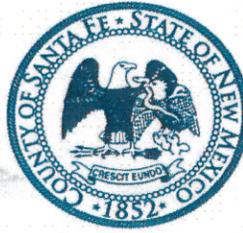


Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: November 13, 2012

TO: Board of County Commissioners

FROM: Vicki Lucero, Building and Development Services Manager *VL*

VIA: Penny Ellis-Green, Interim Land Use Administrator

FILE REF.: CDRC CASE # V 12-5060 Jay Shapiro Variance

ISSUE:

Jay Shapiro, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 10.21 acres.

The property is located at 94 Cloudstone Drive, within Section 5, Township 16 North, Range 10 East, (Commission District 4).

SUMMARY:

The Applicant is requesting that this case be table as his attorney will not be available to represent him at this meeting.



GRAESER LAW FIRM

227 East Palace Avenue, Suite M
PO Box 220
Santa Fe, New Mexico 87504-0220

Christopher L. Graeser
Jessica B. Cooper, of counsel

T 505.424.8175
F 888.781.5968

Wednesday, October 31, 2012

Vicki Lucero
Residential Development Case Manager
Building and Development Services
Santa Fe County
102 Grant Ave.
Santa Fe, New Mexico 87501

Re: Shapiro Variance, 12-5060

Dear Vicki,

Mr. Shapiro has asked me to represent him in this matter. His variance application is currently scheduled to be heard by the BCC on November 13, 2012. I am requesting that the matter be postponed until the next agenda to accommodate my scheduled, as I will be traveling out of town for business that evening.

Please let me know if you need any additional information.

Thank you.

Sincerely,

Christopher L. Graeser

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: November 13, 2012

TO: Board of County Commissioners

FROM: Vicki Lucero, Building and Development Services Manager *VJ*

VIA: Penny Ellis-Green, Interim Land Use Administrator *PEG*

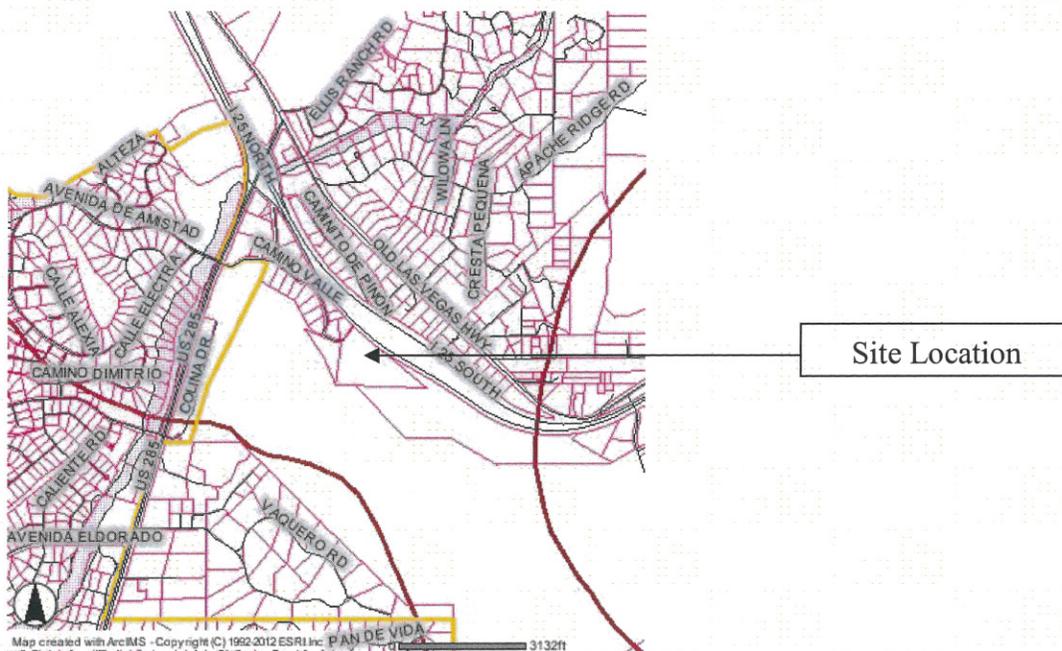
FILE REF.: BCC CASE # MIS 07-5503 Apache Springs Time Extension

ISSUE:

Beverly Chapman, Applicant, Joe Ortiz, Agent, requests a 1-year time extension of the Preliminary and Final Plat & Development Plan Approval for the Apache Springs Subdivision.

The property is located at 87 Camino Valle, within Section 10, 11, 14, and 15, Township 15 North, Range 10 East (Commission District 5).

Vicinity Map:



SUMMARY:

On December 14, 2010, the BCC granted approval of a two-year time extension of the Preliminary and Final Plat and Development Plan for the Apache Springs Subdivision (Refer to BCC Minutes in Exhibit 5).

On May 13, 2008, the BCC granted Preliminary Plat and Preliminary Development Plan approval for the Apache Springs Subdivision which consisted of 16 residential lots on 40 acres.

On November 18, 2008 the BCC granted Final Plat and Development Plan approval for the Apache Springs Subdivision (Refer to BCC Minutes in Exhibit 4).

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

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."

The Preliminary and Final Plat & Development Plan for the Apache Springs Subdivision will expire on November 18, 2012. The Applicant stated that due to the slow economy and lack of funding through the banking system, they have not been able to proceed with the development. They are currently awaiting final approval of the Affordable Housing Agreement and are in the process of obtaining signatures on the plat and securing a financial guarantee for the site improvements. The Applicant is requesting a 1-year time extension of the Preliminary and Final Plat and Development Plan approval which would render the approval valid until November 18, 2013.

This Application was submitted on October 1, 2012.

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

APPROVAL SOUGHT: Approval of a 1-year time extension of the Preliminary and Final Plat and Development Plan in accordance with Article V, Sections 5.3.6 and Sections 5.4.6 of the County Land Development Code.

GROWTH MANAGEMENT AREA: Galisteo, SDA-2

HYDROLOGIC ZONE: Mountain Hydrological Zone where the minimum lot size is 20-acres per dwelling unit with a 0.25 acre foot per year per lot water restriction; unless an approved geohydrologic analysis demonstrates water availability to support increased density.

FIRE PROTECTION: Hondo Fire District

WATER SUPPLY: Shared Well System

LIQUID WASTE: Individual on-site Septic Systems

VARIANCES: No

AGENCY REVIEW: None

STAFF RECOMMENDATION: **Approval of the request for a 1-year time extension of the approved Preliminary and Final Plat and Development Plan for Apache Springs.**

EXHIBITS:

1. Letter of request
2. Site Plans
3. November 18, 2008 BCC Staff Memo
4. November 18, 2008 BCC Minutes
5. December 14, 2010 BCC Minutes

October 1, 2012

Santa Fe County Land Use

Vicki Lucero

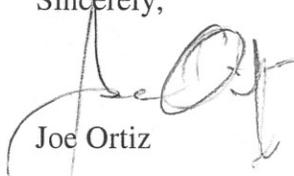
RE: Apache Springs Case # 07-5500

Dear Vicki,

This letter is to request an extension of Apache Springs Subdivision. The project was approved by the BCC in 2008 after a year and half of process from the original application of November 9th, 2007. . The project is still in the process of being signed off before the plat can be recorded. A two extension was granted in 2010, with the option of requesting an additional year. We are now requesting that additional year extension. We are hopeful the project can be completed within the extension timeframe.

To that end, I would like the extension application fee waived as the plat has yet to receive final signatures and recording.

