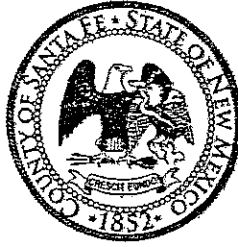


**Henry P. Roybal**  
*Commissioner, District 1*

**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*

**CASE NO. S 17-5260**  
**ESTANCIAS UNIT III PRELIMINARY AND FINAL PLAT AND DEVELOPMENT**  
**PLAN TIME EXTENSION**  
**LAS CAMPANAS HOLDINGS, LLC., APPLICANT**  
**SANTA FE PLANNING GROUP (SCOTT HOEFT), AGENT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on November 14, 2015, on the Application for Las Campanas Holdings, LLC., (Applicant) for a 36-month time extension of the previously approved Preliminary Plat, Final Plat and Development Plan for the two phases of the Estancias III subdivision as per Chapter 5, Section 5.8.7 (Expiration of Final Plat) of the Sustainable Land Development Code (SLDC). The Board 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 36-month time extension of the previously approved Final Plat and Development Plan for the two phases of the previously approved Estancias III residential subdivision as per Chapter 5, Section 5.8.7 (Expiration of Final Plat) of the SLDC.

2. The property is located within the Las Campanas Planned Development District, west of the the Camino La Tierra and Buckman Road intersection, north of Las Campanas Drive, within Section 2, Township 17 North, Range 8 East.

3. On August 14, 2001, the Board granted Preliminary Plat, Final Plat and Development Plan approval for the Estancias at Las Campanas (formerly Tesoro Enclaves) which consisted of a 128 residential subdivision on 432-acres in 3 phases (Unit I, II and III).

4. On August 12, 2003, the Board approved a Final Plat and Development Plan Amendment that was redesigned for 128 residential lots in three phases of development (Estancias Unit I consisting of 24 lots, recorded in 2003, Estancias Unit II consisting of 67 lots, recorded in 2004, and Unit III).

5. On May 14, 2013, the Board granted a 24-month time extension for Unit III of the Estancias at Las Campanas consisting of the remaining 37 lots due to economic conditions as allowed under Resolution No. 2011-193 and Ordinance No. 2011-11.

6. On June 9, 2015, in CDRC Case #S 15-5050, the Board approved a Preliminary, a Final Plat and Development Plan Amendment to sub-phase the previously approved Estancias Unit III subdivision consisting 37 lots (Phase I – 23 lots and Phase 2 – 14 lots) on 117-acres.

7. The Boards approval of the Preliminary, Final Plat and Development Plan amendment to phase the development rendered the project valid for twenty-four (24) months from the time the final Order was recorded. The Order was recorded on August 26, 2015. Therefore, the Applicant had until August 26, 2017 to record.

8. On August 24, 2017, the applicant submitted a request for a 36-month time extension of the Preliminary and Final Plat and Development Plan Amendment subject to Chapter 5, Section 5.8.7 of the SLDC.

9. Chapter 5, Section 5.8.7 (Expiration of Final Plat) of the SLDC 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.”

10. The applicant stated that the project is 85 percent complete. Of the 1,717 total lots for the project, over 1400 have been developed.

11. The applicant stated that the project is a large-lot subdivision and will not require a lot of grading, other than roads.

12. The Applicant further stated that the extension is critical for keeping the project going at the time of economic positivism.

13. The BCC finds that provisions of the SLDC, including Chapter 7, Section 17.7.6 of the SLDC require a grading permit prior to clear existing native vegetation, and limits such grading and clearing to approved buildable areas, roads and driveways.

14. At the public hearing, two people from the public spoke. One in favor, and one against the Application.

15. George Shoup spoke in opposition to the Application on the basis that the Applicant's submittal is lacking information, including a sufficient terrain management plan, landscaping plan, storm drainage and erosion control plan, natural features and topography map, clearing and grading plan, revegetation and landscape grading plan, or dust control plan. Mr. Shoup requested the time extension be denied until such plans are submitted by the Applicant.

16. Jonathon Bartlett spoke in favor of the Application. Mr. Bartlett is the Vice President of Sales for Las Campanas Realty and expressed that the development is 85 percent complete and is doing extremely well from the real estate side.

17. With regard to Mr. Shoup's concerns that the Applicant's submittal lacks information, County Staff indicated that the Applicant's submittal was sufficient for time

extensions. The Applicant did submit the original development plan, which includes roads, plans and profiles, revegetation plans, etc. The original development plan was submitted after Mr. Shoup looked at the file.

18. The Board finds that the record is adequate to support a time extension of final plat and development plan.

**WHEREFORE** the Board of County Commissioners for the County of Santa Fe, by a unanimous 4-0 voice vote, hereby approves the request for the 36-month time extension of the previously approved Final Plat and Development Plan for the two phases of the Estancias II subdivision. The Applicant is reminded of general obligations to obtain a grading permit prior to any grading of the development in accordance with the relevant provisions of the Sustainable Land Development Code in effect at the time of the application for grading permit, including as applicable and still in effect. Chapter 7, Section 17.7.6 of the SLDC which governs grading, clearing and grubbing, and which requires a grading permit to clear existing native vegetation, and limit such grading and clearing to approved buildable areas, roads and driveways, to enforce them.

**IT IS SO ORDERED**

This Order was approved by the Board of County Commissioners for the County Santa Fe on this \_\_\_\_ day of \_\_\_\_\_, 2018.

By: \_\_\_\_\_  
Anna Hansen, Chair

Attest:

\_\_\_\_\_  
Geraldine Salazar, County Clerk  
Approved as to form:

Castella Valez  
for R. Bruce Frederick, County Attorney



they pay to the people that I work with as my constituents – Robert and Mike, I've seen a lot of them over these few months. But it's across the board. The professionalism and I just can't be more proud of all of you. Thanks.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Any other comments from the Board?

