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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.

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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 MONTTOYA: 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 MONTTOYA: 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.

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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 MONTTOYA: Thank you, Tom.

COMMISSIONER SULLIVAN: Just a comment.

CHAIRMAN MONTTOYA: 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

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

COMMISSIONER VIGIL: Second.

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

COMMISSIONER CAMPOS: Question, Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Campos.

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

CHAIRMAN MONTTOYA: 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 MONTTOYA: Yes.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN MONTTOYA: Any other discussion?

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

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

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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 MONTTOYA: 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 MONTTOYA: 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.

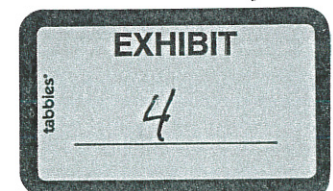
- XII. A. 13. EZ Case # 05-4871 La Entrada Subdivision, Phase 1. Rancho Viejo de Santa Fe Inc., Isaac Pino Applicant is Requesting Preliminary and Final Plat and Development Approval of 456 Residential Lots with a Commercial Community Center on 249 acres in Accordance with the Approved Master Plan and 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

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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:]

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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,

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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

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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 MONTOKA: 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.

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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

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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

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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 MONTROYA: 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?

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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

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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

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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 MONTTOYA: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTTOYA: 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 MONTTOYA: 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.

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

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTTOYA: 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 MONTTOYA: Okay. Okay with the seconder?

COMMISSIONER ANAYA: Yes.

CHAIRMAN MONTTOYA: Any further discussion?

MR. CATANACH: Mr. Chairman.

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

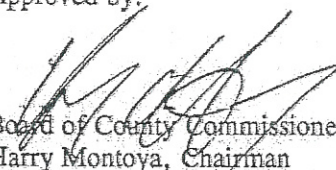
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The motion to approve EZ Case #5 4871 as discussed above, with the requested variance, passed by unanimous [5-0] voice vote.

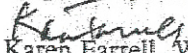
XIII. ADJOURNMENT

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

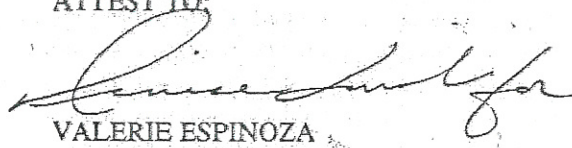
Approved by:


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



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

- VII. B. 2. **BCC CASE # 14-5160 Univest-Rancho Viejo Archaeological Easement Vacation** Univest-Rancho Viejo LLC, Applicant, James W. Siebert, (James W. Siebert and Associates Inc.), Agent, request approval to vacate a platted archaeological easement on 118.670 acres. The property is located at 65 Rancho Viejo Blvd., within Section 20, Township 16 North, Range 9 East, Commission District 4

MIKE ROMERO: Good evening, Commissioners. The subject archaeological easement is located in the La Entrada Phase 1 residential subdivision and was created through La Entrada Phase 1 Residential Subdivision Plat in 2006. The area where the archaeological easement is located is currently open space. The applicant has stated that due to reconfiguration of some private roads in the area, the lot configuration will change, placing residential lots in the open space where the archaeological site is located. The applicant states that the open space will be relocated elsewhere in the subdivision.

The applicant has verified through the owners, Rancho Viejo, that there are no lots with homes existing in the area where the archaeological easement is located. However, there have been lots sold and developed within the subdivision east of Via Sagrada that the applicant claims will not be affected by the vacation of the archaeological easement.

An archaeological treatment plan for the subject archeologist site was submitted to the State Historic Preservation Office by the Applicant/Archaeologist on September 16, 2013. SHPO authorized the Applicant to proceed with the treatment plan. A Preliminary Report on the treatment of the site, was prepared and submitted by the archaeologist to SHPO for review on March 5, 2014. The State Historic Preservation Office concurred with the findings of the report that the archaeological easement is no longer eligible for listing in the State Register of Cultural Properties or the National Register of Historic Places because the treatment plan implemented at the site recovered the site's significant information.

