

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: October 15, 2015

TO: County Development Review Committee

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

VIA: Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*

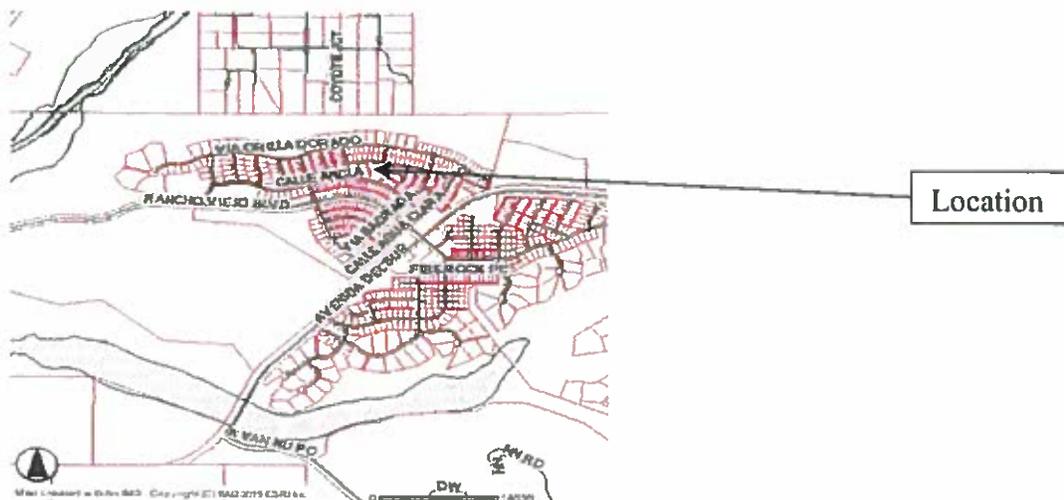
FILE REF.: CDRC CASE # S 15-5041 Univest-Rancho Viejo (La Entrada Phase I) Master Plan, Preliminary and Final Plat and Development Plan Amendment

ISSUE:

Univest-Rancho Viejo LLC, Applicant, James W. Siebert and Associates, Agent, request an Amendment to the Master Plan, Preliminary Plat, Final Plat, and Development Plan for La Entrada Phase 1 in order to sub-phase the previously approved La Entrada Phase I residential subdivision into four (4) sub-phases. Sub-phase 1, the 500 Series lots (58 lots); Sub-phase 2, the 600 Series lots (24 lots); Sub-phase 3, the 700 Series lots (35 lots); and Sub-phase 4 the 800 Series (49 lots) for a total of 166 lots.

The property is located north of Rancho Viejo Blvd and west of Avenida Del Sur, within the Community College District, within Sections 19 and 20, Township 16 North, Range 9 East (Commission District 5).

VICINITY MAP:



SUMMARY:

The chronological history of the project is as follows:

On April 11, 2006, the Board of County Commissioners (BCC) granted Master Plan approval for Rancho Viejo Village West, a mixed use development consisting of 1,250 residential units and 117,250 sq. ft. of commercial space on 668 acres to be developed in 3 phases within Rancho Viejo (April 11, 2006 BCC Meeting Minutes, Exhibit 3).

On September 12, 2006, the BCC approved Phase 1 of the La Entrada Subdivision, (which was part of Rancho Viejo Village West) request for Preliminary Plat, Final Plat, and Development Plan of 456 residential lots with a Commercial Community Center, on 249 acres with the approved Master Plan and variance to permit a cul-de-sac road exceeding 300 feet (September 12, 2006 BCC Meeting Minutes, Exhibit 4).

On June 10, 2014, the BCC approved the vacation of the platted Archaeological easement located within La Entrada Phase 1 residential subdivision.

On June 9, 2015, the BCC approved the request for the amendment to the Preliminary Plat, Final Plat, and Development Plan for La Entrada Phase 1. The request was for a reduction in the number of lots from 456 lots to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and a reduction of the private park area from 4.13 acres to 3.94 acres. In addition to the lot size changes the Applicant was approved to remove and realign several roads within the subdivision (June 9, 2015 BCC Meeting Minutes, Exhibit 5).

The Applicant requests a new Amendment to the Master Plan, Preliminary Plat, Final Plat, and Development Plan for La Entrada Phase 1 in order to sub-phase the previously approved La Entrada Phase I residential subdivision into four (4) sub-phases. The sub-phases are as follows: Sub-phase 1, the 500 Series lots (58 lots); Sub-phase 2, the 600 Series lots (24 lots); Sub-phase 3, the 700 Series lots (35 lots); and Sub-phase 4, the 800 Series (49 lots) for a total of 166 lots over 4 sub-phases.

The Applicant states: "Infrastructure for each sub-phase will be constructed prior to recordation of any sub-phase plat. After the infrastructure has been completed and with the option of bonding for such minimal improvements such as landscape, warranties, etc., the plat for each sub-phase will be recorded after administrative review and approval by County staff."

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

Article V, Section 4.5, Staging/Phasing of the Code states:

For large scale developments and large subdivisions, the County Development Review Committee and Board may grant approval of an initial development stage only; and further, the County Development Review Committee may set criteria for development of the first stage as a condition for approval of subsequent stages.

However, a subdivider may propose, and the County Development Review Committee and Board may approve, a phasing schedule which permits flexibility in the sequential development of the various stages as to timing and order of development.

Article V, Section 5.2.6.a, Amendments and Future Phase Approvals, states:

Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development must be considered on its own merits.

Article V, Section 5.2.6.d, Amendments and Future Phase Approvals, states, “[t]he phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan.”

Article V, Section 5.3.6.b, Phased Development, of the Code 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 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.

The Applicant states: “Each sub-phase of the project has been designed to allow for the construction of roads and utilities to stand independent of the succeeding phases. Temporary cul-de-sacs will be constructed in Sub-phase I. All other roads in Sub-phase I will connect to existing or planned roads providing for continuous road linkages. Failure to proceed with Sub-phase II would require the completion of the cul-de-sacs as permanent infrastructure.”

Sub-phases II-IV do not require temporary cul-de-sacs, since the roads are designed for continuous linkages, either connection to existing roadway in previous sub-phases or connection to planned roads within the respective sub-phases.

Notice requirements were met as per Article II § 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one (21) days on the property, beginning on September 24, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on September 24, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners.

This Application was submitted on September 14, 2015.

Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support this request. The application is comprehensive in establishing the scope of the project. The proposed Preliminary Development Plan substantially conforms to the proposed Master Plan. The Final

Development Plan conforms to the Code requirements for this type of use. The Application satisfies all the submittal requirements set forth in the Code.

APPROVAL SOUGHT: Approval of an amendment to the Master Plan, Preliminary Plat, Final Plat, and Development Plan for the La Entrada Phase 1 Subdivision for a request to sub-phase the previously approved La Entrada Phase I residential subdivision (404 lots) into four (4) sub-phases. Sub-phase 1, the 500 Series lots (58 lots); Sub-phase 2, the 600 Series lots (24 lots); Sub-phase 3, 700 Series lots (35 lots); and Sub-phase 4, the 800 Series (49 lots).

GROWTH MANAGEMENT AREA: El Centro, SDA-1

HYDROLOGIC ZONE: The property lies within the Village Zone/New Community Center Zone of the Community College District. Residential Density of Village Zones including any new Community Center, Neighborhood Centers and Neighborhoods contained within the Zone is 3.5 dwelling units per acre minimum. The Applicants proposal is 3.62 dwelling units per acre.

FIRE PROTECTION: La Cienega Fire District - The La Cienega Fire Station is located approximately ½ miles to the west of the La Entrada Subdivision.

Santa Fe County Water Utility will supply water to the development. Onsite fire protection will be provided through fire hydrants located within 500 feet from all buildable areas.

WATER SUPPLY: Santa Fe County Utilities will provide water to the development and there are no changes from the original proposal.

LIQUID WASTE: Ranchland Utility Company will provide sewer service to the development and there are no changes from the original proposal.

STAFF RECOMMENDATION: Staff recommends approval of the amendment to the Master Plan, Preliminary Plat, Final Plat, and Development Plan of the La Entrada Phase 1 Subdivision creating four (4) sub-phases subject to the following conditions:

1. Compliance with all conditions of the approved Master Plan, Preliminary Plat, Final Plat, and Development Plan.

2. Each sub-phase of the Final Plat and Development Plan must be recorded in the office of the County Clerk.

EXHIBITS:

1. Letter of Request
2. Site/Phasing Plan
3. April 11, 2006 BCC Meeting Minutes
4. September 12, 2006 BCC Meeting Minutes
5. June 9, 2015 BCC Meeting Minutes
6. Aerial Photo of Site



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

**915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com**

September 11, 2015

Vicki Lucero
Building and Development Services Manager
102 Grant Avenue
Santa Fe, NM 87504

Re: La Entrada at Rancho Viejo, Case #Z 15-5040

Dear Ms. Lucero:

On behalf of Univest-Rancho Viejo LLC., I am requesting an amendment to the La Entrada, Phase 1 Master Plan, Preliminary and Final plat approved by the BCC on June 9, 2015. No changes to the configuration of the lots or roads are proposed. The second amendment that is requested applies to the phasing of the subdivision. The attached phasing plan describes the four sub-phases of La Entrada, Phase I. The four sub-phases will be constructed in sequence consistent with requirements of the Land Development Code. Infrastructure for each sub-phase will be constructed prior to recordation of any sub-phase plat. After the infrastructure has been completed and with the option of bonding for such minimal improvements as landscape, warranties etc., the plat for each sub-phase will be recorded after administrative review and approval by County staff.

Article V, Section 5.2.6(a) of the Land Development Code states:

“Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of development must be considered on its own merits”



Compliance of the above section is described below:

Each phase of the project has been designed to allow for the construction of roads and utilities to stand independent of the succeeding phases. Temporary cul-de-sacs will be constructed on Via Orilla Dorado and Camino Cerro Escondido in Sub-phase I. All other roads in Sub-phase I will connect to existing or planned roads providing for continuous road linkages. Failure to proceed with Sub-phase II would require the completion of the cul-de-sacs as permanent infrastructure.

Sub-phases II-IV do not require temporary cul-de-sacs, since roads are designed for continuous linkages, either connection to existing roadway in previous sub-phases or connection to planned roads within the respective sub-phase.

With regard to compliance with requirements of "applicable law and County ordinances" the adoption of the SLDC will not have a significant impact on La Entrada, Phase I. The current adopted version of the SLDC ordinance specifies that the plan and ordinance requirements of the Community College District will continue to apply. La Entrada, Phase I was planned and engineered in compliance with the Community College District regulatory standards.

The following items are submitted with this request:

- Completed development permit application
- Check in the amount of \$400.00 for the development review fee
- Two sets of the final plat with the amendments shown on the cover sheet in an 11 x17 format

Please schedule this request for the October 15th CDRC meeting.