## VIII. PUBLIC HEARINGS

### A. Land Use Cases

1. CASE # S 17-5260 Las Campanas Holdings, Inc. (Estancias Unit III) Preliminary and Final Plat and Development Plan Time Extension. Las Campanas Holdings, LLC, Applicant, Santa Fe Planning Group, Inc. (Scott Hoeft), Agent, Request a 36-Month Time Extension of the Previously Approved Final Plat and Development Plan for the Two Phases of the Estancias III Subdivision as Per Chapter 5, Section 5.8.7 (Expiration of Final Plat) of the SLDC. The Property is Located Within the Las Campanas Subdivision, North of Las Campanas Drive, and West of Old Buckman Road, within the Las Campanas Planned Development District, within Section 2, Township 17 North, Range 8 East (Commission District 2)

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. On August 14, 2001, the BCC granted preliminary and final plat and development plan approval for the Estancias at Las Campanas, formerly Tesoro Enclaves, which consisted of a 128-lot residential subdivision on 432 acres in three phases, Units I, II and III.

On August 12, 2003, the BCC approved a final plat and development plan amendment that was redesigned for 128 residential lots in three phases of development. Estancias Unit I consists of 24 lots, which was recorded in 2003, and Estancias Unit II consisting of 67 lots, was recorded in 2004. Homes have been completed on Unit I and Unit II. Unit III was not recorded.

On May 14, 2013 the BCC granted a 24-month time extension for Unit III of the Estancias at Las Campanas consisting of the remaining 37 lots, due to economic conditions as allowed under Resolution No. 2011-193 and Ordinance No. 2011-11.

On June 9, 2015, the Board of County Commissioners approved a preliminary and final plat and development plan amendment to sub-phase the previously approved Estancias Unit III residential subdivision into two phases by a unanimous vote of 5-0.

The applicants now request a 36-month time extension of previously approved preliminary and final plat and development of the previously approved Estancias Unit III subdivision. The applicant states: The intent of creating a final subdivision plat for two separate phases in 2015 was to make it more feasible for the developer to commence with a smaller portion of the project in the short term, in terms of infrastructure costs and lot sales.

The BCC's approval of the preliminary and final plat and development plan amendment to phase the development rendered the project valid for 24 months from the time the final order was recorded. The final order was recorded on August 26, 2015.

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Therefore, the applicant had until August 26, 2017 to record.

On August 24, 2017, the applicant submitted a request for a 36-month time extension of the preliminary and final plat and development plan amendment subject to Chapter 5, Section 5.8.7 of the Sustainable Land Development Code.

Staff recommends approval of a 36-month Time Extension of the previously approved preliminary and final plat and development plan amendment for the two phases of the Estancias III Subdivision, which must be approved by the Board of County Commissioners as per Chapter 5, Section 5.8.7.

It is at the discretion of the BCC to consider the request to approve the 36-month time extension. The BCC may consider the information presented by staff and the applicant to approve the request. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you. Do we have any questions from the Board?  
Is the applicant here?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Santa Fe, 87505. Thank you very much, Vicente. I thought your staff report was excellent and well written, and I appreciate the history and the documentation of the case.

You know, normally for a time extension I come up and I stand for questions. It's a time extension. However, I know, because of the history of Las Campanas, because we have new Commissioners, I would just like to take, if you would indulge me, maybe 15 minutes and just go through a little bit on this project in just a little bit more detail, because I think it would be helpful for the case.

So Estancias III is the subject of the case tonight. This subdivision is 117 acres total, and it's a large-lot subdivision. The lots range in size from one to three acres in size. It's going to be developed in two phases of development, from south to north, and the key thing to highlight on this development is we have a lot of green on this plan intentionally. And what this is is a traditional Las Campanas subdivision in that the roads are put in place on the development and then each lot has a buildable area of roughly 8,000 square feet or so, and then when the lot is sold, that area with the buildable area is developed by the lot owner.

That total area on this plan is about 15 acres. So between the road and those dots that you see throughout each of those 37 lots is about 15 acres. The whole project, the whole site is 117 acres. And so the balance of the land, or roughly 100 acres of the site, will remain in its natural state. And I think that's just important to highlight here because of the fact that this subdivision is going to have a lot of open space remaining on this site.

Now what I wanted to go into is just the purpose of a time extension is to provide us some flexibility. We went ahead and we came in front of this Board two years ago to break it into two phases because what we noticed in the market is that if you have smaller phases it's easier to get the financing for 24 lots or for 15 lots than it is for 37 lots. So that's what we did two years ago is to have the phasing completed. However, the time extension is needed because we need the flexibility to move forward in the future. What that allows us to do is to go ahead and record the project and post a letter or credit rather quickly. If it's not entitled and we're starting over again that we have a project essentially in process.

And in terms of how a subdivision works, once you get it approved and once you

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keep it active, okay, you have two things. You have to record the mylar, record the subdivision plat, and you have to have a financial guarantee for the improvements on it. And so the big element on this is the financial guarantee, because improvements for a roadway, for example, on here, may be millions of dollars. And so you want that to be timed consistently with what you see the lots being absorbed in the future.

What I wanted to go into next is the development agreement for Las Campanas. Las Campanas has long history and most of it is based upon the development agreement that was established in 1993 for Las Campanas. And this essentially set the tone for the entire project over the last 25 year. And within this development agreement it specified pretty much everything that the project entails, from its roads to its water and sewer co-op, to its fire station, the land dedicated to the fire station, to the open space that was dedicated for the project, to the golf courses, the maintenance facilities – everything has been laid out in that development agreement and that's the governing tool for the project, including the affordable housing contribution that was done in 1993.