Staff recommendation, approval to vacate a platted archaeological easement on 118.670 acres, within the La Entrada Phase 1 Subdivision, subject to the following staff condition:

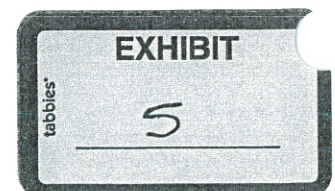
1. The Applicant shall file the portion of the Final Plat affected by the vacated archaeological easement with the County Clerk's Office.

I stand for any questions.

CHAIR MAYFIELD: Mr. Romero, I have a question. On page two of your summary could you just explain B to me please?

MR. ROMERO: On B, Mr. Chair. The Board finds that the plat was obtained by a misrepresentation or fraud and orders an order of statement of vacation to be prepared by the County.

CHAIR MAYFIELD: Yes. What Board found that this plat was – oh, that's stating what the law says, okay. Thank you, Commissioner.



Give me one second, Mr. Romero. Thank you and if we could go to Exhibit 6 really quick. So Exhibit 6 is in reference to the fourth paragraph and its indicating that it is "...no longer eligible for listing in the State Registry for Cultural Properties and the National Registry of Historic Places. Excavations have been recovered and all significant information from the site and the non-disturbances can be removed from the plat." So there has been studies out there and they looked at all the land?

MR. ROMERO: Mr. Chair, Commissioners, that is correct. The applicant did hire a private archaeologist to conduct studies on the site. Their archaeologist spoke with and was in contact with Michelle Ensey with SHPO and she concurred with the report from the archaeologist.

CHAIR MAYFIELD: Thank you. Mr. Romero, you stated that they will be moving the open space to another area; where will that be moved to?

MR. ROMERO: Mr. Chair, Commissioners, at this point in time I am not clear as to where they are going to move it. The agent can probably reflect on that question better than I can.

CHAIR MAYFIELD: Thank you so much, Mr. Romero. With no other questions, would the applicant care to address the Commission.

[Duly sworn, Jim Siebert testified as follows]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. I had asked Steve Townsend, the archaeologist, if he could attend tonight and he had a prior commitment so I'm going to do my very best to answer your questions. The nature of the site itself is that it was a hearth that apparently was for more migratory type hunting that took place in the area. Half of the hearth is actually missing because it has eroded away over time. There was also scattered lithics that were flint chips. They actually probably not be worthy of having a designation for historic preservation by themselves and it is still in determent on the part of the archaeologists as to whether there is a relationship between the flint chips and the hearth. He believes that maybe there is a relationship but he is not certain on that.

There is some testing still going on at the site. There would be pollen evaluation and Carbon 14 testing and these take months in order to get back the results. So there will be some additional information that will be provided to SHPO and the process is SHPO – you provide a treatment recommendation to SHPO. SHPO either agrees or doesn't agree or makes comments on the treatment process. And then the site is cleared and a report is submitted. And then determination of what that site really consisted of. So you're actually getting more information now than if you hadn't remediated the site.

With that, I'll answer any questions you might have.

CHAIR MAYFIELD: Commissioners, any questions of the applicant? Mr. Siebert, I have one that I asked Mr. Romero earlier. Where will you be proposing to move the open space to?

MR. SIEBERT: Actually, we will be moving more compared to the prior subdivision, more open space to the interior of the subdivision and more open space on the exteriors of the subdivisions. So you're actually going to end up with more open space than we began with than the prior subdivision.

CHAIR MAYFIELD: Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Mr. Siebert, is the intent here to do more infill with the idea of putting open space on the interior and the exterior?

MR. SIEBERT: Well, actually the problem in the past has been that there has been retaining walls with substantial height to them. There's a cost to that and there an aesthetic problem with that. So in reconfiguring some of the lots what we've done is created areas in the interior where we can avoid those retaining walls – have slopes and then areas in the inside where trails and paths can be created.

COMMISSIONER STEFANICS: Thank you. I have a question for staff, Mr. Chair.

CHAIR MAYFIELD: Yes, please.

COMMISSIONER STEFANICS: So, Mr. Romero, have you – I know, I see the staff recommendation – but have you identified that there will not be a loss of open space?