Sincerely,



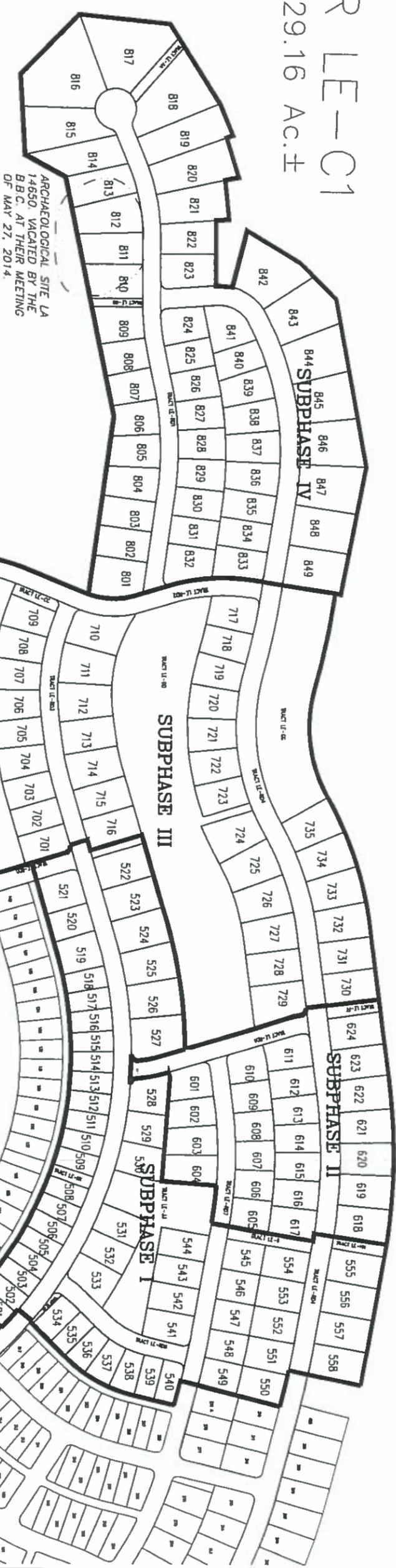
James W. Siebert

Xc: Warren Thompson

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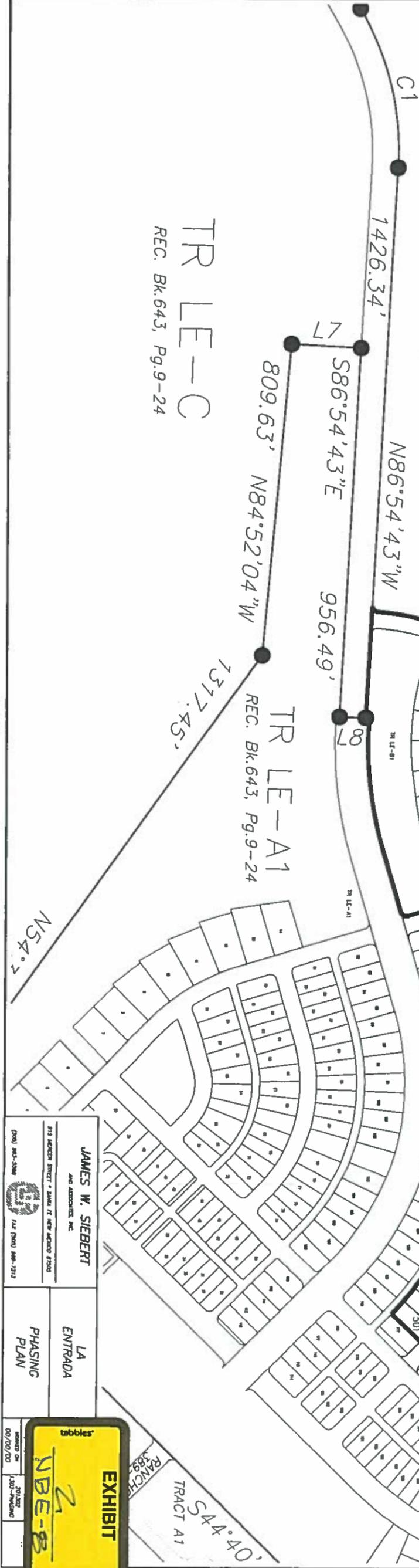
LA ENTRADA PHASE 1
251.35 AC.±

TR LE-C1
129.16 AC.±



TR LE-C
REC. BK.643, Pg.9-24

TR LE-A1
REC. BK.643, Pg.9-24



JAMES W. SIEBERT
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LA ENTRADA
PHASING PLAN

EXHIBIT
2
NBE-8

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 117

COMMISSIONER SULLIVAN: I think what we just approved here was a 126-lot subdivision.

COMMISSIONER CAMPOS: There's no water there.

COMMISSIONER SULLIVAN: I know there's no water there. That doesn't stop us from approving subdivisions. Okay. I'm just glad I voted no. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Commissioner Sullivan, your characterization of that actually misrepresents what my vote was. My vote was, given the recommendations by staff and that the hydro had been done, that this subdivision was going to move forward in good faith to subdivide in accordance with the proposed recommendation. Now, if they come before us and prove another hydro study, which I'm understanding Commissioner Anaya to say it would be difficult to do, we'll cross that bridge when we come to it. But at this point in time, I don't want my vote to be represented as a statement that we've just approved 120-lot division. That misrepresents what I intended to vote for.

- XII. A. 6. **EZ Case # MP 05-4870 Rancho Viejo Village West- Rancho Viejo de Santa Fe, Inc. (Isaac Pino) Applicant, Requests Master Plan Approval for a Mixed Use Development (Residential, Commercial, Community) Consisting of 1,250 Residential Units and 117,250 square feet of Commercial Space on 668 Acres to be Developed in 3 Phases. The Property is Located off Rancho Viejo Blvd/Avenida del Sur Intersection in the Community College District within Sections 19, 20, 29, 30, Township 16 North, Range 9 East and Sections 24,25 Township 16 North, Range 8 East (5-Mile EZ Districts)**

MR. CATANACH: Thank you, Mr. Chairman. I handed out a letter that came from the County Fire Department in which they are making a request or a recommendation that Rancho Viejo provide a lot within this master plan for a fire station. *[Exhibit 9]* And with that, Mr. Chairman, I'll go ahead and read the staff report. This is Rancho Viejo of Santa Fe, Incorporated, Isaac Pino, applicant is requesting master plan approval for a mixed-use development, residential/commercial/community consisting of 1,250 residential units and 117,250 feet of commercial space on 668 acres to be developed in three phases. The property is located off the Rancho Viejo Boulevard, Avenida del Sur intersection in the Community College District.

The staff report starts out by summarizing what subdivisions have been approved for Rancho Viejo. Turquoise Trail, 20 commercial lots, Rancho Viejo Business Park, 12 commercial lots, the Village at Rancho Viejo, 334 residential lots, Windmill Ridge 782



Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 118

residential lots, College Heights 75 residential lots.

On March 9, 2006, the EZC recommended master plan approval and I included the minutes of the EZC meeting. I need a report at this time that also on April 6th, last Thursday the Community College Development Review Committee also recommended approval of this master plan and the master plan proposes the following development with 334 acres of open space, parks, plaza and residential units for affordable housing.

Mr. Chairman, at this point I would go ahead and also clarify that the 188 would have been 15 of the total residential units for affordable housing, but now that we have a new affordable housing ordinance it will be 30 percent. So that in fact would be 30 percent of 1250 would be 375 residential units for affordable housing.

The proposal, phase 1 would be the village zone community center with village zone neighborhood and fringe zone neighborhood at 575 residential units on 351 acres and the staff report outlines the village zone community center, 43 residential units, 41,000 square feet of commercial space. Also, you'd have the village zone neighborhood, 481 residential units, the fringe zone neighborhood, 55 residential units and an elementary school site on 15 acres that would accommodate 500 students.

Phase 2 would be the village zone neighborhood and fringe zone neighborhood, 571 residential units. And that breaks down to the village zone neighborhood, 527 and the fringe zone neighborhood, 44 residential units.

Phase 3 is the employment center zone. About 100 residential units and 68,500 square feet of commercial.

The staff report outlines the locations of the zones and the zoning allowances. The minimum residential density in the Community College District is 3.5 units per acre. The applicant is proposing about 9.1 units per acre, and the gross residential density in the fringe zone is one unit per acre; the applicant is proposing a gross density of one unit per 1.5. The staff report outlines the minimum floor area ratios for the community center and the employment center in which the applicant has stated the proposal to comply different floor area ratios within those commercial areas.

Market analysis, economic, fiscal impact and the master plan submittals did include a commercial market analysis and it included an economic, fiscal impact report. I state what the criteria are for these reports as per the ordinance, and in fact the applicant will have to also submit a residential market analysis in line with those criteria.

The water/wastewater and the County water system is proposed subject to transfer of water rights. Mr. Chairman, I'd want to make a clarification at this time of the staff report. It states that as an option, an onsite community water system, subject to water availability and transfer of water rights. Mr. Chairman, in the Community College District, the ordinance requires that you utilize a public utility, City or County water, so in fact, the applicant did state an option for an onsite community water system, actually, maybe I wasn't absolutely clear if that was a proposal that they would possibly be considering - if need be - considering a transfer of that well to the County water system. I wasn't clear on that. The clarification I'm making is that the Community College District

NBE-10

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 119

requires that they utilize a public water utility.

The total estimated water use for the master plan is 268 acre-feet. The applicant is in the process of purchasing 292 acre-feet of water rights and initiating a request to the BCC for approval of a water service agreement for 110 acre-feet to serve the first phase of development. I think that with the new water allocation policy that came out, it's possible that the applicant wasn't able to request that much water in one request. So I think that this applicant will be returning back to the BCC in accordance with the water allocation policy. That's my understanding.

Existing wastewater treatment facility will be utilized subject to permit for expansion as approved by the Environment Department. Treated wastewater is currently used for irrigation of common area landscaping.

Roads and access, a preliminary traffic report has been submitted and primary access will be Rancho Viejo Boulevard to State Road 14. A traffic signal is currently being installed at Rancho Viejo Boulevard/ State Road 14 intersection. Rancho Viejo Boulevard is currently a County road. The master plan indicates a general road network with intersections off Rancho Viejo Boulevard, Richards Avenue and connecting intersections with existing roads off Avenida del Sur.

The master plan indicates that the roads will be in compliance with road standards for the Community College District. That includes bike lanes, sidewalks, on-street parking. The road plan for the Community College District indicates potential for future extension of College Drive through the development to connect with Rancho Viejo Boulevard and the potential for future extension of Avenida del Sur to connect with Vista del Monte to State Road 14.

The staff report addresses terrain, open space, landscaping, archeology. Mr. Chairman, Commissioners, the master plan is in compliance with the Community College District zone, based on land types, permanent open space, parks, plaza will consist of 334 acres, that's 50 percent of the total acreage. This includes five acres of the school site for a community park. So part of the school site would actually be part of the community park. They will be required to install cisterns for collection of roof drainage and an archeological report did determine several significant sites that would need to be preserved in easements or subject to a treatment plan.

Homeowners association, and obviously, this development will again use covenants that are consistent with the covenants that are already being used out there in Rancho Viejo. Staff recommendation and the criteria – the staff report lists the criteria for consideration of the master plan and we're familiar with those criteria, A, B, C, and D. Mr. Chairman, the proposed master plan is in conformance with the Community College District plan and ordinance and staff recommends master plan approval subject to conditions.

Mr. Chairman, I think for purposes of clarification that an additional condition would be added that the applicant shall connect to a public water system. That would be condition 9, shall connect to a public water system in accordance with Ordinance 2002-11.

NBE-11

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 120

And like I mentioned, that's already an ordinance. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, we'll enter the conditions for the record.
[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Dept.
 - c) State Dept. of Transportation
 - d) Soil & Water Dist.
 - e) County Hydrologist
 - f) County Public Works
 - g) County Fire Dept.
 - h) County Technical Review
 - i) County Water Resources Dept.
 - j) Santa Fe Public School Dist.
 - k) State Historic Div.
 - l) County Open Space, Parks & Trails Div.
 - m) County Housing Services Div.
2. Submit a market analysis for the proposed residential development in conformance with the criteria.
3. Specify open space buffer for portion of property along Dinosaur Trail (highway corridor) and Richards Ave. in conformance with CCD Ordinance.
4. Provide road connection for future extension of College Drive in accordance with road circulation plan.
5. Address phasing for off-site road extension for future connection of Avenida del Sur and Vista del Monte in accordance with road circulation plan as required by BCC-EZA.
6. Provide a minimum of 15 percent affordable housing for each phase based on total number of residential units for each phase in conformance with current ordinance for affordable housing .
7. Participation in an infrastructure extension policy for district wide infrastructure improvements as required by the County.
8. Private open space shall not exceed 15 percent of total residential floor area.

CHAIRMAN MONTOYA: Any questions for staff?

MR. CATANACH: Mr. Chairman, I'm sorry. I should state that this proposed master plan is within the Two-mile Extraterritorial - primarily within the Two-mile. There's property outside the Two-mile. This master plan, like I mentioned, has already gone through the two recommending committees, the EZC and the Community College District. The recommendations - the EZC recommendations would include the City staff conditions. That's what I wanted to say. The City staff conditions would also be

NBE-12

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 121

included as part of the conditions. Thank you, Mr. Chairman.

COMMISSIONER SULLIVAN: I have a question for staff, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Joe, on the City staff conditions, I recall from reading the materials that the applicant was not in agreement with those. Is that correct?

COMMISSIONER SULLIVAN: Mr. Chairman, the minutes will clarify and this applicant will clarify that I think the applicant had an issue with condition 1 of City, and probably condition 2 as I recall, for discussion. I think this applicant is going to state that condition 1 is too general to understand what they're agreeing to, and number 2, this applicant has already contributed – I think the amount was \$80,000 towards intersection improvements at Rodeo and Richards, which apparently has been in an escrow that the applicant has continued to have to review for the last several years. The money hasn't been used.

CHAIRMAN MONTOYA: By the City?

MR. CATANACH: By the City. I think those were probably the extent of the applicant's issues on the City conditions.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: That's all for the staff. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: For staff, and perhaps, Dolores, you should answer this. Is the Community College District planning and ordinance up for re-evaluation?

