

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: Vicente Archuleta, Development Review Team Leader *VA*

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

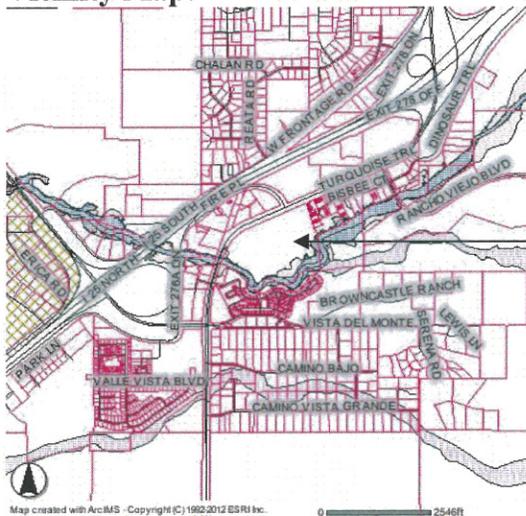
FILE REF.: BCC CASE # MIS 12-5350 Turquoise Trail Subdivision North Phase Time Extension

ISSUE:

RCS-Turquoise Trail South I, LLC., a Colorado LLC., Applicant, requests a 24-month time extension of the previously approved Preliminary and Final Plat and Development Plan Approval for the North Phase of the Turquoise Trail Subdivision consisting of 290 dwelling units on 101.57 acres.

The property is located off of New Mexico State Highway 14, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 3)

Vicinity Map:



Site Location

SUMMARY:

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

Article V, Section 5.3.6 of the County Land Development Code states, “An approved or conditionally approved Preliminary Plat shall expire twenty-four (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 Turquoise Trail Subdivision North Phase expired on February 14, 2009.

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

On December 13, 2011, the Board of County Commissioner also adopted Ordinance No. 2011-11, which states “the Board of County Commissioners (“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 the time of expiration of the Plat Approval for the Turquoise Trail Subdivision North Phase, the Conference Board’s Leading Economic Index® (LEI) score was 97. As of September of 2012 the LEI was 95.9.

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

This Application was submitted on October 5, 2012.

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

APPROVAL SOUGHT: Approval of a 24-month 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: El Centro, SDA-1

HYDROLOGIC ZONE: The Community College District Ordinance supersedes the Hydrologic Zoning. The proposed development is located in a designated "Village Zone" per the Community College District Ordinance. Allowable density in a Village Zone is a minimum of 3.5 dwelling units per acre.

FIRE PROTECTION: La Cienega Volunteer Fire District

WATER SUPPLY: City of Santa Fe Water System

LIQUID WASTE: City of Santa Fe Sewer System

OPEN SPACE: A total of 64.38 acres of open space has been provided for the Turquoise Trail North Phase.

AFFORDABLE HOUSING: The number of Affordable units for Turquoise Trail North Phase is 43 units.

VARIANCES: No

AGENCY REVIEW: None

STAFF RECOMMENDATION: **Approval of the request for a 24-month time extension of the approved Preliminary and Final Plat and Development Plan for the Turquoise Trail Subdivision North Phase.**

EXHIBITS:

1. Letter of request
2. Site Plans
3. Vicinity Map
4. February 14, 2006 BCC Staff Report
5. February 14, 2006 BCC Minutes
6. Resolution No. 2011-193
7. Ordinance No. 2011-11

SOMMER KARNES & ASSOCIATES LLP

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Of Counsel
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October 5, 2012

Re : Turquoise Trail Subdivision North Phase Request for Extension of Final Approvals

Dear Vicki:

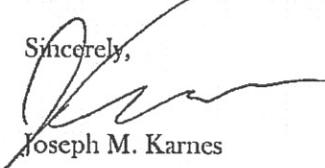
Our firm represents RCS (the "Owner"), which company is the successor-in-interest to Longford Homes in the development known as Turquoise Trail North. This letter, together with the enclosed Development Permit Application, shall constitute the formal application for the Turquoise Trail Subdivision North Phase ("North Phase") to request the Board of County Commissioners ("the BCC") grant a resolution to extend and renew the development approvals granted by the BCC in 2007 pursuant to Ordinance Number 2011-11. In this letter, we have given you some background information, summarized the current application and confirmed our understanding of the process we will be following.

On February 14, 2006, the Board of County Commissioners approved Turquoise Trail Subdivision North Phase. Enclosed is a copy of the approved final development plan and approval letter from the County of Santa Fe dated May 22, 2006. These approvals expired on February 14, 2009.

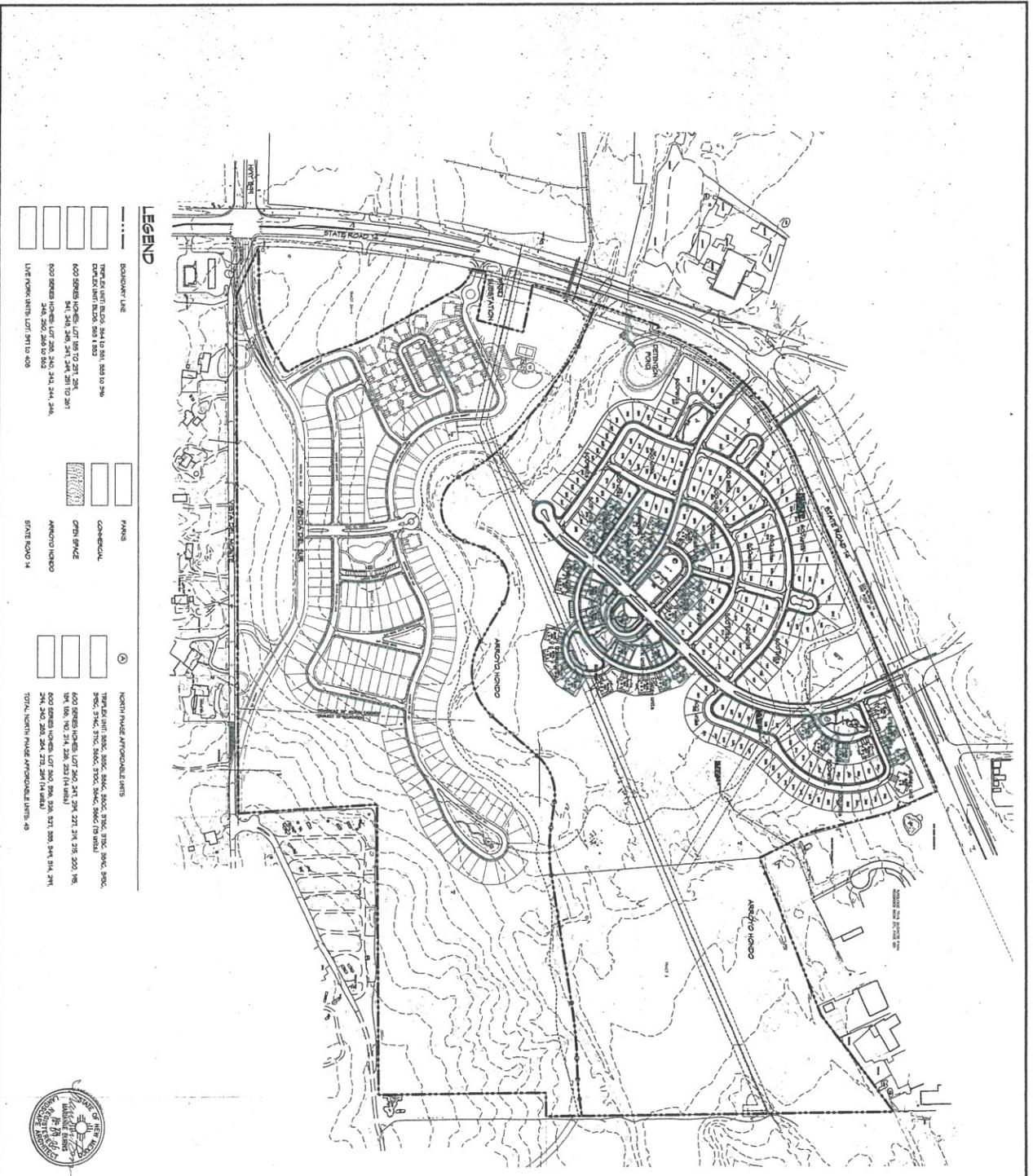
Given the recent economic downturn, particularly with respect to the real estate market, the BCC passed Resolution No. 2011-193 and Ordinance No. 2011-11 to allow the BCC the authority to grant resolutions to those applicants seeking to renew and extend expired development approvals obtained prior to the economic downturn which began in late 2008. Ordinance 2011-11 applies only to those projects whose approvals expired after December 16, 2008. This application is made under Ordinance 2011-11 and requests the renewal and extension of the approvals obtained for the Turquoise Trail North Phase development for a period of two (2) years. More specifically, the requested resolution shall suspend the enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Santa Fe County Land Development Code for a period of two (2) years after the adoption of the requested resolution by the BCC.

