

Daniel "Danny" Mayfield  
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

April 28, 2014

Mr. Vicente Archuleta  
Development Review Team Leader  
Santa Fe County Land Use Department  
102 Grant Ave  
Santa Fe, NM 87504

RE: Case #13-5201 Oshara Village Phase I, Tract C (5 Lot Subdivision).

Dear Vicente,

This letter is in response to your request for a review of Oshara Village Phase I, Tract C (5 Lot Subdivision) dated March 14, 2014.

The Santa Fe County Utility Division (SFCUD) would like to reference the Water/Sewer Service Agreement for Oshara Village, Phase I, dated January 30, 2006.

In regards to water service it is understood that there is existing 12" distribution waterline in Willowback Road for the 5 Lot Subdivision, which will be the source for the water connections.

1. It is our understanding that there will be a total of 3 connections to the 12" waterline 2 - Double 5/8" water taps, and 1 - Single 5/8" water tap.
2. All waterlines shall be at a minimum of 6".
3. Unless otherwise indicated waterlines and all appurtenant fittings shall be Ductile Iron and PVC-C-900.
4. Please refer to the SFCUD General Construction Notes for details and specifications.

In regards to sewer it is understood that there is an existing privately owned and operated wastewater patented sequencing batch reactor (SBR).

1. It is understood that there is an existing 10" sewer main within Willowback Road. The intention is to install 4" sanitary sewer service lines to each lot.
2. Please clarify if these connections will be gravity connections or will they require the installation of privately owned and operated grinder pumps at each residence.
3. Please refer to the SFCUD General Construction Notes for details and specifications.

If you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

Paul Casaus  
Utilities Engineering Associate  
Santa Fe County Utilities Department

• Physical: 424 NM 599 Santa Fe, NM 87507 • Mailing: P.O. Box 276 Santa Fe, NM 87504 • Phone (505) 992-9870  
• Fax (505) 992-3028 • www.santafecountynm.gov

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April 21, 2014

Mr. Vicente Archuleta  
102 Grant Ave.  
Santa Fe, NM 87501

RE: Oshara Village Phase 1, Tract C Subdivision

Dear Mr. Archuleta,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and comments or concerns to be addressed are as follows:

**Environmental Bureau:** If access to NMDOT right of way is required for the project, including any infrastructure improvements in NMDOT right of way, the project would require an access permit and environmental clearance from the NMDOT and the project proponent would need to contact Gary Funkhouser in the NMDOT Environmental Section at 505-827-5692.

If there are any questions you may contact me at (505) 827-5249 or by email at [jeremy.lujan@state.nm.us](mailto:jeremy.lujan@state.nm.us).

Sincerely,

Jeremy Lujan  
Property Asset Management Agent

FILE#: 1747

Susana Martinez  
Governor

Tom Church  
Cabinet Secretary

Commissioners

Pete K. Rahn  
Chairman  
District 3

Ronald Schmelts  
Vice Chairman  
District 4

Dr. Kenneth White  
Secretary  
District 1

Butch Mathews  
Commissioner  
District 5

Jackson Gibson  
Commissioner  
District 6

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**MEMORANDUM**

**DATE:** April 30, 2014

**TO:** Vicente Archuleta, Development Review Team Leader

**FROM:** Lisa Roach, Open Space and Trails Planner  
Planning Division / Growth Management Department

**VIA:** Robert Griego, Planning Division Manager, Growth Management Department

**RE:** CASE #13-5201 Oshara Village Phase 1, Tract C (5-Lot Subdivision)

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I have reviewed the case submittal for technical accuracy and for compliance with the Land Development Code and Community College District Plan and Ordinance and I have the following comments:

- The submittal materials do not show or otherwise address the District Trail that appears on the Circulation Map of the Community College District Plan within the project area. According to the trail standards and requirements laid out in Santa Fe County Ordinance 2000-12 (Section 1.5.a), "Master Plans and development plans and plats shall show District Trails in the approximate locations shown on the CCD Circulation Map." Further, Ordinance 2000-12 (Section 1.2.c) states the following: "Submittal of plans or plats showing the location of parks, plazas and trails shall be accompanied by the following: i. An improvement plan showing trail sections, building materials, and trailhead improvements, and required improvements as set forth in the Park/Plaza Table ...; ii. A landscaping and irrigation plan; iii. A maintenance plan."

Daniel Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3

Liz Stefanics  
Commissioner, District 4

Kathy Holian  
Commissioner, District 5

Katherine Miller  
County Manager



**PUBLIC WORKS DIVISION  
MEMORANDUM**

**Date:** March 26, 2014

**To:** Vicente Archuleta, Development Review Team Leader

**From:** Paul Kavanaugh, Engineering Associate Public Works *[Signature]*  
Johnny P. Baca, Traffic Manager Public Works *[Signature]*

**Re:** CDRC CASE # 13-5201 Oshara Village, Phase I, Tract C (5-Lot Subdivision)

The referenced project has been reviewed for compliance of the **Land Development Code**, of Article V (Subdivision Design Standards), Section 8.1 (General Policy on Roads) and Article XV Regulations for the Community College District, in which the roadway/driveway needs to conform. The project is located within the Community College District located within Santa Fe County Zoning Jurisdiction and is situated south of Interstate 25, east of Richards Avenue, within Section 16, Township 16 North, Range 9 East. The applicant is requesting Preliminary and Final Plat approval and Development Plan Approval for a five lot residential subdivision of Tract C of Oshara Village, Phase I.

**Access:**

The applicant accesses the 84.01 acre tract (Phase I) from Richards Avenue and Willowback Road on the southwest of the development and Rabbit Road on the northeast of the development. According to the *Institute of Transportation Engineers Trip Generation 2013, Traffware, LLC the impact of five residential lots is 4 AM Peak Hour trips and 5 PM Peak Hour trips and* will not affect the operation level of the existing intersections (Richards Avenue and Oshara Boulevard) and (Richards Avenue and Willow Back Road).

**Conclusion:**

Staff has reviewed the submittal and feels that they can support the project for Preliminary and Final Plat approval and Development Plan Approval for a five lot residential subdivision with the following conditions:

- Applicant shall address how drainage will be affected with concrete ramp within drainage swale.
- Applicant shall provide a detail of the concrete ramp.



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
SANTA FE

Scott A. Verhines, P.E.  
State Engineer

April 11, 2014

CONCHA ORTIZ Y PINO BLDG.  
POST OFFICE BOX 25102  
130 SOUTH CAPITOL  
SANTA FE, NEW MEXICO 87504-5102  
(505) 827-6091  
FAX: (505) 827-3806

Vicente Archuleta  
Senior Development Review Specialist  
Santa Fe County  
PO Box 276  
Santa Fe, NM 87504

CERTIFIED MAIL  
RETURN RECEIPT  
REQUESTED

Re: Oshara Village, Phase 1

Dear Mr. Archuleta:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Santa Fe County Land Development Code and the New Mexico Subdivision Act.

Based on the information provided, this office cannot determine that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. Accordingly, a negative opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Emily Geery at 505-827-6664.

Sincerely,

A handwritten signature in cursive script that reads "Molly J. Magnuson".

Molly Magnuson, P.E.  
Water Use & Conservation/Subdivision Review Acting Bureau Chief  
Encl.

cc: OSE Water Rights Division, Santa Fe Office

**MEMORANDUM**  
New Mexico Office of the State Engineer  
Water Use and Conservation Bureau

**DATE:** April 11, 2014  
**TO:** Molly Magnuson, P.E., Acting Water Use and Conservation Bureau Chief  
**FROM:** Emily Geery, Senior Water Resource Specialist  
**SUBJECT:** Oshara Village Phase 1, Tract C (5-Lot subdivision)

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**SUMMARY**

On March 14, the Office of the State Engineer (OSE) received a request to review the proposal for the *Oshara Village Phase 1*, a Type 3 subdivision. The original plan (proposal) was previously submitted in 2004. The proposal is a request to develop Phase 1 which is a portion of Tract C and to subdivide 84 acres into 186 residential lots and 12 commercial lots. The largest lot is 0.5 acres for residential and 0.54 acres for commercial and the smallest is 2721 square feet for residential and 2313 square feet for commercial. Santa Fe County Water Utility will provide water. The property is located on the east side of Richard's Avenue just south of I25. The five lots to be created will be located on the south side of Willowback Road, about 400 feet due east of the traffic circle of Richards Avenue located within Section 16, T16N, R9E, NMPM.

The subdivision proposal was reviewed pursuant to the Santa Fe County Land Development Code (Code) and the New Mexico Subdivision Act (Act). Based on the information provided, the water supply proposal is not in compliance with the requirement of Section 6.4.4(a) and 10.2.2 of the Code and Section 47-6-11.F (1) of the Act. Accordingly, a **negative** opinion should be issued.

The water supply documents submitted to this office consist of a Letter from the Developer, Water Service Agreement, Disclosure Statement, The Declaration of Covenants and Water Restrictions, and Plat.

**WATER DEMAND ANALYSIS AND WATER CONSERVATION**

Under Item No. 17 of the Disclosure Statement the developer states that each patio home will be limited to 0.125 acre feet per year (afy) of water use or 0.625 afy for Phase 1. The proposal does not contain a detailed water demand analysis. Section 10.2.2 of the Code states that if less than 0.25 afy per dwelling unit is proposed, a water conservation report which contains a water budget shall be provided. The Declaration of Covenants and Water Restrictions could not be reviewed to ensure that the water conservation measures reflect the assumptions used to develop the water budget.

**WATER AVAILABILITY ASSESSMENT**

The proposed water supply will be provided by the Santa Fe County Utilities. The developer provides a Water Service Agreement letter from the Office of the County Attorney dated February 8, 2006. The letter states that "*The Santa Fe County Water Utility (SFCU) will be required to extend its water lines and facilities to and within the Oshara Property and acquire water rights to support deliveries of water to the Oshara Property.*" The water budget for Phase

I of the Oshara Development is approximately 30 afy. The County estimates that the minimum water budget needed to serve Phase I is 32.38 afy. The first 30 afy will be provided through Contract No. 20-0101. This office made several attempts to confirm that the additional water rights to be supplied through the Water Service Agreement were transferred but could not confirm that the transaction was completed.

Section 47-6-11.F (1) of the Act requires that the developer provide documents demonstrating that water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision is available. The OSE reviews the water rights and the physical water availability when issuing an opinion. Based on OSE records, Santa Fe County Water Utility currently holds sufficient water rights to provide service to the proposed development. However, as of this date, this office could not confirm that the permit process to transfer water rights has been completed as required by the Utility in the water service agreement. Since it is not known if the aforementioned permit has been filed, it is not clear if the Santa Fe County Water Utility will furnish water in sufficient quantity to fulfill the maximum annual water requirement. The OSE does not have the authority to make a conditional determination based on a potential future action. Based on the information provided, this office has determined, as required by Section 47-6-11.F (1) of the Act, that the developer cannot fulfill the statements in the proposals concerning water availability at this time. This office is prepared to re-evaluate the referenced proposal when the necessary water rights applications have been completed.



State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
 Environmental Health Bureau  
 Santa Fe Field Office  
 2540 Camino Edward Ortiz  
 Santa Fe, NM 87507  
 505-827-1840  
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Susana Martinez  
 Governor

Ryan Flynn  
 Secretary

March 17, 2014

Butch Tongate  
 Deputy Secretary

Mr. Vincente Archuleta, Development Review Team Leader  
 Santa Fe County - Planning & Zoning Department  
 P.O. Box 276  
 Santa Fe, New Mexico 87504-0276

Tom Blaine  
 Director

**RE: Case #S13-5201 Oshara Village, Phase I, Tract C (5-Lot Subdivision)**

Dear Mr. Archuleta,

I have reviewed the Case #S13-5201 Oshara Village, Phase I, Tract C (5-Lot Subdivision) submittal. My review is based upon information submitted by the applicant, in-house files and the State Liquid Waste regulations.

I have reviewed the plan submittal for compliance with the New Mexico Liquid Waste Disposal and Treatment Regulations (20.7.3 NMAC). These regulations are administered by the New Mexico Environment Department (NMED), Environmental Health Bureau.

The plan is for the development of a 6 lot subdivision with 5 residential lots as a Phase 1 development of project which received approval from the County Commissioners in 2005. The Phase 1 submittal states that: "Oshara Village is served by a state of the art facility, that treats wastewater on the basis of activated sludge technology.....". It further states that: "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."

Under current State regulations, a wastewater plant with this capacity and this existing flow would be subject to the regulations of the Ground Water Quality Bureau (GWQB) of the New Mexico Environment Department (NMED). Therefore, today I will be forwarding the Oshara Village Phase 1 Development submittal to the NMED – GWQB.

If you have any questions regarding this review of Case #S13-5201 Oshara Village, Phase I, Tract C (5-Lot Subdivision) or other matters related to this permit, please contact me at the number above.

Respectfully submitted,

Robert Italiano, Manager  
 Environmental Health Bureau - District II  
 New Mexico Environment Department  
 Santa Fe Field Office



STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

Susana Martinez  
Governor

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 FAX (505) 827-6338

April 14, 2014

Vicente Archuleta  
Development Review Team Leader  
County of Santa Fe  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, NM 87504-0276

RE: Case # 13-5201 Oshara Village, Phase 1, Tract C (5-Lot Subdivision)

Dear Mr. Archuleta:

I am writing in response to your review for review and comment on the above referenced development. According to the development plan, there are no known archaeological sites within the proposed 5-lot subdivision within Oshara Village. Our records concur with this assessment.

An archaeological survey conducted in 1997 identified archaeological sites in the vicinity, but none were identified within the current proposed subdivision. Since the proposed subdivision has been surveyed, and it is negative for archaeological sites, the subdivision will have **No Effect on Historic Properties**.

Please do not hesitate to contact me if you have any questions. I can be reached by telephone at (505) 827-4064 or by email at [michelleensey@state.nm.us](mailto:michelleensey@state.nm.us).

Sincerely,

  
Michelle M. Ensey  
Archaeologist

Log: 98871

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefaniacs  
Commissioner, District 5

Katherine Miller  
County Manager

May 6, 2014

To: Vicente Archuleta, Development Review Team Leader

From: Karen Torres, County Hydrologist

Re: CDRC Case # S 13-5201 Oshara Village Phase I, Tract C (5 Lot Subdivision)

The subject development plan was reviewed for technical accuracy and compliance with the SFC Land Development Code. The submittal by the applicant is largely complete and meets the requirements for Preliminary Development Plan. Additional information is requested prior to final development plan approval as recommended:

1. An updated or amended water service agreement which reflect the current owner and development size.
2. A review of water use for Patio Homes in Oshara Village showed an average water use of 0.17 acre-foot per year exclusive of line loss. Revision of the proposed water budget is requested.
3. A copy of the current New Mexico Environment Department Discharge Permit which outlines the use of reclaimed water for this development.

Nature of Project:

The applicant is requesting preliminary and final development plan to expand the Oshara Village Phase I by 5 residential lots. The area was originally designated as reserved open space but was re-zoned in 2013 to accommodate 5 patio home lots. The development will be served by the Santa Fe County Water Utility and a private community sewer system.

History of Review:

By Order dated December 13<sup>th</sup>, 2005 Oshara Village Phase I received final development approval by the BCC.

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**SFCLand Development Code Preliminary and Final Development Plan Requirements for Water and Wastewater:**

**Preliminary Development Plan Requirements for Water**

Article V, Section 5.3.2 Preliminary Plat Submittals requires the following:

1. Water Supply Plan and Water Permits as required by Article VII, Section 6 of the Code.
2. Liquid Waste Disposal Plan as required by Article VII Section 2.4 10.

**Article VII, Section 6 - Water Supply Plan**

*Article VII, Section 6.2 entitled General Requirements and Submittals for a Water Supply Plan sets forth requirements based on the type and scale of the development. Table 7.4, entitled Required Code Sections for Water Supply, states all large scale residential development, which describes the subject development, is required to submit a water supply plan which consists of submittals compliant with the following code requirements*

1. *Article VII, Section 6.3 Community Water Systems (if applicable)*
2. *Article VII, Section 6.4 entitled "Water Availability Assessments"*
3. *Article VII, Section 6.5 entitled "Water Quality"*
4. *Article VII, Section 6.6 entitled "Water Conservation"*
5. *Article VII, Section 6.7 entitled "Fire Protection"*

As the size of the development has been reduced the ready, willing and able to serve letter should be updated to reflect the current size and water budget for this project.

**Article VII, Section 6.3: Water Supply Plan**

Since the Santa Fe County Utility is providing water service to this development *Article VII, Section 6.3* of the code does not apply to this development. The rest of code requirements do apply.

**Article VII, Section 6.4 entitled "Water Availability Assessments"**

For all municipal or county owned water utilities a letter of intent from the utility that they are ready willing and able to provide the maximum annual water requirements for the development is required. The letter must also state any requirements for the applicant to provide water rights.

No letter of intent was provided for this development request but a copy of the existing Water Service Agreement between Santa Fe County and Greer Enterprises, Inc dated January 30, 2006 was submitted. It is not clear if this contract was transferred to the current owners, Century Bank, took over ownership of the remaining lots. A review of the master plan amendment, approved November 13, 2013 did not include a review from the utilities department. A copy of any recent approvals or contracts was requested by the utilities department but none could be found.

After a review of the submissions by the applicant and an independent search for documents it does not appear code requirements for Article VII Sections 6.4 for final development approval have been met. Preliminary Development approval is recommended to afford the applicant time to work with the utilities department on updating the Water Delivery Agreement to reflect the current owners of the development and the proposed changes in the amended Master Plan.

#### **Article VII, Section 6.5 - Water Quality**

No water quality information was submitted to the County to review but as the Santa Fe County utility is a public water system they are required by NMED to meet all drinking water standards set forth by the Environmental Protection Agency. A review of the latest Sanitary Survey and NMED Drinking Water Bureau website did not indicate any water quality issues.

#### **Article VII, Section 6.6- Water Conservation**

##### *Water Budget*

The water use budget indicates a total annual water use of 0.625 acre-feet per year or 0.125 acre-foot per lot. The method used to calculate the per household water use was not submitted for review and appears to depend on prohibiting outdoor irrigation with potable water. Previous review by the former County Hydrologist approved a budget of 0.18 acre-feet per household, which includes a 20% line loss buffer.

A review of FY 2013 water use for Patio Homes within the Oshara Development show a water usage ranging from 0.06 acre foot to 0.46 acre-foot per year with an average use of 0.17 acre-feet per year. Though the overall water usage for the development is low it is likely the patio homes will use more than 0.125 acre-feet per year. Revision of the proposed water budget and verification that the reclaimed wastewater system is operational for this development is requested.

##### *Water Restrictive Covenants*

The Water Restrictive Covenants for this request appear complete and meet code requirements with the exception of the water budget as outlined in the previous section.

**Article VII, Section 6.7 - Fire Protection**

Article VII, Section 6.7.6, as amended by Ordinance 1998-10, states residential subdivisions shall have fire hydrants which are designed to flow at least 500 gallons per minute with 20 psi for a two hour minimum. Verification of this is done by the County Fire Marshall.

**Article VII, Section 2 - Liquid Waste Disposal Requirements**

Submission of the current New Mexico Environment Department Discharge Permit which outlines the use of reclaimed water for this development is requested for review.

If you have any questions, please feel free to call me at 992-9871 or email at [klorres@co.santa-fe.nm.us](mailto:klorres@co.santa-fe.nm.us)

requirements by promoting conservation of water through the use of drought tolerant plant materials and xeriscape techniques. The Development Review Committee may recommend to the Board to vary, modify or waive the requirements set forth in Article III, § 2.3.6, Height Restrictions and Article III, § 4.4.4.f, Landscaping of the Land Development Code.

Member Katz asked whether there would sufficient landscaping to screen the building. Mr. Larrañaga said the applicant reduced the number of shrubs and is following the new Sustainable Land Development Code.

Member Gonzales asked whether the height would be allowable under the new code and Mr. Larrañaga said the new code allows up to 36 feet.

Mr. Larrañaga said the plans call for a cistern to collect water onsite for landscaping. An onsite well will provide water for the facility.

Duly sworn, Lorn Tryk project architect, commended staff on the abundance of caution they used in reviewing this project. The cistern is sized for a year's worth of water rather than the usual month's worth. The well water budget contains landscaping as if the cistern were empty and still the water use is less than .25 acre-feet per year.

Mr. Tryk said the building is designed for 30 pounds per square foot snow load and is pre-engineered for wind and snow in Stanley.

There were no other speakers on this case.

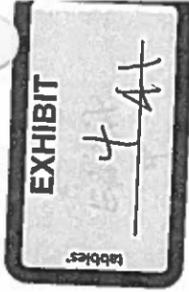
Member Katz moved to approve V/FDP 14-5090 with staff conditions. The motion was seconded by Member Booth and passed by unanimous [7-0] voice vote.

Member Anaya was complimentary of the project that is needed by the youth in southern Santa Fe County.

**D. CDRC CASE # S 13-5201 Oshara Village Preliminary and Final Plat and Development Plan: Century Bank, Applicant, Design Enginuity (Oralynn Guerretortiz), Agent, request 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 (5 residential lots within Tract C). 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)**

Mr. Archuleta presented the staff report as follows:

“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 September 19, 2013 the County Development Review Committee recommended approval of the proposed Master Plan Amendment 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 reserved open space.

“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 I. 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 Richards 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.”

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

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

Mr. Archuleta added that the County's Affordable Housing Administrator confirmed that the applicant has addressed the affordable housing requirements with the previous development.

AR

Mr. Archuleta confirmed that Century Bank is the owner and applicant in this case.

Member Katz asked whether the water-related issues have been resolved. Mr. Archuleta said he understood the County Hydrologist requested that the water agreement be clarified with the new owners and at this point that has not occurred.

Previously sworn, Orallynn Guerretortiz, Design Enginuity, used a site map and identified where the project was located. A number of skinny commercial lots and live/work units were converted to five patio homes and reduced the amount of lots by 17. Utilities are present and there are no new roads for the homes.

Ms. Guerretortiz said the County Hydrologist requested an update on the discharge permit which was provided. The hydrologist raised questions about the water budget numbers. She said she understood the use was .11 acre-feet and based the budget on that figure. The Hydrologist preferred .17 or .19. Oshara is one of the lowest water users in the County. Ms. Guerretortiz said a meeting is scheduled with the County's Utility Director Claudia Borchert to discuss the original water agreement. Century Bank is a lot owner and did not assume the developer's interest.

Chair Drobnis asked whether it wasn't premature to request preliminary and final plat and develop approval when the water issue was not clarified. Ms. Guerretortiz said County water utility staff defined what the applicant needed to do -- install water taps, pay a meter connection fee -- and the applicant is prepared to do so. They Hydrologist's question is different.

There were no other speakers on this case.

Member Roybal moved to approve S 13-5201 with the staff condition. Member Martin seconded and the motion passed by unanimous [7-0] voice vote.

**E. PETITIONS FROM THE FLOOR**

None were presented

**F. COMMUNICATIONS FROM THE COMMITTEE**

The Committee requested that staff provide status information on CDRC cases that are forwarded to the BCC and whether the CDRC's recommendations are upheld.

**G. COMMUNICATIONS FROM THE ATTORNEY**

None were presented.

**H. COMMUNICATIONS FROM STAFF**

None were presented.

7. c. CDRC Case # MIS 13-5200 Oshara Village Master Plan Amendment, Homewise, Inc. and Century Bank, Applicants, Design Enginuity, Agent, Request a Master Plan Amendment to Rezone 26 Live/Work Lots Into 26 Residential Townhome Lots (Lots 76-85 and 92-107), to Rezone 10 Live/Work Lots to 7 Residential Patio Lots (Lots 145-154) and to Rezone 17 Commercial Lots to 9 Residential Patio Lots (Lots 7-15 and 20-27). The Applicants Also Request to Create 5 Residential Patio Home Lots on Tract C Which Was Designated Reserved, Open Space. The Property is Located in Oshara Village, East of Richards Avenue, within the Community College District, within Section 16, Township 16 North, Range 9 East (Commission District 5)

VCENTE ARCHULETA (Case Manager): Thank you, Madam Chair. On September 19, 2013 the County Development Review Committee recommended approval of a proposed master plan amendment. On April 30, 2002, the Extraterritorial Zoning Authority granted master plan approval for a mixed-use development formerly 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 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.

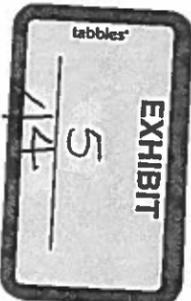
Since the time of approval, the necessary infrastructure, including roads and utility lines have been installed and more than 59 homes are occupied within Oshara. In 2008, the nationwide economic downturn greatly impacted the project's execution and the developers could not meet their obligations. The project mortgages were set up so that if the developer failed, the banks would take over ownership of the remaining lots.

The Applicants now request to modify the zoning on Lots 76-85 and 92-107 from 26 live/work lots to 26 residential townhome lots, Lots 145-154 from 10 live/work lots to seven residential patio home lots and Lots 7-15 and 20-27 from 17 commercial lots to nine residential patio home lots. The request also includes approval to create five residential patio home lots on Tract C which was designated as reserved, open space on the original recorded plat.

The primary reason for the request is to address changing market conditions, as they see little market for live-work units or small commercial lots in Oshara. Currently there are 42 live-work lots within Phase I, and under the proposal, 36 of those lots would be developed as 26 residential townhome lots and seven residential patio home lots. The other six would remain live-work lots.

There currently are 23 commercial lots. The Applicants state that 17 of the commercial lots which are located at the far eastern side of the Oshara development site

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are not suitable for commercial projects as they are not visible from the main traffic thoroughfares and are small lots ranging in size from 2,345 to 4,250 square feet. However, patio homebuyers have shown interest in them, given their location adjacent to Oshara's open space. Therefore, the Applicants are proposing to rezone those 17 commercial lots to nine residential patio home lots.

In addition, the Applicants request approval to create five patio home lots on Tract C which was designated as reserved open space. The tracts will front Willow Back Road which is complete with all necessary utilities in the roadway. The lots will have a minimum setback of 350 feet from Richard's Avenue. The project will still provide the required 50 percent open space.

If the requested Master Plan Amendment is granted, the development of the 26 townhomes will proceed promptly, as no lot line or infrastructure modifications would be necessary. The lots for the patio homes are larger than the existing live-work and commercial lots requiring modifications to lot lines and utilities that would require the Applicant to return to the County with a development plan and lot line adjustment plat for this portion of the project as well as a request for Preliminary and Final Plat and Development Plan approval for the five lots being created on Tract C. Overall the net result of the proposed changes would be a six lot decrease in density with respect to the original plan.

Growth Management staff has reviewed the application for compliance with pertinent code requirements and finds the project is in compliance with County criteria for this type of request. Staff and CDRC recommendation is for approval of a Master Plan Amendment to rezone 26 live/work lots to 26 residential townhome lots, rezone 10 live/work lots to seven residential patio home lots, rezone 17 commercial lots to nine residential patio home lots and create five residential patio home lots on Tract C which has been designated reserved open space, subject to the following conditions. Madam Chair, can I enter those conditions into the record?

CHAIR HOLIAN: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall comply with all conditions of the original Master Plan.
2. Amend the Affordable Housing Agreement to identify an additional unit.

CHAIR HOLIAN: Are there any questions for staff? Is the applicant here? Please be sworn in.

[Duly sworn, Orallynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: My name is Orallynn Guerrerortiz and I'm with Design Enginuity. My mailing address is P.O. Box 2758, Santa Fe, New Mexico. With me today are two representatives of my clients. That includes Rob Gibbs of Homewise and Bob Bidol of Century Bank, and we're also lucky to have Beth Detweiler, the HOA president of Oshara with us. So we're here today because I think the market and what they planned to do in Oshara in 2005 just really didn't pan out, didn't really work. There are several small, very skinny commercial lots that are about 20 feet in width on many of them. There doesn't seem to be a market for them. They've tried to market them, tried to sell them and nobody is interested.

But people do seem to want to live in residential homes there. The original plan had some very large commercial lots up front and we're going to leave those in place.

These were all live-work units, all live-work units, and then really, really small commercial back here. What we want to change that to is converting the bulk of the live-work up front into townhomes, and these are owned by Homewise and they hope to start construction right away on these homes, and then converting the live-work in this area from ten live-work to seven patio homes, matching the density in that area and then converting all the commercial lots that are owned by Century also to patio homes.

And so far Century Bank has been able to sell all the patio homes. Currently there's about seven homes under construction, patio homes under construction in Oshara. The proposal is down-zoning on the whole. The impacts on traffic is less and in general on the infrastructure is less. I'm kind of tired. I feel like I'm babbling. We agree to all conditions and we would certainly welcome any questions you might have, but hopefully it's a fairly straightforward case and we may hopefully get approval tonight.

CHAIR HOLLAN: Any questions for Ms. Guerrerortiz? Commissioner Chavez.

COMMISSIONER CHAVEZ: I don't -- well, I'll just put this question out there. We have a letter that was presented to us earlier, hand-delivered from representatives of Oshara Village. I see your request as a land use case separate from their request I think, because they're asking us to -- they're offering to deed over in perpetuity the Oshara wastewater collection treatment and appurtenances to Santa Fe County. Is that part of your presentation or is that part of what you're asking for?

MS. GUERRERORTIZ: No, it's not. Not this evening.

COMMISSIONER CHAVEZ: So then to our --

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLLAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: The offer -- I clarified this earlier with our Attorney and Land Use that this was not related, the offer.

COMMISSIONER CHAVEZ: Okay. I just wanted to be sure for the record again, now, that the case was presented because I still saw some confusion. Then what you're saying.

COMMISSIONER STEFANICS: They could say it again.

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, originally, it was part of this application but that's not the appropriate avenue, through a land use application to take over a wastewater treatment facility. So that is completely separate. It hasn't been noticed for this meeting. It's specifically regarding the master plan amendment.

COMMISSIONER CHAVEZ: Okay, thank you, Madam Chair.

CHAIR HOLLAN: Any further questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, a question for the applicant. So are you, in this amendment are you going to provide all infrastructure?

MS. GUERRERORTIZ: Yes. Actually, all infrastructure is already in place. Because we're going down in the number of connections we'll have to actually turn off some connections and do it in a way that works for the County utility company. And then we -- do you have five --

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COMMISSIONER MAYFIELD: Wait, Madam Chair. Excuse me. You said County utility company?

MS. GUERRERORTIZ: Yes, if we – it is served by County water. And the County utility department also reviews all utility plans in our county. So we'll present the plans for turning off some of the sewer lines also in this area because we're getting – we're going to have larger lots. We don't need as many connections. But all connections currently are in place except for these five units here and we've got lines in front of them, so we're going to be putting in service connections for those five.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Guerrerortiz, who provides the wastewater utility out there right now?

MS. GUERRERORTIZ: It is a private utility company. I think it's called Oshara utilities or something along those lines.

COMMISSIONER MAYFIELD: And was that done by the developer?

MS. GUERRERORTIZ: Yes. It was constructed by the developer. It's a nice system. It's a sequential batch reactor. It's very well operated. It's a good system. Sorry. I'm just really tired for some reason. Anyway, it's a very well operated system. And the problems they've encountered are related to the fact that because they're regulated by the PRC they can't charge standby fees and they just don't have that many people using their services yet. In a few years they'll have more people and they'll be able to cover their expenses but right now they operate at a deficit and that's one of the reasons they're in front of you with the request that they presented today.

COMMISSIONER MAYFIELD: So, Madam Chair, on this new build-out, [inaudible]

MS. GUERRERORTIZ: Yes. Certainly. And the intention is to start construction as soon as possible with the Homewise projects. They have 25 townhomes. They don't bring everything on line immediately because they want to sell the houses as quickly as they build them but not have them sitting around for years. So they anticipate that within 24 to 30 months the 25 houses will be installed and hopefully people living in them. And then I think the Oshara wastewater treatment plant will generate enough money to completely cover its costs.

COMMISSIONER MAYFIELD: Madam Chair, and I guess for our County Attorney, are these type of plans, and maybe in the old code and maybe in the propose code we can [inaudible] but are there bonding requirements? I know we spoke about that.

MR. ROSS: Madam Chair, Commissioner Mayfield, when you file a plat there are improvement bond requirements.

COMMISSIONER MAYFIELD: So was there one on this?

MR. ROSS: There were bonds in place on this but they've all been satisfied.

COMMISSIONER MAYFIELD: So now that they're asking for an amendment will we reinstate those or re-request them?

MR. ROSS: These are just use changes, correct? There's no infrastructure proposed. No new infrastructure proposed.

COMMISSIONER MAYFIELD: I know we separated that prior letter we received earlier but there's a letter still in front of me asking for us to take over a system.

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MR. ROSS: Well, but that's not what this application is about. This application is changing live-work lots to a designation townhome lots, or something like that. There's no new infrastructure proposed for which a bond would be required.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Ross, I understand that there's no new infrastructure proposed but part of that initial build-out to sustain that development was with the past infrastructure and the past development. Now they're asking to – they're proposing to make it smaller. So how is it even going to sustain itself now if that proposal is it's smaller. Based on some of these comments I did read.

MR. ROSS: Madam Chair, Commissioner Mayfield, there's no new infrastructure being proposed that would be subject to a bonding requirement.

COMMISSIONER MAYFIELD: But there's residents that won't be able to sustain that now. There's less residents that are potentially going to buy homes out there.

MR. ROSS: Madam Chair, Commissioner Mayfield, there's nothing in our code that imposes such a requirement. Our code requires bonding for promised improvements so that the improvements actually are put there, either by the developer or by the County when a bond is pulled.

COMMISSIONER MAYFIELD: So I guess, Madam Chair, Ms. Guerrerortiz, all those improvements have been made in that area?

MS. GUERRERORTIZ: As a correction, on the townhomes, the ones that are going to yellow, all of those improvements are completely in place. We will have to shut off some water and some sewer lines on the commercial lots and the patio homes on the east side. I do think that as the infrastructure changes that would result in your wanting to have a financial guarantee. And I also think that for the five patio homes will have service connections and those would have infrastructure associated with them and you would have a financial guarantee on those. But that would be for the modifications to address the changes of the sizes of the lots and I think what your concern is, and I think it's in the new code, because I've read the new code pretty extensively, the new code provides for developers to put up monies for maintenance costs, in essence running that wastewater treatment plant is an operation and maintenance cost, and that's what they're running into trouble with.

The plant's built. It's all in place, it's all functioning, and it's functioning well. But the actual O&M costs exceed the income and they have fairly high rates. And it's just a function in fact that when you start a plant and you don't have many people living out there it's pretty expensive to run, and that's the situation they're dealing with right now. As they have more residents out there – the reason we're here is to try to get them more residents, really, to create a product that we can sell and people will move in to. Once they have more residents they'll be in better shape. And if the County owns it, the County will be in better shape. They'll have more utility customers. But at this point they're not in ideal shape, as far as the O&M costs on that plant.

COMMISSIONER MAYFIELD: Thank you. So Madam Chair, Mr. Ross, with the financial guarantee that she just brought up, what are your recommendations on that?

MR. ROSS: Madam Chair, Commissioner Mayfield, I'm sorry?

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COMMISSIONER MAYFIELD: With her statement on the financial guarantee?

MR. ROSS: I still can't hear you.

COMMISSIONER MAYFIELD: With what she just stated as far as financial guarantees on I guess the [inaudible]

MS. GUERRERORTIZ: It really would affect the purple – I mean the pink ones. The ones that we're changing that are pink.

COMMISSIONER MAYFIELD: So not the yellow.

MS. GUERRERORTIZ: And it would kick in normally when we try to record the final plat on those modifications. That's when those financial guarantees will have to be posted.

COMMISSIONER MAYFIELD: So [inaudible] now, Steve.

MR. ROSS: Madam Chair, Commissioner Mayfield, when they try and record the final plat then a financial – they'll submit an engineer's estimate of the cost of the improvements and have to also submit a bond to guarantee the construction of the improvements at the time of final plat recordation. Thank you. I guess that's all I have.

CHAIR HOLLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair and sometimes we hear so many cases I get confused as to which ones have issues or don't have issues, but was there any issues associated with the wastewater facility at Oshara at any time with EID or anyone else? It's seems like I recall there was some. Is there no issues with EID at all, with the wastewater facility at fully functional based on what it was designed for and the number of units it was built to sustain?

MS. GUERRERORTIZ: It's only at maybe a quarter of its capacity right now or less. I think it's running at 5,000 or 6,000 gallons a day. It has a 30,000 gallon a day capacity. It's got all the permits it needs. It's running and operating well. They have a level three operator out there taking care of the plant and everything seems to be operating fine. It's just the revenue stream – because there's not that many people flushing toilets out there yet.

COMMISSIONER ANAYA: Understood.

MS. GUERRERORTIZ: So we need to have more people living there.

CHAIR HOLLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I wasn't going to get into the wastewater system, but since everybody wants to talk about it, I want to ask our staff some questions. Penny or Vicente, is it true that those lines were never scoped in Oshara? I remember – and this goes back to Commissioner Anaya's question. We had an extensive discussion about the wastewater system a year or two or three or four years ago. I don't even know when it was, but I understand that there were some issues about it. And since everybody insists on talking about that in relation to this let's really get into it then.

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, when this was first brought up our Utility Department did look at some video of lines and determined that they didn't have a complete set of video, that some lines they couldn't determine if they had been rebuilt or if it just wasn't included in the video. I don't know that that was ever resolved. There was never a formal application. I did see the email

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come through this morning that seems to be an application to the County Manager requesting that the County take over the system. And so there would need to be a full analysis at that point by our Public Works Department as far as what is out there, how it was built, how we would operate it and how it would fit into an entire plan for wastewater treatment facility within our Community College District area.

COMMISSIONER STEFANICS: Thank you, Penny, and Madam Chair, that's exactly my point is that even though we had a letter offering us the wastewater system, really, the land use case decision really isn't going to affect if we take the wastewater system or not. It's really going to be based upon our staff talking about the viability, whether or not this fits in with a countywide plan of wanting another wastewater system, whether we have been approached in the past to take over this wastewater system, by the community and by the bank. And we did not pursue that at that time. And we wouldn't just jump to do something like this. We would do all the research that she's talking about. We would look to our Public Works engineers to say show us how this fits in.

And so right now we are looking at a land use case that is not a wastewater system. Thank you.

COMMISSIONER ANAYA: Madam Chair, if I could.

CHAIR HOLIAN: Commissioner Stefanics, are you finished?

Commissioner Anaya.

COMMISSIONER ANAYA: No, Madam Chair, Commissioner Stefanics, I understand that you're saying. I guess the reason that I asked the question is because there are subdivisions in this county that have been approved in prior decades that did not have adequate responsibility for what their commitments were and they're gone. And Commissioner Chavez has brought it up. Commissioner Mayfield has brought it up. We've all brought it up at one point or another. So my question wasn't forecasting what we may or may not do as far as the County taking over, my question was is it functional? Does it work? And is it operable to do what it's supposed to do, which many times in prior decades it wasn't the case in subdivisions and we have a huge one, Silverado Subdivision that the County has continually stepped in to adapt roads and other infrastructure to fix what wasn't done by developers back then. And so it wasn't to forecast what we may or may not do. It was to assure that subdivisions that were approved have the operations and maintenance and the facilities to care for the residents, right? That was the premise of that question. I'm done. Thanks.

COMMISSIONER MAYFIELD: Are there any other questions? Thank you. This is a public hearing. Are there any other people – I can't see behind those two charts behind me to my right.

BETH DETWILER: My name is Beth Detwiler. I live at 11 Craftsman Road in Oshara Village. That's in Santa Fe, New Mexico, 87508.  
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MS. DETWILER: I'd just like to say that the residents and homeowners association board of Oshara Village are overwhelmingly in favor of this master plan amendment. We think it is going to foster the growth and development that we so badly need and I really thank you for your consideration.

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COMMISSIONER MAYFIELD: Thank you. Any other public comment? This public hearing is closed, seeing as there's no other comments from anybody. Thank you.

COMMISSIONER STEFANICS: Mr. Chair, I move that we approve the master plan amendment with the conditions.  
COMMISSIONER ANAYA: Second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Holian was not present for this action.]

7. d. BCC Case MIS 13-5310 Oshara Village Master Plan Time Extension.  
Greer Enterprises, Inc. (Alexis Gerard), Applicant, Requests a 24-Month Time Extension of the Previously Approved Master Plan for a Mixed Use Development (Residential, Commercial and Community) in a Village Zone, Institutional Campus Zone, Employment Center Zone and Fringe Zone Consisting of 735 Residential Units and 1.7 Million Square Feet of Commercial Space on 471 Acres. The Property is Located in Oshara Village, Via Richards Avenue, within the Community College District, within Section 16, Township 16 North, Range 9 East (Commission District 5)

MR. ARCHULETA: Thank you, Mr. Chair. On April 30, 2002, the Extraterritorial Zoning Authority granted master plan approval for a mixed-use development formerly 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 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 1 of the Oshara development. On June 14, 2005 the BCC granted final plat and development plan approval for Phase 1 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. Since the time of approval the necessary infrastructure, including roads and utility lines have been installed and more than 59 homes are occupied within Oshara Village.

Article V, Section 5.2 of the Land Development Code states approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board. It goes on to state that the progress in the planning and development of the project shall constitute an automatic two-year renewal of the master plan. The BCC's approval of a master plan amendment, preliminary plat for Phase 1 and final plat for Phase 1 constituted automatic renewals of the master plan which extended the expiration until October 28, 2013.

Due to the market conditions and the demand for residential, commercial and mixed-use lots the owner of Oshara Village is requesting additional time to proceed with

the development of the land. The applicant is requesting a 24-month time extension of the Oshara Village Master Plan Approval under Article V, Section 5.2.7.b of the County Land Development Code which states master plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer. A two-year time extension would render the master plan approval valid until October 28, 2015.

Growth Management staff has reviewed this application for compliance with pertinent code requirements and finds the project is in compliance with County criteria for this type of request. Recommendation: approval for a two-year time extension of the master plan for the Oshara Village development. Thank you, Mr. Chair.

COMMISSIONER MAYFIELD: Thank you, Mr. Archuleta.

Commissioners, are there any questions for staff? It's a public hearing. Is there anybody from the public that wished to comment on this case? I have one question for staff. Is this in the La Cienega fire district? Don't we have a - I thought we had a fire station out in that area down there?

