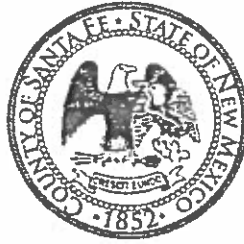


Henry P. Roybal
Commissioner, District 1

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/V 15-5210
Master Plan/Variance
Patrick and Kelly Torres, Applicants

ORDER

THIS MATTER came before the Board of County Commissioners (BCC) of the County of Santa Fe for hearing on November 10, 2015, on the Application of Patrick and Kelly Torres (Applicants) for a Master Plan Zoning approval in accordance with the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code), as amended by the Santa Fe County Ordinance 2006-11, the Los Cerrillos Traditional Zoning District, to allow a 1,211 square foot restaurant within a 3,257 square foot structure with the remaining 2,046 square feet to remain as residential use on a 0.656± acres. The Applicants also requested a variance of Ordinance No. 2003-6, Rainwater Catchment Systems, so the Applicants will not have to construct a rain water harvesting system. The BCC, 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 Applicants requested Master Plan Zoning to allow a 1,211 square foot restaurant on a 0.656± acre site and a variance of the Rainwater Catchment Systems Ordinance in order to not have to comply with the water harvesting requirements.

2. The Property is located at 28 Main Street in the Los Cerrillos Traditional Community, within Section 17, Township 14 North, Range 8 East (Property).

3. Applicants acquired the Property by warranty deed, recorded on May 29, 2015, as Instrument #1737844 in the records of the Santa Fe County Clerk.

4. The Applicants requested Master Plan Zoning approval to allow a 1,211 square foot restaurant within a 3,257 square foot structure with the remaining 2,046 square feet to remain as a two-bedroom house.

5. The Property is located within the Los Cerrillos Commercial District of the Los Cerrillos Traditional Community Zoning District. The structure was built around 1890. It has had multiple commercial uses on the property including a saloon and bar. The Applicants are requesting to resume a commercial use which has been utilized on and off over the last 100+ years.

6. The Property was zoned residential after losing its legal non-conforming status but is located within a commercial district per Ordinance No. 2006-11.

7. Restaurants are a permitted use within the commercial district per Ordinance No. 2006-11, which refers to Article III, Section 4.3.2 of the Code.

8. The Applicants complied with the notice requirements of Article II, Section 2.4.2 of the Code. In advance of a hearing on the Application, the Applicants 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 September 24, 2015. Additionally, notice of the hearing was published in the legal notice section of the Santa Fe New Mexican on September 24, 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.

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

a. 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.

b. Ordinance No. 2003-6, amends Article III, Section 2.4.1 of the Code, 2.4.1a states, "[t]he following submittals and review shall apply to an application for a development permit involving the construction, alteration or repair of one to four dwellings or the construction, alteration of an accessory structure...." The Ordinance goes on to state in Section 2.4.1a (1a)(vii)(b), that, "[h]omes smaller than 2,500 sq.ft. of heated area shall install rain barrels, cisterns or other water catchment basins to capture drainage from noted areas.

c. Article II, Section 3, Variances, of the Code states:

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the [BCC] and the [BCC] may vary, modify or waive the requirements of the Code upon adequate proof that compliance with a Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety.

d. Article II, Section 3.1 concludes that, "[i]n no event shall a variance...be recommended by [the] Development Review Committee nor granted by the [BCC] if by doing so the purpose of the Code would be nullified."

e. Article II, Section 3.2 states, "[i]n no case shall any variation or modification be more than a minimum easing of the requirements."

10. In accordance with the Code, on October 15, 2015, the County Development Review Committee (CDRC) held a public hearing on the Application and recommended approval of the Application and requested variance.

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

- A. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
- B. Master Plan, Preliminary and Final Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
- C. The Applicant shall install a 36" door for ingress and egress in the kitchen.
- D. The existing septic system shall be modified to sufficiently handle the extra flow from the proposed restaurant with the installation of a grease interceptor. An updated septic permit from NMED must be submitted prior to development permit issuance.
- E. The Applicant must obtain a development permit prior to remodeling the structure.

12. In support of the Application, the Applicants stated that they are in agreement with the conditions and the Agent, Eric Harris, made a presentation in support of the Application.

13. At the public hearing, Bonnie Gibons, Annie Whitney, Steve Gibons, Ross Lockridge and Stan Bies all spoke in favor of the Application and no one from the public spoke in opposition to the Application.

14. All requirements have been met for Master Plan Zoning as identified by the following facts: No objection to the Application was identified by 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 and the Santa Fe County Fire Prevention Division. The Property is not located within a FEMA designated 100 year flood zone. Floodplain and terrain management were adequately addressed by the Application. The water budget for the project is estimated as .83 acre feet per year. The Applicant

has received a ready, willing and able letter to connect to the El Vadito de los Cerrillos Water Association located along 1st Street. The Property will also utilize an on-site, split-flow liquid waste system with an attached grease interceptor. The Application is comprehensive in establishing the scope of the project.

15. The Master Plan conforms to the eligible uses associated with "Criteria for Approval" of Article V, § 5.2.4. and the Master Plan satisfies the relevant submittal requirements under the Code.

16. Regarding the variance the Applicants stated that compliance with the Rainwater Catchment requirements would exact a hardship because the building is located on the property with zero lot line room to place a cistern. The only place a cistern could collect rainwater from the roof is if it is built in the County right-of-way.

17. Granting this variance will not result in conditions injurious to health or safety, it will not nullify the purpose of the Code, and it is a minimal easing of the Code.

