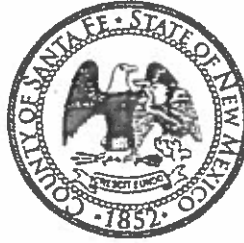


Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. Z 15-5200
Spotlight RV Park Master Plan
Rick Anaya, Applicant

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) on November 10, 2015, on the Application of Rick Anaya (Applicant) for a Master Plan Zoning approval in accordance with the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code), to allow an RV park consisting of 54 RV spaces, 20 horse stalls, public bathroom/shower facilities, and an existing residence on 11.57-acres. The Board, having reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted subject to conditions, and makes the following findings of fact and conclusions of law:

1. The Applicant requested Master Plan Zoning to allow an RV park consisting of 54 RV spaces, 20 horse stalls, public bathroom/shower facilities and an existing residence on 11.57-acres (Property).
2. The Property is located at 16 Ella Dora Road, within Section 31, Township 10 North, Range 9 East, Commission District 3.
3. The Applicant acquired the Property by warranty deed, recorded on September 19, 2014, as instrument #1746490 in the records of the Santa Fe County Clerk.

4. The Application is for an RV park consisting of 54 RV spaces, 20 horse stalls, a public bathroom/shower facility, and an existing residence. This project is proposed to be developed in three phases over the course of three years.

5. The Property is located within the basin hydrologic zone.

6. The Applicant complied with the notice requirements of Article II, Section 2.4.2 of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing and confirmed that public notice posting regarding the Application was made for twenty-one days on the property, beginning on October 20, 2015. Additionally, notice of the hearing was published in the legal notice section of the Santa Fe New Mexican on October 20, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners and Home Owners Associations.

7. On October 15, 2015, the County Development Review Committee (CDRC) held a public hearing on the Application and recommended denial of the Application.

8. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) which govern this application are:

a. Article III, Section 6.1, Large Scale Residential Uses, Location of the Code states: Large scale residential uses include multi-family residential uses, institutional-residential uses and resort uses and are allowed anywhere in the County provided the requirements of the Code are met.

b. Article III, Section 6.2.1, Multi-family residential uses include the following having five (5) or more dwelling units.

6.2.1a apartments

6.2.1b residential condominiums

6.2.1c residential cooperatives

6.2.1d mobile home parks which are not subdivisions

c. Article V, § 5.2.1.b, Master Plan Procedure, states:

A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain

concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.

d. Article V, Section 5.2.3, Master Plan Review, of the Code states:

The master plan shall be submitted to the Code Administrator or his authorized representative with a written application for approval. The Code Administrator will review the plan and submit analysis, written comments and a recommendation to the County Development Review Committee and the Board. Master plans shall be reviewed by the County Development Review Committee which shall make determinations regarding compliance with the County General Plan or the Extraterritorial Plan and the Code and shall forward the plan to the Board with the Committee's recommendation. The Board may adopt, amend, supplement, or reject the County Development Review Committee recommendation.

e. Article V, Section 5.2.4, Master Plan Approval, the Code states;

The approved master plan shall show the area of residential use and general density measured in dwelling units per acre of land, less dedicated or conveyed rights of-way, and the area and intensity of commercial and industrial use measured in gross square feet of building area or maximum gross floor area ratio. These shall constitute the maximum permitted number of dwelling units and maximum permitted area and intensity of commercial or industrial use.

9. The Application is comprehensive in establishing the scope of the project. The proposed uses are in compliance with the Code. The Application satisfied the relevant submittal requirements of the Code as follows:

- a) Conformance to the County Plan.
- b) Suitability of the site to accommodate the proposed development.
- c) Suitability of the proposed uses and intensity of development at the location.
- d) Impact to adjacent lands or the County in general.
- e) Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed.
- f) Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

10. The water budget for the project is estimated as 2.98-acre feet per year. Water will be provided through an existing on-site well and through the Applicant's purchasing of 5-acre feet of water rights to transfer to the well.

11. Large Scale Residential Uses are allowed anywhere in the County provided the requirements of the Code are met.

12. The Application satisfied the requirements of the Office of the State Engineer, New Mexico Environment Department, New Mexico Historic Preservation Division, New Mexico Department of Transportation, Santa Fe County Public Works, Santa Fe County Utilities, Santa Fe County Fire Prevention Division, and meets the submittal requirements for Master Plan Zoning Procedures of the Code.

13. At the public hearing before the Board on November 10, 2015, the staff recommended approval of the Application, and suggested the following conditions if approval were granted:

- a. The Applicant shall address all redline comments prior to recordation of the Master Plan.
- b. The Applicant shall provide an approved discharge permit from NMED and an approved design of a community liquid waste system prior to development plan submittal.
- c. The Applicant shall submit drainage and grading plan with ponding design and drainage calculations prior to development plan submittal.
- d. The Applicant shall provide lighting cut sheets that meet Code requirements prior to development plan submittal.
- e. The Applicant shall be required to submit a signage plan meeting Code requirements prior to development plan submittal.
- f. The Applicant shall comply with Ordinance No. 2003-6 for rain water harvesting and address redlines on the landscaping plan prior to development plan submittal.
- g. The Applicant shall provide proof of adequate water supply to meet the water budget for full build-out prior to development plan submittal. If the Applicant is

unable to satisfy this condition, the Applicant must downsize the project to coincide with the amount of water available.

- h. The Applicant shall provide an updated water budget to include a summer season of 120 days and a winter season of 245 days; an updated reference for the number of occupants per RV; specify if high efficiency washers will be used in the laundry facility and provide a reference for 18 gallons of water per load; and specifics clarifying which trees and shrubs in the landscape plan are existing and which will be new plantings prior to development plan submittal.
- i. The Applicant shall be required to design and construct a community water system which will include a water availability assessment, a water quality and a water conservation report prior to development plan submittal.
- j. The Applicant shall submit sufficient written documentation regarding the transfer of water fights from the Office of the State Engineer prior to development plan submittal.

14. In support of the Application, the Applicant stated that he is in agreement with the conditions. The Applicant additionally expressed that the project will benefit the community in a number of ways such as: preserving water by not using half of the water rights he is buying, adding a 30,000 gallon tank on the property which will be used by the Santa Fe County Fire Department for both the RV Park and/or neighboring properties, and encourages economic development. The Applicant also submitted a letter with the signatures of 125 neighbors and locals within a three-five mile radius of the RV Park that support the project.

15. At the public hearing Steve Shepherd, Saul Araque, Mark Anaya, Debbie Ortiz, and Mike Anaya spoke in favor of the Application. While Sandra Olivas, Emilio Olivas, Dominic Olivas, Charles Meech, Karen Wise Knights, Jill Vares Mora, and Christopher Knights spoke in opposition to the Application.

WHEREFORE, the Board of County Commissioners for the County of Santa Fe hereby approves the request for Master Plan Zoning to allow an RV park consisting of 54 RV spaces, 20 horse stalls, public bathroom/shower facilities, and an existing residence on 11.57-acres subject to the staff conditions set forth in paragraph 13. The motion to approve the Application passed by a 3-1 vote, with Commissioners Chavez, Stefanics, and Roybal voting in favor of the motion, Commissioner Holian voting against the motion, and Commissioner Anaya having recused himself.

IT IS SO ORDERED.

This Order was approved by the Board of County Commissioners for the County of Santa Fe on this ____th day of _____, 2016.

By: _____
Miguel M. Chavez, Chair

Attest:

Geraldine Salazar, County Clerk

Approved as to form:


Gregory S. Shaffer, County Attorney

CHAIR ANAYA: Mr. Chair, I would let the record reflected, we voted on the last item as well, item La Entrada, I would vote I favor.

VIII. B. 7. CDRC CASE #Z 15-5200 Spotlight RV Park Master Plan. Rick Anaya, Applicant, Requests Master Plan Zoning Approval to Allow an RV Park Consisting of 54 RV Spaces, 20 Horse Stalls, Public Bathroom/Shower Facilities and an Existing Residence on an 11.57-Acre Tract. The Property is Located at 16 Ella Dora Road, within Section 31, Township 10 North, Range 9 East, (Commission District 3) *[Exhibit 10: Petition in Support; Exhibit 11: Petition Against; Exhibit 12: Photographs]*

CHAIR ANAYA: Mr. Chair.

COMMISSIONER CHAVEZ: Yes.

CHAIR ANAYA: Pursuant to our own Code of Ethics, the next case, CDRC Case 15-5200, the applicant is my brother. I do not have any involvement with the application that was submitted and it's his property, but in accordance with our ethics I'm going to turn the chair over to you, Mr. Chair, and recuse myself on this case.

COMMISSIONER CHAVEZ: Okay. Thank you.

MR. SALAZAR: Thank you, Mr. Chair. On September 17, 2015, the County Development Review Committee met and recommended denial of the master plan approval by a 3-1 vote. This request is under large-scale residential uses as they are allowed anywhere in the county provided the requirements of the code are met. The applicant states that the proposed RV park will be designated as a transit park as opposed to a destination park. Transit parks typically have guests who stay no longer than three days, as a quick stop before their final destination. Each of the proposed 54 RV spaces are to be designed to provide access to water, power and sewage for RV owners along with a barbecue grill and a picnic table. Each space will be constructed using base course material and each space will be landscaped with one evergreen tree. The Applicant is proposing to develop the proposed RV park in three phases. The first phase will consist of design and building the water, fire protection sewage system with the appropriate connections for water and sewer for 21 RV spaces on the western end of the development. The existing residence will be converted into living quarters with an attached office for the park manager. The bathroom and laundry facilities along with four horse corals and four tack sheds would be constructed in this first phase as well. The Applicant is estimating this phase to be completed within 12 months from permit issuance. Phase 2 will consist of building 18 more RV spaces with water and power connections along with 4 more horse corrals and 4 tack sheds. That phase is estimated to be completed within 12 months as well. The final phase will consist of the construction of the final 15 RV spaces, remaining horse stalls and tack sheds. This phase is estimated to be constructed within 12 months after the second with a total estimated time of three years to complete the entire development.

Staff recommendation: The CDRC recommends denial of the request for master plan. Staff has reviewed this application and has found the following facts support staff's

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inability to recommend approval of the application to the Board of County Commissioners: the submittal meets all requirements for Article V, § 5, of the land development code. Should the BCC approve the request for master plan staff recommends the following conditions. Mr. Chair, may I enter those conditions into the record?

COMMISSIONER CHAVEZ: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall address all redline comments prior to recordation of the Master Plan.
2. The Applicant shall provide an approved discharge permit from NMED and an approved design of a community liquid waste system prior to development plan submittal.
3. The Applicant shall submit drainage and grading plan with ponding design calculations prior to development plan submittal.
4. The Applicant shall provide lighting cut sheets that meet Code requirements prior to development plan submittal.
5. The Applicant shall be required to submit a signage plan meeting Code requirements prior to development plan submittal.
6. The Applicant shall comply with Ordinance No. 2003-6 for rainwater harvesting and address redlines on the landscaping plan prior to development plan submittal.
7. The Applicant shall provide proof of adequate water supply to meet the water budget for full build-out prior to development plan submittal. If the Applicant is unable to satisfy this condition, the Applicant must downsize the project to coincide with the amount of water available.
8. The Applicant shall provide an updated water budget to include a summer season of 120 days and a winter season of 245 days; an updated reference for the number of occupants per RV; specify is high efficiency washers will be used in the laundry facility and provide a reference of 18 gallons of water per load; and specifics clarifying which trees and shrubs in the landscape plan are existing and which will be new plantings prior to development plan submittal.
9. The Applicant shall be required to design and construct a community water system which will include a water availability assessment, a water quality and a water conservation report prior to development plan submittal.
10. The Applicant shall submit sufficient written documentation regarding the transfer of water rights from the Office of the State Engineer prior to development plan submittal.

MR. SALAZAR: I'll stand for questions, Mr. Chair.

COMMISSIONER CHAVEZ: Thank you. Any questions of staff?

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: In our packet, it seemed like there were still some unanswered questions on this master plan proposal. For example, has the liquid

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waste facility been designed yet?