MR. ARCHULETA: Mr. Chair, this is in the La Cienega Fire District.  
Yes.

COMMISSIONER MAYFIELD: They have a closer fire station out in that area, right?

MR. ARCHULETA: Yes. The new one in Rancho Viejo.

COMMISSIONER MAYFIELD: Rancho Viejo. Seeing there are no public questions this hearing is now closed. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would move for the approval of the two-year time extension of the master plan.  
COMMISSIONER ANAYA: Second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Holian was not present for this action.]

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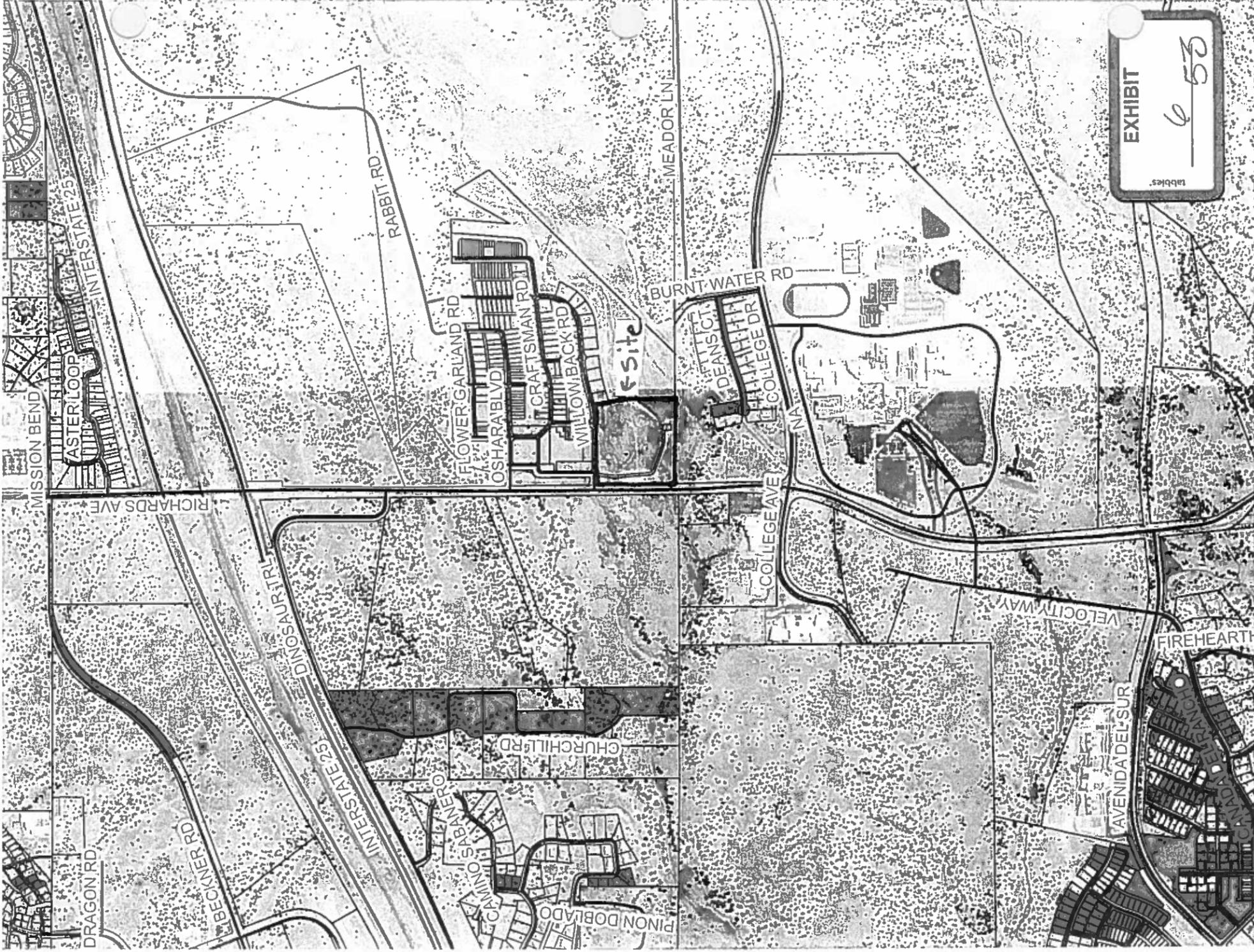
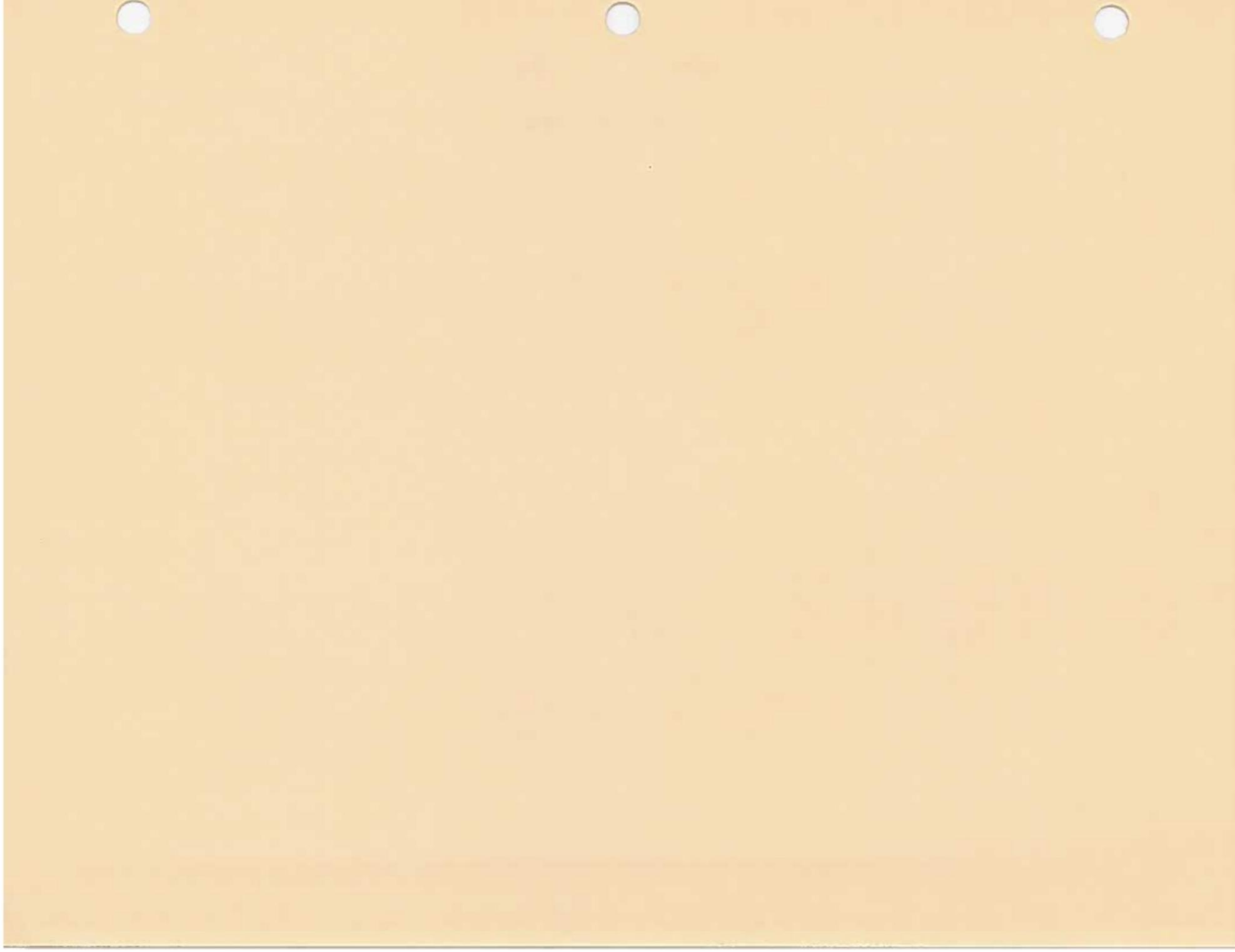


EXHIBIT  
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Daniel "Danny" Mayfield  
Commissioner, District 1  
Miguel Chavez  
Commissioner, District 2  
Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4  
Liz Stefanics  
Commissioner, District 5  
Katherine Miller  
County Manager

DATE: July 30, 2014

TO: Board of County Commissioners

FROM: Vicente Archuleta, Development Review Team Leader *VA*

VIA: Katherine Miller, County Manager  
Penny Ellis-Green, Growth Management Director *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor

FILE REF.: CDRC CASE # S 10-5551 Tessera Subdivision Phase 2 Preliminary Plat and Development Plan

ISSUE:

Homewise Inc., Applicant, Design Enginuity (Oralyn Guerrerortiz), Agent, request Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision (formerly College Hills) which consists of 78 residential lots on the 69.4 remaining acres of a 146 acre development

The property is located off the NM599 West Frontage Road, west of the La Tierra exit, within Section 20, Township 17 North, Range 9 East (Commission District 2).

VICINITY MAP:



Site Location

**SUMMARY:**

On June 19, 2014, the County Development Review Committee (CDRC) recommended Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision (formerly College Hills) consisting of 78 residential lots on 69.4 acres subject to staff conditions (Refer to June 19, 2014 CDRC Meeting Minutes as Exhibit 5).

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

On December 18, 2001, the EZA (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 2 phases. Phase 1 consisted of 88 lots on 76.57 acres and Phase 2 consisted of 78 lots on 69.4 acres. Phase 2 will encompass 69.4 acres, with 35 acres or 50% of the property designated as permanent open space.

On December 12, 2002, the EZC granted Preliminary Plat and Development Plan approval for Phase 1 of the Tessera Subdivision which consisted of 88 lots. On January 13, 2004, the BCC granted Final Plat and Development Plan approval for Phase 1 (Refer to January 13, 2004 BCC Meeting Minutes as Exhibit 6). The Final Plat for Phase 1 was recorded on April 5, 2007. There are currently three homes within Phase 1.

On December 14, 2010, the Board of County Commissioners (BCC) granted approval of a two-year time extension of the Master Plan for the Tessera Subdivision.

On December 11, 2012, the BCC approved an additional 2-year time extension of the previously approved Master Plan for Tessera Subdivision consisting of 166 lots on 146 acres (Refer to December 11, 2012 BCC meeting minutes as Exhibit 7). In 2012, Homewise Inc. purchased the property and intends to build and sell all the homes and it anticipates having the entire 166 lots fully built out within 7 years.

The previous developer installed the infrastructure needed for Phase 1 prior to the economic downturn. Homewise has posted a financial guarantee for the remaining deficiencies in Phase 1, such as the final lift of asphalt and trails which have not been completed. The remaining deficiencies of Phase 1 will be completed within the next two weeks.

A Financial Guarantee will be required for all Phase 2 improvements.

**This Application was submitted on April 11, 2014.**

**Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for Preliminary Plat and Development Plan Approval under the current Land Development Code.**

**APPROVAL SOUGHT:**

Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision which consists of 78 residential lots on 69.4 acres.

**GROWTH MANAGEMENT AREA:**

SDA-2

**LOCATION:**

The development is located to the north of the NM 599 West Frontage Road, west of the La Tierra intersection.

**HYDROLOGIC ZONE:**

Basin Hydrologic Zone, minimum lot size per code is 10 acres per dwelling unit. Lot size can be reduced to 2.5 acres per dwelling unit with signed and recorded water restrictions.

The density as approved in the Amended Master Plan (2001), under the Extraterritorial Zoning Ordinance, was based on a portion of the property consisting of 34 acres within the Santa Fe Urban Area where the zoning allowed one residential unit per .50 acre when utilizing a community water and sewer system. The remaining 112 acres was within the basin zone which is one residential unit per 2.5 acres, including a 120 percent density bonus based on a minimum 60 percent open space.

**ARCHAEOLOGIC ZONE:**

The proposed project lies within the Medium Potential, Archeological Zone. An Archeological report is required for development of 10 acres or more. An Archeological survey was conducted and submitted to NMSHPO for review.

An Archeological investigation of the entire property was conducted in 2003. Two Archeological sites exist on the Tessera Phase 2 property. The sites have been placed within the permanent open space and will not be disturbed.

**ACCESS AND TRAFFIC:**

The primary access to the subdivision is Via Tessera's connection to the NM 599 Frontage Road. Secondary access is from East Via Plaza Nueva which connects to the Aldea Subdivision to the west. Both accesses are paved.

A Traffic Impact Analysis was prepared for the entire project. There is an existing right turn deceleration lane on NM 599 that serves Via Tessera Road. No further off-site road improvements are warranted at this time.

**AFFORDABLE HOUSING:**

Tessera Phase 2 is required to have 15% affordable housing. Twelve lots scattered throughout the development have been identified and comply with the County's Affordable Housing regulations. Three (3) homes will be provided in each of the 4 Income Ranges.

**FIRE PROTECTION:**

The subject property lies within the jurisdiction of the Agua Fria Volunteer Fire Department. One fire hydrant currently exists within Phase 2 of Tessera and six additional hydrants will be installed. All roadways have been designed meeting Santa Fe County Fire Marshal requirements.

**WATER SUPPLY:**

The project is within the Santa Fe County Utilities service area boundary and Phase 1 is currently serviced by the Santa Fe County Utility. The project is served by a series of County owned 8-inch water lines, all lying within the existing roadways.

Low water use landscaping techniques will be utilized including the use of timed drip irrigation, mulching and low water use grasses and plants. Indoor water saving fixtures will be standard, including low-flow toilets and hot-water re-circulating systems that provide hot water within 5 seconds of a tap being opened.

Santa Fe County Utilities issued a letter to the Applicant which states that they are ready, willing and able to serve the development subject to the following conditions:

- 1) The Board of County Commissioners (BCC) approves the New Water Deliveries for Phase 2, as required by Resolution 2006-57, "Adopting a Santa Fe County Water Resource Department Line Extension and Water Service Policy" and all other conditions in that resolution and other SFCU policies are met.

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

#### **LIQUID WASTE:**

A low-pressure wastewater collection system was installed in Phase 1. That system passes through the existing roads in Phase 2. A low pressure line was extended under NM 599 to a Santa Fe City sewer manhole located on the north bank of the Santa Fe River. The wastewater system is privately owned by the Tessera Sewer Cooperative.

In 2003, the City of Santa Fe granted sewer service to Phase 1 only, with a requirement that any future phase must request a separate City approval. The 2008 City-County Annexation Agreement and relevant City Ordinances provide grounds for such a service to be granted on a case-by-case basis to developments outside the City limits.

An alternative to using the existing low-pressure sewer line would be to connect to the Aldea wastewater collection system. Such a change would require City approval and documentation that the Aldea collection system and its associated lift station could handle the flows from the Tessera Subdivision.

All homes within the Phase 2 development will be equipped with individual grinder pumps to connect to the low-pressure collection lines.

**SOLID WASTE:**

Currently Phase 1 is served by Ibarra's trash service company and Phase 2 will also be served by this company.

**FLOODPLAIN & TERRAIN MANAGEMENT:**

The Arroyo Frijoles is located on the north boundary of Phase 1, within the open space. Within Phase 2 there are 9 well defined arroyos. All arroyos are located within the designated open space and no lots will be located within 25 feet of an arroyo. Only one new arroyo crossing will be developed with the project and a 24-inch culvert will be installed to carry the stormwater under the road.

The development was designed to protect and enhance the natural beauty of the land while minimizing soil erosion and sediment transport during storms. The roads to be constructed have been designed to follow the natural contours of the land and minimize disturbance. There will be 2 disturbances of 30% slopes which both are located at the only proposed arroyo crossing. Each disturbance will be less than 1000 square feet, which is allowable by Article VII, Section 3.4.1c.1)cj, of the existing Land Development Code which states: "Access corridors, utility corridors and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1,000) square feet each, provided the Applicant demonstrates that no alternative development location is available".

Phase 2 will contain 7 detention ponds with the capacity to handle more than 78,350 cubic feet of water. The centralized ponds will be maintained by the Tessler Homeowners Association and individual on-site ponds will not be necessary for each individual lot.

All lots will drain to either the open spaces or the roadways, which in turn, will carry the flows to the open spaces and all disturbed areas will be stabilized and revegetated with a native grass seed mixture.

**OPEN SPACE:**

Approximately 35 acres of land will be dedicated as permanent open space in Phase 2. This is over 50% of the

project site. The entire development will consist of a total of 68.1 acres of open space. Within the open space a trail system will be developed for pedestrian, equestrian and bicyclist that connects to the trails within Phase 1 and the NM 599 pedestrian-equestrian underpass.

The Trails will be maintained by the Tessera Homeowners Association and dedicated for public use.

**AGENCY REVIEW:**

<u>Agency</u>	<u>Recommendation</u>
SFC Fire	Approval with Conditions
SFC Utilities	Approval with Conditions
NMDDOT	Approval with Conditions
SFC Open Space	Approval with Conditions
SFC Public Works	Approval with Conditions
OSE	Approval
NMED	No Response
Public Schools	No Response
Soil & Water	No Response
Affordable Housing	Approval
NMSHPO	Approval

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the Applicant's request for Preliminary Plat and Development Plan for Phase 2 of the Tessera Subdivision which consists of 78 residential lots on 69.4 acres subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, **Article V, Section 7.1.3.c.**
2. The Applicant shall submit documentation in regards to the Board of County Commissioners (BCC) approval of New Water Deliveries for Phase 2, as required by Resolution 2006-57, "Adopting A Santa Fe County Water Resource Department Line Extension and Water Service Policy", and all other conditions in that resolution and other SFCU policies are met.
3. In accordance with the Santa Fe County Utility, The Applicant shall obtain a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order supply the maximum 19.5 acre-foot-year demand proposed by Phase 2 prior to Final Plat and Development Plan submittal.

4. The Applicant shall agree to construct and dedicate their fair share of infrastructure needs identified by the City's water utility hydraulic modeling.
5. The Applicant shall enter into a Water Delivery Agreement and Wastewater Service Agreement with SFCU, which will specify construction standards (e.g., line-taps and meter cans) and inspection and dedication requirements for Phase 2 prior to Final Plat and Development Plan submittal. The agreement will specify many of the requirements identified in SFCU's March 27, 2014 letter.
6. Copies of the Water Delivery and Sewer Service agreements between the developer and County shall be submitted to the County Growth Management Department along with the Final Design of the Sewer System for review and approval prior to Final Plat and Development Plan submittal.
7. The Applicant shall implement proper sediment control

**EXHIBITS:**

1. Letter of Request
2. Developer's Report
3. Developer's Plans
4. Reviewing Agency Comments
5. June 19, 2014 CDRC Meeting Minutes
6. January 13, 2004 BCC Meeting Minutes
7. December 11, 2012 BCC Meeting Minutes
8. Aerial Photo of Site and Surrounding Areas

# DESIGN ENGINUITY



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PO Box 2758 Santa Fe, New Mexico 87504  
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April 11, 2014

Santa Fe County Commissioners  
County Development Review Commissioners

RE: Tessera 2 Preliminary Development Plan and Preliminary Subdivision Plat for a  
78-lot Residential Project by Homewise

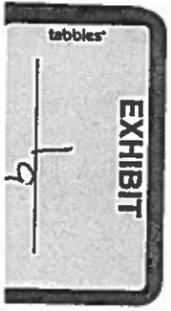
Dear Commissioners,

On behalf of our client, Homewise, we submit the attached application for Preliminary Development Plan and Plat approval for the second phase of the Tessera project. The project received Master Plan approval in late 1990's under the name of "College Hills". The master plan was amended in December 2001 by the EZA under the old Extraterritorial Zoning Regulations to have a total of 166 lots on 146 acres, and to be developed in two phases of 88 lots and 78 lots each respectively. In January 2004, Phase 1 was approved by the Board of County Commissioners. The developer, Northwest Villages LLC, installed the roads and utilities needed for Phase 1, before losing the property during the economic downturn. In 2012 Homewise purchased the land and posted a financial guarantee for the few items in Phase 1, such as trails, which had not been installed. Currently there are three existing homes and several more under construction within Phase 1.

It is anticipated that the Sustainable Land Development Code will take effect before this project receives final plat and plan approval, and the second phase has been designed to meet the new code requirements. The project facts are summarized below.

## REQUEST

On behalf of Homewise, we request Preliminary Development Plan (Figure 1) and Preliminary Plat approval for Tessera 2, a 78-lot subdivision. No variances are necessary.





#### GENERAL DESCRIPTION

Tessera 2 will add 78 homes to the Tessera development for a total of 166 residential lots. The entire project is on 146 acres; Tessera 2 will encompass 69.4 acres. Nearly 35 acres, or over 50% of the property, will be designated as permanent open space. Homewise, Inc. intends to build and sell all the homes, and it anticipates to have the entire 166 lots fully built out within 7 years. Tessera is served by County water. Fire hydrants are located throughout the project. Because of the topography, and in an effort to keep sewer lines outside arroyos, a low-pressure wastewater collection system was installed. Therefore, each home is required to have a grinder pump to connect to the system. Tessera Phase 1 wastewater is conveyed to the City system, at a manhole near the Santa Fe River. We have requested that the City accept the wastewater that will be generated at Tessera 2 and the request is being processed by County and City staff. Four interconnected roads will serve Tessera 2. Three short (500 feet or less) cul-de-sacs will also be developed. All roads will be paved and have mountable curbs. No homes will be developed in the former 599 Highway Corridor, and there is a 295-foot wide open space corridor along NM 599 Frontage Road. The closest home to 599 will be more than 400 feet away from the ROW line. Twelve homes, or 15% of the total to be built, will be sold in compliance with the County's Affordable Housing Regulations. Natural surface paths will be developed in a loop around the project.

#### LOCATION

Tessera 2 is located to the north of the NM 599 West Frontage Road, and about ¾ of a mile west of the La Tierra's exit ramp. Aldea de Santa Fe neighbors the property to the west. To the north is Tessera Phase 1 and Las Campanas. To the east are 3 large, narrow residential lots. And to the south is NM 599 West Frontage Road. The project is located within Section 20, of Township 17 North, Range 9 East, as shown on Figure 2.

#### EXISTING CONDITIONS

Tessera 2 encompasses 69.4 ± acres. The development of Phase 1 of Tessera, included three 24-foot wide paved roads, which pass through the Tessera 2 site. These roads have curb and gutter and have been properly culverted to convey the 100-year storm event flows. Via Tessera connects NM 599 Frontage Road to Tessera Phase 1. East Via Plaza Nueva runs roughly east west and connects Via Tessera to the Aldea Plaza. Via Summa runs roughly north-south, parallel to Via Tessera, and connects East Via Plaza Nueva to Phase 1.

Within and along these three roads are 10" and 8" County-owned water lines, 4" low-pressure private sewer lines, installed within a joint-utility trench along with electric, cable, telephone and gas lines. Most of the necessary utility mains necessary for Tessera 2 have already been installed.

The remainder of the project site is undisturbed rolling hills cut by some minor arroyos. Terrain grades are generally less than 15% except along the banks of arroyos, where grades are steeper. A dirt stockpile exists on one future lot. The vegetation is dominated by juniper and piñon trees, along with thin understorey made of grass, cactus, and brush.





Along the north border of the property, between existing Phases 1 and proposed Phase 2, there is an arroyo that would carry 200 cubic feet per second during the 100-year storm event. Smaller arroyos cross the site and convey their waters either to this northside arroyo or towards the Frontage Road. Two small detention ponds have been installed in Tesserera 2 to compensate for the road construction.

At the Frontage Road a deceleration lane was installed for right turns into the project.

#### PROJECT SOILS

The on-site soils have been mapped by the US Natural Resource Conservation Service and the soil mapping can be found on their web page: [websoilsurvey.nrcs.usda.gov](http://websoilsurvey.nrcs.usda.gov). The soils present, percentage and hydrologic soil group are listed below:

- 68.1% Tanoan-Encantado Complex (201) Hydrologic Soil Group B
- 16.2% Buckhouse-Altazano Complex (203) Hydrologic Soil Group B
- 14.6% Nazario gravelly loam (205) Hydrologic Soil Group B
- 0.7% Levante-Riverwash Complex (213) Hydrologic Soil Group A
- 0.3% Allire Loam (202) Hydrologic Soil Group B

Tanoan-Encantado Complex and Buckhouse-Altazano Complex soils cover the lands which will be developed as roads and homes. These soils are gravelly sandy loams and sandy loams well suited for road and house foundations. The other soils are generally located in and along the arroyos. All on-site soils are very porous.

#### ACCESS

The primary access to Tesserera 2 is from Via Tesserera's connection to the 599 Frontage Road. Secondary access is from East Via Plaza Nueva which connects to the Aldea Plaza and Aldea's road system. Both accesses are paved.

#### FLOOD HAZARD

The Arroyo Frijoles, which has a FEMA designed floodplain is located on the north boundary of Tesserera Phase 1, within the open space adjacent to Las Campanas. No other floodplains pass through the project. Within Tesserera 2 there are nine well defined arroyos, all but 2 carry less than 25 cubic feet per second (cfs) during the 100-year, 24-hour storm event. The largest arroyo within the project is located on the north boundary of Tesserera 2. This arroyo is anticipated to carry 200 cfs during a 100-year, 24-hour storm event. All arroyos are within designated open spaces and no lot line will be within 25 feet of an arroyo capable of producing 25 cfs or more. Only one new arroyo crossing will be developed with this project, and a 24-inch culvert will be installed to carry the stormwater under the road.

#### TERRAIN MANAGEMENT

The proposed development has been designed to protect and enhance the natural beauty of the land and vegetation, while minimizing soil erosion and sediment transport during storms. The four roads to be constructed have been designed to follow the

natural contours of the land and minimize disturbance. Some grading is proposed within lots, to generate the necessary road fill material, and to provide easier access to the new roadways. There is only two planned disturbance of 30% slopes, both at the only proposed arroyo crossing, where 675 and 350 square feet of steeply-sloped terrain will be impacted. All proposed lots are dominated by slopes of less than 15%. Steeper terrain is generally confined to the open space.

The increase in stormwater runoff due to the proposed development of roads and construction of 78 homes will be mitigated by the construction of 7 detention ponds with the capacity to handle more than 78,350 cubic feet of water. These centralized ponds will be maintained by the Tessera Owners Association and individual on-lot ponds will not be necessary. A summary of the drainage analysis is provided in Attachment A.

All lots will drain to either the open spaces or the roadways, which, in turn, will carry the flows to the open spaces. Cut slopes will be graded at 2:1, while fill slopes will be graded to 3:1 or gentler. All disturbed areas will be stabilized and revegetated with a native grass seed mixture.

#### TRAFFIC

A Traffic Impact Analysis has been prepared for the entire Tessera project by Santa Fe Engineering. This analysis indicates that all project roads will operate at a level A. The nearest major intersection is the 599 Frontage Road with Camino La Tierra which is predicted to operate at a level C or better at final project buildout. A copy of the TIA is provided under separate cover.

#### WATER

The project site is within the Santa Fe County Utilities service area boundary, and Phase 1 of Tessera is already being served by the County. County Utilities staff has stated that the new development will also be served (Attachment B). The project is fed by a network of County owned 8-inch water lines, all lying within existing Tessera roadways. All County water service conditions and rules will be applied to customers in Tessera 2. There is no reason to believe that customers in Tessera 2 will consume water in volumes above the average within the service area, and we anticipate that, in the worst case scenario, the total volume consumed per household will not exceed 0.25 acre-feet per year for a single family residence. Low water use landscaping techniques will be utilized including the use of a timed drip irrigation, mulching, and low water use grasses and plants. Indoor water saving fixtures will be standard, including 1.6 gallon per flush toilets and systems that deliver hot water within 5 seconds of a tap being opened. Proposed water restrictions are provided in Attachment C.

#### FIRE PROTECTION

Currently, only one fire hydrant exist within the Tessera 2 site, and six additional hydrants will be installed. Each home will be within 700-feet of a hydrant capable of producing 1000 gallons per minute at residual pressure of 20 psi. All roadways have been designed to meet the County Fire Marshal requirements.

#### WASTEWATER

Given the rolling terrain, and a desire to keep wastewater lines out of water courses, a low-pressure wastewater collection system was installed in Phase 1, and that system passes through all the existing roads in Tesserera 2. A low-pressure line was extended under NIM 599, and all along an alignment nearly 2-miles long, to end at a City of Santa Fe sewer manhole located on the northbank of the Santa Fe River. The wastewater collection system is privately owned and maintained by the Tesserera Sewer Cooperative.

In 2003, the City granted sewer service to Phase 1 of Tesserera only, with a requirement that any future phase must request a separate City approval. The 2008 City-County Annexation Agreement and relevant City ordinances provide the grounds for such a service to be granted on a case-by-case basis to developments outside the City limits. We have begun the process by requesting the consideration by the City-County WWRT. Their recommendation will be later considered by the City Council.

An alternative to using the existing offsite low-pressure sewer line would be to connect to the Aldea wastewater collection system which is a Santa Fe County system. The primary advantages of connecting to Aldea is that the Tesserera sewer cooperative would not have to maintain the nearly 2 miles of offsite low pressure sewer line and there would only be one point of connection to the City system, instead of two. Such a change would also require City approval and documentation that the Aldea collection system and its associated lift station could handle the flows from Tesserera. There is a County owned sewer manhole located within 220 of the Tesserera 2 property located on East Via Plaza Nueva.

Should the City of Santa Fe deny Tesserera 2's sewer connection request, one of two viable options could be pursued: (1) connecting to Las Campanas wastewater collection and treatment system, or (2) developing Tesserera's own wastewater system. For many reasons, the preferred option would be to connect to the City of Santa Fe system via Aldea.

Under any of these scenarios, homes within Tesserera 2 development will have be equipped with individual grinder pumps, to connect to the low-pressure collection lines.

#### DRY UTILITIES

Natural gas, electricity, telephone and Comcast mains lay within the existing Tesserera roadways. The developer will installed all required dry utility improvements so that each home will have direct access to these services.

#### SOLID WASTE

Currently Tesserera, Phase 1 is served by Ibarra's Trash Service and Tesserera 2 will also be served by this company.

#### AFFORDABLE HOUSING

Homewise, Inc. is happy to comply with the County's 15% affordable housing requirement. We have identified a total of 12 homes to be built in lots scattered throughout the development, which will comply with the County's affordable housing regulations. Three homes will be provided in each of the 4 Income Ranges.

#### OPEN SPACE

A total of 34.99 acres of land will be dedicated as permanent open space in Tesserera 2. This is a little over 50% of the project site and  $\frac{3}{4}$  of an acre more than was required per the original approved Master Plan. Within the open space, we intend to develop a looped natural trail system for pedestrian, equestrians and bicyclist that connects to the trails within Tesserera Phase 1 and the NM 599 pedestrian-equestrian underpass. The trails will be maintained by the Tesserera Owners Association and be dedicated for public use.

#### ARCHAEOLOGY

An archaeological investigation of the entire Tesserera property was conducted in 2003. Two archaeological sites exist on the Tesserera 2 property. These sites have been placed within the permanent open space and will not be disturbed. A copy of the archaeology report is provided under separate cover.

#### SCHOOL IMPACT

It is anticipated that homes in this subdivision will be primary homes and 24 school age children will live in the 78 homes at full build out. Gonzales Elementary, Alameda Junior High and Capital High School will serve the project. A copy of the school impact report that has been sent to the Santa Fe School District is attached (Attachment D).

#### DISCLOSURE STATEMENT

The disclosure statement prepared in connection with the proposed development is included as Attachment E. The Disclosure will be finalized upon receiving comments from all reviewing agencies.

#### RESTRICTIVE COVENANTS

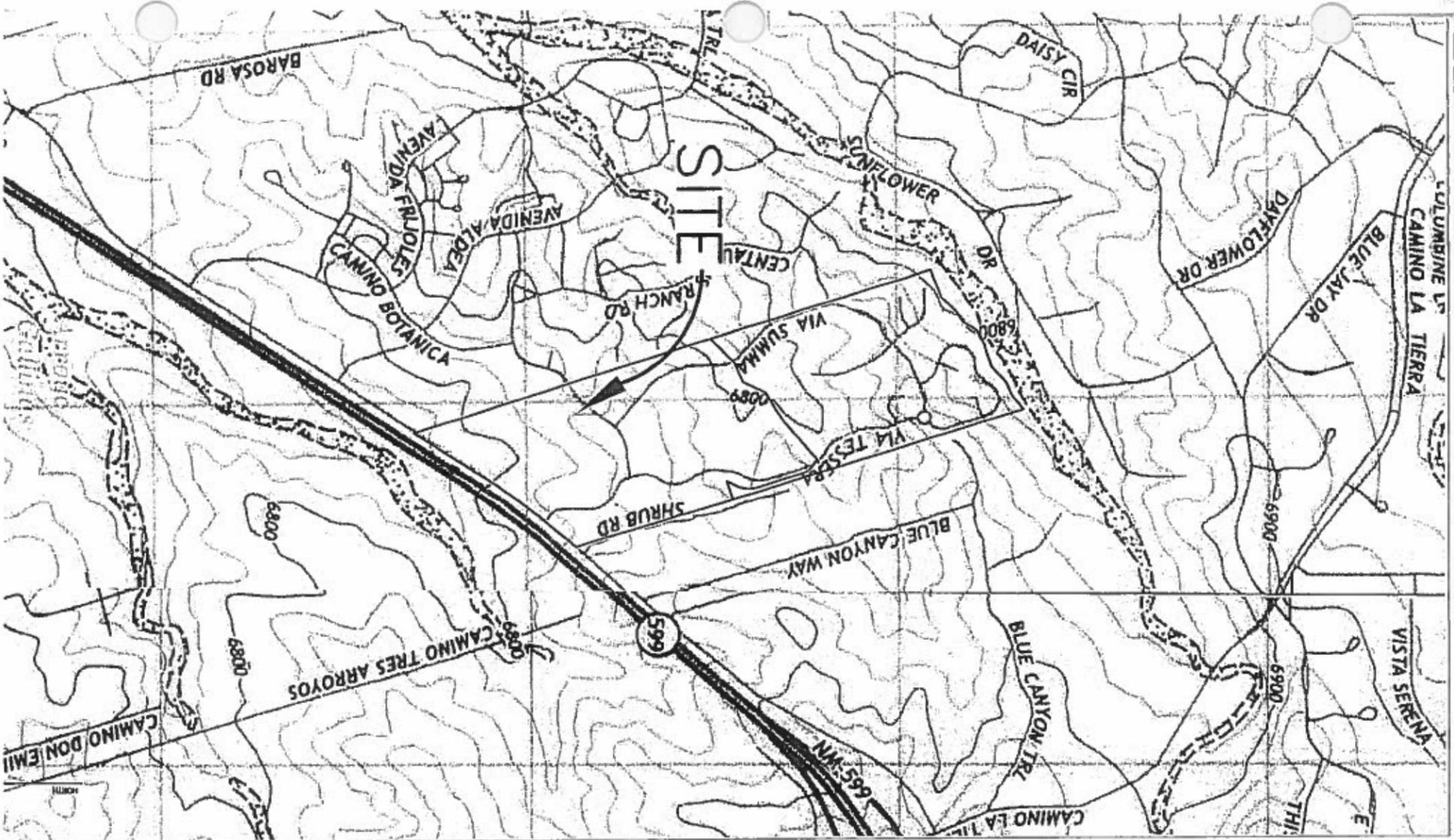
This subdivision will adopted the same Declaration of Covenants, Conditions and Restrictions that exist for Phase 1 of Tesserera. A copy of these covenants is provided as Attachment F.

Thank you for consideration of this request.

Sincerely,



Orallynn Guerrerortiz, PE



# TESSERA

## TESSERA 2

### PRELIMINARY DEVELOPMENT PLAN

SECTION 20, T17N R9E  
SANTA FE, NEW MEXICO

**SHEET LIST**

1	COVER SHEET
2	PRELIMINARY DEVELOPMENT PLAN
3-6	PRELIMINARY SUBDIVISION PLAT
7	CERTIFIED TOPOGRAPHY
8	EXISTING CONDITIONS & SOILS MAP
9	SLOPE ANALYSIS
10	TRAILS & OPEN SPACE
11	ROADWAY PLAN & TYPICAL SECTIONS
12-15	ROAD PLANS & PROFILES
16	TRAFFIC SIGNAGE PLAN
17	TERRAIN MANAGEMENT PLAN
18-19	DETENTION POND GRADING
20	MISCELLANEOUS DETAILS
21-23	MASTER UTILITY PLAN
24	UTILITY SERVICES STANDARD DETAILS
25	FIRE PROTECTION PLAN
26-28	WATER PLAN
29-31	SANITARY SEWER PLAN
32	GENERAL CONSTRUCTION REQUIREMENTS
33-34	COUNTY STANDARD DETAILS
35-40	COUNTY UTILITY DETAILS
41	CURB DROP INLET DETAIL

OWNER:



**homewise**

Your partner in homeownership

1301 Siler Road  
Santa Fe, NM 87507

CIVIL ENGINEERING:

**DESIGN ENGINEUNITY**



1421 Lolita Street, Suite C  
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(505) 984-3557

SURVEYING:

**CORNERSTONE LAND SURVEYING**

**JERRY L. LUDWIG**  
 N.M.L.S. No. 13054  
 505-690-7010  
 P.O. BOX 8348  
 SANTA FE, NM 87504

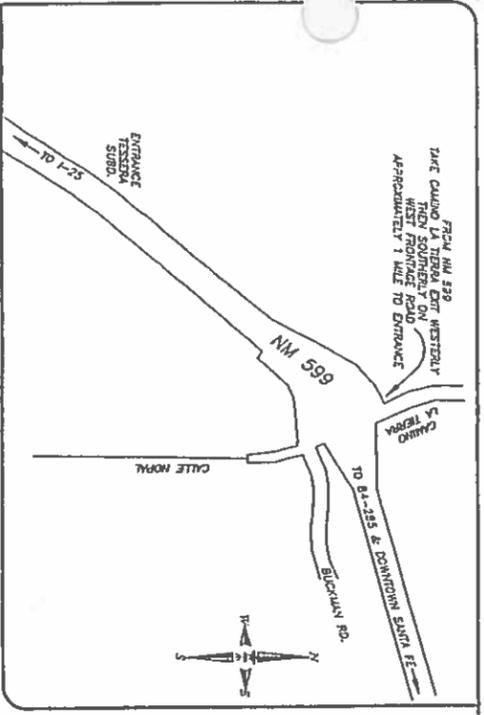
TRAFFIC ENGINEER:

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 Consultants, LLC  
 1599 St. Francis Drive, Suite B  
 Santa Fe, N.M. 87505  
 (505) 982-2845 Fax (505) 982-2641  
<http://www.sfeinc.com>

EXHIBIT  
 3

DATE	BY	DATE	BY
APRIL 11, 2014			
REVISIONS			





**PLAT-DEED REFERENCES**

- 1) REFERENCE A PLAT OF SURVEY TITLED "SQUADRY/ESSEMENT SURVEY PLAT PREPARED FOR HOMEWISE INC. OF TESSERA SUBDIVISION, PHASE ONE" 74 LOTS, LOTS 1-10, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.
- 2) REFERENCE A PLAT OF SURVEY TITLED "PLAT OF SURVEY SHOWING TESSERA SUBDIVISION, PHASE ONE AND PHASE TWO (RESERVED FOR FUTURE DEVELOPMENT), WITHIN SECTIONS 17 & 20 T-17-N, R-9-E, N.M.P.M., SANTA FE COUNTY, NEW MEXICO, DATED 07/30/04 BY ALAN S. CURTIS, N.M.L.S. 13809 AND FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 651 PAGES 5-14 AS INSTRUMENT NO. 1477739
- 3) REFERENCE A SPECIAL WARRANTY DEED FROM LOS ANJOS NATIONAL BANK TO HOMEWISE INC. FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK AS INSTRUMENT NO. 1628091
- 4) REFERENCE A NEW MEXICO STATE HIGHWAY RIGHT-OF-WAY MAP BEARING PROJECT NO. SF-7649 (20)-2

**SPECIAL BUILDING PERMIT CONDITIONS**

THE INSTALLATION OF AN AUTOMATIC FIRE SUPPRESSION SYSTEM IS HIGHLY RECOMMENDED FOR ALL HOMES ON ALL LOTS.

THESE LOTS ARE SUBJECT TO UTILIZING THE COUNTY WATER SYSTEM. INDIVIDUAL WELLS ARE NOT PERMITTED.

THESE LOTS ARE SUBJECT TO USING THE TESSERA SEWER COOPERATIVE SEWER SYSTEM. NO INDIVIDUAL WASTEWATER SYSTEM SHALL BE ALLOWED.

LAND HEREON LIES WITHIN THE LIMITS OF THE FEMA DESIGNATED 100-YEAR (1%) SPECIAL FLOOD HAZARD AREA. A FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY OF ANY KIND.

THE PARCELS, LOTS, OR TRACTS PLATED HEREON ARE SUBJECT TO ARTICLE VI, SECTION 3, AND ORDINANCE 2008-10, AS WELL AS ALL PERTINENT COUNTY CODE AND ORDINANCES AT THE TIME OF DEVELOPMENT.

THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR DEVELOPMENT PERMIT.

DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROAD AND EMERGENCY TURN-AROUND ARE COMPLETED AND APPROVED BY THE COUNTY ENGINEER.

**DEDICATION/AFFIDAVIT**

KNOW ALL PERSONS BY THIS PRESENTS THAT HOMEWISE, INC. A NEW MEXICO CORPORATION, ARE THE OWNERS (THE OWNER) OF THE LANDS SHOWN ON THIS SUBDIVISION PLAT (THE "PLAT") WHICH ARE LOCATED WITHIN SANTA FE COUNTY, NEW MEXICO, CONTAINING AN AREA OF 63.36 ACRES, MORE OR LESS. HAS CAUSED THE SAID PLAT TO BE RECORDED AS SHOWN HEREIN AND THAT SAID SUBDIVISION IS TO BE KNOWN AND SHALL BE KNOWN AS TESSERA 2 (THE "SUBDIVISION"). ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNER.