Sincerely,



Joe Ortiz

CC: County Land Use Director

Received 2:51 on 10/1/12

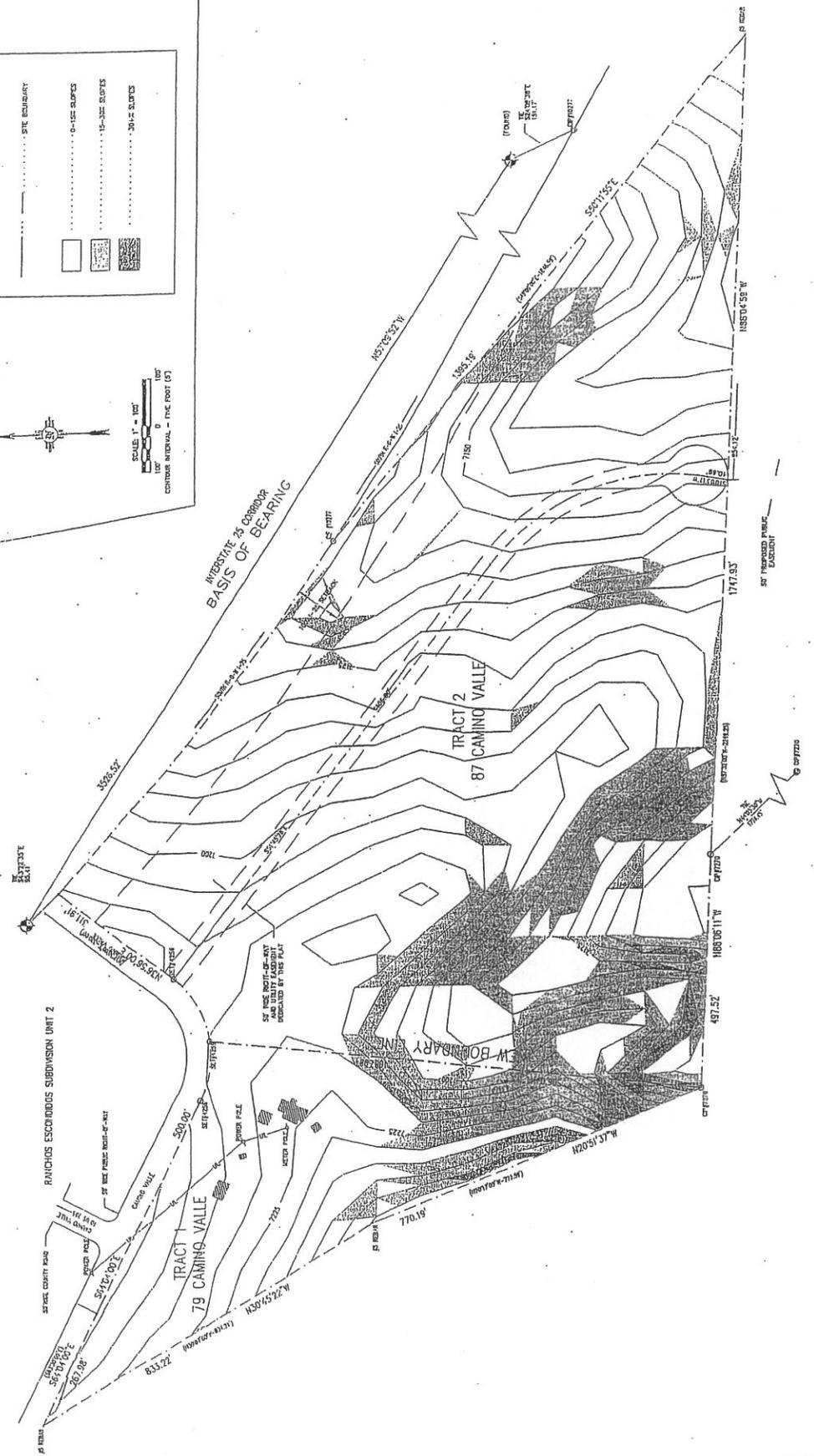


DATE	02-22-00
DESIGNED BY	M.C.M.
DRAWN BY	M.C.M.
CHECKED BY	M.C.M.
DATE	02-22-00
PROJECT	02-22-00

PROJECT: APACHE RIDGE SUBDIVISION
 SHEET TITLE: EXISTING TOPOGRAPHY AND SLOPE ANALYSIS

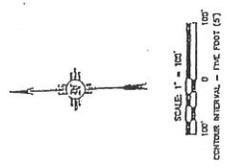


W. J. Walker Engineering
 505 Camino Sierra Vista, Santa Fe, NM 87505
 505-820-7890
 FAX 505-820-8538



LEGEND

.....	ENGINE CONTOURS
-----	SITE BOUNDARY
.....	0-10% SLOPES
.....	10-20% SLOPES
.....	20-30% SLOPES



TOPOGRAPHY NOTE

ALL EXISTING ELEVATIONS SHOWN ON THESE PLANS ARE BASED ON THE DATUM OF 1985. THE ELEVATIONS SHOWN ON THESE PLANS ARE BASED ON THE DATUM OF 1985. THE ELEVATIONS SHOWN ON THESE PLANS ARE BASED ON THE DATUM OF 1985.

W. E. Walker Engineering
 905 Camino Sierra Vista, Santa Fe, N.M. 87501
 505-930-7850
 FAX 505-930-7850
 C-MAIL: cwalk@walkeren.com

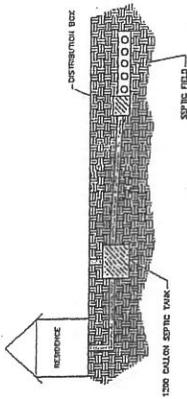
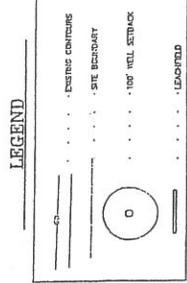
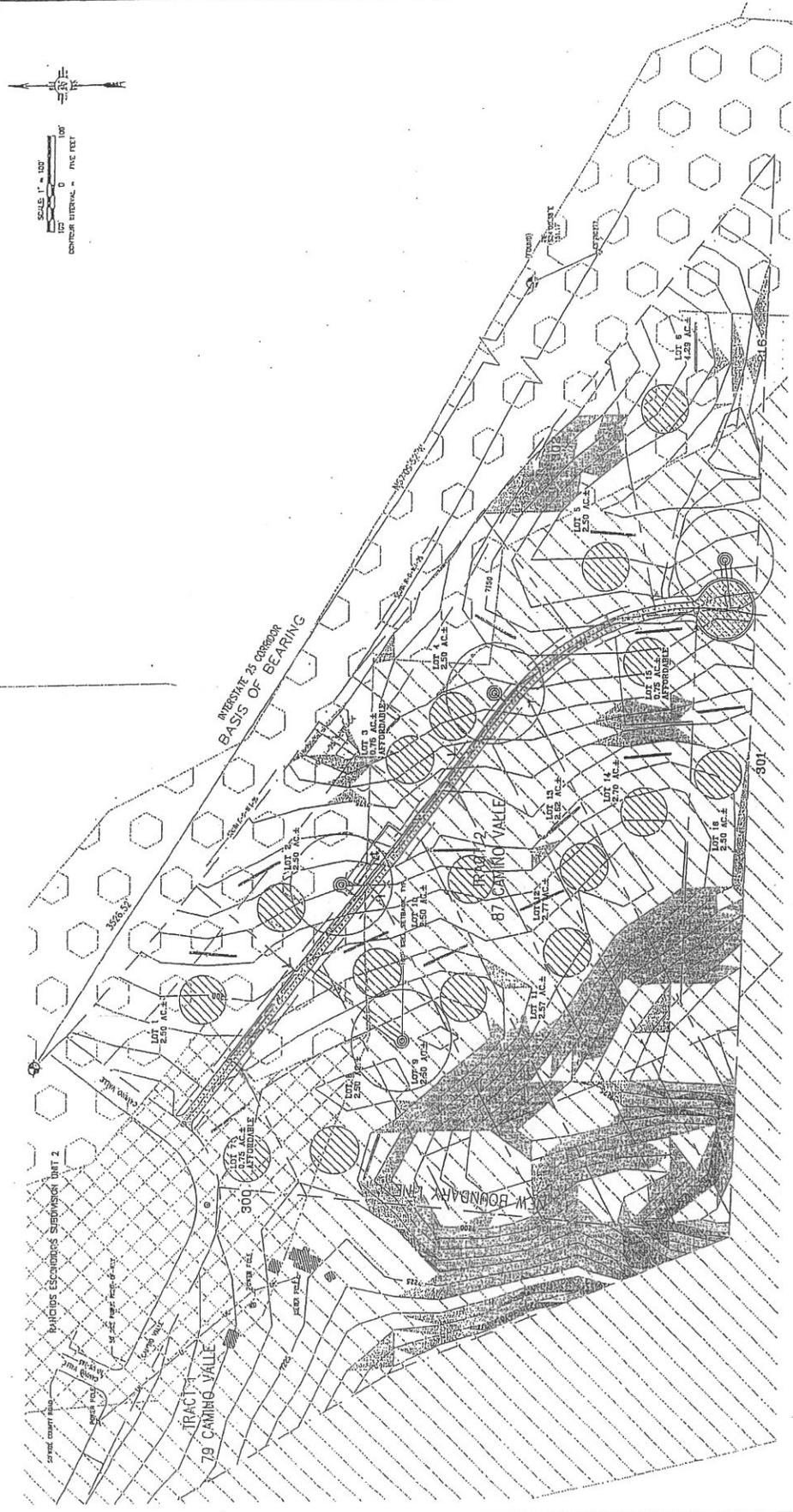
PROJECT: 05-270
 DESIGNED BY: N.F.P.
 CHECKED BY: W.C.M.
 DATE: 10/23/07
 SCALE: AS NOTED