MR. SALAZAR: Mr. Chair, Commissioner Holian, that would have to be designed at preliminary and final development plan. Under master plan the applicant recognizes that that's what is required and is stating that they would build it out, as master plan is conceptual, they are conceptualizing that for the sewage system.

COMMISSIONER HOLIAN: Okay. Thank you. Also this is a rather large-scale development and there's going to be lots of truck and horse trailer traffic and on going down this dead-end road, and I wondered if there has been any thought given to modifications that could be made to the road to handle that amount of traffic. Or is that also not done at the master plan stage?

MS. LUCERO: Mr. Chair, Commissioner Holian, are you referring to improvements on Highway 41?

COMMISSIONER HOLIAN: No. That this particular facility would be at the end of – I forgot what the name of the road is, but a small road in Stanley.

MR. SALAZAR: Ella Dora Road, Commissioner.

COMMISSIONER HOLIAN: As I recall, when I was reading the packet it said that this was at the end of a – that the facility would be at the end of a small dead-end road taking off of the main highway.

MS. LUCERO: Mr. Chair, Commissioner Holian, this property will access off Ella Dora Road which is a single road accessing the development but it does have several loops within the road, so staff did not feel that it would meet the requirements for a dead-end road. It does have additional points of –

COMMISSIONER HOLIAN: So you're saying that the road would not need any modifications to handle that amount of traffic.

MS. LUCERO: Mr. Chair, Commissioner Holian, it would need to be improved to local standards but it wouldn't be considered a dead-end road so no additional approvals or variances would be required.

COMMISSIONER HOLIAN: I see. Thank you. And then there was a question about the signage. Apparently three signs are being proposed and I think it said in our packet that there should only be one sign?

MR. SALAZAR: Mr. Chair, Commissioner Holian, I have met with the applicant since the packet went to copy and they are going to reduce the signs for the development. The applicant is willing to go down to one sign at the entrance, which would be allowed for this development.

COMMISSIONER HOLIAN: And then what about purchase of water rights. There was a fair amount of water that was required and so that they were going to have to purchase water rights. Or is that also only done beyond the master – when it gets to the preliminary plat and final plat phases that they need to prove water?

MR. SALAZAR: Mr. Chair, Commissioner Holian, correct. That would have to be something that's taken care of at preliminary and final development plan stage.

COMMISSIONER HOLIAN: Okay. Thank you very much, John Michael.

COMMISSIONER CHAVEZ: Commissioner Holian, there are ten

conditions, two conditions apply to water and a community water system. Well, condition 9, the applicant shall be required to design and construct a community water system which will include a water availability assessment, a water quality and a water conservation report prior to development plan submittal. The applicant shall submit written documents regarding the transfer of water rights from the Office of the State Engineer prior to development of plan submittal. So the applicant has agreed to all of the staff conditions, Mr. Salazar?

MR. SALAZAR: Mr. Chair, that's correct.

COMMISSIONER CHAVEZ: And the condition on the signage says that the applicant shall be required to submit a signage plan meeting code requirements prior to development plan submittal. Is that separate from the question Commissioner Holian was asking earlier?

MR. SALAZAR: Mr. Chair, that's in line with what she was asking.

COMMISSIONER CHAVEZ: Okay. Are there any other questions from staff? Okay, then I'd like to open the meeting up to the public comment portion. Is there anyone here this evening that would like to speak in support or opposition to this project please come forward at this time.

[Duly sworn, Steve Shepherd testified as follows:]

STEVE SHEPHERD: My name is Steve Shepherd. I live at 225 B & I Road in Stanley and I've just got a few short comments. I've lived in Stanley for about 20 years now and right now the only RV park in the Edgewood-Stanley-Moriarty area is in the Town of Edgewood where I do work, along Route 66. They serve mostly the traffic on Interstate 40. And I think the proposed RV park is a great addition to the Stanley area. It will help Moriarty. It will allow people attending large events, both in Edgewood and Stanley, especially horse events to have a place to go. And hopefully this will kind of spark the return of some commercial businesses to the Stanley area. Thank you.

COMMISSIONER CHAVEZ: Thank you, Mr. Shepherd. I have a question, Mr. Salazar. In our packet we have a staff recommendation that somewhat contradicts itself a little bit and that's why I need you to explain it. The CDRC recommends denial of the request for master plan. Do you know what that vote was?

MR. SALAZAR: Mr. Chair, that was a 3-1 vote from the CDRC. It appeared that they mixed up the requirements for a master plan with preliminary and final development plan and Chair Katz did try to correct the members of the CDRC in that, however, they still moved forward with their recommendation of denial for master plan and preliminary and final development plan.

COMMISSIONER CHAVEZ: So even having said that then staff, your staff then has reviewed the application and has found that the following facts support staff's ability to recommend approval of the application to the Board of County Commissioners, but they have to meet – the submittal has to meet all requirements for the master plan procedure and they have to agree to the following conditions, and there are ten conditions that you did say they agreed to.

MR. SALAZAR: Yes, Mr. Chair.

COMMISSIONER CHAVEZ: Is there anyone else that wants to speak in

favor or support? Please come forward now. Now's your time.

COMMISSIONER STEFANICS: Mr. Chair, I'll have questions after the public hearing.

COMMISSIONER CHAVEZ: Okay. If there's anyone else, anyone now that wants to speak on this item please come forward.

[Duly sworn, Saul Araque testified as follows:]

SAUL ARAQUE: My name is Saul Araque and I live at 29 Tumbleweed Road. Good evening. Thank you for the opportunity to address the Commissioners. I live within about a three-mile radius of the project and I also own property within a mile and a half of the project, and I'm here to state my support for the project. My day job, I work with the Workforce Connection and we're tasked with helping employers with their staffing needs and the local community, helping them look for work. We have a lot of residents in southern Santa Fe County that struggle to find work because of the rural nature of the community, so any type of commercial development that is feasible and that's responsible in the Highway 41 corridor I would be in support of. I have individuals who have ridden bikes from Stanley to our office in Moriarty looking for work, so anything that encourages commercial development along 41 I'm in total support of. Mr. Anaya's project is very complementary to the area in my opinion and hopefully it will be a seed business to encourage other synergy businesses in the area. Thank you for your time.

COMMISSIONER CHAVEZ: If anyone – again, if you want to speak on this item please come forward and to save time, why don't you line up in the order that you want to speak and you each have a couple of minutes to share your thoughts with us.

[Those wishing to speak were placed under oath.]

[Duly sworn, Sandra Olivas testified as follows:]

SANDRA OLIVAS: My name is Sandra Olivas. I live on County Road 2B and I have a petition from all of the neighbors in this small community that we have there and we are opposing this development because it will impact this rural community that everybody has lived there. And there has been people that have lived there for quite a number of years, some even have been there since 1975. As you can see right there, the red dots, you can see where our wells have been dried up. All the wells that have to be drilled are over \$10,000 and we do not have that kind of money – none of us. The orange dots are compromised wells. That means that we're not getting some really good water, water that has lots of sand, red dirt. This is a big problem to all of us and we're really concerned with all of this and we would not want this development for a number of reasons, and as you see, some of these folks have even written you letters and have asked for you to really consider this as something we do not need in our area.

And the pictures that you have in front of you is this was supposed to be a home that was built for his mother but it didn't. It was a four-plex, complex that he rents out and as far as I know, that's a commercial building. These are tanks that are going to be going in. We figure it's probably going to be for septic, which are rusted and you could take a look at that. This is environmentally unsafe. This is a sign that has been up, not even coming to hearing on September 17th. This is false advertisement for stalls. So I ask of you Commissioners to really consider this carefully. Thank you for your time.

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[Previously sworn, Emilio Olivas testified as follows:]

EMILIO OLIVAS: I'm Emilio Olivas and I'm under oath. Today I stand here to you guys. This development says he's going to have six spaces – five spaces on the paperwork. Today, there's six spaces out there. He already has 24 – he already has four horse stalls in there for – he's going to put 20 more. The watertable is low in that area so the whole area is going to be messed up. This man –

COMMISSIONER CHAVEZ: Sir, please point your comments to us please. Thank you.

MR. OLIVAS: He says he lives in Stanley. Stanley is five miles, ten miles from that property. How can he say that that's so – that's wrong. It is wrong. Thank you.

[Previously sworn, Dominic Olivas testified as follows:]

DOMINIC OLIVAS: Under oath, my name is Dominic Olivas. I'm from 2B County Road, Lot 47. I live right across from – I lived here for 20+ years and I think everybody in the neighborhood has lived here for 20 years. We live here for solitude and isolation from people. What this is going to do is going to put over at least 50 to 100 people at one time on this property and I believe that will take down the property value of these places so I'm against it. Thank you.

[Previously sworn, Charles Meech testified as follows:]

CHARLES MEECH: I'm Charles Meech. I'm under oath. I own property adjacent to Mr. Anaya's property on the 15 County Road 2B. The area is single-family, minimum two acre, 2.5-acre lots for miles around till you get to Moriarty. There's no place for this – there's no reason for this place to be at this location. You can go to Moriarty or Stanley. It's out of place here. We live in a quiet community like they say. It's real peaceful and quiet. It's dark. We see the stars at night and we moved there for a reason. Our water tables are dropping. I had to put a new well in at considerable expense, on credit, I might add, and we're not able to bear these costs, these burdens to us. Our land will be worthless without water. We have single-family homes there. It's just not the proper area in our opinion. Thank you.

[Previously sworn, Karen Wise Knights testified as follows:]

KAREN WISE KNIGHTS: My name is Karen Wise Knights. Twenty-two years ago when we purchased this property in the family it was a quiet area. That's why we liked it. It's far enough away from Moriarty that it's not affected by the lights. He will be putting up lights so seeing the stars and the moon and stuff will not be one of our options probably anymore. There will be the noise level. If he's not going to fix the road – it's dirt. When we have rain and snow it will be nothing but slick mud and they're going to get stuck in it. The noise, the traffic. I see no reason for it. We are all single families out there and that's why we like it. Thank you.

[Previously sworn, Jill Vares Mora testified as follows:]

JILL VARES MORA: I'm Jill Vares Mora and I live off of County Road 2B. This would be going in basically right across the street from me. I do not want to have to look out my window and see this big glare of lights coming into my home at night. The noise will be obnoxious. It's just – I'm definitely opposed. I do not want this one bit. Thank you.

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[Previously sworn, Christopher Knights testified as follows:]

CHRISTOPHER KNIGHTS: Christopher Knights and I'm under oath. I have to agree with everything they've said before. We have problems with our wells already. I've spent multiple hundreds of dollars on filters just trying to keep what we have maintainable. And I just see this as a further burden on our resources that we currently have and for how much longer, who knows? But I said I agree with everything they've said – the lights, the noise. What about the RVs that get stuck and come down our dead-end road and try turning around, taking out our fences and driveways and everything else? Who's going to pay for that? So Thank you.

[Duly sworn, Mark Anaya testified as follows:]

MARK ANAYA: Mr. Chair, Commissioners, my name's Mark Anaya. I'm Rick's brother and I would like to say that my family has been in the Estancia Valley for probably over 300 years and we really look forward to seeing something that helps develop Stanley and the surrounding areas to bring growth and development to this area. I worked for 25 years with the Department of Transportation. Part of my duties was to oversee rest areas in New Mexico and for the traveling public, rest areas are very, very nice to have. Anybody that's traveling within the county or within the state, it's nice to stop at a rest area.

An RV park is pretty much the same thing to those people that are RVers. They need to have a place to stop. They enjoy having a place where they can come and see all of our sights that New Mexico has to offer, the Estancia Valley has to offer, so it is very nice for them to have a place for them to come into our county. We also are looking forward to the RV park for 4-Hers, 4-H kids who are traveling around the state, going to 4-H rodeos, different events throughout the county, throughout the state. RV parks that can accommodate animals, horses, is very, very important to those people. So I am in support of this project. Thank you very much.