Why I'm highlighting that is because you'll see in a second that the project, after 25 years is 85 percent complete. We're almost to the end here. We've got 15 percent remaining on the project. Of the 1,717 total lots for the projects, over 1,400 have been developed. We're down to the final 289 lots, or 15 percent or so. We're down to the final few subdivisions to go. So this project, over the last 25 years has been governed by this document and it has been established and consistent with this document. The number of homes that have been built out there are over 900. The number of lots that have been sold or owned are over 1,400 as I indicated. All the major amenities are in. The water, sewer co-op, the HOA, everything is established. It has over 1,200 members in Las Campanas and over 108 miles of roadway completed.

In other words, what I'm trying to say is that you've got a project here that's 85 percent complete, financially solvent, which is significant, given what we all went through over the last five to eight years that you have a development that's actually thriving, and you have a development that employs over 45 people.

So that's essentially Las Campanas, and I think it's kind of important to highlight that because what we did when the code was approved, the new code in 2015 is that we worked with the staff in 2013 and 2014 and we got Las Campanas designated as a PD, a planned development district. And there were lots of them established: Rancho Viejo, Bishop's Lodge, Las Campanas and 12 others.

And what those PDs do is it locks in the original intent of the project. It locks in the development agreement and the intent of the development agreement, and it allows the project to be governed by those rules as it finishes itself out. So Las Campanas is designated as a PD zoning classification.

So in final, I would just like to talk a little bit about this project is a different type of development. This project is a large-lot subdivision. It isn't a project that's going to require a lot of grading, other than the roads. We had incidences this year with a group, and we don't represent Pulte, but they did significant amounts of grading and it caused quite a bit of concern to the community. And, though we don't represent Pulte, though this is not a Pulte project, I wanted to kind of give that outright that we were aware of what occurred and why I took so much time at the beginning of the presentation is to highlight the fact that this is not that kind of project.

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There are projects within Las Campanas that are higher density that do require a little more grading of multiple lots at a time, because you're trying to balance the dirt, not sending dirt off and then bringing more dirt back in. You're trying to balance that. This is not that kind of a project. This is just a large-lot subdivision.

And so we do recognize what occurred, but trying to highlight this is a different group and this is a different type of development. The types of – there are several areas within Las Campanas that have that kind of work. Terrazas is one, the Pueblos is another, some areas within Los Santeros have that type of development, but I just wanted to highlight that this project is not like that. So with that, I appreciate your consideration of my request for a time extension. It's very critical for this project, just to keep things going at the time of economic positivism. Things are selling out in Las Campanas. Lots are moving. Volume is high. Homes are being built. And to have these projects ready to go and nimble is very critical to a developer. With that I stand for questions.

CHAIR ROYBAL: Okay, I think we're going to probably keep the questions to the end after we do the public hearing. Is there anybody here from the public that wants to talk for or against this project? Anybody from the public? We have one. Is that it? Just one individual? Sir, if you could stand and be sworn in.

[Duly sworn, George Shoup testified as follows:]

GEORGE SHOUP: Good evening, Commissioners. My name is George Shoup. I live approximately one half mile from the proposed development in District 2. I spent many hours walking the property so I'm very familiar with it. I've also reviewed the developer documents that are in the files here at the County relative to this development, and I've spent a lot of time reading the 1996 and 2016 Sustainable Development Codes.

So in my view of the review of the County documents, that what I see, I see insufficient or lacking information per the Santa Fe County Ordinance 1996-10 that is pertinent to this development in the following areas: I see insufficient terrain management plan for this development. I do not see a landscaping plan for the development in the files. I see an insufficient storm drainage and erosion control plan in the documentation. These are all required in the 1996-10 code and the next statements I have are outlined in Article VII and the various subsections.

In the files I do not see a natural features and topography map that outlined buildable areas and no-build areas. I do not see a slope analysis. I do not see location and density of measured vegetation types as required by the code. I do not see a clearing and grading plan, per Section 3.3.3 of Article VII. I do not see a revegetation and landscape plan. And I do not see a dust control plan for the development. A lot of these concerns are important because of the things we've seen at Las Terrazas Phase 3. And I do understand your comments that this will not be a Pulte type Terrazas. However, I don't think that it's in the spirit of sustainable development to move forward without these important documents in place and in our files. So therefore, I recommend that the extension not be granted until these important documents are complete and added into the County documents.

I think various developers have had almost 20 years now to provide the information and it's not being done. I think our sustainable development codes are excellent but just having good codes is not enough. We need to follow them and we need

to enforce them. Thank you.

CHAIR ROYBAL: Okay. Thank you for your statements, sir. Do we have one other sir? Can you come forward?

[Duly sworn, Jonathon Bartlett testified as follows:]

JONATHON BARTLETT: Evening. I'm the VP of sales for Las Campanas Realty, so I represent the developer on a day-to-day basis. I just want just a quick reminder and Scott remarked on it that what we're trying to accomplish at Las Campanas is something that's been set forth for many years to come. When you see a development as great as Las Campanas and it's 85 percent completed and you have the economy which we have right now, which we feel is a positive one, at least at Las Campanas, we have a great chance to complete a project that's 25 years in the making.

There were some issues, again, with a Pulte project that we had nothing to do with. But that being said, we just did and opened up a brand new neighborhood within Las Campanas, the first custom neighborhood in Las Campanas in ten-plus years and it's been with great success. We never had one hiccup with the County the time we did it. We had a great experience. What I've been told, the County had a great experience working with us and it's just another opportunity for someone who wants to enjoy Santa Fe and Las Campanas to come in and find a beautiful home site and to make memories for their family.

So I just wanted to express that, that Las Campanas is doing extremely well from the real estate side and right now is a really great time to take advantage of that. As Scott mentioned, we're roughly a third sold out of this new development that we just completed in Las Campanas and timing is such an issue if we can roll into the next one and do it properly, which our example is right there. If you go out and drive it today and see how it's done. We would very much like that opportunity to do that. And I'll stay with that. Have a nice evening.

CHAIR ROYBAL: Thank you, Jonathon. Did you have a question, Commissioner Hamilton? Okay, we'll start with Commissioner Hamilton.

