forget the gentleman's name, I apologize, it wouldn't change aesthetically the look from changing that gable pitch from 8-12 down to even a 4:12 you would still see, in essence, because of the roof design the same structure. And, so, the questions I'm asking myself as I'm listening to the testimony and thinking -- and the reason I asked questions earlier about other structures in the area was, well is this the only structure that has this particular height and the answer I'm getting is we don't know absolutely without fact if it is or not but probably there's other structures that have other heights based on what we saw in the pictures and even what you represent in this picture. So, then the question becomes, and I think that's what Commissioner Mayfield alluded to earlier and the Chair alluded to, then what is the reasonable solution.

I do not think, and I want to hear what Commissioner Mayfield has to say, but I don't think that tearing that structure down and going to a 6:12 or even a 4:12 pitch is reasonable. I don't think that's a reasonable solution. I do see the concerns associated with the reflection on the roof and I do think the County has a responsibility associated with the permit we

issued. So I actually feel responsibility in condition and I actually see a fiduciary responsibility as a partial solution. So I want to ask the attorney if you'd come back up and taking into consideration what I said I want to give you an opportunity to respond to the first question; do you see that tearing this roof structure down and redoing it at – let's just say for discussion – let's say redoing at a 4:12 pitch reducing 8 inches, I mean does that satisfy you or the people you represent? Or is it a substantial [inaudible] if you will to picture that in essence are going to look the same if you had that pitch.

CHAIR HOLIAN: Mr. Friedman.

MR. FRIEDMAN: Madam Chair, Commissioner Anaya, I haven't talked to my clients about that issue so I can't answer that. I can only say that it's in violation. It's up to the Commission to decide how stringent you want to enforce the variance code. I presented our position as I've been asked to. I sit in your seat on a regular basis as the chairman of the City Board of Adjustment so I understand your concerns. But I really can't unfortunately –

COMMISSIONER ANAYA: Well, let me ask you a different way. Let me ask you a different way because I guess I heard a couple of residents get up after you got up and said where's the compromise or where's the discussion? So let me ask it this way; what is the compromise? If – that was represented after you spoke by a couple of people so –

MR. FRIEDMAN: Yeah, I think I'll let my clients address that. I think a lot of the biggest concerns we have at this point are the roof, the reflective nature of the roof that has to be taken care of and muted and done in compliance with the code and the light intensity issues and also we want to make sure it's not painted tan. That it is painted dark green and we also want to make sure that –

COMMISSIONER ANAYA: Just on that because I want to make sure I track everything accordingly. Is there anything in the code that says it has to be a color specific in the code? What does it say in the code specifically? Does it say that it should be what?

MS. ELLIS-GREEN: Madam Chair, Commissioner, I we'll take a quick look at the actual code but I don't believe it specifies a color. It has a light reflectivity value on it and so it can be any color.

MR. FRIEDMAN: It does talk about looking at the vegetation and foliage first and if you look at the background, you see the dark trees in the background in those pictures. I'll give you the actual cite.

COMMISSIONER MAYFIELD: Exhibit 5, Commissioners.

MR. FRIEDMAN: Pardon?

COMMISSIONER MAYFIELD: It's Exhibit 5.

COMMISSIONER ANAYA: I guess what I'm asking is, it says foliage but does it say if the foliage is green the roof has to be green?

MR. FRIEDMAN: It has natural and darker shades of color shall be used for exterior walls, facades and roofs which blend with the natural foliage of the native trees or other vegetation.

COMMISSIONER ANAYA: Okay.

MR. FRIEDMAN: And then it says if the vegetation is sparse, you know, there wasn't trees in the background then the natural earth tones of the soils – you know, it

should blend with the natural earth tones of the soils on the building site but that is secondary.

COMMISSIONER ANAYA: So before they respond and I absolutely want to let you respond I want to ask Mr. McCreight so I make sure I track and understand what you said.

CHAIR HOLIAN: Mr. McCreight.

COMMISSIONER ANAYA: Mr. McCreight, I'm sorry. Did I hear you correctly say that you were willing to change the color of the roof based on the code?

MR. MCCREIGHT: Madam Chair, Mr. Commissioner, absolutely we will conform to whatever is in the code. One thing that I would like to mention, please, is that, yes, when they originally measured the roof down to the ground the ground was all –

COMMISSIONER ANAYA: Madam Chair, if we could just – I've got some specific questions.

CHAIR HOLIAN: Mr. McCreight, that was off the topic. Please answer the question.

MR. MCCREIGHT: Yes, we would conform to the code.

COMMISSIONER ANAYA: Is Mr. Sanchez here?

MR. MCCREIGHT: No, he's not.

COMMISSIONER ANAYA: Is Mr. Sanchez willing to have a green roof? I mean I'm not saying that's what he has to do I'm just saying is there willingness for him to have a green roof?

MR. MCCREIGHT: We're willing to commit to whatever is in the code. We will follow the code by the rule like we thought we were doing originally, Commissioner Anaya.

COMMISSIONER ANAYA: Okay, so you don't know if it's green or brown but you'd conform to the code in a darker color?

MR. MCCREIGHT: It will not be any color that is not already existing in Vista Redonda.

COMMISSIONER ANAYA: Madam Chair, I guess I would like to hear from the residents and specifically what I'm asking for is that you guys said the word compromise and I want to hear what your definition is of that based on your comments.

CHAIR HOLIAN: Mr. Stone.

MR. STONE: Yes, thank you. I can't speak for the board because the board's not here obviously. But speaking for the residents who are here we are willing to have the height variance granted as long as all the issues – the reflectivity and color – are met.

COMMISSIONER ANAYA: So, I heard it – if I could, I appreciate it very much that you said that. But there was three conditions and the third condition we basically have clarified that it's not a condition they would have to ask for an update; right? So the other two conditions reflectivity and what's the other one, Penny?

COMMISSIONER CHAVEZ: Color.

MS. ELLIS-GREEN: Screening. Screen the structure so it'll have some landscaping around it.

COMMISSIONER ANAYA: And that the applicant is already dealing with, correct? But they're willing to deal with it. Mr. McCreight, are you willing to deal with that?

CHAIR HOLIAN: John, do you have a comment on that, the screening?

MR. LOVATO: Madam Chair, Commissioner Anaya, they have planted some and he's going to be required to plant some more.

COMMISSIONER ANAYA: And Mr. McCreight is aware of that and so is the owner of the property?

MR. MCCREIGHT: Madam Chair, Commissioner Anaya, we planted over 100 trees but the property is not done yet so the proper screening cannot be applied until it's done. Because you have to stucco the building you have to bring scaffolding around the building so it's premature for that to take place and we have no issue with that.

COMMISSIONER ANAYA: I'm not saying timing. I'm just saying that there's no disagreement from you and it's going to happen.

MR. MCCREIGHT: No, we absolutely agree to do that.

COMMISSIONER ANAYA: Okay, so I'm sorry. Sir, were you done, Mr. Stone?

MR. STONE: Yes.

COMMISSIONER ANAYA: Okay, thanks.

CHAIR HOLIAN: Ms. Leonard, do you have a comment?

MS. LEONARD: Yes, I do. You asked us about compromise and we are certainly willing to compromise and in fact as Mr. Stone said, we'd be fine with an additional 8 inches especially if it was a mistake. However, there are a few other things that we are concerned about. First of all the reflectivity and we would like something more specific that's why we're asking for the green paint because we know that's something that we can live with as opposed to we will meet the code. Mr. McCreight has just recently said a few minutes ago that he thought he was meeting this highly reflective roof that none of us can deal with that is a health hazard or a safety hazard so we'd like something more specific from this Commission before we walk away knowing in fact that that is what one of the conditions would be and so we know that it will be met. And so that's why we're asking for green. We'd be fine probably with other colors but green we know would work and it would take out the reflectivity and it would make that higher structure which is now going to be a variance and is over what the code allows it will make that higher structure be less visible so that's again why we're asking for a green roof.

We were also asking for a particular timeframe. That roof as our attorney mentioned has been up there for a long time and we'd like to see something done fairly quickly as opposed to maybe within the next year or two. So we're asking for perhaps 60 to 90 days. Something reasonable. Something that is feasible. But something that is specific so we'd like a specific color, a specific timeframe. We would also like to know that the future buildings including the one that is going up as in quotes screens around this structure will, in fact, meet code. That's another thing that we're very worried about. Mr. McCreight has not yet answered and I know he hasn't been actually asked to answer so we would ask him to answer that now; what's he doing with his current structures? Are we going to have a problem? Are

we going to back in front of your again in another few months once the newest structure goes up? And so those are really our concerns.

.....There was one other concern about the color of the building but I think that that's... probably just an issue that the building is not yet completed. But, certainly, if we had a green roof within a certain timeframe we'd be happy with that.

CHAIR HOLIAN: Thank you, Ms. Leonard.

MS. LEONARD: Thank you.

COMMISSIONER ANAYA: Madam Chair, I don't know that I would ever go to the length of trying to dictate a specific question. I think that probably goes out of the bounds of what the intent of the code is but I'd like to defer any additional comments for now and listen to my colleagues.

CHAIR HOLIAN: Are there any further questions or comments?
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, just a few points and they're probably directly towards staff and maybe some questions on that and my observations. I just want to thank the public and all the residents and the attorneys for being here and I might have a couple of questions for Mr. Friedman.

But with that from what I've read and I've read this and I want to address maybe a comment or two Mr. McCreight, I guess, directly towards me indirectly. As far as the email I received, Mr. McCreight and I think Mr. Ross can attest to this, I try to do my best if I am a recipient of an email to forward them – Mr. McCreight, I don't need a response – I do my best to forward them to our attorney so that they are placed into the record. I may miss one or two just as an oversight but I think the ones that you alluded to that I received they were directed to the County attorney. Hopefully, they make it to the record if they don't that's not my oversight but they are given to the attorney's office and he's a very busy man. He has volumes of work. I believe they were given to staff for the record – but I want you to know that and I want the public to know that. I have many, many records. There was a resolution that Commissioner Holian, a beautiful resolution that she brought forward as far as solarization, I think we received like 180 just requests to support that resolution and those are forwarded just to say please include these in the record. Just so everybody knows that and there may be one or two that are missed and for I apologize. We do our best as county Commissioners.

So, I did not visit this site. So I want everybody to know that. I have not visited this site. But, with that, you know, and I appreciate staff's summary and staff's hard work, and working with all the residents but from what I'm reading the summary there is oversight by staff once in a while. Staff made an error on the issuance of this permit, everybody. Staff issued – approved a permit at a height of 21 feet. That is what it is. They made that error. Mr. McCreight was, I guess, the project manager on this. He wasn't the person who did. But he made that error. Staff made that error. So that is what it is.

So staff on this summary is therefore recommending the variance to be approved. That's that variance not any other variance.

Mr. Friedman, you addressed a concern that caught my ear. Again, no reason at this time, please, so you addressed something that caught my ear. While the CDRC record may have changed versus the 8.8 inches now, maybe that was done with field dirt maybe that was

done with something else. But I just want you to know as far as on this record on an Exhibit 8 the Exhibit 8 exhibit is showing 19.2, so just so you know that is in here. It's not telling you what the floor elevation is what was excavated, what wasn't excavated. You know, in excavation work that's always going to change when they come and do the backfill. For all I know, he could add two more feet tomorrow and we'll be well below that threshold. I don't know what those rules are and that might alleviate it and there wouldn't have to be the new pitch. So I just want to point that out to everybody also.

Now, I just want to address a couple of other issues. And I'm going to go to our code. One thing I remember long ago and this was an issue and it was in City limits coming down or coming, I guess, north on US 285/84 or 84/285 there is a home that is right off of the highway, beautiful pitched roof home. And there was a huge issue of the reflective roof. That was with that construction. A bunch of different people – I don't know what the pitch is. Beautiful pitch. This was a very big issue as far as the, I'm going to call it corrugated steel, I don't know what the roofing material is. It was kind of like a corrugated steel. There was a huge issue with that material. And that's off a major highway that was blinding everybody's eyes. I don't know if any of you remember it. I remember it extensively. Everybody was talking about that. And they just said look, that wasn't our intent but it's going to weather over time and it's going to be either sandblasted. They're going to try to change it and that was a big community concern. It was one of my concerns. I drive that corridor everyday back and forth to work. But it did weather. And, I'm just going to say this right now: I find it aesthetically pleasing to me. I think it's a beautiful structure. I even like the color it. So that does weather over time and it does kind of change. It's kind of gray. I think it blends in with the scenery. That's just my personal preference and I'm just letting you know that. So on that I almost think it's still even the traditional building material and the reason I'm going to say this is that a lot of folks do sometimes have to build with that material. Maybe it's an inexpensive material they're putting that corrugated steel on there. It allows for rain to run, water to run. There's not a lot of water penetration the way it works. So I'm just throwing that out there also. So I understand the reflective coding issue, the sun blocking issues but that will definitely weather over time and/or there's probably nothing that would prevent that from being sandblasted and dulled right away. It may even kind of rust and turn into a nice rust look and brown look. I don't know if that's the look you all are looking for but it might come out with some orange rust tones. Just for what that's worth. So that might be something that could be amenable to everybody else. Maybe not. Maybe there's heads shaking out there or not. I don't know. For me, I don't see what that big issue is. That's me. I think it's just a traditional building material for maybe some people who can't afford to put these big expensive roofs on their homes and for somebody who still wants to move out there.

Now, as far as the Vista Redonda community do you all have covenants that are within that are within that. And, Mr. Friedman, you're they're attorney so I'm going to ask you to answer that. Are there covenant restrictions within Vista Redonda's group that say you can do this, this or this? So I would like to know what covenants are applicable in that community?

MR. FRIEDMAN: Madam Chair, Commissioner Mayfield, I'm sorry I can't speak to that because, although I am their attorney I was engaged just with respect to this matter so I have never reviewed their private covenants or --

COMMISSIONER MAYFIELD: Thank you. Staff, do we know if the Vista Redonda area has any covenants as far as their building requirements?

MR. LOVATO: Madam Chair, Commissioner Mayfield, they may have some older covenants but as far as I know there's no covenants.

COMMISSIONER MAYFIELD: Okay, so I'll ask any Vista Redonda member do you all have any covenants that you abide by?

MS. LEONARD: Yes, we do. We have quite a few and, in fact, at least one member of the architectural committee is here if you want to ask for specifics. Jill Bossory. Oh, she left I'm sorry. Yes, and I know quite a bit about them too if you have any questions.