GRANTS OF EASEMENTS, ROADWAY RIGHTS-OF-WAY, THE ROADWAY RIGHTS-OF-WAYS SHOWN HEREON ARE HEREBY MADE SUBJECT TO A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES IN FAVOR OF THE TESSERA OWNERS ASSOCIATION FOR THE BENEFIT OF ITS MEMBERS, AND SUCH RIGHTS OF WAY ARE HEREBY MADE SUBJECT TO AN EASEMENT FOR PUBLIC INGRESS, EGRESS AND UTILITIES. UNTIL SUCH TIME AS OWNER SHALL TRANSFER THE OWNERSHIP OF THE RIGHTS-OF-WAY TO THE ASSOCIATION, OWNER SHALL BE THE RECORD TITLE OWNER OF THE RIGHTS-OF-WAY SUBJECT TO THE GRANTS OF EASEMENTS IN FAVOR OF THE ASSOCIATION AND THE PUBLIC AS CONTAINED IN THIS PARAGRAPH. THE ROADWAY IMPROVEMENTS SHALL BE MAINTAINED BY THE ASSOCIATION, UNTIL SUCH TIME AS THEY ARE ACCEPTED, BY RESOLUTION, FOR MAINTENANCE BY THE SANTA FE COUNTY BOARD OF COMMISSIONERS AS PROVIDED BY N.M.S.A. 1978, AS AMENDED, SECTION 47-9-5 OR ANY OTHER ENTITY HAVING THE POWER AND AUTHORITY TO ACCEPT THE IMPROVEMENTS FOR MAINTENANCE.

UTILITY EASEMENTS: THE UTILITY COMPANIES IDENTIFIED HEREON, AND THEIR SUCCESSORS IN INTEREST ARE GRANTED EASEMENTS AS SHOWN HEREON WITHIN THE ROADWAY RIGHTS-OF-WAY AND WITHIN 10 FEET OF THE ROAD RIGHTS-OF-WAY FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND OPERATION OF UTILITIES IN PROVIDING UTILITY SERVICE TO THE SUBDIVISION. THE MASTERMETER COLLECTION SYSTEM IS PRIVATELY OWNED AND THE RESIDENTS THEREON SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE OFF-ROAD MAIN TO ITS CONNECTION TO THE CITY OF SANTA FE SEWER MAINHOLE.

OPEN SPACE RESERVATION: TRACTS SHOWN AS OPEN SPACE ARE FOR USE AS OPEN SPACE, LANDSCAPE, RECREATIONAL FACILITIES, TRAILS, DRAINAGE DRAINAGE FACILITIES, LANDSCAPING AND USE BY THE ASSOCIATION AND SUCH OTHER PARTIES AS OWNER MAY GRANT EASEMENTS TO FOR THEIR USE AND ENJOYMENT. ACCESS FOR MAINTENANCE OF HULLBOVES, RECREATIONAL FACILITIES, TRAILS, DRAINAGE FACILITIES AND LANDSCAPE IS HEREBY GRANTED. THE MEMBERS OF THE ASSOCIATION ARE HEREBY GRANTED THE RIGHT TO USE THESE TRACTS SUBJECT TO THE DECLARATION OF RESTRICTIVE COVENANTS FOR TESSERA 2, RECORDED ON IN THE RECORDS OF THE SANTA FE COUNTY CLERK, UNDER INSTRUMENT NO. 1628091, AS AMENDED, SECTION 47-9-5 OR ANY OTHER ENTITY HAVING THE POWER AND AUTHORITY TO ACCEPT THE IMPROVEMENTS FOR MAINTENANCE.

GRANT OF TRAIL EASEMENTS: THE TRAIL EASEMENTS SHOWN ARE HEREBY GRANTED FOR PUBLIC USE, SUBJECT TO THE RULES AND REGULATIONS ADOPTED BY THE ASSOCIATION. TRAIL EASEMENTS ARE APPROXIMATELY LOCATED AND FINAL EASEMENTS SHALL BE CENTERED ON THE CONSTRUCTED PATH.

GRANT OF DRAINAGE EASEMENTS: DRAINAGE EASEMENTS ARE GRANTED AS SHOWN FOR THE PURPOSE OF MAINTAINING THE FLOW OF STORM WATERS. SUCH EASEMENTS ARE GRANTED TO THE ASSOCIATION, ITS MEMBERS AND TO THE ADDITIONAL LOT OWNERS WHOSE SURFACE DRAINAGE NATURALLY FLOWS THROUGH SUCH EASEMENTS. THE ASSOCIATION IS RESPONSIBLE FOR MAINTAINING ALL DRAINAGE STRUCTURES AND EASEMENTS. EXCAVATION EASEMENTS.

EXCAVATION EASEMENTS: EXCAVATION EASEMENTS FOR CUT AND FILL SLOPES FOR ALL ROADWAY IMPROVEMENTS RELATED DRAINAGE STRUCTURES AND WASTEWATER COLLECTION SYSTEM ARE HEREBY GRANTED TO THE ASSOCIATION AND RESERVED BY OWNER, FOR THE PLACEMENT, CONSTRUCTION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ROAD REMAINING WALLS, CUT AND FILL SLOPES, DRAINAGE AND WASTEWATER COLLECTION SYSTEM IMPROVEMENTS, WHICH EASEMENTS WILL VARY IN WIDTH AS SYSTEM IMPROVEMENTS AND MAINTENANCE REQUIREMENTS. ANY ROADWAY IMPROVEMENTS CUT OR FILL SLOPES, DRAINAGE AND WASTEWATER IMPROVEMENTS INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE BOUNDARY OF ANY LOTS OR TRACTS SHOWN HEREON ARE DEEMED TO BE WITHIN THE EASEMENT GRANTED HEREBY. JURISDICTION.

HOMEWISE, INC. A NEW MEXICO CORPORATION

MICHAEL D. LOFTON, EXECUTIVE DIRECTOR

STATE OF NEW MEXICO

COUNTY OF SANTA FE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY THE PERSON(S) WHOSE NAME(S) APPEAR ABOVE.

NOTARY PUBLIC

COMMISSION EXPIRES

**COUNTY OF SANTA FE APPROVAL NOTES & CONDITIONS**

MAINTENANCE OF ACCESS ROAD, PATHS, TRAFFIC SIGNAGE, LOW-PRESSURE WASTEWATER COLLECTION SYSTEM, UTILITY EASEMENTS AND DRAINAGE STRUCTURES TO BE THE RESPONSIBILITY OF THE TESSERA OWNERS ASSOCIATION.

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS. ALL STANDARD COUNTY PERMITS AND FEES MUST BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY OF ANY KIND. DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROAD, FIRE PROTECTION, TERRAIN MANAGEMENT, AND DRAINAGE ARE COMPLETED AND APPROVED.

THESE LOTS MUST BE CONNECTED TO THE PRIVATE LOW-PRESSURE SEWER SYSTEM INSTALLED BY THE OWNER. SAID SEWER MAIN SHALL BE INSTALLED WITHIN THE LOTS SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO CONSTRUCT AND MAINTAIN. ALL LOT OWNERS MUST INSTAL A GROWER PUMP OR TESSERA SEWER COOPERATIVE APPROVED EQUI TO CONNECTED TO THE LOW-PRESSURE SEWER. SAID SEWER MAINS SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO CONSTRUCT AND MAINTAIN.

THE SEWER LINES WITHIN THE ROAD RIGHTS-OF-WAYS AND OFFSITE EASEMENT SHALL BE MAINTAINED BY THE TESSERA SEWER COOPERATIVE TRAILS, LANDSCAPING AND RECREATIONAL FACILITIES INSTALLED BY THE OWNER OR THE ASSOCIATION, WITHIN THE OPEN SPACE SHALL BE MAINTAINED BY THE TESSERA OWNERS ASSOCIATION.

NO BUILDING PERMITS SHALL BE GRANTED UNTIL SUCH TIME AS THE FIRE HYDRANTS HAVE BEEN TESTED AND APPROVED BY THE FIRE MARSHAL. THE ACCESS ROADS ARE DEEMED PASSABLE BY THE FIRE MARSHAL.

ALL OUTDOOR LIGHTING SHALL BE SHIELDED. ALL UTILITY LINES SHALL UNDERGROUND.

ALL LOTS ARE SUBJECT TO A 10-FOOT UTILITY EASEMENT ADJACENT TO ROAD RIGHTS-OF-WAY.

THIS PLAT IS SUBJECT TO THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS FOR TESSERA 2, FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS INSTRUMENT NO. 1628091.

THE TESSERA 2 DISCLOSURE STATEMENT IS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS INSTRUMENT NO. 1628091. THIS DECLARATION IS SUBJECT TO AN AFFORDABLE HOUSING AGREEMENT FOR LOTS 101, 102, 112, 116, 117, 121, 132, 141, 142, 161 AND 162 WHICH IS FILED IN OFFICE OF THE COUNTY CLERK AND RECORDED AS INSTRUMENT NO. 1628091.

THE MINIMUM BUILDING SETBACK FROM LOT LINES IS 5 FEET AND 10 FEET FROM ROAD EASEMENTS, UNLESS THE HOMEOWNER ASSOCIATION COVENANTS PROVIDE FOR LARGER SETBACKS.

WATER USE ON THESE LOTS IS RESTRICTED BY THE DECLARATION OF RESTRICTIVE COVENANTS FOR TESSERA 2, RECORDED AS INSTRUMENT NO. 1628091.

PRIOR TO CONNECTING TO THE LOW-PRESSURE SEWER COLLECTION SYSTEM LOT OWNERS SHALL ESTABLISH AN ACCOUNT WITH THE SANTA FE COUNTY UTILITY DIVISION FOR BILLING OF MONTHLY SERVICE.

THESE LOTS ARE SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) PANEL 130404C Q400 DATED 12-12-04-12, OF PHASE TWO, TESSERA 2 LIES WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.02% ANNUAL CHANCE FLOODPLAIN.

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT THEIR MEETING OF 00-00-2014

CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST BY COUNTY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY THE COUNTY DEVELOPMENT REVIEW COMMITTEE AT THEIR MEETING OF 00-00-2014

CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST BY COUNTY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY DEVELOPMENT PERMIT NO. 14-????

COUNTY LAND USE ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY RURAL ADDRESSING \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY FIRE MARSHALL \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY PUBLIC WORKS DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY UTILITIES DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

INDEXING INFORMATION FOR COUNTY CLERK

**UTILITY COMPANIES**

PUBLIC SERVICE COMPANY OF NEW MEXICO

DATE \_\_\_\_\_

GAS COMPANY OF NEW MEXICO

DATE \_\_\_\_\_

IN APPROVING THIS PLAT, PNM ELECTRIC SERVICES AND NEW MEXICO GAS COMPANY DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, THEY DO NOT WAIVE NOR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLAT, REPLAY OR OTHER DOCUMENT WHICH ARE NOT SHOWN ON THIS PLAT.

CENTURY LINK

DATE \_\_\_\_\_

CENTURY LINK DISCLAIMER

THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY. THE SIGNING OF THIS PLAT DOES NOT IN ANY WAY GUARANTEE TELEPHONE SERVICE TO SUBDIVISION.

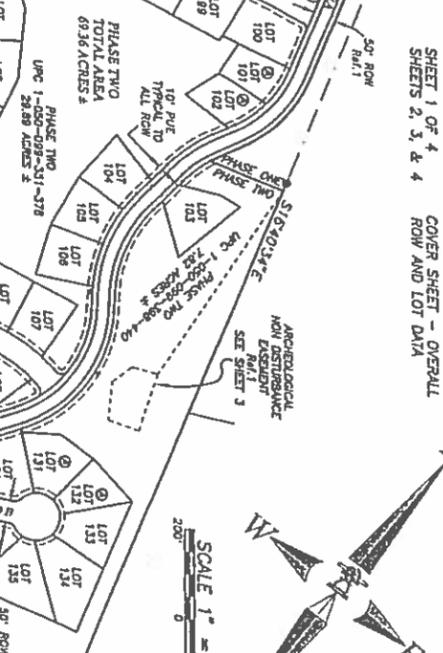
**PUBLIC UTILITY EASEMENTS (PUE)**

PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE GRANTED FOR THE CONDUIT AND JOINT USE OF UTILITIES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- A. PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM), A NEW MEXICO CORPORATION, (TRAIL ELECTRIC) FOR INSTALLATION, MAINTENANCE, AND SERVICE OF OVERHEAD AND UNDERGROUND ELECTRICAL LINES, TRANSFORMERS, AND OTHER EQUIPMENT AND RELATED FACILITIES RESPONSIBLY NECESSARY TO PROVIDE ELECTRICAL SERVICES.
- B. N.M. GAS CO. FOR INSTALLATION, MAINTENANCE AND SERVICE OF NATURAL GAS LINES, VALVES AND OTHER EQUIPMENT AND FACILITIES RESPONSIBLY NECESSARY TO PROVIDE NATURAL GAS SERVICES.
- C. CENTURY LINK FOR THE INSTALLATION, MAINTENANCE AND SERVICE OF SUCH LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES RESPONSIBLY NECESSARY TO PROVIDE COMMUNICATION SERVICES.
- D. CONDUIT FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF SUCH LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES RESPONSIBLY NECESSARY TO PROVIDE CABLE SERVICES.

INCLUDED IS THE RIGHT TO BUILD, REBUILD, CONSTRUCT, RECONSTRUCT, LOCATE, RELOCATE, CHANGE, REMOVE, REPLACE, MODIFY, RENEW, OPERATE AND MAINTAIN FACILITIES FOR PURPOSES DESCRIBED ABOVE, TOGETHER WITH FREE ACCESS TO FROM, AND OVER SAID EASEMENTS, INCLUDING SUFFICIENT WORKING AREA SPACE FOR ELECTRICAL TRANSFORMERS, WITH THE RIGHT AND PRIVILEGE INTERFERE AND REMOVE TREES, SHRUBS OR BUSHES WHICH INTERFERE WITH THE PURPOSES SET FORTH HEREIN, AND BUILDING, POOL (ASO) OR DECKING, OR OTHER STRUCTURES, SHALL BE CONSIDERED AS CONSTRUCTION OF SUCH STRUCTURES, AND SHALL BE THE SOLELY RESPONSIBLE FOR CORRECTING OR REMEDIATION OF NATIONAL ELECTRICAL SAFETY CODE BY CONSTRUCTION OF POOLS, DECKING, OR ANY STRUCTURES ADJACENT TO OR NEAR EASEMENTS SHOWN ON THIS PLAT.

ESSENTIALS FOR ELECTRIC TRANSFORMER/SWITCHGEARS, AS INSTALLED, SHALL EXTEND TEN (10) FEET IN FRONT OF TRANSFORMER/SWITCHGEAR DOORS AND FIVE (5) FEET ON EACH SIDE.



**SHEET INDEX**

SHEET 1 OF 4

CORNER SHEET - OVERALL ROW AND LOT DATA

SHEETS 2, 3, & 4

**LEGEND**

- MONUMENT FOUND AND USED, AS NOTED
- CAPED REBAR 1"X3064" SET
- COMPUTED POINT
- UTILITY EASEMENT
- DUE DRAINAGE & UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- AUE ACCESS & UTILITY EASEMENT
- AFFORDABLE LOT
- (C15) CREATED THIS SURVEY

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS SUBDIVISION SURVEY PLAT AND THE FIELD SURVEY ON WHICH IT IS BASED WAS MADE BY ME OR UNDER MY PERSONAL DIRECTION AND CONTROL AND THAT THE DATA SHOWN HEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

COUNTY OF SANTA FE

STATE OF NEW MEXICO

I hereby certify that this instrument was filed for record on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

AND WAS DULY RECORDED IN BOOK \_\_\_\_\_

SECTION 20

TOWNSHIP \_\_\_\_\_

PREPARED FOR

**HOMEWISSE INC.**

SHEET 1

SCALE

DATE

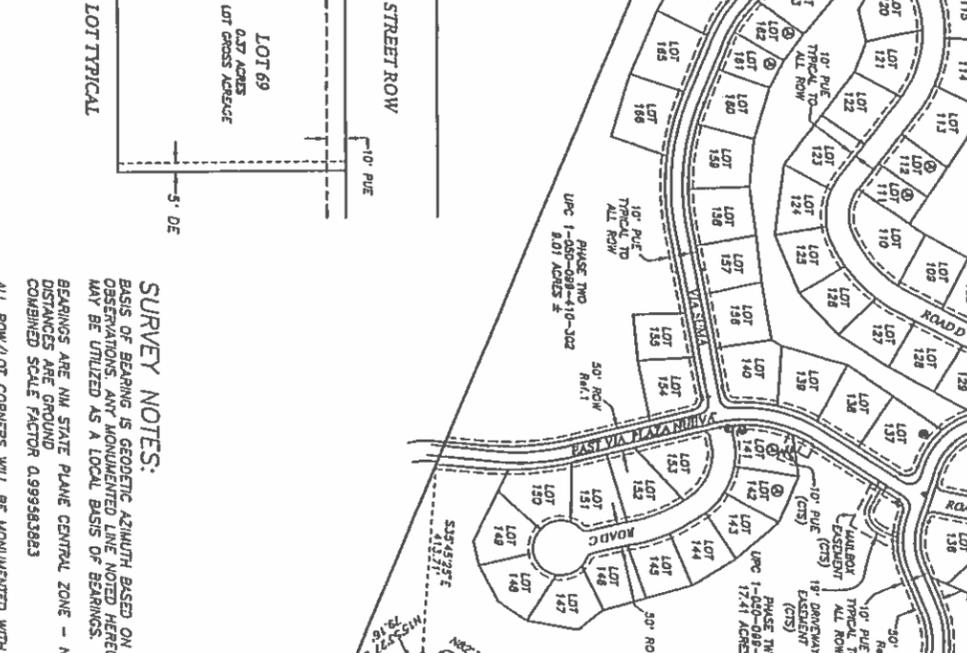
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**SURVEY NOTES:**

BEARINGS ARE NEW STATE PLANE CENTRAL ZONE - NAD83

DISTANCES ARE COMBINED SCALE FACTOR 0.999838283

ALL ROW/LOT CORNERS WILL BE MONUMENTED WITH A

**NOTARY PUBLIC**

COMMISSION EXPIRES

CORNERSSTONE

LAND SURVEYING

SECTION 20

TOWNSHIP \_\_\_\_\_

PREPARED FOR

**HOMEWISSE INC.**

SHEET 1

SCALE

DATE



TRACT A-2-B  
N/T OSMAR G. PORTER  
W.D. DIST. No. 1430338  
PK#621 PG.40



**LEGEND**

- MONUMENT FOUND AND USED, AS NOTED
- CAPPED REBAR "13054" SET
- COMPUTED POINT
- UE UTILITY EASEMENT
- DE DRAINAGE & UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- AUE ACCESS & UTILITY EASEMENT
- ⊙ AFFORDABLE LOT

PHASE TWO  
UFC 1-050-059-351-378  
29.69 ACRES ±

INDEXING INFORMATION FOR COUNTY CLERK

SUBDIVISION SURVEY PLAT

PREPARED FOR

**HOMEWISER INC.**

SECTION 20

TOWNSHIP

CORNERSTONE  
LAND SURVEYING

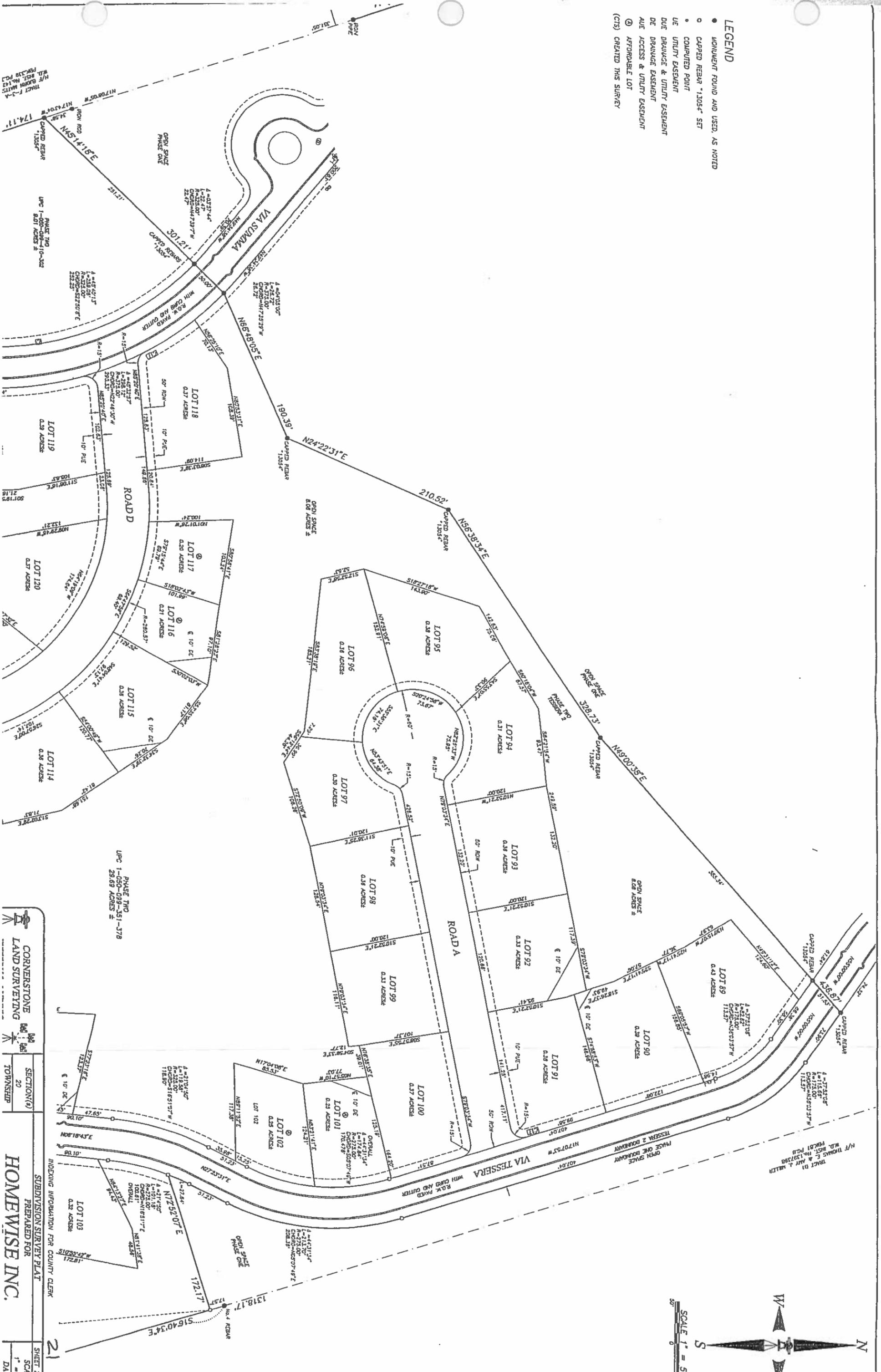
SHEET 3 OF 3

SCALE  
1" = 50'

DATE

PHASE TWO  
UFC 1-050-059-10-302  
8.01 ACRES ±

- LEGEND**
- MONUMENT FOUND AND USED, AS NOTED
  - CAPPED REBAR "13054" SET
  - COMPUTED POINT
  - UTILITY EASEMENT
  - DUE DRAINAGE & UTILITY EASEMENT
  - DE DRAINAGE EASEMENT
  - AUE ACCESS & UTILITY EASEMENT
  - AFFORDABLE LOT
  - (CTS) CREATED THIS SURVEY

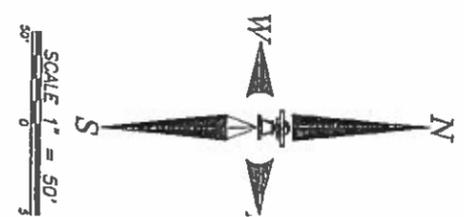


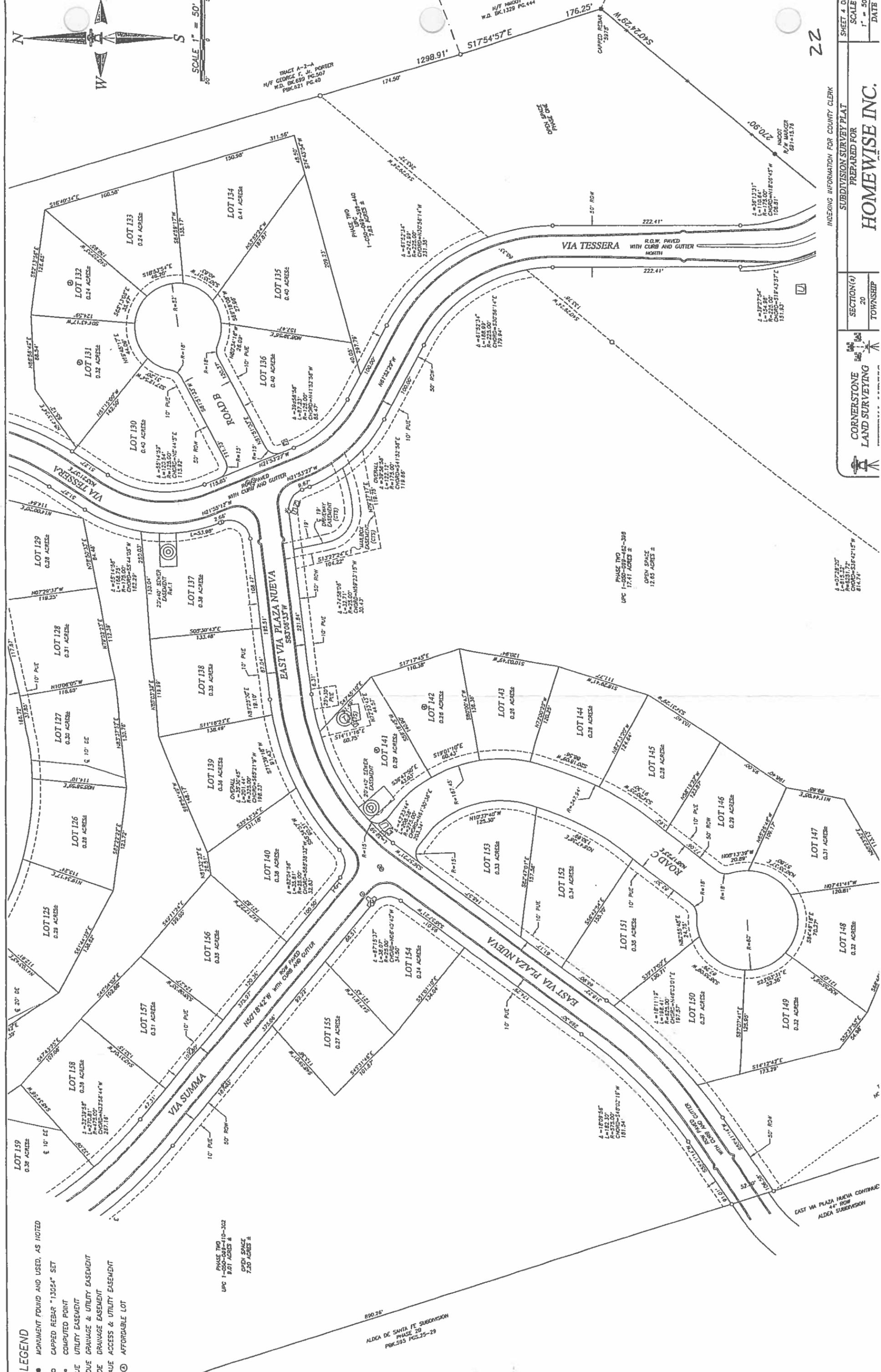
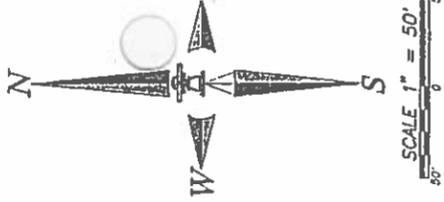
CORNERSTONE  
LAND SURVEYING

SECTION 20  
TOWNSHIP

INDEXING INFORMATION FOR COUNTY CLERK  
PREPARED FOR  
**HOMEWISE INC.**

SHEET 2 OF  
SCALE  
1" = 50'  
DATE





**LEGEND**

- MONUMENT FOUND AND USED, AS NOTED
- CAPPED REBAR "13064" SET
- COMPUTED POINT
- UE UTILITY EASEMENT
- DE DRAINAGE & UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- AUE ACCESS & UTILITY EASEMENT
- ⓐ AFFORDABLE LOT

PHASE TWO  
UPC 1-550-019-10-302  
OPEN SPACE  
7.20 ACRES ±

ALDEA DE SANTA FE SUBDIVISION  
PHASE 2B  
PKR.595 PGS.25-29

INDEXING INFORMATION FOR COUNTY CLERK  
SUBDIVISION SURVEY PLAT  
PREPARED FOR  
**HOMEWISE INC.**

CORNERSTONE  
LAND SURVEYING

SECTION (S)  
20

TOWNSHIP

SCALE  
1" = 50'

SHEET 4 OF

DATE

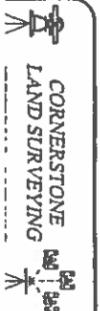
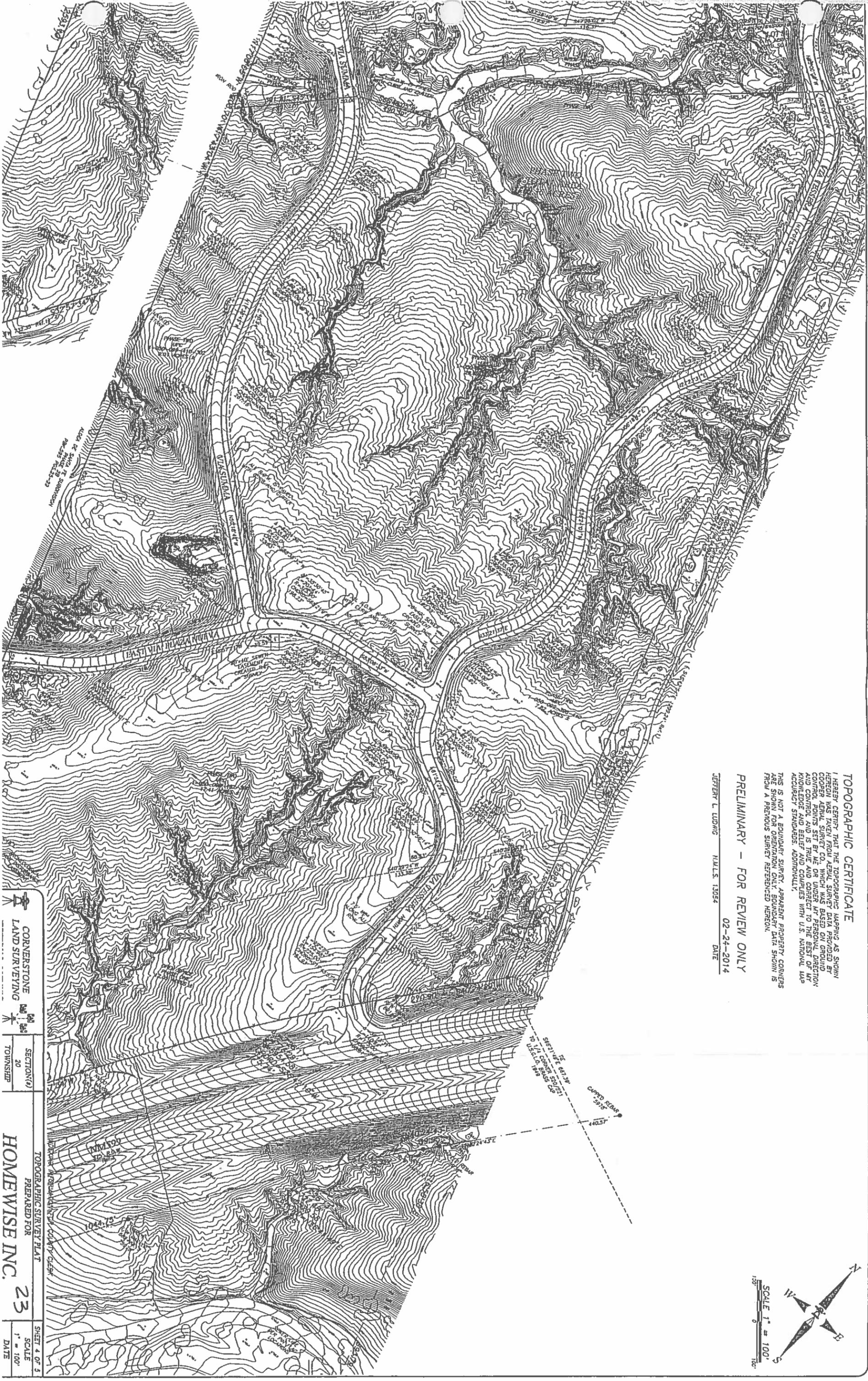
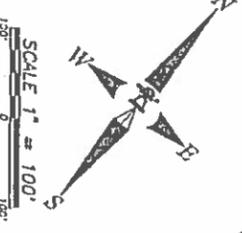
22

**TOPOGRAPHIC CERTIFICATE**

I HEREBY CERTIFY THAT THE TOPOGRAPHIC MAPPING AS SHOWN HEREON WAS TAKEN FROM AERIAL SURVEY DATA PROVIDED BY COOPER AERIAL SURVEY CO., WHICH WAS BASED ON GROUND CONTROL POINTS SET BY ME OR UNDER MY PERSONAL DIRECTION AND CONTROL AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND COMPLES WITH U.S. NATIONAL MAP ACCURACY STANDARDS, ADDITIONALLY.

PRELIMINARY - FOR REVIEW ONLY

JEFFERY L. LUDWIG H.M.L.S. 13034 DATE 02-24-2014

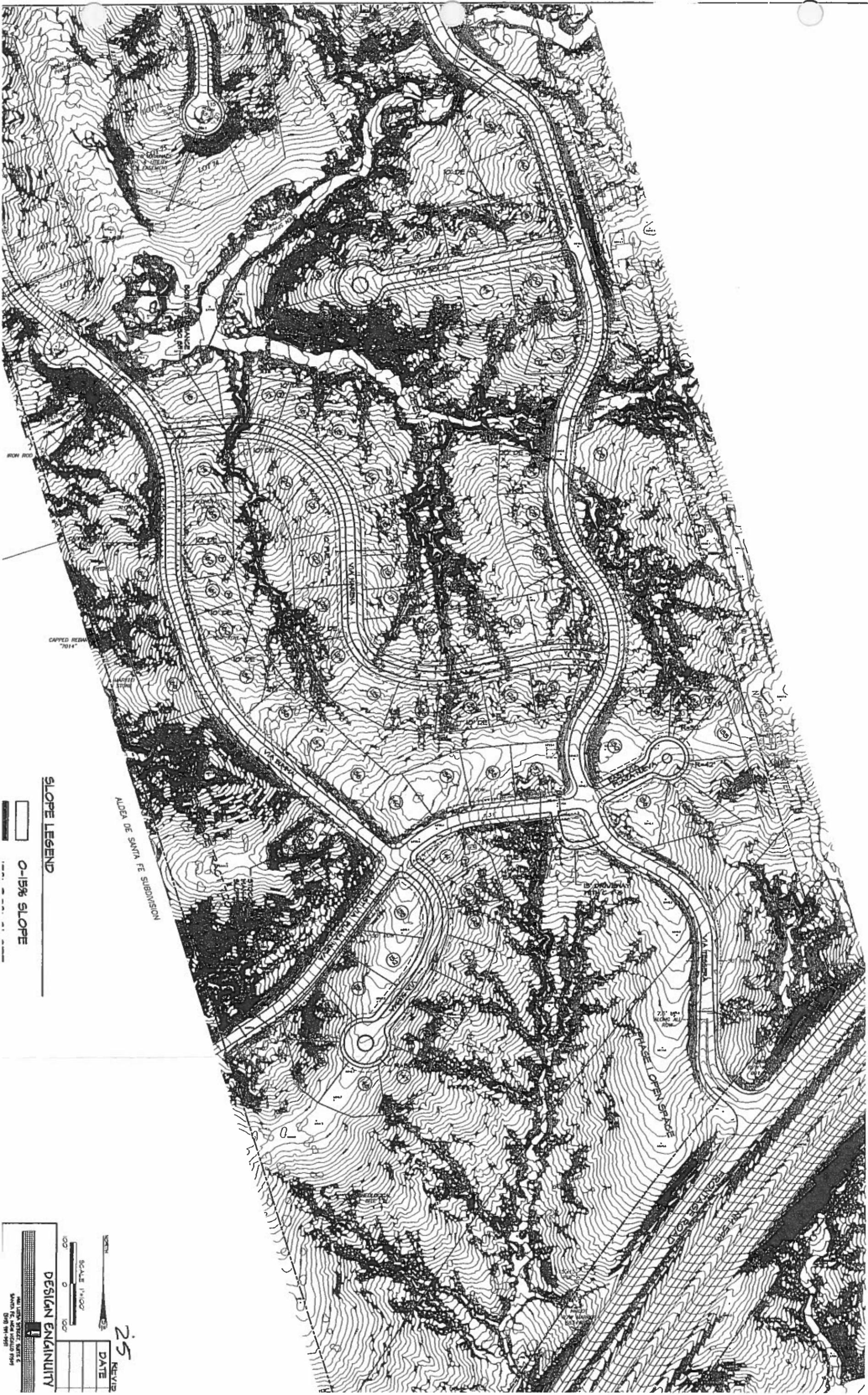


CORNERSTONE  
LAND SURVEYING

SECTION(S)  
20  
TOWNSHIP

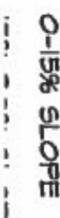
TOPOGRAPHIC SURVEY PLAT  
PREPARED FOR  
**HOMEWISE INC. 23**  
SHEET 4 OF 5  
SCALE  
1" = 100'  
DATE





AUDEA DE SANTA FE SUBDIVISION

**SLOPE LEGEND**

-  0-15% SLOPE
- 

25

REVISION

DATE

SCALE 1"=100'

DESIGN ENGINEER

AND LARRY STRAZER, SANTA FE, N.M. MEMBER A.S.C.E. MEMBER N.E.C.E. MEMBER N.E.P.E. MEMBER N.E.P.C. MEMBER N.E.P.S. MEMBER N.E.P.W. MEMBER N.E.P.X. MEMBER N.E.P.Y. MEMBER N.E.P.Z. MEMBER N.E.P.A. MEMBER N.E.P.B. MEMBER N.E.P.C. MEMBER N.E.P.D. MEMBER N.E.P.E. MEMBER N.E.P.F. MEMBER N.E.P.G. MEMBER N.E.P.H. MEMBER N.E.P.I. MEMBER N.E.P.J. MEMBER N.E.P.K. MEMBER N.E.P.L. MEMBER N.E.P.M. MEMBER N.E.P.N. MEMBER N.E.P.O. MEMBER N.E.P.P. MEMBER N.E.P.Q. MEMBER N.E.P.R. MEMBER N.E.P.S. MEMBER N.E.P.T. MEMBER N.E.P.U. MEMBER N.E.P.V. MEMBER N.E.P.W. MEMBER N.E.P.X. MEMBER N.E.P.Y. MEMBER N.E.P.Z.



26 REVISE

DATE	
BY	

SCALE = 0 50 100'

DESIGN ENGINEERING

401 LUPA STREET, SUITE 2  
SANTA FE, NEW MEXICO 87505  
847-191-9911

PHASE 2 REQUIRED OPEN SPACE 34.23 ACRES  
PHASE 2 PROVIDED OPEN SPACE 34.99 ACRES

ALDEA DE SANTA FE SUBDIVISION

5' WIDE NATURAL DIRT PATH FOR PEDESTRIANS, EQUESTRIANS AND BICYCLISTS. PATH LOCATIONS SHOWN ARE APPROXIMATE. 10-FOOT EASEMENTS SHALL BE CENTERED WHERE TRAILS ARE ACTUALLY CONSTRUCTED.

CAMPED RIVER

IRON ROAD

VALLEY TRAIL

LOT 7A

LOT 7B

LOT 7C

LOT 7D

Daniel "Danny" Mayfield  
Commissioner, District 1  
Miguel Chavez  
Commissioner, District 2  
Robert A. Anaya  
Commissioner, District 3



Kathy Helton  
Commissioner, District 4  
Liz Stefanics  
Commissioner, District 5  
Katherine Miller  
County Manager

## Santa Fe County Fire Department Fire Prevention Division

### Official Development Review

Date 05/18/2014

Project Name Tessera 2 Preliminary Development Plan

Project Location North of NM 599, West Frontage Road

Description 78 lots for a residences subdivision

Case Manager V. Archuleta

Applicant Name Design Enginuity - Orallynn Guerrenortiz, PE

County Case # 10-5551

Applicant Address 1421 Luisa Street, Suite E

Fire District Agua Fria

Santa Fe, New Mexico 87504

Applicant Phone 505-989-3557

Review Type: Commercial  Residential  Sprinklers  Hydrant Acceptance   
Master Plan  Preliminary  Final  Inspection  Lot Split   
Wildland  Variance

Project Status: Approved  Approved with Conditions  Denial

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (*Note underlined items*):

#### Fire Department Access

*Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal*

Any walking trail system proposed for this development shall have a trail identification number or name and be marked with a number every 1/10<sup>th</sup> of a mile (528 feet) for the purpose of expediting emergency response.

- Fire Access Lanes

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) When required by the Chief, signs or other approved notices shall be provided and maintained for fire apparatus access identify such roads and prohibit the obstruction thereof or both.



No off-site parking shall be allowed and shall be marked accordingly as approved by the Fire Marshal.

Curbs adjacent to the, fire hydrants, landscape medians in traffic flow areas and in designated no parking areas shall be appropriately marked in red with 6" white lettering reading "FIRE LANE - NO PARKING" as determined by the Fire Marshal prior to final approval. Assistance in details and information are available through the Fire Prevention Division. The Home Owner's and/or the Home Owner's Association will maintain said markings following the final approval and for the duration of the subdivision.

#### **Roadways/Driveways**

*Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.*

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Final acceptance based upon the Fire Marshal's approval.

Cul-de-sacs shall be a minimum 50' radius. SFC Land Use Code, Article V, Section 8.2.1.d, (cul-de-sacs over 250' in length).

Maximum size for an island in a cul-de-sac shall be 20' diameter.

