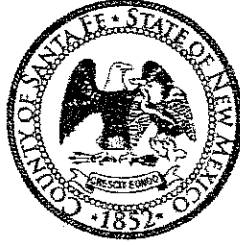


Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

**CASE # SLTE 18-5010 – Request for Extension of Time to File Saleh Phase 1 Plat
SENEMAR, LLC, Applicant
DESIGN ENGINUTTY, Agent**

ORDER

THIS MATTER came before the Santa Fe County Board of County Commissioners (“Board”) for hearing on August 14, 2018, on a request by Senemar, LLC (“Applicant”) to extend the time to record the approved Preliminary and Final Plat for Saleh Phase 1 (“Property”). The Board, having reviewed the Application, supplemental materials, and staff report, and having conducted a public hearing, finds that the request is well-taken and should be GRANTED subject to the conditions stated herein, and makes the following findings of fact and conclusions of law in support thereof:

1. The Applicant, by its agent, Design Enginutty, requested an extension of the time to record the approved Preliminary and Final Plat for the Property in accordance with Section 5.8.7 (Expiration of Final Plat) of the Sustainable Land Development Code (“SLDC”), Ordinance 2016-9.
2. The Property is located on the south side of I-25 and east of Richards Avenue within Section 16, Township 16 North, Range 9 East, which is located in the Community College District.
3. The Applicant acquired the Property by warranty deed, which was recorded as Instrument #1403256 on November 28, 2005, in the records of the Santa Fe County Clerk.

4. The Applicant complied with the notice requirements in Section 4.6.3 (General Notice of Applications Requiring a Public Hearing) of the SLDC, Ordinance 2016-9, by submitting an affidavit, in advance of the public hearing, confirming posting of the public notice for fifteen (15) days beginning on July 24, 2018; publishing the public notice in the Santa Fe New Mexican on July 24, 2018; and sending the public notice to the owners of land within five hundred (500) feet of the Property.

5. On April 14, 2015, the Board approved the Applicant's Master Plan for the Saleh development to allow a Phased Mixed Use Development on a approximately sixty-four (64) acre site. The approval included a variance of Section 6.E.3.c (Road Circulation, Design and Construction Standards) of the Community College District Ordinance, No. 2000-12, to allow a no-outlet roadway to exceed three hundred (300) feet, and a variance of Section 6.7 (Road Sections) of the Community College District Ordinance, No. 2000-12, to allow a deviation from the design standards for Living Priority Road.

6. On January 12, 2016, the Board considered the Applicant's request for approval of the Preliminary and Final Plat and Development Plan for the Property, including three (3) commercial lots on 24.16 acres, of which 14.16 acres would be preserved as open space; a setback for the commercial lots from Richards Avenue of between two hundred (200) and seven hundred (700) feet; two (2) roadways with wet and dry utilities installed in their beds; and the paving of Saleh Avenue with curbs and gutters and parking permitted along the street.

7. On January 12, 2016, the Board issued a Final Order approving the Preliminary and Final Plat and Development Plan for the Property.

8. On April 13, 2016, the Final Order was recorded in the records of the Santa Fe County Clerk.¹

9. In accordance with the law and long-standing administrative practice, the date of recordation of a final order is the effective date of the Board's approval for the taking of an appeal and other purposes.

10. Section 5.8.7 (Expiration of Final Plat) of the SLDC, Ordinance No. 2016-9, states: "Any approved or conditionally approved final plat, shall be recorded within twenty-four (24) months after its approval or conditional approval or the plat shall expire. Prior to the expiration of the final plat, the subdivider may request, from the Board, an extension of the final plat for a period of time not exceeding thirty-six (36) months."

11. On February 7, 2018, the Applicant requested an extension of time for thirty-six (36) months to record the Final Plat for the Property.

12. The Applicant's request for an extension of time to record the Final Plat for the Property complies with Section 5.8.7 (Expiration of Final Plat) of the SLDC, Ordinance No. 2016-9.

13. Staff reviewed the Applicant's request for an extension of time to record the Final Plat for the Property, and concurred that the extension would be warranted by

¹ The Master Plan for the Saleh development authorized approximately 13.55 acres for Open Space, including passive open space, parks, plaza, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies (maximum twenty (20) horses), and cemeteries; 7.39 acres for Neighborhood Center, including cemeteries/funeral homes (maximum five (5) acre cemetery and ten thousand (10,000) square foot funeral home) and churches/religious institutions (maximum seating for one hundred twenty-five (125) persons); and 1.82 acres for Employment Center, including an air-conditioned storage facility with allowable caretaker unit (a single building with a common entrance to all units, maximum sixty thousand (60,000) square feet) and an RV and boat storage facility. The Board's Final Order granted the Applicant's request for a Master Plan Amendment, authorizing twelve (12) commercial lots, and increasing the amount of seating allowed in the church/religious institution use (maximum seating for 400 persons).

changes in the circumstances relating to water, waste water, and roads since the Board's approval of the Final Plat for the Property on January 12, 2016.