MS. VIGIL: Mr. Chairman, Commissioner Vigil, I believe that was asked of staff at one point, maybe about three, four months ago, but it hasn't been re-evaluated by my staff at this time.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN MONTOYA: Okay, if the applicant would come forward please.

[Duly sworn, Ike Pino testified as follows:]

IKE PINO: Thank you, Mr. Chairman, Commissioners. Just by way of a brief presentation there's a couple of points I want to make and then address those City conditions and give you what our concerns were about those. And then I think the most effective thing beyond that would be to just stand for your questions, because there probably should be a few.

One of the things that we wanted to call to your attention was that in order to design this master plan we decided to last summer to conduct what we called the Homework Group. [Exhibit 10] And essentially what we did is we invited all of the adjoining residents to participate in the design of the master plan, and that included the residents of Vista Ocaso and the residents of the Village or Rancho Viejo. We had

NBE-13

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 122

responses from about 50 people who showed up and worked throughout the summer, really for the early part of the summer, five weeks. And the purpose of the group was to reach consensus on issues that they felt were critical to be addressed in this master plan.

What was essential about the consensus process was that Rancho Viejo did not take it over it. Rancho Viejo did not guide it. In fact, Rancho Viejo was a participant the same as all the rest of the residents. Through that process, four major items were identified for consensus and consensus was reached, and I just wanted to point those out to you. One of them was the issue about the buffer between Vista Ocaso and Rancho Viejo, because the Rancho Viejo property in question butts right up to the south line of Vista Ocaso. And I'll show you on this map. Right there is Vista Ocaso. There's the south part of Vista Ocaso. And you might recall that the issue of the buffer on the north side for another development project was fairly contentious. So when we got together as the Homework Group what we agreed by consensus – and most of the residents that live here on the south side participate in the Homework Group, was that we would have a 325-foot buffer on the south side expanding to 400 feet over here on the southwest side on which nothing would be built. We agreed to that condition and we agreed to bring that forward as a consensus point of the Homework Group.

The residents of Vista Ocaso on the south end were content that a curve would be in there, particularly for potential equestrian use, but there would be no building going on in that particular buffer.

Another major item of consensus was the affordable housing. The entire group felt strongly that the affordable housing needed to mirror what we've done in the past and that would be to have it scattered throughout the subdivision, have it look like the rest of the subdivision and we agreed to that. That's always been our intent because we want to have a look in our community that does not separate the affordables from anything else.

The another item is the location of the public school site. Now, Santo Nino is building right up in here in and will open in the fall a K through 6th grade school. And the public schools have been talking with us about a 15-acre site for a K-8 school. They have not moved forward with this. The project is funded in the bond issue but they don't have the operation money and it's starting to look like the situation is getting even more dire for the public schools.

But the Homework Group decided this was the primary location. There were representatives from Santa Fe Public Schools in the Homework Group. So in the future, when they're ready to build, they're looking at this particular site right in here for the location of the school. It fits within their criteria in that it's tucked in a neighborhood and that's really what they wanted to see.

And then the fourth item, if you go to the College District Plan, Jon Paul, the fourth item was the issue of what's called the north connector road. Right in here, this is the road plan right in here that shows a north connector road that goes up by Vista Ocaso and connects through I-25, either under or over. And there was a sense on the part of some of the residents of Vista Ocaso that participated from the north end that in the development

NBE-14

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 123

plan approval for La Pradera that the ability to connect this north connector had been taken out.

We don't know for certain whether that's the case but we did not show this north connector in our plan just in observance of the consensus. However, one of the staff conditions from the County is that we bring across College Drive and connect it to the south. In looking at our master plan that's a condition we can agree with because we had some opportunities to bring College Drive right over here down into the subdivisions, and bring it down to the proposed roads that connect east and west and connect to Rancho Viejo Boulevard and Avenida del Sur.

So a portion of what would be the north connector road would be up in here, but it would probably terminate at the turn here to College Drive back to this intersection, unless – and we're open to this and we told the homeowner group we would come back to them if there was a requirement to push that under now. The traffic impact analysis, and I think you heard this discussed in other cases, suggests that it could – Al Pitt's study suggests that it could be 20 years before that's needed.

But I mention that only because the Vista Ocaso residents were primarily concerned about that north connector road and asked by consensus that it just not be made part of the master plan. So we will come up and swing around back into College Drive. That would be the plan over time. And we'd probably do it in such a fashion as to keep the portion of the road that goes in front of the school separate from the road that comes north and south.

Two other items. Of course we were prepared to discuss water in the context of a water service agreement and that's not the case anymore with the water delivery schedules. We understand how that resolution is intended to work. I did want to tell you that we did conclude the purchase of the 292 acre-feet of water rights. They're diversion water rights. They're pre-1907. We've had preliminary talks with County staff about transferring those or moving them to a place of the County choice in the near future as soon as the County is ready to move on that. We also talked to the State Engineer about those water rights. The State Engineer has recently changed their policies about transfers of water rights, particularly if it's water rights trying to go to a diversion. These are diversion rights and certainly the OSE just looks at them very broadly when we ask them for an opinion and they just say, well these are the kind of rights that are likely to transfer without effect from that policy.

So we do own them. We closed on them on February 14th and we're prepared to make application and to move them as the County would seem reasonable. Now, we understand that moving 292 acre-feet in the County's name doesn't mean that that's going to be banked for us so we can continue on with this master plan. We understand that the water delivery at this point would only allow for an application of 35 acre-feet per year as long as there's water available. But I just want to make it clear that we didn't have an expectation that 292 equals 292 in delivery, and we're just going to have to queue up with everybody else on our request for water and we go forward.

In terms of traffic, there are a couple of items I want to mention. One of them is

NBE-15

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 124

that Rancho Viejo Boulevard right now is a road that has no shoulders and the further work on the traffic impact analysis has indicated that we'll need to add shoulders and some on-street parking all the way down to the location of the last intersection. We're going to build parallel trails also that will connect down into regional trails over here that will take pedestrians and bicycles off of Rancho Viejo Boulevard, which is a pretty dicey situation right now with no shoulders. So the combination of widening Rancho Viejo Boulevard, adding parallel trails and crossing them into the regional trail system, should, we hope, create a much safer situation for people on bicycles and pedestrians who like to use that roadway for their purposes.

The staff conditions that the City talked about were these. They said we'd like you to participate financially in the cost of the improvements for Rodeo and Richards intersection. Back in the Village Unit 1, in 1998 we were asked to escrow \$79,000 and we did in the form of a CD and we keep renewing it each year. And we keep asking the City if they're going to do a project and they keep saying they're going to, and we've yet to see a project. Frankly, City staff that is here now was unaware of the fact that we have that money in the bank and they invited us to talk with them about it at a future date when we were at the EZC and took exception to that particular condition, because they didn't know we had it and they really couldn't tell us how much more they would need from us because conditions have changed dramatically. We have a number of subdivisions that have master plan or development plan in the College District and beyond to the north that in my view ought to be participating in the cost of that intersection in addition to what we've added to it already.

But we have made ourselves available to the City. They said they would meet with us and we've had a couple of meetings cancelled by City staff so we haven't been able to find out what else they have on their mind, or to show them the CD, which of course we do have.

Their other one was to participate in a South Richards widening, and we certainly understand that there will be impacts and that that road needs to be widened and we're willing to do our share, but there again we wanted to make sure that we weren't footing the entire bill and just essentially putting ourselves in a position to write a blank check to the City without them telling us what their plans are. In working with the County staff, it's always been real clear as to what their expectations are in terms of infrastructure so we can estimate that fairly easily but it's difficult to say, well, one of these days we're going to do a project and we're going to do a program and we can't tell you how much it's going to be but we want you to agree to participate.

Certainly we're willing to do our fair share but we just want to make sure that it's understood that the City did agree to talk to us to tell us what our fair share of what their project might be. They're not here tonight to speak to that particular issue and those were the reasons why we took exception to those two conditions.

We did have an opportunity to meet with Chief Holden tonight, and we agreed that the donation of the 1.5-acre site for a new fire station would be do-able.

NBE-16

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 125

We haven't had a chance to sit down with the chief to find out where exactly he wants it. Certainly anywhere in the master plan is do-able, but it could be that maybe something located in some tracts from previous subdivisions is something that is more preferable. But we've agreed to sit down with Stan and work out where they want to do that and then get that land dedicated to the County so that they can go ahead and then work forward on moving and getting a fire station put in.

I think Commissioner Sullivan will tell you that he's had a lot of phone calls from residents in Rancho Viejo that would like to see a fire station in Rancho Viejo. We understand that a fire station located in Rancho Viejo isn't necessary just for Rancho Viejo and certainly our residents would probably understand that as well but I think they would feel more comfortable if they had something more immediate for fire protection and emergency services. So we're willing to make that provision a condition in our approval for the County when they're ready to do that.

Mr. Chairman, with that I'll stand for any questions.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Pino, am I to understand if we included, as a condition of approval, number 10, the applicant shall provide a 1.5-acre site to construct a fire station to Santa Fe County, somewhere in there, shall provide a 1.5-acre site to Santa Fe County for the purposes of constructing a fire station.

MR. PINO: That's correct.

COMMISSIONER VIGIL: You're in agreement with that.

MR. PINO: Mr. Chairman, Commissioner Vigil, that's correct.

CHAIRMAN MONTOYA: That would be number 11.

COMMISSIONER VIGIL: I only have number 9, shall connect to public system. What is number 10?

CHAIRMAN MONTOYA: Under City staff conditions, that they also be included.

COMMISSIONER VIGIL: I'm not sure. You didn't agree with all the City staff conditions, right?

MR. PINO: We didn't agree, and Mr. Chairman, Commissioner Vigil, I guess the thing I wanted to underscore the most without too many words was that City staff said we'll talk to you about those and they've never made themselves available to talk to us about them, so it's kind of in limbo insofar as what the City might want us to do specifically. That's why I wanted to put on the record that we do already have a CD in place via other approvals and we would expect to pay a proportionate share of any widening project for Richards, as long as we know there are others paying proportionate shares as well.

COMMISSIONER VIGIL: Okay. Item number 10, being that the applicant will work with City staff to negotiate requests by City for road improvements in the area?

MR. PINO: Mr. Chairman, Commissioner Vigil, if the rest of the Commission agrees with that condition we certainly accept it.

NBE-17

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 126

COMMISSIONER ANAYA: What was that?

COMMISSIONER VIGIL: We were discussing the distinct difference between a condition that the applicant is required to comply with City staff's recommendations, or whether or not the applicant should be working with City staff to negotiate conditions. My understanding for that second condition is that the applicant does not agree with the stated conditions by the City, particularly because they have already placed close to \$80,000 in a CD to be applied to improvements to the intersection of Richards Avenue and Rodeo Road, and those improvements have not been made.

So I suppose if we included language that says applicant shall work with the City to negotiate improvements as recommended by them, they would be able to hammer out what's going to happen to the \$80,000 and talk to the City about any perspective requirements. So I would just propose that that language be number 10, and that -

CHAIRMAN MONTROYA: That City staff conditions will be negotiated?

COMMISSIONER VIGIL: Yes. Between applicant and City.

CHAIRMAN MONTROYA: Is that okay, Ike?

MR. PINO: Mr. Chairman, that would be fine on our part, yes.

COMMISSIONER VIGIL: And that would mean that item number 11 would be the applicant shall provide a 1.5-acre site to Santa Fe County for the purposes of constructing a fire station. Mr. Pino, I get a phone call here and there from residents saying they've been talking to Rancho Viejo with regard to land that might be donated for, in some cases it's a church. In some cases it's a charter school. Can you tell me what you've actually donated land for and what might be in the prospective future for what that area might look like for donated land?

MR. PINO: Sure. Let me show you on the College District map and that will give us a broader view. Rancho Viejo Partners, we in conjunction with them once we became partners with them, dedicated the first part of the Community College site and then provided a bonus price for the rest of the land that they're on. The first ten acres of Santa Maria de la Paz were donated, and they purchased the balance of their property. And then we donated the 11 acres where the school is being constructed today. The IAIA site was also donated, 164 acres, and then this little blue wedge down here is approximately 80 acres of institutional property and that's where ATC was given 15 acres for their school. The Seventh Day Adventist Church has come in and petitioned for five acres that we're trying to work with them right now. And then I got a request from the Singing Marimba Music School, or something like that. They wanted five acres down in here.

So we're trying to focus the smaller institutional uses right down in this area inasmuch as the road loops around and can pick up that traffic. But those have been the donations to date.

COMMISSIONER VIGIL: Do you see any future donations?