COMMISSIONER HAMILTON: Vicki or Vicente, whoever is appropriate. Could you say a few words about the completeness of the files that you have on this and how you feel about compliance from that regard, big picture comments?

MR. ARCHULETA: Mr. Chair, Commissioner Hamilton, the submittal that Scott Hoeft had presented was sufficient for time extensions. He also, after several weeks of review, he brought in the original development plan. The original development plan shows the roads, the plans and profiles, the revegetation plan, things like that. So we do have that. That wasn't in the file when Mr. Shoup looked at the file but we do have that in our file now.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Thank you. And before we go on to other comments from Commissioners, I just want to make sure that we didn't have anybody else from the public. So we don't have anybody else from the public. I'm going to go ahead and close public comment and go on to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Vicente. I want to make sure that you can provide those documents to Mr. Shoup that he's requesting, the terrain management plan, the landscaping plan, the storm drainage plan, Article VII natural

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features, buildable/no-build areas, the location clearing and grading, revegetation, dust control plan and so can you provide all those documents to Mr. Shoup?

MR. ARCHULETA: Mr. Chair, Commissioner Hansen, I can submit – I can let him take a look at the original development plan that was approved in 1993 which was the approval.

COMMISSIONER HANSEN: And did you see those, Mr. Shoup?

MR. ARCHULETA: Commissioner Hansen, can I make a clarification, it was done in 2006.

COMMISSIONER HANSEN: Okay.

MR. SHOUP: It's hard for me to say whether or not documents Vicente has –

MR. FREDERICK: Mr. Chair, may I – I think you closed the public hearing, Mr. Chair. I'm sorry to interrupt.

CHAIR ROYBAL: I did but wasn't sure. Was he asked to come back up?

COMMISSIONER HANSEN: I asked if he got everything.

MR. SHOUP: Well, I think the best way to move forward is for Vicente and I to sit down and we can go through my list and we can look at the code and I could highlight concerns or deficiencies that I see and give those to Vicente.

COMMISSIONER HANSEN: Okay. Thank you. So the public hearing is closed. So I would appreciate it, Vicente, if you could sit down with Mr. Shoup and show him. The main thing that has created all of these issues is what happened with Pulte and the grading and the dust and all that. And I recognize that this is not that type of development. And I recognize that you have had a management plan and so do you feel – I can talk to the developer, right? Do you feel that you have provided these things that Mr. Shoup asked for in the 2005, and do you feel like everything is there that needs to be there for you to move forward?

MR. HOEFT: Yes. The plan set that we submitted in 2005 is very complete. Also note that when you actually go to your construction meeting, your initial meeting with staff, at that time you provide your construction schedule, you provide your SWMP, which is the stormwater management plan, you dust control and mitigation plan and all of that is provided at your pre-con. But yes, to answer your question, Commissioner Hansen, we feel the application is complete.

COMMISSIONER HANSEN: Okay. So I have a motion to approve. Could I read that?

CHAIR ROYBAL: Go ahead. Read your motion.

COMMISSIONER HANSEN: So I move to approve the application for preliminary and final plat and development time extension for Case S 17-5260, Las Campanas Holdings, Estancia Unit III. I further request that the final order approve the three-year time extension including a statement reminding the developer of its obligations to obtain a grading permit prior to any grading of the development in accordance with the relevant provisions of the Sustainable Land Development Code in effect at the time of the application for grading permit, including as applicable and still in effect, Chapter 7, Section 17.7.6 of the SLDC which governs grading, clearing and grubbing, and which requires a grading permit to clear existing native vegetation, and limit such grading and clearing to approved buildable areas, roads and driveways,

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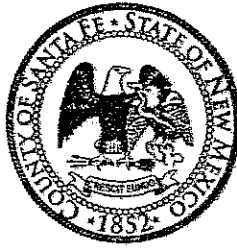




**Henry P. Roybal**  
*Commissioner, District 1*

**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*

**CASE NO. S 17-5270**  
**SIVAGE HOMES RECONSIDERATION OF CONDITION AND PLAT AMENDMENT**  
**SIVAGE HOMES, 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 October 10, 2017, on the Application for Sivage Homes, (Applicant) for a Reconsideration of a condition imposed by the Board of County Commissioners in EZ Case #S 99-4700 to require shared driveways and a Plat Amendment of the previously approved Los Santeros at Las Campanas, which is now known as Las Melodias de Las Campanas to eliminate platted shared driveways. The Board 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 reconsideration of a condition imposed by the Board of County Commissioners in EZ Case #S 99-4700 that required shared driveways and a Plat Amendment of the previously approved Los Santeros at Las Campanas, which is now known as Las Melodias de Las Campanas to eliminate platted shared driveways.

2. The property is located within the Las Campanas Subdivision at 2, 4, 10 and 12 Avenida Malaguena, within the Las Campanas Planned Development District, within Section 15,

Township 17 North, Range 8 East (Property).

3. On February 8, 2000, the Board granted Final Plat and Development Plan approval of the Los Santeros at Las Campanas Subdivision Phase in accordance with the approved Master Plan consisting of 68 lots and a Master Plat for 126 lots on 128 acres.

4. The Board also granted approval for the following 2 variances:

- 1) Road grades of between 4% and 5% at eight intersections; and
- 2) Spacing between points of ingress and egress.

5. The Board approved the request with Staff conditions and imposed an additional condition requiring shared driveways in order to mitigate the variance for separation between points of ingress/egress.

6. The variance granted by the Board in 2000 was in regard to the Code requirement for spacing between points of ingress and egress. In granting the variance, Staff recommended a condition of shared driveways in order to qualify as a minimal easing of the Code requirements. The Applicant agreed to the conditions of approval.

7. The Applicant's purchased a portion of the Los Santeros Subdivision, now known as Las Melodias Phase 2 and staff approved the 11-lot subdivision plat (part of the 126 lot Master Plat approval) administratively showing the shared driveways and drainage easements along several contiguous property boundaries.