COMMISSIONER MAYFIELD: No, no. I just wanted to know if there are color restrictions, buildings height restrictions that are different from County code?

MS. LEONARD: Yes, there are probably some additional restrictions but certainly we live by County Code as well. So it's both.

COMMISSIONER MAYFIELD: But your covenants are stronger than County Code.

MS. LEONARD: It kind of depends on what the issue is, I suppose. For the most part we have flat roofs not pitched although there is one pitched roof in Vista Redonda that I know of and for the most part it depends on the type of roof but a pitched roof does not always weather. Sometimes it stays very shiny for a long time.

COMMISSIONER MAYFIELD: No, I know that but you can kind of speed that process along --

MS. LEONARD: I'm sorry?

COMMISSIONER MAYFIELD: That process can be sped up also.

MS. LEONARD: Absolutely.

COMMISSIONER MAYFIELD: Okay, thank you. So, Mr. Ross, as far as covenants within a community if they're afforded they can be stronger than County Code; correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, of course, yes.

COMMISSIONER MAYFIELD: Okay, thank you. So, Penny, are you aware of any covenants that are stronger in this case than what the County affords through code?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, --

COMMISSIONER MAYFIELD: Madam Chair is not here so I am now the Chair just so you all know.

MS. ELLIS-GREEN: Mr. Chair, I don't know there specific covenants but the property in question I don't believe is within Vista Redonda. So those covenants would not cover --

COMMISSIONER MAYFIELD: Oh, so they're not in Vista Redonda in this area so there are no covenants that are applicable to this?

MS. ELLIS-GREEN: If they have covenants and this property is not within that subdivision then no, those covenants would not cover this property.

COMMISSIONER MAYFIELD: So we're now working under it's not applicable to this area, right?

MS. ELLIS-GREEN: That would be correct.

COMMISSIONER MAYFIELD: Okay, that's good. So, again, permit was issued 21 feet in error by Santa Fe County. So I just want to get that out there. And staff has recommended it. The permit was done. Now the 18.8 versus the 9/8 I think we've addressed that.

Screening – I'm just going to go over this as far as the variances and I'm not going anywhere with this but I just want to make this point we have – I saw Captain Patty here earlier, I don't know if Captain Patty is still around. Captain Patty, I'm going to kind of put you on the spot right now. So the screening of structures because I kind of heard that the screening was going to be done with landscaping material and I think that's going to be trees. Now this is just what I hear because I have been [inaudible] meeting kind of in your area Tesuque area, Rio en Medio area, and all I hear from the fire department is don't be putting trees and everything adjacent to homes because that's not the most prudent thing to do. So is staff's recommendation for screening to be putting trees and everything next to this structure? Is that what staff's recommendation is to do? And, Captain Patty is that something that the fire department would be recommending or not be recommending – well, let me hear is that your recommendation staff as far as screening?

MS. ELLIS-GREEN: Commissioner Mayfield, the Code says screening of – of steep terrain and ridgetop to protect and enhance the visual appearance of natural hillsides. So, yes, it is trees but we do work with the fire department in urban wildland areas to keep a separation.

COMMISSIONER MAYFIELD: Okay.

MS. ELLIS-GREEN: So if you're not in an urban wildland area you could a tree close to a house but if you are in one and I'm not sure, maybe Buster would know better than me, as to whether or not this is in an urban wildland area but if you're in a high urban wildland area you would need to keep this separation.

COMMISSIONER MAYFIELD: Okay, before – again, we're asking for this to be condition so is this urban wildland or non-urban wildland? Does anybody know that?

BUSTER PATTY (Fire Marshal): Mr. Chair, Commissioner Mayfield, this is in a low-wildland area and we do work with Land Use staff when it comes to screening from vegetation there are multiple types of vegetation that can be put in that are high in water content not necessary the indigenous trees such as pinon, juniper and pine which are highly combustible opposed to some other type of vegetation that would hold moisture. Then we do work on trying to get like a minimum of 30 feet away from the structure.

COMMISSIONER MAYFIELD: Okay, but I want the Vista Redonda community to understand that because if we approve it with this variance screening may be 30 feet away from the structure. So I just want to make sure that that is clear. That the community may know that if this is approved. Is that what staff and our fire department is recommending?

MS. ELLIS-GREEN: Commissioner Mayfield, what we'd recommend actually is that they submit a landscaping plan and at that point our staff, the Growth Management staff and the Fire Department staff can look at it and see if it does meet

wildland and the County Code. But, again, if it's in a wildland area and I'm hearing that it's in a low so we would work with the Fire Department to see what that separation needs to be and the type of vegetation that needs to be out there.

COMMISSIONER MAYFIELD: Okay, and I go to Chief Vigil's presentations all the time and I kind of – I hear something different from Chief Vigil, just so you all know that. Mr. Friedman, he's shaking his head, so I want to make sure that you and me are on the same page with this one. Because I don't want Vista Redonda to say, Hey, that's not we thought we heard. So, you're okay with that Mr. Friedman, what you're hearing here also?

MR. FRIEDMAN: I think submitting a landscape plan and reviewing that is a very good idea.

COMMISSIONER MAYFIELD: If it's approved. But I also heard applicant McCreight saying he was okay with variance one, so I heard that also; right, Mr. McCreight?

MR. MCCREIGHT: Variance –

COMMISSIONER MAYFIELD: Variance request one as far as – excuse me, staff condition one of the screening of the structure.

MR. MCCREIGHT: That's normal for any construction. We're absolutely in agreement with that.

COMMISSIONER MAYFIELD: Look, I'll just let everybody know where I'm going with this. Because next time we get a screening request with fire restriction and everything else I'm doing this for future land use cases also.

MR. MCCREIGHT: Madam Chair, Commissioner Mayfield, I would like to make one important –

COMMISSIONER MAYFIELD: Mr. McCreight, on my point please. Thank you. Thank you very much.

MR. MCCREIGHT: Thank you.

COMMISSIONER MAYFIELD: I talked about the roof, I appreciate that, I just wanted to bring that up with the building material. But I am going to go now to the Code. I'm going to Exhibit 5 and I'm just going to read it all so everybody hears it because I don't have a question. This is under our Code, current Code. Neutral and dark shades shall be used for exterior walls, facades and roofs which blend with natural foliage and native trees or other vegetation or where vegetation is sparse with the neutral earth tones of the soils on the building sites. Roof colors visible from adjacent properties and all wall and façade colors shall be muted and of non-reflective or non-glossy materials with a light reflecting value of less than 40 – okay, less than 40 – pursuant to manufactures specifications. When such data is unavailable compliance will be determined by a comparison of samples where data is available. The light reflective value standards shall not apply within established community districts. This is not an established community district on top of that hill; correct, staff?

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

COMMISSIONER MAYFIELD: Okay. So, again, colors, I guess that is agreed upon and the applicant agreed to a green color – okay, Mr. McCreight you guys are good with the green, right?

MR. MCCREIGHT: Madam Chair, Commissioner Mayfield, this would create a serious hardship and I would like to explain why. The windows and the doors

everything has already been purchased and that's what's known as a desert gray. What we have done is we went out to the metal roofing place and we have requested that they give us, show us the metal, that fits the criteria that is in the code being 40 or less and that color is actually a color that is currently existing in Vista Redonda so they should not have any issue with that color. And that color matches all the windows and the doors.

COMMISSIONER MAYFIELD: Um, Mr. Friedman, I'm going to ask you on this one because I don't know if I'm going to get any mediation out here so I'll try and do it right now. So on that as the Code says if this is an existing color already in the community and the Vista Redonda and what the Code says would you all be amenable to looking at the color palate to seeing of the 40 percent as the code says and saying, Hey, this falls within the color palate and this is already an established color in the community.

MR. FRIEDMAN: Well, I don't think it talks about established color in the community in the Code. The Code talks about darker – neutral, dark shades of color shall be used for exterior walls, façades, and roofs which blend with the natural foliage of the native trees or other vegetation surrounding the property – around the property not in the general community. I mean, I think – you know, we're not looking at what the roof colors are for other houses and comparing it to this as a criteria. I think we're looking at what the natural vegetation is and that one picture I showed you with the green background pretty much shows how it blends in. That's our preference that it be done in a dark green – I think we'd be willing to look – I'm sure the association would be willing to look at other colors and say, Okay, those look okay too. But I can't speak for them as to which particular color is going to satisfy they other than what we've already presented.

COMMISSIONER MAYFIELD: Let me ask this: if a community member in Vista Redonda who has a flat roof, somebody higher in a lower home, and I just have experienced this with my own roof, and they come and get one of these new rubber roofs and they're done in white and they have that white roof done and that's the color it comes in – I don't know if they have them out there or not.

MR. FRIEDMAN: I don't either.

COMMISSIONER MAYFIELD: And somebody is looking down on that roof are they going to just kind of protest well this guy just had a roof redone and it's all white now.

MR. FRIEDMAN: I think everyone in Vista Redonda has to comply with the code just the way we're asking Mr. McCreight to comply.

COMMISSIONER MAYFIELD: But those individuals will not have to come to the County to get that permit to get that roof redone. I'm going to ask to go through your attorney, please, ma'am.

MR. FRIEDMAN: So I'm being told that would be a violation of their covenants and wouldn't be allowed.

COMMISSIONER MAYFIELD: Okay, but he doesn't live in the covenants' area.

MR. FRIEDMAN: No, but I'm talking about – if you're asking a hypothetical about if there's a flat roof with a white color.

COMMISSIONER MAYFIELD: Okay, I guess that – thank you and then let me just go to my last thing. So reflective coating I did that. Covenants – builders – Steve, it

was brought up by Mr. Friedman, well, I guess it's not an issue but I would want to know this for the future. So if somebody comes back and puts fill dirt is that a way to kind of change the height variance on a home?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, that is something that did happen when we first went out where the construction site was is that they hadn't put the fill dirt back. I guess you could pile dirt up but you really want to meet the existing terrain so once they met that that's how it went from the 19 foot something to 18'8". But a couple of our staff has been out there and they didn't think it was practical to put another 8 inches of dirt around the site of the building.

COMMISSIONER MAYFIELD: Okay, and then my last question would be, Steve, and this would be a question for you, based on staff and, again, this is staff's errors of issuing this permit and the community's concern would the County and everything I've learned from you Steve that every case is a standalone case when it comes to a variance for the particular reasons, would staff would be setting any precedent – excuse me, would this County Commission be setting any precedent for any future permit or pending permit if we allow this variance to go through so that this would now be establishing that precedence so that, Hey, you all did this one. It's 8 inches high, or 8 inches over or a foot and a half over, so now here it is. Every home that is developed on this new 34 acres or every permit there's the door is open. So every home could be built a foot bigger, a foot higher, two feet higher?

MR. ROSS: Well, Madam Chair, Commissioner Mayfield, you don't set a legal precedent but you certainly open the door for arguments. Applicants to come in and make that same argument, that's right.

COMMISSIONER MAYFIELD: Okay. So now then if we do ask and I appreciate what my colleague said, I guess ask this applicant to tear down the roof then can the County pay for it because we issued the permit for 21 feet?

MR. ROSS: Madam Chair, Commissioner Mayfield, not only would the County – could the County pay for it, the County would have to pay for it.

COMMISSIONER MAYFIELD: Okay, so, Madam Chair, I think that I'm ready to make a motion and I know motions are always made after so I'm going to make my motion that we will deny this roof and that we will make the adjustment and the County will absorb the cost.

CHAIR HOLIAN: Is there a second? Seeing none, the motion fails. Commission, I'm sorry, Commissioner Anaya, Commissioner Chavez was next.

COMMISSIONER ANAYA: I was going to second for discussion.

CHAIR HOLIAN: Okay.

COMMISSIONER ANAYA: I'm going to second for it discussion and if I could have the floor for discussion?

CHAIR HOLIAN: Commissioner Chavez has been waiting for a long time.

COMMISSIONER ANAYA: I'm sorry, on the motion. I'll wait. I apologize, Commissioner.

COMMISSIONER CHAVEZ: I had some comments and some questions. I want Commissioner Mayfield to state his motion again because we have a request for a variance and your motion is to do what?

COMMISSIONER MAYFIELD: Well, Commissioner Chavez, let me think this because what Mr. Ross just said and hearing what the group said if this is not a precedent that we're setting by approving this that now the applicant or future developments can be asking for all these height restrictions that is definitely my worry. Because I thought from what I've always heard is that every case is standalone and if the County is the one who erred and made this mistake, and, granted staff can make a simple mistake, that does cause me worry and that causes me worry not only this group, in this area, but that causes me worry everywhere in Santa Fe County because I've always been under the understanding that each variance is standalone and I'm not saying that I'm hearing anything different from you, Mr. Ross, but I am kind of hearing something a little different so I'm going to withdraw my motion until I do hear Commissioner Chavez's – until I hear what Commissioner Chavez states, but, Steve, it cause me a real concern what I'm hearing now. I do not want to open this up where the next house can say, Hey, we're going to – so I'm going to withdraw my motion.

CHAIR HOLIAN: Commissioner Mayfield, Commissioner Chavez still has the floor.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER CHAVEZ: I appreciate that explanation. But the question I had is to the applicant. Mr. McCreight, if you could share some information with us on the type of metal you used on that roof, the gage and –

MR. MCCREIGHT: Madam Chair, yes, Commissioner Chavez, it's a muted gray and it is extremely dull and it is made specifically for these requirements and it matches the windows and the doors. We've already – we're actually going to not color the roof which is currently corrugated. We're going to replace it with what's known as the poor man's standing seam, so the roof is actually going to look much nicer.

COMMISSIONER CHAVEZ: So you're going to replace what's there.

MR. MCCREIGHT: We're going to take that metal off of that roof and change the design of the roof in the sense, the profile of the roof because it's right now corrugated and it's going to be flatter which is the small seams standing up and it meets all the codes all across the country for being 40 or under.

COMMISSIONER CHAVEZ: So the color won't be an issue and the reflective value of 40 you'll meet that?

MR. MCCREIGHT: It meets the code. It actually exceeds the code because I think it's at 35 or 37 or something like that.

COMMISSIONER CHAVEZ: So that deals with the reflective value of the what's currently there in place, you're going to change that out and that issue will be dealt with.

MR. MCCREIGHT: Absolutely.

COMMISSIONER CHAVEZ: So the other issue is the height and I don't see a problem with that myself. So that's it for my questions on the type of roof we've heard it's going to be changed so the color and the value will be met so I'm okay. My concerns are answered.

