

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



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

DATE: August 13, 2013

TO: Board of County Commissioners

FROM: Vicente Archuleta, Development Review Team Leader

VIA: Penny Ellis-Green, Land Use Administrator
Vicki Lucero, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF.: BCC CASE # Z/S 13-5130 La Bajada Ranch Master Plan Amendment

ISSUE:

Santa Fe County, Applicant, requests a Master Plan Amendment for a previously approved Master Plan (Santa Fe Canyon Ranch) to amend the water supply plan and to provide consistency with the current property owner boundaries. The amended Master Plan will allow for 156 residential lots on the 470.55 acres that the County of Santa Fe now owns. The amended Master Plan will utilize the Santa Fe County Water Utility (instead of the previously proposed new on-site community water system).

The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).

Vicinity Map:



SUMMARY:

On July 18, 2013, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval with conditions imposed. (Refer to July 18, 2013 CDRC Meeting Minutes as Exhibit"10").

On June 20, 2013, the CDRC met and acted on this case. The decision of the CDRC was table to allow the Applicant to address concerns brought forth by the community (Refer to June 20,2013 CDRC Meeting Minutes as Exhibit "9").

The Applicant held a community meeting on July 16, 2013.

On September 30, 2008, the Board of County Commissioners (BCC) granted Master Plan approval for a residential subdivision consisting of 162 lots (174) residential units on 1,316 acres to be developed in 3 phases. At the time of approval the Applicant proposed to construct a new on-site community water system.

Since the time of approval, Santa Fe County has purchased approximately 470.55 acres of the 1,316 acres (Santa Fe Canyon Ranch). The property is made up of three Tracts which consist of Tract G (188.70 acres), Tract H (141.47 acres) and Tract I (140.38 acres) now known as La Bajada Ranch.

The Applicant is now requesting a Master Plan Amendment to allow the existing Master Plan to include only the property owned by Santa Fe County (470.55 acres) which contained 156 proposed residential lots. This request also includes changing the source of water in the water supply plan to the Santa Fe County Water Utility. The Santa Fe County water will provide a more reliable and sustainable source of water for domestic and fire protection purposes.

Santa Fe County is currently undergoing an extensive process of community involvement primarily through the La Bajada Steering Committee, established by Resolution No. 2012-106 (attached as Exhibit 5). The committee is meeting monthly to review material and bring forward a proposal for development of the 470.55 acres. The Steering Committee has only had two meetings and it is not thought that there will be time for them to bring forward recommendations to the Board of County Commissioners prior to the master plan expiring. Santa Fe County asks for this amendment to allow the La Bajada Ranch Steering Committee time to discuss, evaluate and bring forward to the Board of County Commissioners alternatives for the development of the La Bajada Ranch.

There is no other change to the approved master plan, the original BCC report is attached as Exhibit 4.

This Application was submitted on May 7, 2013.

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

APPROVAL SOUGHT:

Master Plan Amendment to amend the water supply plan to provide consistency with the current property owner boundaries.

GROWTH MANAGEMENT AREA:

El Centro, SDA-2

STAFF RECOMMENDATION:

Approval of the Master Plan Amendment to amend the water supply plan to provide consistency with the current property owner boundaries.

The decision of the CDRC was to recommend approval of the Applicant's request with the following conditions:

1. All conditions set forth in the Order of the Board of County Commissioners in LCDRC Case #MP/S 06-5212 shall remain in full force and in effect.
2. This application only changes the source of water to be provided to the Master Planned Development under the Order in LCDRC Case #MP/S 06-5212 from wells identified by the original applicant to the County water system and supplied by water from the Rio Grande River through the Buckman Direct Diversion.
3. No other changes are proposed to the conditions of approval set forth in the Order in LCDRC Case MP/S 06-5212. Any additional changes to the conditions of approval may occur only through a further application to amend the Master Plan or an application for Preliminary Plat approval.

EXHIBITS:

1. Letter of Request
2. Existing Master Plan
3. Santa Fe County Plat
4. September 9, 2008 BCC Report
5. March 10, 2009 Santa Fe Canyon Ranch Findings of Facts
6. Resolution No. 2012-106 (La Bajada Steering Committee)
7. Timeline of Events
8. Letter of Opposition
9. June 20, 2013 CDRC Meeting Minutes
10. July 18, 2013 CDRC Meeting Minutes

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



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

May 23, 2013

Penny Ellis-Green
Growth Management Department
Santa Fe County
PO Box 276
Santa Fe, NM 87501

Re: La Bajada Ranch Master Plan Amendment (previously known as the Santa Fe Canyon Ranch Master Plan)

Dear Ms. Ellis-Green;

This is a request for an amendment of the La Bajada Ranch Master plan, previously known as the Santa Fe Canyon Ranch Master Plan.

The master plan was approved by the BCC on September 9, 2008.

The original master plan covered an area of 1316 acres; Santa Fe County subsequently purchased a portion of the property (470.55 acres) which contained 156 proposed residential lots.

Santa Fe County wishes to amend the existing master plan to include only the property owned by Santa Fe County and to change the source of water in the water supply plan to the Santa Fe County Water Utility.

It was proposed in the original master plan that the water supply for the subdivision would be through a new community water system. The Santa Fe County water system has been extended in this general area and provides a more reliable and sustainable source of water for domestic purposes and fire protection purposes.

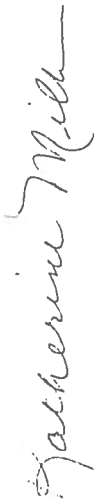
Santa Fe County is currently undergoing an extensive process of community involvement primarily through the La Bajada Ranch steering committee, established by Resolution No. 2012 -106 (attached). The Committee is meeting monthly to review material and bring forward a proposal for development of the 470.55 acres.



Santa Fe County asks for this amendment to allow the La Bajada Ranch Steering Committee time to discuss, evaluate and bring forward to the Board of County Commissioners alternatives for the development of the La Bajada Ranch.

Mark Hogan, Properties and Facilities director will act as the County liaison for this project, his number is 992-9852.