14. On August 14, 2018, at the public hearing on the Applicant's request for an extension of time to record the File Plat for the Property, Staff recommended that the Board approve the Applicant's request for an extension of thirty-six (36) months, subject to the following conditions:

- 1) The Applicant shall comply with all review agency comments and conditions as per Article V, Section 7.1.3.c. Conditions shall be noted on the recorded Master Plan Amendment, Plat and Development Plan.
- 2) The Partial Assignment of the Water Contract must be conveyed to the Applicant prior to recordation of the Final Plat.
- 3) The County shall not execute the Water Delivery Agreement until the Applicant pays all outstanding Service Charges due under the Water Contract that are attributable to the 10% interest created by the Partial Assignment. The Applicant shall pay all such charges and enter into the Water Delivery Agreement before recordation of the Final Plat for Phase 1 in the records of the Santa Fe County Clerk.
- 4) Applicant must incorporate the 8 recommended technical review conditions onto the plat for Phase 1, as written in the November 3, 2015, letter from SFCU.
- 5) Preliminary and Final Plat and Development Plan for Saleh Phase 1 with appropriate signatures shall be recorded with the County Clerk, as per Article V, Section 5.4.5.
- 6) The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Plat recordation of Phase 1, as per Article V, Section 9.9.
- 7) Saleh Phase 1 and 2 shall take access via the northeast connector utilizing two access points (Saleh Avenue and North Willow Back Road).
- 8) The Preliminary and Final Plat for Saleh Phase 1 shall not be recorded until such time that the northeast connector is under

construction and no structural permits, not including infrastructure, will be issued until the northeast connector is operational.

- 9) Saleh shall connect to the County water utility. Saleh shall be responsible for all design and construction costs associated with water connection. An approved water delivery agreement shall be submitted and all conditions of that agreement shall be complied with prior to final plat recordation. (Amending Previously imposed Condition # 4)
 - 10) Saleh shall connect to the County's wastewater utility. Saleh shall be responsible for all design and construction costs associated with wastewater connection. A wastewater collection agreement shall be submitted and all conditions of that agreement shall be complied with prior to final plat recordation (Amending Previously imposed Condition # 6)
 - 11) The Applicant shall grant a 120 foot wide road easement along the northern portion of the property for construction of the N.E. Connector.
 - 12) The Applicant shall be responsible for the design and construction of any intersections tying into the N.E. Connector, subject to approval by the County Public Works Department. These intersections may require additional easement.
15. The Applicant's agent, Design Enginuity, represented at the public hearing by Oralynn Guerrerortiz, concurred with the Staff's recommended conditions.
16. No member of the public spoke in favor or opposition to the Applicant's request for an extension of time to record the Final Plat for the Property.

WHEREFORE the Board hereby approves, by an unanimous vote of 5-0, the Applicant's request for a thirty-six (36) month extension of time to record the Preliminary and Final Plat for the Property, subject to the conditions stated in paragraph 14.

IT IS SO ORDERED.

This Order was adopted by the Santa Fe County Board of County Commissioners on this ____ day of _____, 2018.

THE SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

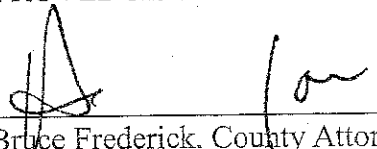
By: _____
Anna Hansen, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

Date: _____

APPROVED AS TO FORM:



R. Bryce Frederick, County Attorney

NOTICE OF RIGHT OF APPEAL

Any person aggrieved by this Final Order may appeal pursuant to NMSA 1978, Section 3-21-9, by filing a Notice of Appeal in the New Mexico First Judicial District Court, Santa Fe, New Mexico, within thirty (30) days of the date of filing of the Final Order in accordance with NMSA 1978, Section 39-3-1.1, and Rule 1-074 NMRA.

best qualified firm. We followed those processes.