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 20' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development.

#### **Street Signs/Rural Address**

*Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

*Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.*

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

#### **Slope/Road Grade**

*Section 902.2.2.6 Grade (1997 UFC) The gradient for a fire apparatus access road shall not exceed the maximum approved.*

This driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

## Restricted Access/Gates/Security Systems

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

All gates on a public way shall be operable by means of a key or switch, which is located in a Knox Lock entry system, keyed to the Santa Fe County system. Details, information and forms are available from the Fire Prevention Division

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

A final inspection by this office will be necessary to determine the applicability of the installation of the Knox lock access system in regards to emergency entrance into the fenced area. Should it be found suitable for such, the developer shall install the system.

## Fire Protection Systems

The design of the system shall be accordingly sized and constructed to accommodate for the required application of residential fire suppression sprinkler systems, on both the public utility side of the meter as well as the private property yard lines

Water supply line sizes, which are connected to supply approved fire hydrants, shall be a minimum of eight inches in diameter.

The Developer, Homeowners and/or the Homeowners Association shall be responsible to maintain, in an approved working order, the water system for the duration of the development or until connection to a regional water system. The responsible party, as indicated above, shall be responsible to call for and submit to the Santa Fe County Fire Department for an annual testing of the fire protection system and the subsequent repairs ordered and costs associated with the testing.

## Hydrants

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Section 903.4.2 Required Installations. (1997 UFC) *The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*

Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3 of the 1997 UFC.

All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within one thousand feet (1,000') as measured along the access route.

Fire hydrant locations shall be no further than 10 feet from the edge of the approved access roadways with the steamer connections facing towards the driving surface. Final placement of the fire hydrants

shall be coordinated and approved by the Santa Fe County Fire Department prior to installation. Additional hydrants and/or relocation of existing fire hydrants shown within the submittal packet may be required. Final fire hydrant locations shall be located in full view for incoming emergency responders. Landscape vegetation, utility pedestals, walls, fences, poles and the like shall not be located within a three foot radius of the hydrant per Article 10, Sections 1001.7.1 and 1001.7.2 of the 1997 UFC.

Supply lines shall be capable of delivering a minimum of 1,000 gpm with a 20-psi residual pressure to the attached hydrants. The design of the system shall be accordingly sized and constructed to accommodate for the associated demands placed on such a system through drafting procedures by fire apparatus while producing fire flows. The system shall accommodate the operation of two pumping apparatus simultaneously from separate locations on the system. Final design shall be approved by the Fire Marshal. All hydrants shall have NST ports.

No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.

All hydrants shall comply with Santa Fe County Resolution 2000-55, Hydrant color-coding, marking and testing. Note: Please have the installing contractor contact this office prior to the installation of the fire hydrant, so that we may assist you in the final location placement and avoid delays in your projects' final approval.

#### **Automatic Fire Protection/Suppression**

- **Automatic Fire Protection/Suppression**

This office highly recommends the installation of an automatic fire suppression system as per 1997 Uniform Fire Code, Article 10 Section 1003.2.1 and the Building Code as adopted by the State of New Mexico and/or County of Santa Fe. Required automatic fire suppression systems shall be in accordance with NFPA 13 and 13D Standard for automatic fire suppression systems. It is recommended that the homeowner contact their insurance carrier to find their minimum requirements.

#### **Fire Alarm/Notification Systems**

- **Fire Alarm/Notification Systems**

Automatic Fire Protection Alarm systems are highly recommended per 1997 Uniform Fire and Building Codes as adopted by the State of New Mexico and/or the County of Santa Fe. Required Fire Alarm systems shall be in accordance with NFPA 72, National Fire Alarm Code for given type of structure and/or occupancy use. Said requirements will be applied as necessary as more project information becomes available to this office during the following approval process.

#### **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Portable fire extinguishers should be installed in occupancies and locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

## Life Safety

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

## General Requirements/Comments

### Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

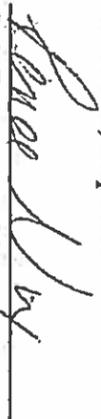
### Permits

As required

## Final Status

Recommendation for Preliminary Development Plan approval with the above conditions applied.

*Renee Nix, Inspector*

  
Code Enforcement Official

5.30.14  
Date

Through: David Sperting, Chair  
File: DEV/Tessera 2 Preliminary Dev. Plan/051814 AF

Cy: Buster Patry, Fire Marshal  
Vicente Archuleta, Land Use  
Applicant  
District Chief Agua Fria  
File

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefaniak  
Commissioner, District 5

Katherine Miller  
County Manager

May 14, 2014

To: Vicente Archuleta, Development Review Team Leader  
From: Karen Torres, County Hydrologist *(initials)*  
Re: CDRC Case # S 10-5551 Tessera Subdivision Phase II T17N, R9E Sec 20

The subject development plan was reviewed for technical accuracy and compliance with the SFC Land Development Code. The submittal by the applicant is complete and meets the requirements for Preliminary Development Plan.

Nature of Project:

The applicant is requesting preliminary development plan to develop 78 new residential lots which will increase the entire development to 166 residential lots. The development will be served by the Santa Fe County Water Utility and is requesting sewer service from the City of Santa Fe.

**SFC Land Development Code Preliminary and Final Development Plan Requirements for Water and Wastewater:**

**Preliminary Development Plan Requirements for Water**

Article V, Section 5.3.2 Preliminary Plat Submittals requires the following:

1. Water Supply Plan and Water Permits as required by Article VII, Section 6 of the Code.
2. Liquid Waste Disposal Plan as required by Article VII Section 2.4 10.

**Article VII, Section 6 - Water Supply Plan**

*Article VII, Section 6.2 entitled General Requirements and Submittals for a Water Supply Plan sets forth requirements based on the type and scale of the development. Table 7.4, entitled Required Code Sections for Water Supply, states all large scale residential development, which describes the subject development, is required to submit a water supply plan which consists of*

submittals compliant with the following code requirements

1. Article VII, Section 6.3 Community Water Systems (if applicable)
2. Article VII, Section 6.4 entitled "Water Availability Assessments"
3. Article VII, Section 6.5 entitled "Water Quality"
4. Article VII, Section 6.6 entitled "Water Conservation"
5. Article VII, Section 6.7 entitled "Fire Protection"

As the size of the development has been reduced the ready, willing and able to serve letter should be updated to reflect the current size and water budget for this project.

**Article VII, Section 6.3: Water Supply Plan**

Since the Santa Fe County Utility is providing water service to this development Article VII, Section 6.3 of the code does not apply to this development. The rest remaining code requirements do apply.

**Article VII, Section 6.4 entitled "Water Availability Assessments"**

For all municipal or county owned water utilities a letter of intent from the utility that they are ready willing and able to provide the maximum annual water requirements for the development is required. The letter must also state any requirements for the applicant to provide water rights.

Letter dated March 27, 2014 from the Santa Fe County Water Utilities Division outlines the terms and conditions in which the subject development can connect. Though water rights were not specifically addressed, the current connection fee for the utility allows for purchase, if necessary, of necessary water rights to serve the development.

Code requirements for water availability have been met.

**Article VII, Section 6.5 -Water Quality**

No water quality information was submitted to the County to review but as the Santa Fe County utility is a public water system they are required by NMED to meet all drinking water standards set forth by the Environmental Protection Agency. A review of the latest Sanitary Survey and NMED Drinking Water Bureau website did not indicate any water quality issues.

**Article VII, Section 6.6- Water Conservation**

*Water Budget*

A water budget of 0.25 acre-feet per household per year is proposed for this development. Based on the amount of water an average county utility customer uses this appears reasonable. Verification of water use for the first phase of this development should be done prior to final development plan approval.

*Water Restrictive Covenants*

The Water Restrictive Covenants for this request appear complete and meet code requirements.

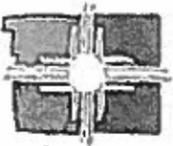
**Article VII, Section 6.7- Fire Protection**

Article VII, Section 6.7.6, as amended by Ordinance 1998-10, states residential subdivisions shall have fire hydrants which are designed to flow at least 500 gallons per minute with 20 psi for a two hour minimum. Verification of this is done by the County Fire Marshal.

**Article VII, Section 2 - Liquid Waste Disposal Requirements**

Liquid waste disposal is currently done by a combination of privately owned grinder pumps which delivers waste to a force main and ultimately to the City of Santa Fe Sewer system. The applicant proposes to continue this practice for this phase, pending approval from the City of Santa Fe.

If you have any questions, please feel free to call me at 992-9871 or email at [ktorres@co.santafe.nm.us](mailto:ktorres@co.santafe.nm.us)



*New Mexico* DEPARTMENT OF  
**TRANSPORTATION**

May 29, 2014

Mr. Vicente Archuleta  
102 Grant Avenue  
Santa Fe, NM 87501

RE: Tessera Subdivision Phase 2

Dear Mr. Archuleta,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and comments or concerns to be addressed are as follows:

**Environmental Bureau:** If access to NMDOT right of way is required for the project, including any infrastructure improvements in NMDOT right of way particularly along NM 599 or the NM 599 Frontage Road, the project would require an access permit and environmental clearance from the NMDOT and the project proponent would need to contact Gary Funkhouser in the NMDOT Environmental Division at 505-827-5692.

**Drainage Bureau:** The Drainage Bureau has no objection to this Preliminary Development Plan provided that pond routing data is provided prior to approval of the Final Development Plan. This pond routing data must demonstrate that post-development peak flow rates do not exceed pre-development peak flow rates for Basins A and E.

If there are any questions you may contact me at (505) 827-5249 or by email at [jeremy.lujan@state.nm.us](mailto:jeremy.lujan@state.nm.us).

Sincerely,

  
Jeremy Lujan  
Property Asset Management Agent

FILE#: 1762

**Susana Martinez**  
Governor

**Tom Church**  
Cabinet Secretary

**Commissioners**

**Pete K. Rain**  
Chairman  
District 3

**Ronald Schmeltz**  
Vice Chairman  
District 4

**Dr. Kenneth White**  
Secretary  
District 1

**Butch Mathews**  
Commissioner  
District 5

**Jackson Gibson**  
Commissioner  
District 6



**MEMORANDUM**

**DATE:** May 28, 2014

**TO:** Vicente Archuleta, Development Review Team Leader

**FROM:** Lisa Roach, Open Space and Trails Planner  
Planning Division / Growth Management Department

**VIA:** Robert Griego, Planning Division Manager, Growth Management Department

**RE:** CASE #10-5551 Tessera Subdivision Phase Two

I have reviewed the case submittal for technical accuracy and for compliance with the Land Development Code, Sustainable Growth Management Plan, and Tres Arroyos del Poniente Community Plan and have the following comments:

- 1) As per the Tres Arroyos del Poniente Community Plan (Resolution 2006-41, Ordinance 2006-02), "new developments must provide trails and trail connections as shown on the Roads and Trails Map" (p.17). Although the submittal materials refer to trail locations, they are not depicted on the Tessera 2 Development Plan. Please show the approximate trail locations on the Development Plan and indicate points of connectivity to the existing trails in Tessera 1 and the 599 trail underpass.
- 2) Tessera 2 Development Plan notes indicate that trail easement widths shall be 10 feet. Although not required by the Land Development Code, it is highly recommended that a 20-foot easement be dedicated for all trails.

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Liz Steniles  
Commissioner, District 4

Kathy Holian  
Commissioner, District 5

Katherine Miller  
County Manager

**PUBLIC WORKS DIVISION  
MEMORANDUM**

**Date:** May 8, 2014

**To:** Vicente Archuleta, Development Review Team Leader

**From:** Paul Kavanaugh, Engineering Associate Public Works *R*  
Johnny P. Baca, Traffic Manager Public Works *JB*

**Re:** Case # S 10-5551 Tessera Subdivision, Phase II Preliminary Development Plan & Preliminary Plat

The referenced project has been reviewed for compliance of the Land Development Code, and shall conform to roads and driveway requirements of Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads). The project is located northwest of New Mexico 599 (Veterans Highway)/ Camino La Tierra intersection, northeast of Avenida Aldea, within Section 20, Township 17 North, Range 9 East. The applicant is requesting a Preliminary Development Plan approval and Preliminary Plat approval for Phase II consisting of seventy eight (78) parcels ranging in size from 0.20 to 0.43 acres.

**Access:**

The existing subdivision is accessed by a private road Via Tessera Road off of NM 599 Frontage Road. Via Tessera is an existing twenty (20') foot paved road with curb and gutter.

A Traffic Impact Analysis was prepared by Santa Fe Engineering Consultants, LLC, dated April 2014. The purpose of the study is to assess the traffic impacts the proposed project may have on road systems within the area and identify any necessary required on-site /off-site road improvements.

The Traffic Analysis states that "No operational deficiencies exist and all intersections operate and will operate at an adequate Level of Service for existing conditions, Implementation Year Conditions and Horizon Year Conditions." The project is not required a left turn deceleration lane based on the State Access Management Manual. The project is required a right turn deceleration lane; however one currently exists to serve Via Tessera Road. The existing deceleration Lane meets the State Access Management Manual requirements of 300 feet with a taper of 10.5:1 for a distance of 125 feet for the posted speed limit. This portion of road is under the jurisdiction of New Mexico Department of Transportation.

**Conclusion:**

Public Works has reviewed the submittal and Traffic Impact Analysis, dated April 2014, and feels that they can support the above mentioned project for a Preliminary Development Plan, Preliminary Plat Approval for Phase II with the following conditions;

- Applicant shall comply with all NMDOT regulatory requirements for driveway access onto NM 599 Frontage Road.
- Applicant shall provide an approval for the transition of Via Tessera Road and NM 599 Frontage Road.
- Applicant shall remove approximately forty (40') feet of rock median encroaching NMDOT Right-of-Way.
- Applicant shall place a note on Plat under the BUILDING PERMIT CONDITIONS which states, "All double fronted lots are allowed one access only meeting a 100' setback from intersection".
- Applicant shall provide an approval from Santa Fe County Fire Marshal for placement of island within the proposed cul-de-sacs.
- All internal signage and posts/hardware shall meet MUTCD Standards.
- Applicant shall replace all existing internal signage to meet MUTCD Standards, (current signs do not meet the reflect ability as specified in the current MUTCD manual).
- Applicant shall place a note on Sheet 11, Roadway Plan & Typical Sections "All internal roads shall be milled to ensure a consistent two inch edge for the last lift of HMA.
- Applicant shall revise notes regarding V-shaped channels and curb cuts on sheets 12, 13, and sheet 14.
- Applicant shall provide a striping plan for approval.
- Santa Fe County recommends the existing speed limit of 30 mph be reduced to a more residential speed limit of 20 mph.
- Applicant shall address all conditions prior to FINAL DEVELOPMENT PLAN APPROVAL.



State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
 Environmental Health Bureau  
 Santa Fe Field Office  
 2540 Camino Edward Ortiz  
 Santa Fe, NM 87507  
 505-827-1840  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



Susana Martinez  
 Governor

Ryan Flynn  
 Secretary

April 18, 2014

Butch Tongate  
 Deputy Secretary

Mr. Vincente Archuleta, Development Review Team Leader  
 Santa Fe County - Planning & Zoning Department  
 P.O. Box 276  
 Santa Fe, New Mexico 87504-0276

Tom Blaine  
 Director

**RE: Case #S 10-5551 Tessera Subdivision Phase Two**

Dear Mr. Archuleta,

I have reviewed the Case #S 10-5551 Tessera Subdivision Phase Two submittal. My review is based upon information submitted by the applicant, in-house files and the State Liquid Waste regulations.

I have reviewed the plan submittal for compliance with the New Mexico Liquid Waste Disposal and Treatment Regulations (20.7.3 NMAC). These regulations are administered by the New Mexico Environment Department (NMED), Environmental Health Bureau.

The plan submitted is for phase 2 construction of 78 additional homes in the Tessera development for a total of 166 residential units. The project is on 146 acres. This second phase will be on 69.4 acres.

The plan states that a low-pressure wastewater collection system was installed and each home is required to have a grinder pump to connect to the system. Approval to have wastewater collected and processed by existing City facilities is required. A request has been submitted to the City and County.

Three alternate plans are also being considered if it becomes necessary: 1) connect to the Aldea waste water system, 2) connect to the Las Campanas system and 3) develop Tessera's own system.

The above described scenarios for wastewater disposal would not be subject to current State liquid waste regulations. However, if none of the above scenarios come to fruition another review would be required by this office.

If you have any questions regarding this review please contact me at the number above.

Respectfully submitted,



Robert Italiano, Manager  
 Environmental Health Bureau - District II  
 New Mexico Environment Department  
 Santa Fe Field Office



May 29, 2014

Mr. Vicente Archuleta  
102 Grant Avenue  
Santa Fe, NM 87501

RE: Tessera Subdivision Phase 2

Dear Mr. Archuleta,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and comments or concerns to be addressed are as follows:

**Environmental Bureau:** If access to NMDOT right of way is required for the project, including any infrastructure improvements in NMDOT right of way particularly along NM 599 or the NM 599 Frontage Road, the project would require an access permit and environmental clearance from the NMDOT and the project proponent would need to contact Gary Funkhouser in the NMDOT Environmental Division at 505-827-5692.

**Drainage Bureau:** The Drainage Bureau has no objection to this Preliminary Development Plan provided that pond routing data is provided prior to approval of the Final Development Plan. This pond routing data must demonstrate that post-development peak flow rates do not exceed pre-development peak flow rates for Basins A and E.

If there are any questions you may contact me at (505) 827-5249 or by email at [jeremy.lujan@state.nm.us](mailto:jeremy.lujan@state.nm.us).

Sincerely,

Jeremy Lujan  
Property Asset Management Agent

Susana Martinez  
Governor

Tom Church  
Cabinet Secretary

Commissioners

Pete K. Rahn  
Chairman  
District 3

Ronald Schmeits  
Vice Chairman  
District 4

Dr. Kenneth White  
Secretary  
District 1

Butch Mathews  
Commissioner  
District 5

Jackson Gibson  
Commissioner  
District 6

Vicente Archuleta

**From:** Steven R. Brugger  
**Sent:** Wednesday, April 30, 2014 5:36 PM  
**To:** Orallynn Guerrerortiz (orallynn@designengenuity.biz)  
**Cc:** Vicente Archuleta; Vicki Lucero  
**Subject:** Tessera 2 Affordable Housing Plan

Orallynn:

I reviewed the Tessera 2 Affordable Housing Plan. Overall, this looks fine. Here are some comments and recommendations.

General Comments

Only the Affordable Housing Plan, with exhibits, would be submitted as part of the request for Preliminary Development Plan and Preliminary Subdivision Plat Approval. The Affordable Housing Agreement would incorporate the substance of the approved Affordable Housing Plan and would be submitted separately as part of your request for Final Development Plan and Final Subdivision Plat Approval.

Specific Comments

Section 1.1 : I would reference "the 78 unit Development" or "the 78 unit Tessera 2 development". You have this in parentheses, but putting the number in the narrative would make it even clearer that the 12 affordable units are based on the 78 units being approved, and that if one number changes, both may change.

Section 1.3: Strict application of the Regulations would create an even split of 3 units in Income Range 1, 3 in Income Range 2, 3 in Income Range 3 and 3 in Income Range 4. If you propose to do more in Income Range 2 and less in Income Range 4, that is fine with me, as that provides even greater affordability.

Section 1.4: Per our Regulations, we can't require 2 car garages, but I need to ask anyway: Where will parking be provided, especially for the 3 & 4 bedroom units?

Section 1.5: Are the affordable units detached and do they have similar architectural design to the market rate units? Please make a reference to that in this Integration section.

Section 3: As you have done in the Affordable Housing Agreement, it would be good to insert language here that states that the buildout and sales of affordable homes will be done proportionately with market rate sales.

Section 4: Don't include the Affordable Housing Agreement as part of the Affordable Housing Plan. That would be considered as part of the final plat review. Thank you for letting me take a look at it, but it would be better to include the preliminary subdivision plat that designates the affordable lots as an Exhibit here.

Exhibit A: I like the allocation of housing types by Income Range, as well as the overall allocation of 3 2BR units, 6 3 BR units and 3 4 BR units. Strict application of the Regulations would have resulted in less 2 BR and more 4BR and 3BR units. By the way, your Exhibit A of the Plan conflicts with the Exhibit A of the Agreement. The difference is the # of affordable units in Income Range 4.

Call with any questions. Thanks.



STATE OF NEW MEXICO

DEPARTMENT OF CULTURAL AFFAIRS  
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 FAX (505) 827-6338

Susana Martinez  
Governor

May 12, 2014

Vicente Archuleta  
Development Review Team Leader  
Santa Fe County Land Use Department  
102 Grant Avenue  
Santa Fe, NM 87501

Re: Case #S 10-5551 Tessera Subdivision Phase Two

Dear Mr. Archuleta:

I am writing concerning the above referenced preliminary development plan and preliminary subdivision plat, received at the Historic Preservation Division on April 17, 2014.

The enclosed development plan and preliminary plat notes that two archaeological sites have been placed in non-disturbance easements for avoidance and protection. Although the plan and plat do not include the archaeological site numbers, the sites are LA 113936 and LA 113952. I recommend that the site numbers be placed on the plat for ease of reference.

A third site, LA 113954, was also recommended for placement in a non-disturbance easement by Mr. Stephen Post in 2003; however, it is not clear whether this site is within the project boundaries. It may be located within the Phase I open space area.

As long as LA 113936, LA 113952 and LA 113954 are avoided, and continue to be located within non-disturbance easements, this office has no concerns with the proposed subdivision. Please do not hesitate to contact me if you have any questions. I can be reached by telephone at (505) 827-4064 or by email at [michelle.ensey@state.nm.us](mailto:michelle.ensey@state.nm.us).

Sincerely,

Michele M. Ensey  
Archaeologist

Log 99063

Daniel "Danny" Mayfield  
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



## PUBLIC UTILITIES DIVISION

June 11, 2014

Oralyrn Guerrerortiz, P.E.  
Design Enginuity  
1421 Luisa Street Suite E,  
Santa Fe, NM 87505

### RE: WATER/SEWER SERVICE AVAILABILITY, TESSERA 2

Dear Ms. Guerrerortiz:

This letter is follows up on the March 27, 2014 letter from Santa Fe County Utilities (SFCU) Division regarding water service for Tessera Subdivision, Phase 2 (Phase 2). SFCU is ready, willing and able to provide water service to Phase 2, provided the following conditions are met before final plat approval:

- 1) The Board of County Commissioners (BCC) approves New Water Deliveries for Phase 2, as required by Resolution 2006-57, "Adopting A Santa Fe County Water Resource Department Line Extension and Water Service Policy", and all other conditions in that resolution and other SFCU policies are met.
- 2) Homewise, Inc. obtains a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order supply the maximum 19.5 acre-foot-year demand proposed by Phase 2.
- 3) Homewise, Inc. agrees to construct and dedicate all infrastructure needs identified by the City's water utility hydraulic modeling.
- 4) Homewise, Inc. enters into a Water Delivery Agreement and Wastewater Service Agreement with SFCU, which will specify construction standards (e.g., line-taps and meter cans) and inspection and dedication requirements for Phase 2. The agreement will specify many of the requirements identified in SFCU's March 27, 2014 letter.

Oralynn Guerrerotti, Design Engineer

June 11, 2014

RE: Tesser 2 Water and Sewer Service

Page 3

We look forward to working with you toward the successful completion of this project. Please contact SFCU Engineering Associate Paul Casaus at (505) 986-6364 or me at 992-9872 if you have any questions and or concerns.

Sincerely,



Claudia Borchert, Director  
Santa Fe County Utilities Division

CB:PC/RJG

CC: Nick Schiavo PE, Public Utilities Director, City of Santa Fe (via email to:  
[nschiavo@ci.santa-fe.nm.us](mailto:nschiavo@ci.santa-fe.nm.us))

B. CDRC CASE # S 10-5551 Tessera Subdivision Phase 2 Preliminary Plat and Development Plan. Homewise Inc., Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, request Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision (formerly College Hills) which consists of 78 residential lots on 69.4 remaining acres of 146 acres. The property is located off the NMS99 West Frontage Road, west of the La Tierra exit, within Section 20, Township 17 North, Range 9 East, Commission District 2

Case manager Vicente Archuleta presented the staff report as follows:

"The subject property received Master Plan approval for a request for 88 lots on 84 acres in the late 1990's under the name of College Hills. On December 18, 2001 the Extraterritorial Zoning Authority granted a Master Plan Amendment for the Tessera Subdivision, 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 69.4 acres.

"On December 12, 2002, the EZC granted Preliminary Plat and Development Plan approval for Phase 1 of the Tessera Subdivision which consisted of 88 lots. On January 13, 2004, the BCC granted Final Plat and Development Plan approval for Phase 1. The Final Plat for Phase 1 was recorded on April 5, 2007. There are currently three homes within Phase 1.

"On December 14, 2010, the Board of County Commissioners granted approval of a two-year time extension of the Master Plan for the Tessera Subdivision. On December 11, 2012, the BCC approved an additional 2-year time extension of the previously approved Master Plan for Tessera Subdivision consisting of 166 lots on 146 acres.

"The Master Plan was amended in December 2001 by the EZA under the Extraterritorial Zoning Regulations to have a total of 166 lots on 145.97 acres and to be developed in two phases.

"The Applicants now request Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision which consists of 78 lots on 69.4 acres. Seventy-eight lots will be added to the Tessera development for a total of 166 residential lots on 146 acres. Phase 2 will encompass 69.4 acres; with 35 acres or 50 percent of the property designated as permanent open space.

"In 2012, Homewise Inc. purchased the property and intends to build and sell all the homes and it anticipates having the entire 166 lots fully built out within seven years. The previous developer installed the infrastructure needed for Phase 1 prior to the economic downturn. Homewise has posted a financial guarantee for the remaining deficiencies in Phase 1, such as trails which had not been completed

“The applicant is seeking preliminary plat and development plan approval for Phase 2 of the Tessera Subdivision which consist of 78 residential lots on 69.4 acres.”

Mr. Archuleta said the OSE issued a negative response apparently based on the lack of a ready, willing and able to serve letter from the County. That letter was recently provided and the OSE has not had an opportunity to respond. The CDRC can table until the next meeting awaiting the OSE’s response or advance the case to the BCC conditional on a positive response from the OSE.

All recommendations of the Code have been met and Staff recommends approval of the Applicant’s request for Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision which consists of 78 residential lots on 69.4 acres subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. The Applicant shall submit documentation in regards to the Board of County Commissioners (BCC) approval of New Water Deliveries for Phase 2, as required by Resolution 2006-57, “Adopting Santa Fe County Water Resource Department Line Extension and Water Service Policy”, and all other conditions in that resolution and other SFCU policies are met.
3. The Applicant shall obtain a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order supply the maximum 19.5 acre-foot-year demand proposed by Phase 2 prior to Final Plat and Development Plan submittal.
4. The Applicant shall agree to construct and dedicate ~~at~~ their fair share of infrastructure needs identified by the City’s water utility hydraulic modeling. [Revised at motion]
5. The Applicant shall enter into a Water Delivery Agreement and Wastewater Service Agreement with SFCU, which will specify construction standards (e.g., line-taps and meter cans) and inspection and dedication requirements for Phase 2 prior to Final Plat and Development Plan submittal. The agreement will specify many of the requirements identified in SFCU’s March 27, 2014 letter.
6. Copies of the Water Delivery and Sewer Service agreements shall be submitted to the County Growth Management Department along with the Final Design of the Sewer System for review and approval prior to Final Plat and Development Plan submittal

Mr. Archuleta said even with the ready, willing and able letter from the County Utility, it is possible the OSE may have a negative response. Ms. Lucero said it appears that the OSE’s only concern was the lack of the letter from the County.

Member Gonzales opined that tabling the case would serve no purpose other than to delay the applicant’s request.

Oralynn Guerrerortiz, duly sworn, said she was representing Homewise and sited the property north of 599, west of Camino la Tierra, and next to Aldea. The new zoning map labels the area as a planned development district. She outlined the history of the development stating Homewise acquired the development from a bank. She noted that there are three existing homes in Phase 1 and four under construction. Phase 2 has utilities and roadways and additional roads are anticipated. Using a site map she located the trails and highlighted the rolling terrain. Because of the terrain, grinder pumps will be used and at this point the sewer system is still under development. The original Phase 1 has city sewer. The project borders Las Campanas and there is the possibility of pumping north to that system if the City does not approve sewer service for Phase 2.

Ms. Guerrerortiz said there are 12 affordable lots in Phase 2 and described the services Homewise provides. She said Homewise's goal is to help build long-term financial security for community members.

Ms. Guerrerortiz offered the following on the development: there are no requests for variances, build-out is expected in seven years, a traffic impact study shows no change in road ratings, there are water conservation mechanisms throughout the development with timed irrigation and advanced instant hot water taps, there are fire hydrants and two protected archaeological sites.

Regarding condition 4, Ms. Guerrerortiz requested modification as follows: The Applicant shall agree to construct and dedicate ~~at~~ their fair share of infrastructure needs identified by the City's water utility hydraulic modeling.

Regarding the ready, willing and able letter from the County, Ms. Guerrerortiz said the County utility failed to use those words and for that reason the OSE provided a negative recommendation. The County has now prepared the appropriate letter and she was confident there were no other issues.

Duly sworn, Tony Brown the onsite manager for Aldea de Santa Fe said the Aldea Board of Directors met with Homewise to discuss their concerns, and most have been addressed. However, he noted the report states Santa Fe County owns the lifts and grinding stations and they do not. They are owned by Aldea.

Mr. Brown said there is a concern about soil erosion from the arroyos. The previous developer did not install controls and all the sediment washed into Aldea. Aldea is required to maintain check dams and retention areas to hold its soil and for the past four+ years they have been holding Tessa's soil which overloaded their system. He asked that the County require Tessa to have EPA engineer inspections conducted twice a year and to control their sediment on their own property and not release it into Aldea.

Janet Davidson, duly sworn, said she was one of the first homeowners in Aldea on East Villa Plaza Nueva and Homewise will be building on that street. She said there is a trust issue that needs to be addressed. The Aldea homes on the street range in price from \$450,000 to \$800,000 and while she has no opposition to living in a mixed neighborhood she wants Homewise to educate the residents on how to live in the neighborhood. The trust issue begins with a very large orange sign directly in her window and appears to be

in her neighbor's patio. Homewise said they would take it down and that has not happened.

Ms. Davidson said the deliveries come in through an Aldea entrance not Homewise's.

Under oath, Rob Gibbs, director of real estate development for Homewise, said they certainly want to be good neighbors to the residents of Aldea. In fact, Homewise is currently building 20 homes in Aldea and they understand what is expected of them as a contractor, home builder and neighbor. The suppliers and contractors working in Tessera have been instructed to use Tessera's entrance and he said they will continue to reiterate those instructions.

Mr. Gibbs said there were some speeding problems and the orange sign Ms. Davidson referred to slows traffic alerting drivers to truck traffic. The homes being constructed by Homewise in Aldea will be priced in the high \$200,000s to the mid \$400,000. Homewise is working with custom builders to build higher priced homes, above \$500,000, in Tessera 2

Mr. Gibbs said they have contracted with an engineer to monitor sediment, etc and they follow all EPA requirements.

Member Katz asked when the orange sign could be moved and Mr. Gibbs responded said they will move it further down the street. He said the sign addresses a safety issue and will be removed once the construction is completed.

Mr. Gibbs said they are monitoring the sediment and buildup in the arroyo and Mr. Brown's concerns occurred prior to Homewise's ownership.

Member Gonzales inquired as to where the original water rights for the development were obtained. Ms. Guerrerortiz read from County Hydrologist Torres' letter in which she states that the water rights were not specifically addressed and the current connection fee for the utility allows for purchase of the necessary water rights to serve the development.

In regard to CDRC Case #S 10-5551, Member Katz moved to approve the request for preliminary plat and development plan for Phase 2 with the staff-imposed conditions, amendment to condition 4, adding condition 7 that the Applicant implement proper sediment control and a positive recommendation from the State Engineer. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

#### **E. PETITIONS FROM THE FLOOR**

None were presented

#### **F. COMMUNICATIONS FROM THE COMMITTEE**

Member Anaya requested an excused absence for the July meeting. Ms. Lucero said she would confirm a quorum for the next meeting.

~~COMMISSIONER DURAN: Right.~~

~~COMMISSIONER SULLIVAN: Okay. I'm okay with that.~~

~~COMMISSIONER MONTROYA: I'm okay with that.~~

~~CHAIRMAN CAMPOS: Staff, any comments on that?~~

~~MR. WUST: If I may, Mr. Chair. I would have a comfort level with that and I'll explain really briefly why. First off, remember that Windmill Ridge III, 160 units will have roof catchment cistern systems already built in and the wastewater treatment recycling will come into place. And so it's not simply a case of whether or not that back-up water will be available. You would have to say the back-up water would not be available, plus everybody suddenly using .25 acre-feet for it to be a water deliverability issue for the utility. However, even the Windmill Ridge III system, they're going to be restricted to .2 anyway, no matter what. So that reduces that crisis amount, if you will. So that gives us some more of a comfort level that we will not even -- the probability that we'll get to and exceed is quite low.~~

~~CHAIRMAN CAMPOS: Okay. Thank you. Okay, let's vote on this.~~

The motion to approve the reduced water requirement for Rancho Viejo passed by unanimous [5-0] voice vote.

- XIII. A. 6. EZ CASE # S 01-4322 - Tessera Subdivision Phase I. North West Villages LLC (Michael Hurlocker) Applicant, Jim Siebert, Agent, is Requesting Final Plat and Development Plan Approval for Phase I of a Residential Development, which will consist of 88 Lots on 75.01 Acres in Accordance with the Previously Approved Master Plan. The Request Includes a Variance to Allow Disturbance of 30 percent Slope for Road Construction and to Allow 3 percent Grade within 100 Feet of an Intersection. The Property is Located North of NM 599, within Sections 17 and 20, Township 17 North, Range 9 East (Commission District 2)

CHAIRMAN CAMPOS: I'm going to ask Commissioner Anaya to chair this case.

IAN DANIELS (Review Specialist): In December 2001, the EZA granted master plan approval for a residential subdivision consisting of 166 lots on 146 acres. On December 12, 2002, the EZC granted preliminary plat/development plan approval. On its regularly scheduled on October 9, 2003, the EZC met and approved Northwest Village LLC's request for its final plat and development plan for Phase I. The applicant is now requesting final plat and development approval for Phase I of the proposed subdivision, which consists of 88 lots, 8 of which will be affordable units in conformance with the City

49

EXHIBIT

Housing Opportunity Program. The lots range in size from 0.12 acres to 0.60 acres, including 32.4 acres of common recreational open space. The proposed density transfer is in conformance with zoning for a portion of the property being within the urban area and a 120 percent density bonus based on a minimum of 60 percent open space for the remaining portion of the property.

The applicant is also requesting a variance of Section 3.5.4.g.2 of the Extraterritorial Subdivision Regulations to allow the approach to an intersection to exceed 3 percent grade for 100 linear feet in one location, and a variance of Section 12.1.C.2 of the Extraterritorial Zoning Ordinance to allow for disturbance of slopes in excess of 30 percent in two locations for the purpose of road construction. The disturbances of slopes in excess of 30 percent are proposed in response to significant natural drainage courses in the two locations. The applicant has addressed the variance criteria set forth in the Extraterritorial Subdivision Regulations

The application was reviewed for the following: water, wastewater, roads/access, fire protection, terrain management, landscaping, archeology, and traffic. The proposed subdivision is in conformance of the with approved master plan and the Extraterritorial Subdivision Regulations. Staff recommends that the variance for the finished road grade not exceed five percent as a minimum variance and a variance for disturbance of slope over 30 percent is acceptable as a minimum variance.

The conditions imposed for preliminary have been addressed and staff recommends final approval. The EZC recommended approval subject to the following conditions. Mr. Chair, may I enter the conditions into the record?

COMMISSIONER ANAYA: You may.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
  - a. Sangre de Cristo Water Utility
  - b. City Wastewater Division
  - c. State Highway Department
  - d. County Technical Review
  - e. City/County Fire Department
  - f. Soil and Water Dist.
  - g. Santa Fe Public Schools District
  - h. State Historic Preservation Division
2. A service agreement from Sangre de Cristo Water Utility shall be submitted before plat recordation.
3. Final homeowner documents (covenants, by-laws, articles of incorporation, to the disclosure statement) subject to approval by staff shall include but not be limited to the following:
  - a. Water restrictions/conservation measures
  - b. Homeowners Association shall contract for disposal of solid waste
  - c. Maintenance agreement for roads and drainage facilities
4. Final plat should include but not be limited to the following:

- a. Specify lots that require on-site drainage ponds (lots that exceed 8,000 sq. ft. impervious surface).
  - b. Compliance with plat check list.
  - c. Dedication of roads and trails for public use.
  - d. A note that states permits for building construction will not be issued until required improvements for roads, drainage, and fire protection are completed as approved by staff.
  - e. Approval of rural addressing and street names.
  - f. Base flood elevation for limits of 100-year flood plain encroaching within subdivision.
5. Solid waste fee in accordance with subdivision regulations prior to final plat recordation.
  6. Submit cost estimate and financial surety for completion of required improvements as approved by staff.
  7. Development plan submittals shall include but not limited to the following:
    - a. Finished road grades shall not exceed 3% for 100' from intersection approach.
    - b. Horizontal road grades shall not be less than 1 percent.
    - c. Road section for collector road with curb and gutter and 50 foot right-of-way.
    - d. Width of roadway for local road shall be a minimum of 20 feet measured from edge of gutter pan.
    - e. 2 percent crown for paved road sections.
    - f. Cul-de-sac detail.
    - g. Asphalt pavement shall be 4 inches thick for collector road section.
    - h. Traffic control signs.
    - i. Fire review fees

MS. DANIELS: Thank you, Mr. Chair.

COMMISSIONER ANAYA: Thank you. Are there any questions of Jan?  
I'm hearing none. Is the applicant here?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. Just to clarify a couple of issues. This subdivision is served by City water and City sewer and we're in agreement with all conditions as listed by the County and City.

COMMISSIONER ANAYA: Thank you, Jim. Are there any questions of the applicant? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jim, there was an issue originally, the staff recommended the road grades be reduced. Originally you had 3.5 or 4 percent or something. In addition to that, I saw language to that. Does that ring a bell?

MR. SIEBERT: We had originally asked for a variance from three percent to seven percent and staff had requested that we bring that down to five percent, which we agree

to and will modify that one point where there's a grade within 100 feet of the intersection.

COMMISSIONER SULLIVAN: So the five percent relates to what?

MR. SIEBERT: There's a variance in you packet from within 100 feet of the intersection to go from a maximum three percent grade to a five percent. We had originally requested to go from three percent to seven percent and staff said that was not acceptable, and we agreed to reduce it to five percent.

COMMISSIONER SULLIVAN: But staff conditions say finish road grade shall not exceed three percent for 100 feet from intersection approach.

MR. SIEBERT: And we agreed to all intersections with the exception of the one we've requested a variance from. And staff has stated that that variance would be from three percent to five percent.

COMMISSIONER SULLIVAN: Okay, so the staff recommendation is that the variance says for finished road grade, not to exceed five percent, and you're saying that's for one intersection. Which intersection is that? Does it have a name?

MR. SIEBERT: It would be Via Quinta.

COMMISSIONER SULLIVAN: Via Quinta and what?

MR. SIEBERT: Via Quinta and Via Bella. In this case it's Latin, not Spanish.

COMMISSIONER SULLIVAN: Latin, not Spanish. So all the other road grades and intersections shall not exceed three percent. Is that correct?

MR. SIEBERT: Correct.

COMMISSIONER SULLIVAN: And only that one will not exceed five percent within 100 feet from the intersection. Is that correct?

MR. SIEBERT: Correct.

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

COMMISSIONER ANAYA: Any other questions? Commissioner Duran.

COMMISSIONER DURAN: Yes, Jim. What's the original number that was approved in College Hills? Number of dwelling units?

MR. SIEBERT: For the original College Hills, by the College itself?

COMMISSIONER DURAN: Right.

MR. SIEBERT: It was 80 units.

COMMISSIONER DURAN: And then it was increased because --

MR. SIEBERT: 88 units.

COMMISSIONER DURAN: And how did the developer get the increase in the number of units?

MR. SIEBERT: Originally they came in with a standard 2.5-acre lot subdivision, and it was on both sides of the road. What was done on a subsequent application by Hurlocker Properties is they utilized the density bonus that's provided by providing an open space, and by being within the urban area. The College of Santa Fe just did a standard subdivision. So that's the reason for the increase.

COMMISSIONER DURAN: So there are some development rights that are being reserved for future use, but only if they can get a water service agreement or if it meets

existing Code?

MR. SIEBERT: That's correct. Actually, it's water service. Because the City has agreed to provide water service only for this phase and there's two reasons for that. One is obviously the water supply. The second is there is a limitation on the design on the water system for that particular district and that would need an additional tank to support additional --

COMMISSIONER DURAN: Just trying to refresh my memory. Okay. Thank you. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Any other? Commissioner Montoya.

COMMISSIONER MONTOKYA: Mr. Chair, Mr. Siebert, are you in agreement with the conditions that have been set by staff?

MR. SIEBERT: Yes, we are.

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

COMMISSIONER ANAYA: Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had one question for staff. There was an issue about the transfer of water rights and when this application went to the EZ it was passed only by a 3-2 majority. Was that because of the water rights transfer or what were the issues that were concerning the other two members of the EZ?

MS. DANIELS: I'll have to defer that question to Mr. Catanach.

COMMISSIONER SULLIVAN: Joe, do you remember?

MR. CATANACH: Mr. Chair, Commissioner Sullivan, trying to recall without reviewing the minutes.

COMMISSIONER SULLIVAN: I was looking at the minutes and one mentioned Commissioner Follingstad asking about the transfer of water rights and Mr. Siebert responded no. And that the property had originally belonged to the College of Santa Fe and it was approved for a water service boundary extension by ordinance. And then there was additional questions about a Fire Marshal's report. Was there something negative in the Fire Marshal's report about the application?

MR. CATANACH: This is a subdivision that will be served by City water, which will have fire hydrants. There'll be an alternative access through the connection with the Aldea Subdivision. Certainly there may have been some things that needed to be finalized as part of the Fire Department's review but I don't recall that it was anything major or anything recommending denial.