Sincerely



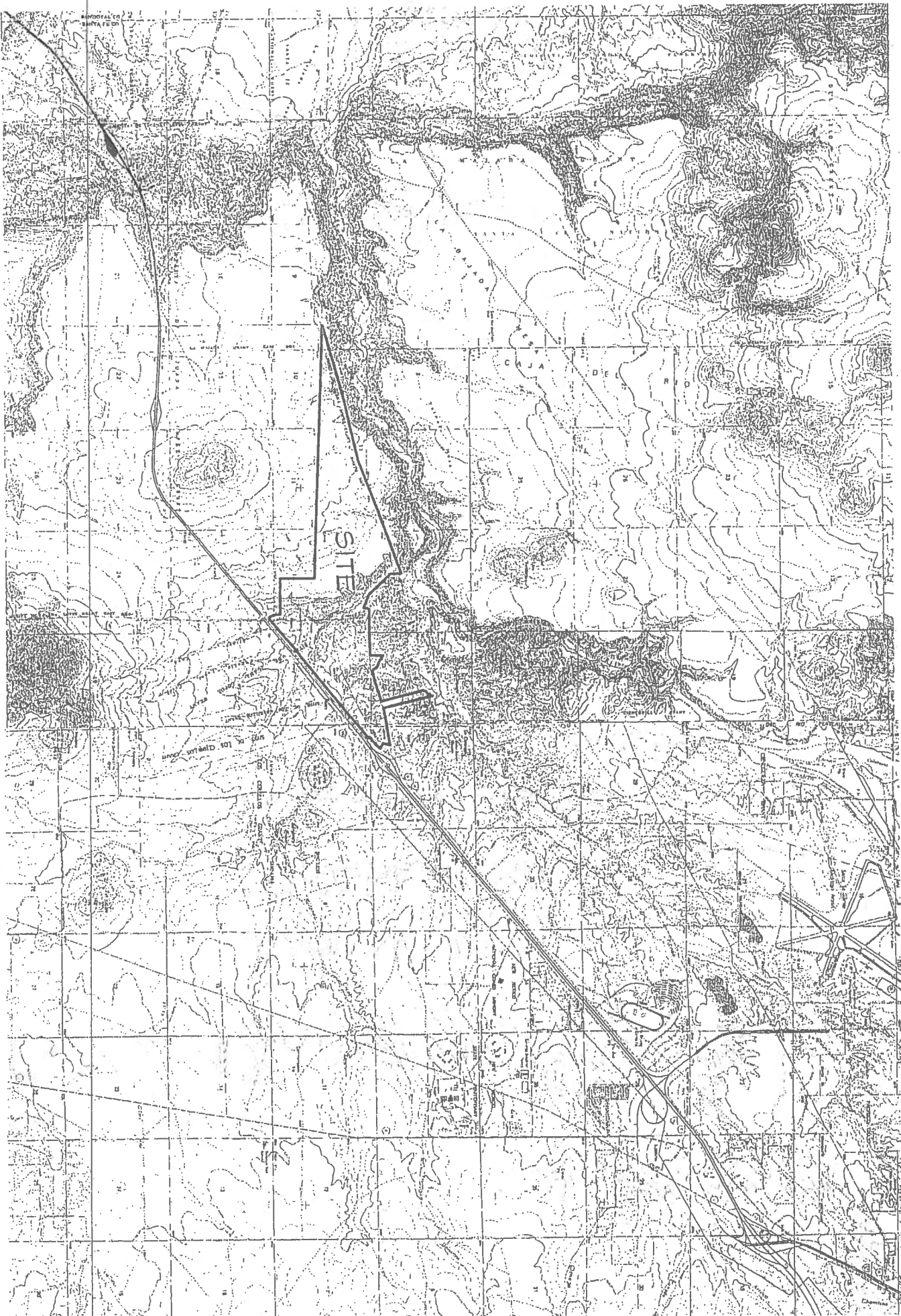
Katherine Miller
Santa Fe County Manager

Santa Fe Canyon Ranch
Revised Amended Master Plan

1316.3 AC +/-
IN
TOWNSHIP 15 NORTH, RANGE 7 EAST, SECTIONS 12, 10, 12 & 13.
AND
TOWNSHIP 15 NORTH, RANGE 8 EAST
SECTIONS 5, 6, 7 & 8
SANTA FE, NEW MEXICO

SHEET LIST

- 1 COVER SHEET
- 2 MASTER PLAN
- 3 BOUNDARY SURVEY
- 4 TOPOGRAPHY
- 5 SITE ANALYSIS PLAN
- 6 SLOPE ANALYSIS
- 7 SOILS MAP
- 8 CONCEPTUAL TERRAIN MANAGEMENT PLAN
- 9 CONCEPTUAL WATER SERVICE & FIRE PROTECTION PLAN
- 10 CONCEPTUAL LIQUID WASTE PLAN
- 11 CONCEPTUAL DRY UTILITY PLAN
- 12 CONCEPTUAL ROAD DESIGN
- 13 CONCEPTUAL OPEN SPACE PLAN
- 14 PHASING PLAN



SCALE 1"=3000' FEET
3000' 0 3000'

OWNER:

SANTA FE CANYON RANCH, LLC
3056 AGUA FRIA STREET
SANTA FE, NM 87507

ENGINEERING:

DESIGN ENGINEERING



Santa Fe, New Mexico
(505) 981-1551

SURVEYING:

DAWSON SURVEY'S INC.
PROFESSIONAL LAND SURVEYORS
VALDES IND. PARK
SANTA FE, NM

PLANNER:

SCHULTZ AND COMPANY, INC.
P.O. BOX 1072
SANTA FE, NEW MEXICO 87504
(505) 982-5258



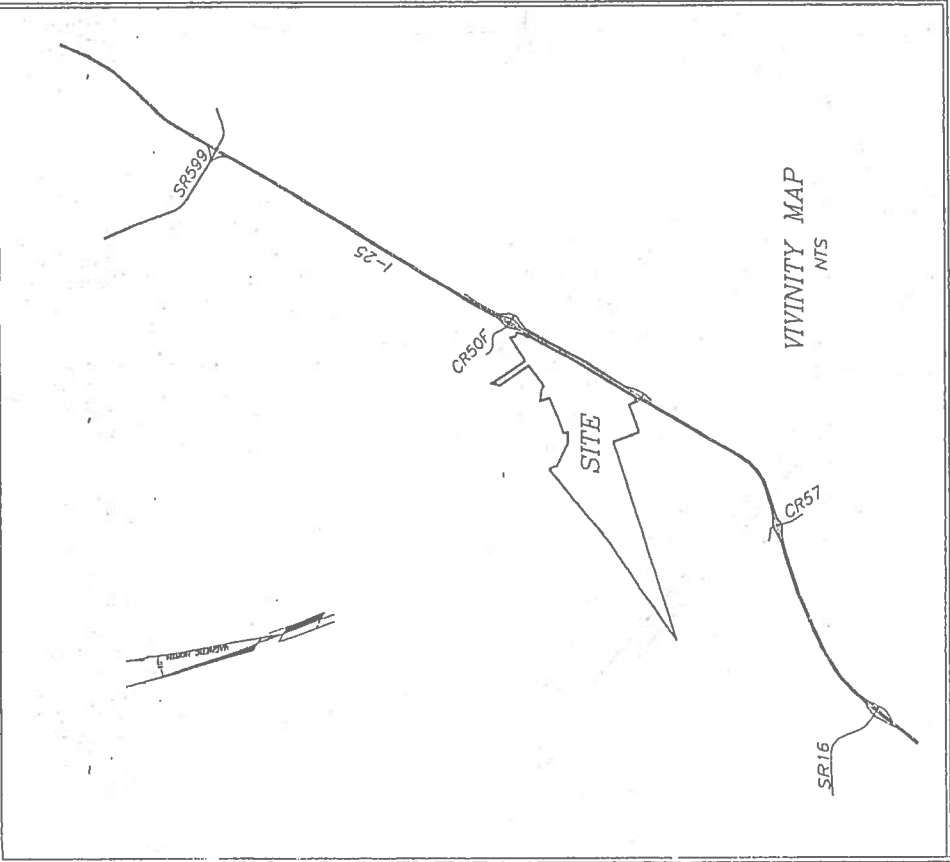
DECEMBER 18, 2007

DATE	BY	REV

EXHIBIT

2

7



LEGEND:
BEARINGS ARE IN STATE PLANE, CENTRAL ZONE, DERIVED FROM GPS OBSERVATIONS.
DISTANCES ARE GROUND, GROUND TO GRID SCALE FACTOR=0.999564
ELEVATIONS ARE NAVD83.

— DENOTES BOUNDARY OF LANDS DEALT WITH BY THIS PLAT
INFORMATION OUTSIDE OF THIS BOUNDARY IS BACKGROUND
INFORMATION ONLY, NOT VERIFIED FOR ACCURACY AND IS NOT
PART OF THIS PLAT.



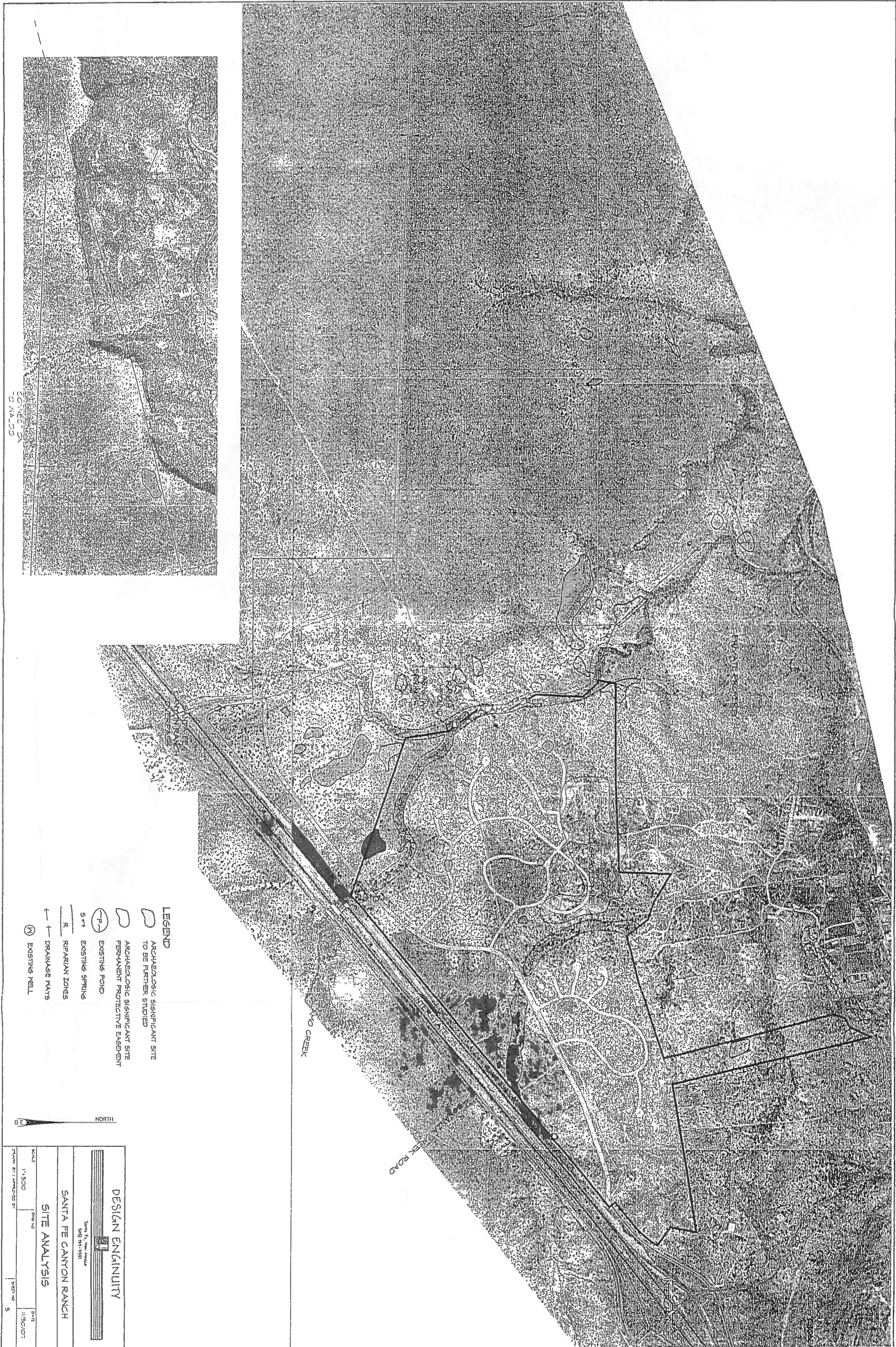
TOPOGRAPHIC MAP
PREPARED FOR
SANTA FE CANYON RANCH
WITHIN
SECTIONS 10, 11, 12, & 13, T15N R7E, &
SECTIONS 5, 6, & 7, T15N R8E, NMPM
MESITA & SITO DE JUANA LOPEZ GRANTS
SANTA FE COUNTY, N.M.

SURVEYORS CERTIFICATE
HEREBY CERTIFY THAT THIS MAP IS A TRUE REPRESENTATION OF A TOPOGRAPHIC
SURFACE DERIVED FROM CURVEY MAPPING SPOT CHECKED BY FIELD SURVEY
COMPLETED UNDER MY PERSONAL SUPERVISION ON THE 30th DAY OF JANUARY, 2006.
TO THE BEST OF MY KNOWLEDGE, THE SURVEY AND MAP ARE CORRECT, TRUE AND
MEET THE NATIONAL MAPPING STANDARDS.