Included with this letter are the following documents: Development Permit Application Form, current deed to the property, the final approved development plan set for the North Phase, the County approval letter for the North phase and a check for the application fees totaling \$400.00. Please let us know if you require any additional information for your review and approval of this application.

Sincerely,


Joseph M. Karnes





- LEGEND**
- BOUNDARY LINE**
 - THICK DASHED LINE: 600' BOUNDARY LINE
 - DASHED LINE: 300' BOUNDARY LINE
 - SOLID LINE: 150' BOUNDARY LINE
 - THIN SOLID LINE: 75' BOUNDARY LINE
 - PHASING**
 - ①: NORTH PHASE APPROXIMATE LOTS
 - ②: SOUTH PHASE APPROXIMATE LOTS
 - PLANS**
 - COMMERCIAL
 - OPEN SPACE
 - AMPHITHEATRE
 - STATE ROAD 14



REVISIONS	DATE	BY

PHASING PLAN

TURQUOISE TRAIL

SCALE: 1" = 200' DATE: MAY 9, 2006

DEKKER/ PERICH/ SABATINI
 680 JEFFERSON NE, SUITE 100
 ALBUQUERQUE, NM 87102
 (505) 761-9700

DRAWN BY: ST/GE

3A

RED NOTE: DESIGN REQUIREMENT
GREEN NOTE: PROPOSED DESIGN

GENERAL NOTE: THIS IS THE POSITION OF THE SUBDIVISION AND ALL OF THE HOUSING AND COMMERCIAL DEVELOPMENT. THE CONSTRUCTION OF THE SOUTH PHASE HOUSING IS ANTICIPATED TO BEGIN IN THE FALL OF 2007. THE ACTUAL RATE OF CONSTRUCTION WILL VARY WITH MARKET CONDITIONS.

TURQUOISE TRAIL SOUTH PHASE

TOTAL SOUTH PHASE ACRES: 14.89 AC.

- 129 - 600' BOUNDARY LINES
- 81 - 300' BOUNDARY LINES
- 4 - 150' BOUNDARY LINES
- 1 - 75' BOUNDARY LINE
- 222 - TOTAL NUMBER OF LOTS

TURQUOISE TRAIL NORTH PHASE

TOTAL NORTH PHASE ACRES: 10.17 AC.

- 61 - 600' BOUNDARY LINES
- 117 - 300' BOUNDARY LINES
- 2 - 150' BOUNDARY LINES
- 2 - 75' BOUNDARY LINES
- 200 - TOTAL NUMBER OF LOTS

TURQUOISE TRAIL PROJECT DATA

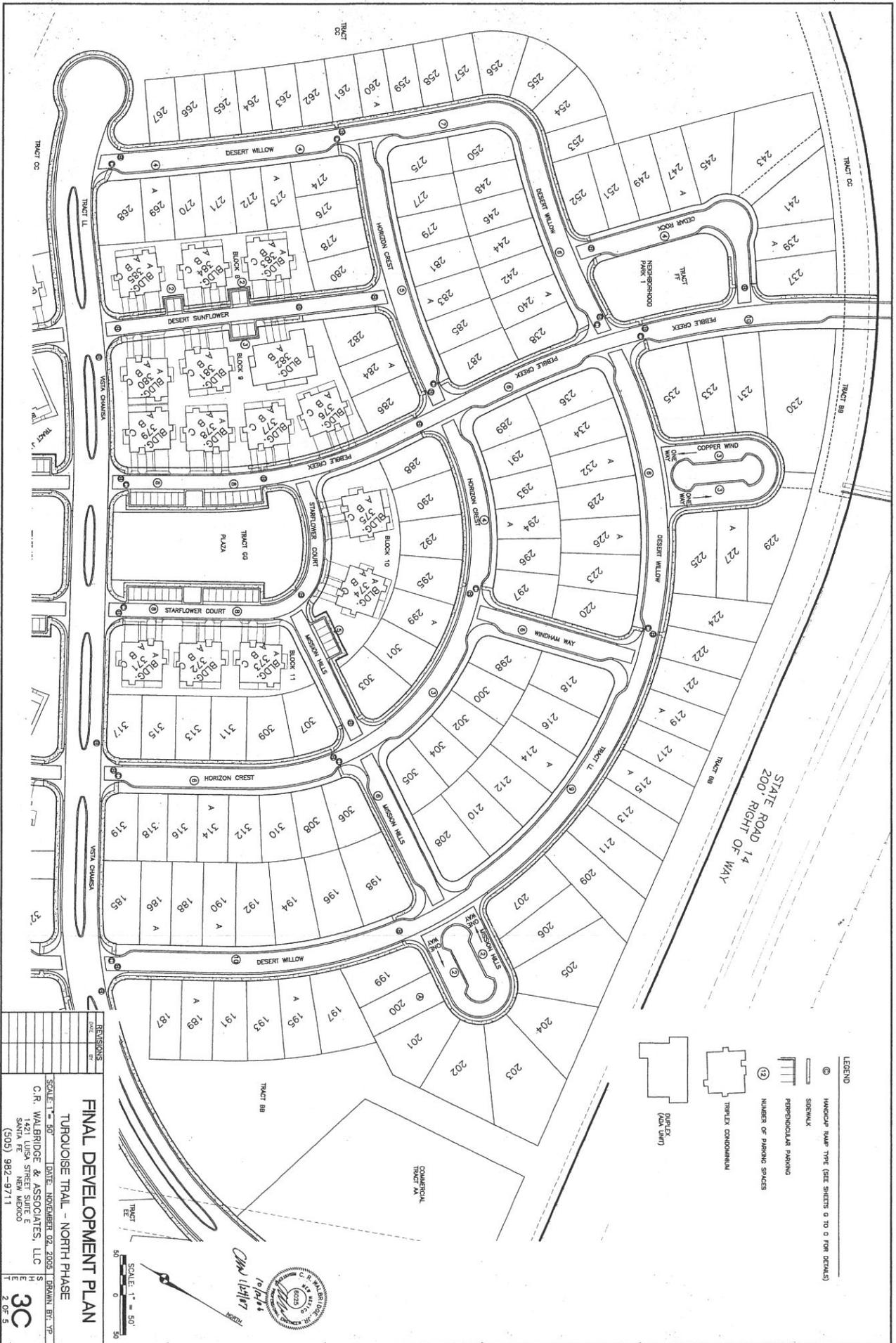
TOTAL PROJECT ACRES: 17.89 AC.

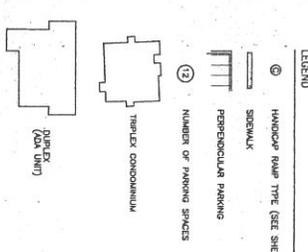
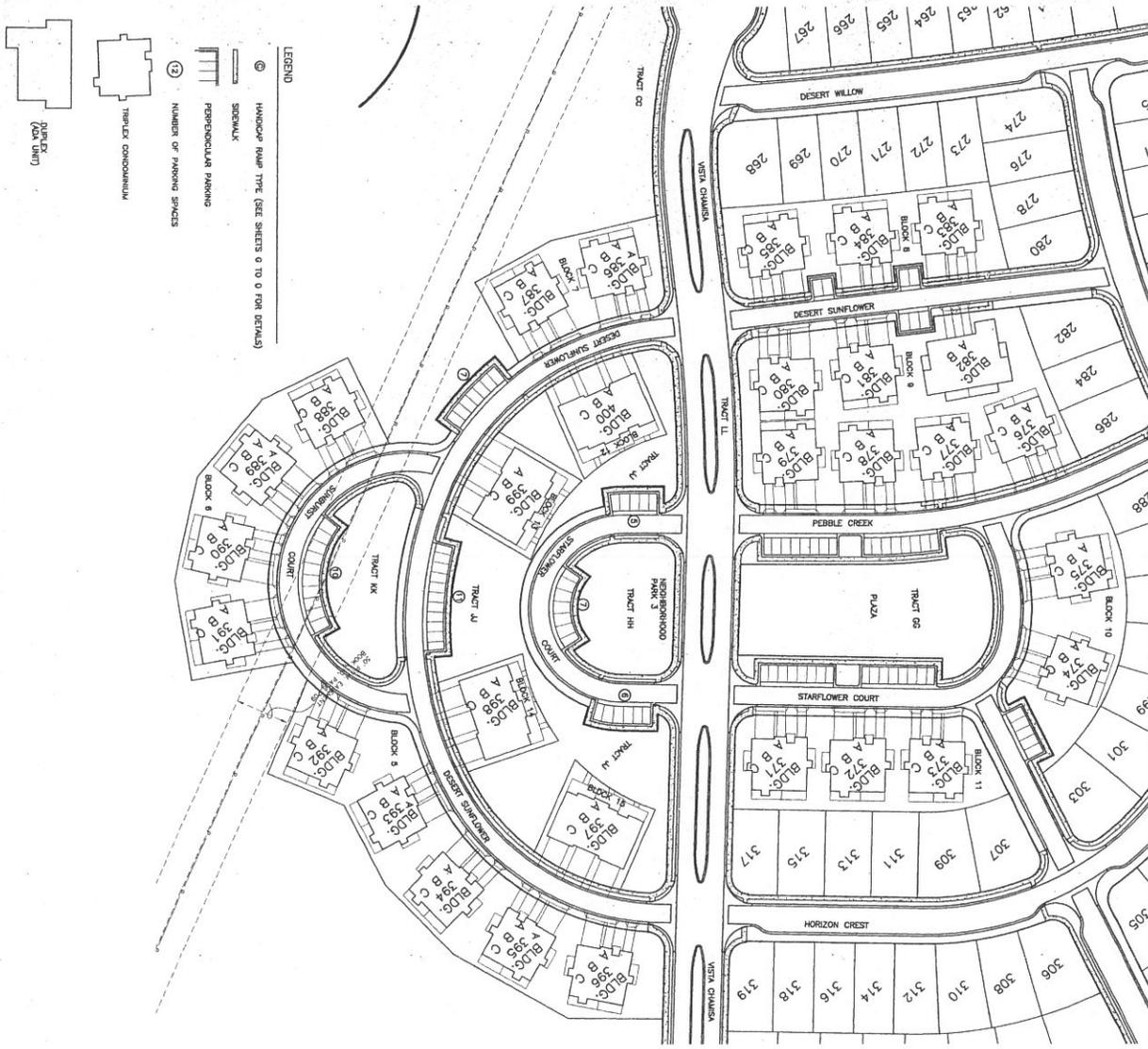
- 188 - 600' BOUNDARY LINES
- 198 - 300' BOUNDARY LINES
- 6 - 150' BOUNDARY LINES
- 4 - 75' BOUNDARY LINES
- 323 - TOTAL NUMBER OF LOTS