MR. MCCREIGHT: Madam Chair, Commissioner Chavez, in regards to being this setting a standard I believe Commissioner Mayfield was correct in stating that each

case merits its own views. And, the fact is when you have a cell tower that is approved by this County Commission at 197 feet and that's not setting any precedent for anything.

COMMISSIONER CHAVEZ: Off the topic again, but okay.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, on your previous motion that I was seconding for discussion I think that the bottom line is that we made a mistake. The County issued a permit that was reflecting the wrong height: plain and simple. I appreciate the fact that the property owners and the association came forward and are willing to assist with the issue associated with height because just in looking at my numbers again I know there's some architects out there that have already penciled it out but the modification to those gambles is less than an inch in the rise in the run. It's an 8/12 pitch it would be tearing down the roof and erecting another gable that's probably a 7.5 run, rise to run. Which, you know admitting to the error that the staff already made that would be ludicrous. That would be just ludicrous.

So, Mr. McCreight, going to Commissioner Mayfield's comments and Commissioner Chavez's comments what's the deviation, what's the cost of that material that you have to reinstall to purchase – not install to purchase that metal, that new metal?

MR. MCCREIGHT: I believe it's roughly \$4,000, Madam Chair and Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, sir, I'm sorry, Mr. Friedman, it's been a long day, is the association willing to accept the color within the palate that's referenced that Mr. McCreight just brought up?

MR. MCCREIGHT: And that was just for the material not the labor.

COMMISSIONER ANAYA: Madam Chair, that's what I asked for. That's what I asked for the material.

MR. MCCREIGHT: Yes, sir.

COMMISSIONER ANAYA: Thanks.

MR. FRIEDMAN: I think the property owners would prefer green but are fine with the conditions which is earth tone. We wouldn't want the gray coloring that Mr. McCreight had mentioned.

COMMISSIONER ANAYA: So, Madam Chair, and I'm going to ask the homeowner not the attorney to come up now. So we've had a good discussion and I think the County is stepping up and talking about the things that we did wrong. I do want to note that I did ask staff, I said what happened at CDRC just before I comment further and ask you a question. But I said, What happened at CDRC that the CDRC voted 5-0 to deny it? And the response was that the CDRC had no idea that there was a permit issued that was up to 21 feet. They had no idea. Had the CDRC had that information they might have taken some different consideration on the vote. So I just want to say that on the record. But understanding that I don't think that I could dictate a color to be quite honest. If the reflective value meets the intent of the Code, do you see that as reasonable?

MS. LEONARD: I do see that as reasonable. However, I would say that the Code specifically says neutral and I believe it was earthen tones in essence. We're fine with the conditions or certainly I am, I suppose I shouldn't say for everyone, but we're fine with the conditions or I am, with the conditions that staff suggested to you which is an earthen

tone for both the roof and the building. And that would take care of for us that it is higher than it should be. And we understand that it's a mistake and as soon as found that out, as soon as I heard that out, I was fine as well. I mean, I agree it is ludicrous and it would be crazy to try and tear it down if it was mistake. But to rectify that mistake because it is higher than it should be if you could do earthen tones, which I think is what staff recommended, we would be fine with that. It would not show as much. And, you see, the gray is going to show. There's -- some of the issues that have been raised here, Mr. McCreight mentioned one particular building in Vista Redonda that does have a gray pitched roof but that is the only one. All other buildings that I know of in Vista Redonda and I've been there a long time, have flat roofs and they're all earthen tones. So and actually the one that he's talking about, the pitched roof with the gray, the dusty gray I guess that's what it is, a particular gray roof is way down in the valley and it's not visible from very many places, it's certainly visible but it's not visible from that many places.

CHAIR HOLIAN: Thank you, Ms. Leonard.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm going to defer to you, Commissioner Mayfield, I think that there's been some substantial reasonable ground made and I would defer to you for a motion but I think the recommendations that staff has and the compromise is reasonable.

CHAIR HOLIAN: Commissioner Mayfield, you withdrew your motion is there any other motion you would like or any of the other board members would like to put forward?

COMMISSIONER MAYFIELD: Madam Chair, I know you probably want to get moving on this but I don't know if you have any comments.

CHAIR HOLIAN: No.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, again, I just appreciate the dialogue that was held by all. I think it was very meaningful. I'm glad we don't have to spend any money on mediation on this case but thank you. I think it was well mediated.

So, I would move forward with the case and I would ask that Mr. Ross or staff summarize now the new staff conditions as directed by or suggested by the Commission as agreed upon by everybody out in the audience. There was --

MS. ELLIS-GREEN: Madam Chair --

COMMISSIONER MAYFIELD: -- some modification I think to staff conditions.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, maybe I'll take a hit at the first one.

COMMISSIONER MAYFIELD: Thank you.

MS. ELLIS-GREEN: The Applicant shall submit a landscaping plan to approved by staff and shall screen the structure to protect and enhance the visual appearance of natural hillsides. So what we added in there was that they submit a landscaping plan.

The second one, Steve do you want a shot at that?

COMMISSIONER MAYFIELD: Is the same, I guess. The structure and the roof shall be –

MS. ELLIS-GREEN: Non-reflected earth tone colors, yeah.

CHAIR HOLIAN: Commissioner Mayfield, that's what it says now.

COMMISSIONER MAYFIELD: Okay, so that's fine. And then the applicant must update the approve a development permit from the Building and Development Services Department to reflect the correct height of the accessory structure. And, Ms. Ellis-Green, as I just heard that will afford the applicant to pull off the existing not the roof but I guess the tin on the roof and put the new one without any new fees or anything, correct?

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes we can do that and we would just ask for a color sample and the proof that it's below the 40 light reflective value.

COMMISSIONER MAYFIELD: Thank you, and with that, Madam Chair.

CHAIR HOLIAN: Okay, so the motion is for approval of the variance with staff conditions and the added condition of the applicant submitting a landscaping plan; is that correct?

COMMISSIONER MAYFIELD: Yes, and I just want to say this, and that new roof will not exceed 18.8 feet. If all he's doing is taking it off and putting it back on – just new tin, I guess. Okay.

CHAIR HOLIAN: Okay, so we have a motion and do we have a second?

COMMISSIONER ANAYA: I'll second that.

CHAIR HOLIAN: Okay, we have a motion and a second. Further discussion, Commissioner Chavez.

COMMISSIONER CHAVEZ: On condition three, the applicant must upgrade the approved [inaudible] permit.

COMMISSIONER MAYFIELD: Update.

COMMISSIONER CHAVEZ: Update, right. So that stays in there right?

COMMISSIONER MAYFIELD: Yes.

COMMISSIONER CHAVEZ: Okay.

CHAIR HOLIAN: Okay, we have a motion and a second. All those in favor signify by saying "aye."

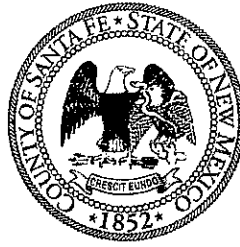
The motion passed by unanimous [4-0] voice vote.

CHAIR HOLIAN: Any opposed. The motion for approval of the variance with staff conditions and the added condition is approved 4-0 thank you.

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

**BCC CASE# MIS 12-5420 COLLEGE PARK MASTER PLAT AUTHORIZATION
UNIVEST-RANCHO VIEJO, LLC, APPLICANT**

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on April 9, 2013, on the Application of Univest-Rancho Viejo, LLC (hereinafter referred to as "the Applicant") for a Master Plat Authorization to allow for the creation, of a maximum, of twelve Mixed Use lots on 76.78 acres. The BCC, having reviewed the Application and supplemental materials, staff report and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. The Applicant requests Master Plat Authorization to allow for the creation, of up to twelve Mixed Use lots on 76.78 acres.
2. The property is located on the corner of Richards Avenue and Avenida del Sur, in the Community College District, within Section 20, Township 16 North, Range 9 East, Commission District 5.
3. On February 12, 2013, the BCC held a public hearing on this case and took action to table Case # MIS 12-5420 College Park Master Plat Authorization for two months so that the Applicant could conduct public meetings with the Rancho Viejo residents. The case was to be brought back before the BCC on April 9th, 2013.

4. The College Park site consists of 82.78 acres. Currently Bicycle Technologies International (BTI) is being constructed on an existing 6 acre lot within the College Park. Master Plan approval for 75.78 acres of this site was granted by way of the Village West Master Plan. 49.65 acres of those 75.78 acres are designated as an Employment Campus and Center within the Community College District. A Master Plan Amendment, of the Village West Master Plan, will be submitted by the Applicant to include proposed uses and to incorporate a 7 acre parcel, which lies outside of the approved Village West Master Plan, to the College Park.

5. The Applicant requested Master Plat Authorization pursuant to Article V, Section 5.6.1 of the County Land Development Code which states: "In commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer".

6. With the approval of this petition the Board shall direct that the development request (Preliminary and Final Plat) be submitted to the County Development Review Committee. After such a delegation is made, the County Development Review Committee and Board shall establish development standards applicable to the subdivision as authorized by the Code and other applicable ordinances and laws, establish the maximum number of lots to be permitted, intensity of use, and

required improvements, and may then approve both the Preliminary and Final Plat which will be known and designated as a Master Plat.

7. The Village West Master Plan was approved by the Board of County Commissioners.

8. The Application is in compliance with the Ordinance 2000-12, Community College Ordinance.

9. The Application meets Code criteria for Master Plat Authorization pursuant to Article V, Section 5.6. of the Land Development Code.

10. The Application satisfies the submittal requirements set forth in the Land Development Code.

11. Jim Seibert Agent for the Applicant testified in support of the Application.

12. Warren Thompson testified in support of the Application.

13. Vicki Schneider, Steve Landman, Susy Moesch, Pat Perrin, Ken Vellen, Glen Smerage, Evelyn Spiker and Eileen Goreman testified in opposition of the Application.

14. After conducting a public hearing on the request and having heard from the Applicant and the public, the Board of County Commissioners hereby finds that the Application for Master Plat Authorization to allow for the creation of up to twelve Mixed Use lots on 76.78 acres should be approved.

IT IS THEREFORE ORDERED that the Application is approved, and the Applicant is granted Master Plat Authorization to allow for the creation of up to twelve Mixed Use lots on 76.78 acres.

I certify that the Application was approved by the Board of County Commissioners on this

_____ day of _____, 2013.

The Board of County Commissioners of Santa Fe County

By: _____
Kathy Holian, Chairperson

Attest:

Geraldine Salazar, County Clerk

Approved As To Form:

_____
Stephen C. Ross, County Attorney

the homeowners. He personally came on my property and told me that he had a variance for his guesthouse for the kitchen. When I signed that paper I had no intention of putting in a kitchen. But when the president of the homeowners comes over and tells you he has a variance I took that to the bank.

So in good faith, this is the City of Faith. I hope you make a just determination. I cleared my land after I had a permit for the new restrictions from Mr. Patty. I widened my driveway, cut down two pinon trees so he could get access for his fire truck. So I just ask you to look into your hearts. You turned me down five to nothing. Could I put my folks into this house? I would have agreed to water restrictions. I would agree to not rent it out. I would agree to – my attorney got up to say something but he didn't get a chance. So this is again the City of Faith. I leave it up to you in good faith.

CHAIR HOLIAN: Thank you, Mr. Shapiro. Is there anyone else from the public who would like to speak? Seeing none, the public hearing is closed. Are there any other questions from the Commission? What are the wishes of the Board?

COMMISSIONER ANAYA: Madam Chair, I would move for approval of the variance with the condition added that Commissioner Mayfield brought up, if he could please restate that condition.

CHAIR HOLIAN: Commissioner Mayfield, would you restate the condition?

COMMISSIONER MAYFIELD: Madam Chair, the condition that I asked that this house would be afforded to move on to the other parents of the applicant but as the homeowners association have requested, that it would not be allowed to be rented out at this time unless our new code would allow that permission. And with that, I would second Commissioner Anaya's motion.

CHAIR HOLIAN: We have a motion and a second for approval of CDRC Case #V 12-5280 with staff conditions and the added condition by Commissioner Mayfield.

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

- XVI. A. 3. **BCC CASE # MIS 12-5420 College Park Master Plat**
Authorization. Univest-Rancho Viejo, LLC, Applicant, Jim Seibert, Agent, Request Master Plat Authorization to Allow for the Creation, of a Maximum, of Twelve Mixed-Use Lots on 77.4 Acres. The Property is Located on the Corner of Richards Avenue and Avenida del Sur, in the Community College District, within Section 20, Township 16 North, Range 9 East, (Commission District 5) [Exhibit 13: Revised Exhibit 3 – Maps]

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. The College Park site consists of 82.78 acres. Currently, Bieyele Technologies International is being constructed on an existing six-acre lot within the College Park. Master Plan approval for 75.78 acres of this site was granted by way of the Village West Master Plan. 49.65 acres of those 75.78 acres are designated as an Employment Campus and Center within the Community College District. A Master Plan Amendment of the Village West Master Plan

will be submitted by the Applicant to include proposed uses and to incorporate a seven-acre parcel, which lies outside of the approved Village West Master Plan, to the College Park.

The Applicant requests Master Plat Authorization pursuant to Article V, Section 5.6.1 of the County Land Development Code which states: "In commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer."

If the Board approves the petition, it shall direct that the development request be submitted to the County Development Review Committee. After such a delegation is made, the County Development Review Committee and Board shall establish development standards applicable to the subdivision as authorized by the Code and other applicable ordinances and laws, establish the maximum number of lots to be permitted, intensity of use, and required improvements, and may then approve both the Preliminary and Final Plat which will be known and designated as a Master Plat.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: the Village West Master Plan was approved by the Board of County Commissioners; the Application is in compliance with the Community College Ordinance; the Application meets code criteria to allow a Master Plat Authorization pursuant to Article V, Section 5.6. of the Land Development Code.

Staff recommendation: Staff recommends approval of Master Plat Authorization to allow for the creation, of a maximum, of twelve mixed use lots on 76.78 acres.

Madam Chair, there was a handout passed out to you which replaced Exhibit 3 in your packet material had a label of master plan amendment with some uses on it. I'd like to emphasize that a master plan authorization is strictly a procedural process, a platting process especially for commercial. If this is approved the master plan authorization allows the Land Use Administration – after it's platted, it still needs to go through the platting process with this Board – allows the Land Use Administrator to move lot lines or consolidate lots so when a development wants to go in there, they like the location but the lot's not big enough for the development, we can administratively adjust those lot lines.