[Previously sworn, Debbie Ortiz testified as follows:]

DEBBIE ORTIZ: Good evening, Commissioners, Mr. Chair. My name is Debbie Ortiz. I'm the former Chamber of Commerce Director for the City of Moriarty. They no longer have a chamber but during my tenure there we on a daily basis received calls requesting RV parks for the traveling public. We have so much to offer. I'm a lifelong resident of the Estancia Valley. I grew up there, went to school in Moriarty and chose to live here. On a daily basis I would get calls asking if we had a place for people to stop. We have the Turquoise Trail, we have the Salt Missions Trail. We have some amazing quarry ruins to the south of Moriarty and this RV park would be a perfect place to get people off of I-40. They're looking for – myself as an RVer, we look for quiet places. They're not loud places, they're not party places. They're nice places that you can take your family to and enjoy the afternoon and it is a nice place. It's a quiet place and I think that anybody that's traveling would more than enjoy having a nice place to stop and rest for the evening or stay a couple of days and enjoy the sights in our area. So for that and because we've had a lot of requests I am in full support of the RV park. Thank you.

[Previously sworn, Mike Anaya testified as follows:]

MIKE ANAYA: Mr. Chair, members of the Commission, my name is Mike Anaya and I stand in support of the project. Rick is my brother. Rick is a very hard

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worker and he likes to do things right away and he likes to do things right. I know that because I work with him and we never get to take any breaks.

As Mark said, we've been there a long time in the Stanley-Galisteo area. I can remember when I was probably about eight years old, we went camping on the ranch. And we looked from the east side towards the west side. So we're looking towards Edgewood and we're looking towards Moriarty, and I told my dad, I said, Look dad, there's a light out there. And he said, Where? Where's there a light? And I said, Look, come over here. And we saw one light. One light.

Through the years the lights keep coming. The lights are coming east. And it's kind of sad but people need a place to live. So we've gotten used to the fact that the lights just keep coming. I think this is a good project. It's a needed project in that area. There is not an RV park - I can't even tell you. I don't even know if there's one till Santa Rosa. I'm sure there's one in Santa Rosa but there's not one in between. And I don't know how far - I don't know if there's RV parks in Edgewood. There might be; I don't know, but there's none. It's needed.

There's a lot of talk about water and I want to say just a few things about water. My wells have gone dry. Two of them. Okay? And it's not because the people, the residents moving in, it's because of all the agriculture. And I'm not going to stand up here and bad-mouth agriculture because we need it. But Rick will talk more about the water issue and he's purchasing more than he needs and then he's going to put those water rights away forever. They can't be touched. They can't be used. So that actually helps our wells.

I know it's expensive. I've got to go drill another well to deepen it but I know it's not because of the residential use. I know what it is; it's agriculture use. So I stand in strong support. Thank you, Commissioners.

[Previously sworn, Rick Anaya, testified as follows:]

RICK ANAYA: My name is Rick Anaya. I am the owner of the proposed RV park and I just have a few comments with regards to what has been said so far. There seems to be a lot of concern about water rights. I would like to inform the Commission that I will be purchasing ten acre-feet of agricultural water rights that need to be converted to consumptive water rights. So once I purchase the ten acre-feet of water it will be reduced by half. Five acre-feet of water equates to 1.6 million gallons of water that will be taken out of the system forever. My park will require at a maximum 2.5 acre-feet of water per year, at a maximum, assuming that the RV park is at maximum capacity, which I doubt. So therefore 1.6 million gallons of water will be conserved and if you take into account what I will actually be using, I'm actually conserving water and not consuming water, is what I'm trying to say, as a reduction in the water rights.

Someone mentioned the tanks that are located on my property. I was informed by the Santa Fe County Fire Department that I was supposed to put 30,000 gallons of water on standby for fire protection. So I will do that with these tanks that I currently have. I will bury them. That water will not only be for the RV park but if my neighbors have a grass fire or a fire at their house that water will be used by the Santa Fe County Fire Department for that purpose. So I believe that that is a benefit associated with the RV park.

Just a few more comments. I believe that this park is very strong in terms of economic development. I will be hiring between three and six full-time and/or part-time during the life of this project. I believe that it will increase property values. I also believe Santa Fe County will benefit in terms of tax revenues. It's also going to be eco-friendly. I have just this past weekend installed water tanks for water harvesting. I will have shielded lighting. I will have a pro-active recycling program. So I feel that the RV park is very eco-friendly.

I've also been very pro-active in attempting to contact the community and you have in your packet 125 signatures of neighbors and locals within a three- to five-mile radius who are in favor of this RV park. Thank you very much for your time.

COMMISSIONER CHAVEZ: Thank you, Mr. Anaya. Is there anyone here this evening that would like to speak in favor or support of this request? Seeing none, I will close the public hearing portion of the meeting and ask direction from the County Commission.

COMMISSIONER STEFANICS: Mr. Chair, I have some questions. These questions are for staff. So we are looking, with this request, to approve the master plan. Is that correct?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, that's correct.

COMMISSIONER STEFANICS: And then after that master plan would be approved, then could you describe the next steps?

MR. SALAZAR: Mr. Chair, Commissioners, this would essentially change the zoning on the property, so that change of zoning would need to be reflected on the new zoning map for the SLDC. Now, what that designation would be, I would have to probably ask Penny or Vicki what exactly that designation would be on the zoning map.

COMMISSIONER STEFANICS: Is this mixed use?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, I think we would probably have to evaluate what zoning district best fits this type of use if the zoning is approved.

MR. SALAZAR: Possibly a planned development. It really depends. After that, the zoning map has been changed they would have to come in for a site development plan in order to develop the project. So at that time they would need to have their water situation in order, the community sewer situation in order -- designed, and the community water system designed along with the water rights purchased and all the other conditions that we set forth within our staff recommendation, those would have to be brought in before they can apply for a site development plan. It would all have to be in that package to staff in order to process it.

COMMISSIONER STEFANICS: So, Mr. Chair, I have a question for Mr. Anaya if he'd come back.

MR. R. ANAYA: Yes, Commissioner.

COMMISSIONER STEFANICS: So Mr. Anaya, what if your well went dry? What if you had this whole development and your well went dry? What would you do?

MR. R. ANAYA: I would have to drill another well, but I can tell you that I had a geohydrological test done and the conclusion of the test was that the watertable would recharge itself based on my water usage, for the next 100 years.

COMMISSIONER STEFANICS: Well, the reason I ask this is that your area, and my area that I live in, we have wells go dry all the time. And when one neighbor's well goes dry they blame it on the next neighbor. It's just water is so scarce and it's so important. So I do think that your water and the water of your community around you does need to be planned for. And so I believe that as you progress, I'm recommending or suggesting how to do deal with the community on this. Because it happens in very small neighborhoods let alone developments such a what you're requesting.

MR. R. ANAYA: If I may, Commissioner, first of all, I'm a local, a small businessman, and if I believed strongly that my well was going to go dry I promise you I wouldn't spend hundreds of thousands of dollars on an RV park knowing that I wouldn't have any water. Which is why I did the geohydrological report and why it confirmed that I will in fact have water. But I think the real issue is, as my brother Mike pointed out, the farming community. And I've done a little bit of research on this. The farming community uses approximately 1,000 acre-feet of water a year, which equates to 326 million gallons of water a year. And we're only talking about 2.5 acre-feet for my RV park.

I think I'm being chastised for using 2.5 acre-feet of water when the farming community is using over 300 million gallons a year. I don't get it. I don't understand that. I don't understand why my neighbors think that their well is going to run dry because I'm using 2.5 acre-feet. I just don't understand that.

COMMISSIONER STEFANICS: Thank you very much, Mr. Anaya.
Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Mr. Anaya, now that you're here, one of the conditions of approval, one of the conditions that staff is recommending, it's condition 7, states the applicant shall provide proof of adequate water supply to meet the water budget for full build-out prior to development plan submittal. If the applicant is unable to satisfy this condition the applicant must downsize the project to coincide with the amount of water available. You're willing to – you're accepting that condition of approval?

MR. R. ANAYA: I'm accepting that condition of approval, but as I mentioned previously, the geohydrological report indicates that the watertable will recharge itself for the next 100 years.

COMMISSIONER CHAVEZ: I understand that, but I still want to be sure that if that equation doesn't play out that you're willing to scale back your project.

MR. R. ANAYA: I really don't understand your question because the geohydrological report has indicated that the water supply can support my RV park.

COMMISSIONER CHAVEZ: I don't know that I can put full faith in that study and so I'm asking you if you would be willing to, if there's a point in time where that report or the aquifer does not support that that you would be willing to scale your project back?

MR. R. ANAYA: Commissioner Chavez, who is going to conduct that study?

COMMISSIONER CHAVEZ: I'm not asking anyone to conduct that study, I'm second-guessing the study that you've done.

MR. R. ANAYA: Well, if you're second-guessing the study then someone needs to conduct another study. I've already spent thousands of dollars on this geohydrological report that indicates that it's favorable for the RV park that I plan.

The answer is yes. I will agree to that.

COMMISSIONER CHAVEZ: Thank you. Any other questions?

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. Actually, this is a question for staff. So how far away is this site from the Stanley Cyclone Center, and is the purpose of this RV park to serve the Stanley Cyclone Center?

MR. SALAZAR: Mr. Chair, Commissioner Holian, I don't have that information right now at this time as to how far away this is from the Cyclone Center. They both are – it is located on Highway 41 I believe so that I would assume that this would help support that project.

COMMISSIONER HOLIAN: And I take it from the discussion that we've had that the water supply for the RV park will be from groundwater wells. Is that correct?

MR. SALAZAR: Mr. Chair, Commissioner Holian, that's correct.

COMMISSIONER HOLIAN: Thank you, John Michael.

COMMISSIONER CHAVEZ: Any other questions of staff or the applicant? Is there a motion to approve or deny the request? Okay, I'm going to take an attempt – I know that these land use cases are not popular and not easy. I'm going to make a motion to approve the applicant request with staff recommendations.

COMMISSIONER ROYBAL: I'll second.

COMMISSIONER CHAVEZ: Okay. There's a motion and a second.
Further discussion?

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian

COMMISSIONER HOLIAN: I actually am going to vote against this and I just wanted to explain my reasons for doing so. I think that's there's just a number of unanswered questions, notably compatibility with the surrounding area, whether it really fits in with the type of development that's there already, and also, I have to admit that I have questions about the water supply myself. Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: There's a motion and a second. Any further discussion?

The motion passed by majority [3-1 voice vote with Commissioner Holian voting no and Commissioner Anaya having recused himself.

VIII. B. 8. BCC CASE # APP 15-5250 Robert and Bernadette Anaya Appeal. Robert and Bernadette Anaya, Applicants, Karl H. Sommer (Sommer, Karnes & Associates, LLP), Agent, are Appealing the County Development Review Committee's Decision to Reject a Submittal for Master Plan, Preliminary and Final Development Plan as it was Deemed Untimely. The Property is Located at 2253 Ben Lane, within Section 31, Township 17 North, Range 9 East, (Commission District 2)

JOSE LARRAÑAGA (Case Manager): Thank you, Mr. Chair. On May 21, 2015 the County Development Review Committee met and acted on a request made by Robert and Bernadette Anaya to appeal the Land Use Administrator's decision to reject a submittal for master plan, preliminary and final development plan because it was untimely and incomplete. The CDRC upheld the Land Use Administrator's decision to reject the applicant's submittal for master plan, preliminary and final development plan approval because it was untimely and incomplete. The motion to deny the appeal passed by unanimous 6-0 vote.

The following is a chronology of the past events leading up to the applicants' request. On November 13, 2012 the Board of County Commissioners granted a request made by the applicants for a variance to allow a towing business as a special use under Ordinance No. 2007-2, Section 10.5, Village of Agua Fria zoning district use table. A special use is an allowed use which is subject to master plan and development plan approval by the Board of County Commissioners. The approval of the variance was conditioned on the applicants presenting a master plan to the BCC within eight months of the November 13, 2012 hearing. The applicants submitted an application for master plan, preliminary and final development plan on February 8, 2013.

On April 18, 2013 the CDRC met and acted on the request by the applicants for master plan zoning and preliminary development plan approval. Staff only recommended master plan approval because the request for preliminary development plan approval was incomplete due to non-compliance with Article V, Section 7.1.2.E and 7.1.2.J, Development Plan Requirements, and Article III, Section 4.4, Development and Design Standards. The decision of the CDRC was to recommend approval of the applicants' request for master plan approval and denial of the applicants' request for preliminary development plan.