NOTE: NUMBER OF DWELLING UNITS APPROXIMATE. THIS PLAN IS A PRELIMINARY DESIGN AND SHOULD BE USED AS A GUIDE ONLY. THE ACTUAL MASTER PLAN DATED 10/01/04 IS 51.



STATE OF ARIZONA DEPARTMENT OF LAND AND WATER CONSERVATION



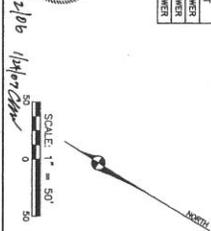


BUILDING # (CONDOMINIUM)	ADDRESS	STREET NAME
371B	28	STARFLOWER CT
371C	31	STARFLOWER CT
372A	21	STARFLOWER CT
372B	23	STARFLOWER CT
372C	25	STARFLOWER CT
373A	15	STARFLOWER CT
373B	12	STARFLOWER CT
374A	7	STARFLOWER CT
374B	9	STARFLOWER CT
374C	11	STARFLOWER CT
375A	3	STARFLOWER CT
375B	5	STARFLOWER CT
376A	1	STARFLOWER CT
376B	2	STARFLOWER CT
376C	4	STARFLOWER CT
377A	19	PEBBLE CREEK
377B	21	PEBBLE CREEK
377C	23	PEBBLE CREEK
377D	25	PEBBLE CREEK
377E	27	PEBBLE CREEK
377F	29	PEBBLE CREEK
377G	31	PEBBLE CREEK
377H	33	PEBBLE CREEK
377I	35	PEBBLE CREEK
377J	37	PEBBLE CREEK
377K	39	PEBBLE CREEK
377L	41	PEBBLE CREEK
377M	43	PEBBLE CREEK
377N	45	PEBBLE CREEK
377O	47	PEBBLE CREEK
377P	49	PEBBLE CREEK
377Q	51	PEBBLE CREEK
377R	53	PEBBLE CREEK
377S	55	PEBBLE CREEK
377T	57	PEBBLE CREEK
377U	59	PEBBLE CREEK
377V	61	PEBBLE CREEK
377W	63	PEBBLE CREEK
377X	65	PEBBLE CREEK
377Y	67	PEBBLE CREEK
377Z	69	PEBBLE CREEK
378A	1	STARFLOWER CT
378B	3	STARFLOWER CT
378C	5	STARFLOWER CT
378D	7	STARFLOWER CT
378E	9	STARFLOWER CT
378F	11	STARFLOWER CT
378G	13	STARFLOWER CT
378H	15	STARFLOWER CT
378I	17	STARFLOWER CT
378J	19	STARFLOWER CT
378K	21	STARFLOWER CT
378L	23	STARFLOWER CT
378M	25	STARFLOWER CT
378N	27	STARFLOWER CT
378O	29	STARFLOWER CT
378P	31	STARFLOWER CT
378Q	33	STARFLOWER CT
378R	35	STARFLOWER CT
378S	37	STARFLOWER CT
378T	39	STARFLOWER CT
378U	41	STARFLOWER CT
378V	43	STARFLOWER CT
378W	45	STARFLOWER CT
378X	47	STARFLOWER CT
378Y	49	STARFLOWER CT
378Z	51	STARFLOWER CT
379A	1	STARFLOWER CT
379B	3	STARFLOWER CT
379C	5	STARFLOWER CT
379D	7	STARFLOWER CT
379E	9	STARFLOWER CT
379F	11	STARFLOWER CT
379G	13	STARFLOWER CT
379H	15	STARFLOWER CT
379I	17	STARFLOWER CT
379J	19	STARFLOWER CT
379K	21	STARFLOWER CT
379L	23	STARFLOWER CT
379M	25	STARFLOWER CT
379N	27	STARFLOWER CT
379O	29	STARFLOWER CT
379P	31	STARFLOWER CT
379Q	33	STARFLOWER CT
379R	35	STARFLOWER CT
379S	37	STARFLOWER CT
379T	39	STARFLOWER CT
379U	41	STARFLOWER CT
379V	43	STARFLOWER CT
379W	45	STARFLOWER CT
379X	47	STARFLOWER CT
379Y	49	STARFLOWER CT
379Z	51	STARFLOWER CT
380A	1	STARFLOWER CT
380B	3	STARFLOWER CT
380C	5	STARFLOWER CT
380D	7	STARFLOWER CT
380E	9	STARFLOWER CT
380F	11	STARFLOWER CT
380G	13	STARFLOWER CT
380H	15	STARFLOWER CT
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380N	27	STARFLOWER CT
380O	29	STARFLOWER CT
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380R	35	STARFLOWER CT
380S	37	STARFLOWER CT
380T	39	STARFLOWER CT
380U	41	STARFLOWER CT
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380X	47	STARFLOWER CT
380Y	49	STARFLOWER CT
380Z	51	STARFLOWER CT

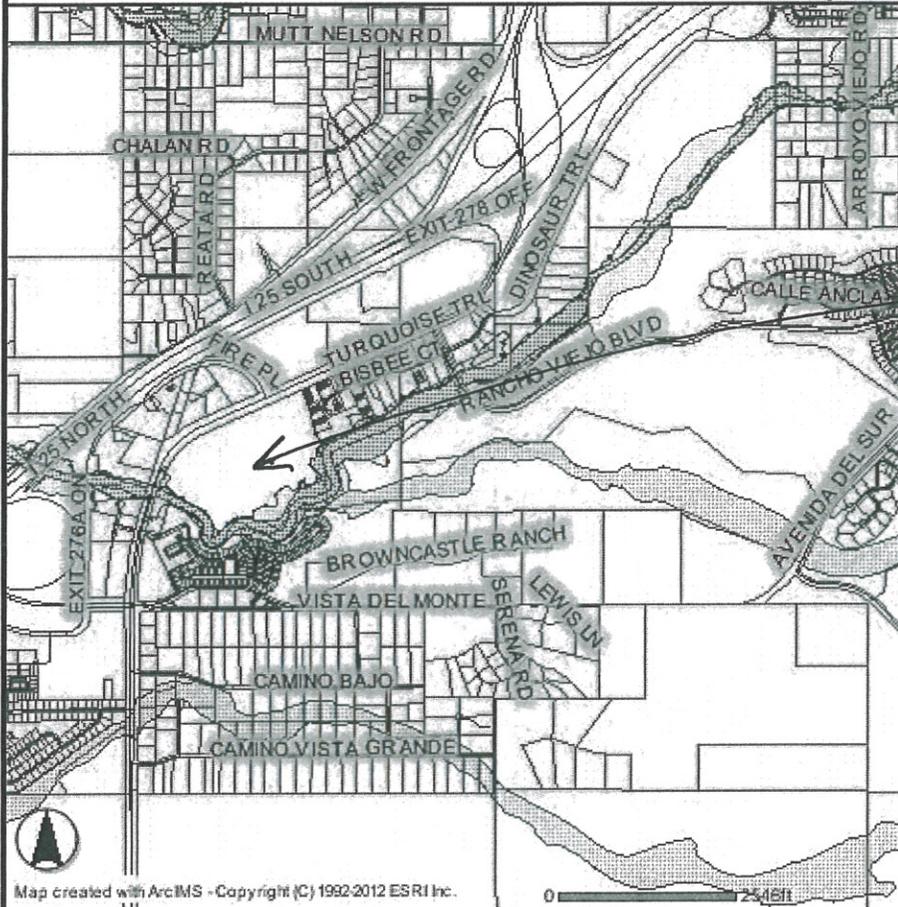


FINAL DEVELOPMENT PLAN
TURLOUSE TRAIL - NORTH PHASE

SCALE: 1" = 50' DATE: NOVEMBER 02, 2005 DRAWN BY: VP
 C.R. WALBRIDGE & ASSOCIATES, LLC
 1421 LUISA STREET SUITE E
 SANTA ANA, CA 92705
 (951) 982-9711