Master plan authorization does not plat the lots; it just fills in conceptual lot lines, and because it's such a procedural process the applicant turned in the next step which was the master plan amendment as part of this. In the past, I've some of these to this Board before and they ask for master plat authorization. They kind of have the same with showing uses and so on on the master plan. Master plat authorization, also it does not give the applicant the development rights. They still have to come in for preliminary development plan and plat and ultimately final development plan. It pretty much just establishes the total lots and the conceptual lot lines. After this they will still – again, they would have to come in for master plan amendment, preliminary and final plat, and then preliminary development plan and on a project like this usually the developer who wants to put a building on there or a business, they would come in for final development plan meeting all the requirements of the Community College Ordinance and the Land Development Code.

Also on the handout was the colored version of the phase 3 of the Village West master plan. I have some bigger plats and a colored picture of phase 3 of the other master plan also up here, if you have any questions. Madam Chair, I stand for any questions.

CHAIR HOLIAN: Are there any questions for staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Thank you, Mr. Larrañaga. Would you please restate again, slowly, what point in the process this request is and what would follow if this request is in fact approved.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics this is the first part – well, currently there is a master plan, which is the Village West Master Plan.

COMMISSIONER STEFANICS: And it was approved, Madam Chair, about 13 years ago?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, that's correct. This step is just a process to go forward for the planning process, just basically what it's doing is it's authorizing that the Land Use Administrator, once a copy of these 12 lots are platted and gone through the platting process and recording, gives the authority to the Land Use Administrator to be able to adjust lots or consolidate lots so that the development that's going to go on to those lots can meet the requirements, what they need for that development. In other words, if they really like one of these lots, the location of one of the lots, but the size of the building maybe won't allow them to meet the parking lot requirements. We could adjust the lot lines and that particular development can go into that lot.

COMMISSIONER STEFANICS: So Madam Chair, before you get to lot line adjustments, if we move ahead with this today, and the developer then comes back to the CDRC with the actual proposed plans for the use of the land.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, yes, the next step would be from the prior meetings that we've had with the agent for the applicant would be a master plan amendment. In this old Exhibit 3 you kind of get an idea of what they may be proposing. So that would be the next step.

COMMISSIONER STEFANICS: And so Madam Chair, Mr. Larrañaga, if this is approved this evening and the plan then came back to the CDRC and the Board, what type of plan would not be deemed acceptable if they received approval tonight for having complied with the 2000 community master plan. At what point could they be refused legally, if any?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, with the master plan amendment they would have to submit like a brand new submittal, brand new master plan. So they'd have to do a traffic impact analysis. They'd have to connect to County water. They'd have to meet all the requirements of a master plan submittal for the master plan amendment. So before it goes forward to the CDRC and to this Board it would be reviewed by all agencies. We wouldn't bring it forward until we had positive recommendations from all reviewing agencies, which also would be SHPO, State DOT, State Environmental, State Engineer, our County Fire, our Utilities, and Public Works on the traffic impact.

At that point in time staff would be recommending approval if they met all the requirements. There could be some conditions of course that the Board could put on them but legally, they are an employment center under the Community College Ordinance. It was zoned, under the master plan it was zoned for an employment. The majority of the master

plan amendment is just adding on some stuff where it's kind of stated open space and so on. Again, I've seen a conceptual drawing of the master plan. Until they submit I can't comment on that.

COMMISSIONER STEFANICS: So, Mr. Larrañaga or Mr. Ross and Madam Chair, if – just let's stretch a moment. If there were unremediated artifacts on these pieces of land, on this piece of land, is that something that could possibly stop any further development?

MR. ROSS: Madam Chair, Commissioner Stefanics, that's a different part of the code. The general rule with that is these kinds of developments do an arc survey and the general practice is to protect them with easements, anything that's found and not develop on that specific artifact or object.

COMMISSIONER STEFANICS: So where I'm going with this, Mr. Ross and Madam Chair is can you envision any circumstance that would be legal grounds that that would not move forward?

MR. ROSS: Madam Chair, Commissioner Stefanics, it's a discretionary action on the part of the Board to permit the master plat process as opposed to the more detailed process. So in that sense the Board has the choice of determining whether this process is more appropriate to this particular development or another process.

COMMISSIONER STEFANICS: Okay. Thank you very much, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Larrañaga, could you give us a definition of mixed use that would be proposed for this? Because it's a business park, right? Employment node, or –

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, this would just be commercial and residential or basically what the –

COMMISSIONER CHAVEZ: It would be a mix of both residential and commercial combined? Or separate or both?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, it would be separate. The majority of this, if you refer back to the colored map of the page 3 of the Village West Master Plan, that pink area is an employment center which would be pretty much commercial. Again, we've seen in your old Exhibit 3, it has maybe some proposed uses for the master plan amendment. Again, that has not been submitted so I don't know if this has changed. The only thing that's been submitted to us to review has been the master plat authorization just with the 12 lots.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

CHAIR HOLIAN: Any other questions for staff? Okay. Is the applicant here? Will you be sworn in please?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer Street, Santa Fe. Let me just begin by emphasizing that what we're really acting on tonight is purely procedural. It's the same process we followed in a prior case that I handled that was for the Rio Santa Fe Business Park. And it's strictly an authorization to allow for administrative adjustment of lot lines.

And what I'm doing is following a section of the code that's Article V, Section 5.6.2, and I think one of the — there was a question by Commissioner Stefanics that what would prevent you from having no alternative but to approve this case in the future? And the answer is, and I think Mr. Ross iterated that. When we come in with a master plan, which is the next step, and we will be submitting a master plan. At master plan review, either approval or denial is strictly discretionary on the part of the County Commission. There's no mandatory thing; it's not similar to a subdivision plat where if you meet all the standards the only choice is to approve the project. That's not the case with a master plan.

You will be seeing me two more times, I don't know if that's good or bad. One will be with the master plan the second will be when we file a plat. And actually, this procedure that's called the master plat is really not finalized. It doesn't become active until the County Commission adopts the final plat. And I'll read one section from the code. It says Before final plat approval the Board may rescind its intent to delegate it if determines that such delegation is not in the best interest of the County.

So even if you approve this tonight you still have the ability to withdraw that approval at some point, either the master plan or the final plat approval. The one thing you may ask is why are you doing this in the first place? Well, what happens with a business park is there's no way to predetermine what a client really needs in the way of land and a client will come to me and say, well, you know I'd like — you have a lot that's two acres and I really need three and I'd say, well you have to adjust the lot line in order to do that. Well, that's a several-month process to do that. If the client says, well, we'll look at other parks or other counties or other states and we'll get back you, well, they never get back to us.

So it's kind of essential for our ability to move the process along. Let me describe where exactly this is located. This is Richards Avenue, the Community College is here. This is College Avenue here, the Santa Maria de la Paz Church is here, and the Santo Nino Catholic School sits here. The Avenida del Sur, which is also one of the main roadways into Rancho Viejo is here. I don't know if you've been out to the Community College lately but if you drive down, on the right-hand side you'll see a large building that's under construction. That large building sits here and it's Bicycle Technologies International, BTI. And I suppose part of that construction, what will happen is they will built the fourth leg to the roundabout that currently goes to the College and they will complete that roadway to this point.

The utilities that are being brought in to serve BTI are also the utilities that will have the capacity to serve the rest of the part. There's a sewer line that's coming up from the school that will come in and serve BTI. There's a waterline that's designed and will be in a size appropriate to fire protection measures.

Maybe just to talk a little about the history that's associated with this development. First of all, when they adopted the Community College District Plan, part of that realization of the plan was to have a mixed-use community. You'd have residential, you'd have employment, you'd have schools, you'd have shopping, all of which Rancho Viejo currently has. The other thing that they talked about was employment centers and in the Community College District you'll see that there is an employment center adjacent to the Community College. The reason for that was the hope that as business came in, as they needed employees to be trained they would have an opportunity to take advantage of the college right next door in order to do that.

This plan here is the Village West Master Plan that was adopted by the County Commission. It contains residential, it contains a commercial center, a school and then an employment center. And it's this area, the employment center where we have requested that the approval for authorization of a master plat. And with that I'll answer any questions you may have.

CHAIR HOLIAN: Thank you, Mr. Siebert. Any questions for Mr. Siebert?
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Siebert, just on Exhibit 3 that I have – I don't know if you have the same exhibit. Just on some of the utility easements I'm looking at, are you going to continue them through all the lots, and I don't know if all the lots are yours or not, but I was looking at, say, Lot 6 in particular where the Bicycle Technologies is. Is that your lot already?

MR. SIEBERT: The utilities will be extended throughout the park and it will be in a phased manner, but we brought in sufficient utilities for the BTI to accommodate the full development of the park.

COMMISSIONER MAYFIELD: And just on your map you're not showing them. At least not on this map it's not being shown.

MR. SIEBERT: Right, and that was intentional. Because all you're doing tonight is just authorizing the master plat. When we come in with the master plan we will show you what the layout is and have a very detailed layout of utilities. We'll have a detailed description of what the land uses will be, and a description of what the development standards will be for each lot.

COMMISSIONER MAYFIELD: Okay. So Madam Chair, Mr. Siebert, so there will be no issues later on if we do act on this tonight of any interconnection between any of these utility easements between lots?

MR. SIEBERT: No, because you're not really acting on anything to do with utilities tonight. When we bring a master plan in front of you you will be acting on that.

COMMISSIONER MAYFIELD: That's all I have for now. Thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Who are the Uninvest owners?

MR. SIEBERT: Actually, I have Warren Thompson with me tonight. Let me have him describe that relationship between Rancho Viejo and Uninvest.

COMMISSIONER STEFANICS: Thank you.

CHAIR HOLIAN: Mr. Thompson, will you be sworn in please?

[Duly sworn, Warren Thompson testified as follows:]

WARREN THOMPSON: Warren Thompson. Uninvest-Rancho Viejo is owned by myself, the original land partners, which is my family, Myers family, the Kennedy family, the Chambers family that have owned that property for the last 20 years and a fellow named Tom Lowe who is Uninvest who is providing some of the capital and the expertise.

COMMISSIONER STEFANICS: So, Madam Chair, Mr. Thompson, are you saying there's about four or five? Or larger?

MR. THOMPSON: Well, it's even larger. There are four families involved in the original ownership of the ranch and when Suncorps went broke we invested money to

keep the project out of bankruptcy and then we brought in Mr. Lowe to help round out the financial picture.

COMMISSIONER STEFANICS: Well, first of all, you're to be commended for keeping it out of bankruptcy in this economy. Could you describe, Madam Chair, Mr. Thompson, or Mr. Siebert, either one, any kind of community process that's occurred to date on this?

MR. THOMPSON: Yes, Madam Chair and Commissioner Stefanics, we have put an article in the Roundup, I think it's called, which is the homeowners association newsletter and we've committed to do that in each one of their publications to keep the homeowners up to date. The homeowners associations have been notified of these meetings. We have met with a representative group of homeowners out there to discuss issues and agreed to continue to meet with them as we move forward. So we've been very available to the homeowners and accessible.

COMMISSIONER STEFANICS: And Madam Chair, Mr. Thompson, has there been more than one meeting? Has it been for a particular group of people or has it been for anybody in the community?

MR. THOMPSON: There have been three meetings. I was [inaudible] with Mr. Siebert and a group of homeowners. Mr. Siebert made a presentation to the La Entrada Homeowners Association and then at the request of some of the homeowners who are here this evening we met with a group of what was described as a representative group of homeowners. I know that there were people from the La Entrada Association and the South Association there and there were – oh, I don't know, probably 20 people in total.

COMMISSIONER STEFANICS: Thank you. And Madam Chair, Mr. Thompson, do you believe that after having the meetings that any fears or resolutions, any fears were allayed or resolutions arrived at?

MR. THOMPSON: Madam Chair, Commissioner Stefanics, I believe that there is a high level of distrust and that it going to take some time to build those relationships. Hopefully, it's possible.

COMMISSIONER STEFANICS: Thank you very much, Mr. Thompson.
Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I have a question either for Mr. Siebert or for staff, and I'll just put it out there. In Exhibit 3 it also indicated that there is 100-foot open space drainage and future trail easement. So how do you see that shifting as you go through the process?

MR. SIEBERT: Well, actually, that is part of the Village West Master Plan and we have just simply maintained that as part of the master plan. Here you see, this green strip here is that same green strip you're referring to. The one thing that will happen is the discussions we've had with the Trails Division it was said that it is likely that the County trail will follow that alignment pretty much as you see it here. So that will be retained in order to actually construct the trail.

COMMISSIONER CHAVEZ: So will it then be a utility easement as well?

MR. SIEBERT: In one situation it may be. Where there's a sewer line that comes up from the school it will follow a portion of that open space and then it will go into the roadway.

COMMISSIONER CHAVEZ: Thank you.

CHAIR HOLIAN: Thank you. This is a public hearing. Is there anyone here that would like to speak for or against this case? Please come forward. Can I have a show of hands of how many people might like to speak? Okay. Perhaps you can all get sworn in at once. So please stand all of those of you who would like to speak. And I would urge you to try to keep your comments efficient and please try not to repeat too much. And please give your name for the record.

[Duly sworn, Vicki Schneider testified as follows:]

VICKY SCHNEIDER: I'm Vicki Schneider. I'm a homeowner at La Entrada, 99 Via Orilla Dorada and I'm going to make a very short statement and a specific request asking the Board simply to table this decision for tonight. My main purpose is to keep it very short, not go into lots of details, and I don't know the process. I apologize to you but I have, in anticipation of this – I have 12 copies of letters submitted by people who tried in vain to stick it out tonight and be here for you. You know that we had a pretty large group of folks who wanted to speak, originally, with the 5:00 date and the 6:00 and the 7:00. That became a kind of hardship for some people. And some of them have left documents for you to consider, and then I come prepared with people who could not make the meeting by appointment. They knew they couldn't. So their statements are here. *[Exhibit 14]* I don't know how you pass out things.

CHAIR HOLIAN: Just give them to staff and they will pass them out.

MS. SCHNEIDER: This is a mere pittance of the number of things that are beginning to be gathered for you. Again, to save time, because I know you have way more stamina than a lot of people I've ever known to be able to do this and we appreciate we're the last on the agenda. Appreciate you're staying late. So this is extremely controversial. Like every homeowner in the La Entrada of Rancho Viejo, I object to the concept design as illustrated in the Siebert plan. There are a number of proposed items that directly contract the development as represented to us at the time of purchase of our properties.