On June 11, 2013 the BCC granted the request for master plan zoning to allow a towing business on .33 acres subject to the following conditions:

1. The master plan with appropriate signatures shall be recorded with the County Clerk per Article V, Section 5.2.5
2. A Preliminary and Final Development Plan shall be submitted within ninety days of issuance of this Order, meeting all criteria set forth in Article V, § 7, to be reviewed and presented to the CDRC for consideration;
3. The Applicants shall comply with Ordinance No. 2007-2, § 10.6, Density & Dimensional Standards;

SFC CLERK RECORDED 12/09/2015

4. Storage of towed vehicles shall not be permitted on this site as per the 1989, decision of the Extraterritorial Zoning Authority. A note stating that the storage of towed vehicles on the site shall not be allowed shall be placed on the Master Plan;
5. No more than three small tow trucks and two large tow trucks may be stored on the site at any given time.

On September 26, 2013, the Applicants submitted a request for an extension of time to submit the Preliminary and Final Development Plan, an amendment to the approved Master Plan, and for reconsideration of the BCC's August 20, 2013, Final Order conditions. The Applicants submitted a letter of request (Exhibit 4), a copy of the Master Plan Report, Master Plan drawings, fees, deed and recorded plat.

On March 11, 2014, the BCC held a public hearing on the request by the Applicants to reconsider the conditions imposed on the Master Plan Zoning approved on June 11, 2013. The BCC then deliberated over the matter in closed executive session on March 25, 2014, and again on May 13, 2014. The conditions that the Applicants requested the BCC to reconsider are:

1. The Applicants shall submit Preliminary and Final Development Plan to the County Development Review Committee for consideration within 90 days of approval of the Final Order.
2. No more than three small tow trucks and two large tow trucks may be stored on the site at any given time.
3. The implementation of a landscape buffer on the east side of the site alongside the platted easement.
4. The listing of personal vehicles that will be stored on the site.

On June 11, 2014, the BCC approved a Final Order which denied the request to reconsider the conditions and which allowed an extension of the deadline for submitting a Preliminary and Final Development Plan to the CDRC, to thirty days after recording the order denying the request for reconsideration. All other requests were denied.

The approval of the extension of the previously imposed deadline was subject to submitting the Preliminary and Final Development Plan to the County Development Review Committee within thirty days of the recordation of the Final Order.

The Final Order was recorded on June 13, 2014. The Preliminary and Final Development Plan was not submitted within the thirty days of the recording date. Additionally, an appeal of the Order was not filed within thirty days of the recording date. A copy of the recorded Final Order was mailed to the Applicants on June 16, 2014, via certified mail along with a letter stating the following:

This letter is to inform you that the Board of County Commissioners met and acted on your request for reconsideration of conditions which were imposed by the BCC for Master Plan Zoning approval to allow a towing business on .33 acres. The decision of the BCC was to deny your Application, except that the deadline for submitting a Preliminary and Final Development Plan to the County Development Review Committee shall be extended thirty days after recording of the Final Order. The Final

Order was recorded on June 13, 2014. The enclosed order is a final order of the Board of County Commissioners, which, pursuant to Section 39-3-1.1 of the New Mexico Statutes Annotated 1978, you may appeal by filing a timely Notice of Appeal in the appropriate district court. Any such district court appeal must be filed within 30 days of the recording of this Order. The Order was recorded today, which is a matter of public record.

On June 17, 2014, the United States Postal Service left notice of the certified letter at the Applicants' mailing address. The Applicants did not contact staff nor did they file an appeal with the District Court during the 30 day period. The Applicants did contact staff after the thirty-day deadline and inquired how to proceed with their Application. Staff advised the Applicants that the deadline for submitting the Preliminary and Final Development Plan and for filing an appeal to District Court had expired.

On August 13, 2014, approximately twenty-nine days after the deadline for their submission, or approximately 59 days after the Final Order was recorded, Joseph Karnes on behalf of the Applicants submitted an Application for Master Plan Zoning, Preliminary and Final Development Plan. The plan that was submitted was identical to the original submittal, submitted on February 7, 2013, which ultimately did not meet Code requirements or conditions imposed by the Board of County Commissioners. The submittal was deficient in the following:

- a. The proposed Master Plan, Preliminary and Final Development Plan drawings do not demonstrate the easement required to create the 28 foot inside radius, at the intersection of Agua Fria and Ben Lane, which is required by the County Fire Marshal.
- b. The proposed plan set illustrates 8 parking spaces for trucks, where the condition of approval, by the BCC, was to limit the Tow Trucks to 5 (three small tow trucks and two large tow trucks).
- c. A Master Plan Report and Development Plan Report was not submitted as per Article V, Section 5.2.2 Master Plan Submittals and Article V, Section 7.2.1 Final Development Plan Submittals.
- d. A survey to create a .33 acre parcel to be zoned as a Special Use, under the Village of Agua Fria Zoning District Ordinance Use Table, was not submitted.

On November 13, 2014, the Land Use Administrator issued a letter to Mr. Karnes stating the following: The submission of the Robert & Bernadette Anaya Master Plan, Preliminary and Final Development Plan is rejected as untimely and not constituting a complete Application.

The Applicants claim that they did not receive notice of the Final Order adopted by the BCC until after the 30 days had passed. They also claim that the Final Order did not address ramifications of failure to submit the Application within the identified timeframe.

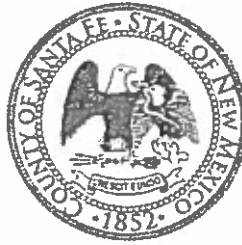
Staff Response: The Applicants failed to appeal, in a timely manner, the BCC order imposing a deadline for submission of the Preliminary and Final Development Plan as a condition precedent to Master Plan approval. The BCC approval of the order was made in a televised open meeting and the order was adopted at properly noticed public hearing. A certified letter along with the Final Order was mailed to the Applicants, a letter the Applicants did not timely retrieve.

SFC CLERK RECORDED 12/09/2015

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. S 08-5441

TIERRA BELLO SUBDIVISION PHASE 2 AND PHASE 3 PRELIMINARY PLAT, FINAL PLAT AND DEVELOPMENT PLAN

JOSEPH MILLER, APPLICANT

DANNY MARTINEZ, AGENT

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on January 12, 2016, on the Application of Tierra Bello Subdivision, Joseph Miller, Applicant, and Danny Martinez, Agent, for Preliminary Plat, Final Plat and Development Plan Approval for Phases 2 and 3 of the Tierra Bello Residential Subdivision to create twelve (12) residential lots within the previously approved master planned 73-lot residential subdivision. Each of the two phases consist of six (6) lots each. The Board, having reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing, finds that the Application is well taken and should be granted subject to certain conditions, and makes the following findings of fact and conclusions of law:

1. The Applicant requested Preliminary Plat, Final Plat, and Development Plan approval for Phase 2 (6-lots) and Phase 3 (6-lots) to create 12 residential lots on \pm 48.48 acres.

2. The project is located in Eldorado, south of the intersection of Avenida de Compadres and Spur Ranch Road, within Sections 24 and 25, Township 15 North, Range 9 East, Commission District 5.

3. On May 14, 2013, the Board approved the Master Plan for the 73-lot residential subdivision consisting of 8 phases on 263.77 acres, and Preliminary Plat, Final Plat and Development Plan for Phase 1, which consisted of 9 lots.

4. On November 19, 2015, the County Development Review Committee (CDRC) recommended approval for Preliminary Plat, Final Plat, and Development Plan approval for Phase 2 (6-lots) and Phase 3 (6-lots), which consists of 12 residential lots, one of which is an affordable lot, on \pm 48.48 acres. Lot sizes range from 2.75 acres to 3.31 acres. A total of 12.28 acres will be dedicated as open space, which includes roadway dedication, and is to be maintained by the Tierra Bello Subdivision Homeowner's Association.

5. Notice requirements were met as per Article II, Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one (21) days on the property, beginning on December 22, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on December 22, 2015, as evidenced by a copy of that legal notice contained in the record.

6. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) which govern this amendment are:

a. Article V, Section 5.2.6.a, Amendments and Future Phase Approvals, of the Code, states:

Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless, detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each Phase of the development plan must be considered on its own merits.

b. Article V, Section 5.3.1.c, Conformance with Master Plan and Preliminary Development Plan, of the Code states:

“[a] preliminary plat may be submitted for only a phase or portion of the entire project as long as it conforms to the approved master plan and preliminary development plan...”

c. Article V, Section 5.3.5.a, Preliminary Plat Approval, of the Code states:

“[a]pproval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide to the preparation of the final plat.”

d. Article V, Section 5.4.1.a, Final Plat Procedure, of the Code states:

Final plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section and Type-IV subdivisions. Following approval or conditional approval of preliminary plat, and before the expiration of the plat, the subdivider may prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. At the discretion of the Code Administrator, preliminary and final plats may be reviewed for approval simultaneously. Final plats for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with the master plan as specified in Section 5.2 above. The final plat shall comply with the New Mexico Subdivision Act and these regulations.

e. Article V, Section 5.4.4b, Final Plat Approval, of the Code states:

“The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision if: 1) the preliminary plat was approved after July 1, 1996; 2) all preliminary plat conditions have been or are in the process of being met; and 3) it finds the final plat is in substantial compliance with previously approved preliminary plat”.

f. Article V, Section 7.2.1, Final Development Plan, of the Code states:

[a] final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted...”.

7. In support of the Application, the Applicant submitted a letter of request, a development plan report including proof of legal lot of record and proof of ownership, a development plan set of drawings, and a survey plat.

8. At the public hearing before the Board on January 12, 2016, staff recommended approval of the Application for Preliminary Plat, Final Plat, and Development Plan for Phase 2 and Phase 3 of the Tierra Bello Residential Subdivision to create 12 lots, subject to the following conditions:

- a) The Applicant shall comply with all review agency comments and conditions (per Article V, Section 7.1.3.c).
- b) Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as (per Article V, Section 5.2.5 and Section 5.4.5).
- c) The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a County approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within 18 months as required (per Article V, Section 9.9).
- d) Applicant shall pave Avenida de Compadres from Avenida Eldorado to the second entrance (Salida Tierra Bello) with 4 inches (2-2 inch lifts) of hot mix asphalt (HMA).
- e) Applicant shall core existing Sunview Loop to ensure six (6) inches minimum of basecourse on road surface as required by Santa Fe County Land Development Code (Code). Coring shall be witnessed by Santa Fe County Public Works Staff. A minimum of four (4) cores will be required.
- f) Applicant shall reshape existing basecourse on Avenida de Compadres to obtain a minimum of a 2% crown and compacted to a density of 95% as per Code.
- g) Applicant shall be required SP-IV Superpave (asphalt) as per Division 400, Surface Treatment and Pavements, Section 423 Hot Mix asphalt (Superpave), of the New Mexico Department of Transportation (NMDOT) Standard Specifications for Highway and Bridge Construction, 2014 Edition.
- h) Applicant shall obtain a road construction permit from the Santa Fe County Public Works Department prior to commencement of any work on Avenida de Compadres.
- i) Applicant shall install 30-foot return radii on Avenida de Compadres and Avenida Eldorado.

- j) Applicant shall sawcut joint on asphalt apron to make a clean transition to new asphalt on Avenida de Compadres.
- k) Applicant shall obtain density tests of the re-worked and reshaped basecourse 24 hours prior to placement of HMA on Avenida de Compadres. Density tests shall be witnessed by Santa Fe County Public Works staff. A minimum of 6 tests (three per lane) will be required.
- l) Applicant shall place long line striping as per Division 700 Traffic Control Devices, Section 704, Pavement Markings, of the NMDOT Standard Specifications for Highway and Bridge Construction, 2014 Edition.
- m) Applicant shall install a Guard Rail along Avenida de Compadres at Station 18+50 as per Division 600 Miscellaneous Construction, Section 606, Metal and Concrete Wall Barrier, of the NMDOT Standard Specifications for Highway and Bridge Construction, 2014 Edition.
- n) Applicant shall meet with Santa Fe County Public Works for a pre-paving meeting prior to commencement of paving.
- o) Applicant is required to have Santa Fe County conduct a Final Inspection upon completion of required improvements.
- p) Roads must meet the minimum County Standards of 24 feet wide all-weather driving surface for fire apparatus access roads within the proposed development. Driveways, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6-inch compacted basecourse or equivalent.
- q) No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.
- r) Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office (SF Fire) for confirmation of compliance with all requirements and applicable Codes.
- s) Buildable Ares must be identified on each lot.