GARY E. DAWSON, N.M.P.L.S. 7014



DAWSON SURVEYS, INC.
PROFESSIONAL LAND SURVEYORS
2303 B CAMINO ENTRADA
SANTA FE, N.M.
PLAT # 7331 DATE: 3-06-06



LEGEND

- ARCHAEOLOGIC SIGNIFICANT SITE TO BE FURTHER STUDIED
- ARCHAEOLOGIC SIGNIFICANT SITE PERMANENT PROTECTIVE EASEMENT
- EXISTING POND
- EXISTING SPRINGS
- RIPIARIAN ZONES
- DRAINAGE PATNS
- EXISTING WELL

NORTH

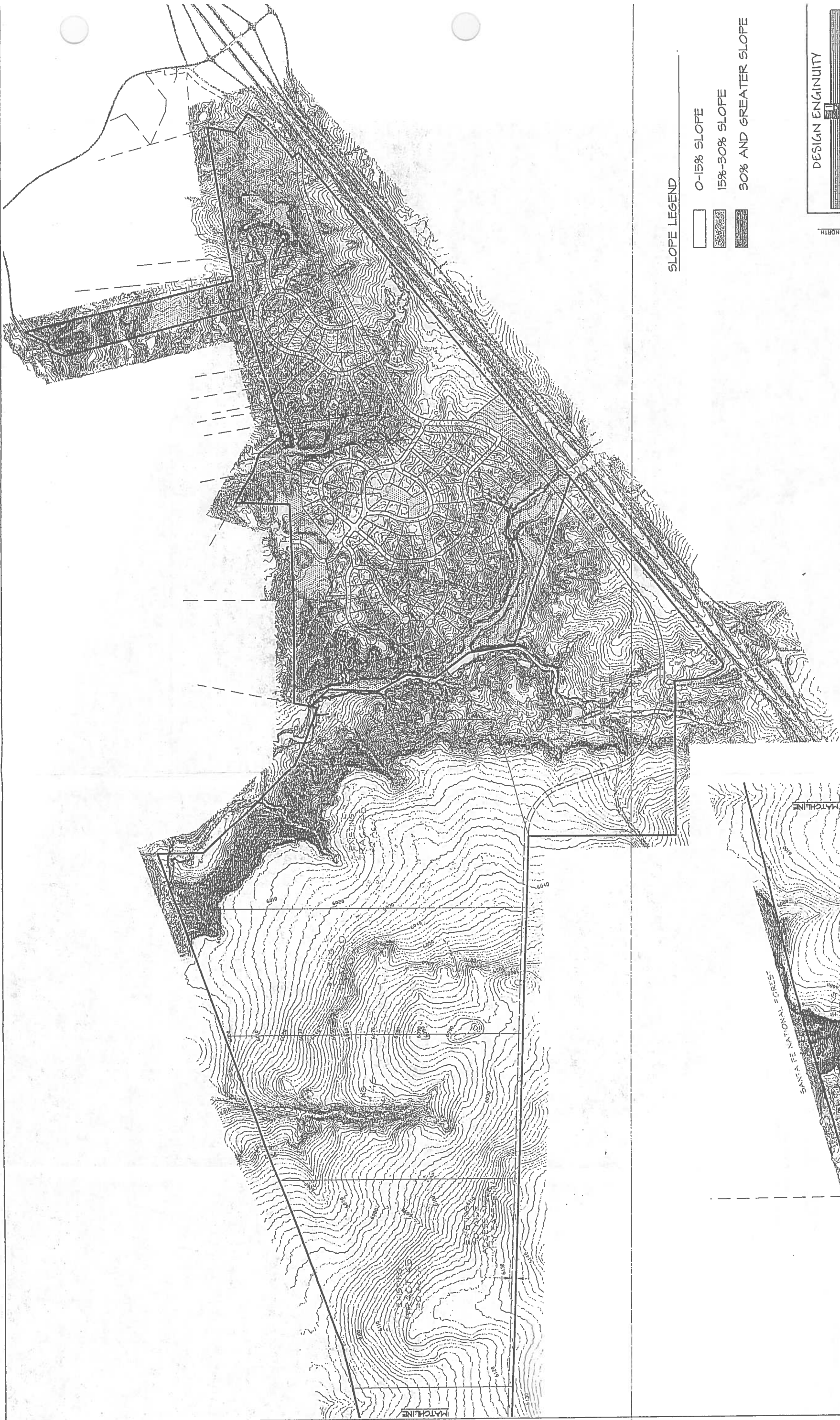
DESIGN ENGINNUITY

Santa Fe, New Mexico
9400 1st-1997

SANTA FE CANYON RANCH

SITE ANALYSIS

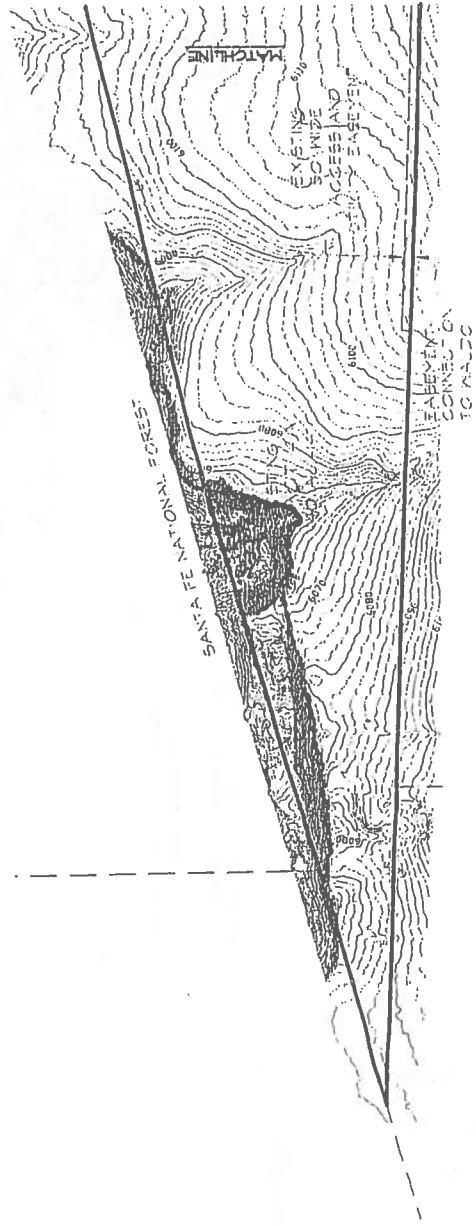
SCALE 1"=500'	DRAWN BY J. J. JONES	DATE 11/20/07
SHEET 5 OF 5		5