ArcIMS HTML Viewer Map



site

Legend

- Selected Features
- Towns and Villages
- Santa Fe County Boundary
- Streets, Roads and Highways
- Eldorado Water & Sanitation District
- Parcels (Draft Status)
- Incorporated Areas
- Flood Zones**
 - 0.2% Annual Chance Flood Hazard (formerly 500 year zone)
 - Zone A (no BFEs)
 - Zone AE
- Traditional Communities**
 - Traditional Community
 - Traditional Historic
- 2007 Hydrologic Zone Boundaries

EXHIBIT
3

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Paul Campos
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Gerald T.E. González
County Manager

MEMORANDUM

DATE: February 14, 2006

TO: Board of County Commissioners

FROM: Vicki Lucero, Senior Technical Review Specialist *VL*

VIA: Dolores I. Vigil, Land Use Administrator
Wayne Dalton, Development Review Division Director *WD*

FILE REF.: EZ Case #S 05-4391 Turquoise Trail Subdivision, Phase II (North Phase)

ISSUE:

Turquoise Trail L.L.C. (Tracy Murphy) applicant, Karl Sommer, agent, request Preliminary and Final Plat and Development Plan approval for the North Phase (Phase II) of the Turquoise Trail Subdivision which will consist of 178 single family residential lots, 100 multi-family residential homes, and 12 live/work units for a total of 290 residential units and 1 commercial lot on 101.49 acres. The property is located within the Community College District, east of State Road 14 and north of Vista del Monte, within Sections 24 and 25, Township 16 North, Range 8 East (5-Mile EZ District).

SUMMARY:

On January 12, 2006, the EZC met and acted on this case. The decision of the EZC was to recommend approval of the request subject to conditions (Refer to EZC minutes in Exhibit "T").

On September 10, 2002 the Board of County Commissioners granted Master Plan approval for a mixed use development consisting of 294 residential units and 1,480,050 square feet of commercial on 224-acres known as the Thornburg Master Plan.

On October 12, 2004, the Board of County Commissioners granted approval of a Master Plan Amendment to the previously approved Thornburg Master Plan to allow an increase in the number of residential units to 512 and to decrease the amount of commercial square footage to 711,150 (refer to October 12, 2004 BCC Meeting Minutes as Exhibit "F").



On September 10, 2005, the BCC granted Preliminary and Final Plat and Development Plan approval for the South Phase (Phase I) of the Turquoise Trail Subdivision, which consisted of 222 residential units.

Turquoise Trail L.L.C. (Tracy Murphy) is now requesting Preliminary and Final Plat and Development Plan approval for the North Phase (Phase II) of the Turquoise Trail Subdivision which will consist of 178 single family residential lots, 100 multi-family residential homes, and 12 live/work units for a total of 290 residential units and 1 commercial lot on 101.49 acres, in accordance with the approved Thornburg Master Plan Amendment. The single family lots range in size from .07-acres to 0.32-acres, and the multi-family units are condominiums that will be sold. The proposed density is 7.29 units per acre and is in accordance with the Community College District Ordinance for a village zone.

The entire property lies within a village zone and is comprised of the following sub-districts:

- Village Zone Neighborhood: 31.10 acres
- Neighborhood Center: 8.67 acres
- Open Space and Fringe Zone: 61.72 acres

This application was reviewed for the following:

Existing Conditions/ Adjacent Properties

Currently, the project site is undeveloped. The site has very little tree cover comprised primarily of scattered piñon and juniper on terrain covered primarily with native grasses. The Arroyo Hondo runs along the southern portion of the North Phase.

The subject property is bound on the north and west sides by State Road 14. To the south is the Arroyo Hondo, and to the east is the Turquoise Trail Business Park.

Access

The North Phase will be accessed from 2 points off of State Road 14. The eastern access off of SR 14 will be a full intersection with a traffic signal. The western access off of SR 14 will be right-in/right-out only. The project roads will all be paved and have curb and gutter. There will also be sidewalks and on-street parking on some of the roads. All roads within the project will be private and subject to an easement for public use. Maintenance will be the responsibility of the Home Owners Association or a public improvements district if one is created for the project.

Water

The project will receive water service from the Sangre de Cristo Water System (City of Santa Fe) based on an agreement between Thornburg Enterprises and the City of Santa Fe, dated September 15, 2003 (refer to Exhibit "J").

Water conservation features will be installed in all dwellings and xeriscaping will be encouraged

Fire Protection

Sangre De Cristo Water will provide water for fire protection to the project. Fire hydrants capable of producing a minimum of 1500 GPM at 20 PSI of dynamic pressure via gravity flow are located throughout the development.

The La Cienega Volunteer Fire Department will serve the subdivision.

Liquid and Solid Waste

All lots within this development will connect to the low pressure sewer system owned and maintained by a master association for the Thornburg Village Master Plan Property. A grinder pump station has been installed to pressurize the sewage and pump it to the City's gravity flow main.

The Homeowner's Association will contract with a solid waste removal service to serve this project.

This requirement will be specified in the Disclosure Statement and Covenants.

Terrain Management/ Landscaping

The proposed development has been designed to protect the natural beauty of the land and vegetation, minimize erosion and sediment load in storm-water runoff, and confine disturbance of the land to housing areas and roadways. The roads follow the terrain to limit the extent of required grading. Retaining walls will be used to limit the disturbance of natural terrain and thus minimize scarring.

A storm water system is proposed and centralized detention pond will be use to retain excess storm water flows generated by the proposed road and lot development.

All disturbed areas are to be hydro-seeded with a dense mixture of seed and mulch. Topsoil will be stockpiled on site to be re-used. Drought tolerant plants will also be used. Tree and shrub landscaping is proposed for the common areas (parks, streets, parking areas).

Archeology/Open Space

Two significant sites were identified within the area to be developed. Of the two sites, only one was recommended eligible to the National Register of Historic Places. A Data Recovery Plan has been approved by the State Historic Preservation Office, and the site has been cleared for construction.

The Community College District (CCD) regulations require that a minimum of 50 percent of the tract be preserved in permanent open space. Areas of open space will be designated as accessible

to residents of the subdivision and the public. The project includes the creation of public trails, passive and active parks, and a public trailhead for parking.

Traffic

A Traffic Impact Analysis has been submitted and applications for access permits have been submitted to the New Mexico Department Of Transportation (NMDOT).

Signage & Lighting

The applicant has not yet addressed subdivision signage. All signage must conform to CCDO/County Code regulations.

Outdoor lighting will be installed on the exterior of the homes along with low-level lighting in the driveway areas. All lighting shall comply with County Development requirements.

Homeowners Association:

The homeowner documents address use and development of the lots, including water conservation, ownership and maintenance of roads, common areas and facilities, and solid waste removal.

REQUIRED ACTION:

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

RECOMMENDATION:

The proposed plat/development plan is in accordance with the procedures and submittals set forth in Sections 3.5 and 3.6 of the EZO and all requirements of the CCDO. Staff recommendation and the decision of the EZC was to recommend Preliminary and Final Plat/Development Plan approval subject to the following conditions:

County Conditions:

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) State Department of Transportation
 - d) County Hydrologist
 - e) Development Review Director
 - f) County Fire Marshal
 - g) County Public Works
 - h) County Technical Review

- i) Soil and Water District
 - j) State Historic Preservation Division
 - k) Sangre de Cristo Water Division
 - l) City of Santa Fe Waste Water Division
2. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff and shall include but not limited to the following:
 - a) Water conservation measures.
 - b) Maintenance of roads, drainage facilities and common areas
 - c) Home owners Association shall contract for disposal of solid waste
 - d) Exterior lights
 - e) Water supply as approved by the City
 3. The applicant shall submit solid waste fee in accordance with subdivision regulations prior to Final Plat recordation.
 4. All redline comments shall be addressed.
 5. Submit a cost estimate and financial surety for completion of required improvements as approved by staff.
 6. Development plan submittals shall include but not limited to the following:
 - a) Provide additional village trail connections from district trail meeting minimum standards for width and surface.
 - b) Address project sign.
 - c) Specify drip/sprinkler irrigation system for common area landscaping, and low water landscaping.
 - d) Address streetlights.
 - e) Sidewalks shall be a minimum of 5 feet.
 7. Final plat shall include but not limited to the following:
 - a) Compliance with plat checklist.
 - b) Approval of rural addressing.
 - c) Signature lines for City water and sewer utilities.
 - d) Permits for building construction will not be issued until subdivision improvements for road, drainage and fire protection are completed as required by staff.
 - e) These lots are subject to a fire impact fee.
 - f) Cross reference for recording disclosure statement and affordable housing agreement.
 8. Submit access permits as approved by NMDOT.