A representative group of homeowners – actually, Mr. Thompson referred to us – a representative group of homeowners from each of the sections of Rancho Viejo met with and attempted to have Mr. Thompson, the developer, make the request himself to table this item. In addition, the developers agreed and appreciated his agreement to go forward with the process to have us meet to provide input and to discuss all future development. We really appreciated that. The developer, however, did not table this items, so we ask you Commissioners to do that.

We think that this process should proceed any submitted designs into the County files. The documents before you are going to be concretized into a file and later drawn up and many of the things that go on in that design we residents recognize as controversial and don't want them to be memorialized into a file at this time. Certainly we believe in development and we know that a lot of things will be happening, but this particular design we hope that you'll table.

I'm going to only mention three contested areas, again, because of time. Number one, Amy Biehl School was not originally planned for the location it's now occupying, Amy Biehl Elementary School. It may also need to expand and the proposed development on the corner of Avenida del Sur and Richards is inappropriate for the uses laid out in the Siebert design. There's nothing configured if they're allowing for the school to expand and because it's so far down on Avenida del Sur there are reasons we want to contest that, again, because of impacts.

Number two is subsequent to the master plan the Santa Fe Community College, our anchor institution that we adore and love and support, has experienced a reported 25 percent increase overall. Today's reality envisions even more growth in the near term for that college.

Number three, subsequent – after the master plan the Petchesky family, the most generous family in the world, put about 258-or so acres into the New Mexico Land Conservancy. It's a treasure. And this impacted the original area as zoned and imagined at that time that that master plan came into existence. So these three major things, these are just three little things. There are many, many more.

Without going into many details of just these three items, and the very important verbal contracts made at the time of our purchases – this includes things like trailheads and open space and all kinds of very important concepts, umbrella concepts. We must have a chance to negotiate with the developer as a community. We are in the process of organizing an organizing committee. Mr. Thompson generously has agreed that the process should happen and he agreed that we could put it together. We could give him dates we'd all agree, and we'd have an ongoing process up and running. We just haven't had the time to complete that process.

Please grant our request and table this item while we work with our developer. And I thank you very much.

CHAIR HOLIAN: Thank you, Ms. Schneider. Next.

[Previously sworn, Gary Lee Nelson testified as follows:]

GARY LEE NELSON: Good evening. My name is Gary Lee Nelson. I live in Rancho Viejo North, otherwise known as the village, and this is the part of Rancho Viejo that is closest to the proposed development. I oppose this in the strongest of terms. I think it will change the character of Rancho Viejo and the character where I live. In 2008 I retired after a 40-year academic career in Ohio and launched a search for a place so spend the rest of my life. I had lots of alternatives, both inside and outside the United States but Santa Fe was the winner. And I moved here, I arrived here December 1, 2010 and got a sublet for five months while I looked around and May 1, 2011 I closed on my house on Woodflower Place in the north and have lived there quite happily since then.

The things that struck me most about Rancho Viejo were the atmosphere and the ambience of the place, the dark sky, the quiet, the trails, the distance from commerce and two very important things for me, the sparse traffic and the low crime rate. In January I attended another meeting at Santa Fe Community College about another development that's going on and there was a formal presentation from the developers that included a traffic analysis that the 250 or 300 people that were there along with me thought was a fairy tale, since we drive Richards and Avenida del Sur every day.

I drove it coming out here today and when I left my home in Rancho Viejo there was traffic that was backed up from behind the Community College all the way to Rodeo. So we already have a lot of traffic there. The other project is a 400+ apartment complex which will increase the traffic, and then this development on the corner of Richards and Rancho Viejo is going to further that. And it ties into crime. The more people that are in the area you can expect more crime. Right now if somebody walks through the Village or they drive through and they don't belong there we know it immediately. If the traffic increases and we see lots and lots of people I think we're going to be at risk of not being able to recognize the dangers and threats when they occur and I think burglaries will increase.

I've spoken kind of informally to an officer of the Sheriff's Department who has concern about it too. I don't know what they're going to do about it. We didn't get into it in much detail, but this is my position. I think we have to look at this a lot more and I echo Ms. Schneider's request that the whole thing be tabled until we have some more input and more conversation with the developers and a greater understanding of exactly what's going to happen if this were to occur. Thank you.

CHAIR HOLIAN: Thank you, Mr. Nelson. Next.

[Previously sworn, Glenn Smertch testified as follows:]

GLENN SMERTCH: Commissioners, I am Glenn Smertch, also from Rancho Viejo. As described to us earlier by a member of staff, master plan authorization is not as benign or innocent as the staff member and developer would have us believe. I would begin to characterize it as a County-sanctioned scam, because if tonight you approve the request by Univest you will have in a sense sold that land down the stream. There will be no backing off from it, and that land, I would contend, is quite inappropriate to commercial development as the developers want to proceed with. That land would be best reverted by you and that might be an action for you to take even tonight, reverted to residential, single-family and townhouse.

If you consider the location, the character and the environment of that land it doesn't belong as commercial. There are other places in Rancho Viejo quite more suitably designated for commercial, even business-type of development.

So I would like to request that you at least, as Ms. Schneider and my predecessor requested, that you at least table this request so that we, the residents of Rancho Viejo in particular can pursue what is maybe wrong about the proposed development, what might be alternatives that perhaps are better for both the community and for the land itself.

Before you make any further designation on this land it must be through a public hearing at which the developer really presents what I guess here is called a master plat. We need to know what really is there, not what they would loosely like to envision this is. And if you approve this master plat authorization you are giving them license to do a great deal of what they would like to do, irrespective of whether it's responsible or irresponsible development of that land relative to the current community as it exists out there and the location and character of that land.

While I'm here I want to address one more point that might be thought of something to come later but I think it should be brought up now. It is very typical nationwide for developers to come in like this with a big, glorious plan, and part of this plan is to exploit existing roads, especially arterial roads. Now, you may not like to think of Richards and

Avenida del Sur as arterial roads, but truthfully and functionally, pragmatically, they are. And if we anticipate as is so commonly the case that the developer is going to want several points of ingress, egress on Richards and Avenida del Sur, we're going to be, and the residents of Rancho Viejo in particular, are going to be in a hell of a mess. So we need to ask you as Commissioners to be bold and novel in treatment of roads and applications of developers who seek to impose on roads and the driving public that use the [inaudible]. Thank you.

CHAIR HOLIAN: Thank you, Mr. Smertch. Next.

[Previously sworn, Tom O'Brien testified as follows:]

TOM O'BRIEN: Good evening. I'm Tom O'Brien. I'm a resident of Rancho Viejo North. I live at the corner of Canada del Rancho and Firehearth which is approximately a tenth of a mile from the south end of this proposed commercial development space. One observation I made from learning tonight and Commissioner Stefanics made the point about have you done an archeological survey on that land? And that's an even important point because being a tenth of a mile from that area I have four archeological easements on my property. You can't build. We had to build around them. So unless I'm missing something, my guess is there would be some archeological issues on that land.

The second point that was mentioned here tonight was that there were meetings with representatives of Rancho Viejo. I'm a resident of Rancho Viejo and I hadn't a clue of these meetings, so in term of inclusiveness as far as the builder-developer is concerned I think it's basically non-existent in terms of the stakeholders.

The other main point that I want to address is something that I sent to Ms. Penny Ellis-Green and Stephen Ross. This is about what I saw on the map, the proposed second entrance/exit from the commercial space onto Avenida del Sur. I think just being in that area we know all the traffic in that area. What I don't think folks really and truly appreciate is that that second entrance/exit as proposed is directly opposite a limited access private Rancho Viejo road. All right? And that Rancho Viejo residents would be very opposed to commercial traffic going from the commercial development center onto and across into a restricted access private Rancho Viejo road. We may even have to take restrictions to restrict access to that road or that place.

The other point that is not on anyone's map is that 45 feet from Avenida del Sur and going parallel to Avenida del Sur and across Canada del Rancho is a community trail that is run by Rancho Viejo. In other words Rancho Viejo residents and families go on the trail that crosses a potentially very busy intersection. Now, in addition to that, if you're there in the spring and the fall you see the students from Amy Biehl – you remember the old parochial parish schools walking in single file with their teachers along that same pathway, a community trail.

So I think that whole idea of a second entrance/exit is fraught with problems as it interfaces with Canada del Rancho and going across a very busy road called Avenida del Sur. So I would really have folks think about the safety issues there, the traffic-implication issues and maybe involve the community of Rancho Viejo in the design process associated with that intersection, if that happens to be an intersection.

Now let me give you an antidote [sic]. I came from Wilmington, Delaware and we lived in a residence called Westminster. It had all private roads. Right opposite the main drive, which is like Avenida del Sur was a space where Pulte was going to build \$700,000

homes. Pulte wanted to have his main access going out of that development right across this private road. Newcastle County said no. You've got to move it down 300 feet, and they had to do that.

So, and going forward here we would appreciate that the Commissioners consider tabling the proposal today or tonight, if not this morning – we're working on it – and have much more community input in a directed fashion, not the haphazard fashion, and probably fashioning how this proposal can go forward.

CHAIR HOLIAN: Thank you, Mr. O'Brien.

MR. O'BRIEN: Thank you very much.

CHAIR HOLIAN: Next.

[Previously sworn, Eunice Vellen testified as follows:]

EUNICE VELLEN: Madam Chair, Commissioners, my name is Eunice Vellen. I live in the La Entrada section of Rancho Viejo. I'm not as good an extemporaneous speaker as these people are. I wonder if you wouldn't mind if I just read my statement to you. We live in the La Entrada section in Rancho Viejo in Santa Fe County. Rancho Viejo was presented to us as a planned community designed on the village model of dense residential centers with small retail areas surrounded by open land that is traversed by trails to allow optimum recreational enjoyment by all residents. This is a concept that ensures the maximum preservation of the natural environment, is the model used to develop the first two phases of Rancho Viejo, and is the reason we elected to purchase our home here.

Univest-Rancho Viejo, LLC, owner and developer of Rancho Viejo has made public their plans to build out sections of our development in ways that not only do not comply with this model but would be detrimental to Rancho Viejo and the larger area around us. Specifically, the developer is proposing commercial/residential/retail areas designated as College Park. This development would consist of two areas: 12 lots over 90+ acres, one of which is the Bicycle Technology Building, already under construction. If this plan is approved then regardless of the nature of the buildings built there will be an additional impact on traffic, depending on the size and nature of the businesses, that additional traffic will almost certainly include large tractor trailer trucks which cannot be easily accommodated on existing roads.

Lot 11 is of 20+ acres designated for residential development behind the Amy Biehl Community School is in direct contradiction to the terms we agreed to as purchasers. When we purchased our home overlooking the conservation area we, along with all the local residents along Via Orilla Dorada were charged a significant premium with the assurance that the land would be preserved as open land and used only for recreation. In addition, our home abuts a trailhead leading to the open areas for which we were charged an additional premium.

The promises regarding open space and trails were made to everyone who has purchased a home in La Entrada. If the residential lot behind Amy Biehl School is approved it will not only negate the large contract with all of the residents but it will be necessary to extend the proposed road to connect with our street, replacing the trailhead, negating another contract with the homeowners of Rancho Viejo.

Attached to this statement is the map that we initialed as part of our purchase contract that supports these terms. Santa Fe Community College has unexpectedly grown approximately 25 percent over their projections for the last few years, so there is already considerable traffic

congestion in this area. At times the traffic backs up from the entrance to the college almost to Rodeo Road to the north on Richards Avenue and for a considerable distance to the south side as well, including Avenida del Sur and Rancho Viejo Boulevard. The opening to a secondary entrance to the College off College Road has done little to alleviate the problem as the traffic still has to travel on Richards to reach that road.

The developer is also proposing construction of a large apartment complex consisting of 400+ apartments and 50 single-family homes at the eastern end of College Avenue in College Heights behind the Santa Fe Community College. At the present time College Avenue is the only road in or out of this area. The construction of this complex would put conservatively 1,000 more cars onto both College and Richards Avenue, which are narrow roads, one lane in either direction. Each of these areas is being designed by a different design firm and each firm has apparently done traffic use studies, but it is unclear whether either of them is aware of the other development or if the County has looked at cumulative impacts. Richards Avenue is the sole or primary road of ingress and egress to the majority of homes in Rancho Viejo and to the Community College. Aside from the traffic congestion there is also the conservation issue. Currently, coyotes and other wildlife traverse through this area as they travel between the Sangre de Cristo foothills to the Petchesky Conservation Area. The construction of these buildings and homes would be cutting them off from the conservation area, perhaps leading to starvation of some of that population as well as destroying the natural flora.

We are not opposed to development and the residents have asked for an ongoing dialogue with the developer to which they have agreed. There are other areas within Rancho Viejo that are partially developed or that would easily be developed to accommodate the expansion being requested without the drawbacks enumerated here. We respectfully request that you delay any action on this proposal until an independent traffic study has been completed and we have had a chance to meet with the developer to discuss alternate plans. We are dependent on your to act as our representatives and to protect our interests as well as those of the County. Thank you.

CHAIR HOLIAN: Thank you, Ms. Vellen. Next.

[Duly sworn, Eileen Gorman testified as follows:]

EILEEN GORMAN: Good evening. Good night. My name is Eileen Gorman. I live at 3 Firehearth Place in the Village. And I have watched this unfold and I'm struck by the fact that there are three major development plans that are happening that the County is treating as though they're totally independent. They're all interlinked and they're being handled by different parts of the County staff. I know that they probably all sit near each other, but they're being handled as if they're totally separate projects when in fact they all are related. They have similar developers, the same developer and a very key road project that makes them possible, and that's the southeast connector.

So I would like to have you consider that they be made to be treated not as a single project, because I realize that that would be difficult, but at least as linked projects, because they are related and they have to do with, as other people have said tonight, the traffic and the impact along Richards Road and what's happening out in the Community College District. The three projects are the southeast connector, and there's been a lot of discussion and a lot of comments that have been made about the bogus traffic studies that we've all been to

meetings about when they were building the circles and the traffic hand counts they did on the days when schools were closed, and said, oh, well, the traffic going north from Rancho Viejo on Richards isn't going to be a problem. Well, guess what? It is, if its during rush hour.

So the southeast connector, the future large apartment complex and development which has been mentioned already, which hasn't come to the County yet but is going to put thousands of cars onto Richards. Again, there's no traffic study. And the biggest development at Avenida del Sur and Richards, which was not a surprise to me; I was aware of that. But they should not be treated as though they're separate entities, because they are not. They are in that same very close proximity to each other, part of the Community College District.