9. In support of the Application, the Applicant's Agent stated that the Applicant was in agreement with all but two of Staff's conditions, conditions d and f.

10. At the public hearing, no one spoke in favor of the Application but Jerry Griffin and Joseph Badal spoke against the Application stating their main concern being the poorly kept

roadways, which conditions d and f will address.

WHEREFORE, the Board of County Commissioners for the County of Santa Fe hereby approves the Application for the Preliminary Plat, Final Plat, and Development Plan for Phases 2 and 3 of the Tierra Bello Residential Subdivision to create 12 residential lots on 48.48 acres subject to the staff conditions set forth in paragraph 8. The motion to approve passed by a 4-1 vote, with Commissioners Stefanics, Holian, Roybal and Chavez voting in favor of the motion, and Commissioner Anaya voting against the motion.

IT IS SO ORDERED:

This Order was approved by the Board of County Commissioners for the County of Santa Fe on this _____ day of _____, 2016.

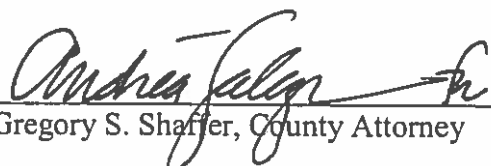
**BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF SANTA FE**

By: _____
Miguel M. Chavez, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

~~CHAIRMAN CHAVEZ: So there's a motion and a second to approve this land use case with conditions.~~

~~The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact.]~~

- IX. B. 3. CDRC CASE # S 08-5441 Tierra Bello Subdivision Phase 2 and Phase 3 Preliminary and Final Plat and Development Plan. Joe Miller, Applicant, Danny Martinez, Agent, Request Preliminary and Final Plat and Development Plan Approval for Phase 2 (Six Lots) and Phase 3 (Six Lots) of the Tierra Bello Residential Subdivision to Create 12 Residential Lots within a Previously Approved Master Planned 73-Lot Residential Subdivision. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 and 25, Township 15 North, Range 9 East (Commission District 5) [Exhibit 12: Letter from Spur Ranch Road Association]

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. On November 19, 2015, the CDRC met and recommended approval for preliminary plat, final plat and development plan for Phase 2 and Phase 3 of the Tierra Bello Subdivision.

On May 14, 2013, the Board of County Commissioners approved the Master Plan for the 73-lot residential subdivision consisting of eight phases on 263.77 acres and preliminary plat, final plat and development plan for Phase 1, which consisted of nine lots.

The Applicant now requests preliminary and final plat and development plan approval for Phase 2 and Phase 3, which will consist of a total of 12 residential lots, one being an affordable lot, on 48.48 acres. Lot sizes range from 2.75 acres to 3.31 acres. A total of 12.28 acres will be dedicated as open space which includes roadway dedication, and is to be maintained by the Tierra Bello Subdivision Homeowner's Association.

Staff recommendation: approval of preliminary plat, final plat and development plan for Phase 2 and Phase 3, of the Tierra Bello residential subdivision to create 12 lots within a portion of a previously approved master planned 73-lot residential subdivision subject to the following conditions. Mr. Chair, may I enter those into the record?

CHAIRMAN CHAVEZ: Yes, you may.

1. The Applicant shall comply with all review agency comments and conditions (per Article V, Section 7.1.3.c).
2. Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as (per Article V, Section 5.2.5 and Section 5.4.5).

3. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within 18 months as required (per Article V, Section 9.9).
4. Applicant shall pave Avenida de Compadres from Avenida Eldorado to the second entrance (Salida Tierra Bello) with 4 inches (2-2 inch lifts) of hot mix asphalt (HMA).
5. Applicant shall core existing Sunview Loop to ensure six (6) inches minimum of basecourse on road surface as required by Santa Fe County Land Development Code (Code). Coring shall be witnessed by Santa Fe County Public Works Staff. A minimum of four (4) cores will be required.
6. Applicant shall reshape existing basecourse on Avenida de Compadres to obtain a minimum of a 2% crown and compacted to a density of 95% as per the Code.
7. Applicant shall be required SP-IV Superpave (asphalt) as per Division 400, Surface Treatment and Pavements, Section 423 Hot Mix asphalt (Superpave), of the New Mexico Department of Transportation (NMDOT) Standard Specifications for Highway and Bridge Construction, 2014 Edition.
8. Applicant shall obtain a road construction permit from the Santa Fe County Public Works Department prior to commencement of any work on Avenida de Compadres.
9. Applicant shall install 30-foot return radii on Avenida de Compadres and Avenida Eldorado.
10. Applicant shall sawcut joint on asphalt apron to make a clean transition to new asphalt on Avenida de Compadres.
11. Applicant shall obtain density tests of the re-worked and reshaped basecourse 24 hours prior to placement of HMA on Avenida de Compadres. Density tests shall be witnessed by Santa Fe County Public Works staff. A minimum of 6 tests (three per lane) will be required.
12. Applicant shall place long line striping as per Division 700 Traffic Control Devices, Section 704, Pavement Markings, of the NMDOT Standard Specifications for Highway and Bridge Construction, 2014 Edition.
13. Applicant shall install a Guard Rail along Avenida de Compadres at Station 18 + 50 as per Division 600 Miscellaneous Construction, Section 606, Metal and Concrete Wall Barrier, of the NMDOT Standard Specifications for Highway and Bridge Construction, 2014 Edition.
14. Applicant shall meet with Santa Fe County Public Works Department for a pre-paving meeting prior to commencement of paving.
15. Applicant is required to have Santa Fe County conduct a Final Inspection upon completion of required improvements.
16. Roads must meet the minimum County Standards of 24 feet wide all-weather driving surface for fire apparatus access roads within the proposed development. Driveways, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6-inch compacted basecourse or equivalent.

17. No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.
18. Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office (SFC Fire) for confirmation of compliance with all requirements and applicable Codes.
19. Buildable Areas must be identified on each lot.

MR. ARCHULETA: Thank you, Mr. Chair.

CHAIRMAN CHAVEZ: Okay, I'll go to the applicant first. Is there anything that the applicant would like to add to staff's presentation?

[Duly sworn, Danny Martinez testified as follows:]

DANNY MARTINEZ: My name is Danny Martinez, agent for Mr. Miller. Mr. Miller is here also. We have gone over the conditions and the only concern that we had – there's two conditions we're concerned with and one of them is in the original master plan approval, which was also Phase 1 final, Avenida de Compadres Road was scheduled to be paved under Phase 4 of the development and we can go back to the records of that previous meeting of the Board of County Commission which was stated that Phase 4 is when the paving would take place for Compadres Road.

Again, we'd like to see if we can maintain that original approval based on Phase 4 being the time when we come in and pave that section of Compadres Road.

CHAIRMAN CHAVEZ: So, Mr. Martinez, that's condition 4, Applicant shall pave Avenida de Compadres from Avenida Eldorado to the second entrance, Salida Tierra Bello with 4 inches (2-2 inch lifts) of hot mix asphalt. Is that –

MR. MARTINEZ: That's correct. Yes.

CHAIRMAN CHAVEZ: Okay, so we'll hold that thought for a minute.

MR. MARTINEZ: And again, all we're asking is is that if we could just go by the original Board of County Commission approval that indicated that Phase 4 would be when we come in and pave Avenida de Compadres Road. To date Compadres Road, it was originally a real muddy, murky trail that was very impassable during heavy rains, snows, whatever. Mr. Miller provided the County with a letter of credit, went in there, built the road up, added drainage structures, placed basecourse, did every that we could. The letter of credit was accepted, finalized and the project was finalized.

Over the period of time that we've had all these rains, yes, the road has deteriorated just like most dirt roads within the Eldorado area. After this last storm I had the pleasure of driving around Eldorado and it was just shocking to see how bad a lot of those roads are in the Eldorado area. The difference there is the County is responsible for maintenance, versus on Compadres Road, which is maintained by a conglomerate of private property owners which just hasn't taken place. Right now, the only person that's actually maintaining that road on three different occasions is Joe Miller. He sends his son out there and they grade the road, they shape it again. But again, with the latest snows and everything that we have, it's a typical road mess and Mr. Miller has committed to getting the grader out there to reshape it again. We'd like to ask that the paving, per the original Board approval be granted or be completed under the next phase, which is Phase 4 of the development.

CHAIRMAN CHAVEZ: So you're speaking to condition 4 and I think

condition 6 where it states The applicant shall reshape existing basecourse on Avenida de Compadres to obtain a minimum of a two percent crown and compacted to a density of 95 percent as per the code.

MR. MARTINEZ: That's correct. And again, the issues that we're facing on this one is we haven't put any houses out on the development. We haven't done anything, because we assumed that lots were going to be the item that we wanted to go with. Well, right now what we're doing is we're working with a developer out of Albuquerque that wants to come in and work with us on the building of the homes. The next two phases were important to us because their ultimate desire was to spread the homes out throughout the development. That would be our desire at this point is to work with this building developer.

At the same time we're committing for a second affordable housing. There are no affordable housing in Eldorado. Nothing has happened, and Mr. Miller is about the only person out there that can actually get affordable housing to work in the Eldorado area. Again, the concern that we have is affordable housing, we're looking at over \$400,000 to complete two units in order to meet our requirements for affordable housing. Our concern is do we put another \$400,000 into the road tomorrow? Or do we start building homes and do we start putting affordable housing?

Mr. Miller has committed to going in there and maintaining Compadres Road. When the paving comes in we're going to be re-basecoursing and we're going to be adding drainage structures like the conditions are noted. And so there's a lot that's going to take place but we have no homes. We have no traffic impact. The roads are in the condition that they're in because of people that come from other parts of the Compadres Road, Spur Ranch Road area. So again, there is no impact from us at this point. The only thing that I've seen out there is the realtor that's gone out there and is showing these developers, these builders, these lots.

So the condition is caused by others as well. We recommended since Phase 1 that we form an Avenida de Compadres Road maintenance association. The interesting part about that is the road maintenance association would have to incorporate lots within a development created by Ron Sebesta, lots created by Russ McMillan, and then Joe Miller and his site. Well, all these lots are limited in access onto Compadres Road except through dedicated right-of-ways. Dedicated roads.

As an example, on Joe Miller's property, none of our lots are going to access on to Compadres Road. They're going to be accessed onto interior roads developed for the project. So down the line, Compadres Road will get improved, but under the circumstances it's got to be a shared thing between others.

Another concern that we have is Spur Ranch Road. Spur Ranch Road is a road maintained by the Spur Ranch Road Association. Well, there they've got over 100 members that are contributing members to the maintenance of the roads. So in our case none of our lots will ever access onto Spur Ranch Road unless they go through Compadres Road, all the way down about a mile and a half to get to Spur Ranch Road. Our development is going from Compadres Road to Avenida Eldorado to downtown Eldorado. There is no need for us to access Spur Ranch Road because I'm on the Spur Ranch Road side and we've got almost 100 feet of open space that separates the lots from Spur Ranch Road. So you can see, we don't anticipate accessing onto Spur Ranch Road.

The other issue that we had is when we originally came before the Board of County Commission the subdivision to the east of us, Tierra Colinas Subdivision, we had their roads coming into our roads so that they could have that access. These people chose and directed the staff that they wanted a gate so that these two subdivisions could not be interconnected. With an agreement with the Fire Department we went ahead and we installed gates and we provided the County with Knox boxes so that they can still access into Tierra Colinas Subdivision. The original intent of the development was that Tierra Colinas, Tierra Bello, were going to be common in access but that never happened. Once they decided that they wanted us to close the roads, the roads are gated off and they're blocked off at this point.

