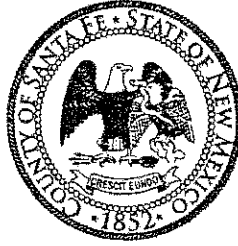


Henry P. Roybal
Commissioner, District 1

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 16-5270
TESSERA PHASE 2 RESIDENTIAL SUBDIVISION
HOMEWISE, INC., APPLICANT
DESIGN ENGINUITY (ORALYNN GUERRERORTIZ), AGENT

BOARD OF COUNTY COMMISSIONERS

THIS MATTER came before the Santa Fe Board of County Commissioners (BCC) for hearing on January 10, 2017, on the Application of Homewise, Inc., (Applicant) for Final Plat approval of Tessera Phase 2 residential subdivision consisting of 78 lots on 69.56 acres in accordance with Chapter 5, Section 5.8, Final Plat Ordinance No. 2015-11, the Santa Fe County Sustainable Land Development Code (SLDC). The property is located in the Tessera Planned Development District, within Section 20, Township 17 North, Range 9 East (Commission District 2).

The BCC, having reviewed the application, staff reports, and having conducted a public hearing on the application, finds that the application is well-taken and approves the application with the following findings of fact and conclusions of law:

1. The Applicant requested Final Plat approval for Phase 2 of Tessera, which consists of 78 residential lots on 69.56 acres.

History of the Project

2. Tessera Subdivision is a residential subdivision which consists of 166 residential lots approved to be developed in two phases.

3. The subject property received master plan approval for 88 lots on 84 acres in the late 1990's under the name of College Hills.

4. On December 18, 2001, the Extraterritorial Zoning Authority (EZA), granted a master plan amendment for the Tessera Subdivision, formerly College Hills, which consisted of 166 residential lots on 145.67 acres to be developed in two phases. Phase 1 consisted of 88 lots on 76.57 acres and Phase 2 consisted of 78 lots on 69.56 acres.

5. On December 12, 2002, the Extraterritorial Zoning Commission (EZC) granted preliminary plat and development plan approval for Phase 1 of the Tessera Subdivision.

6. On January 13, 2004, the BCC granted final plat and development plan approval for Phase I. The final plat for Phase 1 was recorded on April 15, 2007.

7. On August 12, 2014, the BCC approved a request for preliminary plat and development plan for Phase 2 of the Tessera residential subdivision consisting of 78 lots on 69.56 acres.

8. The applicable requirements under the Santa Fe County Sustainable Land Development Code, (SLDC), Ordinance No. 2015-11, which governs this Application are as follows:

- a. Chapter 5, Section 5.8.1, Final Plat, When Required,
Final plat approval is required for all subdivisions, both major and minor. No final plat shall be recorded until a final plat has been approved as provided in this section, or in the case of a minor subdivision as provided in §5.6.
- b. Chapter 5, Section 5.8.2, Application,
An application for final plat approval shall be filed with the Administrator and include all information and submittals required by this Chapter. If the approved preliminary plat permitted phasing or sectionalizing, the applicant shall submit an application only for the phase(s) proposed.
- c. Chapter 5, Section 5.8.3, Compliance with Preliminary Plat (major subdivisions),
The final plat for a major subdivision shall conform to the approved

or approved amended preliminary plat, including all conditions and mitigation requirements contained within the development order approving the preliminary plat. No deviation from the approved or approved amended preliminary plat, together with all conditions and mitigation requirements, shall be authorized to be granted at final approval; any deviation from the development order granting the preliminary plat approval shall require an amendment as provided in §5.7.9.