And I find it very frustrating that the County is treating them as though they're separate and not linked. And I would urge you to think about them as though they are linked because in fact they are. The Rancho Viejo area as we learned recently in the Village, because of something completely separate is one of the most compliant and productive group of taxpayers in the county tax base. And that's data from something that happened with a special bond that those of us who live in the Village had to pay because the developer set it up that way. Now, fortunately, that's been paid off because we paid on time and fully.

So before action is taken that puts that tax population at more duress than it already is, just take a pause and try to think about how these three big projects can be considered together, at least conceptually, in terms of traffic impact and environmental impact, and think about whether or not the road along Richards and eventually along Avenida del Sur, in addition to what's happening with the southeast connector, are going to be able to actually handle what's going to be pouring out onto it.

We are the constituents of the county and we do live here in a very special place. There is no question about it. Rancho Viejo is a very, very special place because of the open space, because of the environment, because of the trails and because of the people, many of whom had to leave because of the schedule here, but many of whom actually toughed it out so that our voices would be heard. And we hope you have heard us. Thank you.

CHAIR HOLIAN: Thank you, Ms. Gorman. Is there anyone else who would like to speak? Have you been sworn in? Okay. Thank you.

[Duly sworn, Pat Perron testified as follows:]

PAT PERRON: My name is Pat Perron. I live in College Heights. I hope you can see the spelling. Commissioners, you need to understand that Rancho Viejo is divided into two homeowners associations, one in the south and La Entrada and the southern area and that is where the developer sits. And in the north, we have another homeowners association which has been on the fringes of this. Rumors are flying that a commercial supermarket is going in on this corner. We don't really know what is the long-range plan for it but that's one of the rumors.

Most of our problems center around Richards Road which is heavily trafficked especially when the college lets out or when classes begin. 75 percent of the traffic is probably college oriented. So until we get the southeast connector in and we have the infrastructure in to support additional development we really are in a quandary. Thank you so much.

CHAIR HOLIAN: Thank you, Ms. Perron. Is there anyone else who would like to speak from the public? Seeing none, this public hearing is closed. Mr. Siebert, would you like to make any final comments?

MR. SIEBERT: Madam Chair, Commissioners, thank you for the opportunity. The only thing I'd like to point out is we are following exactly the provisions that are provided in the code requesting the authorization to proceed with master plat. All the issues that were brought up tonight are valid issues and they're issues that we're going to have to address as part of the master plan process and we will be – I think we have an advantage with one thing that occurred in this process is that the neighborhood groups are getting organized. We have the ability through the master plan process to deal with an organized committee of the various neighborhoods. Thank you.

CHAIR HOLIAN: Thank you, Mr. Siebert. Any further questions?
Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Mr. Ross, if we were to move to table tonight, could you explain what the process is for the very next meeting. We don't have any further discussion? We just come back and vote?

MR. ROSS: Oh, yes. Madam Chair, Commissioner Stefanics, that's correct. Once the public hearing is close then it is closed. We would not reopen it; we'd have discussion and a vote next time.

COMMISSIONER ANAYA [telephonically]: Madam Chair.

COMMISSIONER STEFANICS: Thank you. Commissioner Anaya is trying –

CHAIR HOLIAN: Commissioner Anaya, are you there?

COMMISSIONER ANAYA: Yes, Madam Chair. I'm sorry. Commissioner Stefanics was still talking. I'm sorry to interrupt. But I do have some comments.

CHAIR HOLIAN: Okay. Commissioner Stefanics, are you –

COMMISSIONER STEFANICS: I'd like to finish and then we could turn it over. So Mr. Larrañaga, could you come up and define or describe what a master plat is and what the next step is? Because I just think we need to be clear that if we were to table, number one, that we're not going to come back and discuss it; we're just going to come back and vote. So I'm not sure that's going to meet the goals, because those are the rules. Number two, I want to discuss what a master plat is supposed to be and then what further steps are and whether or not the master plat conditions have been met.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, master plat authorization, the request that's before you tonight, is giving the authority to – would give the authority to the Land Use Administrator to be able to adjust lot lines or consolidate lots. This is after it's been platted and there's been a master plan approved and it's ready for development. So this is again, as I mentioned before, it's a procedural process. It's kind of the first step to allow the lots – you're not platting the lots, you're not giving any development rights to this parcel. All it does is allow the Land Use Administrator to be able to adjust those lot lines after it's been platted. This way if they have to adjust lot lines they don't have to come back to the Board after it's been platted. As Mr. Siebert stated before, if a development wanted to come in, they need a bigger parcel, we don't have to bring it back to this Board to adjust lot lines; the Land Use Administrator can adjust those lot lines to allow this development to go in.

COMMISSIONER STEFANICS: Thank you. Mr. Siebert or Mr. Thompson, either one of you could answer this next question. If there is a delay for one month, will that hamper some active plan that you have?

MR. SIEBERT: Madam Chair, Commissioner Stefanics, no. I don't think the sky is going to fall in if there's a one month delay.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair. I'm finished.

CHAIR HOLIAN: Commissioner Anaya, are you there?

COMMISSIONER ANAYA: Yes, Madam Chair. I appreciate the opportunity to comment. I just want to ask one last time. This is a procedural approval that has to do with a process that we followed through on with other developers. It's not out of the box. It's consistent with a process and the procedure that we followed. That's the first point of the question. The second question is that there will be other opportunities for the public to comment as plans come forward in the future.

CHAIR HOLIAN: Thank you. Are you finished.

COMMISSIONER ANAYA: Yes. Is that correct?

CHAIR HOLIAN: Jose, would you like to answer that?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, yes. We have processed a master plat authorization in the past. As Mr. Siebert mentioned, before we did one I think a year, a couple years ago. It's just a process to get it going to establish the lot lines for future platting.

COMMISSIONER ANAYA: Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. Siebert, and I appreciate that you all are bringing this proposal forward, but looking at your letter dated November 20, 2012, and then just respecting your last sentence. Please place this request on the next available agenda for the BCC, and then hearing the comments that were given us today by the audience that was able to stick it out with us tonight, I guess the tone, or the sentiment that was conveyed tonight was what public input or process did you have with the community? Did you go out there and have any community meetings about this, because that's what I've heard, is hey, talk to the residents about this. We want to talk to you about traffic studies. We want to talk to you about configurations. So what have you done to go out to talk to the public about this?

MR. SIEBERT: Well, Mr. Thompson talked about some other things that they've done to compile written material regarding this request. Personally, I know the meeting at College Heights, which is directly north of the Community College was a group that asked me to come out and attend their meeting. I attended the board meeting of the homeowners association for the La Entrada Subdivision. I'm guessing there was maybe somewhere between 25 and 35 people there that night. And there was an attempt to disseminate information regarding this request.

Two things – there is a lot of concern regarding traffic. Part of what will be coming along with the master plan will be a traffic study. There is concern regarding archeology, and in fact what's happened is part of the Village was master planned. They've done a detail archeological survey of everything you see within that plan. And there were some places that

they didn't want to mitigate the archeological sites so they simply set them aside in easements. In this particular case there are no instances of archeological sites that the State Historic Preservation Office considered worthy of preservation. So this area has already been cleared.

COMMISSIONER MAYFIELD: Thank you. Madam Chair and Mr. Ross, I know we spoke earlier about a tabling, but this Commission also has the authority to postpone to a certain date, so we could pick maybe a month out, two months out, and then maybe ask for some public outreach, some more public meetings be done. And we could ask that this come back a month from now, maybe a month and a half from now, so that we don't have to carry it to the next meeting. Could that be I guess a motion?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes. A tabling –

COMMISSIONER MAYFIELD: Not a tabling, but a postponement.

MR. ROSS: A tabling is for one month. A postponement is for a date certain, usually beyond the normal period of a tabling.

COMMISSIONER MAYFIELD: And with that postponement could we ask that some public outreach meetings be had? Thank you. Madam Chair, that's all I had for now. Thank you.

CHAIR HOLIAN: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I wanted to make just a couple of general comments about the Community College District. And the consternation felt by the community in Rancho Viejo is not the first time this has come up in the past 12 months regarding the Community College Plan. It came up with La Pradera. A lot of people, a lot of the residents did not want a higher density. They did not want mixed use, and yet that is what the Community College District Plan calls for.

And I don't think this action is going to be avoided. I think it might be postponed, but 13 years ago the County accepted a community plan, a plan that your community developed. And your community has the right to change it but it's a very detailed process to do that. It's an ordinance. It's a law. And so we could move along and accommodate the developer this evening or we can postpone and come back and accommodate them in a couple months. So you have to really think that if there is a couple month delay, what will you accomplish and what will you set your mind to accomplishing. And we have done that with other cases. We have had some very controversial cases. We've had the Girls and Boys Ranch. We've had Saddleback Ranch. We've had several other controversial pieces where we've said go back and work it out.

And this is not unlike that. And so if my colleagues are up for it I would agree that we should postpone, and I would so move that we postpone for two months. We're in February, so that would be April. So at the beginning of April, which is our land use meeting we would come back to address this and I will see if there's a second to the motion or not.

CHAIR HOLIAN: I'll second that, and it's April 9th would be the date of that meeting. So we have a motion and a second for a postponement for two months.

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

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I appreciate Commissioner Anaya, could staff just repeat what that sign size is? We need to understand.

MRS. LARRAÑAGA: Madam Chair, Commissioner Stefanics, yes. The variance to be approved would be the wall-mounted sign at 75 square feet, a freestanding sign at 12 feet in height at a five-foot setback. The parking lot to be in front of the building instead of to the side or to the rear.

COMMISSIONER STEFANICS: I was just asking about the sign. Okay.

CHAIR HOLIAN: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: Follow-up question. So then Mr. Larrañaga, the freestanding sign, will that be held to the same 75 square feet, or will that be bigger or larger?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, the dimensions of the freestanding sign will meet the code requirements. It's just the height per the setback that doesn't meet the code requirements. I believe it's 70 square feet of sign area for the freestanding sign. I think it's a few inches over but it's close to the code requirements.

COMMISSIONER CHAVEZ: So the freestanding sign and the wall-mounted sign will be approximately 70 square feet. Well, one will be 75 square feet and the other one might be 70 square feet?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, that's correct. The 70 square foot sign on the freestanding sign does meet the code requirements as far as sign area.

COMMISSIONER CHAVEZ: Right. Not the height. Got it.

CHAIR HOLIAN: Okay. So we have a motion and second with staff conditions and variances for the sign size and for location of the parking.

The motion passed by majority [4-1] voice vote with Commissioner Chavez casting the nay vote.

- XVI. A. 6. **BCC CASE # MIS 12-5420 College Park Master Plat Authorization. Univest-Rancho Viejo, LLC, Applicant, Jim Seibert, Agent, Request Master Plat Authorization to Allow for the Creation of a Maximum of Twelve Mixed-Use Lots on 77.4 Acres. The Property is Located on the Corner of Richards Avenue and Avenida del Sur, in the Community College District, within Section 20, Township 16 North, Range 9 East (Commission District 5) [Exhibit 10: Letters to Staff; Exhibit 11: Area Map]**

MR. LARRAÑAGA: Thank you, Madam Chair. On February 12, 2013, the Board of County Commissioners met and acted on this case. The decision of the BCC was to postpone BCC Case # MIS 12-5420 College Park Master Plat Authorization for two months so that the applicant could conduct public meetings with the Rancho Viejo residents. The motion also included that the Applicants request be presented on April 9th for consideration by the BCC.

The College Park site consists of 82.78 acres. Currently Bicycle Technologies

International is being constructed on an existing six-acre lot within the College Park. Master Plan approval for 75.78 acres of this site was granted by way of the Village West Master Plan. 49.65 acres of those 75.78 acres are designated as an Employment Campus and Center within the Community College District. A master plan amendment, of the Village West Master Plan, will be submitted by the Applicant to include proposed uses and to incorporate a seven-acre parcel, which lies outside of the approved Village West Master Plan, to the College Park.

The applicant requests master plat authorization pursuant to Article V, Section 5.6.1 of the County Land Development Code which states in commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer.

If the Board approves the petition, it shall direct that the development request be submitted to the County Development Review Committee. After such a delegation is made, the County Development Review Committee and Board shall establish development standards applicable to the subdivision as authorized by the Code and other applicable ordinances and laws, establish the maximum number of lots to be permitted, intensity of use, and required improvements, and may then approve both the preliminary and final plat which will be known and designated as a master plat.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: the Village West Master Plan was approved by the Board of County Commissioners; the Application is in compliance with the Community College Ordinance the Application meets code criteria to allow a Master Plat Authorization pursuant to Article V, Section 5.6. of the Land Development Code.

Staff recommendation: Staff recommends approval of master plat authorization to allow for the creation, of a maximum, of twelve mixed-use lots on 76.78 acres. Madam Chair, I stand for any questions.

CHAIR HOLIAN: Okay. Are there any questions for staff? Okay. Actually, I have a couple of questions, Jose. In – I guess it was some of the letters that I read it said that the original College Park site was or is – said that it was 82.78 acres, but the master plan approval granted actually 75.78 acres by way of the Village West Master Plan. So how are the other eight acres zoned?

MR. LARRAÑAGA: Madam Chair, part of this –

CHAIR HOLIAN: Are we considering a total of 82.78 acres in this particular case?

MR. LARRAÑAGA: Madam Chair, it's a total of 76.7 acres.

CHAIR HOLIAN: I see. And all of the land that we are considering was part of the Village West Master Plan. Is that correct?

MR. LARRAÑAGA: Madam Chair, for the master plat authorization, yes.

CHAIR HOLIAN: Okay. And by doing this are we adding any more lots than there were in the original master plan? Or is the number of lots staying exactly the same?

MR. LARRAÑAGA: Madam Chair, this wasn't platted for lots. Initially, this pretty much, the request is to put lot lines out there, and then they would have to come in and plat those lots. But especially in commercial it works well because if you had someone who wanted to come in there and build a – say they don't meet the parking requirements for the size of the building, we could administratively, the Land Use Administrator can administratively adjust those lot lines or consolidate lots so that the development can go forward, instead of coming back to the Board of County Commissioners after it's been platted to request a lot line adjustment or a lot consolidation. This helps a developer to be able to sell a lot and get the development in there.

CHAIR HOLIAN: In the original master plan, was there any land that was actually set aside for open space and trails specifically?

MR. LARRAÑAGA: Madam Chair, there was and the master plan is in there, but you can see it clearly more or less in Exhibit 3 where it states Lot 11, that's a lot that was designated for open space and then also we have that trail that goes across that is still going to be implemented in this.