WHEREFORE, the BCC hereby approves the request for Master Plan Zoning in accordance with the Santa Fe County Land Development Code, Ordinance No. 1996-10, as amended by the Santa Fe County Ordinance 2006-11, the Los Cerrillos Traditional Zoning District, to allow a 1,211 square foot restaurant within a 3,257 square foot structure with the remaining 2,046 square feet to remain as residential use on a 0.656± acres. The BCC also approves the request for a variance of Ordinance No. 2003-6, Rainwater Catchment Systems, so the Applicants will not have to construct a rain water harvesting system. The motion to approve the Application passed by a unanimous 5-0 vote, with Commissioners Anaya, Holian, Stefanics, Roybal and Chavez voting in favor of the motion.

IT IS SO ORDERED.

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

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Miguel M. Chavez, Chair

Attest:

Geraldine Salazar, County Clerk

Approved as to form:



Gregory S. Shaffer, County Attorney

Is there a second? I'll second.

COMMISSIONER STEFANICS: I have a question.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, and this is for staff. Reducing it to 70 feet, is there our normal, allowable size?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, that's the maximum allowable square footage for a sign in a commercial area.

COMMISSIONER STEFANICS: So what we're doing, by passing this, we are asking the applicant to take it to the allowable size. Thank you very much.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Is there any other questions or comments? There's a motion, Commissioner Chavez. I made the second. With staff conditions.

The motion passed by majority [4-1] voice vote with Commissioner Holian casting the vote in opposition.

COMMISSIONER STEFANICS: So, Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to ask a question. Did we really approve a variance if we just maintaining that they have to take it to the allowable size?

CHAIR ANAYA: Commissioner Stefanics, as I understood it, the motion that passed is a motion to take it to the size in a commercial lot. Is that right?

MS. LUCERO: Mr. Chair, that's correct. This particular sign is not within a commercial area. It's off-site advertising, which is not allowed, so the condition would just be maintaining what the maximum size is in other districts.

COMMISSIONER STEFANICS: So the variance, Mr. Chair and Vicki, is allowing the sign in a non-commercial area.

MS. LUCERO: Mr. Chair, Commissioner Stefanics, that's correct.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR ANAYA: Thank you very much, Commissioners.

- VIII. B. 3. CDRC CASE #Z/V 15-5210 28 Main Street Master Plan/Variance. Patrick and Kelly Torres, Applicants, Request Master Plan Zoning Approval to Allow a 1,211 Square Foot Restaurant within a 3,257 Square Foot Structure with the Remaining 2,046 Square Feet to Remain as Residential Use on a 0.656-Acre Tract. This Request also Includes a Variance of Ordinance No. 2003-6 (Rainwater Catchment Systems), so the Applicants will not Have to Construct a Rain Water Harvesting System. The Property is Located at 28 Main Street within The Los Cerrillos Traditional Community, within Section 17, Township 14 North, Range 8 East, (Commission District 3). John M. Salazar, Case Planner.

MR. SALAZAR: Mr. Chair, Commissioners, Patrick and Kelly Torres,

applicants, request master plan zoning approval to allow a 1,211 square foot restaurant within a 3,257 square foot structure with the remaining 2,046 square feet to remain as residential use on a 0.656-acre tract. This request also includes a variance of Ordinance No. 2003-6 (Rainwater Catchment Systems), so the applicants will not have to construct a rainwater harvesting system. The property is located at 28 Main Street within the Los Cerrillos Traditional Community, within Section 17, Township 14 North, Range 8 East, Commission District 3.

As stated, Mr. Chair, the applicants are requesting zoning approval to allow a 1,211 square foot restaurant. The remaining 2,046 square feet of the 3,257 square foot structure will remain as a two-bedroom house. The applicants are additionally requesting a variance of the rainwater harvesting Ordinance requiring rainwater catchment systems for all commercial and residential developments so the applicants will not have to construct a rainwater catchment system.

The subject property falls within the Los Cerrillos Commercial District of the Los Cerrillos Traditional Community Zoning District. Restaurants are a permitted use within this commercial district as Ordinance No. 2006-11 refers to Article III, § 4.3.2 of the Code as to which kind of uses are allowed in a local or small scale district. The structure was built around 1890. It's had multiple commercial uses on the property including a saloon and bar. The applicants are not proposing any new construction as the saloon area or of the existing residence. They are simply requesting to resume a commercial use which has been utilized off and on over the last 100+ years.

Staff recommendation: Staff requests the BCC make two separate motions – one regarding the variance and one regarding master plan zoning. The CDRC recommended approval for a variance of Ordinance No. 2008-4, Rainwater Harvesting. The CDRC and staff recommended approval for master plan zoning subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIR ANAYA: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
2. Master Plan, Preliminary and Final Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. The Applicant shall install a 36" door for ingress and egress in the kitchen
4. The existing septic system shall be modified to sufficiently handle the extra flow from the proposed restaurant with the installation of a grease interceptor. An updated septic permit from NMED must be submitted prior to development permit issuance.
5. The Applicant must obtain a development permit prior to remodeling the structure.

MR. SALAZAR: And the applicants' argument, Mr. Chair, for the rainwater harvesting ordinance is that the way the building is sited on the property has zero lot line. There wouldn't be a way to get the water collected from the roof into a cistern without having to go into the County right-of-way along the side of that particular

building. I'll stand for questions, Mr. Chair.

CHAIR ANAYA: Are there any questions? Seeing none, is the applicant here? Would the applicant like to come forward and make any comments?