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

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I did have a question. I know there were several concerns that were brought up by constituents wanting to have an independent survey and I know there was still some concerns now with awarding to the same surveyor that did the work, the prior work for different pueblos in the area. I know that there was these concerns so that's something that I wanted to address and bring up because I know it was a concern for my constituents. So I just wanted to – I'm glad that you reiterated that we did follow state procurement but I still have some concerns with that so I just wanted to put that on the record.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: I appreciated those comments that Commissioner Roybal brought up because I recall the same concerns and that's why I asked that question. But let's go ahead and move for approval, Madam Chair.

CHAIR HANSEN: I have a motion to approve. Do I have a second?

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: I have a motion by Commissioner Anaya, a second by Commissioner Hamilton.

The motion passed by majority [4-1] voice vote with Commissioner Roybal casting the nay vote.

IX. PUBLIC HEARINGS

A. Land Use Cases

1. (BCC Case # SLTE 18-5010 Saleh Phase 1 Plat Extension.
Senemar, LLC, Applicant, Design Egnuity, Agent, Request an Extension of the Recording of An Approved Preliminary and Final Plat. Saleh Phase 1 Creates 3 Commercial Lots on 24 ± Acres. The Property is Located on the South Side of I-25 and East of Richards Avenue, Within Section 16, Township 16 North, Range 9 East (Commission District 5)

CHAIR HANSEN: Welcome, Jose. Nice to see you.

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. On April 14, 2015, the Board of County Commissioners approved a Master Plan for the Saleh development to allow a phased mixed-use development on a 64-acre site. The approval included a variance of Santa Fe County Ordinance No. 2000-12, the Community College District Ordinance, Section 6.E.3.c, which amended the Code in order to allow a no-outlet roadway to exceed 300 feet and a variance of the CCDO, Section 6.7, Road Design Standards, to allow deviation from design standards required of a living priority road.

SEC CLERK RECORDED 88/14/2018

2. The Partial Assignment of the Water Contract must be conveyed to the Applicant prior to recordation of the Final Plat.
3. The County shall not execute the Water Delivery Agreement until the Applicant pays all outstanding Service Charges due under the Water Contract that are attributable to the 10% interest created by the Partial Assignment. The Applicant shall pay all such charges and enter into the Water Delivery Agreement before recordation of the Final Plat for Phase 1 in the records of the Santa Fe County Clerk.

MR. LARRAÑAGA: And the situation has changed in relation to water, wastewater and roads. Staff recommends the following additional conditions be imposed and I'd like to enter those into the record also.

[The additional imposed conditions are as follows:]

4. Applicant must incorporate the 8 recommended technical review conditions (SFCU) onto the plat for Phase 1, as written in the November 3, 2015 letter from SFCU. (Exhibit 7)
5. Preliminary and Final Plat and Development Plan for Saleh Phase 1 with appropriate signatures shall be recorded with the County Clerk.
6. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Plat recordation of Phase 1.
7. Saleh Phase 1 and 2 shall take access via the northeast connector utilizing two access points (Saleh Avenue and North Willow Back Road).
8. The Preliminary and Final Plat for Saleh Phase 1 shall not be recorded until such time that the northeast connector is under construction and no permits will be issued until the northeast connector is operational.
9. Saleh shall connect to the County water utility. Saleh shall be responsible for all design and construction costs associated with water connection. An approved water delivery agreement shall be submitted and all conditions of that agreement shall be complied with prior to final plat recordation. (Amending Previously imposed Condition # 4)
10. Saleh shall connect to the County's wastewater utility. Saleh shall be responsible for all design and construction costs associated with wastewater connection. A wastewater collection agreement shall be submitted and all conditions of that agreement shall be complied with prior to final plat recordation (Amending Previously imposed Condition # 6)
11. The Applicant shall grant a 120-foot wide road easement along the northern portion of the property for construction of the N.E. Connector.
12. The Applicant shall be responsible for the design and construction of any intersections tying into the N.E. Connector, subject to approval by the County Public Works Department. These intersections may require additional easement.

MR. LARRAÑAGA: Madam Chair, I stand for any questions.

CHAIR HANSEN: Are there any questions from the Board? I'm going to public hearing. Is there anybody from the public who would like to speak on this issue.

REC CLERK RECORDED 9/14/2018

Yes, Oralynn. Please come forward.

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: Thank you. I'm Oralynn Guerrerortiz with Design Enignuity and I'm representing the applicant, who's here today, Esmail Haidari, the gentleman back here, and he owns Senemar and he owns the Saleh property.

We could move forward but we'd have to build an intersection at Dinosaur and Richards Avenue that the County intends to demolish with the plans for the northeast connector. So we haven't moved forward because it's painful to build something that's going to be ripped out. So we encourage you to all move forward with the northeast connector and we made an agreement with the neighborhood that our project would have a low intensity use until the northeast connector is built and they agreed they could support the apartments and the hotels and other things.