8. The Applicant's now request the Board eliminate the previously imposed condition requiring shared driveways.

9. The Applicant states: "there is no road safety justification for a shared driveway and the use of shared driveways restricts lot development which does not meet the owners' desires for home development. [T]here are several homes already constructed in this



development that did not use the designed shared driveway location”.

10. The Applicant further states : “[S]hared driveway requirements are logical on busy roads, with poor visibility so that the driver along a street does not have to keep an eye on too many points where a car may enter the road way. Thus arterial roads often have access points separated by 400 feet or more. But on residential neighborhoods, other than near road intersections where a 50’ driveway setback is often placed, there are no restrictions on driveway locations and shared driveways are not required as there is not a safety concern due to the relatively low traffic volumes involved. In this case in particular, the subdivision is a dead end road that serves 11 lots, many of which are second or third homes, and thus the traffic volumes are much lower than typical residential neighborhoods.”

11. Permits for homes on nine lots have been issued. Three of the nine homes comply with the condition of shared driveways; the other six are out of compliance with the condition.

12. The Applicant submitted the previous plat that was sufficient to prove that the Applicant had a single legal lot of record. However, the plat did not show the requirement for shared driveways and therefore, permits were issued with separate driveways.

13. At the public hearing before the Board, no one from the public spoke in favor or against the Application. One letter of support of the Application was submitted at the hearing.

14. Staff recommended denial of the Applicant’s request to remove previously imposed conditions. Staff recommended that if the Applicant’s request was granted, the following condition be imposed:

1. A new survey plat for lots located at 2, 4, 10 and 12 Avenida Malagueña showing the new driveway locations must be submitted and approved by Staff.

15. The Extraterritorial Zoning Ordinance and Subdivision Regulations requirements

applied to the initial approval of the subdivision. Under the body of law, driveway separation was primarily for commercial development. There was no clear distinction in requirements for residential driveway separation. The separation for commercial or non-residential development was based on the number of accidents by spacing and traffic generated on the road.

16. The road to the subject Property is designed for a 15 mile per hour speed limit.

17. The Board finds that, based upon the number of homes and the road speed, there is not a traffic concern that requires shared driveways for the subject Property. Accordingly, the shared driveways are not necessary.

**WHEREFORE** the Board of County Commissioners for the County of Santa Fe, by a unanimous 5-0 voice vote, hereby approves the request for the reconsideration of the condition imposed by the Board of County Commissioners in EZ Case #S 99-4700 that required shared driveways and the Plat Amendment of the previously approved Los Santeros at Las Campanas, which is now known as Las Melodias de Las Campanas to eliminate platted shared driveways, and eliminate the share driveway condition. Approval is subject to the following condition:

- 1) A new survey for the lots located at 2, 4, 10 and 12 Avenida Malagueña showing the new driveway locations must be submitted and approved by Staff.

**IT IS SO ORDERED**

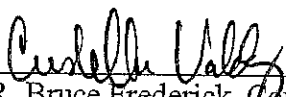
This Order was approved by the Board of County Commissioners for the County Santa Fe on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
Anna Hansen, Chair

Attest:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

Approved as to form:

  
\_\_\_\_\_  
R. Bruce Frederick, County Attorney



MS. LUCERO: Mr. Chair. Excuse me. If I could just get one more point of clarification. Does the motion for approval of the variance include removal of the previously imposed condition by the Board to allow only two dwelling units?

COMMISSIONER MORENO: Yes.

MS. LUCERO: Thank you.

CHAIR ROYBAL: Okay, does the second also reflect that?

COMMISSIONER HANSEN: Yes.

CHAIR ROYBAL: Okay. So we have a motion and a second.

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

- VIII. A. 3. CASE # S 17-5270 Sivage Homes Reconsideration of Condition and Plat Amendment. Sivage Homes (Applicant), Design Enginuity (Oralynn Guerrerortiz), Agent, request reconsideration of a Condition imposed by the Board of County Commissioners to require shared driveways and a Plat Amendment of the previously approved Los Santeros at Las Campanas, which is now known as Las Melodias de Las Campanas to eliminate platted shared driveways. The property is located within the Las Campanas Subdivision at 2, 4, 10 and 12 Avenida Malagueña, within the Las Campanas Planned Development District, within Section 15, Township 17 North, Range 8 East (Commission District 2) [Exhibit 6: Faust Letter]

MS. LUCERO: Mr. Chair, I'll be presenting this case as well. On February 8, 2000 the BCC granted final plat and development plan approval of the Los Santeros at Las Campanas Subdivision phase in accordance with the approved master plan consisting of 68 lots and a master plat for 126 lots on 128 acres. The request also included a variance of the minimum road standards. The following variances were approved by the BCC subject to conditions of approval.

The first variance was that the road grades of between four and five percent at eight intersections, and the second one is in regards to spacing between points of ingress and egress. The BCC imposed a number of conditions of approval on the subdivision including a condition requiring shared driveways.

The applicants now request for the BCC to eliminate the previously imposed condition regarding the shared driveways. The condition states: Provide shared driveways in order to mitigate the variance for separation between points of ingress and egress.

The applicant purchased a portion of the Los Santeros Subdivision known as Las Melodias, phase 2, and staff approve the 11-lot subdivision plat administratively showing the shared driveways and drainage easements along several contiguous property boundaries. The applicant states, there is no road safety justification for a shared driveway and the use or shared driveways restricts lot development which does not meet the owners' desires for home development. There are several homes already constructed in this development that did not use the designated shared driveway locations.

The purpose of the road design standards is to provide safe and efficient access to

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property and safety for both vehicular and pedestrian traffic. The variance granted by the BCC in 200 was in regards to the code requirements for spacing between points of ingress and egress. In granting the variance, staff recommended a condition of shared driveways in order to qualify as a minimum easing of code requirements. The applicant agreed to the conditions of approval.