MR. ROMERO: Mr. Chair, Commissioner Stefanics, talking with the applicant or talking with the agent and with fellow staff – I've been out to the site. I've looked at the site. As far as exactly, to kind of go back again, as far as exactly as to where the open space is going to be located, I think Mr. Siebert answered that but as far as verification –

VICKI LUCERO (Building and Development Service Manager): Mr. Chair, Commissioner Stefanics, at this point they are just requesting a vacation of the archaeological easement. So the open space will remain. They will have to come with a separate application to reconfigure the lots and then at that point we would make sure that the open space was the same or was greater. That it wasn't less than 50 percent.

COMMISSIONER STEFANICS: Okay, so, Mr. Chair, Ms. Lucero, what I'm hearing is this hearing is strictly to vacate the archaeological site and we will later deal with the open space area.

MS. LUCERO: Mr. Chair, Commissioner Stefanics, that is correct.

COMMISSIONER STEFANICS: Thank you very much. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. This is s a public hearing. Is there anybody from the public wishing to comment on this case in front of us tonight? Please come forward.

[Duly sworn, Glen Smerage testified as follows]

GLEN SMERAGE: Good evening. I'm Glen Smerage of 187 East Chili Line in Rancho Viejo. I would like to demonstrate to Warren Thompson and Univest tonight that I am not always against their pleasures and dreams.

I think from the evidence that is presented that it is reasonable to vacate this easement. However, if the public is going to do Univest a bit of favor like this, I think it's incumbent to give some public consideration. In particular, I request that you make two requests, actually I'd prefer demands of Univest. If this land is going become unencumbered, I think we need to have some indication, very specific indication from Univest as to what will be the future and probably not to distant fate of this land. Will it be filled with four or five

lots as at least one plat I've seen would indicate? If so, there should be specific statement in your brief and requirement in order for you to approve this request.

Second, and more importantly perhaps, if this was open space by virtue of the easement we should be expecting identify and commitment of a corresponding open space within Phase 1 of La Entrada so that it is an integral part of that whole project and open space for those residents to use and enjoy.

Now, I say this, I make this request that you make those two demands of Univest because since a good two years ago we have learned that Univest in contrast to about 15 years ago when it had a great vision for what Rancho Viejo should and perhaps would be and really has become through the year 2012, it appears since the early 2012 that Univest is intent in becoming a very common, typical, developer trying to make the land just be commodity for the making of money. Their proposals in the last two years have been contrary to the best interest of the residents in Rancho Viejo and the community itself., the development itself in that original vision that they had.

Most of us don't trust Univest to have good intentions to work with residents of the community and come up with good compatible worthwhile developments.

So in summary I have no qualms except for these two requests about you granting this removal of the easement. But we must know as a public, as residents of Rancho Viejo what Univest has up its sleeves for these particular lots and if they get put into housing, house lots, and how many – we need to have a corresponding commitment of open space in Phase 1 of La Entrada.

CHAIR MAYFIELD: Thank you, Mr. Smerage. Ma'am, do you care to come forward?

[Duly sworn, Kathy Brown testified as follows]

KATHY BROWN: Kathy Brown, 83 Via Rio Dorado, Santa Fe. It's not so much information as a question or two and clarification.

In that wonderful book coming in what a wealth of information about so many things, on the table right coming in the door. And so my question is with regard to one of the letters in there I think from that SH whatever it is; but, anyway, I just wanted to clarify or see who would clarify and for the record, that the correct space was looked at because there was apparently some confusion about the Dawson survey of plat numbers, 145658 versus 145650 and the documentation seems to be there but I'm not expert as to whether the right area of land is being looked at and approved. So that's my question.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think that's a reasonable question. Staff, are we 100 percent certain that we've analyzed the appropriate site and the applicant has reviewed and provided recommendations for the appropriate parcel?

MR. ROMERO: Mr. Chair, Commissioner, that is correct. It was reviewed. Dawson Surveys when they did the plat for the archaeological site number there's a few archaeological sites that are indicated on the plat and what the surveyor did was he mistakenly put the same archaeological site number as to where this one that is being proposed to be vacated at. But it was confirmed through SHPO and it was confirmed through Dawson Surveys and the archaeologist and myself. When I went out on the field there is a

picture that is part of the exhibit that actually shows the number and the site that we're talking about but it was confirmed to SHPO that that is the correct site number and that they are aware that Dawson Surveys did mistakenly place the wrong number where that location is.