So our development will not access onto Spur Ranch Road. It will access through Compadres to Avenida Eldorado and again our desire is under Phase 4, we would come in and we would pave the roads at that phase. Along with that phase of the road paving we're also – the Highway Department on 285 increased the speed limit from 50 to 55 miles an hour, so what it did at the Avenida entrance to 285, it required that we extend the existing deceleration lane by 80 feet. I've got a letter from the Highway Department that says this too can be done under Phase 4 of the development.

So we've got some paving coming up. We're just not ready to pave. We have our choice. We either start building homes, provide affordable housing. If we have to pave it's a whole different game for us. You're looking at a \$400,000 paving project that is quite significant for something that there aren't any impacts from our development because we have no homes out there. As we progress, Mr. Miller has committed, we will be paving those roads but we're not at that level yet.

The second concern that we have, the affordable housing currently, the lots that are designated affordable housing are being taxed as regular lots. The lots in Tierra Bello are going for \$75,000. The taxes coming from the Assessor's Office are for \$89,000. So we were a part of the original committees that were involved in the affordable housing changes or whatever. All the comments that were made and concerns that were made were never addressed in the new draft of the affordable housing.

So again, we're caught between two hard shells. We're willing to do affordable housing but what do you do when, again, your lots are being taxed at full taxable value compared to the rest of the lots.

The other issue that we have with affordable housing, again, and I will repeat it, there is no affordable housing in Eldorado. We're the first developments out there that have committed to affordable housing. We want to do affordable housing. But there's conditions that are very tight on those.

Another example: water. Eldorado Area Water & Sanitation District is the water provider for Eldorado. Their fees for a water tap are \$13,325 a tap. That's just to get yourself a meter and get water to your lots. That's the most – that's the highest water rates in the whole state of New Mexico. Now we go back to affordable housing. There's nothing in the ordinance that tells us how you get reimbursed for affordable housing, even though affordable housing is very clear that the County will provide a no-cost water hook-up. They don't own the water system. They have no control over the water company.

So as we worked with the predecessor in the affordable housing we talked about

compensation back for affordable housing and there was a figure of \$8,800 that was presented for compensation to the developer to provide water and the other utilities. So right off you're up \$13,325 for water. You got your power, you got all your other costs. So you can see it's a lose-lose situation on the developer's part. We're willing to do it but somewhere in there we were hoping that through these meetings that there would be consideration taken for these kind of developments that are impacted where there is no control over the water system.

If we were on the County municipal water system, it's a whole different game. But there is no control over Eldorado water. So again, we're willing to comply with it. We just need direction how these fees can be handled under the circumstances.

As far as the rest of the comments, we're in acceptance of the rest of the comments.

CHAIRMAN CHAVEZ: Thank you, Mr. Martinez. Mr. Miller, do you want to make any comments at this time?

[Duly sworn, Joe Miller testified as follows:]

JOE MILLER: I don't really have any comments that I would like to make but if you have any questions of any kind I'd be glad to answer them.

CHAIRMAN CHAVEZ: Okay. Thank you, sir. I think what we'll do now, unless there are questions of Mr. Miller, we'll go to the public hearing portion and see if there's anyone here that would want to speak either in support or opposition of this land use case. There may be questions after, Mr. Miller, so stay close by. So anyone wanting to come forward please come forward, sir.

[Duly sworn, Jerry testified as follows:]

JERRY GRIFFIN: Jerry Griffin. Good evening, Commissioners. My name's Jerry Griffin. I'm within 100 feet of this proposed development. They're just exactly to the west of me and I'm also president of the homeowners association of Tierra Colinas. We have some concerns with regards to approval of this project. One is particular with the road. The road that was put in, what he's done on Los Compadres is that gray pumice type of stuff, that real cheap gravel was put in there, it really didn't hold up and that road, even before this rain was horrible. If you were to drive there you almost need a four-wheel drive to get through that area in that area that he has, which is terrible.

And it's true. We did ask that he block that area road because the people were going from his area there into ours and utilizing the roads in our homeowners association which was causing wear and tear on that, which was a problem. They're still going around those areas. They're still going around. He just has a fence, like a little here and they're going around.

Also of concern, because we contribute to Spur Ranch Road Association which Mr. Miller also has several lots there by 285 and he's never contributed at all to the maintenance of the Spur Ranch Road stuff there, which -- that road is a primary access for fire and water. You need some access there for going in and out of there and he hasn't contributed his fair share ever to that portion. So we're concerned about that.

So we would hope that you would not approve the other phases until he at least gets that road in order and I don't think you should put this off until he should do the road improvements until Phase 4. This to me seems like it's -- the road right now is horrible and it's just deteriorated even worse. And most of the people that come to service his

roads have used Spur Ranch to get to his property because his road on Los Compadres is so bad to use. The people that are bringing gravel and stuff into his road come through Spur Ranch, which is something that shouldn't have to happen. We just don't think he should be completely remiss on this and not allowed to hold up his end of the bargain on getting that road with country grade, with basecourse, with the crown in that area there at least interimly until he does the pavement because it's horrible. It's horrible right now. And these are the concerns that we have and I appreciate your consideration. I'll yield if you have any questions.

CHAIRMAN CHAVEZ: Any questions? Thank you, sir. Anyone else here that wants to speak in support? Please come forward, sir.

[Duly sworn, Joseph Badal testified as follows:]

JOSEPH BADAL: Joseph Badal. I live in a subdivision that is off of Avenida de Compadres. It's the very first subdivision to the south and I've lived in the community for four years, approximately. The Avenida de Compadres, the traffic on that road has increased a bit. The subdivision that I'm in has increased in the number of homeowners on our street by about approximately about a third. Avenida de Compadres prior to the entry to the proposed subdivision has two additional small subdivisions. One has approximately 18 homes that access it, and then the very first entry has five homes that access it. And then there's actually the Spur Ranch which is right at the confluence of Avenida de Compadres and Spur Ranch that has activity at the ranch that uses that road. And immediately adjacent to that on Spur Ranch is another subdivision that is I think one of McMillan's subdivisions that's Camino Rosalinda that has about 20-plus lots on it.

Each of these areas has increased somewhat over the last three or four years in housing, the number of homes. There's about – give or take about a hundred homes that access that road. And there's been an increase in traffic on that road because there's more people living in the communities adjacent, as well as there's a lot of heavy vehicle traffic on Avenida de Compadres. That road has substantially deteriorated into being basically a four-wheel drive vehicle road for a big part of the year.

The hassle is specifically for our subdivision is prior to all that traffic, the little stub area that we had to go – of dirt road, the length of this road, that enters into Avenida Eldorado is a terrible mess. It is really difficult to get through there without a big four-wheel drive vehicle, to go from our paved road onto Avenida Eldorado. I'm sure that's unclear unless you know the geography of the area. But the concern that we have is that from the proposed subdivision entry, that road has substantially deteriorated and is in worse condition than it has been in the last three or four years. And I think that it's prudent to develop that road. And I feel for the notion of the cost that's incurred to do that.

We have not been approached to any kind of share in cost. So if that was an issue it should have been brought up with those individual roads that communicate with but – in summary, I think the road is – if that's a reason or not, I'm saying the road is in terrible condition, the worst condition for a combination of reasons because there is increased traffic on that road because of more people living in the area, as well as heavy vehicular movement up and down that road that has torn that road apart. So that's basically my comment.

CHAIRMAN CHAVEZ: Okay, good. We appreciate that. Again, I want to thank you for your patience because I know some of you have been waiting here for while now. So unless there is anyone else from the public that wants to speak I'll close the public hearing portion and I want to ask the Commission if there are any questions of staff or the applicant.

COMMISSIONER STEFANICS: Mr. Chair, I'm ready with a motion.

CHAIRMAN CHAVEZ: Commissioner Stefanics, the floor is yours.

COMMISSIONER STEFANICS: Mr. Chair, I would move for the staff recommendation with all conditions, approval of preliminary plat, final plat, development plan for Phase 2 and 3 of the Tierra Bello residential subdivision to create 12 lots within a portion of a previously approved master plan, 73-lot residential subdivision, subject to the following conditions, which includes all the roads. Thank you.

CHAIRMAN CHAVEZ: Okay. There's a motion with all of staff's conditions. Do I hear a second?

COMMISSIONER HOLIAN: Second.

CHAIRMAN CHAVEZ: There's a motion and a second. I have a question, I guess either to the applicant or to staff and I want to be sure that this is correct. In order to meet the 15 percent affordable housing requirement it would require this development, Phase 2 and Phase 3, to have two affordable units, one in each of those phases?

MR. ARCHULETA: Mr. Chair, that's correct. The applicants are also – they're doing a transfer of affordable units to another subdivision that they have. So I believe, if I'm not mistaken – Vicki can correct me if I'm wrong, but the affordable housing will be met.

CHAIRMAN CHAVEZ: And you're correct. The staff memo does state that Tierra Bello – the applicant is proposing one affordable lot, Lot 19 in Tierra Bello, and one lot – so that one lot would be transferred to the Cimarron Village and then affordable housing in future phases would also be transferred to the Cimarron Village development in accordance with the affordable housing agreement?

MR. ARCHULETA: Mr. Chair, Lot 19 will remain as an affordable lot.

CHAIRMAN CHAVEZ: In Tierra Bello.

MR. ARCHULETA: In Tierra Bello.

CHAIRMAN CHAVEZ: Okay. So only one lot will be transferred then.

MR. ARCHULETA: That's correct.

CHAIRMAN CHAVEZ: Okay. Any other questions of staff or the applicant? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Vicente, relative to the condition that I believe the applicant was asking about relative to deferring to a later phase and the condition that's in the recommendation of doing the paving right away, is that consistent with developments that we've done anywhere else in the county? Have we ever, or do we ever defer certain improvements to the end of a project or to later phases in a project? After there's been some development and some homes sold?

MS. LUCERO: Mr. Chair, Commissioner Anaya, it's based on the traffic impact analysis that's submitted and depending on how many lots that that road is serving and how many average daily trips are generated or are on that road, that would require

the threshold for when that road needs to be improved past just basecourse and it actually needs to be paved. So in reviewing the TIA our Public Works Department did determine that it was over the threshold just for a basecourse road and therefore they're requiring paving at this point.

COMMISSIONER ANAYA: So let me ask in a different way, and then you can pass it on to Public Works if they're not here to give further clarification. So in the traffic impact analysis, the only thing that was considered as part of the approval that we have in front of us was the 12 lots or were they taken into consideration beyond the 12 lots? Was the only thing they took into consideration was the 12 lots?

MS. LUCERO: Mr. Chair, Commissioner Anaya, it's based on the total number of lots that that roadway serves. So it's not just the lots in Mr. Miller's subdivision but it would also take into consideration the existing lots out there.

COMMISSIONER ANAYA: Okay. I'm going to need some more feedback from Public Works moving forward because I think there's a logical rationale to progress with the number of improvements that you have, depending on the traffic flow. Obviously, if you're going to have 73 lots you're going to have a broader impact than if you have 12. I know we're taking into consideration sale of those lots and construction and build-out of the units. There's going to be an incremental increase to traffic flow and traffic patterns, not an overnight hit of those traffic patterns to a particular road.

So what we have in front of us is taking into consideration all the phases, not just the 12 units that we have in front of us.

MS. LUCERO: Mr. Chair, Commissioner Anaya, it's taking into consideration the existing lots in Mr. Miller's subdivision, the 12 proposed, and then the additional lots that are existing that aren't necessarily part of his subdivision but that utilize that roadway.

COMMISSIONER ANAYA: Thank you, Vicki. Thank you, Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian, are you okay? So we have a motion, we have a second. Any further discussion? Seeing none.

The motion passed by majority [4-1] voice vote with Commissioner Anaya voting against the motion.

IX. CONCLUDING BUSINESS

A. Announcements

CHAIRMAN CHAVEZ: Any announcements that we've left out?

COMMISSIONER STEFANICS: Mr. Chair, the young lady that was here to speak who left, apparently, wanted to announce that there was a rally or a public gathering at the Capitol on January 26th against violence for people seeking medical assistance. And that was aimed at women. Thank you very much.

CHAIRMAN CHAVEZ: Thank you for that announcement. Is there a way that you can broadcast that, put it on our website or have Julia announce that?