9. Submit proposed design for retention ponds as it relates to criteria for storm water management in the Community College District, prior to Final Development Plan approval.
10. Address the regulations for a rainwater catchment system as it relates to the multi-family triplex buildings exceeding 2,500 square feet.
11. The applicant must address all minor redline comments by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans must be resubmitted with the Mylar prior to recordation.

City Conditions:

1. Appropriate "No Parking" signage to be placed on all non dedicated parking streets.
2. Obtain any redline comments from the City subdivision Engineer and incorporate prior to obtaining final City of Santa Fe signoff.
3. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) NMED
 - c) Soil and Water District
 - d) NMDOT
 - e) County Hydrologist
 - f) County Fire Marshal
 - g) City Traffic Engineer
4. Parking for single-family residential units shall be increased to 2.5 spaces per detached unit with willingness by the developer to work with the City's recommendation of increasing parking for multi family units.

ATTACHMENTS:

- Exhibit "A"- Developer's report
- Exhibit "B"- Subdivision Plat/Plans
- Exhibit "C"- Reviewing Agency Responses
- Exhibit "D"- Vicinity Map
- Exhibit "E"- October 12, 2004 BCC Meeting Minute
- Exhibit "F"- Water Service Agreement
- Exhibit "G" – Disclosure Statement
- Exhibit "H"- Affordable Housing Agreement
- Exhibit "I" – January 12, 2006, EZC Meeting Minutes

- XIII. A. 5. EZ Case #S 05-4391 Turquoise Trail Subdivision North Phase - Turquoise Trail L.L.C, Tracy Murphy, Applicant, and Karl Sommer, Agent, Requests Preliminary and Final Plat and Development Plan Approval for the North Phase (Phase II) of the Turquoise Trail Subdivision which will Consist of 178 Single Family Residential Lots, 100 Multi-Family Residential Homes, and 12 Live/Work Units for a Total of 290 Residential Units on 101.49 Acres. The Property is Located within the Community College District, East of State Road 14 and North of Vista Del Monte, within Sections 24 and 25, Township 16 North, Range 8 East (5 Mile EZ District 5)**

MR. DALTON: Thank you, Mr. Chairman. Turquoise Trail LLC, Tracy Murphy, applicant, and Karl Sommer, agent, request preliminary and final plat and development plan approval for the North Phase (Phase II) of the Turquoise Trail Subdivision which will consist of 178 single family residential lots, 100 multi-family residential homes, and 12 live/work units for a total of 290 residential units on 101.49 acres. The property is located within the Community College District, East of State Road 14 and North of Vista Del Monte, within Sections 24 and 25, Township 16 North, Range 8 East, 5-Mile EZ District.

On January 12, 2006, the EZC met and acted on this case. The decision of the EZC was to recommend approval of the request subject to conditions.

On September 10, 2002, the Board of County Commissioners granted master plan approval for a mixed-use development consisting of 294 residential units and 1,480,050 square feet of commercial on 224 acres known as the Thornburg Master Plan. On October 12, 2004, the Board of County Commissioners granted approval of a master plan amendment to the previously approved Thornburg master plan to allow an increase in the number of residential units to 512 and to decrease the amount of commercial square footage to 711,150. Then on September 10, 2005, the BCC granted preliminary and final plat and development plan approval for the South Phase, Phase I, of the Turquoise Trail Subdivision which consisted of 222 residential units.

This application was reviewed for the following: existing conditions/adjacent properties, access, water, fire protection, liquid and solid waste, terrain management, landscaping, archeology, open space, traffic, signage and lighting.

Recommendation: The proposed plat/development plan is in accordance with the procedures and submittals set forth in Sections 3.5 and 3.6 of the EZ Ordinance, and all requirements of the CCDO. Staff recommendation and the decision of the EZC was to recommend preliminary and final plat and development plan approval subject to the following conditions. Mr. Chairman, may I enter those 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 Hydrologist
 - e) Development Review Director
 - f) County Fire Marshal (8" lines for hydrants)
 - g) County Public Works
 - h) County Technical Review
 - i) Soil and Water District
 - j) State Historic Preservation Division
 - k) Sangre de Cristo Water Division
 - l) City of Santa Fe Waste Water Division
2. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff and shall include but not limited to the following:
 - a) Water conservation measures.
 - b) Maintenance of roads, drainage facilities and common areas
 - c) Home owners Association shall contract for disposal of solid waste
 - d) Exterior lights
 - e) Water supply as approved by the City
 3. The applicant shall submit solid waste fee in accordance with subdivision regulations prior to Final Plat recordation.
 4. All redline comments shall be addressed.
 5. Submit a cost estimate and financial surety for completion of required improvements as approved by staff.
 6. Development plan submittals shall include but not limited to the following:
 - a) Provide additional village trail connections from district trail meeting minimum standards for width and surface.
 - b) Address project sign.
 - c) Specify drip/sprinkler irrigation system for common area landscaping, and low water landscaping.
 - d) Address streetlights.
 - e) Sidewalks shall be a minimum of 4 feet.
 7. Final plat shall include but not limited to the following:
 - a) Compliance with plat checklist.
 - b) Approval of rural addressing.
 - c) Signature lines for City water and sewer utilities.
 - d) Permits for building construction will not be issued until subdivision improvements for road, drainage and fire protection are completed as required by staff.
 - e) These lots are subject to a fire impact fee.
 - f) Cross reference for recording disclosure statement and affordable housing

agreement.

8. Submit access permits as approved by NMDOT.
9. Submit proposed design for retention ponds as it relates to criteria for storm water management in the Community College District, prior to Final Development Plan approval.
10. Address the regulations for a rainwater catchment system as it relates to the multi-family triplex buildings exceeding 2,500 square feet.
11. The applicant must address all minor redline comments by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans must be resubmitted with the Mylar prior to recordation.
12. The applicant shall install hot water re-circulation systems with all homes as per Ordinance No. 2006-3.

City Conditions:

1. Appropriate "No Parking" signage to be placed on all non dedicated parking streets.
2. Obtain any redline comments from the City subdivision Engineer and the City Waste Water Division and incorporate prior to obtaining final City of Santa Fe signoff.
3. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) NMED
 - c) Soil and Water District
 - d) NMDOT
 - e) County Hydrologist
 - f) County Fire Marshal
 - g) City Traffic Engineer
4. Parking for single-family residential units shall be increased to 2.5 spaces per detached unit with willingness by the developer to work with the City's recommendation of increasing parking for multi family units.

CHAIRMAN MONTROYA: Questions for staff? Okay, Commissioner

Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman. Mr. Dalton, on page 3 at the very top, it says water conservation features will be installed in all dwellings and xeriscaping will be encouraged. What does that mean, will be encouraged or will be required?

MR. DALTON: Mr. Chairman, Commissioner Campos, water conservation fixtures will be installed in all dwellings and the xeriscaping, staff feels should be encouraged but is not required.

COMMISSIONER CAMPOS: It's not required by our landscape ordinance?

MR. DALTON: It's not required.

COMMISSIONER CAMPOS: We do have a landscape ordinance, don't we?

MR. DALTON: Yes, we do.

COMMISSIONER CAMPOS: And that's not xeriscaping is what you're saying?

MR. DALTON: That is not xeriscape. It does refer to drought-tolerant trees and shrubs but it does not require that an applicant xeriscape.

COMMISSIONER CAMPOS: And it limits watering for those elements of the landscape to rooftop-collected water?

MR. DALTON: Mr. Chairman, Commissioner Campos, that is correct. That's one of the reasons why we implemented the water harvesting ordinance.

COMMISSIONER CAMPOS: You're encouraging to go a step further. Is that what you're saying?

MR. DALTON: Mr. Chairman, I believe that's what staff's intent is for the landscaping requirements.

COMMISSIONER CAMPOS: Okay, what about water budget? Is there a limit like we have on a lot of houses of x-acre-feet?

MR. DALTON: Mr. Chairman, I believe so, and I believe the applicant could answer that question, what they're actually restricted to per dwelling unit.

COMMISSIONER CAMPOS: Thank you, sir. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions for staff? Karl.