COMMISSIONER SULLIVAN: So there must have been some other issues there that you can't recall at this time.

MR. CATANACH: I do not recall.

COMMISSIONER SULLIVAN: Okay. Thank you. Mr. Siebert, you can recall?

MR. SIEBERT: Commissioner Sullivan, what I recall --

COMMISSIONER SULLIVAN: I didn't want to put you on the spot.

MR. SIEBERT: I recall Commissioner Follingstad's concern had to do with -- she's part of the state agency, the Interstate Stream Commission, and I think she had a broader

concern relative to water for the City of Santa Fe and she was questioning whether the City of Santa Fe had an adequate water supply. That was my recollection on that.

COMMISSIONER SULLIVAN: This is not a situation -- we had a problem that caused us some severe political repercussions with the City a couple of months ago where a developer came in and said that they had water supply to their development so that was a condition of approval. And then took the project to the City and indicated to the City that they had to get City approval for the water supply because that was a condition of the County's approval. And I want to be sure that that misunderstanding doesn't occur again. Is this water service agreement in place?

MR. SIEBERT: Yes, this is significantly different. After master plan review, we went back to City Council and there it was even a broader issue. The determination was can the College of Santa Fe transfer their water service agreement to another party, a third party. And this is when we went through the whole issue of how many units can be served. The City Council, and this was via both a Public Works Committee action and a City Council action, approved water service, limiting it to only Phase I, which is the same number as for the College of Santa Fe, with the understanding that any further service they would have to approve based on water availability.

COMMISSIONER SULLIVAN: And Phase I is 88 units.

MR. SIEBERT: Correct. And that's what we're requesting now. And they also approved, they also said, Yes, you can transfer it to another entity other than the College of Santa Fe.

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

COMMISSIONER ANAYA: Thank you. This is a public hearing. Is there anybody in the audience that would like to speak either for or against this project? Hearing none, what's the pleasure of the Board?

COMMISSIONER DURAN: Move for approval, Mr. Chair, with all staff conditions.

COMMISSIONER ANAYA: There's been a motion. Is there a second? I second. There's a motion and a second. Any further discussion?

The motion to approve EZ Case #S 01-4322 passed by unanimous [5-0] voice vote.

communication as can occur with those new owners and I think you're probably creating a larger benefit for the development and for the current and existing owners.

MR. HOEFT: Correct, Commissioner.

COMMISSIONER VIGIL: Thank you, Madam Chair.

COMMISSIONER HOLLIAN: Any other questions. All right. I think we've had the public hearing, right. There's nobody from the public that would like to speak on this case, for or against? Okay. Do I have a motion? What are the wishes of the Board?

COMMISSIONER ANAYA: I'll move for approval, Madam Chair.

COMMISSIONER HOLLIAN: Is there a second?

COMMISSIONER VIGIL: I'll second it.

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

XVI. A. 3. BCC Case # MIS 10-5550 Tessera Master Plan Time Extension.  
Homewise Inc, Applicant, Requests a 24-Month Time Extension of the Previously Approved Tessera Subdivision Master Plan (Formerly College Hills) Consisting of 166 Residential Lots on 145.90 Acres. The Property is Located on the North Side of State Road 599, at its Intersection with Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East, (Commission District 2) Vicente Archuleta, Case Manager

COMMISSIONER HOLLIAN: Vicki, are you taking this?

MS. LUCERO: Yes, Madam Chair, I'll be presenting this. Homewise Inc.,

applicant, requests a 24-month time extension of the previously approved master plan Tessera Subdivision, Formerly College Hills, consisting of 166 residential lots on 145.90 acres. The property is located on the north side of State Road 599, at its intersection with Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East, Commission District 2.

On December 14, 2010 granted approval of a two-year time extension of the master plan for the Tessera Subdivision. On December 8, 2001 the EZA granted master plan zoning approval of the Tessera Subdivision which consisted of 166 residential lots on 145.97 acres to be developed in two phases.

On December 12, 2002 the EZA granted preliminary plat and development plan approval for phase 1 of the Tessera Subdivision which consisted of 88 lots. On January 13, 2004 the BCC granted final plat and development plan approval for phase 1. At the time these approvals were granted the subject property was located in the two-mile EZ District and therefore under the jurisdiction of the Extraterritorial Zoning Ordinance. The EZO stated that approval of a master plan shall be considered valid for a period of five years from the date of approval by the EZA. This would have maintained the validity of the master plan until December 18, 2006. The EZO also stated that progress in the planning or development of the project approved in the master plan consist with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. Progress means the submission

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of preliminary or final development plan or preliminary or final subdivision plat for any phase of the master plan project.

With an automatic two-year renewal for the preliminary plat approval of phase 1 and another two-year renewal for the final plat approval of phase 1 the master plan approval was valid until December 18, 2010. With the omission of the EZ District in 2009 this development now falls under the regulations of the County Land Development Code. The language in the code regarding expirations and renewals of master plans is consistent with the EZO.

Article V, Section 5.2.7 of the Code states master plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer.

With the previous two-year time extension that was granted by the BCC in 2010 the master plan for the Tessera Subdivision will expire on December 18, 2012. The applicant's agent states, having recently purchased the property, Homewise, Inc. requests an opportunity through the time extension to evaluate the existing improvements and prior commitments to existing lot owners. There have been discussions of a transfer of the utilities from the City to the County. Homewise would like to more carefully review what impact that may have on the project. Homewise, Inc. anticipates designing housing prototypes and developing a marketing strategy over the next year before pursuing an aggressive construction schedule.

The improvements in phase 1 of the Tessera Subdivision are substantially complete and significant infrastructure has already been constructed in phase 2 of the development. The applicant is requesting a two-year time extension of the master plan approval which would render the approval valid until December 18, 2014.

Staff recommendation: Approval for a two-year time extension of the approved master plan for the Tessera Subdivision, phases 1 and 2, subject to the following condition. And that condition would be:

1. The applicant shall submit a new letter of credit for remaining improvements that need to be completed in phase 1 of the Tessera Subdivision.

Thank you, Madam Chair. I stand for questions.

COMMISSIONER HOLJAN: Thank you, Vicki. Commissioner Vigil.

COMMISSIONER VIGIL: Vicki, have you been out to this site at all to

identify what improvements have occurred in phase 1 and the infrastructure improvements in phase 2?

MS. LUCERO: Madam Chair, the case manager did go out to the site. I have not been out to the site. The previous owner for Tessera actually had a financial guaranty pending with the County but now that the ownership changed the new owners will also have to submit a letter of credit for the remaining improvements but I'm not clear as to what exactly those are. Perhaps the agent will be able to address that.

COMMISSIONER VIGIL: What happens to the letter of financial credit when there is a transfer of ownership?

MS. LUCERO: Madam Chair, Commissioner Vigil, the current owner or the new owner would have to resubmit a letter of credit under their name to the County. So if any of the improvements aren't made to the County requirements then we would take out the letter of credit to do the improvements on our own.

COMMISSIONER VIGIL: And there's some representatives here. The improvements to phase 1, what do they constitute? What are they? Are there actual homes out there?

MS. LUCERO: Madam Chair, Commissioner Vigil, the improvements would actually include like road improvements, utilities, drainage, that sort of thing.

COMMISSIONER VIGIL: Now, that's what is claimed is infrastructure improvements in phase 2. I guess what I'm asking is if we know specifically what the improvements are in phase 1.

MS. LUCERO: Madam Chair, Commissioner Vigil, I can't answer that question. I don't know but the agent may have more information.

COMMISSIONER VIGIL: I'll wait to ask that question then. Thanks.

COMMISSIONER HOLLAN: Okay. Is the applicant here? Would you like to add anything?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer. To give you a little background on this, the original developer of the subdivision, because of economic circumstances had to give the land back to the bank. Homewise then subsequently purchased the land from the bank. Part of the complexities in this, and the reason we're asking to take more time is that both the water and the sewer is provided by the City of Santa Fe and it's our understanding that there will be an exchange of utilities at some point in time, but we're really not fully understanding how that's going to take place or what the consequences are.

Madam Chair, Commissioner Vigil, in terms of the improvements, all the improvements are basically in. Utilities are in, roads are in. The only outstanding – the principal outstanding item is one lift of asphalt. There is asphalt down there now. It's missing one lift to basically finalize all the improvements in phase 1. The way this particular subdivision works is they began from the back in phase 1 and then were proceeding forward with phase 2 which is closest to 599 frontage road. The reason for that, because I was involved in the planning for phase 1 and the master plan is the intent was to not have construction equipment and trucks going through the first phase of development to get to the second phase.

So there is, in terms of what kind of improvements are in what would be phase 2 is that there's a considerable amount of improvements because it's a loop road. So utilities and roads and curb and gutter, with the exception of one lift of asphalt had been completed through probably 50 percent of phase 2. And I'll answer any other questions you may have.

CHAIR STEFANICS: Thank you, Commissioner Vigil.

COMMISSIONER VIGIL: Is your client Homewise?

MR. SIEBERT: Yes.

COMMISSIONER VIGIL: Okay. So my question to you would be does Homewise recognize that the original final plat and development plan have to be complied with? Or are they going to come before the Commission for an amendment or a change to that in any way?

MR. SIEBERT: Well, at this time they're kind of taking their time evaluating what the market condition is. If they would come with a change and that change is an

intensity in use, and I'm not saying there is going to be, that's something that would require going back to both the CDRC and to the County Commission. If there's an amendment to the plan within the existing intensity of use then it would still have to go back to the CDRC. If there's a change in the plan or the plat there will have to be another hearing to consider that.

COMMISSIONER VIGIL: That's my understanding, Madam Chair, and that is the issue that becomes problematic for homeowners in the area because their anticipation and expectation was a different development and now they're looking at a development that was not part of the final plat approval. It is on the books but whether or not it will remain that way I think will be their concern. So I guess what I would recommend as one of my last statements, and I've done this Jim, since you've been here. You need to work with the neighbors if there is going to be any kind of a change because they will have concerns with regard to what actually gets requested for a change. As it stands right now there's no request for that so I think the final development plan exists and it complements the current development patterns out there. Will a new one do that? I don't know. I would just recommend that Homewise work very closely with them and I know they're capable of doing that with many of the developments that they've done.

CHAIR STEFANICS: Okay. Thank you. Any other questions for staff or the applicant? Okay, this is a public hearing. Is there anybody in the audience that would like to speak for or against? Would you please come up? You need to be sworn in and then you'll be providing your name and address for the record.

[Duly sworn, Robert Bernard testified as follows:]

ROBERT BERNARD: Robert Bernard, 2 Summer Night.

CHAIR STEFANICS: Welcome.

MR. BERNARD: Madam Chair, Commissioners, I just want to repeat or amplify the comments that Mr. Siebert made. There is in the transfer of property from the previous developer to Homewise, there is a discrepancy between the Tessera master plan as it's currently written and the mission of Homewise. The master plan in phase 1 calls for 80 market rates houses and 8 affordable houses, which complies with the County requirements. But Homewise's mission is, from discussion with some people at Homewise, their mission is to build only affordable houses and that's going to change the character of that subdivision and impact on the three houses that are already constructed there and their owners.

We're concerned, in our case, about the impact that that has on neighboring subdivisions such as Aldea and La Mirada where we live. Secondly, I wanted to amplify or second the statement Mr. Siebert said about the statement on the application for extension that the infrastructure for phase 1 was substantially complete. The road is in serious need of that second layer of asphalt. Part of the roads in that subdivision are used as an egress from Aldea, as part of the master plan requirement and we use that entrance and egress as do many other people from the subdivisions to the west.

And my third point is that the streets that are actually as built in that subdivision do not comply with the streets that show on the master plan. There are some major changes in the layout of streets. Some streets were intended to be built that aren't and some of the open space areas were specifically delineated by the streets that were in the master plan, but now those streets don't exist and there doesn't seem to be any explanation whether there was a change in the streets from the plan.

And my fourth and last point is that it seems that Homewise is already dumping fill from one of their other subdivisions on the – right off one of the streets in the Tessera Subdivision and when I inquired at the Land Use Department currently there is no permit open for that purpose. So it seems rather strange that Homewise or some subcontractor of Homewise is using that property even before they've got an extension of the plan. That's all I have to say. I bring those things to the attention of the Commission.

CHAIR STEFANICS: Thank you very much. Is there anybody else? Yes. Come forward, sir. If you'd come up and be sworn in.

[Duly sworn, Alan Hahn testified as follows:]

ALAN HAHN: Alan Hahn, 8 Via Allerra. I'm one of the current homeowners out there. There are three houses built. When I purchased my property in 2008 I purchased it under the auspices that it was approved by the County and the covenants and homeowners' regulations – whatever – were in place, and that the roads would be completed by December of 2010. Two years ago the developer came in and got a two-year extension and it still has not been completed. And as the former person just testified the roads are in fairly – starting to break up. The pavement is breaking up. And I can't concur on another two-year extension. I think it's unwise, and also it's not the expectations with which we bought the place or bought the land and we've built a home.

I've had discussions with Homewise and I haven't come away yet with a good feeling of what their intentions are with the subdivision. We bought it as it seemed to meet the minimum design requirements and whatever and I was unable to get any commitment that they're willing to agree to those or that they're going to come in and wholesale change them. That is not what we bought into as property owners and if they're willing to build it out as it was originally approved by the County Board – it probably wasn't, you folks, that's fine. But if they want to make wholesale changes to that and reduce our property values it's basically a confiscation of property rights. It wasn't what was sold and it wasn't what we purchased.

And I would have to agree with the gentleman right before me, there is a huge pile of dirt being dumped out there and I haven't been able to find any permit and I maybe just haven't looked in the right spot. But I think a one-year extension would be sufficient to finish their completion of that project. That's all I have.

CHAIR STEFANICS: Thank you very much. Anybody else that wishes to speak on this case, pro or con? We haven't asked you any questions yet, so thank you very much. So, Commissioners, questions comments? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Actually I do have questions for Mr. Siebert. On the issue of affordable homes, can you tell me whether they are all intended to be affordable homes?

MR. SIEBERT: Madam Chair, Commissioner Holian, I have with me tonight Rob Gibbs who is the real estate development manager from Homewise and I'd like him to speak to that. And let me say I can understand the concern on the part of those homeowners and lot owners and I understand, Homewise understands there has to be a considerable amount of dialogue that goes on that will have to begin in serious here shortly. But with that let me have Mr. Gibbs discuss that.

COMMISSIONER HOLIAN: Thank you.

[Duly sworn, Robb Gibbs testified as follows:]

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ROB GIBBS: Rob Gibbs, real estate manager for Homevise, 1301 Siler Road. Madam Chair and Commission, just to respond to some of the questions and comments that were brought up. We just purchased this property and closed on it in late September. We're in the process right now of just reviewing what the current market is and what our goals are going to be. We have met with Mr. Hahn, the president of the homeowners association. We have met with a couple neighboring associations to talk to them to find out what their thoughts and concerns might be and have been able to take notes on that.

Right now we have not made any formal plans of what our timeframe is and what we are proceeding to do. I can tell you this though. In phase 1, of the 88 lots there's 74 lots that we currently own and that we will be continuing to build those out as single family homes. Yes, there are eight affordable homes that are part of the master plan approval of the plat. Those will be affordable. We will be building market-rate homes throughout the development along with we probably will be selling off some lots to other custom home builders, because there's certain parts of the market that we don't serve that we want to make sure is served in the neighborhood because we do have a common interest to maintain values and neighborhoods in the community.

For this extension it's really for the second phase of the development which the infrastructure of that has not been completely designed at all, and so that's what we need a two-year extension for. In phase 1, there's a current letter of credit of around \$317,000 with the County. We are already in place with Los Alamos National Bank as a lender to come in and make the change on that as it matures here this month. So we will be replacing that, and the final lift of pavement is in our schedule to put in once the weather improves this next spring. I just received today an estimate from my contractor for the curb and gutter that needs repairs out there. There's some damaged curb and gutter, about 1,700 linear feet. I just received that. And then again, weather permitting, we'll get started on the removal and replacement of that curb and gutter.

So our plan is to go ahead and get that work all completed this next spring so it's all in good shape for the existing three homes that are built there and then for any of the lot owners that currently live out there that will be able to build in the future. In reference to do we have any wholesale changes or things we want to do to design guidelines or the covenants and restrictions, we're just in the process of reviewing all those and what our plan was is we don't plan to come in with wholesale changes in there. We will probably want to do some modifications to give us a bit more flexibility on some architectural design.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Gibbs. And do you have any comments about that fill dirt that was dumped out there?

MR. GIBBS: Sorry. On the fill dirt, there is an existing stockpile site on the development that was there for the first phase and so we placed some dirt there. We had some excess dirt from a site that was adjacent to it, because we're going to be needing some fill dirt, so that's why that was put in there.

COMMISSIONER HOLIAN: Okay. Thank you. Any other questions?

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER HOLIAN: Commissioner Anaya.

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COMMISSIONER ANAYA: Madam Chair, this request, and this goes back to Vicki first I guess. This request is a request for time extension. It does not have any material changes to the existing plat whatsoever, correct?

MS. LUCERO: Madam Chair, Commissioner Anaya, that's correct. He's not making any changes to the originally approved master plan.

COMMISSIONER ANAYA: Any material changes as Commissioner Vigil brought up earlier would have to come back to the CDRC and the Commission, depending on the level of the change, correct?

MS. LUCERO: That's correct. Yes.

COMMISSIONER ANAYA: Madam Chair, I don't have any other comments. I would add that affordable housing houses firefighters, teachers, County employees, retail workers, construction workers. I would applaud the efforts if there's an ability to provide more than eight units to provide housing for those folks. I think the intent of the master plan is intact and I would defer if there's any other comments. I'd like to hear the rest of the Commission.

COMMISSIONER HOLLAN: Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: I guess I'm having a little difficulty with this because the original plan for this was in 2001. That precedes anyone on this Commission and I'm the most tenured Commission and it even precedes me. And that I guess is for the original master plan development. And then it was – at what year did Homebase purchase this? Was that in 2010?

MS. LUCERO: Madam Chair, Commissioner Vigil, I believe that was this year that they purchased it.

COMMISSIONER VIGIL: And I have a concern about roads and utility easements being substantially complete subdivision. It seems that a substantially complete subdivision might need to be revisited. So Vicki, how did you make the determination that that limited amount of investment was a substantially complete subdivision?

MS. LUCERO: Madam Chair, Commissioner Vigil, are you referring to the financial guaranty that they would need to submit?

COMMISSIONER VIGIL: I'm referring to the improvements in phase 1 of the Tessera Subdivision is substantially complete statement, and that is on the top of page 3, and that's a summary provided by staff.

MS. LUCERO: Madam Chair, Commissioner Vigil, that was based on the previous letter of credit that was submitted for the phase 1 development when they were approved for the final plat. They've requested several draw-downs as the improvements have been completed. So they were down to, I think, as Mr. Gibbs mentioned, \$317,000 from what started as I think it was close to \$3 million of a financial guarantee. So that's all that's left to do. It's probably a little under \$317,000 worth of improvements.

COMMISSIONER VIGIL: So I guess what you're saying you base your analysis of substantially complete on what has been drawn down from the letter of credit.

MS. LUCERO: On what was originally required and what has been accomplished.

COMMISSIONER VIGIL: Okay. Thank you, Madam Chair. That explains that.

CHAIR STEFANICS: Thank you. I'm sorry I had to step out. Anything else? Okay is there an action item?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: I believe this is just an extension of time and I move for approval.

CHAIR STEFANICS: Is there a second? I will second. And I should actually indicate before I take the vote is that this is about treating this application equitably with the other applications that have received the two years in my opinion.

The motion passed by majority 2-1 voice vote with Commissioner Vigil opposing and Commissioners Hoffman and Mayfield not present.

COMMISSIONER VIGIL: I'm going to oppose, Madam Chair, only because I do agree on the equitable assessment but I don't believe Concierto at Las Campanas had an approval of 2001. And so the extension for them doesn't have as much timeframe. But I think you've got the vote, Madam Chair.

XVI. A. 4. ~~CDRC Case # V-12-5290 William Keller Variance. William Keller, Applicant, Requests a Variance of Section 9.8 (Mountain Special Review District Standards) to Allow an Addition to an Existing Residence to Exceed 14 Feet in Height. The Property is Located at 20 La Barbara Road, within the Vicinity of Old Pecos Trail, within Section 17, Township 16 North, Range 10 East (Commission District 4)~~

JOHN LOVATO (Case Manager): Thank you, Madam Chair. William Keller, applicant, requests a variance of Section 9.8 (Mountain Special Review District Standards) to allow an addition to an existing residence to exceed 14 feet in height on 13 acres. The property is located at 20 La Barbara Road, within the vicinity of Old Pecos Trail, within Section 17, Township 16 North, Range 10 East, Commission District 4.

There is currently one dwelling unit on the property and an accessory structure. The existing residence is 2,700 square feet and the addition is approximately 500 square feet. The residence on the property is recognized as a legal non-conforming structure which was constructed in 1974. The proposed addition to the existing residence would exceed height requirements but would match the existing height of the residence of 20'9". The proposed addition would consist of an office, a laundry room and a walk-in master closet.

Currently the existing structure consists of a master bedroom, a master bath, a kitchen, a bedroom, a bathroom, a weight room and a study area. The existing structure is a flat roof and the proposed addition would match the existing residence. The proposed addition will be located on the eastern portion of the residence and will not be visible from any major arterial but will be visible from La Barbara Road.









Daniel "Danny" Mayfield  
Commissioner, District 1  
Miguel Chavez  
Commissioner, District 2  
Robert A. Anaya  
Commissioner, District 3



Kathy Hollan  
Commissioner, District 4  
Liz Stefanics  
Commissioner, District 5  
Katherine Miller  
County Manager

DATE: July 30, 2014

TO: Board of County Commissioners

FROM: Vicente Archuleta, Development Review Team Leader *VA*

VIA: Katherine Miller, County Manager  
Penny Ellis-Green, Growth Management Director *PE/G*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor

FILE REF.: BCC CASE MIS #14-5231 High Summit Time Extension

ISSUE:

Grevey-Liberman Family Group, Applicant, James W. Siebert and Assoc., Inc., Agent, request a 2-year time extension of the previously approved Final Plat and Development Plan for Phase 2 of the High Summit III Subdivision under Ordinance No. 2011-11. The Applicant is also requesting approval to record the Preliminary and Final Plats on the remaining 3 phases (Phase 3-5) every 36 months after recording Phase 2 per Article V, Section 5.3.6.b of the Land Development Code.

The property is located off Hyde Park Road (State Road 475), southeast of the Summit Subdivision, within Sections 15, 16, 21 and 22, Township 17 North, Range 10 East (Commission District 4).

VICINITY MAP:



SUMMARY:

On December 9, 2003, the Board of County Commissioners (BCC) granted Master Plan, Preliminary and Final Plat and Development Plan approval for the High Summit III residential subdivision consisting of 105 lots with 107 dwelling units on 154 acres to be developed in five (5) phases, and a single tract (Tract "K") consisting of 342.3 acres. One phase of the development was to be constructed every three (3) years with full buildout over a 15 year period. The BCC approval also included variances of the Extraterritorial Subdivision Regulations to allow two cul-de-sacs with lengths greater than 1,000 feet and to allow the replacement of standard curb and gutter with stone (Refer to December 9, 2003 BCC Meeting Minutes as Exhibit 3).

In 2005, the Applicants conveyed a portion of the property consisting of 342.3 acres to the Nature Conservancy and the remaining 154 to the Developer. The first Phase of High Summit III, which consists of 30 lots, was recorded in 2005 and approximately 5 homes have been constructed.

In 2010, the Developer failed to make the final payment and the property was returned to the Applicants in May of 2013. The property that was returned consists of approximately 130 acres which includes all of the proposed phases 2-5.

In 2008, the City and County entered into a settlement agreement for the phased annexation of lands within the urban area. With the acceptance of the settlement agreement, the City assumed jurisdiction over land use review and permitting for Area 18, which included the High Summit development. During the time that this was under the City's jurisdiction, the City granted 2 one-year time extensions of the Master Plan and Final Plat on the subdivision, which is set to expire in December 2014. The City and County later amended the settlement agreement and in January 2014, Area 18 was removed from the City's future annexations and is now under County jurisdiction.

The Applicants now request a time extension on the expiration dates for Phase 2-5 of High Summit III which was transferred back to them due to a foreclosure by the previous owner. The Applicants will record Phase 2 before the end of 2014 and each additional phase must be recorded within three years of the previous phase (Phase 3,2017, Phase 4, 2020 and Phase 5, 2023). If the BCC approves the request, the Applicant will not be required to come back before the CDRC or BCC for Plat approval prior to recordation.

Ordinance No. 2011-11 states: "The Board of County Commissioners ("the Board") may suspend provisions of Article V, Sections 5.2.7, 5.3.6, and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference

Board's Leading Economic Index® for the United States for any quarter, and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of Master Plans Preliminary Plats and Final Plats for two years pending an economic recovery."

Article V, Section 5.3.6b (Phased Development) states: "If the preliminary plat was approved for phased development, the subdivider may file final plats for portions of the development and the expiration date of the preliminary plat shall be extended for an additional thirty-six (36) months after the date of the filing of each plat. The number of phased plats shall be determined by the Board at the time of the approval or conditional approval of the master plan.

**This Application was submitted on July 7, 2014.**

**Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Approval of a 24-month time extension of the Preliminary and Final Plat and Development Plan for Phase 2, and approval to record the Final Plat for the remaining phases every 36 months thereafter in accordance with Article V, Section 5.3.6b.

**GROWTH MANAGEMENT AREA:** SDA-2

**HYDROLOGIC ZONE:** Mountain Hydrologic Zone, minimum lot size per Code is 80 acres per dwelling unit with water restrictive covenants. Currently served by the City of Santa Fe. Subdivision approval was based on densities allowed by the Extraterritorial Zoning Ordinance and Extraterritorial Subdivision Regulations which were the applicable regulations at the time.

**FIRE PROTECTION:** City of Santa Fe Fire District

**WATER SUPPLY:** City of Santa Fe Utilities

**LIQUID WASTE:** City of Santa Fe Sewer System

**STAFF RECOMMENDATION:** Staff recommends Approval of the request for a 2-year time extension of the previously approved Master Plan, Preliminary and Final Plat and Development Plan for

Phase 2 of the High Summit III Subdivision per Ordinance No. 2011-11. The Applicant is also requesting approval to record the Preliminary and Final Plats on the remaining 3 phases (Phase 3-5) every 36 months after recording Phase 2 per Article V, Section 5.3.6.b of the Land Development Code.

**EXHIBITS:**

1. Letter of request
2. Report/Site Plans
3. December 9, 2003 BCC Meeting Minutes
4. Article V, Section 5.3.6b
5. Aerial of Vicinity



**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

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July 1, 2014

Penny Ellis Green  
Growth Management Director  
102 Grant Avenue  
Santa Fe, NM 87504

Re: Extension of Development Expiration for High Summit III Subdivision owned by  
Grevey-Liberman Family

Dear Ms. Ellis-Green:

High Summit III has been caught up in a jurisdictional morass since 2009 when the City assumed planning and platting control over the area to be annexed by the City at a future date. Prior to 2009 High Summit III was subject to the extraterritorial planning and platting regulatory standards. The EZC and EZA granted approval for the High Summit master plan (which included phasing of the proposed 5 phases at 3 year intervals) and the BCC granted final approval for the Subdivision. In 2009, under a settlement agreement between the City and County, the City assumed the jurisdictional authority over planning and platting for Area 18 as outlined in the settlement agreement. High Summit III was included within the boundary of Area 18. Under an amended settlement agreement the City decided not to annex Area 18 and as of January 1, 2014, the County assumed sole planning and platting jurisdiction over Area 18. The High Summit III Subdivision is, therefore, now under the platting and planning jurisdiction of the County of Santa Fe.

The Grevey-Liberman family is asking for a time extension on the development expiration dates for the phases (2-5) of the High Summit III that came back to them by deed issued in May of 2013. The reasons for the time extension are further explained in the Informational Background Report included with this letter. The time extensions are requested under the provisions of County Ordinance No. 2011-11 and Resolution No. 2011-193.



Under the provisions of Ordinance 2011-11 the Grevey-Lieberman group is requesting a two year time extension for preliminary plat and to record the final plat for Phase 2 which automatically extends the term of the Master Plan. The request is also to record the Preliminary and Final Plats on the remaining 3 phases (Phase 3-5) every 36 months after recording Phase 2 per Article V, Section 5.3.6.b

Delivered with this letter are the following items:

- Informational Report for High Summit III Subdivision
- Completed application form
- Check in the amount of \$350.00

Please schedule this request for the August 12, 2014 Board of County Commissioners' meeting.

Thank you for your attention to this matter.

Sincerely,

James W. Siebert

Xc: James Houghton  
Rachel Brown  
Greg Shafer  
Vicki Lucero  
Helen Grevey

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## HIGH SUMMIT III SUBDIVISION

### Land Owners, Phases 2-5

The Grevey-Liberman family group consists of the children and grandchildren of parents who emigrated from Europe during the 1940s. Years ago, their parents acquired a large tract of land north of Santa Fe as a long-term investment. The Grevey-Liberman family group is not a developer. After the sale of this property to Ralph Brutsche (discussed below), this land was subdivided and platted into High Summit III.

### Sale and Foreclosure

On June 24, 2005, Grevey-Liberman family group sold this property to long-time Santa Fe developer Ralph Brutsche. The sale covered approximately 493 acres. Pursuant to the terms of the purchase agreement, the Grevey-Liberman family then released 341 acres that Brutsche agreed to convey to the Nature Conservancy. It became known as Tract K. Based on information obtained from a title company, to their knowledge most or all of Tract K was later subdivided and in fact transferred to the Nature Conservancy. Brutsche then platted the remaining land into five phases to become known as High Summit III. The plat for Phase I was recorded in 2005 and some houses have been built on Phase I. Pursuant to the terms of the Note and Mortgage with Brutsche, by reason of partial principal installment payments under the Note, Grevey-Liberman released their mortgage against all of the lots in Phase I.

In 2010, Brutsche failed to make the final payment due under the Note and Mortgage in favor of the Grevey-Liberman family. The Grevey-Liberman family then filed foreclosure proceedings. Brutsche filed for bankruptcy protection in 2011. Due to court proceedings and court orders, it was not until May 2013 that a Court-sanctioned Special Master's Deed was recorded in favor of the Grevey-Liberman family group that dedeed to them the portion of the property that they had sold to Brutsche that had not previously been released from their Mortgage lien. The property that was returned to Grevey-Liberman contains approximately 130 +/- acres.

### History of Approvals

#### **December, 2003**

On December 9, 2003 the BCC approved the master plan and preliminary and final development plan and Plat for a residential subdivision consisting of 105 lots with 107 dwelling units. This approval included the phasing plan for the development of the property. Exhibit A is the acknowledgement letter from the County Land Use Office of the 2003 approval. Exhibit B is a reduction of the approved plan and Exhibit C is the phasing plan approved by the County Commission.



**December, 2008**

An administrative approval by the City and County was granted on December 31, 2008 for an amended master plan, preliminary and final development plan. This amended master plan and preliminary and final development plan was recorded with the County Clerk as Book 696, Page 18. A reduction of this recorded plan is found in the report as Exhibit D

**January, 2009**

Final subdivision plats for phases 2, 3, 4 and 5 were submitted to the County for approval and received a notice from the Development and Building Service Manager on January 6<sup>th</sup>, 2009 that all phases can be recorded upon submission of a letter of credit (See signed letter from Shelley Cobau attached, Exhibit E).

**December, 2012**

Administrative approval was granted for a one year time extension for phases 2-5 until December 31, 2013 (see Exhibit F).

**August, 2013**

Administrative approval was granted for a one year time extension for phase 2-5 until December 31, 2014 (Exhibit G)

Jurisdictional Issues

High Summit III was initially approved under extraterritorial jurisdiction with the review committees consisting of City and County representatives and elected officials with the County having the greater representation on the committees. In 2008 the City and County entered into a settlement agreement for the phased annexation of lands within the urban area. With the acceptance of the settlement agreement the City assumed administrative control over land use review and permitting for Area 18, which included the High Summit III development. The City and County later amended the settlement agreement. In January 2014, Area 18 was removed from the City's future annexations and is now solely under County jurisdiction.

Water and Sewer

Water is provided by the City of Santa Fe under an agreement with Ralph Brutsche who was responsible for paying for the tank and pumping facilities to serve the upper elevation within Area 18. The tank and pump station for the water system serving the Summit Subdivisions are located in phase 1 of High Summit III. This water system was not included in the consideration of transfer of water infrastructure between the City and County when the annexation was completed in January of 2014. The City is currently maintaining the tank, pump station and associated facilities within phase 1 of High Summit III. The ultimate ownership of the water facilities in Phase I has yet to be determined.

All of the Summit Subdivisions are served by a private sewer system maintained by the Homeowners Association. This sewer system which uses grinder pumps and low pressure lines

carries effluent to a City sewer line at the south end of High Summit III. There is a fee that is collected by the City at the time of building permit as compensation for the Utility Expansion Charge. Each lot owner also pays a monthly fee to the City for the use of the City sewer facilities.

#### REASONS FOR DELAY IN THE COMPLETION OF INFRASTRUCTURE AND LACK OF PROGRESS IN PHASING SCHEDULE

Unfortunately, Grevey-Liberman family did not get ownership of the property out of foreclosure until May, 2013. When the Grevey-Liberman family did acquire ownership and met again with the City of Santa Fe, they learned for the first time that the City of Santa Fe would likely no longer have jurisdiction over the platting and planning of this property as it was being turned back to the Santa Fe County. Grevey-Liberman representatives met with representatives of the Santa Fe County to discuss this dilemma in August, 2013. Unfortunately, since no final action was taken on the transfer of platting and planning authority until January, 2014 (when the necessary government action was taken to restore platting and planning jurisdiction over High Summit III to the County) nothing was able to be done in 2013 with respect to this property.

As stated below, the Grevey-Liberman family is requesting further extensions of time before finalizing the infrastructure improvements and recording the plats for Phases 2-5, while preserving the entitlements and provisions of the approved plats for, among other things, the following reasons:

- Grevey-Liberman group is not a developer and will have to market this property to a potential developer. Market conditions since 2007 have been extremely depressed and remain depressed. Grevey-Liberman needs additional time to allow the market to recover.
- Circumstances outside their control (the Brutsche default, the Brutsche bankruptcy action, various Court orders, delays in the court proceedings, the delay caused by the transition of platting and planning jurisdiction over High Summit III from the City back to the County) (all to the detriment of Grevey-Liberman as far as being able to market their property) warrant the extension requests.
- Each meeting with governmental officials and others has consistently elicited the same response – “What a mess!” There are numerous issues now that the property is back in the private control of the Grevey-Liberman family that require cooperative resolution with the County of Santa Fe; the Homeowners’ Association; Los Alamos National Bank (who acquired through foreclosure the unsold lots in Phase I); the City of Santa Fe/County of Santa Fe with respect to an existing water agreement and who will provide water service in the future and under what circumstances; and many, many other issues for which additional time is both necessary and appropriate.

- If the extensions are not granted, the property will basically revert to unplatted raw land to the substantial economic detriment of Grevey-Liberman. Yet the adverse impacts will go far beyond Grevey-Liberman interests. It will adversely impact the Homeowners' Association, the owners of the platted lots and tracts in Phase 1, who will have to disproportionately share in the cost of maintaining roads and utilities, and the County government if they have to deal with a situation far different than orderly development of the property.

For these reasons, Grevey-Liberman family is requesting a modification to the preexisting phasing program to extend the date for Phase 2 to December 31, 2017, for Phase 3 to December 31, 2020; for Phase 4 to December 31, 2023; and for Phase 5 to December 31, 2026.





XIII. A. 8. EZ CASE #S 03-4770 - High Summit III Subdivision. High Summit Corp. Ralph Brutsche, Applicant, Karl Sommer, Agent, Request Final Development Plan and Plat Approval for a Residential Subdivision Consisting of 105 Lots with 107 Dwelling Units on 150 Acres, and a Single Tract (Tract "K") Consisting of 342.3 Acres in the MSRD. This Request also Includes the Following Variances of the Extraterritorial Subdivision Regulations: To Allow Two Cul-de-sac with Lengths Greater than 1,000 Feet and to Allow the Replacement of Standard Curb & Gutter with Stone. The Property is Located Off Hyde Park Road (State Road 475), Southeast of the Summit Subdivision within Sections 15, 16, 21 and 22, Township 17 North, Range 10 East (Commission District 1)

MS. LUCERO: On November 13, 2003, the EZC met and acted on this case. The decision of the EZC was to recommend approval of the request. The current property consists of 496.2 acres located partially in the Mountain Special Review District. The portion of the property located outside of the MSRD is approximately 150 acres. The applicant is proposing a lot-line adjustment between the proposed High Summit III Subdivision and the adjacent subdivisions known as "South Summit" and "High Summit," which are also owned by Ralph Brutsche.

"The applicant is requesting preliminary and final plat and development plan approval for a subdivision consisting of a vacant tract of which two will be allowed guesthouses for a total of 107 dwelling units. The subdivision will be developed in nine phases. The first phase is 23 lots and is estimated to be complete by the fall of 2004. Thereafter, one phase will be constructed each year.

A portion of the property is located in the Basin Fringe Hydrologic Zone where the minimum lot size is 12.5 acres. The applicant is proposing to utilize City water, therefore, the minimum lot size would go down to 2.5 acres per dwelling unit which would allow 60 dwelling units. The remainder of the property is located within the Mountain Hydrologic Zone.

The applicant is proposing to utilize the density bonus option in the EZO, which allows an increase in the percentage of the number of dwelling units or lots allowed by the underlying zoning.

In the staff report it states that they're proposing to use a 60 percent open space density bonus. The applicants have recalculated the number to use the 45 percent density bonus option and that was one of the handouts that I just handed out. [Exhibit 3] They still meet density under the 45 percent open space bonus.

Variances: The applicant's request also includes four variances: a variance of Section 3.5.6 of the ESR to allow stone in lieu of standard curb and gutter, a variance of Section 3.5.2.F.2.b.2 of the ESR to allow two cul-de-sacs with lengths greater than 1,000 feet, a variance of Section 12.C.1.b.2 of the EZO to allow disturbance of 30 percent



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slopes, and a variance of Section 12.C.1.C.2 of the EZO to allow more than 50 percent of 70 structures to be built on 20 percent to 30 percent slopes. The applicant has addressed the variance review criteria in Exhibit E.

**Recommendation:** The applicant is requesting two variances of the Extraterritorial Subdivision Regulations. The Fire Marshal does not have an issue with the variance for the cul-de-sac length, provided that certain standards are met. As far as the variance to allow stone rather than curb and gutter, stone was used in the adjacent subdivisions and does not appear to pose any problems.

This proposal is in conformance with all other requirements of the Extraterritorial Zoning Ordinance and Subdivision Regulations. Staff's recommendation and the decision of the EZC was to recommend approval of the requested variances, with preliminary and final development plan and plat approval for a 107-lot residential development subject to the following conditions. Mr. Chair, may I enter the conditions into the record?

[The conditions are as follows:]

1. All redline comments must be addressed.
2. Preliminary and final development plan and plat with appropriate signatures must be recorded with the County Clerk.
3. The grading and drainage plan must be signed and sealed by a Professional Engineer.
4. Road names and addresses must be approved by Rural Addressing.
5. Protective easements must be established around the two significant archeological sites unless the State Historic Preservation Office approves a mitigation/treatment plan. Dedication of protective easements with metes and bounds must be shown on final plat.
6. Water use will be restricted to 0.25 acre feet per dwelling per year. Water restrictive covenants must be recorded with the final plat. A water meter must be installed for each dwelling unit and annual readings must be submitted to the County Hydrologist by December 31<sup>st</sup> of each year.
7. The standard County water restrictions, final homeowner's documents, and disclosure statement must be recorded with the final plat.
8. All utilities must be underground.
9. A detailed signage plan must be submitted for review and approval prior to final plat recordation.
10. The applicant must submit solid waste fees as required by the subdivision regulations.
11. All lots are subject to the Santa Fe County Fire and Rescue Impact Fees. This must be clearly noted on the final plat.
12. The applicant must submit an engineer's cost estimate and financial guarantee for all required improvements (i.e. road construction, street and traffic signs, fire protection, etc.). A schedule of compliance projecting time period for completion of improvements must be included. Upon completion, the applicant must submit a certification by a registered professional engineer that improvements have been completed according to the approved development plan.

13. Compliance with applicable review comments from the following:

- a) State Engineer's Office
- b) State Environment Department
- c) Soil & Water District
- d) State Highway Department
- e) County Hydrologist
- f) Development Review Director
- g) County Fire Marshal
- h) County Public Works
- i) County Technical Review Division
- j) State Historic Preservation Office

14. The following note must be put on the plat: *Permits for building construction will not be issued until required improvements for roads, drainage, and fire protection have been completed as required by staff.*

MS. LUCERO: Thank you. I also just wanted to mention that I handed out as well a letter of opposition for this project. [Exhibit 4]

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Questions of Ms. Lucero. Commissioner Duran.

COMMISSIONER DURAN: Vicki, your recommendation says that the Extraterritorial Zoning – I'm sorry. It was staff's recommendation and the decision of the EZC to recommend approval of the requested variances. You make no mention that the EZA approved this.

MS. LUCERO: Mr. Chair, Commissioner Duran, this case did go before the EZA last week and the EZA acted on the master plan request and two other variances. So this is separate from what the EZA acted on last week.

COMMISSIONER DURAN: This is separate from what the EZA acted on? MS. LUCERO: The EZA granted, was acting on the master plan request, and that was approved. The BCC is now taking action on the plat request.

COMMISSIONER DURAN: On the plat request. Do you have -- I'll save this for later if I need to. Thank you.

CHAIRMAN SULLIVAN: Vicki, could you explain that to me? Why are we not just also doing the master plan approval?

MS. LUCERO: Mr. Chair, because this project is in the Two-mile EZ District so the EZA has authority over master plans in that area. So they have the final decision on the master plan request. And now the BCC has the final authority to approve or disapprove the plat.

CHAIRMAN SULLIVAN: Okay, so you say in your letter that it's coming to the BCC for master plan, preliminary and final development plan approval and plat approval, but it's really not coming for master plan approval.