[Duly sworn, Eric Harris testified as follows:]

ERIC HARRIS: Eric Harris, 2920 Pueblo Tsankawi, Santa Fe, New Mexico. Mr. Chair and members of the Board, Patrick and Kelly Torres purchased this really amazing piece of property with the lofty goal of restoring it to one of its original historic uses, that of being a restaurant. However, the commercial status of the property had, because of inactivity, reverted back to commercial making this a much more daunting prospect than originally thought.

Despite this, the Village of Cerrillos, which as evidenced here this evening, both the people in attendance and with numerous letters of support, really starving for a gathering place and the village has really rallied and unified their support behind Patrick and Kelly in their dream of opening a small restaurant in the village.

They, along with their neighbors and every tourist who will visit the Village o Cerrillos in the future would implore you all to make it possible to realize their dream and do their part to help revive a truly charming village and Main Street. I'll stand for questions. Thank you.

CHAIR ANAYA: So just to clarify, you're speaking -- I know you're supporting the project but are you speaking --

MR. HARRIS: I'm speaking as an agent for Kelly and Patrick.

CHAIR ANAYA: Excellent. That's what I wanted clarification on. Great. Thank you. Are there any questions or comments of the applicant, the agent in this case.

COMMISSIONER CHAVEZ: Well, I just -- sir, are you familiar with the staff recommendations and the conditions that have been placed on this request.

MR. HARRIS: Yes, Commissioner.

COMMISSIONER CHAVEZ: And you all agreed to that?

MR. HARRIS: Yes, we do.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Any other questions or comments? This is a public hearing so I'm going to go ahead and open that public hearing right now. Is there anyone here that would like to speak in favor or against this project? Please come forward and be sworn.

[Duly sworn, Bonnie Gibbons testified as follows:]

BONNIE GIBBONS: My name is Bonnie Gibbons. I live at 20 Yerba Buena in Cerrillos and we are hoping -- we are so desperately hoping that you will approve this. This is going to be an anchor in our community that is so desperately needed. These are great people and they deserve a chance. So we're hoping that you will please approve this for us. Thank you.

CHAIR ANAYA: Thank you.

[Duly sworn, Annie Whitney testified as follows:]

ANNIE WHITNEY: I'm Annie Whitney, also from Cerrillos, and I've lived there over 40 years and we have not had a great restaurant and gathering place for so very long and it really brings a community together and we are very excited that this could be an excellent possibility and these guys are great. So we certainly appreciate your

time for giving them consideration. Thank you.

CHAIR ANAYA: Thank you, ma'am.

[Duly sworn, Steve Gibons testified as follows:]

STEVE GIBONS: My name is Steve Gibons. I live at 20 Yerba Buena in Cerrillos as well. I would like to just tell the Commissioners that I hope that you'll also vote in favor of this particular project. It's already created a very unique buzz in the little village that we live in. People are excited about the fact that the opportunity is there for this to happen. I think it will also bring employment to the place of which I'm hoping maybe one day I might be one of the employees, but that's just wishful thinking. But the point is that it is an exciting opportunity for the little village of ours to stimulate more feelings for the place and more pride of which we have, and I also think it will bring out the historical value of what Cerrillos used to be by what these folks plan to do. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Mr. Lockridge testified as follows:]

MR. LOCKRIDGE: Ross Lockridge, Village of Cerrillos. This is truly a great thing for our village and I'd like to echo everyone who has spoken for this. Thank you very much.

CHAIR ANAYA: Thank you, Ross.

[Previously sworn, Mr. Fulker testified as follows:]

MR. FULKER: I'm Tom Fulker from Cerrillos. I was up earlier. I'm just for it. They're great, great people. Good luck.

CHAIR ANAYA: Thank you, sir.

[Duly sworn, Stan Bies testified as follows:]

STAN BIES: My name is Stan Bies. I'm at 8 Don Jose Loop, about five miles from Cerrillos, so I don't live in Cerrillos. We moved here from another state a couple years ago and I want to thank the people in Cerrillos because it's just amazing how they're supporting this. You guys got to just give – this is the kind of business – I know Eric as a builder and I know Pat and Kelly also. This is the kind of business New Mexico needs to support and needs to have this sort of community spirit. It just isn't around the country, but it is here. Thank you.

CHAIR ANAYA: Thank you, sir. Are there any other comments? Are there any other comments? Seeing none the public hearing is closed. I'm going to make some comments; I'm going to make a motion and I'm going to seek a second from my colleague that's a neighbor in this area that borders this District 3. I'm appreciative of the people that come forward that are trying to work to re-engage a community and small business and so I congratulate you on your efforts, hope that you can get it through, based on the community support that you have and your efforts to create this business. So I'm going to move for approval and look to a second from my colleague to my right.

COMMISSIONER CHAVEZ: I would second that, Mr. Chair, and just note that we have – that staff is asking that we make two separate motions.

COMMISSIONER STEFANICS: I'll be a second second.

CHAIR ANAYA: If we could, Commissioner Chavez, if Commissioner Stefanics could do the second on the first item, if that's okay.

COMMISSIONER CHAVEZ: That's fine. Sure.

CHAIR ANAYA: So a motion, second from Commissioner Stefanics, second from Commissioner Chavez as well.

COMMISSIONER CHAVEZ: You have a double second.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to make a comment that I'm really looking forward to a good restaurant in Cerrillos and apparently, so is just about everybody else who lives in the area, judging from all the comments that we got in our packet. I think we're unanimous on this one. Thank you.