MR. SOMMER: Mr. Chairman, members of the Commission, my name is Karl Sommer, Post Office Box 2476, Santa Fe, New Mexico, 87504. We agree with the conditions. We'd like to bring up one point that is rather minor. I'd like to point out that the EZC imposed a condition at the request of the City that we add additional parking so that there would be sufficient parking in addition to the County Code requirements. We've met that condition and added the additional parking and it was on a magnitude of an additional half-car per dwelling unit and we've met that requirement and satisfied the City.

The other condition of approval was that they - staff requested another drainage pond to lessen the potential of a very deep drainage pond, and Mr. Walbridge could go into more detail on this. There was a drainage pond that had the ability to have water levels at seven feet. We've lowered that by adding another drainage pond and I think the highest level is now 4 ½ feet. So 4 ½ feet is the highest water level in any drainage pond possible. They will be fenced and the like, but we've complied with those two conditions.

We have no objections to the conditions of staff, with one exception that the design of this particular development has sidewalks of four feet rather than five feet in the overall development. That's one condition that we would like not to comply with because it changes the overall design of our streetscape. It does not affect the functionality of the design in terms of four-foot functions for a sidewalk as well as five feet. If you get down below four feet we believe it functions a little less efficiently. But with that, we agree with

the conditions of staff.

I will also point out to you, earlier tonight, the affordable housing ordinance as it applies to this development, I will point out again, we have an affordable housing plan that we have already agreed to with the City of Santa Fe. It is an imposition on us that we are bound by, and that means that our prices, all of our prices, no matter what we're selling, are capped at \$310,000. So without a final development plan approval here tonight, we raised the very issue that we were trying to avoid in terms of the question. If we receive final approval, then I won't have to go back to staff and deal with this issue of how it applies to an approved affordable housing plan. The practical effect is this: If you impose 30 percent on this development or attempt to impose 30 percent, normally, what a developer would do is go, okay, well, if I've got to fix the price on these units at a lower rate, then I've got to make it up on other market rate houses. Well, our market rate housing is topped off. We cannot raise the prices beyond what we have because we have an agreement with the City and we are bound by that agreement.

The final thing is what I'm saying is, if you approve this development tonight, final subdivision plat approval, staff's recommending approval, I believe that we've complied with the requirements, it will obviate any question that that raises. We will obviously comply. And I will remind you, we're not trying to get out of providing affordable housing, we're going to meet the County's 15 percent and we're going to meet the City's Type C requirement, and I would venture to say there are no other developments in the Community College District that are hitting these price points across the board. This development does comply with your policy and the intent of the law, and it meets your goal to provide the workforce with housing in this community.

On a final note, Commissioner Campos raised the question of a water budget. This is provided. The water comes from the City of Santa Fe and the two things - we are limited to the amount of water that they have approved under the contract and I'm not exactly sure but it is no more than .20 acre-feet per dwelling unit. It's limited there. But the other thing that I'd like to point out, though they did not have to do it, Longford Homes, and Ms. Murphy is here, went out and they did the retrofits necessary to make the City of Santa Fe's system efficient so that the water that's coming to this project is not new water. They've gone out and done the retrofits, the toilet retrofits in the community to make the City's system more efficient to allow the existing resource to be allocated here without a new water demand on the City's system.

So there is a water budget, it's limited, and they've brought their water to the table. So I think in every respect this developer is actually meeting with the intent of the Community College District, which was to put the resources, to provide housing that is affordable to a wide range of individuals, and to use the County's and the City's resources efficiently. So with that we stand for any questions you might have.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: What about xeriscaping. The staff says they encourage xeriscaping. Apparently encouraging you to go beyond our own landscape

ordinance. I'm not sure. What is that?

MR. SOMMER: We have in our plans a complete landscape plan that lists all of the plants and plant material that we propose. And Commissioner Campos, we are following by and large, 90 percent, most of the plants we are using are on your approved xeriscape list. We don't want to use any more water than we have to. It's expensive. I don't think the ordinance talks about what qualifies or doesn't qualify as xeriscaping, but I can tell you our landscape architect has come up with a landscape plant list use that is almost 100 percent - it's not 100 percent, but because the community parks are a little different animal. But the on-lot landscaping that is allowed and what we're doing is mostly drought-tolerant. I would say 90 percent drought-tolerant.

COMMISSIONER CAMPOS: Okay. Another concern is energy efficiency. To me, you can't have affordable housing unless it's energy-efficient. What are you doing to make these homes energy-efficient?

MR. SOMMER: Ms. Murphy can speak directly to that, but Longford Homes is a leader in New Mexico in producing affordable housing that is energy-efficient and qualifies for all of the federal exemptions for energy efficiency in affordable housing and she can talk a little bit more to that. But we are conscious of the desire to produce energy-efficient homes because it is a component of affordability, not just for affordable housing, but for everybody who has to pay a utility bill. And I would say this: As you all know, Commissioner Ben Ray Lujan is on the EZC and he's on the PRC as well, and he raised this very issue and requested that we address that and we addressed it fully. I can turn it over to Ms. Murphy about what we do exactly.

[Duly sworn, Tracy Murphy testified as follows:]

TRACY MURPHY: Tracy Murphy, 21 Braelin, Henderson, Nevada. Regarding the energy efficiency, the homes are currently built with energy efficiency and comply with the HUD requirements to allow for our buyers, not only to have a level of energy efficiency in windows, glazing, insulation, but they qualify for a better ratio and more points on their mortgages because we do build homes that qualify based on the standards, physical standards and levels that HUD has required as far as energy efficiency.

So we do meet those as well as in a previous approval, we were asked whether we would put in the hot water circulating systems, although at that time it was not required, and we agreed that that was a very beneficial energy-efficient feature. So we are installing those in all our homes as well. And I'd like to clarify, as far as the xeriscape, Commissioner Campos, the front yards are drought-tolerant desert landscaping. And the only areas at Turquoise Trail which would have some grass are some of the park areas in terms of areas for children to play in.

COMMISSIONER CAMPOS: Let me ask you, your HUD standards, how do they compare to Energy Star standards, I think it's Department of Energy, there are some federal standards? Do you know the comparison?

MS. MURPHY: I don't. I don't know the direct comparison, other than I do know that the Energy Star takes into account glazing as far as windows, insulation, a number of factors, so that you have a whole program of energy efficiency, not just one or two items,

which is also what FHA requires so that we build the homes so that the buyers pay less on their energy spending so that they can qualify for more on their mortgages because they're spending less on energy based on the way that we've built them. But I don't know exactly a specific comparison.

COMMISSIONER CAMPOS: And are you appliances water and energy efficient that you can provide to the –

MS. MURPHY: I would probably have to look at that in more detail.

MR. SOMMER: If I may, the County Code requires that we use certain water-efficient appliances already, and we are going to comply with that. So there are certain fixtures, only certain kinds of fixtures you can use and only certain kinds of equipment you can use. So we must comply with that and we will comply with that.

COMMISSIONER CAMPOS: As an example, let's say washing machines to wash your clothes. There are certain washing machines that are very efficient, and they are Energy Star, and they're side-loading and they save a lot of water and probably a lot of energy too.

MR. SOMMER: We don't provide in the house that particular appliance. All of the water fixtures we do provide and they all are water – they meet the County's requirement as to what they will allow.

COMMISSIONER CAMPOS: As to plumbing. But as far as appliances, there's all kinds of things you can do to save water and energy.

MR. SOMMER: It's just that we don't provide those appliances in the house and that's left up to the buyer to utilize.

COMMISSIONER CAMPOS: Do you have an allowance? How does that work? Do you provide the buyer an allowance to buy?

MS. MURPHY: What we do is we provide for the buyers packages, typically, where they can get a washer-dryer-refrigerator package, build it into their mortgage, finance it, at a better rate than normally they'd have to go out and purchase one.

COMMISSIONER CAMPOS: Okay. Thank you. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions for the applicant?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: On the hot water recirculating, which you've already agreed to. I don't see it as a condition, but you wouldn't object to that as a condition of the approval?

MS. MURPHY: No, we would not.

COMMISSIONER SULLIVAN: I'd like to just add that, Mr. Chairman, as a condition of the approval.

CHAIRMAN MONTOYA: Number 12?

COMMISSIONER SULLIVAN: Correct. And I would just say in accordance with Santa Fe County Ordinance 2006-03. Could you explain to me – we don't have a copy of the City's affordable housing agreement in the package and Mr. Sommer made reference to Type C. Could you explain, or someone explain what that means?

MR. SOMMER: Yes. A Type C development under the City's affordable housing program means that no house is priced over \$310,000. That's what a Type C development is in the city. And in the city, that means that - Commissioners, you may recall the City's graduated affordable housing requirements, if you came into the City and asked for a Type C development, they required no affordable housing that had to meet the area median income, a certain level, either 50, 60 or 80 percent, and the reason being was the policy of the City was they want to encourage developers to provide that housing, that mid-range housing. So that's what a Type C development is under Santa Fe's affordable housing.