CHAIR HOLIAN: And so that open space would continue to be open space. Correct?

MR. LARRAÑAGA: Per this plan, master plat authorization, through the master plan, if they maintain the 50 percent open space within that master plan they can move that open space around, but that's not what's presented here tonight.

CHAIR HOLIAN: Okay. Thank you, Jose. Commissioner Chavez

COMMISSIONER CHAVEZ: So, Mr. Larrañaga, back on the open space, if they were required to provide open space, what would that look like? I know we're not there yet, but –

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, they are required to provide open space within the –

COMMISSIONER CHAVEZ: How much would that be?

MR. LARRAÑAGA: Again, each lot is subject to show their open space. It's the total development of the master plan that they need to show 50 percent open space. So they can move this open space around just as long as they maintain the 50 percent open space.

COMMISSIONER CHAVEZ: Got it. And that 50 percent open space could be in passive park and trails? A combination of the two?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes.

COMMISSIONER CHAVEZ: Okay. And then you're asking – or the applicant is asking that they be able to adjust the lot line based on market needs?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: And so how small and how large of a parcel do you see in this area? What are the parameters?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, right now, some of the smaller lots that they're proposing on this is 2.9 acres. It depends on the development.

COMMISSIONER CHAVEZ: What's the largest lot you think – like an acre? Two acres?

MR. LARRAÑAGA: The largest lot on this is 12 acres and the smallest is

2.95, according to this master plan authorization. So they could adjust it within that. What they're asking for is the 12 lots. So not to create any more than 12 lots but adjust – it could be less if they consolidate lots.

COMMISSIONER CHAVEZ: Right.

MR. LARRAÑAGA: But not to create any more than 12 lots, a maximum of 12 lots.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Any further questions for staff? Is the applicant here? Would you please be sworn in for the record?

[Previously sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Madam Chair, my name is Jim Siebert. My address is 915 Mercer, Santa Fe.

CHAIR HOLIAN: Mr. Siebert, do you have anything you would like to add?

MR. SIEBERT: I do. I think first of all let me say that to kind of drill in on the process itself, when we begin talking about the master plan itself we're kind of on dangerous ground, because it's not what is contemplated by the County code. To be specific, we – what's in the County code, Article V, Section 5.6 of the code, it defines this as administrative approval of a lot layout. And that's all it's supposed to be. There's no intention or even a provision to even submit with that a master plan that would indicate what the land uses are associated with that particular lot layout.

As Mr. Larrañaga pointed out there is a purpose to this though, and the purpose of this particular section of the code is to allow for developers and business parks to adjust lots to conform to whatever the purchaser's needs are. In the case of BTI, their need was six acres. Well, there'd be no way to determine what that need would be in advance, so what this section of the code does is simply allows the developer of the park to move the lot lines around to accommodate the needs of the future tenants of the park.

The code also specifies very clearly that the administrative approval or the administrative plat [inaudible] must precede any other application for whatever development request that they have, either master plan or development plan. That application must be heard by the BCC. It must be granted by the BCC. So what we're telling you is that we're simply following the exact procedure of the law that's set forth in the County Land Development Code.

This is not the first time that a master plat or administrative approval has been granted. The projects that I've worked on where it's been previously granted were the Santa Fe Airport Business Park, the Nambe Industrial Park, the Thomas Business Park, the Santa Fe Metro Center and a little over a year and a half ago the Rio Santa Fe Business Park.

In all these cases which have been approved by the Board of County Commissioners there's never been a question against the process itself. And what we've presented to you tonight is really no different than what was being presented in any other projects which currently are operational or operating business parks.

In your packet what you did have is about 150 pages of comments from Rancho Viejo residents which I assume is increased tonight, and I think it almost – if you take a look at the content of those almost universally there is a connection between the administrative plat and the master plan and there's a perception that if you approve the master plat, which is purely a

procedural issue, you're going to absolutely have to approve the master plan or development plan. That was never the way the process was set up or ever intended to operate.

So the problem that we have now is that we cannot control people's perceptions, and that's currently the perception that if you approve this procedure you're also approving the master plan in the future. So this was discussed with the principals of Univest-Rancho Viejo today and given those kinds of misconceptions we would like to offer the following proposal. One, that we will prepare and submit a request to amend the County code allowing for the administrative approval process to take place concurrent with the application for the master plan. We can't do that now; it is not the law. The law says you come before the County Commission, you ask to have the administrative plat approved, and then you proceed with your development request.

We have no other choice. What we're proposing to you, in order to take care of this confusion about the nexus between the administrative plat and the master plan, let's just amend the code. Let's make it clearer. Then you can hear both at the same time and concurrently.

The other thing that we would ask of the County Commission would be we would request assistance from the County Land Use staff in facilitating meetings with the neighborhood. There have been two meetings with the neighborhood and very frankly they have not been very productive. We think that with the assistance of the County staff they can not only facilitate the process, negotiating process, but they can also maybe provide some history to the public of how the land use issues have evolved in the Community College District.

Univest-Rancho Viejo is not opposed to having meetings with the neighbors. We will have as many meetings as is taken, as it will take to address some of the issues and concerns and Univest-Rancho Viejo [inaudible] to reasonably accommodate their concerns. So with that we would ask your consideration of those two points. One, that we would amend the code, we will take the initiative to do that. And two, that we could have some assistance from the County Land Use staff in monitoring neighborhood meetings. And it's really kind of no different from what the City does in their process in what they call the Early Neighborhood Notification process. There's always staff at those meetings. They manage them and they make sure that whatever questions that the public might have regarding the code or the plans that they're there to answer those.

So with that I'll answer any questions for you.

CHAIR HOLIAN: So, Mr. Siebert, what you're asking for is to table this case or postpone this case until – and you would help us bring forward an amendment to our County code in order to be able to consider master plan amendments at the same time as the master plat?

MR. SIEBERT: If you think our position is reasonable we will just simply withdraw this application. I think that takes the issue off the table, it takes the pressure off the neighborhood. It takes the pressure off you all as well.

CHAIR HOLIAN: Steve, could you comment on that?

MR. ROSS: Which part? An applicant can withdraw –

CHAIR HOLIAN: Oh, whether it would be possible to amend our code so that we could consider a master plan amendment at the same time as a –

MR. ROSS: Well, Madam Chair, we're having -- we're putting a great deal of effort right now into trying to kick out a draft of the new code so I'd suggest if you want to make this change let's make it in the new code and then try and get that out. Because every time we stop and do one of these fixes to what is about to be the repealed code we take time away from the big project.

CHAIR HOLIAN: Thank you. Mr. Siebert, is there any time constraint on this, from the point of view of the applicant?

MR. SIEBERT: Well, there's always time constraints. Univest-Rancho Viejo would like to proceed forward with the master plan in a somewhat timely fashion. The only concern I have about connecting it with the future Sustainable Land Development Code is that my guess is that's going to be in hearings for several months or a very long period of time. We would like the opportunity -- this is a fairly small change to the code that can accommodate this issue very easily. So we would request to hear that as a separate issue, separate and apart from the Sustainable Land Development Code.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I have heartburn with the recommendation, and the reason is that we are now talking about setting up a different process for this case that no other application would have access to, and that we would really have the opportunity to be litigated against for not being fair and equitable and adhering to standards. And I'm a little surprised. And I first thought Mr. Siebert was being facetious when he recommended it, but I personally wouldn't do that.

COMMISSIONER ANAYA: I agree with you.

CHAIR HOLIAN: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I agree. I agreed with that perspective at the last case. I think we followed the process associated on our end as well as developments on their end and I think it was just another two months of putting off the inevitable of what we've typically done in other projects. So I'm not prepared to modify the old code and pretend like that's the solution to a process that we've utilized and had in place that I think is as clear as it needs to be.

CHAIR HOLIAN: Thank you, Commissioner. So we will move forward with the case then. Are there any questions for Mr. Siebert?

COMMISSIONER STEFANICS: Yes.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: And I think this might be for staff and Mr. Siebert. In the meetings with the community, I know that the traffic and the road is a big concern. So could each of you address if that was considered or discussed in the meeting that was held with the community?

MR. SIEBERT: I'm going to have to defer that to Warren Thompson who was at the two meetings. Let me just clarify one issue. There's a perception then that if you amend the code it will apply only to Univest-Rancho Viejo. It applies across the board. There's opportunity for any applicant to use the same process. We're not trying to limit this only to the Univest-Rancho Viejo. So with that, let me let Warren answer that.

CHAIR HOLIAN: Mr. Thompson, will you be sworn in?

[Previously sworn, Warren Thompson testified as follows:]

WARREN THOMPSON: Warren Thompson. Yes, traffic -- Madam Chair, Commissioners -- yes, traffic came up quite a bit at these meetings. And it is a concern, it's a shared concern that we have with the residents.

COMMISSIONER STEFANICS: Madam Chair, were there any recommendations that could be considered? Are you totally depending on the County to address this? That's what I'm saying. This is a staff and developer question.

MR. THOMPSON: I think that there are a couple of things going on. One is we're studying the traffic issue out there. Two, there's this -- I understand there's an alignment study going forward on the southeast connector, and so there's a lot of information going forward on traffic.

CHAIR HOLIAN: Okay. So Mr. Larrañaga.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, at master plat authorization a traffic impact analysis is not required. Again, when they would come in from master plan amendment the traffic impact analysis would be submitted and reviewed by our Public Works Department and DOT. So the master plat authorization again doesn't -- they can't go start building buildings out there. As Mr. Siebert said it's a procedural process to get the lots kind of aligned for future lot line adjustments or consolidations.

CHAIR HOLIAN: Okay. So I understand that part, Madam Chair. And -- but the issue is that as you move forward with approval for anything there has to be a plan, and I haven't heard that the County is jumping at this. It's certainly not on the MPO's list. The MPO is looking at the southeast connector. The southeast connector really isn't going to help the people who live down that road. Now, I understand at what level we are for approving, but I haven't heard who's discussing whether it's the developer or whether it's the County who's discussing the road. And it seems to me the road has to be addressed.

MR. THOMPSON: It's my understanding, Commissioner, that as we went through the master plan revision process that traffic would be addressed at that point, that land uses would be addressed at that point, and what this process has done is brought all these issues to the table before we've even put in an application to address those issues. So it's the same problem we're having with the residents. We don't have that information together yet. We don't have any proposals on that yet, because that package hasn't even been submitted. Until we get through this process we're not going to be in a position to submit amendments to the master plan that will bring all those requirements forward and force us to address all of those issues.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Are there any further questions of applicant or of staff? Okay. There was a public hearing at the last meeting which was closed, but I will reopen the public hearing for public comments. But I would like to say a few comments in introduction. One is that we had extensive comments at the last meeting which are in our packet. We have had extensive comments mailed in, and they are in our packet. So I would like to ask you who are commenting to concentrate on new information, and I'm particularly interested in the topic of how the public meetings went and also for suggestions on how the developer could do effective outreach in the future. So having said that, who would like to make a public

comment? Is there anybody? Okay, perhaps you could all stand up and be sworn in at the same time.

[Those wishing to speak were administered the oath.]

CHAIR HOLIAN: And please come forward, and there will be a two-minute limit. And please identify yourself when you come to the podium.

[Previously sworn, Vicki Schneider testified as follows:]

VICKI SCHNEIDER: My name is Vicki Schneider. I live at 99 Via Orilla Dorado. Thank you for the opportunity. This is really very confusing on several levels and I certainly, first of all appreciate you, Madam Chair and Commissioners for hanging in. How we got to be last on the list, I don't know, but we're doing it. I think what's important right now is that we have – I'm just going to say two things, because of the time. I'm a long talker. We had promises made to us, the communication in our whole situation has been pretty confusing and we have a discrepancy, probably a different way of describing how our community meetings went. And since you did ask specifically for that I'll address that.

We had a meeting with our developer which we discussed with you last time, two months ago, that we asked if we could organize our community, get our priorities straight, and have a representative group meet with the developer on an overall concept, because what we saw coming when we were presented with the plat authorization, which we fully understand is only administrative, it indicated something that we were all taken aback by, and that was the whole commercial aspect, mixed-use aspects of what was going to happen. That had never appeared to be a possibility before.

So we came to the developer with an idea that we knew how to organize our community over and above the three sections of our homeowners associations, try to get together, have a representative group, and then meet with him as a smaller group. He was delighted by that, it seemed to us, because he didn't want to work with – anyway, so we had this process and he agreed with us, but he did not volunteer to table this meeting two months ago.

We came in, we talked perfunctorily, we didn't know that was going to be the end of our comment, and again this time, we didn't know that we were going to have public comment. So we keep getting a little bit blind-sided by when we can prepare our talks. The two meetings that we had were meetings that we tried to have with our community to organize our priorities to then have a meeting with the developer. Instead, at the last minute of our meeting, the developer just said he was coming to the meeting no matter what. He didn't care what we were trying to do; he was going to come to the meeting because he likes open meetings.

So our process got stopped at that point. However – and then, he also announced to us that he would be gone out of the country for a month. So we accommodated him and ~~pushed our meeting up a month ahead, got our ducks in a row as fast as we could and we~~ were going to have our public meeting and again he attended and disrupted our meeting by trying to – by trying to say that it wasn't a public meeting. Well, it wasn't. It was us trying to get a representative group that had priorities together. That process took all the time we had at our meetings. We just didn't get to have the meetings that would be efficient and professional. We are a grassroots organization that was about 300 people strong that we have

on our mailing list. So it became an ineffective communication and we didn't get to present or have an exchange with our developer, which we would love to have.

CHAIR HOLIAN: Okay. Thank you, Ms. Schneider. Next.

[Previously sworn, testified as follows:]

STEVE LANDMAN: My name is Steve Landman, 1 Alegre Pass. We were sold something we were told was going to be a certain way and now it's not. So we have Bicycle Parts International there. It doesn't look at any of the other buildings there. It's where this [inaudible] is supposed to go. It's based on the type of building, the kind of work that they do. It's placed very poorly. It's away from the major traffic corridor. So I have to think there's going to be more of the same in that location. That's the first thing.

The second thing is Richards Avenue. As you drive Richards Avenue there are plots for sale all along, both sides. It's only two lanes. You can't widen it. The freeway bridges are going to prevent you from doing so. In order to accommodate the development that's going to be put on Richards Avenue is we have to reroute it and that would have to start now because the traffic disruptions that are going to take place to accommodate all of the building that's planned where it's for sale in that location will cause tremendous disruptions. So it's really a matter of support for what the developer wants to do. I support the developer's right to develop his property. Okay. It's a development. I moved to a development. He gets to do that. But what I'm seeing now is inappropriate. It doesn't work. That's all I have. Thank you.