COMMISSIONER ANAYA: Thank you, Michael, for saying that on the record.

MS. LUCERO: Mr. Chair, Commissioner Anaya, if I could just draw your attention, it's Exhibit 6, page number 15 there's a clarification memo from SHPO within the packet that clarifies the correct archaeological site number.

COMMISSIONER ANAYA: Thank you, Vicki, for also restating that on the record. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Anaya. Thank you, staff. Commissioners, any other questions of staff? Applicant, do you have something else to add?

MR. SIEBERT: Mr. Chair, Commissioners, maybe we could resolve the open space issue which you've probably figured out already to add a condition that would state that the vacation of this archaeological easement will not result in any diminution of open space for Phase 1. We would agree to that as a condition. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Siebert. This is still a public hearing on the case before us tonight. Is there anybody else from the public wishing to comment on this case? Seeing none this portion of the public hearing is closed.

Commissioners, any other questions of staff or the applicant? Mr. Shaffer, I have one or two questions, please. So we are proposing this vacation of easement under our current County code and is this pretty similar to what we've put in place in our new County code?

MR. SHAFFER: Mr. Chair, I can't speak for the exact provisions in the Sustainable Land Development Code concerning the vacation of plats. Perhaps, Ms. Ellis-Green is here and can speak to it. I believe that the standard that's in the current code comes from state law so I would not imagine that there would be much difference. But I would have to confirm that against the SLDC which I'd be pleased to do so if you'd like me to.

CHAIR MAYFIELD: I think Penny is looking at that right now. Let me ask a second question while she looks for that, Mr. Shaffer. On page three of staff's exhibit, it's just saying that fire protection is by La Cienega Fire District; we have constructed a new fire department out there, haven't we out in Rancho Viejo? Is that still under the La Cienega Fire District or this would now be - I don't know if we created a whole new fire district? So we do have a whole new fire district out there also.

And, Penny, I don't know if you've found that or not but if it's state statute it should pretty much track with our new code.

MS. ELLIS-GREEN (Growth Management Director): Sorry, Mr. Chair, Commissioners, let's see on Chapter 5, Subdivisions, 5.11.2 is vacation approved plat and it states that any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if the owners of the land propose to be vacated signed and acknowledged statement declaring a final plat or a portion of the final plat to be vacated and the statement is approved by the Board.

CHAIR MAYFIELD: Thank you and I'm going to go off topic a little bit but

just a general question for me. So under our new County code because I'm just looking at the water supply, community water, liquid waste, community sewer under the new code though we would allow density of three parcels per acres; would this be applicable to this?

MS. ELLIS-GREEN: Mr. Chair, this is in the Community College District so in the village areas it has lot size of at least three units per acre.

CHAIR MAYFIELD: That new provision in the code will not be applicable?

MS. ELLIS-GREEN: That will not change under the new code.

CHAIR MAYFIELD: Thank you so much. Commissioners, seeing no other questions do we have a motion?

COMMISSIONER STEFANICS: Mr. Chair, I will move for approval with the voluntary condition that was added and agreed upon that no open space would be diminished in the future.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: Motion and a second.

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

VII. B 3. CDRC CASE # V/FDP 14-5090 Stanley Cyclone Center, Santa Fe, County - TABLED

VII. B. 4. CDRC CASE # V14-5050 Lloyd and Magdalena Vigil Variance.
Lloyd and Magdalena Vigil, Applicants, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a 1.25 Acre Parcel to Be Divided Into two (2) Lots; One Lot Consisting of 0.614 Acres and One Lot Consisting of 0.637 Acres. This Request Also Includes a Variance of Article V, Section 8.1.3 (Legal Access) and Article 8.2.1c (Local Roads) of the Land Development Code. The Road That Services the Property (Calle Rio Chiquito) Does Not Meet the Specifications of Local Lane, Place Or Cul-de-Sac Roads and Does Not Have Adequate Drainage Control Necessary to Insure Adequate Access for Emergency Vehicles. The Property is Located at #15 and #16 Calle Rio Chiquito, within Section 5, Township 20 North, Range 10 East, Commission District 1, Miguel "Mike" Romero, Case Manager

MR. ROMERO: Commissioners, the subject lot was created through a Small Holding Claim on November 28, 1925, and is recognized as a legal lot of record consisting of 1.25 acres, which is identified as 5030 Tract 3 Ysidoro Trujillo. The property is currently vacant.