CHAIR ANAYA: Thank you, Commissioner. Any other questions or comments? There's a motion, there's two seconds.

The motion to approve the master plan passed by unanimous [5-0] voice vote.

CHAIR ANAYA: Do we need another motion?

MR. SALAZAR: The motion for the variance for rainwater harvesting and that one was the motion for the master plan, correct?

CHAIR ANAYA: That motion will cover the master plan. So I'd make a motion to approve the variance on the harvesting for the space limitations noted.

COMMISSIONER STEFANICS: I'll second that.

CHAIR ANAYA: There's a second. Motion from myself, second from Commissioner Stefanics.

COMMISSIONER CHAVEZ: And Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Just for clarification, that does include the following conditions 1 through 5.

CHAIR ANAYA: The motion as made would include staff conditions.

COMMISSIONER CHAVEZ: Okay.

CHAIR ANAYA: Is there any further discussion? Seeing none.

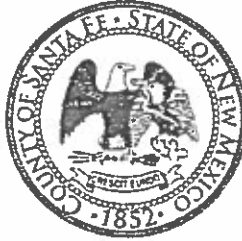
The motion passed by unanimous [5-0] voice vote.

- VIII. B. 5. **CDRC CASE # ZA 15-5041 La Entrada Master Plan, Preliminary Plat, Final Plat and Development Plan Amendment.** Univest-Rancho Viejo, Applicant, James W. Siebert, Agent, Request an Amendment of the Master Plan, Preliminary Plat, Final Plat, and Development Plan for La Entrada Phase 1 to Sub-Phase the Previously Approved La Entrada Phase I Residential Subdivision into Four (4) Sub-Phases. Sub-Phase 1 will Consist of the 500 Series Lots (58 Lots), Sub-Phase 2 will Consist of the 600 Series Lots (24 Lots), Sub-Phase 3 will Consist of the 700 Series Lots (35 Lots), and Sub-Phase 4 will Consist of the 800 Series (49 Lots) for a Total of 166 Lots. The Property is Located North of Rancho Viejo Blvd and West of Avenida del Sur, within the Community

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. V 15-5220
Home Occupation Variance
Michael and Heidi Seizys, Applicants
James Seibert, Agent

ORDER

THIS MATTER came before the Board of County Commissioners (BCC) of the County of Santa Fe for hearing on December 8, 2015, on the Application of Michael and Heidi Seizys (Applicants) for a variance of Article III, § 3.2 (Home Occupation Performance Standards), of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code) to allow a dog rescue which exceeds 50% of the floor area of the dwelling on 6.52-acres. The BCC, 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 Applicants requested a variance of Article III, § 3.2 (Home Occupation Performance Standards), of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code) to allow a dog rescue which exceeds 50% of the floor area of the dwelling on 6.52-acres
2. The Property is located at 94 Turquoise Trail Court, within Section 24, Township 15 North, Range 8 East, (Commission District 5).
3. The Applicants acquired the real property by warranty deed recorded on the 5th day of April, 2011 as instrument #1631482, in the records of the Santa Fe County Clerk.

4. On December 9, 2014, the Applicants applied for a Home Occupation business registration through the Growth Management Department. The Home Occupation application was a requirement made by the County Sheriff's Office Animal Control Services Division. The Applicant initially went into Animal Control Services to obtain licenses for all of the dogs. Due to the number of animals the Applicant wanted to register, Animal Control staff informed her that Santa Fe County Ordinance No. 1991-6 (Exhibit 9) does not allow a property owner to have more than ten dogs. The Applicant informed Animal Control Services that she was running a dog rescue facility. Rescue facilities under Ordinance No. 1991-6 and the Land Development Code are considered kennels that must meet certain minimum standards as outlined in Ordinance No. 1991-6, Article 10-1.

5. The property contains a single family residence.

6. The Property is located within a residential area.

7. Noticing 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 the public notice posting regarding the Application was made for twenty-one (21) days on the property, beginning on September 24, 2015. Additionally notice of hearing was published in the legal notice section of the Santa Fe New Mexican on September 24, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailings of notices of the hearing were also contained in the record for all adjacent property owners.

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

- a) Article III, § 3.2.2, Home Occupation Performance Standards, of the Code states: "[t]he use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling unit including accessory buildings shall be used in the conduct of the home occupation."

- b) Article II, § 3, Variances, of the Code states:
“Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.”
- c) Article II, § 3.1 concludes that “[i]n no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.”
- d) Article II, §3.2 states, “[i]n no case shall any variation or modification be more than a minimum easing of the requirements.”

9. The Applicant’s Agent stated that the Applicant prefers a variance to the home occupation standards so that the proposed use would not run with the property but rather would end should the Applicant ever move.

10. The Applicant has asserted that a variance is needed in order to allow more than 50 percent use of the building in order for the dogs to use the majority of the residence.

11. At the public hearing before the BCC on December 8, 2015, staff recommended denial of the Application, and suggested the following conditions if approval were granted:

- a) The Applicants shall be restricted to a kennel that only allows 20 dogs housed at any time in accordance with the Santa Fe County Animal Control Ordinance 1991-6, § 10.1, Appendix A (C)(2).
- b) The home occupation area shall not exceed the 15,100 square feet as proposed in the Application for the business.
- c) The Applicants shall comply with any standards and/or requirements for ownership and maintenance of a kennel in accordance with the Animal Control Ordinance 1991-6, Section 10.1 (A-F).
- d) Per the Fire Marshal’s memo the Applicants shall have annual inspections conducted by the Fire Prevention Division.
- e) The Applicants shall obtain a Santa Fe County Business License.