APACHE SPRINGS
 SUBDIVISION
 UTILITY LAYOUT
 SANITARY SEWER

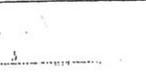
COUNTY REVIEW
 SIGN-OFF DATE
 DEPARTMENT
 PLUMBING DIVISION
 STATE WATER COMPANY

C-3



SOIL NOTES
 1. All soil types are based on the soil survey map of the area. The soil survey map is a general guide and should not be used as a basis for design. The soil survey map is a general guide and should not be used as a basis for design. The soil survey map is a general guide and should not be used as a basis for design.

- SOIL TYPES**
- 218 Sandstone loam, 1 to 3 percent silt
 - 302 Fine gravelly clay loam, 2 to 8 percent silt
 - 301 Sandstone-Altago-Rock waterway complex, 3 to 10 percent silt
 - 302 Sandstone-Altago-Rock waterway complex, 3 to 10 percent silt



NB3-71

DATE	PROJECT	DESIGNED BY	CHECKED BY
12/15/2017	92-144	M.E.M.	M.E.M.
12/15/2017	92-144	M.E.M.	M.E.M.
12/15/2017	92-144	M.E.M.	M.E.M.



DATE	SIGN-OFF	DEPARTMENT

UTILITY NOTE

IF ANY UTILITY LINES, PIPELINES, OR INFRASTRUCTURE EXIST UNDER OR ADJACENT TO THE TRACT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND MARKING THEM PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND INFRASTRUCTURE FROM DAMAGE DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

RECORD DRAWINGS

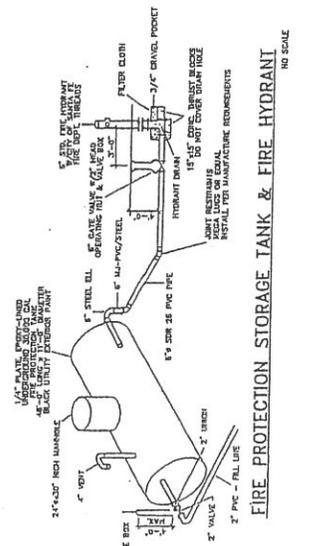
THIS DRAWING IS THE PROPERTY OF W. E. WALKER ENGINEERING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF W. E. WALKER ENGINEERING.