MR. PINO: Mr. Chairman and Commissioner Vigil, we still approximately 60 acres available to donate in this area. Given the size of the requests that come to us that should be fairly substantial for a while. I might add, the 15 acres for the public schools

NBE-18

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 127

should also be included in that. That hasn't been transferred by deed yet but we're intending to do that as soon as they're ready to go.

COMMISSIONER VIGIL: Okay. Also, Mr. Pino, I received a phone call from I think it was a member of the Community College Development Review Committee or someone who is active in there who had made the representation that at some point in time you had made statements with regard to gathering the community, perhaps some surrounding communities, and I'm not even sure if now, as I look at this Homework Group if this is what he was referencing or you were referencing. The reason why I pose the question is if the County is actually in the process of identifying or relooking at the Community College District Ordinance with regard to updating it.

The phone call that I received, however, was more concerned about what the vision of Rancho Viejo was going to be. Is Rancho Viejo currently engaged in any kind of a public process?

MR. PINO: Mr. Chairman, Commissioner Vigil, what the caller was referring to was a discussion I had with him concerning the potential of a master association or an assembly of homeowners associations in the College District. Right now, the only real operating ones are the ones in Rancho Viejo. There are two associations. We've created a third one with this master plan. I'm sure Oshara, La Pradera, all of them will have their own homeowner associations.

What I was suggesting to Mr. Rosen was that over time, as the Community College develops, with the number of people that could actually live on this whole 16,000-acre piece of land, that requirements or requests for such things as community centers or senior centers or even swimming pools for that matter could create a situation where it would become necessary for all of the associations to pool their resources, perhaps to provide those facilities. Back when we were doing the College District plan, I suggested that the County at that time certainly, and probably still today, doesn't have the resources where the group came in and said, we want a senior center, that the County could say, oh, sure. We'll just build it for you.

So the idea always was to create a master or an assembly that would deal with those kinds of issues and create in such a way that dues could be collected or fees could be assessed, etc. It's a long way down the road still, simply because the other associations don't exist. But it's an idea that Mr. Rosen was intrigued by, simply because he sees down the road as a member of the CCDRC, as these things come out of the ground that those kinds of requests will probably come up.

So it's not anything that can occur without coming to the BCC and getting approval for such a creation, and it's one that we've asked the law firm that does our covenants, Hyatt Stebblesfield out of Atlanta, does these types of things all over the world, and we've asked them to start taking a preliminary look to schedule on how something like that might look, just so that we can put it out there. Mr. Rosen's biggest concern was that Rancho Viejo not be the promoted of this. And we certainly said if the Community College wants to take the lead as the facilitator, we have no pride of ownership in the idea, that we would

NBE-19

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 128

be a participant in it. So that's been the extent of the discussion with them today.

COMMISSIONER VIGIL: Thank you, Mr. Chairman, just one more question for Mr. Pino, while you're there, so we have a triad here of clarification. This question is for Steve Ross. Steve, I know it's a late hour, but with our new water policy, what Rancho Viejo would do is they would come to our Water Resources Department for phase 1 of this development, request 35 acre-feet per year. What they have is 292 diversion water rights that are pre-1907, what will happen first, and do those water rights get banked? Does the 35 acre-feet get allocated and the 292 water rights get reduced by 35 acre-feet once they're used? I'm not real clear on that process and I'm not sure if you are Mr. Pino, either.

MR. PINO: Mr. Chairman, Commissioner, the way we would deal with it would be this. Right now, your total water, and most of it's allocated already anyway is 875 acre-feet. So all you have to work with is that amount. So that will terminate at some point, potentially before the diversion is built. But once the diversion is open you have a greater opportunity for the delivery of more than 875 acre-feet. And so our thought was if we go ahead and transfer the 292 acre-feet in the name of the County that certainly that would be more than enough for any requests that we would make within what's left over in the 875 over the next several years, however long that lasts. But once that diversion is open, those water rights should easily transfer into the diversion and that we would continue making our request through whatever policy the County has in place based on whatever reserve is left there at that time. That would be our approach on how we would look at this and understanding that the biggest limitation right now is that 875 and how far that will stretch.

COMMISSIONER VIGIL: Okay. Thanks. Our chair has left. I've monopolized with too many questions. Any other questions? I saw Commissioner Anaya, Commissioner Campos, and then Commissioner Sullivan.

COMMISSIONER ANAYA: Thank you, Madam Chair. Ike, we appreciate you donating that 1.5 acres for the fire department. Would you be willing to build that station and donate it to the County?

MR. PINO: Mr. Chairman, Commissioner Anaya, Stan and I haven't really talked about that. I'd be willing to talk about it, see how something like that might work out. One of the things that might be a potential is maybe in lieu of paying a fire impact fee with every permit, because over time, that's going to amount to a lot of money, if we figure out how much money would be needed for the station and get it built for you, and perhaps take a credit against the fire impact fees going forward. Because that's what the fire impact fee is for anyway, and rather than wait until you've collected enough to do it over time, just make an agreement where we could provide something like that up front and then have relief from the fire impact fee until it reaches balance and then start charging the fire impact fee again.

I think something along those lines could be worked out and included in some form of an agreement going forward.

NBE-ZD

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 129

COMMISSIONER ANAYA: Tell me if you talk about it and see what you come up with.

MR. PINO: Well, we're certainly open to that, Commissioner.

COMMISSIONER ANAYA: Thank you, Madame Chair.

COMMISSIONER VIGIL: Do you think it would be appropriate at this time to amend condition 11 to say shall provide 1.5-acre site to Santa Fe County to construct a fire station and negotiate with our fire department the construction of that fire station? Mr. Pino.

MR. PINO: Madame Chair, if the County Commission is ready to deal with the issue of the trade-off on fire impact fees – that just came to me now. I don't know if that's the best solution. I'm not even sure the fire chief would agree to that, frankly. But I just brought that up as a potential solution right now, to get you the fire station when you need it rather than later when you need it worse. I'm not quite sure what form that would take. If the Commission is willing to say, yes, we'll forgive the fire impact fee in the amount of what it would take to get the fire station built as part of the condition tonight, then we could probably accept that, Madam Chair.

COMMISSIONER ANAYA: I think that I wouldn't feel comfortable with doing that right now. I would feel comfortable if you would all just talk about it first and come up with some ideas, just saying that, because I don't know what that is. It's late. I just thought I'd throw that out and if you guys could talk about it then maybe we could come up with a good compromise.

COMMISSIONER VIGIL: So, negotiate the possible purchase of the fire station by Rancho Viejo. Or the possible construction.

MR. PINO: Madam Chair, we'd be willing to talk to the County about that. And there'd be an opportunity in the first development plan to make sure and memorialize that, perhaps as a condition of the first development plan and that will give us all enough time to consider how we might want to finance it and what kind of credits would be given to Rancho Viejo for that.

COMMISSIONER VIGIL: I think that's the understanding of the Commission. Are you done, Commissioner Anaya?

COMMISSIONER ANAYA: Yes.

COMMISSIONER VIGIL: Okay. Commissioner Campos and then Commissioner Sullivan. I'm turning it over to our chairman.

COMMISSIONER CAMPOS: Mr. Pino, there was a discussion about a number of donations. Obviously these projects will require water. Are you going to give them water, sell them water, or are you going to send them over to the City? The City has been complaining that the EZ projects have been getting donations from some folks and going to the City, getting water and bringing it out into the County.

MR. PINO: Mr. Chairman, Commissioner Campos, every time that a different entity more recently has approached us, they generally come to us saying that they've got the water situation taken care of. For instance, when ATC approached us, our

NBE-21

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 130

first true test for them is do you have the capital to build what it is you're seeking to build. I don't want to give away a piece of land and then have to worry about trying to get it back because you couldn't build anything. And then we talk about water. ATC came in and suggested that they had an agreement working with the City to get water from them so we didn't feel compelled to have to do anything.

When the public schools come in, however, they have no water rights. They hired Elud Martinez to investigate the water rights they thought they had and apparently he found that their water rights are all gone now. So it would be my expectation that we'd have to try to help the school out somehow, not knowing how much they would need but working with them in some fashion.

The Archdiocese had an agreement to be on Sangre de Cristo water like the church is, and so they didn't need any water from us and the Seventh Day Adventists haven't even reached the level of being able prove up their capital outlay money yet, so we haven't discussed water.

So more to your point, Commissioner, I wouldn't want to say that, yes, carte blanche, we'll provide water to everybody, because if they have some other wherewithal to something, perhaps they have water rights, that they can transfer or make some agreement with the City. And I have heard that complaint from the City. I'm not quite sure they're complaining about it now, they could have said no and we could have done something else. But ATC was able to make that deal with them. So we're flexible, Commissioner, I guess what I'm trying to say in so many words. We're flexible to talk with them about those sorts of things.

COMMISSIONER CAMPOS: I've just heard over the last couple of years continuous criticism. The County is sending over to the City and the City has to give them water and they get free land at Rancho Viejo or in the EZ. It's a point of contention. I've talked to Miguel Chavez about it and explained our position. Certainly I could say no but they keep saying yes and then they get mad about it.

MR. PINO: Mr. Chairman, Commissioner, the one on ATC seemed reasonable to me. IAIA is served by City water and the pipe goes right in front of the tract where ATC just has to go across the road there and tie in for their purposes. I think that's why they chose to deal with the City because it was easily accessible. Now I'm hearing, well, they may be this side of the meter, that side of the meter. I don't know. ATC may have to come back to us and work with us on something else. But their original request seemed very reasonable because that pipe was right in the ground, right in front of the property. That was their choice.

COMMISSIONER CAMPOS: I'm just - the issue of more City water in the College District is concerning. It raises some other issues that I'm not sure how they would work out but I sense that the City's very concerned about exporting water to the Community College and I'm not sure what their thoughts are in the future. If the utility gets a stronger presence in the College District I'm not sure what they would want to do. So I'm interested in that issue.

NBE-22

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 131

CHAIRMAN MONTROYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Ike, a couple of questions. I recall reading somewhere in the report that you were allocating the school as your commercial requirement. Is that how you're satisfying the commercial requirement of the master plan, with the school?

MR. PINO: Mr. Chairman, Commissioner Sullivan, no. The commercial requirement, the floor area ratio computation is based primarily on this commercial center which is an extension – they don't show the red on the other side; that already exists in the village. And all of this employment zone is in pink over here. So the entire commercial obligation for this master plan is encompassed there and right there. The school is an institutional parcel all by itself.

COMMISSIONER SULLIVAN: And what goes in the employment zone?

MR. PINO: The employment has commercial uses intended to create jobs, as the ordinance was written. And just by way of example, Mr. Chairman, if somebody came in and said I want to put in storage units. Storage units certainly create jobs in the construction but they don't create long-term jobs because then you have one guy sitting over a bunch of storage units. So in my view, that wouldn't be an employment zone type use. However, if an employer, and we had some inquiries – I can't name their name – that were interested in coming in down here in the industrial park and moving about 90 employees in, that would then become an employment zone type use because it would move 90 jobs into the College District.

So we would market this for that type of commercial, that is, bring a campus, bring a large group of employees, but not really entertain the proposals that just create one or two jobs and eat up the mass of the land. The commercial center is different in that it doesn't have the requirement of having to create the jobs, although it will create some jobs. We've had inquiries already from small grocery stores about coming out here once we start construction of this master plan. That's potentially one use that we would see almost immediately.

COMMISSIONER SULLIVAN: The State Engineer review was that the master plan does not provide sufficient information on the water budget for technical review at this stage. Where do we stand with that?

MR. PINO: Mr. Chairman, there was a memo issued by Ms. Torpy. Was that her name? Is that the one? Here we go. Karen Torres. Okay. Mr. Chairman, Commissioner Sullivan, if I could just – this was a short memo that was submitted on February 17th by the Water Resources Department and it says that we had submitted the revised water budget that includes all the total commercial phases and the master plan and the estimated water usage for the proposed elementary school. And then in a letter on February 10th to the County Manager we outlined the imminent purchase of the 292 acre-feet which has since been completed. And then a draft water service agreement that was going to be required. For the master plan level, Mr. Chairman, Commissioner Sullivan, that was really all that was required.

NBE-23

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 132

We had a little bit of an issue with the State Engineer's review because a lot of times they don't make the distinction between a development plan and a master plan and we've seen conditions that are more intended for - if you're going to build x-number of houses or this many square feet in this phase, where's your budget. And in fact, the purchase of the 292 acre-feet was intended to be able to cover most of this master plan and that was all that was required to go forward at master plan. That's been our understanding, Commissioner Sullivan and Mr. Chairman. I'm not sure that the State Engineer quite understands that but that's been a continuing source of discussion.