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

13. At the public hearing no one from the public chose to speak in favor or opposition to the application.

14. The Applicant stated that compliance with the Code would exact a hardship because she would like to utilize an enclosed yard on her property for the dogs along with the proposed square footage within the residence.

15. Granting this variance request will not result in conditions injurious to health or safety, it will not nullify the purpose of the Code, and it is a minimal easing of the Code.

WHEREFORE the Board of County Commissioners of Santa Fe County hereby approves the variance of Ordinance No. 1996-10, Article III, § 3.2 to allow a dog rescue which exceeds 50 percent of the floor area of the dwelling on 6.52-acres subject to the staff conditions set forth in paragraph 11. The motion to approve the variance passed by a unanimous 3-0 vote, with Commissioners Anaya, Chavez and Roybal voting in favor of the motion. Commissioners Holian and Stefanics were not present for this action.

IT IS SO ORDERED.

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

BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: _____

Miguel Chavez, Chair

Attest:

Geraldine Salazar, County Clerk

Approved as to form:



A handwritten signature in cursive script, appearing to read "Gregory S. Shaffer", is written over a horizontal line.

Gregory S. Shaffer, County Attorney

Mr. Richard Cook, owner of the 40 acre tract on which PNM was approved for the Master Plan Zoning, Preliminary and Final Development Plan, is in agreement to vacate the BCC approval, as per the First Judicial District Court Order.

PNM submitted a letter which states: PNM respectfully submits a request, due to the remand of October 19, 2015, from the State of New Mexico County of Santa Fe First Judicial District Court, that the Board of County Commission vacate PNM's approved Application of May 27, 2015, approving the Application, including any possible effects on zoning, in CDRC case # Z/PDP/DP 14-5370, PNM Caja del Rio Solar Energy Center.

CHAIR ANAYA: Mr. Larrañaga, on that note, move to staff recommendations. We have the packets in front of us with the balance of the summary in front of us, move to staff recommendation.

MR. LARRAÑAGA: Staff recommendation, the Board of County Commissioners vacate the Master Plan Zoning, Preliminary and Final Development Plan, to allow a 5 megawatt electric Solar Facility on a 40 acre site, pursuant to the Order from the First Judicial District Court, Case D-101-CV-2015-01488, Public Service Company of New Mexico.

CHAIR ANAYA: Is there any members here to speak in regards to this particular application? The applicant or others?

MR. LARRAÑAGA: Mr. Chair, the agent for PNM emailed me earlier and said that she couldn't make it tonight.

CHAIR ANAYA: Okay. Is there anybody here tonight to speak in favor or against this application?

Seeing none, what is the pleasure of the Board?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I make a formal motion to vacate the Master Plan Zoning, Preliminary and Final Development Plan, to allow a 5 megawatt electric Solar Facility on a 40 acre site, pursuant to the Order from the First Judicial District Court, Case D-101-CV-2015-01488, Public Service Company of New Mexico.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Motion by Commissioner Chavez and second by Commissioner Roybal. Any further discussion? Mr. Shaffer, is everything in order with the motion? Are we good?

Motion and second.

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

2. CDRC CASE # V 15-5220 Heidi Seizys Home Occupation Variance, Michael and Heidi Seizys, Applicant, James Siebert, Agent, Request a Variance of Article III § 3.2 (Home Occupation Performance Standards) to Allow a Dog Rescue Facility which Exceeds 50 percent of the Floor Area of the Existing Dwelling on 6.52-Acres. The Property is Located at 94 Turquoise Trail Court, within Section 24, Township 15 North,

Range 8 East, (Commission District 5). John M. Salazar, Case Planner.

JOHN SALAZAR: Thank you, Mr. Chair. John Salazar, Development Review Specialist Senior. Michael and Heidi Seizys, Applicant, James Siebert, Agent, requests a variance of Article III, § 3.2 of the Santa Fe County Land Development Code, Ordinance No. 1996-10 to allow a dog rescue which exceeds 50 percent of the floor area of the dwelling on 6.52 acres. The property is located at 94 Turquoise Trail Court, within Section 24, Township 15 North, Range 8 East, Commission District 5.

On October 15, 2015, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend denial through a unanimous 5-0 vote.

This Property is located within a residential area. This initially came in through the County Sheriff's Office Animal Control Services Division. As the applicant went to go register the animals and due to the number of animals they told her that this would be determined a kennel. The applicant came in for a home occupation business registration. Staff denied it as it did not meet the home occupation criteria. The Applicant chose not to appeal this but rather ask for a variance to the Home Occupation criteria as it does not meet the 50 percent square footage.

Staff recommendation: The CDRC and Staff recommend denial of a variance of Article III, § 3.2. Staff has determined that the proper mechanism for this request would be through master plan zoning, preliminary and final development plan as a community service facility. If the decision of the BCC is to recommend approval of the Applicant's request, staff recommends the following conditions. Mr. Chair, may I enter those into the record?

CHAIR ANAYA: You may.

Conditions:

1. The Applicants shall be restricted to a kennel that only allows 20 dogs housed at any time in accordance with the Santa Fe County Animal Control Ordinance 1991-6, § 10.1, Appendix A (C)(2).
2. The home occupation area shall not exceed the 15,100 square feet as proposed in the Application for the business.
3. The Applicants shall comply with any standards and/or requirements for ownership and maintenance of a kennel in accordance with the Animal Control Ordinance 1991-6, Section 10.1 (A-F).
4. Per the Fire Marshal's memo the Applicants shall have annual inspections conducted by the Fire Prevention Division.
5. The Applicants shall obtain a Santa Fe County Business License.