SLOPE LEGEND

- 0-15% SLOPE
- 15%-30% SLOPE
- 30% AND GREATER SLOPE

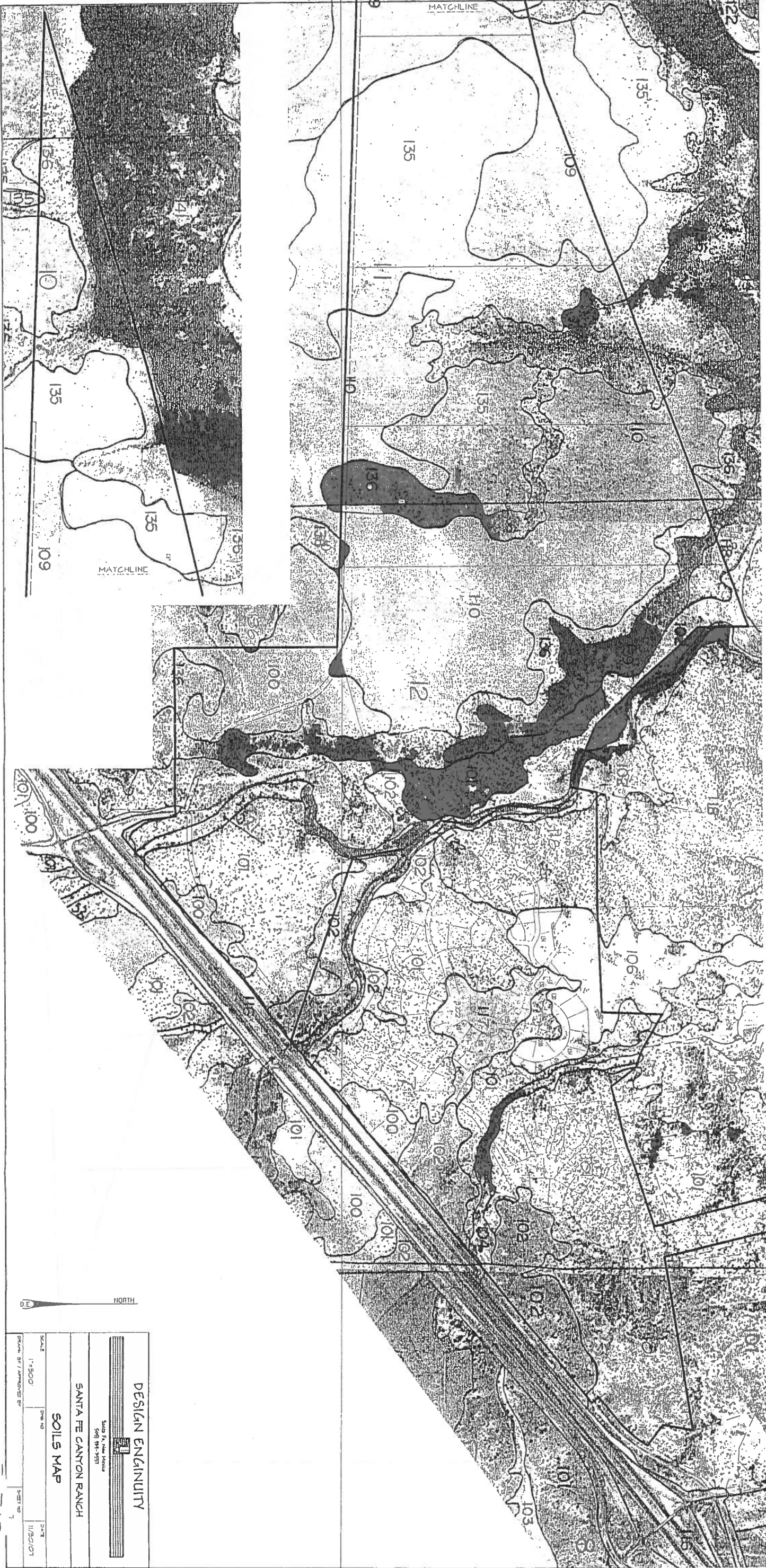
DESIGN ENGINEER	
Santa Fe, New Mexico 969, 1st-1991	
SANTA FE CANYON RANCH	
SLOPE ANALYSIS	
SCALE 1"=500'	DATE 11/30/01
DRAWN BY: J. AMADOR, P.E.	SHEET NO. 6



SANTA FE CANTON RANCH - SOIL DESCRIPTIONS

- 100 - PANKY LOAM - LOAM AND CLAY LOAM, MODERATELY SLOW PERMEABILITY, LOW SHRINK SWELL POTENTIAL, LOW RUNOFF, SUMMITS OF ERODED FAN REMNANTS.
- 101 - ZOZOBEA-JACONTA COMPLEX - GRAVELLY LOAMY SAND, AND COARSE SAND; MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, LOW RUNOFF, SHOULDERS OF ERODED FAN REMNANTS.
- 102 - KIHABO SANDY LOAM - SANDY LOAM; MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, MEDIUM RUNOFF, TOWERS OF ERODED FAN REMNANTS.
- 103 - ZEPOL SILT LOAM - SILT LOAM; MODERATELY PERMEABILITY, MODERATE SHRINK SWELL POTENTIAL, LOW RUNOFF, NARROW FLOOD PLAINS.
- 104 - CHASE-RIVERWASH COMPLEX - GRAVELLY COARSE SAND; MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, VERY LOW RUNOFF, FLOOD PLAINS.
- 106 - PITS - FINE SPOIL OR EARTHY FILL, MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, VERY LOW RUNOFF.
- 104 - TETILLA LOAM - LOAM AND CLAY LOAM, MODERATELY SLOW PERMEABILITY, MODERATE SHRINK SWELL POTENTIAL, LOW RUNOFF, TREAD FAN TERRACE.
- 110 - CALBASAS LOAM - LOAM AND CLAY LOAM, MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, LOW RUNOFF, SUMMITS OF LA BALUDA MESA.
- 117 - AGUA FRIA-PAYALE COMPLEX - GRAVELLY SANDY LOAM AND GRAVELLY COARSE SAND; MODERATELY SLOW PERMEABILITY, LOW SHRINK SWELL POTENTIAL, MEDIUM RUNOFF, SUMMITS OF ERODED FAN REMNANTS.
- 118 - GOLODRINA-PAYALE COMPLEX - VERY GRAVELLY COARSE SANDY LOAM AND GRAVELLY LOAMY COARSE SAND; MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, MEDIUM TO HIGH RUNOFF, SHOULDERS AND BACKSLOPES OF ERODED FAN REMNANTS.
- 122 - CUYANABE-RIVERWASH COMPLEX - VERY GRAVELLY COARSE SAND, RAPID PERMEABILITY, LOW SHRINK SWELL POTENTIAL, NEGLIGIBLE RUNOFF, INTERMITTENT STREAM ON FLOOD PLAINS.
- 135 - TSINKAT GRAVELLY LOAM - GRAVELLY OR CLAY LOAM OVER BEDROCK AT 34 TO 54 INCHES, VERY SLOW PERMEABILITY, LOW SHRINK SWELL POTENTIAL, LOW RUNOFF, BEVELED SUMMITS OF UNDULATING PLATEAUS.
- 136 - CHAPIPA VERY COBBLY SANDY LOAM - COBBLY LOAM OVER BEDROCK AT 20 TO 34 INCHES, MODERATELY SLOW PERMEABILITY, LOW SHRINK SWELL POTENTIAL, MEDIUM RUNOFF, BEVELED SUMMITS OF MESAS AND PLATEAUS.
- 136 - ANDAMADA VERY GRAVELLY LOAM - GRAVELLY LOAM OVER BEDROCK AT 2 TO 10 INCHES, MODERATE PERMEABILITY, MODERATE SHRINK SWELL POTENTIAL, VERY HIGH RUNOFF, SHOULDERS OF UNDULATING PLATEAUS AND MESAS.
- 141 - TREBULL-PENISJUN-ROCK OUTCROP COMPLEX - VERY COBBLY LOAM AND SANDY LOAM, 10 PERCENT ROCK OUTCROP, MODERATE PERMEABILITY, MODERATE SHRINK SWELL POTENTIAL, MEDIUM TO HIGH RUNOFF, BACKSLOPES AND TOWERS OF HILLS.