LEGEND

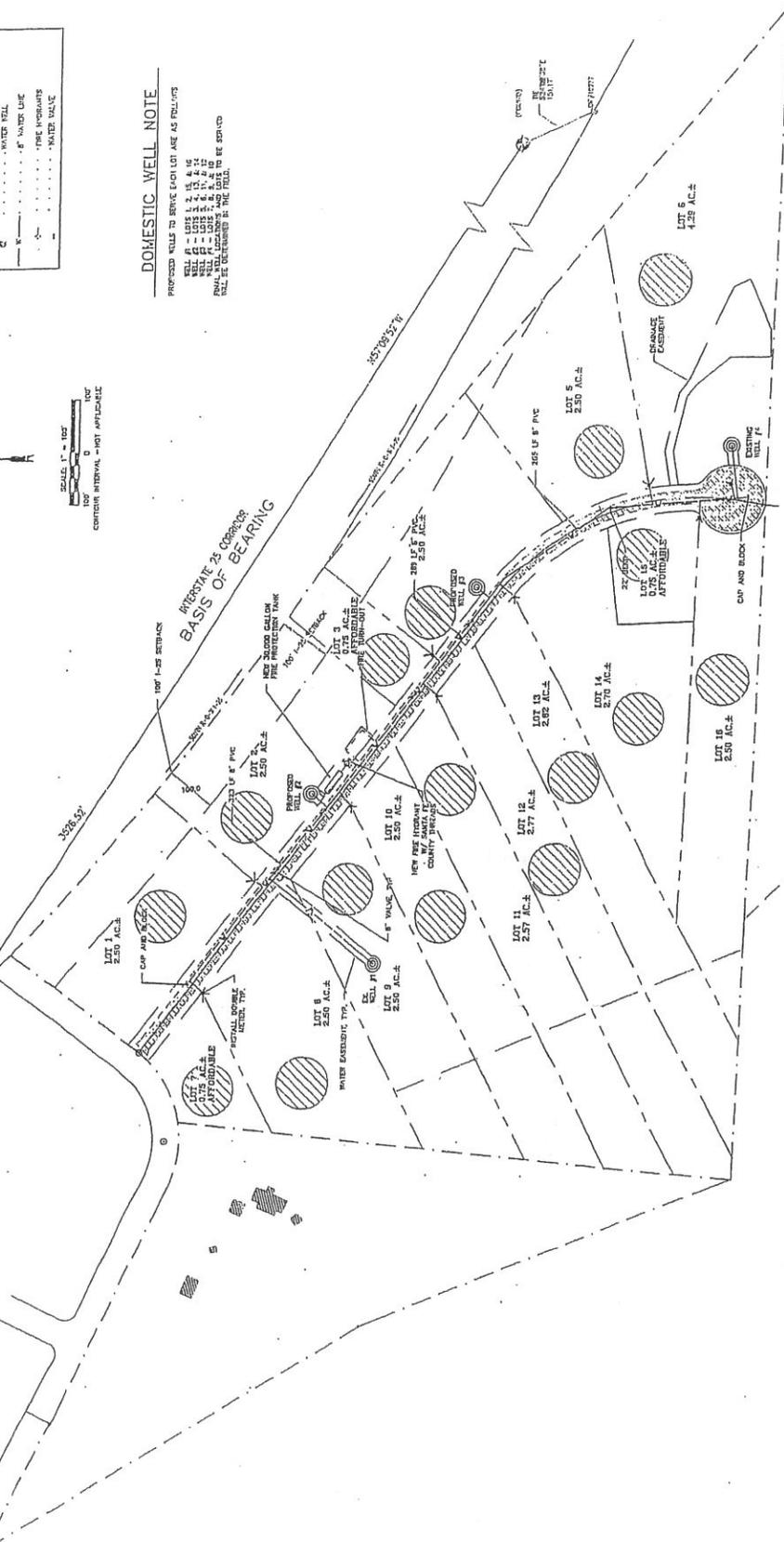


DOMESTIC WELL NOTE

PROPOSED WELLS TO SERVE EACH LOT ARE AS FOLLOWS:
 WELL 1 - LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



FIRE PROTECTION STORAGE TANK & FIRE HYDRANT
 NO SCALE



DEPARTMENT	APACHE COUNTY
DATE	10/28/87
SIGN-OFF	
PROJECT	APACHE SPRINGS PROFILE

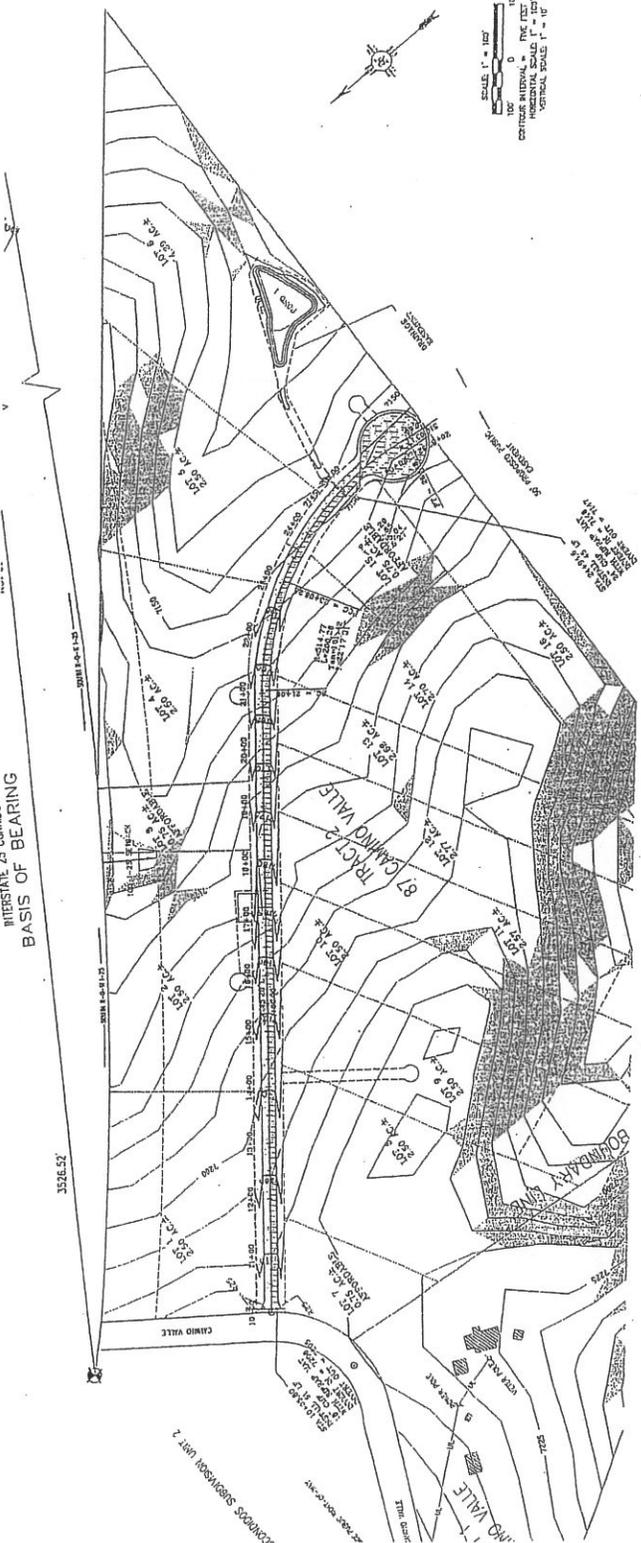
APACHE SPRINGS PROFILE

PLANNED AND PROFILE



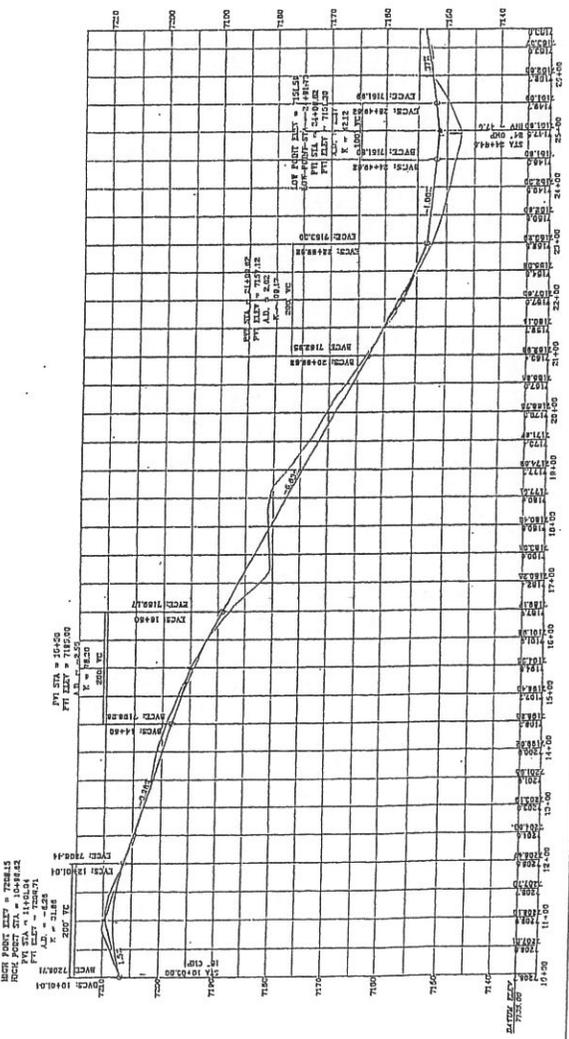
PROJECT	05-229
DESIGNED BY	W.E.W.
CHECKED BY	W.E.W.
DATE	10/28/87
SCALE	1" = 100'

W. E. Walker Engineering
 505 Camino Sierra Vista, Santa Fe, NM 87501
 505-270-7900
 FAX 505-270-7950
 E-MAIL: ctw@walkerengineering.com



LEGEND

—	EXISTING CONTOURS
—	DESIGN CONTOURS
—	SITE BOUNDARY
—	TOP OF ROADWAY
—	TOP OF CURB
—	FIELD GRADE
—	TOP OF SIDEWALK
—	GRAVEL
—	TOP OF W/LL
—	RF R/W L&T
—	WATER FLOW DIRECTION



MEMORANDUM

DATE: November 18, 2008

TO: Board of County Commissioners

FROM: Vicki Lucero, Residential Development Case Manager

VIA: Shelley Cobau, Building and Development Services Manager
Jack Kolkmeyer, Land Use Administrator

FILE REF.: CDRC CASE #DP 07-5501 Apache Springs Final Development Plan/Plat

ISSUE:

Beverly Chapman, Applicant, Joe Ortiz, Agent, request Final Development Plan and Final Plat approval for a sixteen (16) lot residential subdivision on 40-acres.

The property is located at 87 Camino Valle, within Section 10, 11, 14, and 15, Township 15 North, Range 10 East, (Commission District 5).