CHAIR HOLIAN: Thank you, Mr. Landman. Next.

[Previously sworn, Susy Moesch testified as follows:]

SUSY MOESCH: My name's Susy Moesch from 7 Rocky Slope Drive in Rancho Viejo and was just reading all your procedures and the laws and I am very disappointed in what the developer wants to do and I particularly am worried about the roads and I think it's one of your procedures, 5.6.1 I was looking at, I don't know the exact number, where it says that yes, if the developer or the County find that it's not in their interest the County could then kind of not allow it and I think that is exactly what is happening because the roads are too small for bigger trucks, because that's what will happen if - like BTI is a very huge thing that is already there and it has like four loading docks. So when all big trucks will come there so we might have more of this happening with the other 12 lots. And it will mean a lot of money for the County to widen those roads, because there is no way that these big trucks can go through these roads.

And on the other hand, the developer owns land on the corner of Rancho Viejo Boulevard and Highway 14, which is right off the Highway 25, which would accommodate all these buildings and would be away from private property. That is my input.

CHAIR HOLIAN: Thank you, Ms. Moesch. Next.

[Previously sworn, Pat Perrin testified as follows:]

PAT PERRIN: ~~My name is Pat Perrin, 10 Dean's Court. I have many~~ questions. Why were we scheduled last on the agenda when so many homeowners and others are affected? Did the developer request this in hopes that we would go away? Why do we now have in College Park an industrial factory across from the college that sticks out like a sore thumb, because its design is not traditional New Mexican? Were there any public hearings? If so, we were not informed. Why is this motion to move the lot lines being permitted before we know what the developer wants to build there? Isn't this putting the cart

before the horse? Are we not trapped rats and in fire danger if the traffic increases in this area?

Why is this developer permitted to hire his own engineer to perform traffic studies which is an obvious conflict of interest when it should give money to the County and the County should use a revolving list of qualified firms to do the studies? Those are my questions. Thank you.

CHAIR HOLIAN: Thank you, Ms. Perrin. Next

[Previously sworn, Ken Vellen testified as follows:]

KEN VELLEN: My name is Ken Vellen, 95 Via Orilla Dorado, Santa Fe, and I'm going to give my two minutes to my wife. Thank you.

CHAIR HOLIAN: Okay. How gentlemanly.

[Previously sworn, Eunice Vellen testified as follows:]

EUNICE VELLEN: My name is Eunice Vellen. I live at 95 Via Orilla Dorado in Rancho Viejo. I had quite a list for tonight but I just want to address one thing. Mr. Siebert says we don't understand what this process is. We do understand that this is an administrative process. It doesn't involve a master plan change. However, Lot 11 on the master plan map was open land when we bought our land. [inaudible] We were charged a premium for our lot because we were guaranteed that that land was going to remain open for recreation and for trails. My husband and I and the neighbors across the trailhead were charged an additional premium to be on the trailhead, which we are now told is going to become a road. These things were guaranteed to us when we paid our premiums when we bought our land. There were 15 homes along that side of the road that all paid premiums for the same thing. That was almost \$300,000 of profit to the developer and he is now saying, no. That lot was never intended to be open land. We can move it. It wasn't provisional when we paid our premium. It wasn't provisional when we built our homes.

So we understand exactly what this process is. Our objection is that they're including land that was never, to our understanding, to be used for anything but open land for recreation and for trails.

CHAIR HOLIAN: Thank you, Ms. Vellen. Next.

[Previously sworn, Glen Smerage testified as follows:]

GLEN SMERAGE: Hi. I'm Glen Smerage, a pleased and satisfied resident of Rancho Viejo. In the letter to you I requested that you do two things on this case. First is deny the applicant his motion in case 12-5420 and there are numerous reasons that I and other people will give for that. I'm going to focus in my limited time on my second request. It almost is stronger for me than the first. Two parts, the first that you request that Univest go back to the drawing board and consider moving the employment center to its [inaudible] in the vicinity of State Road 14 and Rancho Viejo Boulevard.

The second part of this request is that they put forward a plan for reverting the land in this case to a combination of residential, open space and trails. There are a lot of reasons for this two-part request. Obviously, I don't have time to say them. If you would look in my letter you will see some of those important reasons. Suffice it to say, in topology, in the surroundings where it is nested and there are multiple parts to the surroundings, an employment center is not appropriate here. In 2000, as the Community College District was established, somebody threw a dart at a map and came up with an employment center at this

location. It is totally inappropriate today and the County has failed after a whole decade to re-examine the appropriateness.

CHAIR HOLIAN: Thank you, Mr. Smerage.

[Speaker from the audience]: I give him two more minutes.

CHAIR HOLIAN: Okay. Two more minutes.

MR. SMERAGE: I'm not sure I can use it. Well, I will try hard. Let me try to expand a little bit more on the Community College District and subsequent things. In 2000 when that Community College District was established, there was essentially no development, residential or otherwise in Rancho Viejo. Now there are about 1300 homes and growing. There are two elementary schools. There are two colleges. There's a church. There are a variety of things that give character to this community, give identity to this community, and they must be weighed against this commercial stuff. Again, this particular subject land is inappropriate now with its surroundings to be an employment center. A far better place for BTI would have been in the vicinity of State Road 14 and Rancho Viejo Boulevard. But somehow Univest snuck this through on the residents of Rancho Viejo. I don't even know how this [inaudible]. I don't even know if there was a public hearing about the present day [inaudible] of BTI. I think not.

It is an example of the tastelessness that Univest has. We who are residents were imposed upon by a unified architectural style, which most of us are very pleased with - pueblo, territorial, and Mediterranean. Those apparently, both in terms of the county and Univest know nothing about style of commercial buildings. Look at the [inaudible] the inappropriateness of BTI for its location.

CHAIR HOLIAN: Thank you, Mr. Smerage. Next.

[Previously sworn, Evelyn Spiker testified as follows:]

EVELYN SPIKER: My name is Evelyn Spiker and I live at 7-A Dean's Court. I'm very close to the development, the proposal. I've been very involved from the beginning in terms of communicating with my neighbors and I've also been to the two meetings where the developer was speaking to us. I say it that way because it wasn't an exchange; he came to talk to us. Actually, at our meetings, the first one he wasn't invited to. He took it over and we [inaudible] but he didn't want to hear what we had to say. And I think that's where the disconnect came in.

The second meeting was organized to [inaudible] but again it was supposed to be an exchange so he could also understand what our concerns were, and that didn't happen. He basically just talked to us. And actually talked down to us. And I think you saw that in this meeting tonight. He assumed that we're not even informed about some of the [inaudible] and it's rather offensive to a community.

CHAIR HOLIAN: Thank you, Ms. Spiker. Is there anyone else who would like to speak?

[Previously sworn, Eileen Gorman testified as follows:]

EILEEN GORMAN: My name is Eileen Gorman. I live at 3 Firehearth Place in Rancho Viejo. You know that Santa Fe in general is very proud of its dense population area in Rancho Viejo and the College District and I don't have a problem with and I want to be very clear about that. But I think one thing that people have lost sight of is that the economy is going to judge the business model. The economy has spoken. There is a

commercial center in the original village which basically is bankrupt. The center was sold by the developer as all the model homes were to other people who then [inaudible] them back to the developer to use the model homes. That was the business model. And the business center was sold by the developer, previous developer, but by the developer to Suncorps, to private owners who then ran it out.

The private owners are now the only business [inaudible] in the Rancho Viejo original model. It's 13 years. We have to remember that the market is going to determine, and the economy is going to determine the success of this village-style economy in this dense employment and development center. And the more development there is along Rodeo Road, along everything else that's happening on Cerrillos, etc., the less opportunity there is going to be for people to develop commercial in the setting that's there close to the Community College in the near term.

CHAIR HOLIAN: Thank you, Ms. Gorman. Any other public comment? Seeing none, this public hearing is now closed. Are there any further questions? Well, first of all, Mr. Siebert, would you like to say a few words in closing?

MR. SIEBERT: Let me clarify a little history on this. The Community College District plan was something that was adopted approximately 13 years ago and it was done with a great deal of public input and citizens' hours to prepare that plan along with the Community College District plan. So the idea at that time was that there would be a relationship between this particular business park and the Community College, and it was next to the major arterial, which was Richards Avenue, all of which made sense to the committee and the people who put together the plan.

In 2006 there was a master plan that was approved for a much larger area within the district and that was called Village West Master Plan. The Village West Master Plan contained the business park. A portion of that was designated for a business park where [inaudible] business park as well. So there's nothing – this is something that has been ongoing for several years. We realize that some of the residents have moved in recently and [inaudible] the plan. We welcomed the opportunity to provide some history on that particular issue. So thank you.

CHAIR HOLIAN: Thank you, Mr. Siebert. Any further questions for the applicant or for staff? Seeing none, what are the wishes of the Board?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I move for approval of BCC Case MIS 12-5420, College Park Master Plan Authorization consistent with standard practices that the County of Santa Fe has followed for other developments.

COMMISSIONER CHAVEZ: And I will second that motion and state that it will be only for 12 mixed-use lots on 76.78 acres, and that I would imagine, and I'll ask staff, but they still have to comply with open space requirements moving forward.

MS. LUCERO: Madam Chair, Commissioner Chavez, that's correct. They will have to comply with open space requirements.

COMMISSIONER CHAVEZ: Okay. So that's not in staff recommendations now. I just wanted to note that for the record. Thank you.

CHAIR HOLIAN: Okay. We have a motion and a second. Is there further discussion? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Technically, this is meeting the code requirements and Rancho Viejo is in my district and I'm very aware of the lot of the consternation that's going on about this. I also have my own personal concerns about how we're going to work out traffic issues. I think there's other concerns that the community has brought up that they don't believe that they're participating in some of the vision. And maybe that's not what the developer intended. Maybe the developer had his own vision and they wanted to move along, but the community wants to be part of it.

And I know that there are some people who have moved into Rancho Viejo who weren't aware that they had extra property taxes to pay because of the roads. They weren't aware that they were in a mixed-use, high-density community because of the community plan. But that is on the books and that is part of it. I do have some concerns and I don't believe it is the County's responsibility to pursue the issue of extra compensation of land with open space views. I think that is a property right issue that individuals should look at. But Mr. Ross, I don't believe that's our responsibility. Correct? So if individuals feel wronged and they feel that they have something contractual, that has to be pursued on your terms.

Now, I would like to let you know that since I do represent that district and some of you weren't here earlier when we discussed what Commissioners can and can't do when a case is filed. That if in fact this application is meeting the requirements that as it goes forward into the next stages that we will scrutinize and ask the questions and perhaps send it back to the drawing board. But in terms of needed codes, we also have a legal responsibility to keep things moving.

So I wanted to explain to the community that I hear a lot of the consternation. I know what's going on, but in terms of what we have set up in code, this is meeting the requirements right now.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, also, to follow up and expand maybe on a few of the concepts and comments that Commissioner Stefanics just made, I think there are circumstances and today we had several where land use code and County policy that has been put into place in prior years, sometimes doesn't fit with what's concurrent with what's going on today. I know with the developers in question that we've had issues associated with affordable housing that we've spent numerous meetings and discussions where there maybe wasn't 100 percent agreement on the parties but there was an interest and a desire to work through and find some common ground.

I know you're going to be back before the Commission on a continuous basis, and I know that you're going to need to continually have discussions with the community on their concerns and issues associated with their purchase and when they purchased their property and what they were told and what some of those assumptions were, and I think Commissioner Stefanics clearly articulated some of those are better left for those individuals and their own desires relative to how far they want to pursue that.

But associated with Santa Fe County decisions, I want to say that I didn't make the assumption that everything that the County has done prior to my sitting at this bench was done with complete infinite wisdom and that everything will be the same and never change. Without a question we are continually analyzing what happened in the Community College District but also what happened in land use code and trying to figure out what is manageable, what's reasonable within the context of today. And I think somebody articulated economic issues that have arisen and the challenges that are faced associated with those. I think everybody is doing that. But there were real specific things that were done under our framework within this district that were put in aggressive and thought-out. That doesn't mean we're perfect.

I think it's important for staff at some point, especially in places like the Community College District that we have somewhere where people can go. We did the Code of the West, former Commissioner Anaya did the Code of the West for the rural areas of Santa Fe County because many people would move from another state or an urban center to the rural parts of Santa Fe County and when they move in they wonder or ponder what do I have here and why don't I have expeditious service on fire and roads and these other issues? And the same goes for areas in urban areas, in the Community College District is a huge example. We need to have a place where people can get a snapshot summary of the progression of meetings, the progression of decisions, and maps that delineate what those approvals were along the way within the process so that people have somewhere to access the information, hopefully understanding and if they don't, ask questions of the developers and ask their questions of us.

This isn't an end to this discussion. There's going to be continued dialogue. There's going to be continued work, continued discussion on this and other plans going forward. So those are my comments and I think it's a process – a work in progress I guess would be the best way to say it.

CHAIR HOLIAN: Thank you, Commissioner, and I just wanted to say a few words. First of all, I would really like to urge the developers and the community to continue to have dialogue, to continue to communicate and to continue to work with each other. I hope that in fact perhaps the developers will even consider hiring a mediator to help facilitate meetings so that they're more productive. I know that if the community works with the developers on coming up with a plan for that land it's going to turn out a lot better for everybody concerned than if just the developers make the decisions all by themselves. So communication is vital and I would just really urge you to continue with the communication as much as possible and figure out an effective way to do it.

I will also tell the community that this is not the end. The developers will have to come in front of us with a master plan amendment. We don't have to approve the master plan amendment. And the master plan amendment will include things like a traffic analysis. It has to include that. It will include an archeological site survey. It will also include information about where the utilities are going to come from, and it will also include information about what the actual development is going to look like.

And so this will come in front of the CDRC and then the Board. We do not have to approve it, and the kinds of issues that you brought up with your concerns will be addressed then at that time. So with that, if there are no further comments, we have a motion and a second.

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

XVII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body,
Chair Holian declared this meeting adjourned at 11:25 p.m.

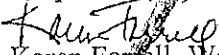
Approved by:

Board of County Commissioners
Kathy Holian, Chair

ATTEST TO:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Respectfully submitted:


Karen Farrell, Wordswork
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Santa Fe, NM 87501