MS. LUCERO: Mr. Chair, you're correct. The statement under the issue reads

wrong. It shouldn't include master plan.

CHAIRMAN SULLIVAN: Okay. So final, preliminary, everything's coming in one bunch here. Preliminary final and plat approval. So the staff is comfortable that all the details are worked out down the nth degree and we're ready for plat approval.

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

CHAIRMAN SULLIVAN: Okay. You said there were two variances, but you mentioned also the slope variances. The variances for disturbance of 30 percent slopes. Are we not also, is that not also a part of the process?

MS. LUCERO: Mr. Chair, there were two variances that were granted by the EZA as part of the master plan approval. That was to allow more than 50 percent of structures to be locate on 20 to 30 percent slopes, and disturbance of 30 percent slopes for road construction and building construction. Those requirements were taken out of the Extraterritorial Zoning Ordinance, and that's why those variances went before the EZA. The variances that are before you tonight are variances to the Extraterritorial Subdivision Regulations.

CHAIRMAN SULLIVAN: Okay. So we don't, we're not acting on those tonight.

MS. LUCERO: No. Just the cul-de-sac length and stone versus curb.

CHAIRMAN SULLIVAN: Okay. Commissioner Duran.

COMMISSIONER DURAN: Vicki, so the EZA last week approved master plan approval and that master plan approval was based on the approvals of the EZC, correct? MS. LUCERO: Mr. Chair, Commissioner Duran, the EZC acted on both the master plan and the plat. They're the recommending body for both master plan and plat approval.

COMMISSIONER DURAN: So the recommendation in front of us from the EZC is the same recommendation that the EZA reviewed when they approved the master plan.

MS. LUCERO: Mr. Chair, Commissioner Duran, the EZC made a recommendation on both the master plan and the plat. So after the EZC it got split up to the master plan and those conditions. The EZC had a list of conditions that they approved and we separated them. So only those relevant to the master plan were heard by the EZA.

COMMISSIONER DURAN: Not the plat.

MS. LUCERO: That's correct.

COMMISSIONER DURAN: Not the final plat. So do you think that it's appropriate for us to know, to have details of the motion made by the maker at the EZA? The content of the motion had some requirements in their conditions that dealt with water concerns and I forget what the other ones were but I think that they're important to this body to know what that motion was, because there might be some testimony tonight that we're going to be asked to consider when in fact they were considered and incorporated into the motion at the EZA.

MS. LUCERO: Mr. Chair, Commissioner Duran, I do have a list of those conditions that were approved. And they certainly could be relevant to the plat approval as

well. If you like, I can run down the revised conditions.

COMMISSIONER DURAN: How many are there?

MS. LUCERO: I believe there's about four?

COMMISSIONER DURAN: Would you mind, Mr. Chair?

CHAIRMAN SULLIVAN: Not at all.

MS. LUCERO: One of the conditions was that any major changes in the planning design would go back to the EZA for approval.

CHAIRMAN SULLIVAN: Does that mean any major changes that would be made here tonight, because if this is final plat approval, this is all she wrote.

MR. CATANACH: Mr. Chair, if there's any changes as they're building out

the subdivision, if there's any changes in lot and road layout or design, that that should come back to the EZA before --

COMMISSIONER DURAN: Rather than the EZC which is where those changes were going to go, or to staff. Staff was able to make those calls and we wanted to be apprised of any changes at the Board level.

MR. CATANACH: I think that was the basic intent, because certainly staff

makes decisions on minor changes, but I think the intent was that any changes. Yes.

CHAIRMAN SULLIVAN: And it wouldn't normally, once the EZA has approved the master plan, the preliminary and final plans wouldn't normally go back to them.

Is that correct?

MR. CATANACH: That's correct.

CHAIRMAN SULLIVAN: They only come to the BCC, because it's an

existing subdivision.

MR. CATANACH: That's correct.

CHAIRMAN SULLIVAN: Okay, so you were adding a condition then at the EZA, Commissioner Duran, that said if you're making any changes you want it to come back to the EZA.

MR. CATANACH: And I think, I'm sorry, Mr. Chair, Commissioners, I think not only in lot and road layout design, but certainly any changes that have to do with density or use and again, I think that the intent was that there was some concern that any expansion, any increase in density, any other change other than what was permitted under the master plan for single family homes. Those type of things. So again, it might be a determination on the part of staff as to whether a change needs to come back to the Board having to do with a plat and development plan, or if it's a change that's relevant to the zoning for use and density, whether that would have to go back to the EZA. So again, in trying to determine what kind of change and which committee it would have to go to.

CHAIRMAN SULLIVAN: Okay, but I wouldn't see them having any changes in density once x-number of units are approved. That's it, isn't it? They're not going to add more units up on the site, are they?

COMMISSIONER DURAN: Mr. Chair, I think we were trying to appease a concern that the neighborhood had that in the past there was some changes made at the staff

level that didn't – the public wasn't able to participate in.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER DURAN: So we made that condition so that the public would in the future have the ability to participate in any changes.

CHAIRMAN SULLIVAN: Okay. So that was number one.

MS. LUCERO: That was number one, and it did say major, any major changes.

CHAIRMAN SULLIVAN: Major changes. Okay.

MS. LUCERO: Number two was that the deceleration lanes would be

developed as a part of phase 1. Also that the include the land use agreement as a condition of approval.

CHAIRMAN SULLIVAN: What is the land use agreement?

MS. LUCERO: With the Canyon Road Association.

CHAIRMAN SULLIVAN: Oh, the one with the Canyon Road Association.

That's the new one, I assume. Not the old one.

MS. LUCERO: Yes. And then I believe the last condition was in regards to the capacity of the water system. That the technical review team over at the City would make a determination within 60 days as to whether or not the system's capacity, meaning the volume, would cover the people that were listed in the land use agreement.

CHAIRMAN SULLIVAN: And who would make that determination? The

City?

MS. LUCERO: The City's technical review team.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER DURAN: I might be able to add a little to that. There was some question as to whether or not the capacity of the system was adequate to provide water to a list of individuals, one of them was Rancho Elisa, which is a development that Duke Klaucek owns, or used to own, and then Ten Thousand Waves and Hyde Park Estates. And those individuals were afraid that Mr. Brutsche was going to use up the entire capacity of that system and they would lose the ability to request regional water from the City. So the applicant stated that in their analysis, the system did have the capacity to provide water to the other members, individuals on that list and went so far as agreeing to allow staff at the City to make that determination and come back within 60 days with verification that the capacity was there. Is that close to it?

CHAIRMAN SULLIVAN: So that was the fourth condition.

MS. LUCERO: That's correct. Yes. It did have to do with volume, not necessarily the capability to deliver the water. And the last condition was that trails would be open to the public.

CHAIRMAN SULLIVAN: At all hours? No, I ask that because we went through this before a year ago and they were going to be open to the public only during 8 to 5, or something. When the gate closed, they weren't open anymore.

MS. LUCERO: Mr. Chair, that discussion didn't come up.

COMMISSIONER DURAN: That was the Dale Ball trail, wasn't it?

CHAIRMAN SULLIVAN: No, no. That was up on the Summit.

MS. LUCERO: I believe it was daylight hours.

CHAIRMAN SULLIVAN: Well, we may not agree to that. Is that what's in the condition, or what's it say?

MS. LUCERO: No, Mr. Chair, the condition wasn't specific. That's what the applicants are --

CHAIRMAN SULLIVAN: Are wanting, but it just said open to the public means open to the public. Okay. If it's not conditioned I would assume that Okay. And that's the fifth condition.

MS. LUCERO: Yes. Those were all the additional conditions that were imposed by the EZA.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay, other questions for Vicki? I had one, Vicki, or two. I don't understand what you just handed out. This looks like numbo-jumbo. But without trying to understand it, tell me does this mean that they're reducing the open space.

They've decided that the open space bonus is now only 45 percent so they only need to provide 45 percent open space instead of 60?

MS. LUCERO: Mr. Chair, that's correct. They did recalculate the figures using the 45 percent open space density bonus, and even with that, they still meet the density that they're proposing.

CHAIRMAN SULLIVAN: Does that mean that they're going to do more dense development on subsequent phases? Why did they go about recalculating this?

MS. LUCERO: No, they just, Mr. Chair, they basically just used different numbers. The lot sizes, the lots weren't changing. I believe it was the private open space within the lots that changed. But they're not adding any additional lots or any additional units.

CHAIRMAN SULLIVAN: How much open space are they required to provide?

MS. LUCERO: As part of a 45 percent density bonus?

CHAIRMAN SULLIVAN: Okay, it was 60 percent when I read it and now it's 45 percent.

MS. LUCERO: That's correct. As part of the 60 percent that they're originally proposing, they were required, I believe to do, I believe it was 91 acres of open space. And now, under the 45 percent density bonus they're required to provide 69.3 acres of open space.

CHAIRMAN SULLIVAN: So it's reduced from 98 to 69 acres. But if they're not changing the lot size or the lots, then where did it go?

MS. LUCERO: Mr. Chair, originally, they had more open space proposed on each individual lot that was private open space, so they're actually removing some of that private open space to give the lot owners a little more flexibility as to what they could use.

CHAIRMAN SULLIVAN: So you can be closer to your neighbor, as it were.

You can build on it. And then, there was a letter dated October 29<sup>th</sup> from the County Hydrologist indicating that their water report was incomplete. And their water, there was a statement made that it didn't constitute a water conservation report nor a water budget. Has that

been rectified?

MS. LUCERO: Mr. Chair, the Hydrologist hadn't received a copy of the water service agreement from the City. The applicant has submitted that to us and they are proposing a quarter acre-foot per lot.

CHAIRMAN SULLIVAN: And Mr. Wust, are you now comfortable with the submittal on this project?

MR. WUST: Mr. Chair, there were two concerns. One was lack of a reference letter from the City showing water availability. I've just been informed verbally, not just, but I was informed verbally that they do have a commitment from the City and I'm okay with that. I don't need to actually see it, but I never have seen a water conservation report to this day. So whether it's required when the City is providing the water is an issue that the Commission should decide. I just know it's part of the requirements and it's never been submitted and I've never seen one.

CHAIRMAN SULLIVAN: It's a part of the EZ requirements, or the County Land Use.

MR. WUST: Mr. Chair, to me under the EZ requirements, it doesn't specifically say it but it says it must fulfil all the requirements of Article VII, Section 6 of the Land Use Code, which includes a water conservation report.

CHAIRMAN SULLIVAN: So that's still not been submitted according to you.

MR. WUST: Mr. Chair, I've not seen it.

CHAIRMAN SULLIVAN: Well, we can have the applicant address that. Any other questions of the staff? Okay, is the applicant present?

[Duly sworn, Kad Summer testified as follows:]

KARL SOMMER: Mr. Chair, Commissioners, my name is Karl Sommer. My mailing address is Post Office Box 1984, Santa Fe, New Mexico, 87504. It's late and we will be as brief as possible.

CHAIRMAN SULLIVAN: We're here as long as you need us.

MR. SOMMER: Very well, I have an hour-long presentation. Actually, I'm here with David Schutz and --

CHAIRMAN SULLIVAN: The longer the presentation, the more the

questions. You know how that works.

MR. SOMMER: I'm aware of that particular rule here. I'm here with David Schutz and Orallynn Guerrerortiz and Patricia Guerrerortiz. David is our chief planner on the project. Orallynn is the chief engineer. She and Patricia are our chief engineers.

I'd like to start out by just summarizing quickly as to what this project is about. And then I'd like to turn it over to David and to Orallynn, regarding some of the technical matters. I would like to say first that we agree to the conditions that Commissioner Duran has alluded to and we would accept those as conditions of any approval that you might be willing to grant here so that there is no question on the record. All of the things that Vicki talked about as being conditions to the motion that was granted last week at the EZA, we would agree to here. And specifically, tonight, Mr. Richard Ellenburg, Peter Wolf and

Karen Bailey are here from the Canyon Neighborhood Association and in the record, which we'll have here tonight, there is a copy of the land use agreement that was talked about and we would specifically agree to that as a condition of our subdivision plat approval.

I'd like to get to just a couple of things first about the water conservation report. In the EZ Subdivision Regulations, I'm not aware of any water conservation report that is necessary, but we have a water commitment from the City and we have quarter acre-foot limitations on each and every lot in the subdivision. If there is some additional report that is required by the County Land Use Code I'm not aware of it as applying in the EZ. The EZ, as you all know, has an ordinance, that is a zoning ordinance, the Extraterritorial Zoning Ordinance and the Extraterritorial Subdivision Regulations. The Land Use Code, insofar as I'm aware, doesn't apply here with respect to that. But I do believe that the water conservation measures that are talked about are typically contained in our covenants and we would certainly be glad, Mr. Must, to include those in our covenants if that's the concern. But we are limited to a quarter acre-foot.

So, just to address that offhand. I'd like to approach you and hand out something we'd like to get in the record tonight and I'm not so sure how much we'll discuss it. May I approach? [Documents on file with County Clerk.]

CHAIRMAN SULLIVAN: And while you're handing that out, Mr. Sommer, Mr. Must mentioned a letter from the City regarding water availability that he hadn't seen and I don't see that in the packet either. Do you have that?

MR. SOMMER: I do have a copy of it and I'll make it available to you. The manner in which that comes to the Extraterritorial Zoning Authority is from a letter from Robert Jorgensen. It's a memo that says water is available on the system. The City staff memo regarding this project confirms that we have water from the City and sewer available from the City and I can provide you a copy of that. I just need to dig it out here. I think a copy was provided to County staff and City staff before the EZA. So I'll dig that up if I can.

CHAIRMAN SULLIVAN: But is that a letter from the County Manager or the City Manager, the way they normally come, or rather the City Utilities Department, indicating water availability?

MR. SOMMER: It's from the City Utilities Department and it's from Robert Jorgensen. It's dated November 13<sup>th</sup>. It's in your packet at NB-5-16.

COMMISSIONER DURAN: In which packet? This one? No, the one from County staff that you've got.

CHAIRMAN SULLIVAN: Okay.

MR. SOMMER: I'd also like to get in the record because I don't think --

CHAIRMAN SULLIVAN: Wait a minute. Before you jump ahead there. This just says water service will require an agreement to construct and dedicate public improvements. It doesn't say they're approving anything. It says the referenced subdivision is located within the Summit service area and can be served from the Summit area water

system. Water service will require an agreement to construct and dedicate public improvements. Water service to the referenced project is subject to all City rules, etc., etc., etc. This isn't an agreement though. This isn't a service --

COMMISSIONER DURAN: Mr. Chair, could I just ask one question of the Hydrologist? Did you get that word that they had water service from Karl, or did you talk to someone at the City?

MR. WUUST: Mr. Chair, Commissioner Duran, actually, Vicki told me that they had a letter.

CHAIRMAN SULLIVAN: The he-said/she said kind of thing.

COMMISSIONER DURAN: And Vicki, where did you here it from?

CHAIRMAN SULLIVAN: Where did you hear it Vicki? Let's find out where this rumor came from.

MS. LUCERO: Mr. Chair, Commissioner Duran, that was actually, City staff was at the EZC meeting and Bob Siqueiros stated that.

CHAIRMAN SULLIVAN: He said that they had a water service letter.

MS. LUCERO: Right. That it was in place. That there weren't any issues as far as water.

CHAIRMAN SULLIVAN: Okay, and Mr. Sommer, do you have a copy of it in your file, there?

MR. SOMMER: I have a copy of the City report and in addition, Galen Buller, the head of the City's water utility was at the Extraterritorial Zoning Authority with their chief counsel on water issues, Ms. Singer. And both of them confirmed on the record under oath that we have water from the City and sewer available from the City.

COMMISSIONER DURAN: I will concur with. I was at that meeting.

CHAIRMAN SULLIVAN: And could you give us a copy of that paper?

MR. SOMMER: I believe that the City staff reports are a part of your records, are they not, Vicki? I think you have them in your packet.

CHAIRMAN SULLIVAN: Okay. Maybe I just missed it. I have school report, Fire Marshal --

COMMISSIONER DURAN: Do you think we can move on, Mr. Chair?

CHAIRMAN SULLIVAN: Yes, but I'd like -- I don't see, again, we're on final plat here and I don't see a letter from the City saying that you have water availability. I understand what you're saying, in the master plan hearing that there was testimony that you had that and Commissioner Duran confirms that.

MR. SOMMER: If I can direct your attention, Chairman Sullivan to NB-5-6, which is in your packet, page NB-5-7, it says from the City of Santa Fe, dated November 13<sup>th</sup>, proposed development will be served by the City utility extensions, sewer and water. We have -- I don't know exactly what you're looking for from us.

CHAIRMAN SULLIVAN: What I'm looking for is -- that's from the Planning Department. I'm looking for a water service availability letter, is a letter on City letterhead. We've seen hundreds of them. It comes from the Utility Department committing

x-number of acre-foot. We just saw one in the previous project you had.

MR. SOMMER: Well, what you saw on the previous was from 1999. Now, what's in effect at the City is a Resolution 2002-2 that develops a technical review team, of which Mr. Bob Siquetros is a member. They are the ones that inform the applicant and the public bodies as to whether there's water. So it comes now from the technical review team. You don't get what you are referring to as a water availability statement anymore. What you get is a confirmation from that team in the form that Mr. Jorgensen gave us and that Mr. Siquetros gave us. That's the form in which water is confirmed by the City in addition to the sworn testimony of the Utility Director on Thursday that water is available from the City's utility.

So that's the manner and form in which it comes these days, since 2002.

CHAIRMAN SULLIVAN: Okay.

MR. CATANACH: Mr. Chair, I would refer you to page 5-16 of your

packet and that references water service.

CHAIRMAN SULLIVAN: Yes, he mentioned that earlier. That was the one that says that water service will require an agreement. So I guess an agreement hasn't been consummated yet with the City. Is that what you're saying?

MR. SOMMER: A service agreement doesn't get consummated until you have an approval from their plans, and you have an agreement to construct and improve their system. So that's when you get a service agreement, and that's at the very end of the process. You don't get one up front. You don't get a service agreement. They will not give you an agreement to serve until you've met all of their conditions related to the construction, dedication and improvement of their system.

CHAIRMAN SULLIVAN: Okay. So you'll get that before you start construction.

MR. SOMMER: The answer is yes. We will have an agreement to construct and improve before construction begins.

CHAIRMAN SULLIVAN: Okay. Go ahead.

MR. SOMMER: I'd like to also put in the record the actual plans that are before you. Often you don't get a chance to look at them but I'd like to make sure that they're in the record tonight.

What we'd like to do tonight is we'll have Mr. Schutz go through a little bit of the history of the project and discuss some of the density issues related to it. Ms. Guerrerotiz will go through some of the individual specifics of the project from a technical standpoint, and in the end I would like to address the issues raised in the packet that I gave you that is part of the record consisting of a summary and ten tabs of documents. We'll make that as brief and we'll get through that as quickly as possible. So with that, I'm going to turn it over to Mr. Schutz to go through some of the history and some of the density issues. Thank you.

[Duly sworn, David Schutz testified as follows:]

DAVID SCHUTZ: Thank you, Mr. Chair, members of the Commission. It

is late and I'm going to try and go through this very briefly, but for the benefit of those of you that aren't familiar with the history of the project, let me just go through very quickly some of that history. The area that we're talking about is the Grevey property right here which is this donut that you see right here. This property is located in the northeast quadrant, actually outside of the City limits in the Extraterritorial Zone, this being the city limits right here. This is the current Summit Subdivision, Hyde Park Estates, Nun's Curve, Little Tesuque Creek, Los Cerros Colorados, Sierra del Norte is up in there. This is Hyde Park Road and this is a waterline that extends into the Summit property to serve the whole northeast quadrant.

Up until the late eighties this property, this whole area is relatively undeveloped, Hyde Park Estates being the only real subdivision that was developed up until that time. Over the years, Summit phases 1, 2, and 3 were developed, approved by the City. Sierra del Norte came in, Los Cerros Colorados came in Ten Thousand waves came in. Rancho Elisa came in and so over a period of about ten to fifteen years up until today, there's been significant growth and development in the area as you know.

In about 1991, we got together with our neighbors and decided to convene and formulate the Hyde Park Road Planning Group. And in 1994, that neighborhood plan was approved by the Extraterritorial Zoning Authority. That plan contemplated and set forth certain principles and policies that were to guide any development in the area over the years to come. It was one of the first plans to be approved by the Authority at that time. Once the plan was approved, Summit proceeded to request and receive approvals for the remainder of it's phases. This plan before you that I'm going to present represents the final, the culmination of Summit's development program since 1991. As contemplated, the project consists of about 500 acres of which only 154 of it will be developed. There'll be a total of 105 lots on a total of 500 acres. All of the property will be served by City water and sewer and will be developed in nine phases over a fifteen to twenty year period. We're not going to drop 100 units on the market today or over the next two or three years. This is a fairly long-term project and will be developed over a fifteen to twenty-year period.

I've condensed my presentation because I don't want to extend into the night, but I do want to say something about density, because there will probably be some speakers that follow me that are going to try and imply the density — that we don't comply with the Extraterritorial Zoning Ordinance, that we don't comply with the Hyde Park Road Planning Group plan, that we don't comply with environmental standards. And that's just not true.

As I mentioned, the average, the gross average density, if you take the number of acres and you divide it by the number of lots, our gross average density is 4.37 acres per unit. If you look at just net density and just look at the developable acres that we're developing, which is 154, the rest being committed to open space, and you divide the number of lots into it, 105 lots divided into 154 acres, the density is about 1.5 acres per dwelling unit.

The two significant documents that address density, that really significant

documents that address density and that are relevant to this case, the first one is your own Land Use Code, the Extraterritorial Zoning Ordinance.

This is what I got out of the Extraterritorial Zoning Ordinance and I've highlighted the significant portions of it, and the title is density using imported water service in the rural area and it talks about three principal goals. One is the preservation and sense of open space. We've certainly done that, dedicated some 350 acres into open space. The protection of groundwater resources. It was through Summit's efforts that water and sewer were extended into this area and now the beneficiaries are the neighbors and all of the folks that are served by the sewer and water system. And the provision of more affordable residential development.

You move down, and the second paragraph there, the purpose of the open space density bonus transfer option for developments proposing use of imported water in the rural area district are to preserve an open space feeling, to encourage the use of imported water, and to create variety in residential development patterns. It goes on and continues, To grant density increases based on an approved formula for density bonus and objective open space ratio and density transfer for residential development outside of the urban growth area which use imported water for regional water service. If region water is to be provided by Sangre de Cristo Water Company, the development shall receive prior approval for any water service area boundary extension. Which we have. We did that in the early nineties.

Developers using the density bonus shall provide areas of dedicated open space. We've done that. And then on the next page, 22, density transfer or clustering of lots. We've done that. And provide alternatives to the use of individual septic systems. It continues. So the ordinance is very clear. If you look at the bottom of page 22 it says, Objectives: Provide incentives for developers to build affordable housing subordinated regulations and capital funding programs. And on the next page, 23 it continues, Item B, Granting of density bonuses to developers who provide affordable housing in their projects. I can tell you unequivocally, we are the only developer in the northeast quadrant that has provided any, or are going to provide any affordable homes in this area.

The other significant document that I want to bring to your attention, Mr. Chair, is the Hyde Park Road neighborhood plan that was adopted by the authority in 1994. In it, projections were made by the planning group as to what the holding capacity of this property would be. And if you look in the package that Karl gave you on the highlighted yellow tab, you will see a chart, and I'll pass this out. This comes right out of the Hyde Park Road Planning Group neighborhood plan and at that time --

COMMISSIONER DURAN: Excuse me, David --

MR. SCHUTZ: Tab 9, Commissioner. So if you look at that chart, it was projected back in 1994 that this property was projected to have a holding capacity of 118 lots, 100 units that were supplied by water and sewer and it was presumed that 18 lots would not be served by water and sewer and the density would be 12.5 acres. And so even at that early stage of the game we contemplated 118 lots on the Grevey property. Today

we're proposing to you 105 lots. So the point I'm trying to make, Mr. Chair, is that there is no density issue. We're in total compliance with the Extraterritorial Zoning Ordinance. We're in total compliance with the neighborhood plan, and we're in total compliance with all the regulations that we're regulated under. So I think that issue should be put to rest.

CHAIRMAN SULLIVAN: Mr. Schuitz, I had a quick question, just for my own edification. On this ordinance, on the second page, you were talking about density using imported water. Under paragraph e, it says, The smallest parcel to which this policy applies is 12 acres.

MR. SCHUTZ: Correct.

CHAIRMAN SULLIVAN: And your parcels are a lot smaller than 12 acres.

MR. SCHUTZ: No, Mr. Chair, members of the Commission --

CHAIRMAN SULLIVAN: Or is that, you're talking about the gross size of

the --

MR. SCHUTZ: Of the parcel for development.

CHAIRMAN SULLIVAN: Of the parcel for development.

MR. SCHUTZ: Yes.

CHAIRMAN SULLIVAN: Okay. Thank you.

MR. SCHUTZ: With your approval, I'd like to ask Orallynn to make a brief presentation about the engineering aspects.

[Duly sworn, Orallynn Guerrero Ortiz testified as follows:]

ORALYNN GUERRERORTIZ: I will be extremely brief. I'm Orallynn Guerrero Ortiz. I'm with Design Engineery, P.O. Box 2758, Santa Fe, New Mexico. Very briefly, the project is going to be service by City water. There'll be fire hydrants located within 300 feet of every building site. The fire hydrants will flow at 1000 gallons a minute. The project is also connected to the City sewer system.

The roads have been designed to minimize disturbance of 30 percent slopes. We do have some significant 30 percent slopes. Disturbances, the biggest one is related to an emergency access connection. It's actually a gated access road. We're putting that road in because it's the right thing to do. It's something the Fire Marshal would like. Also at the request of the Fire Marshal and it's a very good idea, we're providing a secondary emergency access also gated with Knox locks over by Hyde Park Estates, and at the Fire Marshal's request, we're bringing a fire hydrant to Hyde Park Estates that will also flow at 1000 gallons per minute. And that will be located on Camino Lisa, which is a road within Hyde Park Estates.

We are using centralizzd detention ponds. Density has been raised very quickly. I'll try to be extremely quick. We're actually, if you just look at this plan you can see there's a lot of green space on our project. But to get the density for 107, we actually have 107 dwelling units on 105 lots. To get the required density for our project, we only need or are required to have 69 acres of open space. We have 76 proposed. We also have 14 HOP units in this project, seven of them will be constructed in the very first phase.

The other thing I'll mention is on Hyde Park Road, we are building a new decel

lane that will serve this project. Variances, one of them is with regard to curb and gutter. Throughout these Summit projects we have used stone curbing in lieu of traditional concrete curbing because it's more attractive and it serves the same purpose and we're hoping that you'll continue to support that variance as you have for our previous nine phases.

The other variance is with regards to the length of cul-de-sac. In actuality, it's a really interesting situation. Because of the loop roads we're building, we're eliminating the need for cul-de-sac variances that have been granted previously. This was a cul-de-sac within Summit 7 and 8 that had been granted in a variance because of its length. It's not going to be part of a loop system that goes over the Hyde Park Estates eliminating that need. But this cul-de-sac, unfortunately, is more than 1000 feet. I know it's under 2000 feet but I can't remember the actual number. I think it was 1500. We also had an extremely long cul-de-sac. I think it was approved at over 3900 feet as part of the High Summit Subdivision. We're going to reduce that significantly because of this connection. But we do have this one here and I believe again it's on the order of 1500 feet. I can't recall the real number. It looks as maybe it's less than this one.

Anyway, those are our two cul-de-sac variance requests and they're directly related to terrain. We did loop where we could and where we found it possible but the terrain is rather restrictive in this area. I think that's about it. I mentioned the 30 percent slope disturbances and I would also say that one of the other requests was with regards to the 50-50 rule. The EZ has a requirement that half of the homes build be built on slopes of 20 percent or less. We, with discussions with neighbors, with a desire to get the homes off ridgetops, we're pushing homes down the hill, building sites down the hill. That makes it harder to meet the 50-50 rule and that's where that request came from. I bring that up mostly for reference purposes. I just want to enter the density and open space requirement calculations into the record, if I can. [Exhibit 3] Thank you very much, gentlemen.

MR. SOMMER: Mr. Chair, members of the Commission, I'd like to make one clarification regarding the variances. The variances that were granted at the Extraterritorial Zoning Authority last Thursday included the 50-50 variance, and also the slope disturbances. Those are also found in the Subdivision regulations and this hearing is noticed up for those variances as well, properly noticed up for the exact same variances. As Orallynn explained, they are to minimize the impact of development. They are based on the topography and they are a minimal easing. We've also addressed the variance criteria more specifically found in the Code.

I'd like to just summarize. If you would open the packet that I gave you, the black packet, you will see a list of ten issues that have arisen in the last sort of two weeks that we've tried to address. I'm not going to go through each and every one of the ten issues, but I'd like to summarize a couple of things. One is our outreach to the neighborhoods that we've dealt with and what the history of that has been in this project. The second is a confirmation that we do have sufficient water and that we are undertaking to solve the condition that was imposed at the Extraterritorial Zoning Authority. And finally, under tab 10, I'd like to tell you a little bit about what Mr. and Mrs. Brutsche have done in this neighborhood.

So let me start if I can with what have we done with respect to the outreach to the neighborhoods that we have been dealing with. I will start with the Canyon Neighborhood Association. The Canyon Neighborhood Association is an association as I understand it, incorporated for the purposes of -- for the express purposes of preserving the natural beauty and the natural environment of the Santa Fe Canyon and its tributaries. That includes the Santa Fe Watershed and the Santa Fe Canyon Watershed. This property, if I may, the Aztec Springs Watershed runs right through this property here. What you see in green right here is all undisturbed forested area. It has a spring running down the middle of it. And it is one of the express purposes of the Canyon Association to preserve that in its natural condition and to prevent any disturbance from development. In addition, they have as a purpose to preserve the visual beauty of it and to minimize or limit the impact of development from a visual standpoint from one looking up into that Canyon. That was the purpose that was given to us, and we met with them for the course of about 60 days and we ended up with a land use agreement which is part of the packet which I have in front of you under tab 8. You will see that it's the land use agreement that's been signed by all the parties. It doesn't have all the exhibits because they are a little voluminous to put in this packet.

But I will tell you that I think it achieves the purpose that the Canyon Neighborhood Association set out for us and that was to one, minimize the visual impact, and two, preserve the natural beauty of this watershed. That's what we're doing as part of this agreement.

I'd also like to tell you we have in place a signed, we have signed a donation agreement to the Nature Conservancy for that area, which constitutes the Aztec Springs Watershed. In addition, when we offered to contribute the property to the Nature Conservancy, the person that I was dealing with, Mr. Bob Findling, indicated to me that the Nature Conservancy is a non-profit, has to raise all of its funds through donations. There is a huge cost associated with being a steward of this property. Mr. Findling requested that Mr. Brutsche, in addition to giving the property, that he establish a stewardship fund to take care of its management over the course of time that the Nature Conservancy has it. He asked Mr. Brutsche to fund up front \$350,000 of the costs, which Mr. Brutsche has agreed to do as part of his donation and as part of his setting up of his stewardship fund. That was acceptable to the Nature Conservancy. I think that it achieves also, it also helps to achieve the purposes that the Canyon Neighborhood Association set out for us.

One other thing that came up in the course of the discussions recently is the nature of the trails through there, and I'd like to make it clear that what the EZA, the Canyon Neighborhood Association have made it clear to us that trails are going to be created that they be open to the public. We have agreed to that. It's on the face of our plaque and it's part of our donation agreement with the Nature Conservancy, that those trails be open to the public. Now, the management of those trails is obviously going to be regulated by the Nature Conservancy and possibly by the City of Santa Fe because that white area right in the middle of the green there is owned by the City of Santa Fe and they're going to have to manage how they do the trail system.

So I think that summarizes. We have reached out and dealt in good faith and think come

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up with an extraordinary agreement for the Canyon Neighborhood Association and I'm not going to go through it specifically. But it achieves the purposes they set out for us. It has teeth in it for its enforcement, and it will be specifically enforced by the Canyon Neighborhood Association and the Audubon Center, which is the Randall Davies Audubon Center.

Let me turn to a more problem area that we ran into recently, and that is with the Hyde Park Road Planning Group. It's been in the press lately. Frankly, I was surprised tonight to see that we don't have the level of opposition that we had generated at the last hearing last week. Here's the story. On August 16<sup>th</sup> we went to the Hyde Park Road Planning Group. That planning group consists of five founding members, each of which has a veto vote over anything that that group does. And that means that all of the decisions of that group have to be unanimous. We went to them because Mr. Brutsche's organization is a member of that group. We sat down in my office on August 16<sup>th</sup>. We went through our plan and at the time we went through our plan it had 131 units. The group unanimously agreed to support and approve the project. That was on August 16, 2003. That was the first step we took to reach out to our immediate neighbors.

We left that meeting and you will see behind tab 1 the testimony of Paul Dunn. He spoke at the Extraterritorial Zoning Authority, under oath, and he said, When we walked away, when I walked out of that meeting there was no doubt in my mind that we as the Hyde Park Road Planning Group had approved this particular development. What happened next was, you have also behind that document the letter from Mr. Ray Olson. Mr. Ray Olson is here tonight. He's been here all night. He wrote you all a letter and he confirms that there was a unanimous approval of our plan and that the group agreed to support us publicly in the hearings before this body, the EZC and the EZA. After that, and you'll find in the next document behind that tab, you'll see that I got a call from the *New Mexican*, Ms. Ann Constable wrote a letter about our dealings with the Canyon Neighborhood Association. On page 2 of that article, I've highlighted in blue for you what I told her as a result of a meeting I had with the Hyde Park Road Planning Group and the article says, and this went out across the community, According to Sommer, the Hyde Park Road Planning Group supports the new plan. That was one month after we met.

From the time of that article and the time of that meeting, up until two weeks ago, we had absolutely no opposition from the Hyde Park Road Planning Group. So what happened? As you all know, there's been a great deal of controversy. Let me summarize it by saying this. Mr. Duke Klaucek received approval from the Extraterritorial Zoning Authority to expand his Ten Thousand Waves facility. And you will see that on this map, Ten Thousand Waves is located right here. It's in the county, not inside the city. It is susceptible to water service from the City system, and in fact has water service from the City system, a system that Mr. Brutsche built and conveyed to PNM, which is not owned by the City system, serves Ten Thousand Waves.

Mr. Klaucek's approval includes the addition of a hotel on what is now residential property. The condition placed by the Extraterritorial Zoning Authority on that hotel on the property known as Rancho Elisa was that he go to the City of Santa Fe and get water for that. And that's what he did. He went to the City. That was the condition they placed on him, and Mr. Klaucek ran into Resolution 2002-22, which is behind tab number 2. I've highlighted for

you on page 3 the two sections that are important here. One says that if you are outside the city limits and you're requesting an extension from us - I'm summarizing, obviously, paraphrasing - you must have a prior valid, written agreement that requires us to serve you. That's what the City's condition was on extensions in the county and it has been for the last year and a half. Or, if you don't have one of those, Section 6 says you can always go to the City Council and ask us to approve your water extension.

Mr. Klauck found himself with an approval by the EZA with an uncertain water supply for his expanded development. What did he do? Instead of going to the City Council, instead of going to the City and asking for the extension, he immediately turned to Mr. Brutsche and he said, he did not ask, he demanded that we immediately assign over to him our water. And when I say "our water" we have a contract with the City, we have a prior valid, agreement that requires the City to serve Mr. Brutsche's development. It's not our water and we're not saying that we're the only ones that have the right to water, but Mr. Brutsche has a clear, unequivocal right to water from the system, because he built it. Because he conveyed it to the City.

Behind tab number three you'll see a first memo received November 10<sup>th</sup> from Mr. James Siebert who represents Mr. Klauck. On page 2 there is not a request, a basic demand that says we immediately assign the water or our right to water to Mr. Klauck, for a sufficient amount of water so that he could prove up his water under this condition from the EZA. Well, we weren't able to do that because the agreement that we have with the City is a little unclear as to what could be assigned or what cannot be assigned. Instead of working with us, I got the next memo dated November 17, 2003 from Mr. Klauck directly. And in the last paragraph, highlighted for you, Mr. Klauck goes on to tell me that unless we get him an agreement with the City by the end of November he is going to manufacture opposition from our immediate neighbors in the Hyde Park Road area in an attempt to stop us.

He euphemistically says that he's going to go on an educational campaign with the Hyde Park Road residents and the EZA Commissioners. Well, I'll tell you, last Thursday we saw the results of his educational campaign. This room was packed with 125 people who had been misinformed, misled and basically asked to come and oppose our project until Mr. Klauck got his water. If you look at the memo he says specifically, "Unless we have a signed agreement with the City this month guaranteeing water to Rancho Elisa," he does not say guaranteeing water to the entire community, he says to him. "I intend to do an educational campaign for the Hyde Park Road residents and the EZA Commissioners. You may discover considerably more opposition at your next hearing."

He also implies that a simple phone call to the decision makers may have changed the results of a public hearing. The long and short of it is Mr. Klauck manufactured and generated opposition from a group that had previously approved our project and he did so for one purpose and one purpose only and that was to blackmail Mr. Brutsche into doing something for Mr. Klauck that frankly Mr. Brutsche cannot do. Mr. Brutsche doesn't own the water system. The City owns the water system. The City passed a resolution that says, Mr. Klauck, you have to have an agreement with us that says you can have water or you've got to ask us for it. He chose not to ask for it and he chose a different tactic.

The tactic resulted in, in my opinion, in one of the most vile attacks on Mr. Brutsche and Mrs. Brutsche, an unfair characterization of them and their business over the course of the last 10 years. If you turn to tab 10, I've listed for you the things that Mr. and Mrs. Brutsche have done for this neighborhood over the last ten years. They extended the regional water system at their expense. They have donated in excess of \$700,000 towards the purchase of open space in this neighborhood. They donated 50 acres of land along the Little Tesuque to the Trust for Public Lands. They granted public access, trail easements throughout their developments. They conceived of a development-free corridor and they've ensured that their developments have preserved that corridor. They are the only ones in this neighborhood who have done that. They've imposed restrictive covenants on their developments in the neighborhood far stricter than the Codes that apply in this area for the express purpose of preserving the quality of this neighborhood. They have entered into the written agreement with the Nature Conservancy that donates over 340 acres of land that will ultimately become public lands, hopefully in the hands of the City. They've agreed to make a very substantial donation to the Nature Conservancy. They've entered into the land use agreement with the Canyon Neighborhood Association for the express purpose preserving the ridgetops and the Aztec Springs Watershed. They're the only parties in this neighborhood to do affordable housing. They've already done the necessary retrofits on the City system to ensure that there is water available on the City system to serve this development.

You've already been through the other remaining items on that list and there are three left. I would say, the long and short of it is Mr. Brutsche and Mrs. Brutsche have been good neighbors. They reached out to this neighborhood and unfortunately, their good faith was repaid in a manner which frankly, was fairly offensive. And what it sought to do was to undermine their credibility with their immediate neighbors. I'm glad to say that it didn't work and that the Extraterritorial Zoning Authority found a way to really home in on the issue of water availability in this area to the neighborhood. And they imposed a condition which said, Would you please accept a condition that allows the City to determine that there is water available from this tank to serve people outside the city limits in this area from this tank. We know from our engineering experts here that this tank has the capacity to serve up to 720 residences. That's enough to serve everybody's who's requesting or might request water service outside the city limits.

With that we would stand for any questions you might have related to any of the issues that we've discussed. And I know there are other people here to speak as part of the public hearing. Thank you very much.

CHAIRMAN SULLIVAN: Questions for the applicant?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Sommer, regarding the -- I need some clarification. You have total dwelling units, 107 on 105 lots. That means two lots are going to have two dwellings on them?

MR. SOMMER: Yes. They will be house and guesthouse.

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COMMISSIONER MONTOYA: So just two will have guesthouse and a house.

MR. SOMMER: That's correct.

COMMISSIONER MONTOYA: Okay, so you would estimate about what, 13 percent would be affordable housing then?

MR. SOMMER: Sixteen percent.

COMMISSIONER MONTOYA: Sixteen percent?

MR. SOMMER: The City's affordable housing program, you heard from Mr. Fields earlier today, they were doing 11 percent, we're following the City's affordable housing program, their HOP program, Housing Opportunity Program, and it requires 16 percent affordable housing and we're doing almost half of it in the first phase.

COMMISSIONER MONTOYA: Okay. So you would count the 105 lots by the 14 affordable lots.

MR. SOMMER: How it works is you say 91 lots are market rate, 16 percent of that is 14, so you add those 14, so 91 plus fourteen is 105. I've also, there are a couple of things I'd like to clarify. We're actually at 103 lots and I'll go over that in just a second. But anyway, to answer your question, the way they calculate it is 91 market lots, 16 percent of 91 is 14, and so you add that on. That comes to a total of 105.

COMMISSIONER MONTOYA: Oh, okay. Thank you.

MR. SOMMER: I did neglect to say one thing. At the EZA, we agreed as part of our discussions with a couple of members of the Hyde Park Estates area right here, there are some lots right up here that look across at this property. There is a prominent knoll in our development in the area at the northeast, at the northeast area of the Grevey property. We've agreed to take the most prominent building site out of that lot as part of our discussions with the neighbors. It's not in our plans because it came up at the EZA and I agreed to it on the record and I'd like to make it part of this record. In addition, we've agreed to, in lots 1, 2, 3, 4, 5, 7, 9, and 10, that area of our plan, we've agreed to take two lots out of there, reduce the number of lots by two to reduce the density because of the potential visibility.

I'd like to add that all of our houses have a height limitation of 14 feet from the highest grade and 16 feet at every other location. So these are going to be single story construction. The other thing that we've agreed to do and which we will put in our covenants is the people in Hyde Park Estates are going to look across at this development. And they don't want to see, if possible, shining, reflecting lights during the summer off of like flues and roof equipment and that kind of thing. We're going to impose covenants to limit and reduce that by requiring that they be painted, reduce the reflectivity, require that they conceal it with parapets and the like and we'll go through that with them as we develop those covenants.