COMMISSIONER SULLIVAN: So your agreement, which again, I say we don't have here, is not under the Santa Fe affordable housing ordinance, which requires 30 percent. Your agreement is under this Type C which caps your most expensive unit. Is that correct?

MR. SOMMER: That's correct.

COMMISSIONER SULLIVAN: So the maximum that you're proposing for affordable housing here is 15 percent.

MR. SOMMER: The maximum, the percentage of affordable housing that meets the County's definitions of affordable housing is 15 percent.

COMMISSIONER SULLIVAN: Yes. Okay. I was just doing some arithmetic here; I think you're one shy.

MR. SOMMER: Is it 78 versus 77?

COMMISSIONER SULLIVAN: No, it should be 44 instead of 43.

CHAIRMAN MONTOYA: Where are you at, Commissioner Sullivan?

COMMISSIONER SULLIVAN: Well, I was looking at their affordable housing agreement, which is Exhibit H.

MR. SOMMER: We're doing a total of 77. In the first phase we did 34 and in this project we're doing 43.

COMMISSIONER SULLIVAN: Yes. This hearing is only for this project tonight, right?

MR. SOMMER: Yes, but the overall percentage of 15 percent is applied to the project as a whole.

COMMISSIONER SULLIVAN: So you had more in the first phase?

MR. SOMMER: Yes. We had the extra unit you're talking about in our first phase.

COMMISSIONER SULLIVAN: So what's the total?

MR. SOMMER: It's 34 in the first phase and 43 in the second phase, for a total of 77.

COMMISSIONER SULLIVAN: Okay. And your total units is 512 then, right?

MR. SOMMER: That's correct.

COMMISSIONER SULLIVAN: All right. That answers that question, Mr. Chairman. The other question I had was on sewer service. I don't see a sewer availability letter or any reference to sewer, other than what's in your disclosure statement, that you're going to

build a private sewer system which is ultimately going to connect into the City's system. I understand that connection to the City system is actually over on the other side of I-25 by Mutt Nelson Road, is where it actually eventually connects in to the public sewer system. So all the way from Mutt Nelson Road, under I-25 to the lift station at the Turquoise Trail Park, and onto the site will be a private sewer system.

MR. SOMMER: That's correct.

COMMISSIONER SULLIVAN: Will that be maintained by the homeowners association or who?

MR. SOMMER: There has been formed a master association that includes all of the property owners, properties and property owners in the Turquoise Trail master plan area that the Thornburgs did, and that's the Forest Service property, the Harley Davidson property, all these properties, all of the properties in that area are served by that sewer system. The sewer system actually hasn't been constructed. The lift station has been constructed. The association has been formed. All of the property owners are members and it is maintained by that association. The private sewer system to which you referred, Commissioner Sullivan, is maintained by that master association.

COMMISSIONER SULLIVAN: Okay. And for that reason, I notice one of the conditions that the City has requested that I think you're in agreement with is that you will obtain any red line comments from the City's Subdivision Engineer and incorporate it prior to obtaining final City sign-off. I think that should be, also include the City Wastewater Division.

MR. SOMMER: I think you're correct, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Because specifically what they need to see is an operation and maintenance agreement and they haven't seen that yet.

MR. SOMMER: Yes, I spoke to Brian Romero today about that and what he wants is, more than the association documents he wants to look into that and we don't have a problem with that.

COMMISSIONER SULLIVAN: So you don't have any problem under City condition to adding in the City Wastewater Division?

MR. SOMMER: No. No objection whatsoever.

COMMISSIONER SULLIVAN: Okay. Is there going to be curb and gutter on all the streets?

MR. SOMMER: Yes.

COMMISSIONER SULLIVAN: There will be curb and gutter? Stand-up curb or roll-over curb?

MR. SOMMER: Stand-up curb.

COMMISSIONER SULLIVAN: Okay. I'm asking that question because of the request to reduce the sidewalk with. Is there a planter's strip between the curb and the sidewalk?

MR. SOMMER: Yes.

COMMISSIONER SULLIVAN: There is. And who maintains that?

MR. SOMMER: I think they are on-lot, are they not? They're not? Are they in

the road section? They're maintained by the association.

COMMISSIONER SULLIVAN: The association has to maintain those strips, and the sidewalks?

MR. SOMMER: That's correct.

COMMISSIONER SULLIVAN: In Phase 1, I don't also see an archeological report in here. On Phase 1, there was an archeological survey. One site was demonstrated as – or recommended by the State SHPO for preservation, which I understand didn't happen. What's the status on Phase 2? Are there archeological sites on Phase 2?

MR. SOMMER: Actually, the archeological report that was submitted covered the entire property, Phase 1 and Phase 2. There were two sites identified. Both of them have been mitigated in accordance with the approved plan and approved by the State of New Mexico State Historic Preservation Division.

COMMISSIONER SULLIVAN: How are they mitigated?

MR. SOMMER: The mitigation occurred through – they followed the plan, which was they recorded the data and information from the sites and submitted that information and data to the State Historic Preservation, which approved the mitigation efforts. We're talking about two areas where there were minor evidence of archeological significance. And I'm not an archeologist, but mitigation generally is the gathering of information, the recording of information and then the submission of that information in that form to the State Historic Preservation Office for approval. And they have been approved. That was done for the entire site up front. When I say the entire site, Commissioner, I mean Phase 1 and Phase 2. In our letter from July of last year indicates the proposed treatment plan. I could go through that if you'd like, in terms of what the mitigation actually was.

COMMISSIONER SULLIVAN: Okay. I understand – the mitigation I've seen is the graders out there grading the site. So I think those archeological sites are gone. Because you're under construction now. And I was just hoping that if they weren't protected by easement, which by the way, we're going to be correcting in our next Code rewrite, they were at least hopefully some significant data was made available from them.

The other question I had was I understand that the applicant intends to come forward to the County with financing through a public improvement district. Is that the plan?

MR. SOMMER: That is the idea at this point. If the County moves forward with its – what we've been waiting for. To answer your question: Yes, that is the plan to do that.

COMMISSIONER SULLIVAN: How does that affect, for example your agreement with the City or the affordability issue, if the owners of these affordable units as well as the other units are going to have to pay additional taxes for an improvement district? How does that factor in – again, I'm not familiar with the City's affordability guidelines.

MR. SOMMER: I'm not an expert in this area so I'll answer to the best of my ability. With the public improvement district financing, what that allows the developer to do is to access the capital markets for lower cost financing. The effect in this subdivision is the price of each house will be lowered by \$20,000. Without the PID, the price is raised by \$20,000.

Now, what does that mean? It means that if they have to go finance the \$20,000, they have a higher mortgage payment. If they don't, then they have a tax for it, an assessment in their tax bill.

So to the homebuyer, the reduction of \$20,000 on the purchase price means they don't have to qualify for a mortgage, but the tax payment gets factored in. It is my understanding, and like I said, I'm not an expert, it is my understanding it is more advantageous to have the price reduced by \$20,000. It makes it easier for parties to qualify, because the tax is spread out over a longer period of time, not the 30 years that the mortgage is.

COMMISSIONER SULLIVAN: But this approval tonight, your request for approval, is not contingent one way or another on that.

MR. SOMMER: That's correct.

COMMISSIONER SULLIVAN: The project will proceed if approved with or without an improvement district. Is that correct?

MR. SOMMER: That's correct.

COMMISSIONER SULLIVAN: How would we know that this \$20,000 savings goes to the homebuyer as opposed to Longford Homes?

MR. SOMMER: I remember this question from the Rancho Viejo. We will come in and we will demonstrate, and our pricing will show exactly how we're going to do it and Ms. Murphy can answer this specifically. In this project we can demonstrate the financing costs, price with the PID, financing costs without the PID, and the prices at which we'll sell these houses. So how will you know? We're going to sell them that way. Is that accurate? So there won't be - there's a savings but we can't show it to you. There's going to be a distinct difference in the price of these houses with and without that financing.

COMMISSIONER SULLIVAN: That's some thing that you'll bring forward at that time.

MR. SOMMER: That's correct.

COMMISSIONER SULLIVAN: And you will commit to that, or let me ask you: Will you commit to that as a part of the agreement?

MR. SOMMER: It is my understanding that that commitment will be made as part of the PID agreement. When I say that commitment, let me be clear. If we represent to you that there will be a reduction in the house price of \$20,000 when we get to the issue of a PID agreement and all of the factors are taken out, we will agree to that.

COMMISSIONER SULLIVAN: Is there anything that you wanted to add, ma'am?

MR. SOMMER: The County has to adopt an ordinance, and if the County says, well, you have to pay the County a million dollars.

COMMISSIONER SULLIVAN: Only \$750,000.

MR. SOMMER: It affects your ability to make commitments. But the way I understand the pro forma right now is that there is a price reduction of \$20,000 across the board on the houses. If that remains to be the case and we represent that to you at the PID hearings, we will commit to that.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: All right. Any other questions of the applicant? Okay, this is a public hearing. If anyone would like to speak for or against this case, please come forward. No one. This public hearing is closed. Any other questions of staff or the applicant? Commissioner Vigil, then Commissioner Sullivan.