9. At the public hearing before the Board on January 10, 2017, staff recommended approval of the request for Final Plat for the Tessera Phase 2 residential subdivision consisting of 78 lots on 69.56 acres subject to the following conditions:

1. Compliance with applicable review comments from the following:
 - a) NMDOT
 - b) NMED
 - c) OSE
 - d) SHPO
 - e) County Public Works
 - f) County Fire Marshal
 - g) County Utilities
 - h) County Planning
 - i) Soil and Water
 - j) Santa Fe Public Schools
 - k) County Open Space and Trails
 - l) County Affordable Housing
2. Final Plat with appropriate signatures shall be recorded with the County Clerk's office.
3. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements, on-site and off-site. This agreement shall be signed by the Administrator, recorded and referenced on the plat.

10. In support of the Application, the Agent stated that the Applicant is in agreement with the conditions. One person from the public spoke in support of this Application and no one spoke in opposition to the Application.

WHEREFORE, the Board of County Commissioners for the County of Santa Fe hereby approves the Final Plat for Tessera Phase 2 residential subdivision consisting of 78 lots on 69.56 acres subject to conditions listed in paragraph 9. The motion to approve passed by a unanimous 4-0 vote (Commissioner Anaya was not present).

IT IS SO ORDERED.

This Order was adopted by the Commission on this ____ day of _____, 2017.

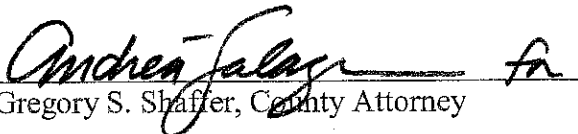
THE SANTA FE BOARD OF COUNTY COMMISSIONERS

Henry P. Roybal, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

the Buckman Direct Diversion project and execute and submit documents in support of Water Trust Board funding for the tank. Do I have a second?

COMMISSIONER HAMILTON: I'll second that.

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

The motion passed by unanimous [4-0] voice vote.

VII. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

- A. Matters from County Commissioners and Other Elected Officials**
1. Elected Officials Issues and Comments
 2. Commissioner Issues and Comments

None were offered.

VIII. PUBLIC HEARINGS

C. Land Use Cases

1. **CASE #S 16-5270 Tessera 2 Final Plat Approval**, Homewise, Inc., Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, Request Final Plat Approval for the Tessera Phase 2 Residential Subdivision Consisting of 78 Lots on 69.56 Acres. The Property is Located off NM 599 North Frontage Road, within the Tessera Planned Development District, Within Section 20, Township 17 North, Range 9 East (Commission District 1) [*Exhibit 4: Applicant's Presentation*]

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. Homewise, Inc., applicant, Design Enginuity, Oralynn Guerrerortiz, agent, request final plat approval for the Tessera Phase 2 residential subdivision consisting of 78 lots on 69.56 acres. The property is located off of NM 599 North Frontage Road, within the Tessera Planned Development District, within Section 20, Township 17 North, Range 9 East, Commission District 1.

Tessera Subdivision is a residential subdivision which consists of 166 residential lots and was to be developed in two phases. Phase 1 consisted of 88 lots and Phase 2 consisted of 78 lots on 146 acres.

The subject property received master plan approval for 88 lots on 84 acres in the late 1990s under the name of College Hills.

On December 18, 2001, the EZA, the Extraterritorial Zoning Authority, granted a master plan amendment for the Tessera Subdivision, formerly College Hills, which consisted of 166 residential lots on 145.97 acres to be developed in two phases. Phase 1 consisted of 88 lots on 76.57 acres and Phase 2 consisted of 78 lots on 69.56 acres.

On December 12, 2002, the EZC granted preliminary plat and development plan approval for Phase I of the Tessera Subdivision. On January 13, 2004, the BCC granted final plat and development plan approval for Phase I. The final plat for Phase 1 was recorded on April 5, 2007.

On August 12, 2014, the Board of County Commissioners approved a request for

preliminary plat and development plan for Phase 2 of the Tessera residential subdivision consisting of 78 lots on 69.56 acres.

The applicant now requests final plat approval for Phase 2 of the Tessera Residential Subdivision to create the 78 lots on 69.56 acres with 35 acres or over 50 percent designated as permanent open space.