But I wanted to put on the record here tonight, because I didn't do so earlier, that we had made that commitment to those neighbors and we will follow through with that even though I don't believe it was a condition at the EZA. We agreed to do that. We're agreeing to do that here tonight. And whether or not you include it as a condition I want the record to be clear that we will follow through on that with those individuals.

I know that Mr. Ellenburg will also probably like the reflectivity issues included in the

covenants that we've agreed to with them and I have no objection to doing that and that would make it specifically enforceable by the Canyon Neighborhood Association and the Audubon Center. Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya, anything else?

COMMISSIONER MONTOKYA: Mr. Chair, I don't know, staff or whoever, how long has the City had that land in the middle of that property and who did they obtain it from? I'm just curious.

MR. SOMMER: It's been well over 50 years.

COMMISSIONER MONTOKYA: Fifty?

MR. SOMMER: Well over 50 years.

COMMISSIONER MONTOKYA: And was it donated to the City?

MR. SOMMER: I think it was donated to the City as part of the funding that the federal government did for education. And so municipalities were given land as part of being able to provide for the education of their citizens. That was the tract that they got, I believe. And it's been in their hands for a very long time. It's landlocked by the way. They don't have access to it. The City does not have access to it and part of the discussions that we've had with the Nature Conservancy is that they will get access and that the City and the public will have access to public land, legal access. I'm sure that the people who live in that area can tell you that people are hiking on it all the time. There's a lot of wildlife back in there. There's bear, there's deer. There's many birds. It's a beautiful area and there's a spring that runs through it. The City has a very big interest in managing that well. So that's part of the donation agreement that we're working with the City on.

COMMISSIONER MONTOKYA: Thank you.

CHAIRMAN SULLIVAN: A question I had, Mr. Sommer, which is one I had for one of the other applicants was under this HOP program you say seven units will be developed during phase one. Who's going to develop them?

MR. SOMMER: Mr. Brusche or the development entity that Mr. Brusche runs will develop them themselves. He will develop the lots and build the homes.

CHAIRMAN SULLIVAN: And he'll build the homes.

MR. SOMMER: That's correct.

CHAIRMAN SULLIVAN: So he will then meet the City's income requirements, or will they be sold or will that be turned over to Homebase or some other entity?

MR. SOMMER: We are working with the Santa Fe Community Housing Trust. There are two things that have to happen. We have to sign with the City before we can record any plat. A HOP agreement, so the agreement that Mr. Catnach was requesting as part of that other application you had, we'd have that with the City. We're also working with Mr. Ben Martinez at the Santa Fe Community Housing Trust to qualify our buyers under the City's program. So we're working with two entities. One is the City, the other is the Santa Fe Community Housing Trust.

CHAIRMAN SULLIVAN: Okay, so it's not a situation like at Los Frijoles

where they sold the lots for \$30,000. You're going to build and close on the homes, the completed home.

MR. SOMMER: That's correct.

CHAIRMAN SULLIVAN: Okay. Thank you. Other questions for the applicant. If not, this is a public hearing. Are there those present who would like to speak, either in favor of or in opposition to the project. Okay, why don't you just stand up and stretch and have the Clerk swear you in. We don't have any organized method here. If you want to just move to the front and we'll catch you as you come up to testify. Yes, sir.

[Duly sworn, Baylor Trapnell testified as follows:]

BAYLOR TRAPNELL: Chairman Sullivan and Commissioners, my name is Baylor Trapnell. I live at 2092 Pasco Primero, 87501. My lot backs up on the Grevey property on the development. The ridgeline that defines the watershed or the non-watershed basically ends up in my backyard. I bought my lot in 1982 and I've lived there every since I built my house in '84 and '85. It's been wonderful living next to a huge piece of undeveloped land but it hasn't been without problems and concerns.

I have neighbors living in the woods. And that creates a fire concern because one cigarette butt on a windy June afternoon 100 feet from the edge of the watershed could cause quite a bit of damage before anyone got to it. And while the watershed is patrolled and closed to public access, the land that's going to be developed is open to anyone who chooses to camp up there and many individuals have and do. I can show you a campsite that's a stone's throw from the watershed. Any day of the week individuals can be seen on Hyde Park Road, hitchhiking up and down and they move around in the woods, living there.

Another concern has arisen more recently with the bark beetle infestations. The elevation of this development is approximately 8,000 feet at its highest and we have outbreaks of bark beetles but they are not everywhere. I belong to both the Santa Fe Summit Homeowners Association and the Los Cerros Colorado Homeowners Association. Both those bodies have taken very aggressive positions fighting the bark beetle infestations. Owners are required to spray and they're required to remove infested trees to prevent further spreading.

A piece of property this size undeveloped is uncontrollable, both from human access and from insect access. I think we're fighting a pretty good holding action up at that elevation, but if that land is not developed and placed under the stewardship of individual owners and the oversight of a homeowners association, there's just nothing to control what's going on on there.

I've also known Mr. Britsche since 1985 and watched as he's developed up and down Hyde Park Road and I can't think of anyone I would rather have develop this property who's done a better job in the neighborhood. He's done more things for the neighborhood and who would do I think a very fine development like his others on this piece of property. And so I urge you Commissioners to approve this development. Thank you.

CHAIRMAN SULLIVAN: Thank you, sir. Next speaker. And please limit your comments to three minutes.

[Previously sworn, Paige Pinnell testified as follows:]

PAIGE PINNELL: I didn't realize we had been limited to three minutes. My

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name is Paige Pinnell, P. O. Box 2892, Santa Fe, 87504. I'm here representing a group called Save our Sangres. We're concerned that this piece should not be developed at all. As you can see, it has the City piece in the middle of it. It's in the middle of all the trail systems. It abuts the watershed area. It's as priceless a piece as the MacLaine piece, as the Hughes piece, as the Parker piece to the public domain, which our group, by the way, helped to save those pieces.

We're very concerned about the rapidity that this particular project has been run through the process. There has been very little attempt and very little help at getting public input, in fact everything's almost been done to keep it at a minimum and within certain constraints. I only found out about this thing two months ago at a Canyon Association meeting. And many people just found out about it the other day. In fact the Governor of Tesuque Pueblo, who was here tonight for a while, just found out about it last week. He was sorry he could not be here but he asked that I express that to you, that he felt like the Pueblo had not had enough time to scrutinize this particular development on a number of levels and one of them is this particular area has two major archeological sites on it that have been discovered but nothing's been done about them and Tesuque definitely would like to see those sites, see if it's part of their cultural realm, and then talk more about what to do with it.

But if this project does continue, those sites will be destroyed. Where they're platted will be gone. Also Tesuque Pueblo's concerned about the Little Tesuque area. But we feel like there are other issues that are so large that at least more time needs to be given to scrutinize them. Water, fire, traffic concerns that haven't been met, the archeological sites which I have mentioned, the fact that the City needs to look into its ability to be able to furnish water to this project. And I think it's kind of a horse before the cart to okay this project and then later have the City find out that their pipeline cannot furnish the water that Mr. Sommer claims that they can.

The density is a problem. The fact that so many variances are going to be given for terrain management. And I pointed out at the Extraterritorial Zoning Authority that a lot of people don't know that the County's going to be involved in a suit that will be happening a the federal courthouse the end of next month concerning how much authority the County has over federal land that falls within its jurisdiction. And this has to do with the ski area and how much terrain they're going to damage in putting a new lift in. And it's a very interesting question. In fact, the ski area is going to dislodge less land that this project will. I find that very interesting.

I also feel like that a good case to be made, this project should fall within the Mountain Special Review District. If that was the case, it would be one house every 20 acres. Again, time – this thing has been propelled so swiftly that a lot of these issues have not been dealt with adequately. And I do feel like a lot of the opposition that was here at the Extraterritorial Zoning Authority, some of them even came in tonight, they saw when it was on the agenda. They looked around, saw the only person that was against the project is not here tonight with the Commission, and just decided to bag it. I think a lot of people feel like it's going to end up in litigation and what the heck? Why spend your night doing this when it's going to end up in litigation anyway. I personally feel like I'd like to spend my night asking you all to table this thing until a lot of these issues have really been honestly dealt with, public input has been heard

and a really good decision is made on what to do about this property. And that would give us time to find a land trust that would take this thing on and do a wonderful job with it. It should not be developed. Thank you very much.

CHAIRMAN SULLIVAN: Thank you, sir. Next speaker.

[Previously sworn, Ben Martinez testified as follows:]

BEN MARTINEZ: Ben Martínez, 649 Granada, with the Santa Fe Community Housing Trust. I'm the project manager. About last August I was amazed, almost fell on the floor when I was approached by Mr. Sommer offering us the HOP units. We did not solicit these. They were given to us through the Brutsche and Associates. Not only will there be these 14 units in previous developments I believe we're going to get six for a total of 20 units. These are the only affordable units on that side of town. Also, they will meet the eligibility requirements of income. These are working people.

Just to let you know, we have County employees, City employees, teachers, policemen and workers. Your brother, your sister, who are applying for these units. Unfortunately, with 20 units we already have a waiting list of 60 families looking. They will be built by the developer. They are not fancy things but they're beautiful. Then through the HOP, there will be an affordability standard maintained through it so there will not be profiteering. Because that family has to stay with it originally. There's a process to protect these from mass speculation. I myself have seen the units, have seen the area. I think they are managing it quite well and I do urge you to move forward on this because as you know we still have a crisis in housing and I feel that when it comes to solving this problem, remember, these are common problems so there must be shared solutions. Everybody takes a little bit and gets a little. Thank you.

CHAIRMAN SULLIVAN: Thank you. Who would like to go next?

Commissioner Anaya is watching on TV so don't worry. He hears you.

[Previously sworn, Janet Degan testified as follows:]

JANET DEGAN: Janet Degan, 2125 Paseo Primero. The Grevey property is not eligible for City water. Attached is the City resolution number 16, 1994, which includes the Grevey property from eligibility from City water. This was not submitted in the EZC or EZA hearings so it's very important that you review this agreement. This information has been withheld from you by Summit Properties' lawyer. Within the urban boundary areas eligible for City water is Hyde Park Estates I, II, and III, Ten Thousand Waves, Rancho Elisa, Summit North and Summit South. The Grevey property is not inside the urban boundary area and is not eligible for City water. The water issue alone is reason enough for turning down this development. There are other issues to reconsider.

The proposed development violates key elements of the neighborhood plan adopted by EZA Ordinance 1994-2 amendment, effective April 15, 1994 incorporating the Hyde Park Road Planning Group's neighborhood plan. Although Summit Properties is currently disregarding many key factors of the neighborhood plan they co-authored, agreed to, and signed the neighborhood plan on March 30, 1993 and are presenting that there are elements in the neighborhood plan that they aren't following.

There have been numerous misrepresentations by the development team claiming they

have approval from the neighborhood. This was an informational meeting of a schematic plan, the one they referred to on August 16<sup>th</sup>, attended by a handful of neighbors and Karl Sommer claims there was a vote. There was no vote. The plan presented showed no contours. The road configuration was entirely different. It was a barely legible overlay on a very dark aerial photograph. In an agreement dated last year there was reference to the Grevey property and a stipulation requiring that Summit Properties must present development plans for review and approval by the Hyde Park Road Planning Group. This never occurred.

The neighborhood plan also requires a development and review process with the neighborhood plan which has not happened. 230 people who use this region or appreciate it have signed a petition for a development moratorium. It was zoned between the city and the national forest because of concerns of more development in a major fire zone in a drought with damaged forests losing potential value for open space, increased erosion potential on steep slopes, water issues, significant archeological sites, the degradation of the corridor protection zone. A very key element of the neighborhood plan which is totally ignored by this development.

We need to maintain the safety and integrity of the scenic byways. With densities and open space that may contain the rural mountain environment, trail and open space usage, adherence to the neighborhood plan and an open space acquisition plan. I had further details on how it doesn't fit the neighborhood plan but I don't think that I have the time to say them in this three minutes.

CHAIRMAN SULLIVAN: Thank you, Ms. Degan. Could you give a copy of this to the Clerk?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Ms. Degan, of those 230 people, how many live in that area?

MS. DEGAN: Oh, on the petition?

COMMISSIONER MONTOYA: Yes.

MS. DEGAN: Oh, it's area wide. It's citywide, countywide. On the petitions you'll see the addresses there, not from just the neighborhood.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: Anything else, Commissioner?

COMMISSIONER MONTOYA: No. That's all.

CHAIRMAN SULLIVAN: Thank you, Ms. Degan. Next speaker please.

[Previously sworn, Robert Palmer testified as follows:]

ROBERT PALMER: My name is Robert Palmer. I live at 2068 Paseo Primero.

It's near Aztec Springs. It's in this area here bordered by the national forest on the east, the Grevey property on the south and Hyde Park Estates on the west. We have our own water system. And I feel that I would prefer this subdivision did not happen. I'm concerned about density. I request that a decision on this issue be delayed to allow further study and public input which there's been very little over. The coverage in the press has been sort of misrepresented I

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think to show it as a fight between two developers. Actually, the real issue has more to do with the highest possible use for this unusual piece of property in an unusual place.

This location and steep terrain suggests to me that preservation of open space or at least a considerable reduction in density would be beneficial, both to the City of Santa Fe and to our neighborhood's rural residential qualities. Representing the Aztec Springs Water Association, I also request that enough tax to the City water system be set aside to accommodate the potential needs of all existing residents in the area as a priority to accommodating any new proposed subdivisions. We've been there a long time and have a stake in our homes and it would be detrimental if we had no other choice, if our water system failed and could not be restored, we feel like we would like to know that there would be a potential to hook into the City system in some way at that time.

We don't want to do that now, but we may need to in the future. I don't want to just be told that I have to buy a truck with a tank on it because the City has no more room to let us in. I feel like the system was installed for the benefit of everybody who served on that Hyde Park Road and it should be taken into account those of us who've been there a long time. That's all. Thank you very much.

CHAIRMAN SULLIVAN: Thank you, sir.

[Previously sworn, Ray Olson testified as follows:]

RAY OLSON: My name is Ray Olson, 1448 Novato Ridge, Santa Fe Summit in Santa Fe. I'm under oath. I am also on the HPRPG. I'm a voting member. There seems to be an impression that the HPRPG rejects or doesn't approve this project. The HPRPG has to have unanimous decision in order to make that statement and they don't have mine. And I am a voting member. There were four voting members at that meeting on August 16<sup>th</sup>. Typically, what happens when a member, any member, decides that there's something alarming about a development, the voting members are called together and asked to do something about it. There was no call to arms. Nobody got concerned as a result of that meeting where that plan was presented and there were at least four of us there.

When I see a piece of property like the Grevey property and I know that it's up for sale, has been for a while, and I see a developer come along that is going to do a good job, an acceptable job, a prime job, then I feel pretty confident that he's the one that ought to develop that property. And Mr. Brutsche has proven in the past that when he takes on a project, he minimizes the impact on the local people and he is exceptionally beneficial to the society. His donations, his giving of land is exceptional in this area. I definitely think that you ought to approve his project. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Olson.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Olson, regarding the five members of the HPRPG, approximately how many people do you represent?

MR. OLSON: I am a co-member of the Santa Fe Summit Homeowners Association. We only get one vote. One of us has to be there to vote. And there are actually, I

believe, six now because we were accepted into that group in May of 2002. And I know that there's a fellow named Tichman that's over on, I think Hyde Park III, and he was not at the meeting. So I would guess that there are about six. We have in the Summit 65 current members. So my representation would be for those 65 people. Now I'm not speaking here tonight as a representative of HPRG. Because we haven't taken any action to do that. I don't know how many people are in the other groups.

COMMISSIONER MONTROYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Okay. Anyone else like to speak on this project?  
[Previously sworn, Karen Merrivether Bailey testified as follows:]

KAREN MERRIVETHER BAILEY: Good evening. My name is Karen

Merrivether Bailey and I am the open space chair and vice president of the Canyon Neighborhood Association. My address is 1677 Cerro Gordo Road in Santa Fe. I just wanted to speak on behalf of our experience as the Canyon Association. As was mentioned earlier this evening, our concern is the preservation of the integrity and beauty of the Santa Fe Canyon. And that's one of the focuses of our organization. We've had several different issues that we had to work on over the past few years. It's become almost a career, preserving the Santa Fe Canyon and we have been watching the Grevey tract for several years now, when we first saw that it was advertised for sale in the *New Mexican*. And when we learned that this project was begun, Mr. Brutsche, there were several people before this who were interested in developing the project and it did not evolve.

And when we learned that Mr. Brutsche was going to develop this we spoke with his representatives and they came and made a presentation to the Canyon Neighborhood Association, and people were appalled and shared their comments, what troubled them. Mainly it was the visibility of development on the ridge of the Santa Fe Canyon. And so after several meetings and negotiations, the canyon has been protected through just conversations and presentations that have been made. People's comments and working with Brutsche and Associates to preserve the Santa Fe Canyon.

What's happened is that they have moved the development off the ridge into the Hyde Park area. I can understand the concerns of the Hyde Park people but I also feel that this canyon, this property is for sale and it's going to be developed by someone sooner or later and even members of the Hyde Park Homeowners Association have recognized that. So for us, it's a way of preserving the Santa Fe Canyon and that's our concern. And I am sure that it's hard for the people in Hyde Park and I feel for them but I really can't get involved in their side of the discussion because we've been working on this for several years. What we have worked out in the land use agreement and in the covenants has turned out to be a very good thing, not only for the Canyon Neighborhood Association but for the community of Santa Fe because this canyon belongs to the community. And it's a resource, it's an asset, it's a treasure. Historically and today. And so for us, from our viewpoint, we feel that this project as it's worked out is in fact preserving the Santa Fe Canyon and we're very grateful for that. Thank you so much.

COMMISSIONER MONTROYA: Mr. Chair

CHAIRMAN SULLIVAN: Question from Commissioner Montoya.

COMMISSIONER MONTOYA: How many members are part of the Canyon Neighborhood Association?

[Previously sworn, Rich Ellenburg testified as follows:]

RICH ELLENBURG: My name is Rich Ellenburg. I reside at 1714 Canyon Road. We have about 125 members. Our mailing list of families is about 650.

COMMISSIONER MONTOYA: Okay. And Mr. Ellenburg, where do the majority of those members reside?

MR. ELLENBURG: Most reside off of Canyon Road or off of Canyon Road and off of Cerro Gordo. The neighborhood boundaries are all the streets that come off Cerro Gordo and all the streets that come off Canyon Road, plus a number of the area that goes over to Rio Rancho School and we pick up a little bit of the area just below us, around Cristo Rey Church where the neighborhood organization wasn't very strong and they've elected to join with us.

COMMISSIONER MONTOYA: Thank you. Thank you.

MS. MERRIWETHER BAILEY: So basically it's the entrance from the canyon from Cerro Gordo and Upper Canyon and everything else.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN SULLIVAN: All right. Next speaker.

[Previously sworn, Carolyn Schmyer testified as follows:]

CAROLYN SCHMYER: I'm Carolyn Schmyer. I live at 3200 Camino Lisa, Santa Fe, 87501. Living there on a cul-de-sac at the end of Camino Lisa, I'm the one that has the primo view that is to come when this development takes place if it does. And that is not a negative as far as I'm concerned. I have some really strong feelings about this whole thing. To begin with I have lived for six years now in Hyde Park Estates and loved it. I love the forest. I grew up in Tennessee in the trees and this is the closest I could get to getting my trees back again and I love that area and have tried to preserve it.

Ten years before that I lived across the road at Rancho Elisa and I worked hard at Rancho Elisa with the neighborhood planning group. I was one of the pioneers in that and you'll find my signature on one of those sheets signing off on the plan. I moved across the road and have been extremely happy there. None of us like to see changes, I think, especially where we have a lot of green around us. But I, as I get older perhaps, am becoming more of a realist and I'm not going to argue with the inevitable. That property is a beautiful piece. It is going to be built on whether it's now, whether it's later, it is going to be developed and if it is, I want Ralph Brutsche to be the one to do it.

Having been in that area for that length of time, when I was at Rancho Elisa, I watched High Summit go in. I always walked my dog up there. I walked those trails. I watched road by road as they were built. I went house by house as the houses went up. And what I say was that Mr. Brutsche really respected the environment. He did the impossible. I would never have believed it. He maintained open space and his work was with a lot of integrity and skill. He managed to do the impossible and actually enhance a lot of the natural attributes of the area. I've seen the same thing happen over in Summit South. I've walked Summit South. Same deal

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putting in the road. I stood over there and I've looked over at my place. I have a good feeling. If anybody's going to develop there and I want it to be with someone that has the integrity and skill that is involved with this Summit development. So I totally support what's happening, even if it is in my backyard. Thank you.

CHAIRMAN SULLIVAN: Thank you. Anyone else who'd like to speak in favor of or in opposition to the project? Okay. I don't see anyone. That will close the public hearing. And we'll move this project back to the Commission for final discussion. Let me just say that the only thing that bothers me and the process I think that the applicant has gone through, I think is fine, whether it's expedited or whether it's not. But really the only concern I have is that some of these lots are down as little as .3 and .4 acres on this extremely steep slope and I know they're somewhat larger in Hyde Park Estates. I just have a concern we're going through preliminary, final plat and everything here and just looking at these plats without walking every centerline of these proposed roads, I just have a concern that we're creating an appropriate density there with lots that small. That's my major concern with this. Any other comments from the Commission?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I just want to let the public know that we've been here since three o'clock and when I get up and walk into the other room, it's not that I was trying to ignore you.

CHAIRMAN SULLIVAN: He was watching it on TV. I saw him.

COMMISSIONER ANAYA: I was watching it on TV. I was just trying to

stretch my legs a little. I just want to let the public know that. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: I said you were watching it on TV. We have to take a break some time. Anyone else want to comment, questions?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I'd like to make a motion and hopefully I'll remember all the things I would like to incorporate in this motion. So I would like to make a motion that we approve EZ Case #5 03-4770 with staff's conditions, with City conditions, with EZC conditions and EZA conditions. I think that should cover it.

COMMISSIONER ANAYA: Second.

COMMISSIONER MONTTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Motion and a second. Discussion? Commissioner

Montoya.

COMMISSIONER MONTTOYA: Is it the EZA that has the reflectivity part of their conditions?

COMMISSIONER DURAN: Any changes? Yes.

COMMISSIONER MONTTOYA: Okay. And the applicant has already stated

they feel --

MR. SOMMER: Commissioner Montoya, yes. Correct. All of the conditions

that he talked about and I think he said reflectivity. We'll include that and I understand, I'm saying on the record that Commissioner Duran's motion includes that condition I talked about being with the reflectivity and rooftop stuff. So the record's clear. I know that's part of it.

COMMISSIONER MONTOYA: Okay.

MR. SOMMER: Is that what you were asking?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER DURAN: The other thing is it does include your agreement with the Canyon Association.

MR. SOMMER: It does, as a specific condition.

COMMISSIONER DURAN: Right.

MR. SOMMER: All of the things that I put on the record earlier. If we could clarify one thing, as I said, this meeting has been noticed up and requested by us for the variances as we applied for. And staff has supported those variances, all of them, the ones in front of the EZA, in front of the EZC, and in front of you all, and they include the variances to 30 percent slopes and to the 50 percent rule. So if that was included in your motion we would appreciate it.

COMMISSIONER DURAN: It was.

CHAIRMAN SULLIVAN: Okay. Any more discussion? And again, I agree with those who have said in this development that probably it's going to occur regardless and we would like to see someone do it properly. I think it's too dense. That's my personal opinion.

The motion to approve EZ Case #S 03-4770 passed by majority 3-1 voice vote with Commissioner Sullivan casting the negative vote.

CHAIRMAN SULLIVAN: I think our Clerk has left, but I had forgotten during the work chase. I had a letter that I wanted to enter into the record that was submitted and wasn't mentioned and I just want to give that to the Clerk. Mr. Ross, would you give that to the Clerk.

MR. ROSS: Sure will, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you. All right. I think it's now coming to the witching hour. If we stay here six more minutes, gentleman another day will have passed and we'll get another day of per diem.

5.3.4 Public Hearings on Preliminary Plats

The proposed preliminary plat shall be reviewed by the County Development Review Committee and the Board according to the procedures set forth in Article II, Sections 2.3.2, 2.4 and 2.6 of this Code.

5.3.5 Preliminary Plat Approval

- a. Approval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide to the preparation of the final plat.
- b. The Board shall not approve the preliminary plat if the subdivider cannot reasonably demonstrate that he or she can fulfill the requirements of the Code, the New Mexico Subdivision Act and the subdivider's disclosure statement.
- c. Action. Unless the applicant has agreed to a tabling, within thirty (30) working days after the Board's public hearing, the Board shall approve, approve with conditions, or disapprove the preliminary plat at a public meeting, the date, time, and place of which shall be announced publicly at the conclusion of the public hearing.

5.3.6 Expiration of Preliminary Plat

- a. Expiration. An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Prior to the expiration of the preliminary plat, the subdivider may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six (36) months.
- b. Phased Development. If the preliminary plat was approved for phased development, the subdivider may file final plats for portions of the development, and the expiration date of the preliminary plat shall be extended for an additional thirty-six (36) months after the date of the filing of each final plat. The number of phased final plats shall be determined by the Board at the time of the approval or conditional approval of the master plan.
- c. Expiration effect. The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.

5.4 Final Plat Procedure

5.4.1 Introduction and Description.

5.4.1a Final plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions. Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the subdivider may prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. At the discretion of the Code Administrator, preliminary and final plats may be reviewed for approval simultaneously. Final plats for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with the master plan as specified in Section 5.2. above. The final plat shall comply with the New Mexico Subdivision Act and these regulations.

5.4.1b Application and Fees. A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these regulations. Final plat submittal is initiated by completing an application on a form available



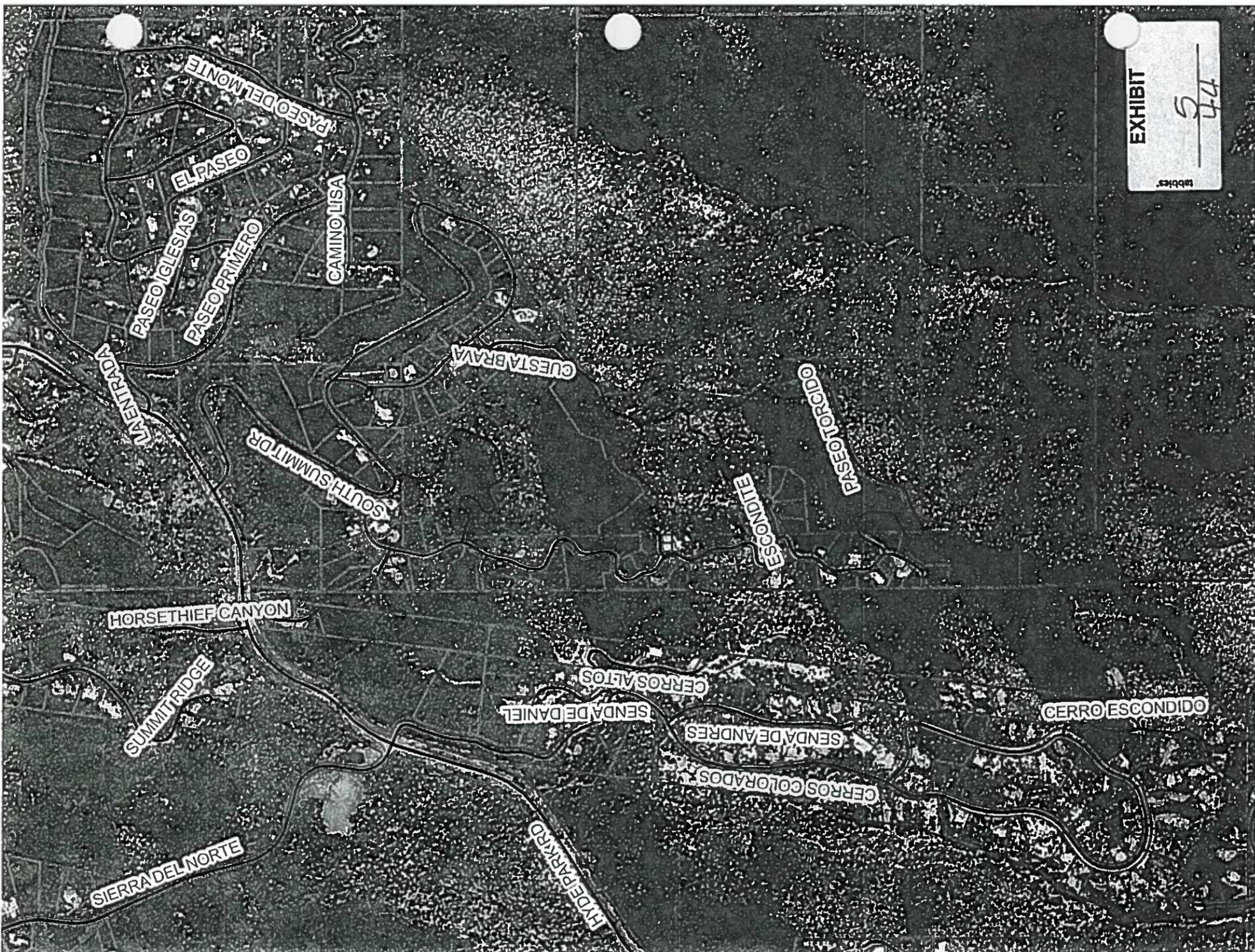


EXHIBIT  
544  
tabbles





Daniel "Danny" Mayfield  
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

**DATE:** July 30, 2014

**TO:** Board of County Commissioners

**FROM:** Vicente Archuleta, Development Review Team Leader *VA*

**VIA:** Katherine Miller, County Manager *KM*  
Penny Ellis-Green, Growth Management Director *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor

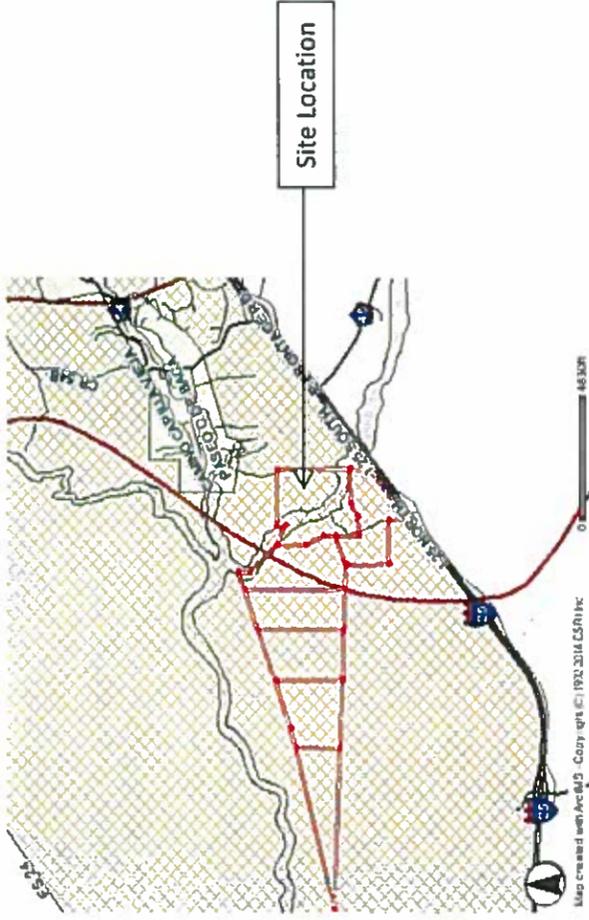
**FILE REF.:** BCC CASE # Z/V 13-5131 Ranch at Santa Fe Canyon Master Plan Amendment

**ISSUE:**

Ranch at Santa Fe Canyon LLC (formerly known as Santa Fe Canyon Ranch LLC), Applicant, request a Master Plan Amendment to the previously approved Master Plan (Santa Fe Canyon Ranch) to remove six tracts of land (containing 845 acres) from the approved Master Plan which consisted of a total of 1,316 acres. The request also includes a variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Swimming Pool Ordinance) to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).

**Vicinity Map:**



**SUMMARY:**

On July 17, 2014, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of the Master Plan Amendment to the previously approved Santa Fe Canyon Ranch Master Plan to remove six tracts of land (Tracts 4A-4F containing 845 acres) from the approved Master Plan which consisted of 1,316 acres (Refer to July 17, 2014 CDRC Meeting Minutes as Exhibit 4). The CDRC also recommended approval of the variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Swimming Pool Ordinance) to allow the installation of only one swimming pool on the 845 acres utilizing permitted water rights.

As for the request to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only, the CDRC recommended approval of all the Applicant's requested changes with the exception of letter J.

Letter J, as proposed by the Applicant, states: "To the extent water is being used from a NMSA § 72-12-1 (1978) well, Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species." (Refer to Proposed Water Restrictive Covenants as Exhibit 6). On September 30, 2008, the Board of County Commissioners (BCC) granted Master Plan approval for a residential subdivision consisting of 162 lots (174) residential units on 1,316 acres to be developed in 3 phases. At the time of approval the Applicant proposed to construct a new

on-site community water system. On September 10, 2013, the Board of County Commissioners (BCC) approved a 2-year time extension of the previously approved Master Plan for the Santa Fe Canyon Ranch Residential Subdivision consisting of 162 lots (174 residential units) on 1,316 acres to be developed in three (3) phases (Refer to September 10, 2013 BCC Meeting Minutes as Exhibit 5).

Since the time of approval of the original Master Plan, Santa Fe County purchased approximately 470.55 acres of the 1,316 acres (Santa Fe Canyon Ranch). The property is made up of three Tracts which consist of Tract G (188.70 acres), Tract H (141.47 acres) and Tract I (140.38 acres) now known as La Bajada Ranch.

The Applicant is now requesting a Master Plan Amendment to the previously approved Master Plan (Santa Fe Canyon Ranch) to remove six tracts (Tracts 4-A through 4-F) of land (containing 845 acres) from the approved Master Plan which consisted of a total of 1,316 acres. The remainder of the Master Planned area currently owned by Santa Fe County would remain intact.

Article V, Section 5.2.1.b 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 sub-divider 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".

The Applicant is also requesting a variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Design, Construction, Operation, Replacement and Maintenance of Swimming Pools within the Unincorporated Ares of Santa Fe County) to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

Article VII, Section 6.6.2g states: Swimming pools, of a permanent or temporary nature are not permitted, except as commercially operated or publicly open community facilities." Ordinance No. 2007-1 outlines the standard and guidelines for swimming pools and goes on to state: "This Ordinance shall only apply to lots of record created prior to the enactment of the Santa Fe County Land Development Code, Ordinance No. 1996-10".

Tracts 4A through 4F were created by 140 Acre Exemption and recorded on February 6, 2006.

Tract 4A through Tract 4D lie within the Homestead Hydrologic Zone which allows one dwelling unit per 160 acres or 40 acres per dwelling unit with .25 acre feet per year water restrictions. Tracts 4A through 4D are 140 acres in size and are currently allowed 3 dwelling units per tract with .25 acre feet per year per dwelling unit water restriction (Refer to Declaration of Covenants and Water Restrictions for Santa Fe Canyon Ranch, LLC as Exhibit 7).

Tract 4E (142 acres), partially lies within the Basin Fringe Hydrologic Zone where the minimum lot size is one dwelling per 50 acres or one dwelling per 12.5 acres with .25 acre feet per year water restrictions. The remainder of Tract 4E lies within the Homestead Hydrologic Zone.

Tract 4F (214 acres), lies within the Basin Fringe Hydrologic Zone. There are no water restrictive covenants imposed on this lot.

**This Application was submitted on June 10, 2014.**

**Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the Master Plan Amendment is in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Master Plan Amendment to the previously approved Master Plan (Santa Fe Canyon Ranch) to remove six tracts of land (containing 845 acres) from the approved Master Plan which consisted of a total of 1,316 acres. The request also includes a variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Swimming Pool Ordinance) to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

**GROWTH MANAGEMENT AREA:** SDA-2

**STAFF RECOMMENDATION:** The Application for the Master Plan Amendment is in conformance with Article V, Section 5.2.1b of the Land Development Code. The remainder of the Master Plan can function as its own development, the remainder is a viable phase and the remainder meets the uses and density requirements of the Code. The CDRC recommended approval of the Master Plan Amendment to remove the six tracts of land from the Master Plan. The motion passed by unanimous vote (5-0).

The CDRC recommended denial of the covenant revision to J and thus requiring the Applicant to abide by landscaping irrigation and xeriscaping principles however water is supplied. The motion passed by majority vote (4-1).

The water rights have been transferred to the entire property and can be used for domestic purposes. The CDRC recommended that the Water Restrictions on the property be revised to reflect the full amount of the permitted water rights and the changes as proposed by the Applicant with the exception of Letter J which states: "Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species."

The CDRC also recommended approval of the variance for the installation of one and only one swimming pool on 845 acres/six parcels restricting the Applicant to using water rights for the pool. The motion passed by a majority vote (4-1) subject to the following condition:

1. The Applicant must use permitted water rights for the pool and cannot exceed permitted water rights for all development on the property.

**EXHIBITS:**

1. Letter of Request
2. Existing Master Plan
3. Santa Fe County Plat
4. July 17, 2014 CDRC Meeting Minutes
5. September 10, 2013 BCC Meeting Minutes
6. Applicants Proposed Water Restrictive Covenants
7. Recorded Water Restrictive Covenants
8. Aerial Vicinity Map
9. Letters of Support

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*Of Counsel to the Law Firm*  
Michael G. Sutin  
Robert P. Worcester  
J. Michael Hyatt  
Joseph A. Sommer  
(1922 - 2006)

June 6, 2014

Via Hand Delivery

Penny Ellis-Green, Director  
Santa Fe County Growth Management  
102 Grant Ave.  
Santa Fe, NM 87501

Re: Plat of Survey for the Ranch at Santa Fe Canyon

Dear Ms. Ellis-Green:

As you know from our original request dated May 22, 2014, we represent the owner of the Ranch at Santa Fe Canyon, LLC

The purpose of this letter is to request to be placed on the Community Development Review Committee Agenda for Thursday, July 17, 2014. We request that the Property that is described on the attached legal description be withdrawn from the Master Plan for this Property, that the water covenants be modified and amended to allow for the free use of the water rights (the non NMSA §72-12-1 water rights) which are appurtenant to the Property, and finally, that the Property be granted a variance for the installation of a pool on the Property.

Please note that the purchasers now propose that the existing 6 lots will be maintained as a part of the sale rather than adjusting the lot lines from 6 lots to 3 lots.

I also enclose the completed Development Permit Application, our exhibit to the Development Permit Application, and the requisite filing fee of \$250.00.

We appreciate your assistance with this matter. Please contact me if you have any questions, or need additional information.

Sincerely yours,

Kurt A. Sommer

Enclosures

Cc: ✓ Katherine Miller, Santa Fe County Manager, via hand delivery  
Rachel Brown, Deputy County Attorney, via hand delivery  
Kyle Harwood, via email  
Ricardo Borrego, via email  
Jim Rutt, via email







B. BCC CASE # Z/V 13-5131 Ranch at Santa Fe Canyon Master Plan Amendment. Ranch at Santa Fe Canyon, LLC (formerly known as Santa Fe Canyon Ranch, LLC), Applicant, requests a Master Plan Amendment to the previously approved master plan (Santa Fe Canyon Ranch) to remove six tracts of land (containing 845 acres) from the approved Master Plan which consisted of a total of 1,316 acres. The request also includes a variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Swimming Pool Ordinance) to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only. The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East, Commission District 3 [Exhibit 1: Staff report revisions and Declaration of Covenants and Water Restrictions; Exhibit 2: La Cienega Valley Association support letter; Exhibit 3: El Guicu Irrigation Association support letter]

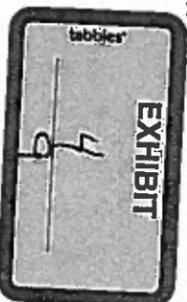
Mr. Archuleta recited the case caption and reviewed the staff report as follows:

“On September 10, 2013, the Board of County Commissioners approved a 2-year Time Extension of the previously approved Master Plan for the Santa Fe Canyon Ranch Residential Subdivision consisting of 162 lots, 174 residential units on 1,316 acres to be developed in three phases.”

“On September 30, 2008, the Board of County Commissioners granted Master Plan approval for a residential subdivision consisting of 162 lots/174 residential units on 1,316 acres to be developed in three phases. At the time of approval the Applicant proposed to construct a new on-site community water system. “Since the time of approval, Santa Fe County has purchased approximately 470.55 acres of the 1,316 acres. The property is made up of three Tracts which consist of Tract G, 188.70 acres; Tract H, 141.47 acres; and Tract I, 140.38 acres now known as La Bajada Ranch.

“The Applicant is now requesting a Master Plan Amendment to the previously approved master plan to remove six tracts, Tracts 4-A through 4-F, of land from the approved Master Plan which consisted of a total of 1,316 acres. The remainder of the Master Planned area would remain intact.”

Mr. Archuleta identified a Master Plan as comprehensive in establishing the scope of a project, yet less detailed than a Development Plan. It provides a means for the County Development Review Committee and the BCC to review projects and the sub-



divider to obtain concept approval for proposed development without the necessity of expending large sums of money.

He said the Applicant is also requesting a variance of Article VII, Section 6.6.2g, Water Budgets and Conservation Covenants, and Ordinance No. 2007-1, Design, Construction, Operation, Replacement and Maintenance of Swimming Pools within the Unincorporated Ares of Santa Fe County, to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

Mr. Archuleta reviewed Article VII, Section 6.6.2g which states swimming pools, of a permanent or temporary nature are not permitted, except as commercially operated or publicly open community facilities.

Mr. Archuleta said staff reviewed this application for Code compliance and finds the master plan amendment is in compliance with County criteria. The request for the variance is not in compliance. Staff states that the Application for the Master Plan Amendment is in conformance with Article V, Section 5.2.1b of the Land Development Code. The remainder of the Master Plan can function as its own development; the remainder is a viable phase and meets the uses and density requirements of the Code. Staff recommends approval of the Master Plan Amendment.

The water rights have been transferred to the entire property and can be used for domestic purposes. Staff recommends that the Covenants and Water Restrictions on the property may be revised to reflect the full amount of the permitted water rights. Staff does not recommend approval of the variance to allow the installation of one swimming pool.