COMMISSIONER VIGIL: I'd like some clarification from staff with regard to the recommendation of a five-foot sidewalk versus the recommendation from the applicant to get it reduced to four-foot.

MR. DALTON: Mr. Chairman, Commissioner Vigil, the Community College District requires, in this case, a five-foot sidewalk to be constructed.

COMMISSIONER VIGIL: Okay. And the applicant has testified that with regard to the design, the four-foot sidewalk is either more compatible and the five-foot is not necessary. So is this a variance request to it or what?

MR. DALTON: Mr. Chairman, Commissioners, I don't believe this is a variance. I believe the applicant is just not in agreement with the condition that staff has imposed and I believe it may be up to the discretion of the Board, whether or not they want to approve a four-foot sidewalk instead of a sidewalk and maybe Steve can correct me if I'm wrong on that one.

COMMISSIONER VIGIL: Steve, do you have anything to enlighten us on that? A foot just doesn't seem to be so much. I'm wondering what staff's position would be.

MR. SOMMER: Mr. Chairman, I left out part of the explanation that might – and not to usurp but the College District plan has a five-foot sidewalk on a main arterial. We have one main arterial. The plan has one main arterial. All the other side streets are not main arterials. [inaudible]

COMMISSIONER VIGIL: Mr. Sommer, then would it be appropriate to say the five-foot would be applicable to your main arterial and the four-foot to the other arterials so that it would be in compliance with the ordinance?

MR. SOMMER: That would work fine. That would work fine with us.

COMMISSIONER VIGIL: Okay.

CHAIRMAN MONTOYA: Okay, any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: My question was on the same issue, Mr. Chairman. I see Mr. Walbridge here. What are the ADA requirements on the sidewalks? I think four-foot sidewalks are a size of the past. It's been a long time since we've built one.

[Duly sworn, Clif Walbridge testified as follows:]

CLIF WALBRIDGE: Clif Walbridge, 1421 Luisa Street. Mr. Chairman, Commissioner Sullivan, we have ADA ramps on the sidewalks that connect sidewalks to cross streets, in accordance with the City standards.

COMMISSIONER SULLIVAN: Isn't five feet the minimum size for ADA now on sidewalks? The minimum width?

MR. WALBRIDGE: I'm not sure. I don't believe it is.

COMMISSIONER SULLIVAN: You don't think so? Okay. I thought it was.

What are you building in phase 1?

MR. WALBRIDGE: We're doing the same thing. We have --

COMMISSIONER SULLIVAN: Four-foot sidewalks?

MR. WALBRIDGE: We have the main five-foot wide on the arterial street and then four-foot sidewalks with ADA ramps.

MR. SOMMER: Commissioner Sullivan, there are a couple of individuals, Mr. Walker and Mr. Murtaugh who are here who whispered to me that the ADA requirement is 42 inches on sidewalks and five feet for landings, 42 inches, which is three feet six inches for sidewalks. That's what I'm being told.

COMMISSIONER SULLIVAN: Okay. I'll take their word for it. You can't pass someone on a wheelchair on a four-foot sidewalk. I can tell you that, without going out in the street. That's the only question I had.

CHAIRMAN MONTOYA: Okay. Any other questions? What are the wishes of the Commission?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I move to approve this project with conditions including condition number 12 that's been added on the hot water recirculation systems, and that in County condition 6, the sidewalks for main roads be at five-foot and arterial roads be at four-foot.

COMMISSIONER SULLIVAN: Don't you mean the other way around?

COMMISSIONER VIGIL: I'm sorry. The other way around.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER VIGIL: What did I say? Main roads, five feet?

COMMISSIONER CAMPOS: You just switched arterials.

MR. SOMMER: Arterials five, the others four.

COMMISSIONER VIGIL: Arterials five and neighborhoods four? Okay.

CHAIRMAN MONTOYA: Okay we have a motion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Campos. Any other discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to add to that the condition that we discussed about the approval of the City Wastewater Division, under City conditions, number 2, which the applicant has agreed to. So City condition number 2 would read: Obtain any redline comments from the City Subdivision Engineer and the City Wastewater Division, and incorporate prior to obtaining final City of Santa Fe sign-off.

COMMISSIONER CAMPOS: That's okay with me as the seconder.

CHAIRMAN MONTOYA: Secunder's okay. Maker of the motion?
Commissioner Vigil.

COMMISSIONER VIGIL: I would agree with that. I'm okay with it, Mr. Chairman.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER SULLIVAN: Is the hot water in there?

CHAIRMAN MONTOYA: Yes.

COMMISSIONER VIGIL: I included that.

COMMISSIONER SULLIVAN: So that's number --

COMMISSIONER VIGIL: Twelve.

COMMISSIONER SULLIVAN: That was number 12. Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Any other discussion?

The motion to approve EZ Case #S 05-4391 with conditions as modified above passed by unanimous [5-0] voice vote.

- XIII. A. 6. **AFDRC Case #DP 05-5430 PNM Miguel Lujan Line Extension - The Board of County Commissioners Request Reconsideration of a Request By the Public Service Company of New Mexico Laurie Moye, Agent for Development Plan Approval (For Miguel Lujan Tap) to Allow .2 of a Mile of Newly Constructed Electrical Lines and Poles to serve the Santa Fe Area, this Also Includes a Variance of Article III, Section 2.3.6b (Height Restrictions for Dwelling or Residential Accessory Structures) of the Land Development Code to Allow Electric Line Poles to Exceed 24-Feet. The Property is Located Along Rufina Street, Between Camino de Tercero and Henry Lynch Roads, within Section 32, Township 17 North, Range 9 East and Section 5, Township 16 North, Range 9 East (Commission District 2)**

CHAIRMAN MONTOYA: This was a reconsideration that was brought about by the Board of County Commission to request reconsideration by Public Service Company of New Mexico, Laurie Moye, agent for development approval for the Miguel Lujan tap to allow .2 mile of newly constructed electrical lines and poles to serve the Santa Fe area. This included a variance for the height restrictions. Wayne.

MR. DALTON: Thank you, Mr. Chairman. On December 13, 2005, the BCC met and acted on this case. The decision of the BCC was to approve a development plan to allow .2 mile of newly constructed electric lines and poles to serve the Santa Fe area. This approval also included a variance of Article III, Section 2.3.6b of the Land Development Code to allow electric line poles to exceed 24 feet in height.

On January 10, 2006, the BCC voted to reconsider the request by PNM for development plan approval to allow .2 mile of newly constructed electric lines and poles to

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

RESOLUTION NO. 2011-193

A RESOLUTION

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

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



APPROVED AS TO FORM:

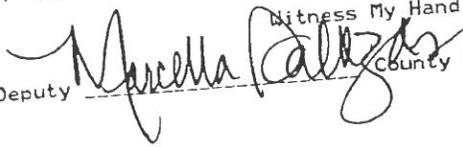


Stephen C. Ross, County Attorney

SFC CLERK RECORDED 12/16/2011

COUNTY OF SANTA FE) BCC ORDINANCE
STATE OF NEW MEXICO) ss PAGES: 2
I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of December, 2011 at 10:32:21 AM
And Was Duly Recorded as Instrument # 1654502
Of The Records Of Santa Fe County



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

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2011-11

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

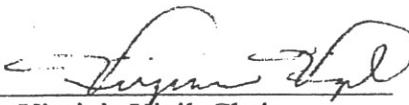
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF SANTA FE:

Section 1. Suspension of Expiration. A new paragraph of Article V of the Santa Fe
County Land Development Code is enacted, as follows:

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

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

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

By: 
Virginia Yigil, Chair

ATTEST:

Valeria Espinoza, County Clerk

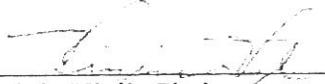


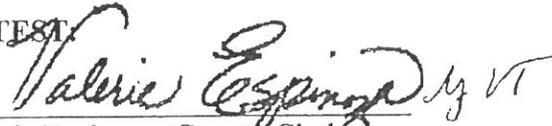
SFC CLERK RECORDED 12/16/2011

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

ADOPTED THIS 13th DAY OF DECEMBER, 2011.

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

By: 
Virginia Vigil, Chair

ATTEST:

Valeria Espinoza, County Clerk



APPROVED AS TO FORM:

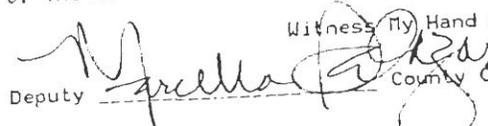

Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of December, 2011 at 10:32:22 AM
And Was Duly Recorded as Instrument # 1654503
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Witness My Hand And Seal Of Office
 Valerie Espinoza
Deputy County Clerk, Santa Fe, NM