Permits for homes on nine of the lots have been issued. Three of the nine homes comply with the conditions of shared driveways. The other six are out of compliance with the condition. The applicant submitted the previous plat that was sufficient to prove that the applicant had a single legal lot of record. However, that plat did not show the requirement for shared driveways and therefore staff issued the permits with separate driveways.

Recommendation. Staff recommends denial of the applicant's request for removal of the previously imposed condition imposed by the Board of County Commissioners to require shared driveways and a plat amendment of the previously approved Los Santeros at Las Campanas, which is now known as Las Melodias de Las Campanas to eliminate the platted shared driveways. At the discretion of the BCC to consider the request to reconsider the condition imposed to require shared driveways the BCC may consider the information presented by staff and the applicant to remove the condition of shared driveways.

If the BCC approves reconsideration of the condition, staff recommends the following condition be imposed, that a new plat of survey for lots located at 2, 4, 10 and 12 Avenida Malagueña showing the new driveway locations must be submitted and approved by staff. I stand for questions.

COMMISSIONER HANSEN: Are there any questions from the Board?  
Commissioner Hamilton.

COMMISSIONER HAMILTON: So in the original granting of variance and the conditions that were put that we're being requested to remove this morning, right? The conditions and the guidelines surround those have to do with public safety, with driving, with the number of access points to the road. So was there like a traffic study or was there any -- from County staff, professional opinions on what the basis for the necessity for those shared driveways were, were to minimize the ingress-egress points?

MS. LUCERO: Madam Chair, Commissioner Hamilton, when the subdivision was approved back in 200 it was under the jurisdiction of the Extraterritorial Zoning Ordinance and Subdivision Regulations. And at that time the separations of driveways was mainly for commercial development so there wasn't a clear distinction of what's required as far as residential separation. So the applicants requested a variance at that time. The separation for non-residential is based on number of accidents by spacing, traffic generated on the road just to make sure -- the more people you have existing and entering onto a road the higher the risk of accidents happening is. So that's what it was based on. But it's not clear that those standards were applicable to residential development at that time.

COMMISSIONER HAMILTON: So what's the basis for suggesting that they be retained now? If there's a safety basis, we've been asked for other cases for variances having to do with slope of the road that have to do with access of emergency

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equipment. Is there a reason that the staff is recommending now that those same -- the continuation of shared driveways to minimize ingress and egress points?

MS. LUCERO: Commissioner Hamilton, the SLDC does not address spacing between access points for residential development but there are a couple of design standards the applicant would need to comply with and staff has some concerns and is not quite certain that these can be met and one is that -- I believe the applicant said that the design speed of the internal road is 15 miles per hour. So there's a code requirement for a sight distance of a minimum of 80 feet, which I scaled it off and it's close as to whether or not the applicant meets that requirement. The other design standard is that there's a requirement for a minimum of 100 feet from the return radius of the intersection. Based on my review it doesn't look like that spacing can be met but I'll defer to the applicant. I didn't have scale drawings so I was reviewing it based on --

COMMISSIONER HAMILTON: No, that's addressing my question. So then the other question is, in reading the materials, there's nine properties in question where six of them were presented with absolutely no indication to people that there was this requirement. Can you speak to that a little bit? To the actual circumstances of how that development took place? Because I got the impression that some of these lots were developed and that information just was not presented. And so it was not followed and it's once again, like, we want to do it however we're going to do it and then we're going to ask for the variance.

MS. LUCERO: Mr. Chair, Commissioner Hamilton --

COMMISSIONER HAMILTON: Do you understand -- I'm asking the question to find out what the real situation is. Not to be snarky. And I apologize if it came off that way. That's not my intent.

MS. LUCERO: Commissioner Hamilton, the County has issued nine permits -- permits for homes on nine of the lots within that subdivision phase. Three of the nine lots, three of the nine permits that were issued did comply with that requirement. The other six that were issued, the permits that were submitted showed the plat for the entire tract before the subdivision occurred, which was enough to prove legal lot of record as part of the application. That's one of the requirements and that did show a legal lot of record, a large tract, and so it didn't show shared driveways on to any lots. So staff issued the permits, not knowing that there was the requirement for shared driveways.

COMMISSIONER HAMILTON: I understand. Okay. Maybe that answers my question but it would be nice if we could get some information about how or under what circumstances or basically why that occurred.

MS. LUCERO: Mr. Chair, Commissioner Hamilton, as part of the submittal it was just the review that was conducted by staff. The applicant had all the required submittals. Staff wasn't aware that there was an additional plat that superseded the larger parcel and that's what we based our decision off of.

COMMISSIONER HAMILTON: Maybe as other information comes out maybe we can come back to it because I'm trying to ascertain the entire circumstance of what the steps were that led to having these properties permitted and developed with individual driveways when somebody knew that there was the requirement for shared driveways. I'm just wondering what maybe the timing or the sequence or special conditions or whatever might be contributing.

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MS. LUCERO: Mr. Chair, Commissioner Hamilton, as I mentioned earlier, the code did not specifically state that there were separation requirements for residential driveways, so as part of the review process, that wasn't a consideration as part of the review process. When we looked to see if it complied with the code there was nothing in there saying that there were points of ingress and egress, separation points between the ingress and egress.

COMMISSIONER HAMILTON: So you're explaining to me why you guys didn't think it was there. I'm wondering why the developer, who should have known - who knew the previous requirements, what led to that change. So I don't think you can answer the question, necessarily.

CHAIR ROYBAL: Okay, is there any other questions for staff. The applicant, would you like to -

ORALYNN GUERRERORTIZ: Hi. I'm Oralynn Guerrerotiz with Design Enginuity.

[Duly sworn, Oralynn Guerrerotiz testified as follows:]

MS. GUERRERORTIZ: My mailing address is P.O. Box 2758, Santa Fe, New Mexico. I'm going to start with my presentation and then I will try to address some of the questions that you've raised, Commissioner Hamilton.