If the decision of the CDRC is to recommend approval of the variance for the swimming pool, staff recommends the following condition be imposed:

1. The Applicant must use water rights for the pool.

Referring to Exhibit 1, revised staff report, Mr. Archuleta noted that under the Declaration of Covenants and Water Restrictions, items G and H, the phrase "No more than one" will be eliminated and "if water is supplied from a NMSA Section 72-12-1 (1978) well" is added to items A, G, J, L and N, prior to forwarding this case to the BCC, Mr. Archuleta said specific covenant language will require further revision.

Appearing as applicant and duly sworn, Rick Borrego said they were currently under contract to sell the property to an individual who proposes to build a horse facility and home. At this point there are no guesthouses in the plans. The buyer has concerns about the County-imposed water restrictions and the amendments to the covenants seek to address those concerns. The property contains 14.25 acre-feet of consumptive water rights and the buyer wants to use those rights to support the equestrian facility without being encumbered by the restrictive water covenants.

Mr. Borrego said the buyer wants to construct a swimming pool that he noted would have a dual function of water storage in the event of a fire. The buyer further desires to be removed from the master plan.

Mr. Borrego clarified that the property contains four wells and the water rights can be pulled from one of the wells. Currently, the water rights are being used for livestock and agriculture.

Referring to the covenants, Mr. Archuleta said item A is not in its final format and will require additional editing. He asked that the CDRC review and take action on letters J and N. If the swimming pool variance is approved, staff will develop language to reflect that the pool utilizes permitted water rights.

Ms. Ellis-Green said the proposed covenants will allow the potential buyer to have a swimming pool if permitted water rights are applied rather than a 72-12-1 well. She confirmed that the request is for one pool.

Member Katz pointed out that while the request may state one pool the covenants clearly do not. Ms. Ellis-Green said the covenants can be amended to reflect that point.

Member Martin expressed concern that the covenant of revision that removes the requirements for low-water use and xeriscaping.

Ms. Brown said that is the applicant's request that staff does not support. Staff recommends that the covenant's water conservation remain in effect.

Ms. Ellis-Green indicated that the SLDC reiterates the current code prohibiting pools on lots created after 1996. The existing water conservation covenants in the current code do not differentiate between permitted water rights and a standard domestic 72-12-1 well

Concurring with Member Martin's concern about the landscaping/watering, Member Katz asked the buyer's agent why they wanted relief from xeriscaping.

Kyle Harwood, counsel representing the buyer, stated the changes were suggested with staff support weeks ago and the buyer agreed to them. The licensed rights would provide greater flexibility to the property and the highlighted sections in the covenants were an artifact of the meeting with staff. It was later, stated Mr. Harwood, that staff determined that they were unable to support that change. Mr. Harwood said he hadn't been able to talk with his client but he believed removing the highlighted language on J and N would be acceptable.

Mr. Harwood added that the water rights are fully licensed – the gold standard for water rights. If the CDRC were to approve the changes as proposed by staff, Mr. Harwood stated he would contact his client in the interim before the case reaches the BCC.

Mr. Harwood stated that the request is for one swimming pool.

Mr. Harwood pointed out that the La Cienega Valley Association (LCVA) provided a letter of support as did an acequia association and as he understood from Mr. Borrego that is a notable departure from how this property project was greeted in the past.

According to Mr. Harwood, 72-12-1 is the statute reference, and water lawyers refer to 72-12-1 wells as essentially exempt from water rights. The State Engineer permits, especially in rural areas, one 72-12-1 well for a legal lot of record. With a 72-12-1 well a property can be improved without water rights: It is exempt from water rights and used with regulations for domestic purposes.

They buyer will not be utilizing a 72-12-1 well and instead using water rights/licensed right.

Member Gonzales asked whether the six lots of the master plan would be consolidated by the buyer. Mr. Harwood responded that they were not consolidating the lots. The buyer's intention is to build a family home, a barn, a field and move his family and business here. His client is seeking removal from the master plan to avoid the requirements and proceed to build his home, etc.

Chair Drobnis asked what version of the Declaration of Covenants and Water Restrictions for Santa Fe Canyon Ranch did the LCVA and El Guicu Irrigation Association review that resulted in letters of support. Mr. Harwood said they reviewed the intent of the buyer. Mr. Borrego said he distributed a copy of the amended covenants and restrictions with the yellow highlights.

Duly sworn, JJ Gonzales of La Cienega, a member of both associations that support the request, said the applicant provided notice of the request and met with the area residents. According to what was told to the community there would be one owner of the 845 acre parcel with one house. He understood from the buyer's agent that they may downzone the property to build a dozen homes, but they would keep it as a working ranch.

Considering that La Cienega has had a long history with this ranch, Mr. Gonzales said removing 845-acres from development made it easy for the associations to support a swimming pool.

Under oath, Linda Grill representing the El Guicu Irrigation Association, thanked Mr. Harwood and Mr. Borrego for coming to the community with the proposal. The association supports the request. She said this is a good deal for La Cienega, the closest community to the ranch property as is El Guicu ditch.

There were no other speakers and Chair Drobnis closed the public hearing and suggested the application be acted upon in segments, amendment to the master plan, variance for the swimming pool and the revisions to the Declaration of Covenants and water restrictions.

Member Katz introduced the following motion: Regarding case Z/V 13-5131 approve the removal of the six tracts of land from the master plan. Member Booth seconded and the motion passed by unanimous [5-0] vote.

Member Katz moved to approve a variance for the installation of one and only one swimming pool on the 845 acres/six parcels. Member Gonzales seconded.

Ms. Ellis-Green inquired if the motion restricted the applicant to using water rights for the pool. Member Katz confirmed it did and Member Gonzales concurred.

Commending La Cienega for its support of the application and recognizing it was preferable to the original multiple home development, Ms. Martin said she would oppose it because the SLDC – a product of careful and thoughtful consensus – prohibits pools. The variance would nullify the code.

Chair Drobniis repeated the motion to grant the variance for one and only one pool on the 845-acre tract using available water rights. The motion passed by majority [4-1] voice vote with Member Martin voting against.

Member Katz moved to deny the covenant revision to J and thus require the applicant to abide by landscaping irrigation and xeriscaping principles however water is supplied.

Prior to obtaining a second, Ms. Brown asked whether the other covenant revisions were accepted.

Ms. Ellis-Green pointed out that revised item A fundamentally removes water restrictions because water rights rather than a 72-12-1 well will be utilized. She said staff supports that and will work with the applicant to develop language allowing the applicant to fully utilize the permitted water rights.

Member Katz said his motion did not prohibit the applicant from using water rights, rather he wanted to insure they would adhere to xeriscaping principles and appropriate irrigation in regards to landscaping. He agreed that A could be amended prior to presentation to the BCC.

Member Katz said J deals with landscaping and his motion did not prohibit the applicant from growing crops.

Member Gonzales seconded.

Member Martin said she supports the motion but in the interest of consistency and the fact it lifts the restriction on swimming pools she will oppose the motion.

The motion passed by majority [4-1] voice vote with Member Martin voting against.

DRAFT

CHAIR HOLLAN: Commissioner Stefanics.  
COMMISSIONER STEFANICS: I'd like to make a generalized comment, and this is about the code coming up. I hope we will have a distinction in there about commercial versus domestic, because I think that is where my decision fell on that issue. Thank you very much.

XVIII.B. 4. BCC Case # MIS.13-5240 Santa Fe Canyon Ranch Time Extension. Santa Fe Canyon Ranch L.L.C. and Santa Fe County, Applicants, Request a 24-Month Time Extension of the Previously Approved Master Plan for a Residential Subdivision Consisting of 162 Lots (174 Residential Units) on 1,316 Acres to Be Developed in Three (3) Phases. The Property is Located Off of Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community, within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North Range 8 East (Commission District 3)

VICENTE ARCHULETA (Case Manager): Thank you, Madam Chair. On September 9, 2008, the Board of County Commissioners met and tabled the master plan until the September 30, 2008 BCC meeting. On September 30, 2008, the Board of County Commissioners granted Master Plan approval for a residential subdivision consisting of 162 lots, 174 residential units, on 1,316 acres to be developed in 3 phases.

The Applicants are requesting a two-year time extension of the Santa Fe Canyon Ranch Master Plan approval under Article V, Section 5.2.7.b of the County Land Development Code. The Applicant states: Santa Fe County is currently working with the community and the La Bajada Ranch Steering Committee to review and amend the master plan. This time extension will allow staff additional time to complete this process.

Article V, Section 5.2.7.b of the Code states, Master Plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer. The time extension would render the Master Plan approval valid until September 10, 2015.

Staff recommendation is approval for a two-year time extension of the Master Plan for the Santa Fe Canyon Ranch Residential Subdivision. Thank you, Madam Chair.

CHAIR HOLLAN: Thank you, Vicente. Are there any questions for staff?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLLAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, so let me just ask this of our attorney, please. So are we now asking to roll the two together? The County property and I guess the -- let me ask this question a different way. The County purchased a parcel of the greater master plan when the County acquired its portion of it. Correct?

MR. ROSS: Yes. Madam Chair, Commissioner Mayfield, there are now two owners of this master plan. Ourselves and the sellers and this is an alternative to the



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following agenda item. This one proposes that the status quo be completely accepted. The next case is the one that you heard last month and it proposed to separate the two parcels based on ownership. So this one would retain the original master plan and simply extend it for two years.

COMMISSIONER MAYFIELD: Okay. So you're going to help me going back to the acquisition of this original ranch when the County decided to purchase it. So when the County decided to originally purchase this property, the County ordered an appraisal, correct?

MR. ROSS: Right.

COMMISSIONER MAYFIELD: And that appraisal included the whole master plan as the acquisition price? Or did it include – and was that part of the value of that acquisition price? Or was it when it was to be separated as the County's portion of that acquisition of what we actually acquired?

MR. ROSS: Madam Chair, Commissioner Mayfield, the appraisal was done with about three or four different scenarios.

COMMISSIONER MAYFIELD: Okay. So the County – so did the whole master plan have any value to it?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't understand.

COMMISSIONER MAYFIELD: Okay, well, there was a master plan that came with the whole piece of property at the time, correct? When the County went into negotiations to acquire this property?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes. It was master planned.

COMMISSIONER MAYFIELD: And that's what we're looking at right now to extend.

MR. ROSS: Right.

COMMISSIONER MAYFIELD: So, when the County purchased its portion of it, it separated – so what is that separation? What does the County again now own and what does, I guess, the private owners own?

MR. ROSS: Madam Chair, Commissioner Mayfield, the County owns about a third of it.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: Of the original property.

COMMISSIONER MAYFIELD: So and now you're proposing to put it all together again and ask in this proposal – I'm not saying you, Mr. Ross, but staff is asking to join it together and ask for a full extension, a two-year extension.

MR. ROSS: Madam Chair, Commissioner Mayfield, it's all part of one master plan right now. The following application separates it into two pieces but right now it's all one master plan. So what this application would do would be to simply preserve the status quo ante which is a master plan on parcels owned by two different owners.

COMMISSIONER MAYFIELD: Okay. Again my question though is when

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the County acquired this property was there any value of the whole intact master plan?

MR. ROSS: Madam Chair, Commissioner Mayfield, I –  
COMMISSIONER MAYFIELD: Well, let me ask the question this way,  
Steve, Mr. Ross. There was an approved master plan at one time on this property as a whole.  
Correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, it still exists on the  
property.

COMMISSIONER MAYFIELD: Still exists on the property.

MR. ROSS: But then the property was split and the County bought whatever  
portion the County purchased. Well, I know what it purchased. I have it in front of me. So  
how can you split a master plan in half at the time and why didn't the County take that into  
consideration when it split that, when we – I want to say we even though it was before I got  
on the bench. But when that acquisition happened, why wasn't that master plan at that time  
addressed?

MR. ROSS: Madam Chair, Commissioner Mayfield, it's very common to  
have master planned communities owned by different owners. Very common. So it wasn't  
considered to be an unusual circumstance.

COMMISSIONER MAYFIELD: Okay. So I know, when an individual sells a  
property and a new individual acquires it, in this case the County acquired it, is there any  
value to have, when you acquire a piece of property, to have an already approved master plan  
from Santa Fe County? Let me ask you this question, Mr. Ross. Did that factor into the  
appraised value of the acquisition of this ranch, when the County purchased it?

MR. ROSS: Madam Chair, Commissioner Mayfield, I'm not sure it played  
any part in the purchase price but it certainly did in the appraisal.

COMMISSIONER MAYFIELD: I'm sorry. Could you repeat that please?

MR. ROSS: An appraisal, obviously, of a property with an entitlement is  
affected by that entitlement.

COMMISSIONER MAYFIELD: Okay. So it had a value as a whole, approved  
master plan. Correct?

MR. ROSS: Well, it has value because it has an entitlement on it –  
development potential.

COMMISSIONER MAYFIELD: Explain the entitlement to me then.

MR. ROSS: It has some degree of development approval.

COMMISSIONER MAYFIELD: Okay, so what was the degree of  
development approval?

MR. ROSS: Well, it had a master plan on it that called for a number of  
residential properties on the property. But it wasn't a complete entitlement because it was  
only a master plan development at that point that had not been platted.

COMMISSIONER MAYFIELD: Had not been platted. And let's talk about  
the water also. There was also a potential of taking County water out to that property at that  
time? Or there was an existing well at that property? Because the County did not acquire any

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water rights with that property. As a matter of fact I don't think the County left the water rights on the piece it did not acquire. Correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, the County did not acquire the water rights.

COMMISSIONER MAYFIELD: They left that on the part they chose not to take, correct?

MR. ROSS: In a sense, yes.

COMMISSIONER MAYFIELD: Explain in a sense.

MR. ROSS: Well, water rights are transitory, movable pieces of property. They could have easily been acquired and moved off the property. They're appurtenant to sources like groundwater or surface water, but that's not really part of the thinking, not acquiring the water rights.

COMMISSIONER MAYFIELD: That's all the questions I have for now, thank you, Madam Chair, Mr. Ross.

CHAIR HOLLIAN: Any further questions? I believe that since the applicant is Santa Fe County I do not have to ask the applicant to come forward. So this is a public hearing. Is there anyone here who would like to speak on this case, either in favor or in opposition? A show of hands then. Please come forward.

COMMISSIONER MAYFIELD: Madam Chair, may I ask a quick question.

CHAIR HOLLIAN: Yes, Commissioner Mayfield.  
COMMISSIONER MAYFIELD: This is a joint applicant. There's not just Santa Fe County as applicant. Is the other applicant here also? That's how I'm reading this. Joint applicants.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on this point, it's a good question. It's a question I asked at the last meeting before we heard this. The applicants would have to apply for the extension. The County being one applicant and the owners being the other, the other parcel. Did they apply for this extension?

MR. ROSS: Madam Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: Thank you.

CHAIR HOLLIAN: Did you have something to add?

MR. ARCHULETA: Madam Chair, the applicants gave Santa Fe County the approval to go forward with the master plan.

CHAIR HOLLIAN: Thank you, Vicente. Any further questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, let me just ask that. Is that -- does Santa Fe County represent the other applicant and can Santa Fe County do that? And that's a question for the attorney.

MR. ROSS: Madam Chair, Commissioner Mayfield, they signed the application and have agreed to go forward with us to see this approval. We're not

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representing them but they are co-applicants.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I think I'm a little confused. So on this case, not the next one, but on this case, Santa Fe County and the other owner would both have extensions for two years.

MR. ROSS: Madam Chair, Commissioner Stefanics, yes. The entire master plan would be extended for two years, preserving the status quo which currently exists.

COMMISSIONER STEFANICS: And Madam Chair, I guess I would ask staff, but maybe I'll wait to hear from the community about their concerns. Thanks.

CHAIR HOLLIAN: Okay. Thank you, Commissioner. Please come forward and please be sworn in and state your name and address for the record.

[Duly sworn, Carl Dickens testified as follows:]

CARL DICKENS: I would like just to say – as chair of the La Cienega Valley Association I would like to say that our association supports the extension of the master plan. Thank you.

CHAIR HOLLIAN: Thank you. Is there anyone else who would like to speak?

[Duly sworn, J.J. Gonzales testified as follows:]

J.J. GONZALES: Commissioners, Madam Chair, I'm a resident of La Cienega. I'm also an adjoining property owner. I own a piece of property next to the development. We would like to ask the County to extend this master plan and eliminate a big controversial amendment of changing the source of water for this development. Years ago, the past Board of County Commissioners, back in 2008, they denied water service to this area three separate times. This amendment I think goes against a lot of what we have in the community, the La Cienega, La Cieneguilla community plan and to preserve the status quo I would ask each and every one of you to grant the two-year extension to this master plan. Thank you very much.

CHAIR HOLLIAN: Thank you, Mr. Gonzales.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Mr. Gonzales, thank you for your testimony. You're also on the CDRC, correct?

MR. GONZALES: Yes, sir.

COMMISSIONER MAYFIELD: Did you take a position on this on the CDRC?

MR. GONZALES: I recused myself.

COMMISSIONER MAYFIELD: Okay. Just so we have that on the record also. Thank you.

MR. GONZALES: Thank you.

CHAIR HOLLIAN: Is there anyone else here who would like to speak on this case? Please come forward.

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[Duly sworn, Kier Careccio testified as follows:]

KIER CARECCIO: My name is Kier Careccio. I live close to La Cienega in a little valley called El Cañon. It's a whole community that's there and I'm also the vice president of the La Cienega Valley Association. And I'd like to urge you all to approve the amendment – not the amendment, the extension. It's way too confusing to go down the amendment road at this time. I think it needs to be thought out in great detail and I think the two-year time frame would give some time for that to happen. Thank you.

CHAIR HOLLIAN: Thank you, Mr. Careccio. Is anyone else here who would like to speak? Please come forward.

[Duly sworn, Nick Jones testified as follows:]

NICK JONES: I recently moved to La Cienega a few years ago and I'd just like to say how impressed I am with the La Cienega Valley Association and the amount of work they do down there and the amount of work they put into the original master plan and working on that with the County Commissioners. And I'd hate to see any of that work go to waste, so I fully support the extension.

CHAIR HOLLIAN: Thank you, Mr. Jones.

[Duly sworn, Robert De Young testified as follows:]

ROBERT DE YOUNG: I'm Robert De Young. I'm a La Cienega resident and I too support the extension and oppose the amendment and to keep it brief I have no additional comments.

CHAIR HOLLIAN: Thank you, Mr. De Young. Any further comments?  
Commissioner Mayfield, and then Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair, I've already had a say so I'll defer to Commissioner Anaya.

CHAIR HOLLIAN: If there are no further comments this public hearing is closed. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I wrote an entire page of comments that I was going to make but then I looked at the clock and I summed it up in one sentence, because I think it's getting late. And that sentence is this. We agree, we disagree. We listen and we learn and we act. That goes for this Commission. That goes for staff. That goes for communities at large. What I would say in addition to that is I think from time to time all of us find ourselves making missteps associated with what we may do or think about doing. But it's not a matter of whether we disagree with one another or we need to have debate. It's how we engage that debate and have that conversation. Staff, over this issue, I think by some were put in the position of being terrible rotten people that didn't know what they were doing. I think that maybe some of those remarks came out of passion, but however they came about they engaged all of us in a thought process and some critical analysis.

And from that, I think we find ourselves in this position and from that I'm appreciative of those comments and remarks that were made that provided some insight I think to all of us. I would say as we progress and we make other decisions that we all be mindful that no malice exists when we're trying to make decisions. We just try and do the

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best we can and as being living beings from time to time all of us maybe make wrong decisions on how we might choose a path.

But I'm here to defend the community. I'm here to defend the staff, and for us to take those disagreements and debate and have a real candid discourse and get to some decisions that make sense. And I think this is one of them. I would move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for approval of the Santa Fe Canyon Ranch Master Plan extension. Any further discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Commissioner Anaya, thank you for the comments. I really do appreciate them and I appreciate the public. Just so I can have some clarification, and this is for our County Attorney. So if it was not – if the extension did not happen for two years, what would happen?

MR. ROSS: Madam Chair, Commissioner Mayfield, if we didn't have an extension or the next action the master plan would expire.

COMMISSIONER MAYFIELD: Okay. And what happens if the master plan expires? Then there would be the potential development of the 162 lots would just be null and void right now, correct?

MR. ROSS: Correct.

COMMISSIONER MAYFIELD: And then we would just have to look at that whole area again as split up individually to the applicant and then the Santa Fe County's portion would not have to go through new master planning individually.

MR. ROSS: Or collectively.

COMMISSIONER MAYFIELD: Or collectively. I guess collectively. Well, they would be individual parcels now, so we own our piece and they own their piece, right? That master plan would go away.

MR. ROSS: That's the situation on the ground, but like I said before, you can combine parcels and master plan them if you want to.

COMMISSIONER MAYFIELD: Okay. I appreciate that.

MR. ROSS: As a result of the planning process you'd come up with something that's proposed and you'd have to start at ground zero again with a master plan, although the new code kind of does away with master plans, but –

COMMISSIONER MAYFIELD: Sure. So even the County's portion – now let's just talk about the County's acquisition, La Bajada or Santa Fe County Ranch. So if this was not null and void and then the second action item that we have in front of us, whatever action happens there, the County then would start with I guess day one on our acquisition piece, knowing that we had a discussion earlier with our La Bajada Steering Committee of what we would do with that piece of property. Correct?

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MR. ROSS: Are you saying if the master plan expires and then we go through a process and that results in a plan, then we'd have to start with that, yes. That's where we'd start.

COMMISSIONER MAYFIELD: I just wanted that out there. So now let's go one – I'm just going to go to the summary. So on Santa Fe County's Canyon Ranch, right now it consists of 162 lots. So on the 162 lots, it was approved – again, it's still conceptually the master plan. There's a lot more phases it has to go through. But it was done in three phases. Phase 1 consisting of 80 lots on 200 acres. Steve, just help me out. Was that 80 acres on what we acquired in our piece or was that on the other piece?

MR. ROSS: Madam Chair, Commissioner Mayfield, there some high-density residential on our piece and low-density residential on the other piece, and I don't remember how they parsed out in Phase 1.

COMMISSIONER MAYFIELD: Can somebody answer that question for me, where Phase 1 and Phase 2 of 76 lots, and then Phase 3, please.

MR. ARCHULETA: Madam Chair, I didn't get that question from you.

COMMISSIONER MAYFIELD: Okay. So right now, we're doing an extension and the extension consisted of 162 lots, 174 dwelling units, and I'll just read the paragraph as it's stated, which will be developed in three phases, Phase 1 consisting of 80 lots on 200 acres, Phase 2 consisting of 76 lots on 199 acres, and Phase 3 consisting of six lots, three dwelling units per lot on 912 acres. I know we don't own 912 acres so where is Phase 1 potentially, and where is Phase 2? Is that on the piece that Santa Fe County acquired or is it on the other applicant's piece?

MR. ROSS: Madam Chair.

CHAIR HOLIAN: Yes.

MR. ROSS: I found that in the packet, Commissioner Mayfield. It's page 6 in the packet. It shows – it lays out –

COMMISSIONER MAYFIELD: Tell, me. Is it Santa Fe County's piece or the applicant's piece?

MR. ROSS: Phase 1 is half of the high-density residential on the County's piece.

COMMISSIONER MAYFIELD: Okay. And Phase 2?

MR. ROSS: Phase 2 is the other half of the high-density residential on the County's piece, and Phase 3 is the lower density residential on the part that we don't own.

COMMISSIONER MAYFIELD: Okay. And again, I know this is a potential extension for two years and we're all vetted out and I appreciate all the public's testimony, so this will still be a vetting process and we have our steering committee who is going to vet out a lot of other potential requests that will come to this piece of property. But now going in for the BDD water extension, knowing that Santa Fe County did not acquire the water rights with that piece of property out there, and that factored in I think into the acquisition price, as far as I guess what I'm seeing and when we acquired this, and I do again, I appreciate what Commissioner Anaya said.

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And I'm not passing judgment on anybody. I want that to be known. Staff, and I know staff put a lot of work into this. But I do know a lot of taxpayer dollars were spent on this money. A lot of taxpayer money was spent on this acquisition. And now we're talking about potentially taking our waterline out to this property and that's fine. I mean, to potentially develop this property you have to have water out there. Otherwise we won't be able to develop this property if we don't have water on it. And as it is today, Santa Fe County does not have water on the piece that we acquired.

So I recognize that. But also though how would a potential second piece of property, if this development would go through in phases, they also now would then be able to interconnect with potentially the BDD water also, correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, are you talking about the third phase, owned by the other –

COMMISSIONER MAYFIELD: Well, again, I don't know what phases it's in. Maybe it's part of Phase 2, maybe it's part of Phase 3.

MR. ROSS: I can't really tell from the map. The La Cienega Ordinance says that if you're within 200 feet you have to hook up. And I don't know whether it's 200 feet between the boundary of Phase 2 which is on the County property, and the lower-density residential on the other parcel. It looks to me to be more than 200 feet, so if that's the case there would be no obligation to do that.

COMMISSIONER MAYFIELD: But again, our ordinance as it states right now is if we take it out to our property, and if that second phase is within 200 feet, they would be required to have to hook up their development into also, correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't think that's clear from this diagram, because there is a large lot that the County acquired in between Phase 2 and the low-density residential lot that's still owned by the original owners.

COMMISSIONER MAYFIELD: And again, when we acquired this piece, we acquired it with no water rights. And now, I'm seeing all the water rights for sale out there, because I see it on the highway when I'm driving, all the water rights are for sale on the highway piece. So I guess that might be just, well, an opportunity to know they could hook up to the BDD water system, right? If the waterline goes out there.

MR. ROSS: Madam Chair, Commissioner Mayfield, like I said, I don't know whether the requirements of the ordinance are satisfied given the situation on the ground here as depicted on this page 6. To me it looks like it's more than 200 feet, in which case there would be no obligation to move the water. It's not our obligation. It would be the obligation of the owners to hook into the BDD water and cross that dead space between the two parcels, which is its own separate lot.

COMMISSIONER MAYFIELD: But again, hearing my colleagues, this extension and the members here, the community members will allow us this opportunity to vet this out over the next couple years. Steve, excuse me, Madam Chair, Mr. Ross, how close is the BDD line to our portion of the property?

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MR. ROSS: Madam Chair, Commissioner Mayfield, it's in County Road 50, which means it abuts the property on that long, skinny piece that goes to the north. And it's also on 50-F, up by Las Lagunitas, up by the interstate exchange which is roughly 500 feet away.

COMMISSIONER MAYFIELD: So if we wanted to just to help me just get a visual, and everybody who's listening, who understands the property, if we wanted to take BDD water to the actual residence that is on the piece of property that we own, how long would the connection to that be? Where are BDD line is?

MR. ROSS: Madam Chair, are you talking about the ranch?

COMMISSIONER MAYFIELD: The home, the home, the home, the ranch that's on that.

MR. ROSS: Oh. Oh --

COMMISSIONER MAYFIELD: It may be a question for staff.

MR. ROSS: It's a ways.

CHAIR HOLLAN: Vicente, can you tell us about how far that is?

MR. ARCHULETA: Madam Chair, Commissioner Mayfield, off of County Road 50 you're looking at probably 2,000 feet from County Road 50 to where the houses would be.

COMMISSIONER MAYFIELD: Okay.

MR. ARCHULETA: That may even be longer, farther. And then from the Las Lagunitas, you're looking at a lot further than that.

COMMISSIONER MAYFIELD: That's on that other piece of property. So we could relatively get our water to that front side of the property relatively quick. For potential development on the County's piece. Okay. That's all I have. Thank you, all. That's all I have.

CHAIR HOLLAN: Any further discussion? There is a motion and a second to approve the Santa Fe Canyon Ranch master plan extension.

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

### Water Restrictive Covenants

The following water restrictive covenants shall apply to the use and occupancy of said TR 4A, TR 4B TR 4C and TR 4D on the plat noted above. (Any Existing dwelling units shown on the plat must meet provisions (B) through (J) at the time of fixture or appliance replacement or installation of additional landscaping; provisions A, K and L are applicable immediately.)

- (A) DOMESTIC WATER USE from a NMSA §72-12-1 (1978) well is restricted to 0.25 acre foot per year (81,460 gallons per year) per dwelling for said TR 4A, TR 4B TR 4C and TR 4D as required by the Santa Fe County Land Development Code.
- (B) Water conserving appliances and fixtures as outlined in Ordinance 2002-13 shall be installed and used at the time of construction or replacement.
- (C) Toilets shall use no more than 1.6 gallons per flush. Urinals shall use no more than 1.0 gallon per flush.
- (D) Lavatory and kitchen faucets shall be equipped with aerators and faucet flows shall not exceed 2.5 gallons per minute. Showerhead-flows shall not exceed 2.5 gallons per minute.
- (E) Hot water pipes shall be insulated.
- (F) Evaporative coolers must circulate bleed-off water.
- (G) No more than one automatic dishwasher per dwelling unit may be used if water is supplied from a NMSA §72-12-1 (1978) well, provided that it is a model designed to use no more than 13 gallons per cycle and shall have a cycle adjustment, which allows reduced amounts of water to be used for reduced loads.
- (H) No more than one automatic clothes washing machine per dwelling unit may be used, provided that it is a model that uses no more than 43 gallons per cycle and shall have a cycle or water level adjustment that permits reduced amounts of water to be used for reduced loads.
- (I) Water system leaks from private water lines shall be repaired by the owner or Property manager within fifteen (15) days of initial notification by the County or the owner's knowledge of the leak. Proof of repair shall be provided to the County upon completion of the repair when such notification is requested.
- (J) To the extent water is being used from a NMSA §72-12-1 (1978) well, low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species.

EXHIBIT

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DECLARATION OF COVENANTS AND WATER RESTRICTIONS  
FOR SANTA FE CANYON RANCH, LLC TRACT  
Sections 10, 11 and 12, T. 15 N., R. 7 E.

THIS DECLARATION is made in Santa Fe County, New Mexico, this 2<sup>nd</sup> day of February, 2006 by Santa Fe Canyon Ranch, LLC, hereinafter for convenience referred to as the "Owner".

WITNESSED THAT:

WHEREAS, Santa Fe Canyon Ranch, LLC is the Owner of real property in Santa Fe County, New Mexico, which property includes four Tracts, each containing 140.03, 140.00, 140.01 and 140.01 acres, more or less, according to the plat entitled "LAND DIVISION CREATED BY 140 AC. EXEMPTION SURVEY PLAT PREPARED FOR SANTA FE CANYON RANCH", referred to hereinafter as Article I, and

WHEREAS, the Owner is required to provide for certain water conserving covenants and measures as required per the Santa Fe County Land Development Code and Ordinance 2002-13; and

WHEREAS, the Owner desires and intends that the owners, tenants, mortgagees, occupants and other persons hereinafter acquiring any interest in said property shall at all times enjoy the benefits of, and shall hold their interest subject to, the rights and restrictions hereinafter set forth, all of which are declared to be in furtherance of a plan for the proper and beneficial use of the property.

NOW THEREFORE, the Owner declares, covenants, and agrees as follows:

ARTICLE I

Property Subject to this Declaration

The real property, which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration, is legally described as TR 44, TR 48 TR 4C and TR 4D, containing a combined total of 560.05 acres, more or less, in Sections 10, 11 and 12, Township 15 North, Range 7 East, N.M.P.M., Santa Fe County, New Mexico, according to the Plat of Survey prepared for Santa Fe Canyon Ranch, LLC, by Gary E. Dawson, N.M.L.S. No. 7014, dated JAN. 30, 2006, recorded Z-6, under Reception No. 141837, Plat Book 614, Page 34, in the records of Santa Fe County, New Mexico.

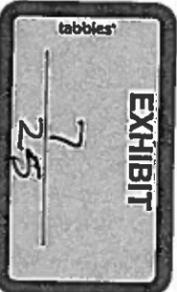
ARTICLE II

Water Restrictive Covenants

The following water restrictive covenants shall apply to the use and occupancy of said TR 44, TR 48 TR 4C and TR 4D on the plat noted above. (Any Existing dwelling units shown on the plat must meet provisions (B) through (J) at the time of fixture or appliance replacement or installation of additional landscaping; provisions A, K and L are applicable immediately.)

- (A) Domestic Water use is restricted to 0.25 acre-foot per year (91,460 gallons per year) per dwelling for said TR 44, TR 48 TR 4C and TR 4D as required by the Santa Fe County Land Development Code.
- (B) Water conserving appliances and fixtures as outlined in Ordinance 2002-13 shall be installed and used at the time of construction or replacement.
- (C) Toilets shall use no more than 1.6 gallons per flush. Urinals shall use no more than 1.0 gallon per flush.
- (D) Lavatory and kitchen faucets shall be equipped with aerators and faucet flows shall not exceed 2.5 gallons per minute. Showerhead-flows shall not exceed 2.5 gallons per minute.
- (E) Hot water pipes shall be insulated.
- (F) Evaporative coolers must circulate bleed-off water.

SFC CLERK RECORDED 02/06/2006



- (G) No more than one automatic dishwasher per dwelling unit may be used, provided that it is a model designed to use no more than 13 gallons per cycle and shall have a cycle adjustment, which allows reduced amounts of water to be used for reduced loads.
- (H) No more than one automatic clothes washing machine per dwelling unit may be used, provided that it is a model that uses no more than 43 gallons per cycle and shall have a cycle or water level adjustment that permits reduced amounts of water to be used for reduced loads.
- (I) Water system leaks from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the County or the owner's knowledge of the leak. Proof of repair shall be provided to the County upon completion of the repair when such notification is requested.
- (J) Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species.
- (K) Planting sod or grass seed that contains Kentucky bluegrass is not permitted. Lawns of other non-native grasses shall not exceed 800 square feet per parcel and shall only be watered with rainwater collected by means confined to the property or with recycled household gray water. Gray water systems shall meet the requirements of the New Mexico Environment Department and the Uniform Plumbing Code.
- (L) Swimming pools, of a permanent or temporary nature, are not permitted. Temporary wading pools of a diameter not to exceed eight feet and a depth not to exceed one foot and covered spas are acceptable at each dwelling unit. All existing swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once a year.
- (M) All wells on the property shall be metered with a Santa Fe County approved totalizing meter. Meter readings shall be documented by the property owner annually within two weeks of January 1st. Meter readings shall be submitted to Santa Fe County by April 30<sup>th</sup> of each year. Proof of meter installation as well as a meter reading must be submitted with a Santa Fe County Development Permit application. Failure to meter and measure water use may be grounds for fines and denial of future and use development permits.
- (N) Outdoor Irrigation is prohibited between 11am to 7pm from May through September of each year. The following sources and water and types of irrigation methods are exempt from the irrigation hour restrictions:
- Plants being irrigated for retail or wholesale transactions.
  - All manual watering by landscape maintenance and contracting personnel, however landscaping personnel setting timed irrigation systems must ensure that the systems comply with the irrigation hour restrictions.
  - Any water derived through rainwater catchment systems or any permitted water re-use system and
  - Any water being used from an acequia or other agricultural irrigation system.

#### ARTICLE III

##### General Provisions

3.1 Duration: Covenants Running with the Land. The covenants of this Declaration shall run with and bind the land, shall inure to the benefit of and be enforceable by the owner of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns and the County Land Use Administrator.

3.2 Enforcement: Enforcement of these covenants and restrictions shall be by the County Land Use Administrator or any owner of property as shown on the Plat in any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction or to restrain any such violation. Any failure by the County Land Use Administrator or any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. If the County Land Use Administrator or an owner prevails in any action against any person or persons to enforce any provision hereof, they shall be entitled to recover from such person or persons his costs and reasonable attorneys fees.

3.3 Severability: The invalidity or unenforceability of any covenant, restriction, term or other provision hereof as determined by a court of competent jurisdiction shall not impair or adversely affect the validity or enforceability of any other covenant, restriction, term or provision hereof, which shall be and remain valid and enforceable to the fullest extent permitted by law.

3.4 Miscellaneous: This Declaration shall be governed by and interpreted under the laws of the State of New Mexico. This Declaration shall be binding upon each tract owner, his successors and assigns.

SFC CLERK RECORDED 02/06/2006

IN WITNESS WHEREOF, the Owner has caused this Declaration to be signed as of the date first above written.

James Borrego, Acting Director, Santa Fe Canyon Ranch, LLC  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE ) ss.

On this 2<sup>nd</sup> day of Feb., 2006, the foregoing instrument was acknowledged before me by the person(s) whose name(s) appear above.

*[Signature]*  
Notary Public

My commission expires:

*[Notary Seal]*  
SFC CLERK  
RECORDED 02/06/2006

APPROVED BY COUNTY LAND USE ADMINISTRATOR

*[Signature]*  
for Dolores Vigil

SFC CLERK RECORDED 02/06/2006

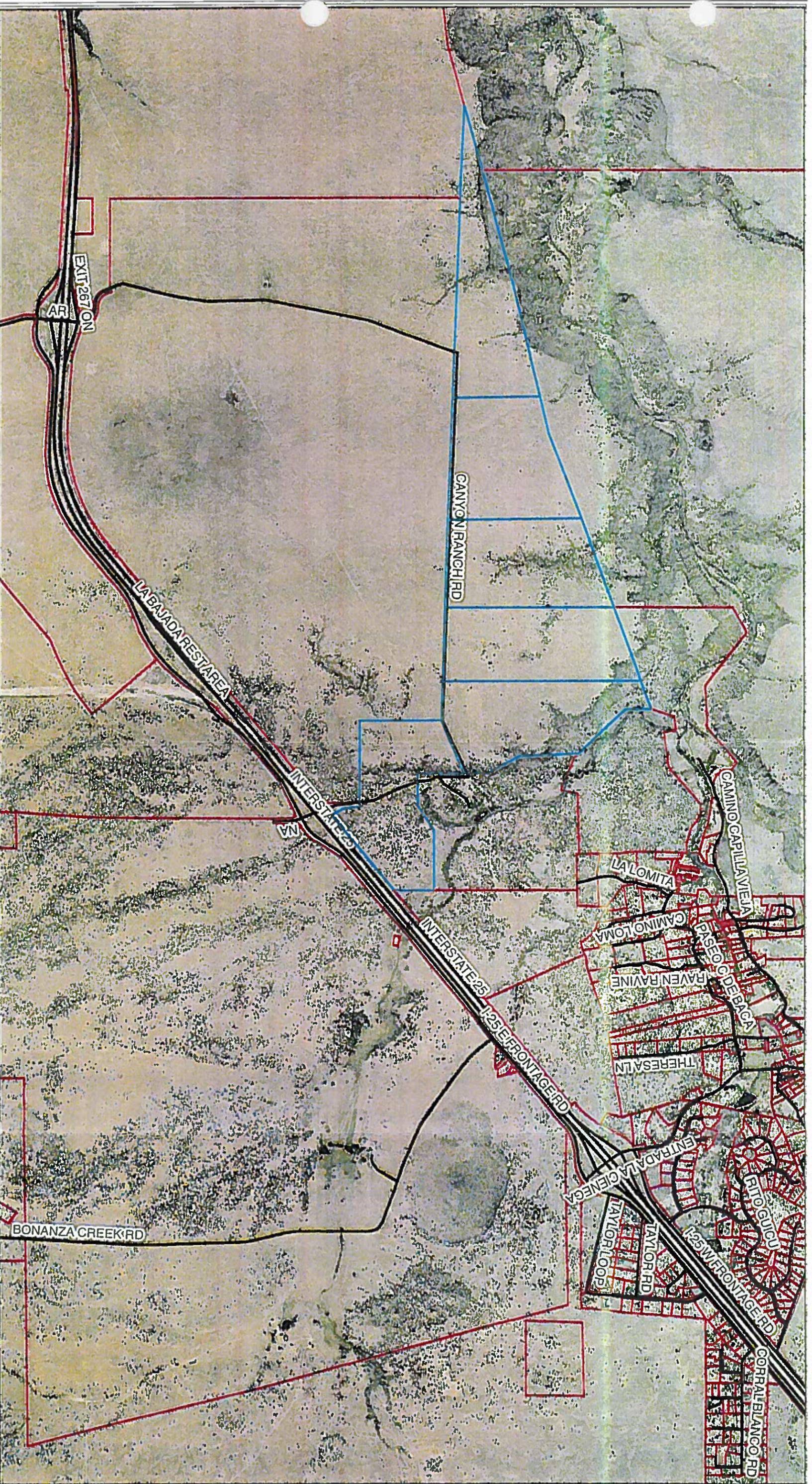
COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
PAGES: 3

I Herby Certify That This Instrument Was Filed for Record on The 6th Day of February, A.D., 2006 at 08:33 and Was Duly Recorded as Instrument # 1418940 Of The Records Of Santa Fe County

Witness My Hand And Seal of Office  
Valerie Espinoza  
Deputy A. Haggans County Clerk, Santa Fe, NM

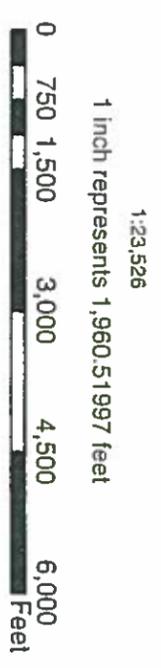






# Legend

-  ROADS
-  PARCELS



2008 Orthophotography  
2 FOOT CONTOURS

This information is for reference only.  
Santa Fe County assumes no liability for errors associated with the use of these data.  
User are solely responsible for confirming data accuracy.



**EXHIBIT**  
8  
29



July 17 2014

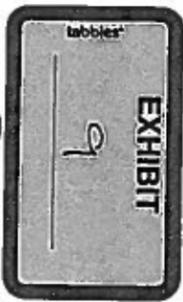
Mr. Brian Spill:

The El Dorado Migration Association supports division of land from the County.

El Dorado also supports possible purchase of Burley land to be sold and home and swimming pool being built in this property.

Sincerely,

Jenell Buil  
Secretary - Treasurer





In conclusion the LCVA Board recognizes and embraces the opportunity to protect this special 845 acres as a ranch, a single family ranch when the original approved master plan for Santa Fe Canyon Ranch allowed for as many as 18 homes on this same property. The acquisition of the water rights is also appreciated and the LCVA Board understands the acquisition does bring into question the water rights available for the County owned La Bajada Ranch

Please let us know if you require any additional information.

Sincerely,

Carl Dickens, President  
La Cienega Valley Association







**IX. Concluding Business**

**A. Announcements**

**B. Adjournment (Action Item)**