SUMMARY:

On August 21, 2008, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval subject to staff conditions (Refer to meeting minutes in Exhibit "I").

On May 13th, 2008, the BCC granted Preliminary Plat and Preliminary Development Plan approval (Refer to Exhibit "H").

The Applicant is requesting Final Development Plan and Final Plat approval for a sixteen lot subdivision on 40-acres (Exhibit A). The proposed lots range in size from .75-acres to 4.29-acres (Exhibit C). The property is located within the Mountain Hydrological Zone where the minimum lot size is 20-acres per dwelling unit with a 0.25 acre foot per year per lot water restriction; unless an approved geohydrologic analysis demonstrates water availability to support increased density.



Existing Conditions

The site is accessed off Camino Valle, which lies south of Interstate 25 and east of US 285. The project site is currently vacant sloping from north to south. North of the site is the Valle Escondido Subdivision which contains primarily 1-acre lots, and to the south of the site is the La Vista Subdivision which contains 2.5-acre lots.

Phasing

The project will proceed in a single phase, with the anticipated completion one year from start of construction.

Access and Traffic Impact

The site is accessed directly from Camino Valle, a County maintained road, which narrows in some areas to widths of less than 20'. County Fire, Public Works and Development Review staff conducted a field visit to the site in early March to determine if the road was adequate to serve the proposed subdivision. Staff has subsequently added a condition of approval (Condition 11 herein) which requires the Applicant to perform minor widening and improve the surface of the existing road, as represented to the CDRC at the March 20, 2008 hearing, and reflected in the minutes from that hearing, because the road currently does not meet the Code minimum for a local gravel road where the roadway narrows to less than 20'. The Application includes construction of a local gravel road, to Code standards within a 50' easement, to serve the proposed lots. The application has been forwarded to the Traffic Engineering Planner, County Public Works and the NMDOT for review (Exhibit D).

Terrain Management and Water Harvesting

All building areas proposed are on slopes not exceeding 15%, which is compliant with current Code. The Applicant is proposing a single 15,834 cubic foot stormwater detention pond on Lot 8, to meet the Code criteria for detaining post construction runoff. Maintenance of this pond will be the responsibility of the Homeowner's Association. Soil and terrain analyses were submitted with the Application as required by Code, these analyses demonstrated buildable area is available on each lot in conformance with County standards. The entire project is outside the limits of the FEMA designated 100-year floodplain.

County Code also requires that each individual property owner provide a retention/detention pond on their property as they develop, this requirement will be noted as a Special Condition on the Final Plat, and will be enforced during the residential permitting process.

Water and Liquid Waste

The Applicant has provided a Geo-Hydrological Report as required by Code to demonstrate 100-year water availability, thereby allowing for a 2.5-acre gross density. The Applicant is proposing to utilize a shared well system, consisting of four wells to serve the sixteen lots. Distribution lines from each well head must assure separate delivery from each well to respective residential uses, comingling of wells is not permitted. A separate well sharing agreement for each well will be required and must be recorded with the Final Plat and Development Plan for this project. The County's Water Resource Specialist has reviewed this Application and has concluded that there is sufficient water to supply this project (Exhibit D).

The Applicant is proposing to use individual on-site septic systems on each lot; individual septic permits will be required and must be submitted with the residential permit application.

Solid Waste

Solid waste removal must be addressed in the Subdivision Disclosure Statement, to require each lot owner to contract individually with a solid waste disposal service.

Fire protection

The project is within the Eldorado Volunteer Fire District. The Applicant is proposing a 30,000 gallon water tank which will feed into a single hydrant located within the subdivision. A fire suppression system will be required for each house, this requirement will be noted on the Final Plat and enforced during the residential permitting process. This Application has been forwarded to County Fire for review (Exhibit D).

Landscaping/Open Space/Archaeology

The Applicant will be required to provide a Landscaping Plan for revegetation of disturbed areas, prior to Final Plat recordation, along with 100' highway setback that has been proposed along the right-of-way of I-25. The Applicant submitted an Archaeology Report which indicated that no significant sites were found, this report was submitted to the State Historic Preservation Office for review. (Exhibit D)

Signage

No private subdivision signage has been proposed at this time. The Applicant shall be advised that any subdivision signage will require a Sign Permit, and all signage must meet the requirements of the Code.

Affordable Housing

The Application includes an Affordable Housing Plan as required by Ordinance 2006-02. Affordable lot locations have been depicted on the Preliminary Plat, and as permitted by Section 13 of Ordinance 2006-02 "A Minor Project that is not eligible for a water rights transfer waiver, or a water allocation or density bonus, may reduce the lot area for each Affordably Priced Housing Unit to the minimum permitted by applicable regulations of the New Mexico Environment Department, so long as the Affordably Priced Housing Unit whose lot sizes are reduced pursuant to this Section are reasonably dispersed throughout the project". In accordance with this Section of Ordinance 2006-02, the Applicant is proposing three affordable lots for the Santa Fe County Affordable Housing program. These proposed lots are dispersed through the project and the lot size proposed for each lot is 0.75 acres, which meets the NMED's criterion for minimum lot size allowed for a three bedroom residence served by a conventional septic system. Submitted information has been distributed to the County's Affordable Housing Administrator for review. (Exhibit D)

REQUIRED ACTION:

The CDRC should review the attached material, consider the recommendation of staff, and take action to recommend approval, denial, or recommend approval with conditions to the BCC, or table for further analysis of this request.

RECOMMENDATION:

The proposed subdivision is compliant with Article III, Article IV and Article VII of the Land Development Code, and applicable County ordinance(s) pertaining to Final Development Plan and Plat submittals. Staff therefore recommends Final Development Plan and Plat approval of the Apache Springs Subdivision subject to the following conditions:

1. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Department of Transportation
 - d. County Water Resources Specialist
 - e. County Public Works
 - f. County Technical Review Division
 - g. Santa Fe Public School District
 - h. State Historic Department
 - i. Rural Addressing
 - j. County Affordable Housing Administrator
2. The Final Development Plan and Plat must be recorded with the County Clerk's office.
3. All redlines will be addressed, original redlines will be returned with final plans.
4. The Applicant shall comply with the water harvesting requirements of Ordinance 2003-6. A rainwater-harvesting plan will be required from individual lot owner upon application for a building permit. This requirement must be included in the Subdivision Disclosure Statement and restrictive covenants, and noted on the Final Plat.
5. The Applicant shall comply with all Fire Marshal requirements.
6. All exterior lighting must meet Code criteria. The specific requirements for residential outdoor lighting shall be included in the Subdivision Disclosure Statement and restrictive covenants.
7. A liquid waste permit must be obtained from the Environment Department for the proposed septic systems prior to issuance of building permits; this requirement must be included in the Subdivision Disclosure Statement and noted on the Plat.
8. The Applicant must record water restrictive covenants simultaneously with the Plat imposing 0.25-acre feet per lot per year. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year.
9. No further division of this land will be allowed; this shall be noted on the Final Plat and in the Subdivision Disclosure Statement.

10. The Applicant shall provide a Vegetation Management Plan to be reviewed and approved by the County Fire Marshal and must be recorded with the Final Development Plan and referenced on the Final Plat.
11. Construction Plans indicating proposed widening locations where Camino Valle narrows to less than 20' in width, any culvert extensions needed to accommodate widening, tree removals, and existing driveway locations shall be submitted for review prior to application for Final Development Plan and Plat approval before the BCC. These plans shall indicate placement of base course on Camino Valle from Camino Piñon to the entrance of the Apache Springs subdivision to a 3" depth. The Applicant shall either bond or build out the improvements to Camino Valle prior to recordation of Final Plat.
12. A location for a future cluster mailbox area to serve the Apache Springs Subdivision and other areas must be provided. This pullout shall meet the minimum specifications for mailbox pullouts set forth by the NMDOT. The pullout driving surface shall be a minimum of 6" of aggregate base course, and adequate drainage must be provided. The detail of this location shall be included in the Final Development Plan, and additional right-of-way as required indicated on the Final Plat.
13. The Applicant shall submit a financial surety, as required by Article V, Section 9.9 of the Code, in a sufficient amount to assure completion of all required improvements. The surety bond 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 of recordation.