DESCRIPTIONS TAKEN FROM USDA NATURAL RESOURCES CONSERVATION SERVICE ADVANCED COPY OF THE SANTA FE AREA SOIL SURVEY. DATED 12/16/2005. THIS SURVEY HAS NOT BEEN FINALIZED AND IS SUBJECT TO CHANGE.



NORTH

DESIGN ENGINEERING

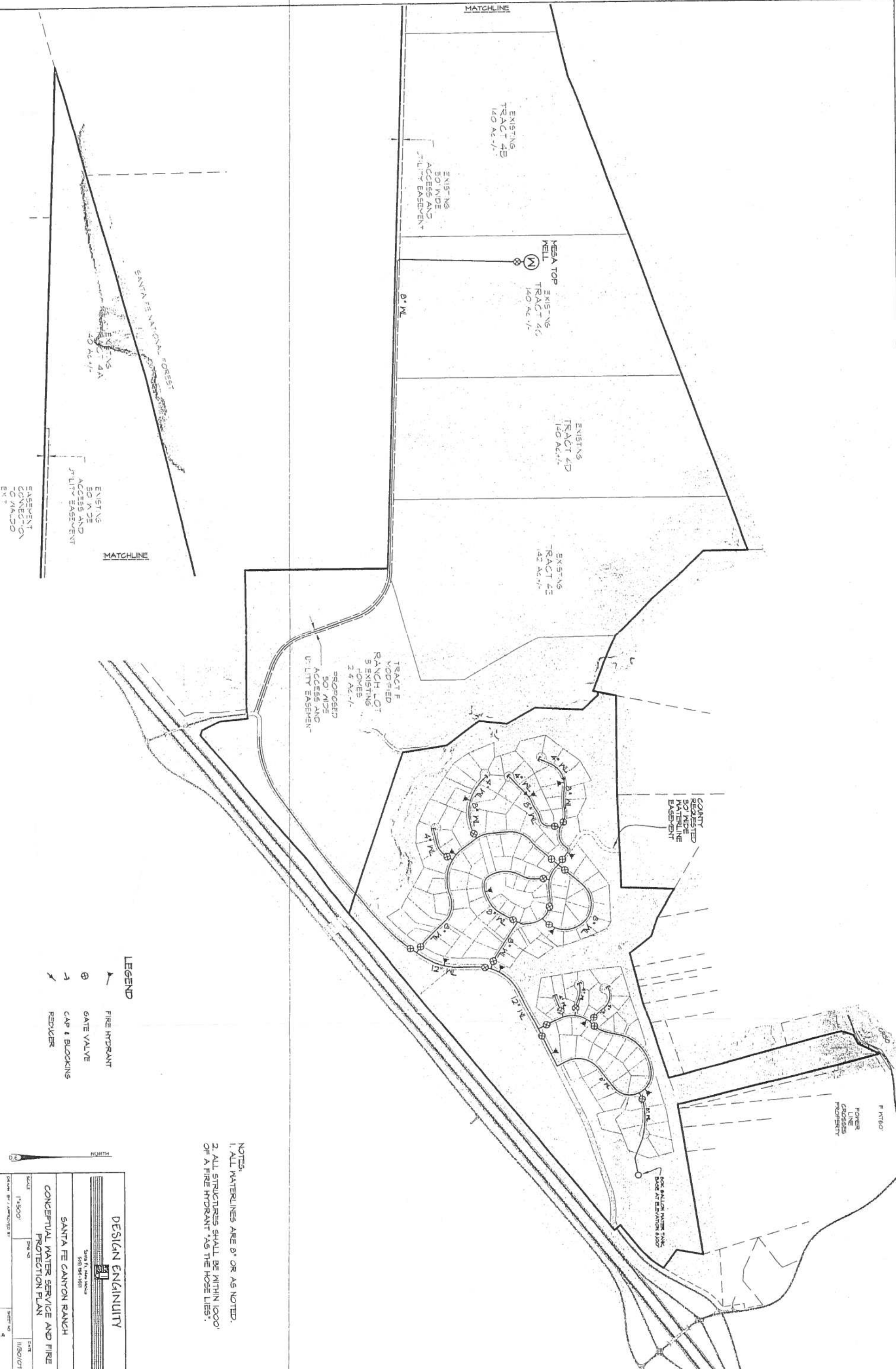
Santa Fe, New Mexico
505 944-1931

SANTA FE CANTON RANCH

SOILS MAP

SCALE 1"=500' DATE 11/30/07

Drawn BY / APPROVED BY



NOTES:
1. ALL WATERLINES ARE 8" OR AS NOTED.
2. ALL STRUCTURES SHALL BE WITHIN 1000'
OF A FIRE HYDRANT* AS THE HOSE LIES*.

- LEGEND
- FIRE HYDRANT
 - GATE VALVE
 - CAP & BLOCKING
 - FENCE

DESIGN ENGINEER

SANTA FE CANYON RANCH

CONCEPTUAL WATER SERVICE AND FIRE PROTECTION PLAN

SCALE

1"=500'

DATE

11/30/07

SHEET NO.

4

LEGEND

--- LOW PRESSURE SEWER, 2" OR AS NOTED (LPSAS)

---> FLOW DIRECTION

---> 6" GRAVITY LINE (GAS), OR AS NOTED.