COMMISSIONER SULLIVAN: Let me just - if that's the case then why are we asking the State Engineer for review comments.

MS TORRES: Actually, Mr. Chairman, Commissioner Sullivan, it's late. My brain's a little slow. We did discuss that with the State Engineer with regarding master plans specifically. They are not required by the statutes to chime in at the master plan level. They're only required at the preliminary plat level to actually submit a review. They have been doing it administratively but I guess they've become bogged down and their policy has been they will look at it but they will not really issue an opinion on a master plan.

COMMISSIONER SULLIVAN: Okay.

MS. TORRES: Also, what was done for this one was a little bit more than some of the letters we have been receiving from them.

CHAIRMAN MONTOYA: But as far as County Code they're meeting what's needed for master plan approval.

MS. TORRES: Yes, they are. They have submitted a budget for the first phase. We reviewed it and we were okay with it, but because it is for the first phase if they don't meet that budget, in their final phase, their final build-out, it will come off of that end.

CHAIRMAN MONTOYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: And then could you explain, I've been receiving some calls from Churchill Road residents and they're having problems with their wells. And they've checked the physical wells, the connections and everything, and these problems apparently appeared to have started when you started doing the well work. Would you explain what it is you're doing there and what might possibly be causing the problems?

MR. PINO: Mr. Chairman, Commissioner Sullivan, I'll explain what we're doing. I'm not sure I can address what might be causing their problems, but right here, see where this commercial square is right in this area, right in this area where the light yellow and the dark green come together, we have drilled to date one observation well and an injection well for the governor's water innovation project to try and do an injection project and see what it does to the aquifer. Both wells are approximately 1800 feet deep. But nothing's been pumped. That's why I found it kind of curious what might be causing a problem for some of the Churchill area wells, because nothing's been pumped at all to date

NBE-24

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 133

and won't be for a while.

The innovation project called for – the State Engineer would allow us to pump 40 acre-feet of water out of the exploration well that we drilled back here five years ago and inject it into the ground at this point to see what the aquifer balance situation might be. But given the timing of the project, we still have two observation wells to finish before we could ever start introducing any water into the injection well. That will push us into probably June or July before any kind of injection could occur. The 40 acre-feet was measured as the amount of water we would be discharging from the treatment plant during the winter months that could conceivably go into an injection well, so it is a measured amount. But no pumping has been done to date, Commissioner.

COMMISSIONER SULLIVAN: But they're developing the wells, right? If you develop the wells you have to pump them.

MR. PINO: Mr. Chairman, if I could, Jon Paul's been managing our project. He's more familiar with what they're doing exactly right at this point.

MR. ROMERO: Actually, Mr. Chairman, Commissioner Sullivan, they're using County water to develop the wells from a meter. We're buying the water from the County, pumping it from a hydrant into the wells. We're not using well water itself for the development of the project at this time.

COMMISSIONER SULLIVAN: That's what seems to be causing the problems. They're getting fluctuations and they're getting air coming through the systems. And it's not just one, it's several. And I don't know. I know that that rig has been out there with lights on it 24 hours a day all night long and it must be doing something out there.

MR. ROMERO: You're correct, Mr. Chairman, Commissioner Sullivan. The drilling is a 24/7 operation just because of the depth of the well that they're drilling, 1800 feet. And in order to achieve those within the time frame it has to be a 24/7 operation. But they are dealing with mud and they're using County water for the packing to get the sleeves into there. And they're using County water. So they haven't actually been pumping the wells.

COMMISSIONER SULLIVAN: But they're putting water into the wells with County water.

MR. ROMERO: To do the drilling. Yes. But that's a depth of 1800 feet so I don't know – I'm not an expert in that. Maybe the County Hydrologist could talk about if it would cause any occurrences with outside wells that are at a shallower depth. I'm not sure.

COMMISSIONER SULLIVAN: Have you checked any of your test wells yet? Or those aren't complete yet?

MR. ROMERO: As Ike Pino said, we're just drilling right now. We haven't done any of the testing.

COMMISSIONER SULLIVAN: Okay, so your observation wells aren't done yet.

NBE-25

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 134

MR. ROMERO: They're not done.

COMMISSIONER SULLIVAN: I don't know. This just started happening when that drilling started and two things have happened to more than one well. There's more than one well in the area. There are a couple of wells on Churchill Road. Some are on several homes and some are individual wells. And the one thing that happened is that they suddenly go down. They suddenly, without any specific draws they lose head and go dry and they have to be restarted and reprimed. And then the other thing is we're getting long periods, reports of long periods of air in the system, just continuous.

Typically, when you restart a well you've got to get the air out of the system and in a few hours you've got it cleaned out. This problem with air in the system is going on for weeks, a long time. And no one seems to be able to put their finger on anything else that's changed other than this drilling and well development that's going on. Maybe you could have your hydrologist, whoever, look into that a little more. I don't know what it is but something's happening out there that's abnormal.

MR. PINO: Mr. Chairman, Commissioner Sullivan, I think I have a suggestion. Ballew Groundwater is our hydrologist on this project and they're always looking for opportunities anyway to observe what's happening. We could certainly send them out there if we could get the locations specifically from you, and just make it part of that program to see if that's causing any of that - at least in their estimation, if there might be.

COMMISSIONER SULLIVAN: Because those are the only - well, other than - there's wells at Vista Ocaso too. You're not checking on any of those, are you?

MR. PINO: We have not to date, Mr. Chairman.

COMMISSIONER SULLIVAN: And I haven't heard any reports at Vista Ocaso. Vista Ocaso is further away. If you'll look into that, that would be fine.

CHAIRMAN MONTOYA: Yes. Let's stick to the application review here.

COMMISSIONER SULLIVAN: Well, it kind of started off with the State Engineer and went on to that. That's all the questions I had, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions for the applicant? Okay, this is a public hearing. All those who would like to speak on behalf of or against this proposal, would you please come forward. And if you would please identify yourself and be sworn in.

[Duly sworn, Tom O'Brien testified as follows:]

TOM O'BRIEN: I'm Tom O'Brien. I'm a resident of Rancho Viejo, 35 Hook Place. Thanks for this opportunity and I'm not sure if I'm for or against, but let me put it this way. I've had a chance to review some of the preliminary plans for the extension of Rancho Viejo and I think they're really good. I'm in Unit 1, Village 1 and I'm on the Estate lots. The concern that I have is partly addressed by something that Ike Pino mentioned is that in a very short space of Richards Avenue there are a lot of current and potential access points between Avenida del Sur, the entrance to the Community College, and College Avenue, the Catholic Church and school, over here like that.

NBE-26

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 135

My understanding is that there are going to be circles to guide some of the traffic there and coming just – I'm not new here in Santa Fe. I've been here about seven months. If you've lived on the East Coast which I have all my life, you know about traffic circles. Yes, they're cheap to build, but they're not very safe. So I think if there's some consideration here in terms of management of all the access points in about .6 mile to possibly reduce them, use traffic lights, I think then you'll have a much safer environment in a highly congested and more congested area in the future. Those are the points I wanted to make.

CHAIRMAN MONTOYA: Thank you, Tom.

COMMISSIONER SULLIVAN: Just a comment.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Tom, just to let you know where things are on that, there have been a lot of proposals for traffic circles and as you say, all kinds of people representing themselves as traffic engineers. But what is current – the only things that are currently approved, to the best of my knowledge representing District 5 which includes the Community College District, are a traffic circle at the new Catholic Church school. And that will also assist in the Santa Maria de la Paz traffic flow on Sundays when they're trying to get out onto Richards Avenue after the services. So there is a traffic circle approved to go in there.

And then at the relocated Dinosaur Trail, that will be a traffic light.

MR. O'BRIEN: Yes, and one issue there to think about, having to drive that road every day, going north, you'll be able to see the traffic light very well. Going south there will be a visibility issue because you have to go over a hill and you have two bridges, and you may not be able to pick up the light as quickly as you should.

COMMISSIONER SULLIVAN: And that's the reason that's there because if you put anything else there, like a stop sign or anything like that, there's no sight distance when you're there on Dinosaur Trail. We have school bus drivers there trying to make left hand turns, the time at which someone tops over that hill underneath the interstate and gets down to Dinosaur Trail, the school bus can't make it out. They'd be T-boned. So there has to be some traffic control mechanism. And there may have to be flashing lights or some kind of warning lights to do that. But because of the developers wanting to relocate that road in hopes that someday they could have an interchange built for them there, and the location now of that intersection down in the swale, in the hollow, as you say, it limits what the options are to have a safe intersection there. And that's all the connection ultimately for the northeast connector too.

So far, and there are other subdivisions proposed in that area, but other than the traffic light at Governor Miles, so far there are only two things that the County has approved, the traffic light at Dinosaur Trail and one traffic circle at the church. Now, there have been discussions of other for Oshara but those haven't gone through the approval process yet.

MR. O'BRIEN: Commissioner, I do understand the periodic need for traffic

NBE-27

Santa Fe County
Board of County Commissioners
Regular Meeting of April 11, 2006
Page 136

control near the church, but think about all the Rancho Viejo residents and other residents going north on that road when you have a circle there. You really are limiting the flow of traffic when you're going around that particular point.

COMMISSIONER SULLIVAN: It's no question, Mr. Chairman. It's slightly less convenient, but you also have a problem with traffic turning into the Community College.

MR. O'BRIEN: Absolutely.

COMMISSIONER SULLIVAN: And the school of course is a full-time operation Monday through Friday. The church is in operation during the weekend so essentially we've got full-time traffic there and I think what Rancho Viejo residents are going to have to realize is the development of extensions like this and other subdivisions on there, it's no longer going to have the luxury of a straight shot from Governor Miles to Rancho Viejo. It just ain't going to happen. It's the price of progress.

MR. O'BRIEN: If they can get around options besides circles they'd be much better off. It's like living in New Jersey.

CHAIRMAN MONTOYA: Thank you, Tom. Anyone else like to speak on behalf of or against this project? Okay, the public hearing is closed. What are the wishes of the Board?

COMMISSIONER ANAYA: Move for approval with all the conditions, including the ones that you added.

CHAIRMAN MONTOYA: Okay. Nine, ten and eleven. Okay, motion by Commissioner Anaya.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Any other discussion?

COMMISSIONER CAMPOS: Question, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: The City memo has a number of conditions. Are those included or not included in the motion?

CHAIRMAN MONTOYA: They are number 10, to be negotiated with City staff. City staff conditions will be negotiated with City staff.

COMMISSIONER CAMPOS: That includes all five of them?

CHAIRMAN MONTOYA: Yes.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN MONTOYA: Any other discussion?

The motion to approve EZ Case #MP 05-4870, as amended passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Okay, we will go back now to item XI. C.1 Commissioner Vigil.

NBE-28

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 101

COMMISSIONER ANAYA: Mr. Chairman, the motion was to approve, and that would mean that we would approve the 100-foot tower. And Commissioner Vigil's concern is the height.

CHAIRMAN MONTOYA: Correct.

COMMISSIONER ANAYA: I do have a concern about the height. In setting precedents, if we do allow this to go forward a lot of people would want to do it, which I think is good but do we want to see all those 100-foot towers? I think there's other ways that we could accomplish the energy efficiency. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion?

The motion to approve CDRC Case #V 06-5460 passed by majority 3-2 voice vote with Commissioners Anaya and Vigil voting against.

- XII. A. 13. **EZ Case # 05-4871 La Entrada Subdivision, Phase 1. Rancho Viejo de Santa Fe Inc., Isaac Pino Applicant is Requesting Preliminary and Final Plat and Development Approval of 456 Residential Lots with a Commercial Community Center on 249 acres in Accordance with the Approved Master Plan and a Variance to Permit a Cul-de-sac Road Exceeding 300 feet. The Property is Located off the Rancho Viejo Boulevard/Avenida del Sur Intersection in the Community College District within Sections 21,28,29 Township 16 North, Range 9 East (Commissioner District 5) [Exhibit 10:La Entrada Plat; Exhibit 11: Support Letter]**

MR. CATANACH: Thank you, Mr. Chairman. On April 11, 2006, the BCC granted master plan approval and on April 27, 2006 the EZA also granted master plan approval for a mixed-use development consisting of 1250 residential lots and 117,250 square feet of commercial space on 668 acres to be developed in three phases. I've included the minutes of the April 2006 BCC and EZA minutes.

On August 16, 2006, the EZC recommended approval for phase 1. Those minutes are also included in your packet. The proposed subdivision phase consists of 456 residential lots which includes 137 lots for affordable housing and 149.5 acres of open space, parks and public trails. Two tracts are proposed as an addition to the mixed-use community center located at the Avenida del Sur/Rancho Viejo Boulevard intersection that was established with the Village at Rancho Viejo Subdivision that was previously approved.