ATTACHMENTS:

- Exhibit "A"- Vicinity Map
- Exhibit "B"- Applicant's report
- Exhibit "C" - Applicant's plans
- Exhibit "D" - Reviewing Agency Responses
- Exhibit "E"- Correspondence from adjacent land owners
- Exhibit "F"- Meeting minutes CDRC 3/20/08
- Exhibit "G"- Proposed Road Plans for Camino Valle
- Exhibit "H"-May 13, 2008 BCC Meeting Minutes
- Exhibit "I"- August 21, 2008, CDRC Meeting Minutes

XIV. PUBLIC HEARINGS

A. Growth Management Department

1. **CDRC Case # DP 07-5501 Apache Springs Subdivision. Beverly Chapman, applicant, Joe Ortiz, agent, request final and plat approval for a sixteen-lot residential subdivision on 40 acres. The property is located at 87 Camino Valle, within Section 10, 11, 14 and 15, Township 15 North, Range 10 East (Commission District 5) Vicki Lucero, Case Manager**

VICKI LUCERO: Thank you, Madam Chair. On August 21, 2008, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval subject to staff conditions. On May 13, 2008, the BCC granted preliminary plat and preliminary development plan approval. The applicant is requesting final development plan and final plat approval for a 16-lot subdivision on 40 acres. The proposed lots range in size from .75 acres to 4.29 acres. The property is located within the Mountain Hydrological Zone where the minimum lot size is 20 acres per dwelling unit with a 0.25 acre-foot per year per lot water restriction; unless an approved geohydrologic analysis demonstrates water availability to support increased density.

This application was reviewed for existing conditions, phasing, access and traffic impact, terrain management and water harvesting, water and liquid waste, solid waste, fire protection, landscaping, open space, archeology, signage and affordable housing.

The proposed subdivision is compliant with Article III, Article IV and Article VII of the Land Development Code, and applicable County ordinances pertaining to final development plan and plat submittals. Staff therefore recommends final development plan and plat approval of the Apache Springs Subdivision subject to the following conditions. Madam Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Department of Transportation
 - d. County Water Resources Specialist
 - e. County Public Works
 - f. County Technical Review Division
 - g. Santa Fe Public School District
 - h. State Historic Department
 - i. Rural Addressing
 - j. County Affordable Housing Administrator
2. The final development plan and plat must be recorded with the County Clerk's office.
3. All redlines will be addressed, original redlines will be returned with final plans.
4. The applicant shall comply with the water harvesting requirements of Ordinance



- 2003-6. A rainwater-harvesting plan will be required from individual lot owner upon application for a building permit. This requirement must be included in the Subdivision Disclosure Statement and restrictive covenants, and noted on the final plat.
5. The applicant shall comply with all Fire Marshal requirements.
 6. All exterior lighting must meet Code criteria. The specific requirements for residential outdoor lighting shall be included in the Subdivision Disclosure Statement and restrictive covenants.
 7. A liquid waste permit must be obtained from the Environment Department for the proposed septic systems prior to issuance of building permits; this requirement must be included in the Subdivision Disclosure Statement and noted on the Plat.
 8. The applicant must record water restrictive covenants simultaneously with the Plat imposing 0.25 acre-feet per lot per year. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year.
 9. No further division of this land will be allowed; this shall be noted on the Final Plat and in the Subdivision Disclosure Statement.
 10. The applicant shall provide a Vegetation Management Plan to be reviewed and approved by the County Fire Marshal and must be recorded with the final development plan and referenced on the final plat.
 11. Construction Plans indicating proposed widening locations where Camino Valle narrows to less than 20' in width, any culvert extensions needed to accommodate widening, tree removals, and existing driveway locations shall be submitted for review prior to application for final development plan and plat approval before the BCC. These plans shall indicate placement of basecourse on Camino Valle from Camino Piñon to the entrance of the Apache Springs subdivision to a 3" depth. The applicant shall either bond or build out the improvements to Camino Valle prior to recordation of final plat.
 12. A location for a future cluster mailbox area to serve the Apache Springs Subdivision and other areas must be provided. This pullout shall meet the minimum specifications for mailbox pullouts set forth by the NMDOT. The pullout driving surface shall be a minimum of 6" of aggregate basecourse, and adequate drainage must be provided. The detail of this location shall be included in the final development plan, and additional right-of-way as required indicated on the final plat.
 13. The applicant shall submit a financial surety, as required by Article V, Section 9.9 of the Code, in a sufficient amount to assure completion of all required improvements. The surety bond 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 of recordation.

CHAIR VIGIL: Thank you very much, Vicki. Are there any questions for

staff? Later, is what Commissioner Sullivan said. Is the applicant here? Mr. Ortiz, is there anything you'd like to add and are you in agreement with all the conditions that have been set forth?

[Duly sworn, Joe Ortiz testified as follows:]

JOE ORTIZ: I am, Madam Chair. For the record, my name is Joe Ortiz. I live at 99 San Marcos Loop.

CHAIR VIGIL: Okay. And you are in agreement with everything?

MR. ORTIZ: Yes, I am.

CHAIR VIGIL: Okay. Is there any questions of the applicant?

COMMISSIONER MONTOYA: Madam Chair, just on the affordable housing units, how many will there be?

MR. ORTIZ: Madam Chair, Commissioner Montoya, three.

COMMISSIONER MONTOYA: Three? Okay. Thank you. That's all I had, Madam Chair.

CHAIR VIGIL: Any further questions?

COMMISSIONER SULLIVAN: I have some questions. I don't know if it's for staff.

CHAIR VIGIL: Please proceed, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Shelley and Mr. Ortiz, if you can answer that's fine too. When we approved the master plan for this there were several things that were discussed and also included in the motion to take a look at. And one was the issue of the status of the property on the other side of this property, going towards I-25. And several neighbors were considered that the road would be inadequate and that would be used as a through route, once that property was developed. What have we found out about that other property since then?

SHELLEY COBAU (Land Use Department): Madam Chair, Commissioner Sullivan, there's not an approved subdivision to the east of the Apache Springs Subdivision, contrary to the allegations or the concerns that had been brought up by some of the members of the neighborhood. There was no 50-lot subdivision previously approved. There was never a recorded plat for that 50-lot subdivision. Should a subdivision come in to the east of Apache Springs, and the number of lots and the trip traffic that they would generate could require a road upgrade to Camino Pinon, we would require that they would upgrade the road to the standard based on their trip traffic. But the road that Mr. Ortiz has provided, the road design, has been reviewed by both Public Works and County Fire and Land Use staff and is in compliance with the Code for the amount of lots that are on that road at the current time and those that are proposed.

COMMISSIONER SULLIVAN: Okay. So, a) there's no subdivision that we know of on the other side of this property now. So that answers that question. So, refresh my memory. For a 16-lot subdivision, these are just going to be gravel roads; they're not even going to be paved roads. Am I reading that correctly?