---> FLOW DIRECTION

⑥ GRINDER PUMP

⑥

EXISTING TRACT 45
140 AC +/-

EXISTING
50' WIDE
ACCESS AND
UTILITY EASEMENT

EXISTING TRACT 4C
140 AC +/-

EXISTING TRACT 4D
140 AC +/-

EXISTING TRACT 4E
142 AC +/-

TRACT 2
MODIFIED
RANCH LOT
3 EXISTING
10-AC +/-
2 1/2 AC +/-

PROPOSED
50' WIDE
ACCESS AND
UTILITY EASEMENT

WATER RECLAMATION FACILITY

DISCHARGE
TO ALAMO
CREEK

SANTA FE CANYON

EXISTING TRACT 4A
140 AC +/-

EXISTING
50' WIDE
ACCESS AND
UTILITY EASEMENT

EASEMENT
CONNECTION
TO ALAMO
CREEK

DESIGN ENGINEER

Santa Fe, New Mexico
505 961 1951

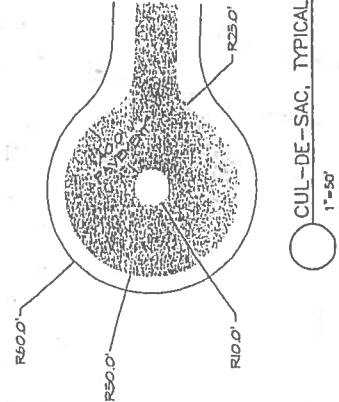
SANTA FE CANYON RANCH

CONCEPTUAL LIQUID WASTE PLAN

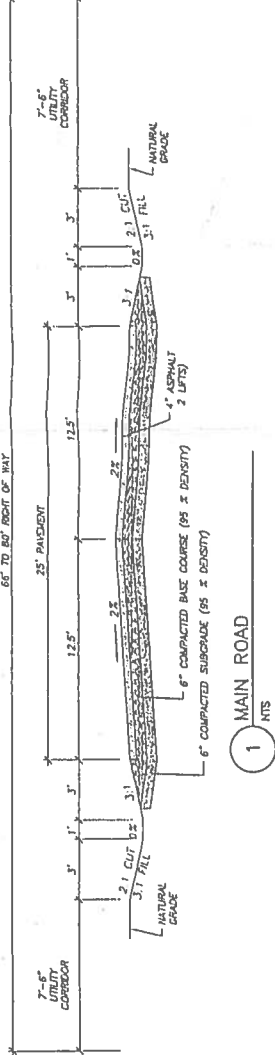
SCALE 1"=500' DATE 11/30/07
DRAWN BY J. J. JENSEN BY J. J. JENSEN

WATER RECLAMATION FACILITY WILL BE
SUBJECT TO A NPDES PERMIT.

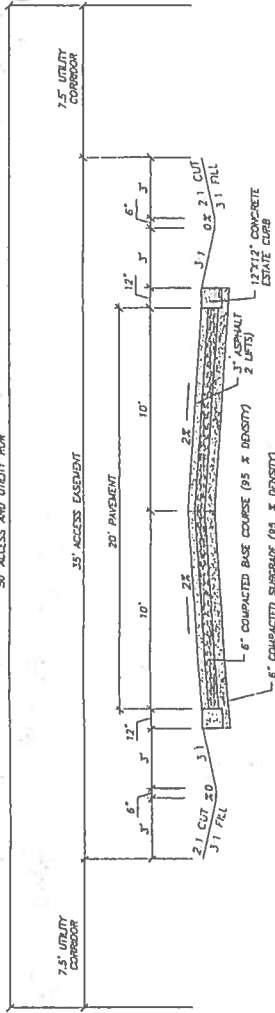
0 10 20
NORTH



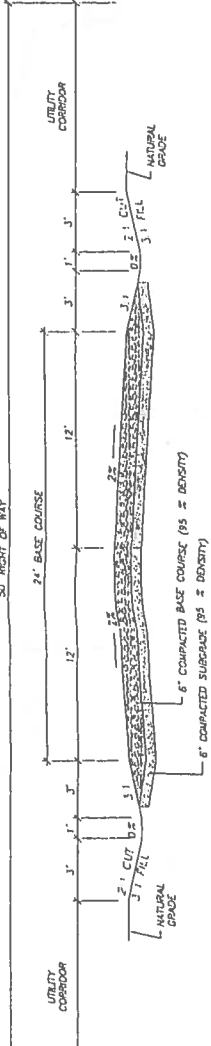
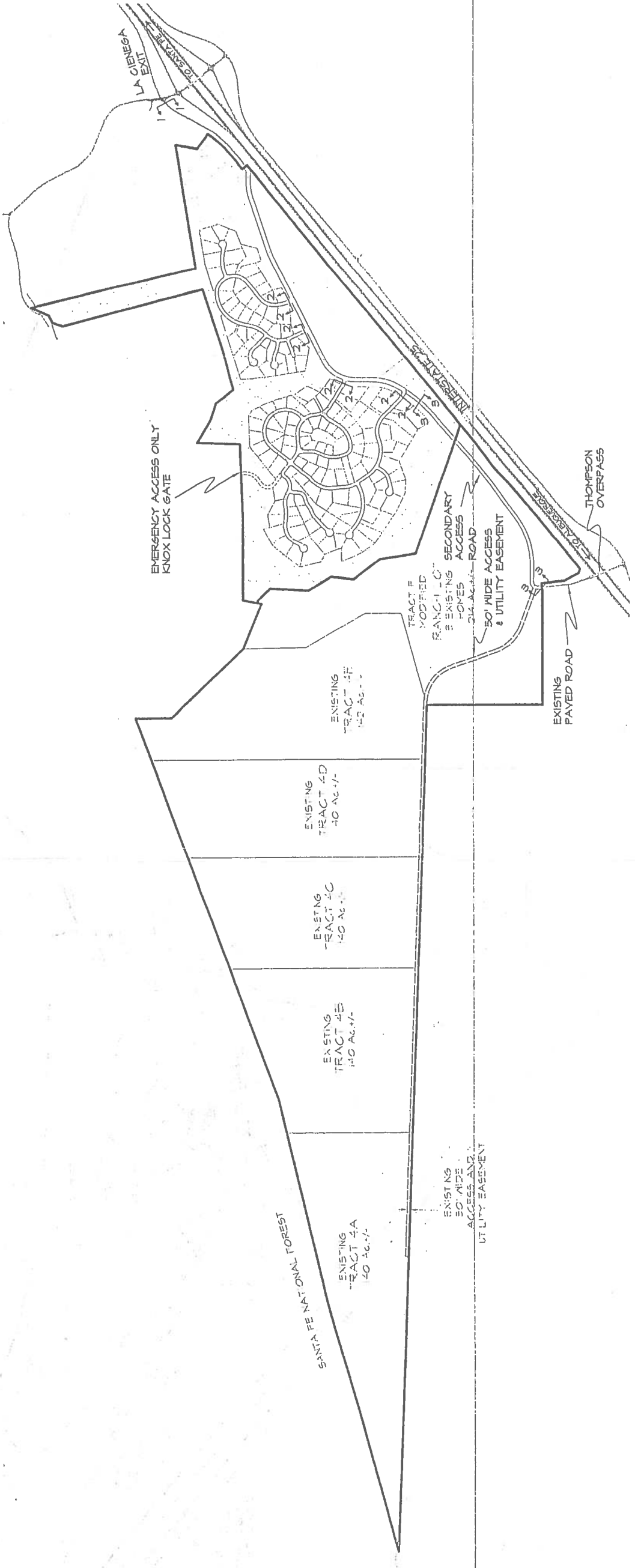
CUL-DE-SAC, TYPICAL
1"=50'