The recommendation: Building and Development Services staff reviewed this project for compliance with conditions of the preliminary plat approval and for compliance with pertinent SLDC requirements and found that the facts presented support the request for final plat approval for the Tessera Phase 2 residential subdivision consisting of 78 lots on 69.56 acres subject to the following conditions. May I enter those into the record?

CHAIR ROYBAL: Yes.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a. NMDOT
 - b. NMED
 - c. OSE
 - d. SHPO
 - e. County Public Works
 - f. County Fire Marshal
 - g. County Utilities
 - h. County Planning Division
 - i. Soil and Water
 - j. Santa Fe Public Schools
 - k. County Open Space and Trails
 - l. County Affordable Housing
2. Final Plat with appropriate signatures shall be recorded with the County Clerk's office.
3. ~~Street lamps shall not exceed 16 feet in height.~~ [Deleted at staff report.]
4. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, this agreement shall be signed by the Administrator, recorded and referenced on the plat.

MR. ARCHULETA: I have one clarification on condition #3. I would like to strike condition #3 because the code does allow for a height of 27 feet in the zoning district for a streetlight. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you. Do we have any questions from my fellow Commissioners?

COMMISSIONER HAMILTON: Mr. Chair, I have one small question. It had to do with the fire protection and the flow rate of the hydrants.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I wonder if the hundred gallons per minute – I don't believe – was that approved by the Fire Marshal?

MR. ARCHULETA: No, ma'am. That's a clarification. That should be

1,000 gallons.

COMMISSIONER HAMILTON: Thank you. What's an order of magnitude?

CHAIR ROYBAL: Is the applicant here? Can we get the presentation from the applicant?

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: I'm Oralynn Guerrerortiz with Design Enginuity, and with me today is Michael Loftin, who is executive director of Homewise. Thank you for having us today. We're here for Tessler 2, which is the second phase of the Tessler project. We're located off of 599, just to the east of Aldea, to the west of Camino La Tierra, and this has been zoned as a planned development district under the County code.

What you have in front of you, Commissioners, was a power point presentation that I prepared too late to get it through the chain of command here so I'm so sorry, but what you'll see if you want to flip through it, and I'm sorry for the audience – I'm willing to show it to you at any time. But what you'll find in front of you is what I would have shown in that power point presentation.

Just past the zoning map which is the really pretty colorful purple one is what's out there today. The 88 homes, of which last count I heard and they've probably built a lot more since; they were down to 20 available lots. And the reason we're here today before you is the goal is to get this subdivision infrastructure in the mill and ready so that when Tessler 1 is completely built out Homewise can start selling homes in this, and they don't lose the momentum. This project is doing very well. It's a very popular project. It's very beautiful views and absolutely gorgeous. And I've got some pictures of the homes and the roads that are there today.

In phase 1, what they did was they built in essence all the main roads through Phase 2 and then they developed the houses on the north side. So the actual roadways that serve Phase 1, this long road here, this road here, and this one that connects over to Aldea, those are already in and being used today by people. They've got water; they've got sewer; they've got all the dry utilities already in these roadways.

The next picture is a Google map and it's kind of hard to see but you can see that there's a lot of homes already constructed in our project, and the following picture is a duplicate of the one I have here, showing you the development plan. We've got two archeological sites which are on permanent open space. We have 35 acres of open space which was a little more than 50 percent of the project. We have trails which are actually already installed. All the black lines – and they're kind of hard to see on this one – but all those black lines are trails that are dedicated for public use. They connect to the underpass under 599. They are being used by people who live in Aldea. We tried to design them so that people next door could easily access them. Anyway, they're already installed. I wanted you to know that.

We're going to be on County water. We're on a private sewer system. It's low pressure because we've got hills going up and down, and that connects and flows into the City's interceptor along the river, and so the sewage actually ultimately goes to the City wastewater treatment plant. We have plans for seven detention ponds that will be

centrally located in the arroyos in our project, and those ponds will mean there will be no on-lot ponding for the individual houses.