Mr. Chair: Any questions of staff? Are the applicants present? Mr. Siebert.

JIM SIEBERT: Mr. Chair, Commissioners, my name is Jim Siebert. My address is 915 Mercer, I was previously sworn, I assume that's good enough.

Mr. Chairman, Ms. Seizys lives in the San Marcos area off State Road 14. The lot she lives on is 6.5 acres. What's being requested tonight is a variance on a home

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occupation to allow more than 50 percent use of the building in this particular case it's the dogs, basically, who use the majority of the building.

The one thing I would like to point out is that staff has suggested that the more appropriate approach would be to go for a master plan, the zoning that would make this permanent. This is really Ms. Seizys' passion. If something would ever happen that she would ever decide to move from this location the dogs would go along with here and there would be no more this type of kennel type of facility or facility for taking care of dogs at this location.

What Ms. Seizys does is she gets dogs that other people have found difficult to find homes for. And these are dogs that would be euthanized if she didn't pick them up. She spends the time actually looking for homes, working with people to find adequate homes for these dogs. They are well cared for. They are all licensed. They all have their vaccinations. And I think one of the issues that came up is and Ms. Seizys will talk to you about this, right now she is a nurse and she has to work nights. She's been working diligently to see if she can no longer work at the night shift and be available at night when the dogs really need more attention. So with that I'm going to ask Ms. Seizys to do a short presentation.

[Duly sworn, Heidi Seizys testified as follows]

HEIDI SEIZYS: I'm Heidi Seizys, 94 Turquoise Trail Court, Santa Fe off of Highway 14. I have an evolving 501-3c non-for-profit dog rescue that is foster based. I work with three or four to multiple other rescue groups in the area to adopt out dogs in any of the high-kill shelters. Just in northern New Mexico they put to sleep 20 dogs a week, at least, and all of us pull from high-kill shelters, rehab, medicate and take care of the dogs and adopt them out.

I love dogs and I would like to continue to do this. I was not aware that noise was an issue until the last meeting that I had and I am working really hard to change that to accommodate my neighbors. I have reached out to my neighbors to try to acknowledge the one concern, they're concerns and I am waiting – I work in Los Alamos and I am just waiting for a day slot to open up in the emergency room so I can go to days to be home at night which I feel is when the noise might be an issue or more so.

And I would love to continue doing what I do to help dogs and to help people.

Any questions?

CHAIR ANAYA: Any questions of the applicant?

COMMISSIONER CHAVEZ: I do.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: So, how many dogs would you have – how many dogs are you housing at this location at this time?

MS. SEIZYS: Probably 15, 20. The goal is under that depending on how many – in the last three months I have adopted out 10. Summer is better than winter for adoption events so it just depends on the flow. But under 15 is the goal.

COMMISSIONER CHAVEZ: Okay, because if this were approved the staff is recommending that you restrict – that you have only 20 dogs houses at any time in accordance with the Santa Fe County Animal Control ordinance 1991-6. Do you accept that condition?

MS. SEIZYS: Yes, I accept that.

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 2352 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.]

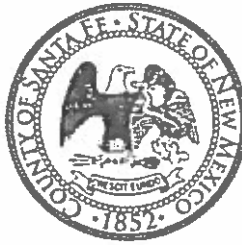
3. CDRC CASE # S 15-5310 Cienda Partners (Las Terrazas Phase III) Preliminary Plat, Final Plat, and Development Plan Amendment. Cienda Partners, Applicant, Scott Hoeft, Agent, Request a Preliminary Plat, Final Plat, and Development Plan Amendment to Sub-Phase the Previously Approved Las Terrazas Phase 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

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

**CASE NO. MIS 13-5201
OSHARA VILLAGE PRELIMINARY AND FINAL PLAT AND DEVELOPMENT PLAN
CENTURY BANK, APPLICANT,
DESIGN ENGINUITY (ORALYNN GUERRERORTIZ), AGENT**

ORDER

THIS MATTER came before the Board of County Commissioners (BCC) of the County of Santa Fe for hearing on August 12, 2014, on the Application of Century Bank, (Applicant) for a Preliminary and Final Plat and Development Plan Approval for a 5-lot residential subdivision located within Tract C of Oshara Village Phase 1, which consists of 10.41 acres. The BCC, 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 and makes the following findings of fact and conclusions of law:

1. On April 30, 2002, the Extraterritorial Zoning Authority (EZA) granted Master Plan approval for a mixed use development formerly known as Oshara Ranch, which consisted of 735 residential units, 1.7 million square feet of commercial space and 246 acres of open space/park/plaza areas on 471 acres, to be developed in 8 phases.

2. On October 28, 2004, the EZA granted a Master Plan Amendment to the previously approved Oshara Ranch in order to change the phasing of the project.

3. On January 11, 2005, the BCC granted Preliminary Development Plan and Plat approval for Phase I.

4. On June 14, 2005, the BCC granted Final Plat and Development Plan approval for Phase I, which consisted of 175 residential lots and 13,600 sq. ft. of commercial space on 74 lots on a total of 37.78 acres.

5. On November 12, 2013, the BCC approved a Master Plan Amendment request to re-zone 36 live/work lots and 17 small commercial lots to 26 residential townhome lots and 21 residential patio home lots and to create 5 residential patio home lots on Tract C, which was reserved for Open Space on the original Master Plan.