COMMISSIONER HAMILTON: That's great. Thank you.

MS. GUERRERORTIZ: First, a quick overview. This is a picture of Las Campanas, Las Campanas Drive going around, Paseo Aragon, kind of a very central round road, and this project is right in this area.

COMMISSIONER HANSEN: How many lots all together?

MS. GUERRERORTIZ: Eleven lots.

COMMISSIONER HANSEN: Okay.

MS. GUERRERORTIZ: There were four shared driveway easements affecting eight lots originally. These lots have been developed. This one has been developed. I'll show you a map showing the aerial currently. We're asking to get rid of this one and this one. So two out of the four, although as this points out, pointing in the same direction, these homes were supposed to have shared driveways; they don't. There's a driveway here and a driveway here. This home, they would like to build the driveway off the garage and so they don't want to share this one, and this home, it was supposed to have a shared driveway and there's actually a separation between the lot line and the driveway that was constructed. So these are what's out there today.

Just for your information, I am a professional engineer and so I do look at this from a traffic safety issue. I think there's three real bases for the reason that we're requesting this. One is that there is no safety basis for requiring shared driveways in this case. It does significantly restrict lot development. People generally, especially in areas where they have incredible viewsheds, they set up their home or they lay out their home designs based on the views that they're trying to catch. They don't want to have to have a garage in a certain location if it doesn't really work with their viewshed ideas. And I'll go further. I'll say that the original requirement, this original condition had absolutely no code basis. And I'll try to prove that.

First of all, at the time in 2000, the EZ Subdivision regs kicked you over to the County code, and the County code had driveway spacing requirements for speeds of 25

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or greater. And I'll defer to anybody who wants to speak up and say otherwise, but I've actually presented this information to staff already and so they've had opportunity to look at this. The road, because of those 90 degree bends, these significant bends here, you can't get up to 25 miles per hour on this road. This road was always designed for a 15 mile per hour speed limit. So given that the code had a requirement for driveway spacing of 200 feet, if the speed limit was going to 25 or greater, that makes sense. There's no requirement in the codes for less than 25 miles per hour.

So my point is there's not a safety concern when people go slow when somebody's pulling out of a driveway. You can have driveways fairly close together in those conditions. The code does also kick you over to the state regulations, and the state has no driveway spacing regulations on local roads, and that's coming out of the regulations for driveway and median openings on non-access-control highways. DOT Standard written in 89 and in effect in 2000.

If we look at current code, the SLDC, there is no spacing requirement for driveways currently. The only requirement is that you have an 80-foot sight distance, and there's no problem with 80-foot sight distance on these lots. So a house here can see 80 feet easily. And so a house designed here can actually see 80 feet, so it's not a problem. The other requirement is for 100 feet from a turn radius, the turn radius is kind of what the curve is on an intersection, 100 feet is right about here. So they don't want any driveways within 100 feet. This is a lot line. I would say this house couldn't have a driveway, theoretically if you applied that rule. But anyway, that one's already in and similarly, this driveway is already in. This driveway, if they had done a shared driveway, it actually did do a shared driveway, it would create two within 100 feet. So it's against the code, or an additional one against the code, and again, if we had done a shared driveway, if they had done a shared driveway here then you would have gotten two within 100 feet and it would have been against that code violation.

That's current code and actually that also existed back in 2000, that line. And then under state regulations, states only under the current regulations, the DOT only regulates driveways on state roads, they do not regulate driveway spacing on County roads or private roads, which is this case.

So what do we have, really? We've got 11 homes in a very quiet neighborhood, very calm dead-end road with very little traffic. I think in 2000 the code was misapplied. Staff assumed that the road speed was 25 miles per hour and therefore they applied the 200-foot separation and said you've got a problem, therefore you need to go ahead and share driveways. I get this. I was actually here at that time. I'm probably responsible for this oversight. I'm sorry about that, but I was the engineer of record for the County at that time and I think I blew it. I don't know. I was the person reading reports. I didn't necessarily - I'm not going to make excuses.

Anyway, under the current code, if they came in today you wouldn't required them to do shared driveways. So I want to speak to a couple more issues. I don't agree to the condition. The condition is stating that we have to define where those driveways are going to be on the future lots and I really - I think that as long as people meet current code, that's all we should have to do. And they have to prove that they can do the 80-foot sight distances and those kinds of requirements, but I don't think that I should, or we should now try to decide where somebody's driveway is going to be. Let them design

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their home. Let them understand what the rules are, but I don't agree to the existing condition that the staff is trying to apply if this project gets approved.

CHAIR ROYBAL: Oralynn, could she ask one question?

MS. GUERRERORTIZ: Certainly.

COMMISSIONER HAMILTON: So you're suggesting, and maybe I just read it differently, that - Vicki, is this what was intended that this condition that the lots, the plats with the location of the driveway be submitted now, long before they're developed? So in other words that they commit now to where those driveways are going to be? Is that the intent of what that condition is? Maybe I didn't look at it carefully enough and maybe I wasn't thinking of it in terms of when - that's not the way I read it.

MS. LUCERO: Mr. Chair, Commissioner Hamilton, that's the way that the condition is worded. Being that some of the lots are already existing, the main point of it is to actually vacate the driveway easements on those four lots that are the subject of the application.

COMMISSIONER HAMILTON: So these four lots, are some of these developed? Or are these four, 2, 4, 10 and 12, are all those empty lots right now?

MS. GUERRERORTIZ: Well, this driveway's not put in yet. We're having that discussion on this one and this lot hasn't been developed. So we've got two driveways that have not been defined yet.

COMMISSIONER HAMILTON: And two that have been.

MS. GUERRERORTIZ: Two out of the four.

COMMISSIONER HAMILTON: Okay. Thank you. We can come back to that when it's appropriate.