The residential lots range in size from 2,976 square feet to 1.9 acres. Water/wastewater, the subdivision will utilize the County water utility and a water service letter has been issued from the Water Resources Department. The total estimated water use for



Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 102

the residential lots is 91.2 acre-feet based on .20 acre-foot per residential lot and five acre-feet for commercial uses. The existing wastewater treatment facility will be utilized subject to permits for expansion as approved by New Mexico Environment Department. The existing facility currently has capacity to serve about 125 lots. The applicant is in the process of obtaining permits from the New Mexico Environment Department for expansion of the wastewater treatment facility.

Roads and access, a traffic report has been submitted for review. Primary access will be Rancho Viejo Boulevard and State Road 14. A traffic light has been installed at the Rancho Viejo Boulevard/State Road 14 intersection. Rancho Viejo Boulevard and Avenida del Sur are dedicated County roads and that intersection will be redesigned subject to approval by the County Public Works. Four subdivision access roads are proposed off Rancho Viejo Boulevard subject to approval by County Public Works. The subdivision access roads are paved with curb and gutter, sidewalks, and will provide for on-street parking.

Terrain, open space, landscaping archeology. The Arroyo Hondo flood zone and connecting tributaries extend to the northwest portion of the subdivision and are designed as part of the open space with trail alignments. Common detention ponds will control post-development drainage and a slope analysis demonstrates compliance with slope standards. Permanent open space consists of 149.5 acres which includes 5.5 acres of developed parks. An archeological report was submitted and determined that several significant sites need to be preserved in easements or subject to a treatment plan as approved by the State Historic Division.

Homeowners association, homeowner covenants and a disclosure statement have been submitted addressing development and use of the lots, including ownership and maintenance of the roads, common areas and facilities and solid waste removal.

Variance: The requested variance is to permit a cul-de-sac exceeding 300 feet. The applicant is proposing a cul-de-sac with a length of 790 feet. The Community College District Ordinance specifies that no-outlet roadway shall be used only to preserve open space, contiguity or in cases that terrain does not allow connectivity. No-outlet roadways shall not exceed 300 feet in length and shall have minimum 50-foot turnaround. The applicant has submitted a letter addressing the variance criteria and the EZC-BCC shall determine if the applicant has justified the variance criteria.

Recommendation: The proposed subdivision is in accordance with the approved master plan, the Community College District Ordinance and the Extraterritorial Subdivision Regulations. Staff recommends preliminary and final plat approval subject to the following conditions. Staff can support the requested variance regarding the cul-de-sac length based on the relevant criteria to preserve contiguous open space, and consideration for the number of lots served by the cul-de-sac road, which is four. The EZC recommended approval subject to the following conditions. And Mr. Chairman, maybe if I can enter those conditions into the record.

[The conditions are as follows:]

NBE-30

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 103

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Dept.
 - c) State Dept. of Transportation
 - d) Soil & Water Dist.
 - e) County Hydrologist
 - f) County Public Works
 - g) County Fire Dept.
 - h) County Technical Review
 - i) County Water Resources Dept.
 - j) Santa Fe Public School Dist.
 - k) State Historic Div.
 - l) County Housing Services Division
2. Development plan submittals shall include but not be limited to the following:
 - a) Identify northwest park on development plan sheet as s developed park consistent with Parks Plan submittal, and specify landscaping improvements for neighborhood park designated along Avenida del Sur. A neighborhood park is required within 1000 feet of each residence in the neighborhood.
 - b) Specify recreational facilities (playground equipment, benches, picnic tables) for neighborhood parks
 - c) Identify neighborhood parks on plat and specify size; minimum size required is .25 to 1.0 acre
 - d) Submit road sections with plans and profiles for Rancho Viejo Boulevard and Avenida del Sur as approved by County Public Works
 - e) Compliance with requirements for a community park; a community park is required for a village zone neighborhood consisting of 3 to 5 acres
 - f) Identify lots for affordable housing on development plan sheet
 - g) Identify community center tracts on development plan sheet and specify size of tracts on plan
 - h) Specify depth of surface material for village trail detail and a minimum 20-foot wide easement for district trail and village trail
 - i) Address project monument sign and traffic control/street signs
 - j) Address street lights
 - k) Specify minimum six-inch basecourse for all road sections and a four-inch concrete depth for sidewalks
 - l) Horizontal road grades shall not be less than one percent
3. Submit engineering plans for expansion of wastewater treatment facility. Submit modified discharge permit as approved by NMED prior to recording plat.
4. Address school site that was represented in master plan for phase one and designated on Community College land use map.
5. Final homeowners documents (covenants, by-laws, articles of incorporation,

NBE-31

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 104

disclosure statement) subject to approval by staff and shall include but not be limited to the following:

- a) Water restrictions/conservation measures, including cisterns and hot water recirculation systems
 - b) Maintenance plan for roads, trails and drainage facilities
 - c) Solid waste removal by homeowners association
6. Submit solid waste fees
 7. Final plat shall include but not be limited to the following:
 - a) Compliance with plat check list
 - b) Reference previous dedication and acceptance of Rancho Viejo Boulevard and Avenida del Sur to County
 - c) Rural addressing
 - d) Provide road easement for future road connection with College Drive
 - e) Provide cross references for recording covenants and affordable housing agreement
 8. Submit final affordable housing agreement as approved by County.
 9. Submit cost estimate and financial surety for completion of required improvements as approved by staff.

CHAIRMAN MONTROYA: Okay, questions for staff? Seeing none, would the applicant, Mr. Pino, come forward. Thanks, Joe.

[Duly sworn, Ike Pino testified as follows:]

IKE PINO: Thank you, Mr. Chairman. My name is Ike Pino. My address is 55 Canada del Rancho. Mr. Chairman, Rancho Viejo has no arguments or issues with the staff conditions. I did want to point out a couple of things on the plan just to give you a context or where we are. You recall the master plan was before you last spring. That's the top drawing that shows the master plan area running along Richards Avenue and then all the way back down to Rancho Viejo Boulevard and up into the northwest area.

This first phase is a subdivision. Down here, it kind of reminds me of the New England Patriot logo, now that I look at it. It fits in – it's generally located right in this area right here, is where this first phase is. Mr. Chairman, as indicated, there are 137 affordable units in the overall of this particular phase of development. Just for comparison, there are 167 in the first entitlement for all of Rancho Viejo, the first 1116 units, so we'll start to see a lot more affordable housing of course per the new affordable housing ordinance. This will afford us the opportunity to create the trail along Rancho Viejo Boulevard down to State Road 14. It's a facility that we've needed to be doing now for some time. A lot of bicyclists, including myself in the early morning kind of go on an adventure going up that two-lane highway. So that's something that we know has been wanted.

One other thing I would just mention. We showed a school tract here and the school tract was not included in phase 1 because the Santa Fe Public Schools are still not ready to

NBE-32

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 105

talk to us about whether they want that tract, unfortunately. They're still in the process of deciding whether to close small schools and open a big school and what not. We are prepared though to address the condition in here if we have to and they decide to go ahead and close some school and open this school. They can come in and split this lot up for them, unless it comes so late that we're in the next phase of development, which probably wouldn't be for another five years.

Mr. Chairman, with that I think time would be best spent now standing for your questions.

CHAIRMAN MONTROYA: Okay. Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of questions, Mr. Pino. Your report says that Rancho Viejo has been approved to use a water budget of .20 acre-feet. Who approved that?

MR. PINO: Yes, Mr. Chairman and Commissioner Sullivan, that was in the agreement three years ago when we came in to modify the original water budget, the 164 acre-feet and we had demonstrated some savings and we were able to do Windmill Ridge, Unit 3 under the original 164 acre-feet. It was at that point that the Commission approved .20 going forward for Rancho Viejo development.

COMMISSIONER SULLIVAN: I don't remember that approval being for all Rancho Viejo. That was for Windmill Ridge, right?

MR. PINO: Mr. Chairman, Commissioner Sullivan, that's true. At that point it would have been only to the Windmill Ridge Subdivision.

COMMISSIONER SULLIVAN: So this Commission hasn't approved .2 for this subdivision has it?

MR. PINO: Mr. Chairman, Commissioner Sullivan, there's been no official action taken of that type, no.

COMMISSIONER SULLIVAN: We talked in an earlier project about two conditions for the Gillentine Subdivision that I felt were necessary. Were you around for that?

MR. PINO: Yes, Mr. Chairman, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Okay. Then I won't repeat it. Are those similar conditions acceptable to Rancho Viejo?

MR. PINO: Yes, Mr. Chairman, Commissioner Sullivan, and I thought I might add, just because we're dealing with a much larger scale in this particular case. My agreement with - at least administratively, on the administrative level for the BCC's ultimate approval, with the Utility Department, we talked about beginning the transfer of 91 acre-feet of main stem water rights, pre-1907 to the County and in order to guarantee those we agreed that we would go ahead and post a bond in an amount specified by the Utility Department so that one of two things would happen. One, that the water rights would transfer as we would expect, and then we would be whole with the subdivision, or if they failed to transfer or part of them failed to transfer, there would be a surety to back up, just to pay the hookup fee that would be required if we weren't transferring water rights.

NBE-33

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 106

What we wanted to do was just guarantee the County that there was a backup to any issues that might arise with the water rights although we don't think there will be any, but we can't predict that for certain sure.

COMMISSIONER SULLIVAN: That's fine, but my concern is that it's difficult for Santa Fe County to track each individual homeowner. Unless, when they came in for a water tap, unless we know in advance that the water rights are approved by the County prior to plat recordation. That was one of the two conditions. The other condition was that the resolution – that it would be in accordance with the County's allocation, which I believe you're very familiar with.

MR. PINO: Yes.

COMMISSIONER SULLIVAN: So those are the two conditions. Are those agreeable with Rancho Viejo?

MR. PINO: Mr. Chairman, Commissioner Sullivan, they are.

COMMISSIONER SULLIVAN: Okay. Then the other question I had, you talk about the aquifer recharge and injection, demonstration project, is this project needed in order to provide the water for this project?

MR. PINO: Mr. Chairman, Commissioner Sullivan, it is not.

COMMISSIONER SULLIVAN: So that's not contingent in any way?

MR. PINO: No way.

COMMISSIONER SULLIVAN: Because you also say that once that recharge project is built it will be turned over to the County for their ownership and I just wondered if anybody had agreed to take over ownership of that at this point in time.

MR. PINO: Mr. Chairman, Commissioner Sullivan, there's been no agreement of any kind.

COMMISSIONER SULLIVAN: I'm reading page 60 of your report if you'd like to refer to that. I didn't recall taking it over for ownership.

MR. PINO: No.

COMMISSIONER SULLIVAN: Page 16 of the applicant's report, top of the page and bottom of 15, where it starts under water supply and talking about aquifer injection/reinjection. And it said it would dedicate the facility to Santa Fe County. Thanks. We could probably have the wastewater plant too, right?

MR. PINO: If the price is right.

COMMISSIONER SULLIVAN: Okay, but nonetheless, the point I'm making there – it's late in the evening and I don't want to prolong things – the result of that pilot program has no impact on your water supply for this project.

MR. PINO: That's correct, Mr. Chairman, Commissioner Sullivan.

COMMISSIONER SULLIVAN: That's separate from the water rights issue and the process of acquiring and transferring.

MR. PINO: Entirely.

COMMISSIONER SULLIVAN: I didn't want to have to get into the aquifer recharge issue as a part of this project. We'll get into that later when it comes to that. I

NBE-34

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 107

think, Mr. Chairman, that those are the only questions I had to be sure that we have a final resolution on water rights before we put this plat to recordation. How far away, Mr. Pino, are you from this point in time to the time when you would actually be recording a plat? What would your time frame be?

MR. PINO: Mr. Chairman, Commissioner Sullivan, given our previous experience, we're probably 60 days away.

COMMISSIONER SULLIVAN: To record a plat on this?

MR. PINO: Yes.

COMMISSIONER SULLIVAN: So you'll have the water in place by then?

MR. PINO: I think, Mr. Chairman, we'll have water rights in front of you, in front of the department that will be acceptable to them.

COMMISSIONER SULLIVAN: That's all the questions I had, Mr. Chairman.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos, Commissioner Vigil.

COMMISSIONER CAMPOS: Mr. Pino, where's the water coming from?

MR. PINO: Mr. Chairman, Commissioner Campos, these are water rights that are Middle Rio Grande, direct diversion water rights that we purchased in February, 292 acre-feet that we own and have owned since February.