MS. COBAU: That's correct. The local road standard for the county is based

on the number of lots and the number of lots that are being created and that the road is served by. We did a pretty detailed research because staff was concerned about Camino Pinon also, and they're bringing it up. They are improving the road. They're widening and they're adding basecourse, which is not required by Public Works or by Fire but in order to meet the road criteria in Article V of the Code they are required to upgrade that road. So it is being widened at any point where it's narrower than 24 feet in width. But they're not required to paved based on the number of lots.

COMMISSIONER SULLIVAN: Boy, that – I just think that that's a real problem to get a 16-lot subdivision as closely, as densely located as these lots are without a paved road. That's just generating dust and maintenance issues for the owners who have to handle that through the homeowners association. And I know from living on one for many years and having to do that it doesn't get done and what happens is the people end up coming into the County and saying, please accept our road, and then the County ends up one way or another, either through state legislation or something, having to put the cost of that road improvement on all the taxpayers, when really, it should be the homeowners. In other words, I realize that increases the cost of the lots, but that's who it benefits and that should be built into the project, in my judgment.

The other question that was brought up at the master plan hearing was that there were no fire hydrants on the property whatsoever, and you were going to research that also.

MS. LUCERO: Madam Chair, Commissioner Sullivan, the applicant did do a cost comparison of what the cost would be to install the 30,000-gallon fire suppression tank that they were originally proposing, versus connecting to the existing fire hydrant on Camino Valley. [Exhibit 2] And it came out to be almost double to connect to the existing fire hydrant. It was just a little over \$100,000 to install the storage tank and \$214,000 to connect to the tank.

COMMISSIONER SULLIVAN: So the storage tank doesn't have any fire hydrants associated with it?

MS. LUCERO: There will be a single hydrant located within the subdivision.

COMMISSIONER SULLIVAN: And how far is the furthest house from this single hydrant?

MS. LUCERO: I believe it meets Code criteria of 500 feet.

MR. ORTIZ: That's correct.

COMMISSIONER SULLIVAN: The furthest lot is 500 feet from the draft hydrant?

MR. ORTIZ: It does meet the Code requirement. I'm not sure – I don't know if –

COMMISSIONER SULLIVAN: Well, my question is, what's the Code requirement?

MS. LUCERO: Madam Chair, Commissioner Sullivan, we're looking into it, but the Fire Marshal did review the application and did submit a favorable response.

COMMISSIONER SULLIVAN: Well, again, I appreciate the cost comparison

\$101,000 versus \$214,000 but when we're looking at the safety of the community out there, and we have an existing community and now we're going to have a new community, we have fire service up that road and now we're going to not utilize that. In many areas a tank and a draft hydrant is fine where we don't have service, but here we have service. We ought to make use of that and provide the protection. A 30,000-gallon tank is not anything like tying onto a water system that has hundreds and hundreds of thousands of gallons of fire storage capability, so you can fight an extended duration fire.

You can figure it out for yourself. If you fight a fire with 1500 gallons a minute, which is typical, and you have a 30,000-gallon tank, how many minutes to you have to fight that fire? Only a few. So I think we're missing the boat here. Here we have services right at the boundary of this subdivision that are there to provide the safety of the public and we're disregarding them. I'm not sure what the Fire Marshal is saying there but I think in terms of having that capability, particularly since some of these are going to be mobile homes that go up in a flash, you're going to be hard-put to respond quickly or adequately from a draft hydrant. That's just been my experience. So I guess the answer to my question is that there won't be connections to the fire system, because there have been other projects in the Eldorado area where they've connected onto the Eldorado fire system, they've run the fire lines in there, but they've still used wells. They've still used domestic wells to serve the residents. That hasn't been unusual. Those subdivisions seem to have felt that that was economical to do. So I'm concerned that we're not taking advantage of the public facilities that we have right at hand, right at the property.

MS. LUCERO: Madam Chair, Commissioner Sullivan, I believe the fire hydrant is located at the intersection of Camino Valle and 285 which is probably almost about a mile and a quarter away from the proposed development. And just to answer your question, the Code requires a minimum of 1,000 feet, the buildable area on each lot has to be within 1,000 feet of a hydrant.

COMMISSIONER SULLIVAN: And this meets that is what you're saying?

MS. LUCERO: Yes. That's correct. And then also the Fire Marshal is requiring sprinklers in all the residences in the subdivision.

COMMISSIONER SULLIVAN: Now, again, it's a pay me now or pay me later. You have to sprinkle your house, or if you had a fire system and you pay for that in the cost of the lot, I imagine it wouldn't be that much different. But it makes the lot seem less expensive until suddenly when you want to build on it you find out you have to have a sprinkler system that will cost you \$10,000. So I just – if we have \$10,000 per sprinkler system and we have 16 lots, there's \$160,000 right there that we could have put into the price of the lot and had a better system of public protection. That's what I think we have to look at. I know the developer is looking at getting the least expensive lot, and what I think we have to look at is what's the maximum public protection within the reason and within economics. I think that's certainly within economics of the project. All right. Thank you.

CHAIR VIGIL: Any other questions. Shelley, I know that we've been trying to get with these small developments easements for mailboxes. Is that required for this

development? If so, I don't know where it's stated.

MS. COBAU: Madam Chair, there is a requirement for mailbox easement and it's right at the entrance of their subdivision on the road that goes – kind of bisects the lots, and it's shown on the plat.

CHAIR VIGIL: Okay. So you don't put it under recommendations or compliance requirements?

MS. COBAU: It's condition #12 under the staff conditions.

CHAIR VIGIL: Ah. Thank you very much. That's where I couldn't locate it. And thank you for working on those. That's a huge problem. Mr. Ortiz, I have a question I guess. One of the problems that Santa Fe County has and the Board of County Commissioners is that we approve these subdivisions after master plan, preliminary and final, and then people come to us and want to subdivide some of their property. Would you comment on that?

MR. ORTIZ: As part of our plat recordation, there will be no additional subdivisions allowed, as part of the plan.

CHAIR VIGIL: Okay. Would you comment on that Shelley? Could we make that a specific condition of approval, or just because it's stated on the plat, does that keep the subdivision from occurring?

MS. COBAU: I don't think it would hurt to add no further division of these lots can occur as an additional condition, but it is also a requirement as a plat note.

CHAIR VIGIL: Okay. Mr. Ortiz, would you object to that as a condition of approval?

MR. ORTIZ: Not at all.

CHAIR VIGIL: Okay. I would propose that we include as condition #14 that no further subdivision can occur here.

MS. COBAU: Madam Chair, it may be important to note that family transfer land divisions are not considered subdivisions, so unless the condition states, as we require it to state on the plat, no further division, then these lots could be divided through the family transfer process.

CHAIR VIGIL: That was my intent, to say no further division.

MS. COBAU: No further division. Okay.

CHAIR VIGIL: Okay. Are you in agreement with that, Mr. Ortiz?

MR. ORTIZ: Yes, I am, Madam Chair.

CHAIR VIGIL: Thank you. Anyone out there care to comment or speak to this issue? Seeing none, what is the pleasure of the Commission?

COMMISSIONER ANAYA: Move for approval with staff conditions. Staff recommended approval, right? Move for approval.

COMMISSIONER MONTOYA: With the added condition of Commissioner Vigil?

COMMISSIONER ANAYA: Yes.

COMMISSIONER MONTOYA: I'll second.

The motion passed by majority 3-1 voice vote with Commissioner Sullivan casting the nay vote.