The Applicants request a variance of Article III, Section 10 of the Land Development Code to allow a 1.25 acre parcel to be divided into two lots; one lot consisting of 0.614 acres

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.

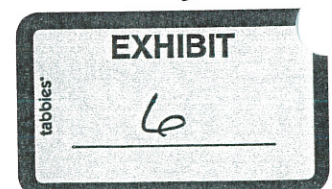
- VIII. B. 7. CDRC CASE # S 15-5040 Univest-Rancho Viejo (La Entrada Phase I) Preliminary and Final Plat and Development Plan Amendment. Univest-Rancho Viejo LLC, Applicant, James W. Siebert and Associates, Agent, Request an Amendment of Preliminary Plat, Final Plat, and Development Plan for La Entrada 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

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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?

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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

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

COMMISSIONER CHAVEZ: You have a double second.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

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

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

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

CHAIR ANAYA: Do we need another motion?

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

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

COMMISSIONER STEFANICS: I'll second that.

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

COMMISSIONER CHAVEZ: And Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Just for clarification, that does include the following conditions I though 5.

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

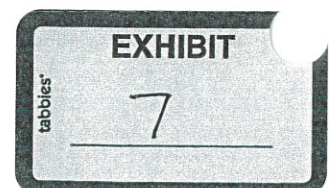
COMMISSIONER CHAVEZ: Okay.

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

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

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

SFC CLERK RECORDED 12/09/2015



**College District, within Sections 19 and 20, Township 16
North, Range 9 East (Commission District 5)**

MR. ARCHULETA: Thank you, Mr. Chair. Univest-Rancho Viejo, applicant, James W. Siebert and Associates, Agent, request an amendment of the master plan, preliminary plat, final plat, and development plan for La Entrada Phase 1 to sub-phase the previously approved La Entrada Phase I Residential Subdivision into four sub-phases. Sub-Phase 1, the 500 Series, Sub-Phase 2, the 600 Series Lots, Sub-Phase 3, the 700 Series Lots, and Sub-Phase the 800 Series for a Total of 166 Lots. 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 October 16, 2015 the County Development Review Committee recommended approval of this case. On June 9, 2015 the BCC approved the request for the amendment to the preliminary plat and final plat and development plan for La Entrada Phase 1, reducing the number of lots and the layout.

The applicant requests another 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 1 residential subdivision into four sub-phases.

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 sub-phases subject to the following conditions. May I enter those into the record?

COMMISSIONER CHAVEZ: Yes, you may.

[The conditions are as follows:]

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.

MR. ARCHULETA: Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Are there any questions from staff? No. Okay. This is a public hearing then. Is there anyone here to speak in favor of or against this request? Please come forward. Seeing none, that closes the public hearing portion.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: I will move for approval with staff conditions.