MS. GUERRERORTIZ: Okay, and now I'm really sorry that I'm in this position, because I hate to be in that position, but the point that you brought up, Commissioner Hamilton, was really questioning: Why are we here? Why did we get these other homes that were approved without the shared driveway easement?

COMMISSIONER HAMILTON: But you can understand why I asked that.

MS. GUERRERORTIZ: And I still don't know. Because when I apply for a building permit, I can't bring in the permit for Las Campanas showing a big lot. I have to bring in the plat that shows exactly the lot I am trying to get a building permit on. That's the County's rules. And there's only one plat for that and that plat shows shared driveway easements. So either staff failed to check that box and make sure that that was taken care of, that they actually provided the proof of legal lot, or, at least in one case, in one file I looked at, the application did have that plat, did show the shared driveway easements, and the project was approved with the driveway that was not in that shared driveway easement, so staff failed to understand what the requirement was, failed to understand what a shared driveway easement was, and failed to apply it.

I only looked at one file but staff can come and tell me that I'm wrong but I can pull it out and show it to you. But the bottom line is, if I go in for a plat, or if I go in for a lot in Oshara, to pull a building permit, I don't show them the big piece showing the property when it was at Greer Enterprises used to own. I've got to show them the legal lot for the house that I want a building permit on. And there's only one plat for that and that one showed the shared driveway easements. So I think - I don't know why it happened -

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but it was definitely staff error involved that we ended up getting homes built where they weren't following the shared driveway easement.

When I asked my client why, he said I was not involved during the process when the bigger project got approved, the Los Santeros project. He was only involved in the smaller project, and he didn't understand that he had to do this. He said the very first permit he came in for it wasn't even raised up. He showed them the shared driveway easements with the plats that existed and there wasn't a question raised. And so he continued along building - Sivage Homes continued to build multiple homes that never paid attention to that. And when I asked him about it, he said, well, I thought that was something that we were allowed to do. If I wanted to use it, that allowed the neighbors basically to drive on each other's property, but there was not a requirement that we had to do it, and it also had advantages for drainage reason. It was a shared drainage and a shared access easement or a shared driveway easement. And by the way, we do want to vacate these easements but we don't want to vacate the drainage easement part of it. We only want to vacate the shared driveway easement.

So I think that's all I have to say and I'll stand for any questions. Thank you.

CHAIR ROYBAL: Do we have any questions from the Commission?  
Commissioner Hansen.

COMMISSIONER HANSEN: Kind of the same manner that  
Commissioner Hamilton was speaking, so we have how many houses with single access driveways? Nine? Or three?

MS. GUERRERORTIZ: Yes, Every house that's out there today has a single access driveway right now. And there's nine homes.

COMMISSIONER HANSEN: So nine homes already have single access?

MS. GUERRERORTIZ: Right. They didn't - yes, that's correct.

COMMISSIONER HANSEN: And they're not sharing a driveway.

MS. GUERRERORTIZ: No one is sharing a driveway currently.

COMMISSIONER HANSEN: And how many empty lots do you have?

MS. GUERRERORTIZ: We have two, and we haven't built the driveway for a third house.

COMMISSIONER HANSEN: Okay. So we're talking about three lots that you want to have a single driveway on, and we're talking about designing that when you build the house?

MS. GUERRERORTIZ: Yes.

COMMISSIONER HANSEN: Am I correctly stating that?

MS. GUERRERORTIZ: Yes. That's correct.

COMMISSIONER HANSEN: I'm just being clear.

CHAIR ROYBAL: Thank you for your questions or comments from the Board? Commissioner Anaya, are you still on the line?

COMMISSIONER ANAYA: I am, Mr. Chair. I don't have any questions right now.

CHAIR ROYBAL: Okay. This is a public hearing so I want to see if there's anybody from the public to address the Board in support or opposition of this request.

COMMISSIONER HAMILTON: There's one letter, I think we got this. I

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don't know if have to read that into the record.

CHAIR ROYBAL: I'm going to go ahead and read it into the record. We have one comment. Okay, seeing that, I'm going to go ahead and close public comment. There's not anybody here today to speak for or against. What's the pleasure of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the variance and allow for that they are able to design the driveway when they design the house.

COMMISSIONER ANAYA: Second.

CHAIR ROYBAL: So we have a motion with staff recommendations and a second.

COMMISSIONER HAMILTON: Wait.

COMMISSIONER HANSEN: Without staff recommendation.

COMMISSIONER HAMILTON: Can I make a friendly suggestion, because I agree, except that I think one thing the County does want is for the new plats accurate, once the driveways are placed with them accurately showing the driveway. I would like to at least request that.

COMMISSIONER HANSEN: That the driveways are part of the plat?

MS. LUCERO: Mr. Chair, Commissioner Hamilton, so the main point of our condition was to -- right now, the plat as recorded shows that there are shared driveways. The applicant is requesting to vacate those shared driveways for those four particular lots. So that's what we would request is that the plat would be re-recorded to eliminate those shared driveways on those four parcels.

COMMISSIONER HAMILTON: And that's why I just wanted to make sure we captured that, but I would agree not to have to show where a driveway would be before the -- in an empty lot not developed.

CHAIR ROYBAL: Okay, so does your motion and second include those?

COMMISSIONER HANSEN: It does. I'm sorry to be unclear.

CHAIR ROYBAL: So we have a motion and a second.

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

- VIII. A. 4. CASE # S 17-5260 Las Campanas Holdings, Inc. (Estancias Unit III) Preliminary and Final Plat and Development Time Extension.  
(TABLED)

VIII. CONCLUDING BUSINESS

A. Announcements

CHAIR ROYBAL: Do we have any announcements from staff?

MS. MILLER: Mr. Chair, just want to announce that we have special closed sessions next Monday and Tuesday and that has been noticed. So I just wanted to remind you of that. We will be at the capitol in closed session on October 16<sup>th</sup> and October 17<sup>th</sup>.

CHAIR ROYBAL: Any other announcements?

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