COMMISSIONER CAMPOS: Do you expect that these will transfer up?

MR. PINO: Mr. Chairman, Commissioner Campos, we did substantial due diligence because the investment was a little over three million dollars and we believe that they'll transfer up.

COMMISSIONER CAMPOS: Okay. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, Mr. Pino, this is pretty exciting as I look at this. You've actually created the opportunity for what all four divisions of our affordable housing ordinance. You have a division of market rates and two-bedrooms homes and detached two-story four-bedroom homes. A good variety of actually affordable homes for perspective buyers out there. I have to tell you I must say that I am really glad. You are the first proposal that has come to us once we've enacted the affordable housing ordinance and I can't imagine anyone else coming forth with this and trying to work out the kinks that probably need to be worked out in the affordable housing ordinance, and someone like Rancho Viejo who's already in the Community College District because you really do have a definition of your future growth and your prospects and that doesn't happen throughout the county.

But I am very excited that you've been able to work out this proposal on the affordable housing component of it. I think it's totally cool. Thank you, Mr. Chairman.

MR. PINO: Thank you, Commissioner.

CHAIRMAN MONTOYA: Okay. Any other questions, comments of the

NBE-35

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 108

applicant? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Pino, you've been talking about doing a solar home or two. Would it be in this division or in the existing subdivision?

MR. PINO: Mr. Chairman, Commissioner Campos, the solar home that we'll be starting in probably about 40 days is going to be in Windmill Ridge, Unit 4.

COMMISSIONER CAMPOS: Okay. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One other thing, Mr. Chairman. There was discussion and a request from Rancho Viejo residents that a recycling station be opened somewhere in the Rancho Viejo area. I got the impression from general discussions that this is the area where it was going to be. Is there any follow-up on that?

MR. PINO: Mr. Chairman, Commissioner Sullivan, what we had proposed, and it seemed like everybody was in agreement. I say everybody, that being the County staff with whom we were talking was that we would combine a recycling station with the location of the fire station. You might recall during the master plan that we agreed to donate some land for a fire station.

COMMISSIONER SULLIVAN: An acre and a half, is that right?

MR. PINO: Acre and a half, and we have continued our discussions with the County Fire Department. A specific site has not been selected by them but it would be our intent to combine the two sites in such a way that they're not interfering with each other.

COMMISSIONER SULLIVAN: Would that be within this subdivision?

MR. PINO: Well, we would have preferred it, Mr. Chairman, Commissioner Sullivan. However, the Fire Department is considering a site, if you follow Avenida del Sur where it turns into Avan U Po, going over to IAIA, they're looking at a site there. They've talked about a site somewhere over here in Windmill Ridge. They're looking around the map. The last conversation we had, one of the things they were trying to do was to find out how far their volunteers were willing to go. I found that a little peculiar but that was a major concern for them. And they were thinking maybe they needed to be up in this area so that they wouldn't have to bring a volunteer all the way down in here for a fire call.

But to answer your question simply, hopefully simply anyway, Commissioner Sullivan, it is our intent to try to combine the two sites and have enough room for both operations.

COMMISSIONER SULLIVAN: So there's no site specifically in this subdivision. What I'm concerned about is the more rapidly things develop out there, if we don't show a site somewhere on a plat that says that and someone who buys a home says, you never told me there was going to be a recycle there with the trucks making noise and you never told me there was going to be a fire station there with activities late at night, community meetings or whatever it might be, as well as training sessions, not to mention fire trucks. How can we move that process along? How can we get a site identified so we don't run into those public relations problems?

NBE-36

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 109

MR. PINO: Mr. Chairman, Commissioner Sullivan, we're motivated to provide the site if someone wants to give us a location. You are correct, however, that if you have a plat like this and no site's been identified or platted, and then it kicks it into another phase or another area within all of the property that we have.

COMMISSIONER SULLIVAN: Well, I'll talk some more to Chief Holden about that and see if we can do that. The last question I had, Mr. Chairman, was that the records indicate that according to the reports that Pinon School is over capacity now. So we're out of school capacity and I'm a little concerned that the schools haven't identified or made a commitment with you for a site. What's happening there?

MR. PINO: Mr. Chairman, Commissioner Sullivan, what that whole issue boils down to is this. You might recall the mill levy election earlier this year, and the mill levy election created \$75 million in capital for these projects. The number one priority on that list of projects that was to be done was to create this new school in Rancho Viejo. Almost immediately subsequent to the election, the issue about small schools remaining open or being closed came back up again. And the school superintendent Carpenter, once she was in place as the superintendent, determined that because of budgetary shortfalls, they could not open a new school and operate it. They could build it with the mill levy money but they couldn't operate it. So she turned back to the school board who has been reluctant to make that final decision on the small schools. Unfortunately, the predictable thing, they appointed another task force. And so now I'm told that the task force is coming out with recommendations about different schools.

The bottom line is until the school board makes the final decision on what they're going to do with the small schools to free up operations money, this particular school is left in limbo. We've reserved the site. We don't plan to use it for anything else and we're ready to go. Santo Nino, when the archdiocese was ready to go, they moved in, built their school and they're open today. ATC is building their school south of IAIA. When they got their money they went straight to work. Unfortunately, that key decision needs to be made in order for them to move ahead.

I did take issue with associate superintendent Bobbie Gutierrez about this via e-mails, admittedly, that we recognize that Pinon is over capacity and that's one of the reasons why we were willing to even talk about a 15-acre site when typically it's 10 acres so that they could do a K-8 school. And not the County nor Rancho Viejo nor anybody doing something outside of what the school does could be held responsible for the fact that the school board won't make that final decision or is having a difficult time making that final decision.

COMMISSIONER SULLIVAN: Is it designated on the plat, or will it be, as a school site?

MR. PINO: It's designated in the master plan. It's not in this particular plat but it's right adjacent to - here's where phase 1 is, here's where the school site is. And what we would propose to do - let's say the school board votes next month and they say we're closing schools x, y, and z to make room for this and other schools. And what we

NBE-37

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 110

would propose to do is come in and create a lot split plat to create that tract so that they could get to work on it.

COMMISSIONER SULLIVAN: Would it be appropriate now to let's say at least "potential school site" on that plat? Again, I'm getting back to the problem of at least saying a school site as opposed to mixed use or institutional or commercial, and identifying it so the buyers know that there may be a school there.

MR. PINO: Mr. Chairman, Commissioner Sullivan, we can certainly do that, and I would add that in every disclosure for every home sale in here we would also show a map like that and disclosure to the buyers. But we can also show it on the drawing, just so that it's there.

COMMISSIONER SULLIVAN: So if they say Nobody ever told me you can point to the map and say that was a - I know you can't say at this point - school site, but you could say potential school site.

MR. PINO: Potential school site.

COMMISSIONER SULLIVAN: Okay. Those are the questions I had.
Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Ike, regarding that site, have the schools agreed that that could be a potential school site?

MR. PINO: Mr. Chairman, during the Homework Group, the school board had Eduardo Ramirez, one of their consultants, sit on the Homework Group, and they all agreed that that would be the site.

CHAIRMAN MONTOYA: Okay. Regarding some of the alternative energy, are you going to have a wind turbine?

COMMISSIONER SULLIVAN: Could you put it on Dinosaur Trail and Churchill Road?

CHAIRMAN MONTOYA: People that view that as an alternative energy are really blown away by the way that it's really an effective alternative energy source. Those are really, the wind turbines are really effective. So, I don't know. I just wish we could get it down to a smaller size. But seriously, are you looking at anything like that as part of the alternative energy?

MR. PINO: Actually, Mr. Chairman, one of the things that we're looking at, and this is at the urging of Commissioner Campos, which I think could be the wave of the future in some respects is district heating for one of the areas in here. One of the difficulties that we're encountering is utility regulation issues and would this be considered a utility? Would it have to be regulated? How would we charge the rates? In a fashion similar to people paying for gas coming through their gas meter. That's a challenge we're going to have to work through because nobody's ever proposed it. It's just something of a new development that we discovered about two weeks ago.

We're finding communities in the United States that have gone to district heating so we're looking at those applications to see physically how they installed it. So there are a number of challenges that we want to rise to meet but there is a potential down the road of

NBE-38

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 111

creating a district heating type of situation so that we can have a reduction in fossil fuel use in each of the individual houses. And of course, continuing through as we have through the last several subdivisions we are going to build all of these homes as Energy Star homes, all of them, all the affordables, every one of the homes. So that's some modicum of energy efficiency at this point.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Pino, what about positioning for passive solar gain? Are you creating lots in a way that they will efficiently collect energy from the sun in a passive way, from the design and orientation?

MR. PINO: Mr. Chairman, Commissioner Campos, that was a consideration in the lot layout in this particular case here. It's not 100 percent; we can never get 100 but it was definitely an issue that we looked at to get as many as we could.

COMMISSIONER CAMPOS: So what percent of your houses do you think will have that, the benefit of that orientation?

MR. PINO: I think we can look in all this area north of Rancho Viejo Boulevard has that potential, and this area right here along Avenida del Sur. Some of these over here where we start to turn away towards the east might be more of a challenge for us.

COMMISSIONER CAMPOS: Okay. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, this is a public hearing. Commissioner Vigil.

COMMISSIONER VIGIL: I have one question, and I know you work closely with the Community College, Mr. Pino. The biomass project or the wastewater treatment facility, has there been any partnering with the Community College on energy efficiency projects or water conservation projects?

MR. PINO: Mr. Chairman, Commissioner Vigil, we haven't had any of those discussions. The previous president and I talked about the biomass. There didn't appear to be any opportunity at the time. The reason he was talking to us was the potential harvesting of dead pinons that were freshly dead at the time for use in the biomass but that never panned out. The only other discussion we've ever had with the Community College in terms of utilities or anything was inviting them to connect their wastewater into our wastewater facility, but they preferred to stay on the system that they're on. Beyond that, there've been no other discussions.

COMMISSIONER VIGIL: Okay. Do you see any potential discussions for partnering with them?

MR. PINO: Mr. Chairman, Commissioner Vigil, honestly, I couldn't say that I do or I don't at this point without sitting down to see what the opportunities might be. But we certainly are always open to do that.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chairman.

NBE-39

Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 112

CHAIRMAN MONTOYA: Okay. Again, this is a public hearing. If anyone would like to speak on behalf or against this application, please come forward. Okay, seeing none, the public hearing is closed. What are the wishes of the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd move for approval with staff conditions and two additional conditions. The first being that the development is subject to Santa Fe County water allocation resolution, and the second being the applicant shall provide the required water rights acceptable to Santa Fe County prior to recordation of plat.

CHAIRMAN MONTOYA: Okay. We have a motion to approve.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second, Commissioner Anaya. Further discussion? Joe.

MR. CATANACH: Just some clarification. There's a memo in the back of the packet -

COMMISSIONER SULLIVAN: Oh, that's right. Are the City conditions acceptable to the applicant?

MR. PINO: Mr. Chairman, yes.

COMMISSIONER SULLIVAN: Okay. I'll amend my motion to include also the City conditions.

CHAIRMAN MONTOYA: Okay. Okay with the seconder?

COMMISSIONER ANAYA: Yes.

CHAIRMAN MONTOYA: Any further discussion?

MR. CATANACH: Mr. Chairman.

CHAIRMAN MONTOYA: Joe.

MR. CATANACH: Mr. Chairman, also there's a variance about the cul-de-sac.

COMMISSIONER SULLIVAN: Where is the 300-foot? On the big map. And what's at the end of that cul-de-sac.

MR. PINO: Mr. Chairman, there are four estate lots.

COMMISSIONER SULLIVAN: Estate lots are what kind of lot?

MR. PINO: They're custom lots, an acre to two-acre lots for custom homes.

COMMISSIONER SULLIVAN: And is the Fire Marshal okay with that?

MR. PINO: Yes, Mr. Chairman.

COMMISSIONER SULLIVAN: Is the Fire Marshal here?

CHAIRMAN MONTOYA: He said yes.

COMMISSIONER SULLIVAN: I'll amend my motion again to include the variance with respect to the length of one cul-de-sac.

COMMISSIONER ANAYA: And I'll amend it again.

CHAIRMAN MONTOYA: Joe, anything else? Any other discussion?

NBE-40

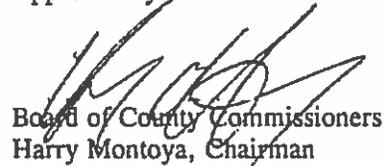
Santa Fe County
Board of County Commissioners
Regular Meeting of September 12, 2006
Page 113

The motion to approve EZ Case #5 4871 as discussed above, with the requested variance, passed by unanimous [5-0] voice vote.