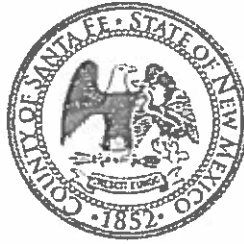
COMMISSIONER STEFANICS: Yes.

CHAIRMAN CHAVEZ: Good. Thank you.

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. MIS 10-5552
TESSERA PHASE II PRELIMINARY PLAT AND DEVELOPMENT PLAN TIME
EXTENSION
HOMEWISE, INC., APPLICANT
DESIGN ENGINUITY (ORALYNN GUERRERORTIZ), AGENT

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on December 8, 2015, on the Application of Homewise, Inc., (Applicant), Design Enginuity (Oralynn Guerrerortiz) Agent, for a Time Extension of the previously approved Preliminary Plat and Development Plan for the Tessera Phase II residential subdivision consisting of 78 residential lots on 69.40 acres under Article V, Section 5.3.6.a, Expiration of Preliminary Plat, of the Santa Fe County Land Development Code, Ordinance 1996-10 (Code). The Board, having reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted subject to conditions, and makes the following findings of fact and conclusions of law:

1. The Applicant requested a time extension for Tessera Phase II Preliminary Plat and Development Plan Master Plan consisting of 78 residential lots on 69.40 acres, more or less.
2. The property is off of NM 599 West Frontage Road, west of the La Tierra exit, within Section 20, Township 17 North, Range 9 East, Commission District 2.
3. The Applicant acquired the Property by warranty deed recorded on the 28th day

of September, 2012, as Instrument No. 1683091 in the records of the Santa Fe County Clerk.

4. On December 18, 2001, the Extraterritorial Zoning Authority (EZA) granted a Master Plan Amendment for the Tessera Subdivision (formerly College Hills) which consisted of 166 residential lots on 145.97 acres to be developed in 2 phases. Phase 1 consisted of 88 lots on 76.57 acres and Phase 2 consisted of 78 lots on 69.4 acres. Phase 2 will encompass 69.4 acres, with 35 acres or 50% of the property designated as permanent open space.

5. On December 12, 2002, the EZA granted Preliminary Plat and Development Plan approval for Phase I of the Tessera Subdivision which consisted of 88 lots. On January 13, 2004, the Board granted Final Plat and Development Plan approval for Phase I (Refer to January 13, 2004, Board Meeting Minutes as Exhibit 6). The Final Plat for Phase I was recorded on April 5, 2007.

6. On August 12, 2014, the Board approved a request for Preliminary Plat and Development Plan for Phase 2 of the Tessera residential subdivision consisting of 78 lots on 69.4 acres.

7. The Applicants are requesting a 36-month time extension for the Tessera Residential Subdivision Phase 2 in accordance with Article V, Section 5.3.6.a of the Code.

8. Notice requirements were met as per Article II, Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided certification of posting of notice of the hearing, confirming the public notice regarding the Application was made for twenty-one (21) days on the property, beginning on November 17, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on November 17, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailings of notices of hearing were also contained in the record for all adjacent property owners.

9. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) which governs this application are:

Article V, Section 5.3.6.a, Expiration of Preliminary Plat, of the Code states:

a. Expiration. 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 subdivder may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six (36) months.

10. The Agent articulated at the public hearing that the extension is needed to obtain a water service agreement and finalize the water utility infrastructure for Phase 2.

11. At the public hearing before the Board on December 8, 2015, staff recommended approval of the Application for a 36-month time extension for the Tessera Phase 2 Residential Subdivision, which will render the Preliminary Plat and Development Plan valid until December 8, 2018 and suggested the following conditions if approval were granted:

- a. Homewise Inc. obtains a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order to supply the maximum 19.5 acre-foot-per-year demand proposed by Phase 2.
- b. Homewise Inc. agrees to construct and dedicate all infrastructure needs identified by the City's water utility hydraulic modeling.
- c. Homewise Inc. enters into a Water Delivery Agreement and Wastewater Service Agreement with Santa Fe County Utilities (SFCU), which will specify construction standards (e.g. line taps and meter cans) and inspection and dedication requirements for Phase 2. The agreement will specify many of the requirements identified in SFCU's March 27, 2014, letter.

12. In support of the Application, the Agent stated that the Applicant is in agreement with the conditions.

13. At the public hearing, no one from the public spoke either in favor or against this Application.

WHEREFORE the Board of County Commissioners for the County of Santa Fe

hereby approves the 36-month time extension for the previously approved Tessera Phase 2 residential subdivision, subject to Staff's conditions set forth in paragraph 11. Commissioners Chavez, Anaya, and Roybal were present and unanimously voted (3-0) to approve the 36-month time extension while Commissioner Holian and Stefancis were not present for this action.

IT IS SO ORDERED

This Order was approved by the Board of County Commissioners for the County of Santa Fe on this ____ day of _____, 2016.

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

By: _____
Miguel M. Chavez, Chair

Attest:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer

questions.

CHAIR ANAYA: Does the applicant have any other comments that they would like to add?

MR. HOEFT: I do not at this time.

CHAIR ANAYA: Is there any other questions of comments of the applicant?

COMMISSIONER CHAVEZ: No, Mr. Chair.

CHAIR ANAYA: This is a public hearing. Is there anybody here that would like to speak in favor or against this applicant? Is there anybody here that would like to speak in favor or against this applicant? Public hearing is closed. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. This is a reasonable request. It's subphasing the previously approved Las Terrazas unit III residential subdivision. I think this meets the market conditions that we are facing and nothing wrong with slow growth.

I move for approval.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Motion from Commissioner Chavez and second Commissioner Roybal. Any further discussion? Seeing none all those in favor signify by saying – and that's with staff conditions?

COMMISSIONER CHAVEZ: Yes, with staff conditions. Thank you, Mr. Chair.

CHAIR ANAYA: Motion and a second with staff conditions.

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

4. **BCC CASE# MIS 10-5552 Tessera Phase II Preliminary Plat and Development Plan Time Extension. Homewise, Inc., Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, Request a 36-Month Time Extension of the Previously Approved Preliminary Plat and Development Plan for the Tessera Phase II Residential Subdivision Consisting of 78 Residential Lots on 69.40 Acres. The Property is Located off of the NM599 West Frontage Road, West of the La Tierra Exit within Section 20, Township 17 North, Range 9 East (Commission District 2). Vicente Archuleta, Case Manager.**

MS. LUCERO: Thank you, Mr. Chair. Homewise, Inc., Applicant, Design Enginuity, Oralynn Guerrerortiz, Agent, requests a 36-month time extension of the previously approved Preliminary Plat and Development Plan for the Tessera Phase II residential subdivision consisting of 78 residential lots on 69.40 acres. The property is located off of the NM599 West Frontage Road, west of the La Tierra exit within Section

20, Township 17 North, Range 9 East, Commission District 2.

The Applicants are requesting a 36-month time extension of the Preliminary Plat and Development Plan approval for the Phase 2 of Tessera Residential Subdivision under Article V, Section 5.3.6.a of the Santa Fe County Land Development Code.

The Applicant states, we have been working with the County Utilities Division to apply to the City of Santa Fe for sewer service to get a BCC approval for New Water Deliveries, to enter into a Water Delivery Agreement and a Sewer Service Agreement with the County. All of these issues require County Utility staff preparation. We have provided all information requested and have been waiting more than a year to do what they need to do so that we can proceed to Final Plat and Development Plan. Given that we have no control on the timing of when this work gets done, we are concerned about the delays and the potential of having our preliminary approval expire.

Staff recommendation: Approval for a 36-month time extension of the previously approved Preliminary Plat and Development Plan for the Tessera Phase II residential subdivision consisting of 78 residential lots on 69.40 acres, which will render the Preliminary Plat and Development Plan valid until August 12, 2019 subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIR ANAYA: You may.

Conditions:

1. Homewise Inc. obtains a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order to supply the maximum 19.5 acre-foot-per year demand proposed by Phase 2.
2. Homewise Inc. agrees to construct and dedicate all infrastructure needs identified by the City's water utility hydraulic modeling.
3. Homewise Inc. enters into a Water Delivery Agreement and Wastewater Service Agreement with SFCU, which will specify construction standards (e.g. line taps and meter cans) and inspection and dedication requirements for Phase 2. The agreement will specify many of the requirements identified in SFCU's March 27, 2014 letter.

CHAIR ANAYA: Commissioner Chavez, are there any there that you want to read into the record?

COMMISSIONER CHAVEZ: There's three of them and I'll read them [the conditions are read as shown above]

The applicant agrees to those three conditions?

CHAIR ANAYA: The applicant is present. Ms. Guerrerortiz, do you have any other items to add.

MS.GUERRERORTIZ: Mr. Chair, I just wanted to let you know is that 20 months ago we requested a water service and sewer service from the County and asked to proceed forward and we've been delayed all this time. We hope we're going to get the water service agreement paperwork. I've been hearing this month and I'm hoping that's true.

CHAIR ANAYA: From the City you mean?

MS. GUERRERORTIZ: No, the water service agreement is totally made up by your staff. So it is in their control 100 percent. The sewer is a little more difficult.

It's got to go through the City. In this case, Phase 1 is served by the City and so we're asking that Phase 2 be served. It seems like a no-brainer. But it is incredibly difficult to get through the bureaucracy of the utility department. As far as the conditions, we've already met that first condition in regards to water modeling. We finished it December 2014 and submitted it to the City – or the County staff so I'm surprised it's not in your packet, but and the second condition related to the water modeling, the modeling showed that there was no need for any improvement. So we've actually met the first two conditions. The third condition is signing these agreements. We would love to sign them. We need the – the County actually produces them and we have to wait for the County to produce them for us to sign them. So that's what we are waiting on.

COMMISSIONER CHAVEZ: Mr. Chair, for clarification, Orallynn, you're saying that Homewise already has a letter from the City of Santa Fe Water Division that identifies what if any additional water utility infrastructure is needed in order to supply the 19.5 acre-feet year demand proposed in Phase 2?

MS. GUERRERORTIZ: That's correct. We did that. It took us six months to get a contract. We went to the –

COMMISSIONER CHAVEZ: That's okay. Yes or no, because we have no control over how long things take.

MS. GUERRERORTIZ: We completed it, yes.

COMMISSIONER CHAVEZ: But you have another 36 months to try and figure the rest of it out I guess if this is approved.

MS. GUERRERORTIZ: And we'd like it to happen as soon as possible. Originally in our schedule we were suppose to start construction in Spring 2016 we're behind schedule now.

CHAIR ANAYA: Thank you. Any other questions of the applicant?

COMMISSIONER CHAVEZ: No, Mr. Chair. So I'll go ahead and move for approval –

CHAIR ANAYA: If I could. This is a public hearing is there anybody here that wants to make additional comments in favor or against this project? Seeing none, the public hearing is closed. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I'll go ahead and make a motion to approve the 36 month extension for the preliminary plat and development plan for Tessler Phase II Residential Subdivision consisting of 78 residential lots on 69.4 acres with staff recommendations.

COMMISSIONER ROYBAL: I'll second.

CHAIR ANAYA: Motion from Commissioner Chavez and second by Commissioner Roybal. I see no further discussion. All those in favor to approve the extension with staff conditions say aye.

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

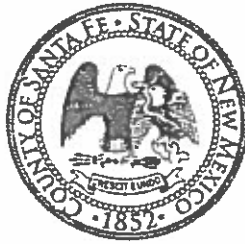
IX. Concluding Business

CHAIR ANAYA: I don't think we have any other business. I want to

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. S15-5310
LAS TERRAZAS UNIT III PRELIMINARY PLAT, FINAL PLAT AND DEVELOPMENT
PLAN AMENDMENT
CIENDA PARTNERS, APPLICANTS
SANTA FE PLANNING GROUP, INC. (SCOTT HOEFT), AGENT

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on December 8, 2015, on the Application of Cienda Partners, (Applicant) and Scott Hoeft of the Santa Fe Planning Group, Inc., (Agent), for a Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase the previously approved Las Terrazas Unit III residential subdivision into two (2) sub-phases. Sub-phase 3A consists of 24 residential lots and Sub-phase 3B consists of 22 residential lots for a total of 46 lots on 43.63 acres. The Board, having reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing, finds that the Application is well taken and should be granted subject to certain conditions, and makes the following findings of fact and conclusions of law:

1. The Applicants requested an amendment to the Preliminary Plat, Final Plat, and Development Plan to sub-phase the previously approved Las Terrazas Unit III Residential Subdivision into two (2) sub-phases.
2. The project is located along Paseo Las Terrazas, off of Trailhead Drive and Las Campanas Drive within Sections 2, 11 and 12, Township 17 North, Range 8 East.