6. The Applicant now requests Preliminary and Final Plat and Development Plan approval for the previously master planned five residential lots within Tract C of the Oshara Village Subdivision Master Plan.

7. The County Development Review Committee (CDRC) heard the current Application on May 15, 2014, and recommended approval of the Preliminary and Final Development Plan for the five residential lots located within Tract C of Oshara Village, Phase 1.

8. The 5 lots that will be created are within Tract C, this Tract was created in 2006 and recorded in the records of the Santa Fe County Clerk in book 626, pages 4-17.

9. The property is located in Oshara Village, and can be accessed on the east side of Richard's Avenue, just south of I-25. The property lies within the Community College District, within Section 16, Township 16 North, Range 9 East.

10. At the public hearing before the BCC on August 12, 2014, staff recommended approval of the application. In support of the Application, the Applicant submitted a letter of request, proof of ownership and proof of legal lot of record.

11. At the public hearing, Beth Detwiler spoke in favor of this Application, no one spoke in opposition to the Application.

WHEREFORE, the Board of County Commissioners of Santa Fe County hereby approves the Application for Preliminary and Final Plat and Development Plan to create 5 residential lots within Tract C of Oshara Village Phase 1 consisting of 10.41 acres. The motion to approved passed by a unanimous 5-0 vote.

IT IS SO ORDERED:

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

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

By: _____
Miguel M. Chavez, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

VIII. B. 6. CDRC Case # S 13-5201 Oshara Village Preliminary and Final Development Plan. Century Bank, Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, Request Preliminary and Final Plat and Development Plan Approval for a Five-Lot Residential Subdivision Located within Tract C of Oshara Village Phase 1, Which Consists of 10.41 Acres. The Property is Located on the East Side of Richard's Avenue, South of I-25, within Section 16, Township 16 North, Range 9 East, Commission District 5 [Exhibit 17: Supporting material]

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. On May 15, 2014, the County Development Review Committee recommended approval for a five-lot residential subdivision located within Tract C of the Oshara Village Phase 1, which consists of 10.41 acres. On April 30, 2002, the Extraterritorial Zoning Authority granted Master Plan approval for a mixed-use development known as Oshara Ranch. The development consisted of 735 residential units and 1.7 million square feet of commercial space and 246 acres of open space/park/plaza areas on 471 acres, to be developed in eight phases.

On October 28, 2004, the EZA granted a Master Plan Amendment to the previously approved Oshara Ranch now known as Oshara Village, in order to change the phasing of the project. On January 11, 2005, the Board of County Commissioners granted Preliminary Development Plan and Plat approval for Phase I of the Oshara development.

On June 14, 2005, the BCC granted Final Plat and Development Plan approval for Phase I of the Oshara Village development which consisted of 175 residential lots and 136,000 square feet of commercial space on 74 lots on a total of 37.78 acres in accordance with the previously approved Master Plan.

On November 12, 2013, the Board of County Commissioners approved a Master Plan Amendment request to rezone 36 live/work lots and 17 small commercial lots to 26 residential town home lots and 21 residential patio home lots and to create 5 residential patio home lots on Tract C which was reserve as open space on the original Master Plan.

The Applicants now request Preliminary and Final Plat and Development Plan approval for the creation of five residential lots within Tract C of the Oshara Village Subdivision Phase 1. The lots will range in size from .12 acres to .14 acres. The remainder of Tract C will remain Reserved Open Space. The five lots to be created will be located on the south side of Willowback Road about 400 feet to the east of Richard's Avenue.

Currently Tract C is vacant land platted as reserved open space. It has been reserved to permit future development as long as 50 percent required open space is provided within the development.

Staff recommendation: Staff recommends approval of the Applicant's request for Preliminary and Final Plat and Development Plan to create 5 residential lots located within Tract C of the Oshara Village Phase 1 Subdivision, which consists of 10.41 acres, subject to the following condition:

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1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.

Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Vicente. And are there any staff conditions?

MR. ARCHULETA: Mr. Chair, there's just one and that's The Applicant shall comply with all review agency comments and conditions.

CHAIR MAYFIELD: Thank you. Commissioners, any questions of staff. Thank you. We'll go to the applicant please.

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: My name is Oralynn Guerrerortiz. I own a little firm in town called Design Enginuity, and with me today is Bob Bidal, who is a Century Bank executive and he is also the light monitor. I've asked him to turn off the lights so that the people in the audience could see the screen.

Today we're requesting a five-lot subdivision on the Oshara project. As you recall, Oshara is just south of I-25, west of Richards Avenue and in the Community College District. This last November, November 2013, we were before you with a master plan amendment. We were requesting some live-work and some commercial lots be converted to patio homes and also some other live-work units converted to townhomes. Most of that – once you approved the master plan amendment last November we were able to do most of that work administratively which mostly resulted in lots getting larger, because we had several very skinning lots, but we are still left with creating the last five lots down in the open space down there at the bottom on the left-hand side. This is the existing master plan amendment that we did record.

So what we have before you tonight is a five-lot subdivision. It borders Willowback Road. Willowback Road has a 12" sewer line in it that is served by the Oshara wastewater treatment plant, an advanced system, and it has a 12" County water line. It also has cable, gas and electricity on that road. So we don't have to build any mains; we're not building any roads. We are just doing service connections, sidewalks, street trees, and that's pretty much it. The homes are going to be located more than 50 feet away from the Arroyo Hondo, because the Arroyo Hondo does flow fairly significantly in that area. With the creation of these five homes or five lots we will still have 51.2 percent open space, so we're still over the required 50 percent open space.