What else should I tell you about? We do agree to all staff conditions as presented. There are 12 affordable homes. We've scattered them through the development. The affordable housing agreement has already been approved by the BCC, and beyond that last picture that showed the affordable homes you'll just see photographs of the existing Tessera project and you'll see some beautiful homes that have been built by Homewise. Homewise is the developer. They build all the homes. They sell them here. And they've won awards on these homes. I don't know if any of you have seen them but they're absolutely beautiful homes.

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

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Did the Homewise build Tessera 1?

MS. GUERRERORTIZ: What happened in Tessera 1 is Michael Hurlocker actually got that project approved and built it and then the economy tanked and he ended up losing it. And so Homewise purchased, I think out of the original 88 lots – how many did you get? About 72. They got 72 of those lots. Some of them Michael had already sold. So nearly all the homes in Tessera 1 were built by Homewise but not all.

COMMISSIONER HANSEN: By Homewise?

MS. GUERRERORTIZ: Yes.

COMMISSIONER HANSEN: And it looks like it's a much denser population in the back than it is in the front.

MS. GUERRERORTIZ: No, it's pretty much the same and I wonder why you have that interpretation.

COMMISSIONER HANSEN: Okay.

MS. GUERRERORTIZ: I don't think so. I think it's pretty much the same in general for the lot sizes. They're very comfortable lots with open space usually around – everybody has direct access to open space, usually.

COMMISSIONER HANSEN: So the other concern I have is does traffic go through Aldea?

MS. GUERRERORTIZ: It can. This road here connects to Aldea, and it's a way to get to their plaza, in fact, and it's secondary access for us, so we could use it in an emergency. There was some consideration about putting a gate here because traffic kind of speeds through because we don't have speed humps and I think Aldea does. But that was kiboshed because the newest code doesn't allow gates. So it's continuing to be an open access. We might want to put speed bumps on this road, frankly, or speed humps, because there are people kind of going through here trying to avoid the speed humps I think in coming this way. That's what I think, but I can't be sure.

COMMISSIONER HANSEN: I know that is a concern for residents of Aldea is the amount of traffic going to other subdivisions that go through their property.

MS. GUERRERORTIZ: Yes, I can imagine. From the Las Campanas area down.

COMMISSIONER HANSEN: I want to make sure that construction trucks and things like that will be coming in through 599.

MS. GUERRERORTIZ: Yes. Our construction trucks will come through 599 and through the Tessera entrance, our entrance right here. And we won't be coming through Aldea.

COMMISSIONER HANSEN: Okay. And also your water budget is .25?

MS. GUERRERORTIZ: .25 per home.

COMMISSIONER HANSEN: Okay. Do you think that's adequate?

MS. GUERRERORTIZ: I think that – I won't try to give my opinion on this in a rough way. I will say that people should live within a quarter acre-foot, yes.

COMMISSIONER HANSEN: And if they don't?

MS. GUERRERORTIZ: Then there are provisions in the County code to give them letters, and I think we need to do more than that but I'll leave that up to your discretion.

COMMISSIONER HANSEN: Okay. For the moment that's a few of the questions I had.

CHAIR ROYBAL: Okay, I don't think we have any other questions from the Board so I'm going to go on to the public. Is there anybody here from the public that would like to speak on this matter? Can I see a show of hands? One? Okay, sir, can you come up so that you can be sworn in?

[Duly sworn, Lyndon Searfoss testified as follows:]

LYNDON SEARFOSS: I'm Lyndon Searfoss and I live within the 500 feet of Tessera Phase 2 but I'm also the newly elected president of the board of directors of the Aldea de Santa Fe. So I'm here representing the part-time owners who couldn't be here whose houses directly abut Phase 2. We've had the plan since December 20th. We've looked at them and it looks to us like there's no technical violations.