XIII. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at approximately 11:00 p.m.

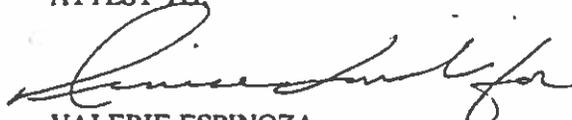
Approved by:


Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:


Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501

ATTEST TO:


VALERIE ESPINOZA,
SANTA FE COUNTY CLERK



NBE-41

MS. LUCERO: Mr. Chair, Commissioner Chavez, it is actually one of staff's recommended condition. Condition #3.

COMMISSIONER CHAVEZ: Further division of either tract is prohibited. This shall be noted on the plat. Okay. It's there. I apologize for overlooking that. And is the applicant in agreement with those conditions? So there's a motion and a second.

The motion passed by majority [3-2] voice vote with Commissioners Anaya, Chavez and Roybal voting with the motion and Commissioners Holian and Stefanics voting against.

- VIII. B. 7. **CDRC CASE # S 15-5040 Univest-Rancho Viejo (La Entrada Phase I) Preliminary and Final Plat and Development Plan Amendment.** Univest-Rancho Viejo LLC, Applicant, James W. Siebert and Associates, Agent, Request an Amendment of Preliminary Plat, Final Plat, and Development Plan for La Entrada Phase 1. The Request Includes a Reduction in the Number of Lots from 456 to 404, an Increase of Undeveloped Open Space from 139.78 Acres to 146.36 Acres, an Increase of Developed Open Space from 5.69 Acres to 7.87 Acres, and Reduction of Private Park Area from 4.13 Acres to 3.94 Acres. Additionally, Applicant Request's the Removal and Realignment of Several Roads within the Subdivision. The Property is Located North of Rancho Viejo Blvd and West of Avenida del Sur, within the Community College District, within Sections 19 and 20, Township 16 North, Range 9 East (Commission District 5)

VICENTE ARCHULETA (Case Planner): Thank you, Mr. Chair. Univest-Rancho Viejo LLC, applicant, James Siebert and Associates, agent, request an amendment of preliminary plat, final plat, and development plan for La Entrada Phase 1. The request includes a reduction in the number of lots from 456 to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and reduction of private park area from 4.13 acres to 3.94 acres. Additionally, applicant requests the removal and realignment of several roads within the subdivision. The property is located north of Rancho Viejo Boulevard and west of Avenida del Sur, within the Community College District, within Sections 19 and 20, Township 16 North, Range 9 East.

On April 16, 2015, the CDRC recommended approval to amend the preliminary plat, final plat, and development plan for La Entrada Phase 1, subject to staff conditions by a unanimous 6-0 vote.

The chronological history of the project is as follows: On March 9, 2006, the EZC, Extraterritorial Zoning Commission recommended master plan approval for Rancho Viejo Village West, a mixed-use development consisting of 1,250 residential



units and 117,250 square feet of commercial space on 668 acres to be developed in three phases within Ranch Viejo.

On April 6, 2006, the Community College Development Review Committee recommended Master Plan approval for Rancho Viejo Village West.

On April 11, 2006, the BCC granted master plan approval for Rancho Viejo Village West.

On September 12, 2006, the BCC approved the La Entrada Subdivision Phase 1, which was part of Rancho Viejo Village West, request for preliminary plat, final plat, and development plan of 456 residential lots with a commercial community center, on 249 acres with the approved master plan and variance to permit a cul-de-sac road exceeding 300 feet.

On June 10, 2014, the BCC approved the vacation of the platted archaeological easement located within La Entrada Phase 1 residential subdivision.

The applicant's current request is an amendment to the preliminary plat, final plat, and development plan for La Entrada Phase 1. This request includes a reduction in the number of lots from 456 lots to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and a reduction of the private park area from 4.13 acres to 3.94 acres.

The lot reduction from 456 to 404 will decrease the number by 52 lots, resulting in lot sizes ranging from 0.116 to .685 acres. This reduction will increase the undeveloped open space from 139.78 acres to 146.36 acres, an addition of 6.58 acres; the developed open space from 5.69 acres to 7.87, an addition of 2.18 acres. This reconfiguration and reduction of lots also results in the reduction of private parks from 4.13 acres to 3.94 acres.

In addition to the lot size changes the applicant requests the removal and realignment of several roads within the subdivision are as follows: The roads that are to be adjusted are Caminito de las Rositas, Via Orilla Dorada, Avenida Correcaminos, Via Punto Nuevo, Calle Ancla, Camino Ala Libre, Camino Cerro Escondido. The roads to be removed are Rastro Conejo, Calle Cuervo Negro, Vuelta Tecolote, Paseo Girasol, Alley Circle.

The applicant's reasoning for the change to La Entrada Subdivision, Phase 1 is due to the configuration of lots and open space the lots will be easier to sell than previously designed. The proposed reconfiguration meets code requirements for road circulation and also meets open space code requirements.

Growth Management staff has reviewed the application for compliance with pertinent code requirements and find the project is in compliance with County code criteria for this type of request.

Staff recommendation: Both the Staff and CDRC recommend approval of the amendment to the preliminary plat, final plat, and development plan of the La Entrada Phase 1 Subdivision for the reduction in the number of lots from 456 to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and a reduction of private park area from 4.13 acres to 3.94 acres, as well as, the request for the removal and realignment of several roads within the subdivision subject to the following conditions. May I enter those into the record?

COMMISSIONER CHAVEZ: Yes, you may.
[The conditions are as follows:]

1. The Applicant shall submit a new signage plan for review and approval prior to BCC approval.
2. Compliance with all conditions of approval of the Master Plan and compliance with the unamended portions of the previous Preliminary Plat, Final Plat, and Development Plan.
3. The Final Plat and Development Plan must be recorded with the County Clerk's office.
4. The Applicant must submit proof that necessary water rights have been transferred to the County.

MR. ARCHULETA: Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Thank you, Mr. Archuleta. Are there any questions of staff? The applicant is here. Mr. Siebert, do you want to add to staff's presentation at this time?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer in Santa Fe. What I'd like to do is just very briefly walk you through why we're asking for these particular changes to the plan. It's platted. All of this is what's referred to as La Entrada Phase 1. There is a 1-A; this area here has been improved. This is Rancho Viejo Boulevard and Avenida del Sur here. This area has full infrastructure. There's still building out a few of the lots within Phase 1-A. This is the original Phase 1-B that we're asking for modifications.

This, you may recall, around 2009, Suncorps was the original developer of this property, went bankrupt and it's basically been kind of sitting vacant during that time until this area is fully developed and now they're ready to begin development of this particular property here.

This is the new what's proposed. I've got a little more detail. What they discovered in this phase is that the design resulted in having substantially high retaining walls. They vary anywhere from eight to ten feet. And what this does is it eliminates the needs for those retaining walls that are substantially higher than actually required for a better site design program.

In terms of the actual change itself, the area in yellow is the infrastructure in terms of water and sewer had actually been constructed in the area in yellow. So this was something that was determined and we had to leave in place. The area here is the area that we're actually changing. There was an archeological site here that the County Commission had allowed us to remediate, document and remove and allowed us to do what's called a double-loaded roadway so that we had lots on either side of the roadway, which is a much more efficient layout. And so this area again is realigned and actually gets utilities because there is no underground utilities in this particular area here.

In terms of the changes, this is a description of the changes that are occurring between the approved plat and the one we're proposing today. The area in the dark green here and here is additional open space that we're providing. The reason for that is that these lots have actually gotten smaller. The other thing that has taken place is they have a better understanding of where the market is. These lots are more representative of the

current market place. This area here has been added. It is part of the parkway.

The purpose of this is to avoid some of those retaining walls, some of the slopes that are occurring in this area and take it up in the parkway. This was an existing park, so we're not really adding to it. The bottom line is that we're adding to the open space, we're adding to the park area. The dark area is the area that we're actually taking out of open space. This was the area where the archeological site existed before and has been removed.

This is a description of the trail system. And what – the other thing we've done with this open space is created better linkages to the trail system. This is – the line in orange is actually the trail system that's the County trail system. It's been fully engineered. They're just waiting for money in order to construct it. So we've been able to definitively tie into this particular trail system at four different locations. And with that I will – we're in agreement with all conditions as stated by staff and I'll answer any questions you have.

COMMISSIONER CHAVEZ: Questions of the applicant? Going once, going twice. Thank you, Mr. Siebert. This is a public hearing so I will ask if there are any members of the public that would like to speak in support or speak in opposition to this request. Seeing none, I'll close the public hearing portion of the meeting.

COMMISSIONER STEFANICS: Mr. Chair.

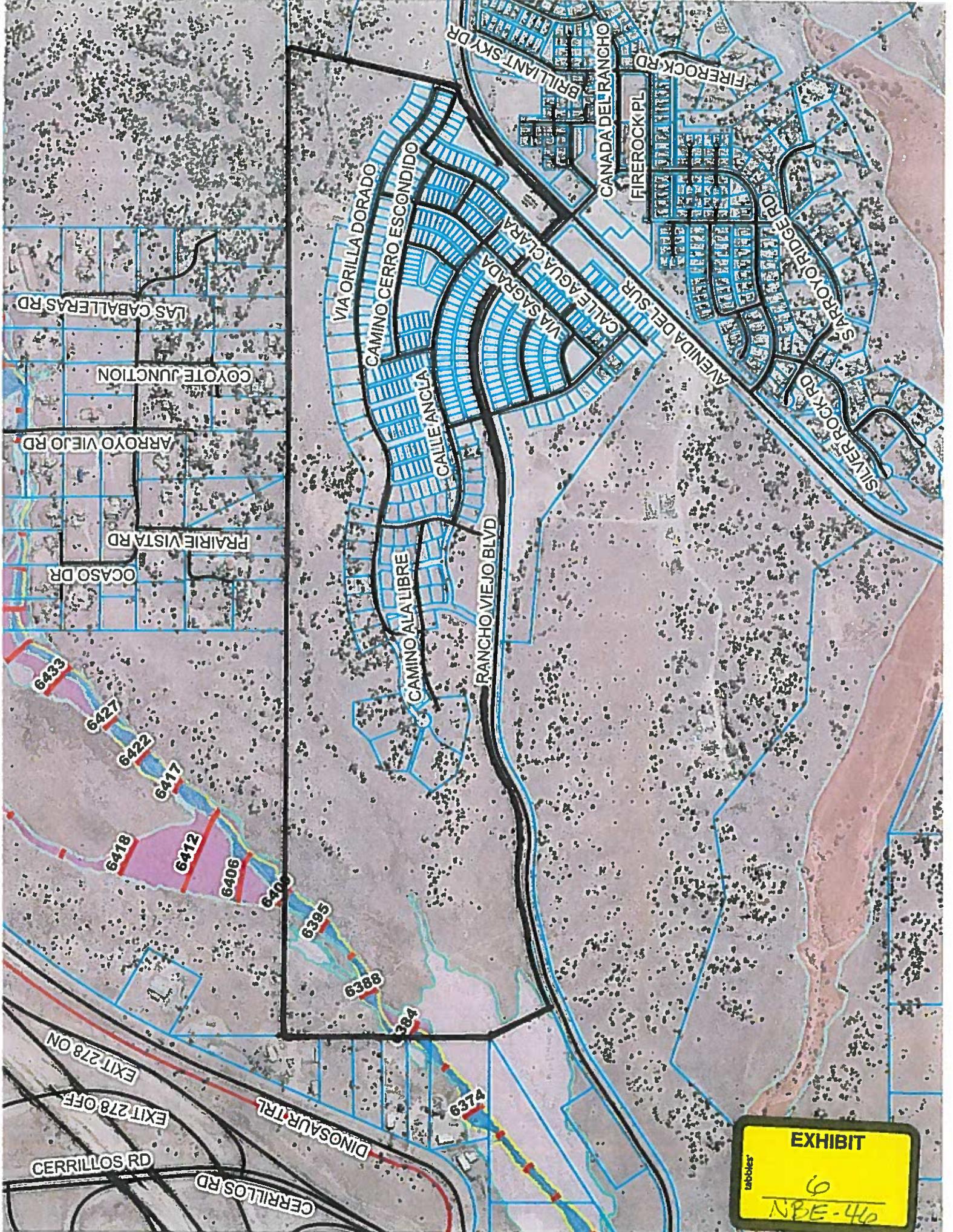
COMMISSIONER CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move for approval with staff conditions.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: There's a motion with staff recommendations. There's a second. Any further discussion? Seeing none.

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



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EXHIBIT
6
NBE-440