3. On December 11, 2001, the Board granted Preliminary Plat, Final Plat and Development Plan approval for the areas known as Black Mesa, Mesa del Oro, and Las Terrazas (formerly known as The Estancias at Las Campanas) consisting of 125 lots on 161 acres.

4. In 2004, the project received a 2-year extension to maintain the original approvals. Black Mesa and Mesa del Oro received administrative approval for an extension in 2008 and were expected to be recorded by 2010.

5. Black Mesa is Unit I, which consists of 25 residential lots, Mesa del Oro is Unit II, which consists of 23 residential lots, and Las Terrazas is Unit III, which consists of 77 residential lots.

6. On June 14, 2006, Las Terrazas Phase I was recorded consisting of 19 lots. On November 13, 2007, Phase II was recorded which consisted of 12 lots. Phase III consists of the 46 lots that remain undeveloped and have not been recorded yet.

7. On May 14, 2013, the Board granted a 24-month time extension for Black Mesa, Mesa del Oro and Las Terrazas unit III.

8. On June 15, 2015, the Land Use Administrator granted a time extension under Resolution No. 2014-129, A Resolution Finding the Existence of Severe Economic Conditions and Authorizing the Suspension of the Enforcement of Specific Provisions of Article V of the Land Development Code that Concern Expiration of Master Plans and Final Plats Pursuant to Ordinance No. 2011-11, this rendered the approval valid until December 31, 2016.

9. On November 19, 2015, the County Development Review Committee recommended approval of the Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase as proposed and subject to Staff's conditions.

10. Notice requirements were met as per Article II, Section 2.4.2, of the Code. In

advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one (21) days on the property, beginning on November 17, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on November 17, 2015, as evidenced by a copy of that legal notice contained in the record.

11. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) which govern this amendment are:

a. Article V, Section 4.5, Staging/Phasing, states:

For large scale developments and large subdivisions, the County Development Review Committee and Board may grant approval of an initial development stage only; and further, the County Development Review Committee may set criteria for development of the first stage as a condition for approval of subsequent stages. However, a subdivider may propose, and the County Development Review Committee and Board may approve, a phasing schedule which permits flexibility in the sequential development of the various stages as to timing and order of development.

d. Article V, Section 5.3.6.b, Phased Development, of the Code states:

If the preliminary plat was approved for phased development, the subdivider may file final plats for portions of the development, and the expiration date of preliminary plat shall be extended for an additional thirty-six (36) months after the date of the filing of each final plat. The number of phased final plats shall be determined by the Board at the time of the approval or conditional approval of the Master Plan.

12. In support of the Application, the Applicant's Agent submitted a letter, a development plan report including proof of legal lot of record and proof of ownership, a development plan set of drawings, and a survey plat. The Applicant authorized Santa Fe Planning Group Inc. to act on behalf of Cienda Partners in making application for the Las Terrazas Unit III residential subdivision.

13. The Applicant states, "This adjustment of two sub-phases will make it more

financially palpable for Cienda Partners and a partner home-builder to move forward with construction of the balance of the Las Terrazas subdivision. It is anticipated that construction of Sub-phase 3A will commence in the Spring/Summer of 2016, with subsequent series of lots in Sub-phase 3B to commence within 2-years.”

14. At the public hearing before the Board on November 10, 2015, staff recommended approval of the Amendment to the Preliminary Plat, Final Plat, and Development Plan of the Las Terrazas Unit III Subdivision creating two (2) sub-phases, subject to the following conditions:

- a) The driving surface of Paseo Las Terrazas shall have a minimum width of 24-feet, which meets the requirements of the Santa Fe County Fire Department.
- b) The driving surface of the cul-de-sac at the end of Trasera Court shall have a minimum width of 20-feet and a 50-foot radius.

15. In support of the Application, the Agent stated the Applicant is in agreement with all conditions.

16. At the public hearing no one from the public spoke either in support or opposition to the Application.

WHEREFORE, the Board of County Commissioners for the County of Santa Fe hereby approves the Application for the Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase the Las Terrazas Unit III residential subdivision into two (2) sub-phases. Sub-phase 3A consisting of 24 lots and Sub-phase 3B consisting of 22 lots for a total of 46 lots subject to Staff's conditions set forth in paragraph 14. Commissioners Chavez, Anaya, and Roybal were present and unanimously voted (3-0) to approve the amendment, while Commissioners Holian and Stefanics were not present for this action.

IT IS SO ORDERED:

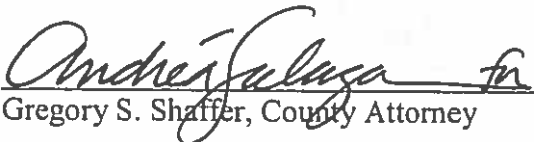
This Order was approved by the Board of County Commissioners for the County of Santa Fe on this _____ day of _____, 2016.

By: _____
Miguel M. Chavez, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

COMMISSIONER CHAVEZ: That's all I have, Mr. Chair.

CHAIR ANAYA: Are there any other questions right now? This is a public hearing and are there any other -- is there anybody present who wants to speak regarding this case? Would you please come forward.

[Duly sworn, Lisa Wilson Beloit testified as follows].

LISA WILSON BELOIT: Mr. Chair, Commissioners, I am Lisa Wilson Beloit. I reside at 2353 Camino del Prado here in Santa Fe. I've known Ms. Seizys for the better part of probably 20 years. I, myself, am a dog owner and I know that she works diligently to make sure that the animals are all fully vetted and fully groomed and cared for and licensed and you know she keeps better care than most people do that I have seen taking strays and adoptions. I work with several rescues in Texas. My sister runs a rescue in Pennsylvania and if I had the space that she has I would probably really be trying to do the same thing. So I applaud her efforts.

CHAIR ANAYA: Thank you very much. Anybody else here that wants to speak in regards to this applicant? Seeing none, the public hearing is closed.

I am going to move for approval with staff conditions.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: There is a motion and second with staff conditions. Commissioner Chavez?

COMMISSIONER CHAVEZ: No, I'm okay with it. I just again want to respect the CDRC in this case they were unanimous in a 5-0 vote. This is the second chance for the applicant. I am going to support the motion with staff recommendations and hope that you can work through some of the issues with your neighbors regarding the activity. So, I'll just leave it at that, Mr. Chair.

CHAIR ANAYA: Thank you. Seeing no other comments all those in favor of approving with staff conditions signify by saying aye.

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

3. CDRC CASE # S 15-5310 Cienda Partners (Las Terrazas Phase III) Preliminary Plat, Final Plat, and Development Plan Amendment. Cienda Partners, Applicant, Scott Hoeft, Agent, Request a Preliminary Plat, Final Plat, and Development Plan Amendment to Sub-Phase the Previously Approved Las Terrazas Phase III Residential Subdivision (46 Lots on 43.63 Acres) into Two Phases. Sub-Phase 3A Will Consist of 24 Residential Lots and Sub-Phase 3B Will Consist of 22 Lots. The Property is Located Along Paseo Las Terrazas, off of Trailhead Drive and Las Campanas Drive within Sections 2, 11 and 12, Township 17 North, Range 8 East (Commission District 2). Vicente Archuleta, Case Manager.

MS. LUCERO: Cienda Partners, Applicant, Scott Hoeft, Agent, requests a Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase the

previously approved Las Terrazas Unit III residential subdivision, (46 lots on 43.63 acres, into two phases. Sub-phase 3A will consist of 24 residential lots and Sub-phase 3B will consist of 22 lots. The property is located along Paseo Las Terrazas, off of Trailhead Drive and Las Campanas Drive within Sections 2, 11 and 12, Township 17 North, Range 8 East, Commission District 2.

Mr. Chair, the only thing that the applicant is requesting is to subphase the development. It already received approval, plat approval from the BCC and so they are requesting to subphase it into two phases. The applicant states that This adjustment of two sub-phases will make it more financially palatable for Cienda Partners and a partner home-builder to move forward with the construction of the balance of the Las Terrazas subdivision. It is anticipated that construction of Sub-phase 3A will commence in the Spring/Summer of 2016, with subsequent series of lots in Sub-phase 3B to commence within 2-years.

Staff recommendation and the decision of the CDRC was to approval the Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase the previously approved Las Terrazas Unit III residential subdivision into two sub-phases as proposed subject to the following conditions.

Mr. Chair, may I enter those conditions into the record?

CHAIR ANAYA: You may.

Conditions:

1. The driving surface of Paseo Las Terrazas shall have a minimum width of 24 feet, which meets the requirements of the Santa Fe County Fire Department.
2. The driving surface of the cul-de-sac at the end of Trasera Court shall have a minimum width of 20-feet and a 50-foot radius

MS. LUCERO: Thank you. I stand for questions.

CHAIR ANAYA: Are there questions of staff?

COMMISSIONER CHAVEZ: No, Mr. Chair, I don't have a question but I'm going to read staff's condition of approval – it's just one. The driving surface of Paseo Las Terrazas shall have a minimum width of 24 feet, which meets the requirements of the Santa Fe County Fire Department. So if this were approved would the applicant agree to this condition?

MS. LUCERO: Mr. Chair, Commissioner Chavez, just to clarify there's one other condition on the following page, condition number two.

COMMISSIONER CHAVEZ: The driving surface of the cul-de-sac at the end of Trasera Court shall have a minimum width of 20-feet and a 50-foot radius.

MS. LUCERO: Mr. Chair, Commissioner Chavez, at the CDRC meeting I do believe that the applicant stated they were in agreement with the conditions.

COMMISSIONER CHAVEZ: So for purposes of this record, would the applicant agree to those conditions?

[Duly sworn, Scott Hoeft, testified as follows]

SCOTT HOEFT: I do. Scott Hoeft, Santa Fe Planning Group, 109 St. Francis. Yes, Commissioner, we concur with the conditions of approval. And I stand for

questions.

CHAIR ANAYA: Does the applicant have any other comments that they would like to add?

MR. HOEFT: I do not at this time.

CHAIR ANAYA: Is there any other questions of comments of the applicant?

COMMISSIONER CHAVEZ: No, Mr. Chair.

CHAIR ANAYA: This is a public hearing. Is there anybody here that would like to speak in favor or against this applicant? Is there anybody here that would like to speak in favor or against this applicant? Public hearing is closed. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. This is a reasonable request. It's subphasing the previously approved Las Terrazas unit III residential subdivision. I think this meets the market conditions that we are facing and nothing wrong with slow growth.

I move for approval.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Motion from Commissioner Chavez and second Commissioner Roybal. Any further discussion? Seeing none all those in favor signify by saying – and that's with staff conditions?

COMMISSIONER CHAVEZ: Yes, with staff conditions. Thank you, Mr. Chair.

CHAIR ANAYA: Motion and a second with staff conditions.

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

4. BCC CASE# MIS 10-5552 Tessera Phase II Preliminary Plat and Development Plan Time Extension. Homewise, Inc., Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, Request a 36-Month Time Extension of the Previously Approved Preliminary Plat and Development Plan for the Tessera Phase II Residential Subdivision Consisting of 78 Residential Lots on 69.40 Acres. The Property is Located off of the NM599 West Frontage Road, West of the La Tierra Exit within Section 20, Township 17 North, Range 9 East (Commission District 2). Vicente Archuleta, Case Manager.

MS. LUCERO: Thank you, Mr. Chair. Homewise, Inc., Applicant, Design Enginuity, Oralynn Guerrerortiz, Agent, requests a 36-month time extension of the previously approved Preliminary Plat and Development Plan for the Tessera Phase II residential subdivision consisting of 78 residential lots on 69.40 acres. The property is located off of the NM599 West Frontage Road, west of the La Tierra exit within Section