- XIV. A. 2. EZ Case # a 07-4431 Lujan Appeal. Solis Lujan, applicant is appealing the Extraterritorial Zoning Commission's decision to deny her request for plat approval to divide 5.01 acres into two lots for the purpose of a family transfer (EZ Case #07-4430). The property is located at 4 Brooks Way, within Section 25, Township 16 North, Range 9 East (2-Mile EZ, District 4). Vicki Lucero, Case Manager**

MS. LUCERO: Thank you, Madam Chair. On March 13, 2008, the applicant's request for a family transfer land division on this property was heard by the Extraterritorial Zoning Commission. The decision of the EZC was to deny the request based on the applicant's refusal to comply with one of staff's conditions, which required a common access roadway to serve both lots as required by Section 10.1.C.3 of the EZO, and Section 3.5.1.f.1 of the Extraterritorial Subdivision Regulations. The applicant has stated that she initially refused to comply with this condition but subsequently indicated she intended to comply with all conditions.

The applicant is requesting plat approval to divide 5.01 acres into two lots for the purpose of a family transfer. The property currently has a residence, a septic, and a well. The property lies within the Metro-Basin Fringe Hydrologic Zone where the minimum lot size is five acres per dwelling unit, with quarter-acre-foot water restriction. Through a family transfer they could go down to half the minimum lot size which would allow 2.5-acre lots. The following lot sizes are being proposed: Lot 2-A, 2.51 acres more or less, and that's with the existing residence, and Lot 2-B, which will be 2.50 acres more or less, that's a vacant property right now.

The application was reviewed for the following: access, water supply, liquid waste, solid waste, terrain management, fire protection, archeological review and environmental review.

Staff recommendation: Staff finds that this application conforms to applicable provisions of the Extraterritorial Subdivision Regulations, Section 3.3.6. Therefore, staff recommends approval of this request based on the following conditions. Madam Chair, may I enter the conditions into the record?

[The conditions are as follows:]

1. The onsite access roads must have a minimum 38-foot easement with a 20-foot driving surface and must be developed meeting Section 3.5 of the Extraterritorial Subdivision Regulations (Road Requirements and Standards). Prior to recording the plat, the applicant must provide Santa Fe County with a certified engineer's cost estimate

COMMISSIONER HOLIAN: Yes.
COMMISSIONER VIGIL: Okay, seconder okay with that?
COMMISSIONER STEFANICS: Yes.

The motion passed by roll call vote as follows: Commissioner Vigil, Commissioner Holian, and Commissioner Stefanics all voting in the affirmative. Commissioner Anaya voted against.

COMMISSIONER VIGIL: Okay, that passed with one dissenting. Steve, how long will we be?

MR. ROSS: Madam Chair, I think we can be relatively quick so as to get out of here and start this long public hearing agenda that we have. I would guess 45 minutes.

COMMISSIONER VIGIL: Thank you.

[The Commission met in executive session from 4:15 – 5:20].

CHAIRMAN MONTOYA: Okay, we're out of executive session.

COMMISSIONER VIGIL: Mr. Chair, I move that we come out of executive session having only discussed pending or threatened litigation, limited personnel issues, discussion of bargaining strategy and contract negotiations under the procurement code.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil and second by Commissioner Holian. All those in favor.

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

XV. Public Hearings

- CDRC Case # MIS 07-5502 Apache Springs Subdivision Extension.**
Beverly Chapman, Applicant, Joe Ortiz, Agent Request a two-year time extension of the Final Plat approval for the Apache Springs Subdivision. The Property is located at 87 Camino Valle, within Section 10, 11, 14, and 15 Township 15 North, Range 10 East, (Commission District 5). Vicki Lucero, Case Manager

VICKI LUCERO (Development Review Team Leader): Thank you, Mr. Chair. I'm Vicki Lucero with Development Review Team Leader with the Growth Management Department.

On May 13, 2008, the BCC granted Preliminary Plat and Preliminary Development Plan approval for the Apache Springs Subdivision which consisted of 16 residential lots on 40 acres.

On November 18, 2008 the BCC granted Final Plat and Development Plan approval.

Article V, Section 5.4.6 of the County Land Development Code states, " Any approved or conditionally approved Final Plat approved after July 1, 1996 shall be recorded within 24

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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.”

Due to the slow economy and lack of funding through the banking system, the applicant is requesting a 2-year time extension of the Final Plat approval.

Recommendation: There have not been any major changes in the ordinances that govern this area since the time of the previous approvals for this development. Therefore, County staff recommends the BCC grant an extension of the prior approval as requested by the Applicant.

CHAIRMAN MONTOYA: Any questions for staff? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, maybe this is a question for Jack, what would happen if we were to pass a new code before any development were done on this property? In other words would the development then have to comply with the new code?

JACK KOLKMEYER (Land Use Administrator): This is for master plan extension?

MS. LUCERO: It's actually final plat.

MR. KOLKMEYER: Final plat, since this was previously approved it would go forward as approved, is our understanding.

COMMISSIONER HOLIAN: Another question that I have is has any development been done at all on the property? For example, construction of roads or anything like that?

MS. LUCERO: Mr. Chair, Commissioner Holian, there has been no development on this property thus far.

COMMISSIONER HOLIAN: Okay, thank you. And for two years from this date?

MS. LUCERO: That's correct.

COMMISSIONER HOLIAN: And then if nothing happened between now and the expiration then it would just revert to – it would have to be completely replanned; correct?

MS. LUCERO: Mr. Chair, Commissioner Holian, I believe they would be allowed to ask for a one-year of extension time. It's up to three years and then I guess it would be based on what the new code, if there were new regulations or requirements regarding expiration in the new code.

COMMISSIONER HOLIAN: Thank you, Vicki.

CHAIRMAN MONTOYA: Any other questions for staff. Will the applicant please come forward. Do you agree with everything that staff said?

JOE ORTIZ: I do, Mr. Chair. Thank you very much.

CHAIRMAN MONTOYA: Anything else you wanted to add?

MR. ORTIZ: No, I think the project is a good project it's just the economic downturn.

CHAIRMAN MONTOYA: Questions for the applicant. I'm sorry would you identify yourself.

MR. ORTIZ: My name is Joe Ortiz. I reside at 99 San Marcos Loop, Santa Fe, New Mexico.

CHAIRMAN MONTOYA: Thank you. This is a public hearing if there is anyone who would like to speak on this case if you'd please come forward. Okay, public hearing is closed.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move approval of CDRC Case number MIS 07-5502.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Okay motion by Commissioner Stefanics and second by Commissioner Vigil.

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

MR. ORTIZ: Thank you and Merry Christmas.

CHAIRMAN MONTOYA: Merry Christmas to you, too.

2. **CDRC Case # MIS 10-5550 Tessera Subdivision Extension. Northwest Villages LLC (Michael Hurlocker), Applicant requests a two-year time extension of the Master Plan approval for the Tessera Subdivision. The property is located on the North Side Of State Road 599 at the Intersection of Via Tessera, within Sections 17 And 20, Township 17 North, Range 9 East (Commission District 2). Vicki Lucero, Case Manager**

MS. LUCERO: Thank you, Mr. Chair. On December 18, 2001 the Extraterritorial Zoning Authority granted Master Plan Zoning approval for the Tessera Subdivision which consisted of 166 residential lots on 145.97 acres to be developed in 2 phases.

On December 12, 2002, the EZC granted Preliminary Plat and Development Plan approval for Phase I of the Tessera Subdivision which consisted of 88 lots. And on January 13, 2004, the BCC granted Final Plat and Development Plan approval for Phase I.

At the time these approvals were granted the subject property was located in the 2-Mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Zoning Ordinance. The EZO stated that "approval of a master plan shall be considered valid for a period of five years from the date of approval by EZA." This would have maintained the validity of the master plan until December 18, 2006. However, the EZO also stated that "progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. Progress means the submission of Preliminary or Final Development Plan, or Preliminary or Final Subdivision Plat for any phase of the Master Planned project." With an automatic two-year renewal for the Preliminary Plat approval of