CHAIR ROYBAL: Hold on one second sir. I wanted to also say on the record as well that we are going to have time – I think everybody else here is probably going to talk on the next case that will be coming up, so we will have a time limit of three minutes. So we'll go ahead and we'll start that with this one.

MR. SEARFOSS: I'm used to three minutes.

CHAIR ROYBAL: Thank you, sir.

MR. SEARFOSS: And Commissioner Hansen hit probably the things I was going to say, concerning traffic and construction. So at this point I haven't had any homeowner come to me with any serious objections.

COMMISSIONER HANSEN: Okay.

MR. SEARFOSS: Tessera Phase 1 is really a nice neighbor for Aldea. They've been very good. Thank you.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR ROYBAL: So that was the only public comment that we had so this is in District 1, which is my district, so I'd like to make a motion to approve and hope for a second.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: We have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

VICKI LUCERO (Building & Development Services): Mr. Chair, can I just get clarification? Did that motion include staff's recommended conditions?

CHAIR ROYBAL: Yes it did. The motion included staff's recommendations. Thank you.

- VIII. A. 2. **BCC CASE #APP 16-5151 Heart's Way Ranch Appeal.**
Richard Bank, Appellant, is Appealing the Santa Fe County Planning Commission's Decision to Grant Heart's Way Ranch, Susan Carter, Property Owner, JenkinsGavin Design & Development Inc., Agents, Three Variances of the Sustainable Land Development Code (SLDC) to Allow a Retreat Facility Consisting of Two Casitas, a Yoga Area, and a Main Residence on 39.5 Acres. The Property Owner Requested a Variance of Chapter 7, Section 7.11.6.6 to Allow the Grade of the Approach at the Intersection to Exceed 5 percent, a Variance of Chapter 7.11.2, Table 7-13, to Allow the Overall Grade of the Driveway to Exceed 10 percent in Three Separate Locations in Order to Get to the Casitas and Main Residence, and a Variance of 7.11.2 Table 7-13 Local Road Design Standards to Allow Access from Offsite Roads that Do Not Meet Code Requirements. The 39.5-Acre Property is Located at 34 Sendero de Corazon, Via La Barbaria Trail, Within Section 9, Township 16 North, Range 10 East, SDA-3 (Commission District 4) [*Exhibit 5: Planning Commission Staff Report; Exhibit 6: Letters Supporting Appeal; Exhibit 7: Applicant's Road Photographs; Exhibit 8: Applicant's Driveway Photos; Exhibit 9: Letters Supporting Application; Exhibit 10: Lofton Letter; Exhibit 11: Mr. Deuschle's Submission of Carter Email*]

[Commissioner Anaya joined the meeting telephonically for this case.]

JOHN MICHAEL SALAZAR (Case Manager): Thank you, Mr. Chair. Richard Bank, appellant, is appealing the Santa Fe County Planning Commission's decision to grant Heart's Way Ranch, Susan Carter, property owner, JenkinsGavin, Design & Development Inc., Agents, three variances of the Sustainable Land Development Code (SLDC) to allow a retreat facility consisting of two casitas, a yoga area, and a main residence on 39.5 acres. The three variances are of Chapter 7, Section 7.11.6.6 to allow the grade of the approach at the intersection to exceed 5 percent, Chapter 7, Section 7.11.2, Table 7-13, to allow the overall grade of the driveway to exceed 10 percent in three separate locations in order to get to the casitas and main residence, and Chapter 7, Section 7.11.2 Table 7-13 Local Road Design Standards to allow access from offsite roads that do not meet Code requirements. The 39.5-acre property is located at 34 Sendero de Corazon, via La Barbaria Trail within Section 9, Township 16 North, Range 10 East, Commission District 4, SDA-3.

On August 25, 2016, the applicant presented three variances to the Hearing