And we're agreeing to all conditions and we respectfully request project approval.

CHAIR MAYFIELD: Thank you. Any questions of the applicant? Seeing none, this is a public hearing. Anybody wishing to speak on this case? Please. Sir, if we could turn the lights back on please.

[Duly sworn, Beth Detwiler testified as follows:]

BETH DETWILER: My name is Beth Detwiler. I live at 11 Craftsman Road in Oshara Village in Santa Fe County. I'm the president of the homeowners association board of directors for Oshara Village and we would like to express our support for this plan. It's a part of a larger plan that has already received your approval and as Oralynn described, it maintains our 50 percent commitment to 50 percent open area and creates five new lots but the result of the entire master plan amendment is to decrease lots in Oshara Village and at the same time create more lots that are saleable and the decrease in total lots will help to improve

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traffic problems in the future through our village as it reduces residential lots and commercial lots also. So for many reasons I think it will lift our village up in terms of our development and progress in the future, and I hope you'll give your approval to this plan. Thank you all for your consideration.

CHAIR MAYFIELD: Thank you, Ms. Detwiler. Is there anybody else from the public wishing to comment? Seeing none, this portion of our public comment period is closed. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I move for approval.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: We have a motion and a second. I have a quick question of the applicant. Ms. Guerrerortiz or staff, I know in the past there's been some questions and I've probably asked this before but I'll ask again, with the wastewater system out there. So is everything fixed, fine? Are there any issues out there?

MS. GUERRERORTIZ: That wastewater system is an advanced sequential batch reactor. It operates well and always has. The only problem that they had was there were too few people living in Oshara and it costs a lot of money to operate a wastewater system in that little – that cost was spread over too few people. As more people move into the community it's really helping. So the bottom line is it's in good shape and it continues to be.

CHAIR MAYFIELD: Okay. It's still owned by the – who owns the wastewater? Who's in charge and responsible for that system?

MS. GUERRERORTIZ: It's actually owned by a separate Oshara Village utility company. I think at some point maybe the HOA would like to own it but currently it's not owned by the HOA. It's owned by a separate utility company, who's not running it for profit, and I'm sure they'd love to turn it over to anybody who would take it.

CHAIR MAYFIELD: And on that point, Mr. Shaffer, if, say, something happened to that utility company, what would the County's responsibility be in making sure that that was being maintained for the community? Or would the County have any responsibility in that? And I know – the reason I bring this up because I know we had some bond questions or requirements put up in the past. I don't know if it's addressed in our new Sustainable Land Development Code. And that's just what I want to know, if something would happen to that utility.

MR. SHAFFER: Mr. Chair, as I understand it it's a privately owned and maintained utility, so I can't right away think of any legal responsibility that the County would have to step in to maintain or continue the operations of that utility should there be a problem.

CHAIR MAYFIELD: Thank you. And again, thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: On that point, in our packet – and Oralynn you can correct anything that needs to be corrected, but Oshara Village is served by a state of the art facility that treats wastewater on the basis of an activated sludge technology set in a patented sequencing batch reactor mode. It currently operates within the parameters for which it was designed and installed. The plant is operated by a part-time New Mexico certified level three wastewater operator. The current plant's processing capacity is 30,000 gallons of wastewater per day and it is currently treating about 5,000 gallons per day. Reclaimed

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wastewater is used for subsurface irrigation of lots and common open space in Oshara Village.

Is all that accurate?

MS. GUERRERORTIZ: Yes, that is.

COMMISSIONER CHAVEZ: And current?

MS. GUERRERORTIZ: Yes, it is.

COMMISSIONER CHAVEZ: Okay. And then another question – I think it's just for my clarification and maybe just freshen my memory, but we removed the commercial component from this phase and also removed live-work lots. I can see the commercial but the live-work – was there no demand in the market for the live-work?

MS. GUERRERORTIZ: Very little demand for live-work, and many of our live-work lots that were owned by Century Bank were also affordable lots and there was very little demand for affordable live-work units.

COMMISSIONER CHAVEZ: And I'm kind of surprised by that because for the artists and craftsman types, for the CPAs, for the low-impact businesses that would fit into a residential setting, I find it a little unfortunate that we don't have any takers for this because I would think that the need is there, but maybe people just can't access the lending institutions. Maybe they don't have access to the capital or the down payment assistance that they might need. And so I think it's unfortunate that we took that component out but maybe it will fit somewhere else, because I do think the need is there.

MS. GUERRERORTIZ: If we find that there's a need, I'm sure it will be developed. But I believe that home occupations are still permitted, and those would be allowed in this community.

COMMISSIONER CHAVEZ: That's another definition of live-work, but this is trying to do it at the front end and be part of the design of that subdivision.

MS. GUERRERORTIZ: Well, there are still live-work units in Oshara. And I'm going to guess – I think there's eight total. I could be wrong. But it's some number. But originally, there were another 36 live-work units and that was – we found that that was more than the market could handle in this area.

COMMISSIONER CHAVEZ: Okay. The memo does say that there would be the conversion of 36 live-work lots and 17 small commercial lots that would be converted into residential lots.

MS. GUERRERORTIZ: Yes. They're patio home lots. And that's where the demand is in this area currently.

COMMISSIONER CHAVEZ: Okay. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. Really quick for staff. There is a motion on the floor, but that is also what our agency review, our fire conditions. There were conditions by Open Space, Public Works and our Hydrologist.

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

CHAIR MAYFIELD: And that's in the motion, Commissioners? Thank you. Okay, thank you. Seeing no other questions.

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

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