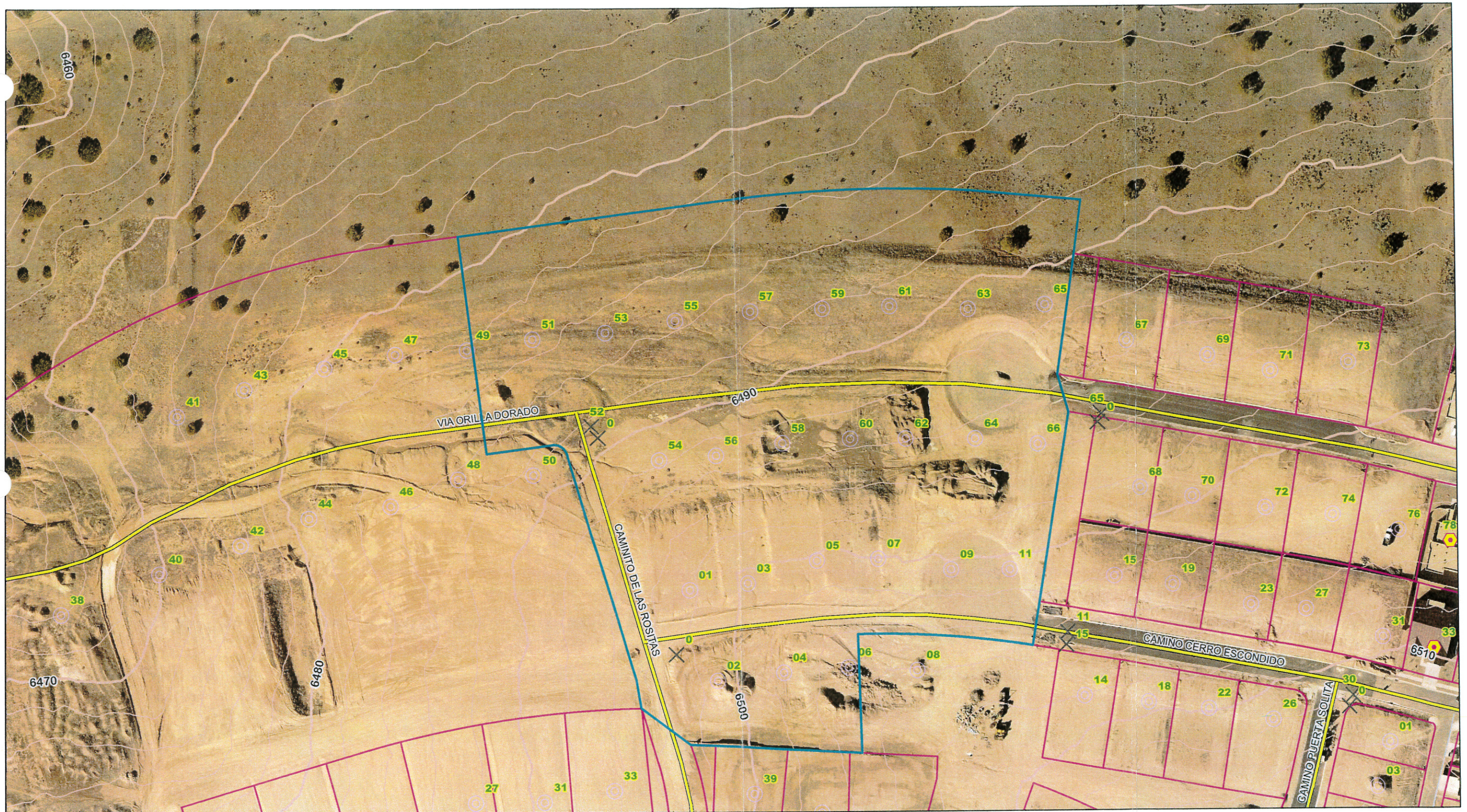
COMMISSIONER HOLIAN: Second.

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

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact, see page 65.]

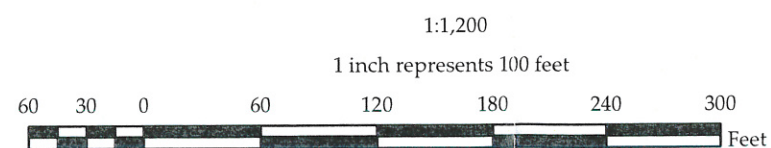
VIII. B .6. **CDRC Case 06-5212 La Bajada Ranch (Santa Fe Canyon Ranch) Time Extension.** Santa Fe County, Applicant, Requests

SEC CLERK RECORDED 12/09/2015



- Subject Property
- Parcels
- Roads
- ~ Driveways
- Edgewood Post Annex
- 7400 Foot Elevation
- 7800 Foot Elevation

- 2012 Base Flood Elevations
- Official FEMA Flood Zones - 2012
- 0.2 % Annual Chance Flood Hazard
- 2012 Zone A (No BFEs Determined)
- 2012 Zone AE
- 2012 Floodways
- 2012 Zone AO
- 2012 Zone D



Aerial Photography from 2017
Contour Interval 2 Feet (source: 2001)
North American Vertical Datum 1988

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