So we're hoping for an extension because we can't control when the northeast connector gets constructed and we stand for any questions and we agree to conditions.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: Actually, I would direct my question to the County Manager. The Saleh project being dependent on what's happening to the connectors, what is the status of those if you have that information?

MS. MILLER: Madam Chair, Commissioner Moreno, we are in the process right now of procuring the engineering services for the north- and southeast connector. We're going to move forward with the project without the state participation, because that was proving to be a little bit of a stumbling block to getting moving on the project. So I believe, as a matter of fact, that we issued the RFP for those design services. If it hasn't gone out this week it's definitely slated to be out in the next couple of weeks. Once we procure the design services then they have to get to at least 30 percent design for us to get the exact alignment and the rights-of-way and then finish design and go out for construction.

COMMISSIONER MORENO: Thank you. And thank you for being patient.

CHAIR HANSEN: Is there anybody from the public who wishes to speak, either for or against this project? Okay, seeing none, I am closing the public hearing. I see here that one of your requests is - one of the staff recommendations is that you shall grant an 120-foot road easement along the northern portion for the property of the northeast connector. So I'm trusting that staff believes that's enough of an easement for the northeast connector?

MR. LARRAÑAGA: Madam Chair, that was reviewed by our Public Works Department and that's what they requested.

CHAIR HANSEN: Okay. So do I have a motion? Commissioner Hamilton.

COMMISSIONER HAMILTON: So the only other things that were different were the two conditions that were taken out and replaced with two others.

MS. GUERRERORTIZ: Yes. Primarily, the water situation has changed because we had a water line on our property boundary that they tell us we can no longer connect to. And prior, the old code allowed us different options for providing sewer services. We could have had our own treatment plant on the property or gone to the City

SEC CLERK RECORDED 88/14/2018

or County. And I guess now the code says we have to join the County. There is no County line in our area so it's problematic, but there are other developments that are caught in the same Catch-22. We're hoping that it will get resolved also and I think with the development of the roadway we'll see a lot more movement in this area.

COMMISSIONER HAMILTON: Okay.

COMMISSIONER MORENO: Madam Chair.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: I would move approval of this project, with the conditions.

COMMISSIONER HAMILTON: I'll second.

CHAIR HANSEN: Discussion? Any other discussion?

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

CHAIR HANSEN: Thank you very much, Orallynn, for being here. I want to send my best wishes to you and your husband and I wish you the best.

~~IX. A. 2. BCC Case # SLAP 18-5120 Appeal of Glorieta 2.0 Variances. Mike Adney and Jeff Hanus, Appellants, are Appealing the Planning Commission's Decision Regarding Variances of the Following Sections of Ordinance No. 2016-9 the Sustainable Land Development Code (SLDC): Table 7-13: Rural Road Classification And Design Standards (SDA-2 And SDA-3) Regarding Width and Grade of Roads; Section 7.17.9.2.3 (No Structure May Be Constructed on a Natural Slope of 30% or Greater); Section 7.17.10.4.1 (Roads And Driveways Shall Not be Designed or Constructed on Slopes Over 25%); Section 7.17.10.3.1 (Disturbed Area on any Lot Shall Not Exceed 12,000 Square Feet); Section 7.17.9.2.7 (No Significant Tree May be Removed from Slopes Greater Than 30%); Table 8-17, Dimensional Standards Public/Institutional (PI) Regarding the Flyline Zip Line Structure Exceeding the Maximum Allowable Height of 48 Ft.; and Section 7.17.9.3.1 (Height for Structures on Slopes of 15% or Greater). The 2,227.44 ± Acre Site is Zoned as Public Institutional (650 ± Acres)/Rural (1,500 ± Acres)/Rural Fringe (78 ± Acres) and is Located at 11 State Road 50, Within T16N, R11E, Section 22, SDA-2 (Commission District 4) [Exhibit 6: Applicant's List of Variance Requests; Exhibit 7: Letters of Support for Project; Exhibit 8: Index for Applicant's Material; Exhibit 9: Applicant's Response to Appeal]~~

MR. JARRAÑAGA: Thank you, Madam Chair. What Vicki's passing out right now is an index that may help you maneuver through the exhibits a little better, and some letters that were sent to us in support after the packet material was done. The 2,227.44 ± acre Glorieta site has historically been known as the Glorieta Baptist

SFC CLERK RECORDED 8/14/2018