1 MAIN ROAD
NTS



2 ESTATES ROAD - TYPE 1
NTS



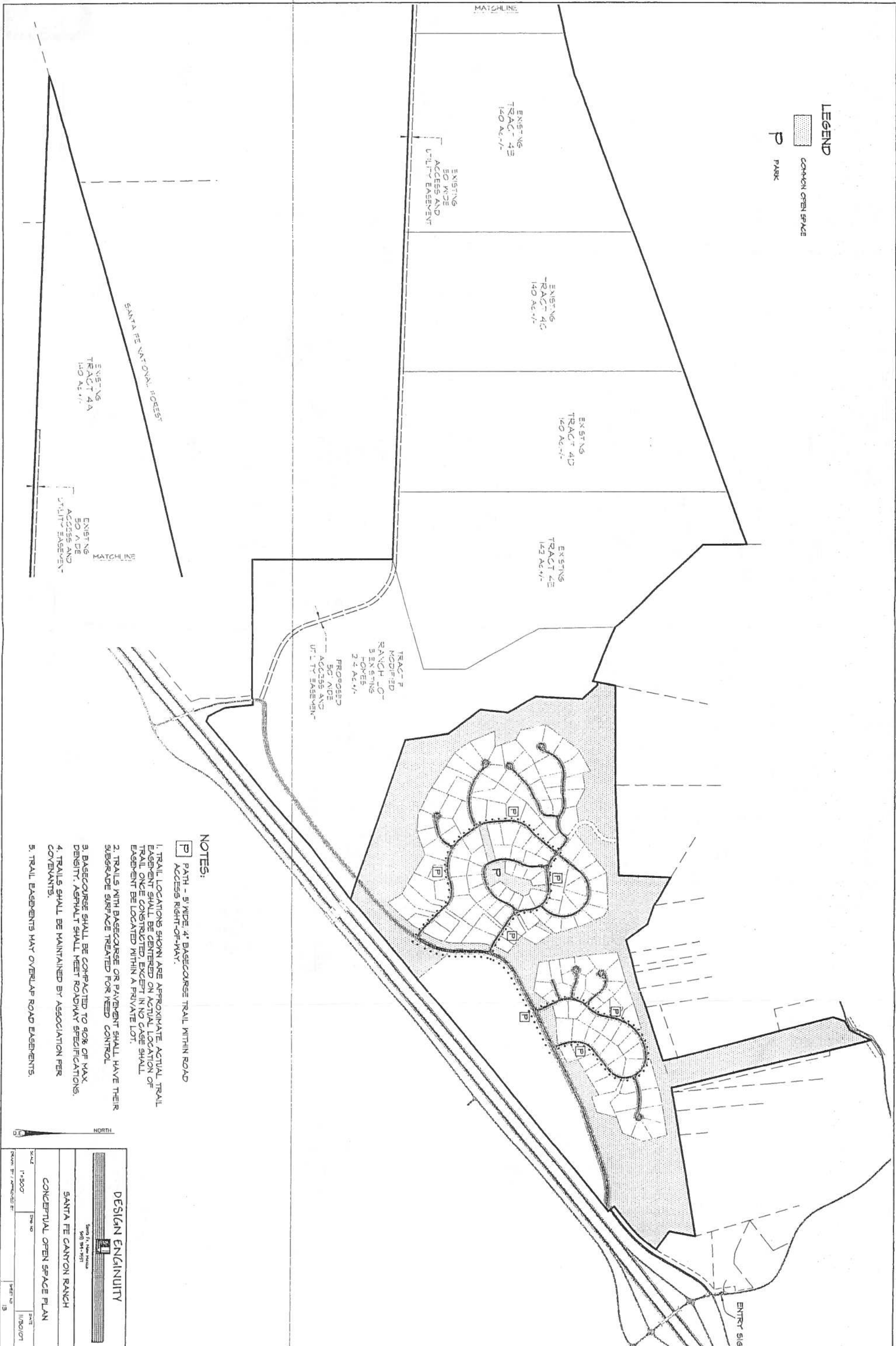
3 SECONDARY ACCESS ROAD
NTS

DESIGN ENGINEERING	
Santa Fe, New Mexico 505 944-1991	
SANTA FE CANYON RANCH	
CONCEPTUAL ROAD DESIGN	
SCALE 1"=500'	DATE 11/30/07
DRAWN BY / APPROVED BY	
SHEET NO.	

LEGEND

COMMON OPEN SPACE

P PARK



NOTES:

- P** PATH - 5' WIDE, 4" BASECOURSE TRAIL WITHIN ROAD ACCESS RIGHT-OF-WAY.
- 1. TRAIL LOCATIONS SHOWN ARE APPROXIMATE. ACTUAL TRAIL EASEMENT SHALL BE CENTERED ON ACTUAL LOCATION OF TRAIL ONCE CONSTRUCTED. EXCEPT IN NO CASE SHALL EASEMENT BE LOCATED WITHIN A PRIVATE LOT.
- 2. TRAILS WITH BASECOURSE OR PAVEMENT SHALL HAVE THEIR SUBGRADE SURFACE TREATED FOR WEED CONTROL.
- 3. BASECOURSE SHALL BE COMPACTED TO 90% OF MAX. DENSITY. ASPHALT SHALL MEET ROADWAY SPECIFICATIONS.
- 4. TRAILS SHALL BE MAINTAINED BY ASSOCIATION PER COVENANTS.
- 5. TRAIL EASEMENTS MAY OVERLAP ROAD EASEMENTS.

DESIGN ENGINEER

SANTA FE CANYON RANCH

CONCEPTUAL OPEN SPACE PLAN

SCALE 1"=200'

DRAWN BY / APPROVED BY

DATE 11/30/07

SHEET 13

MEMORANDUM

DATE: September 9, 2008

TO: Board Of County Commissioners

FROM: Joe Catanach, Zoning Case Manager

VIA: Jack Kolkmeier, Planning & Development Div. Director
Penny Ellis-Green, Planning & Zoning Manager

FILE REF.: LCDRC CASE # MP/S 06-5212 Santa Fe Canyon Ranch

ISSUE:

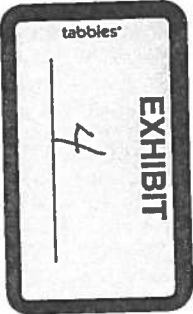
Santa Fe Canyon Ranch, LLC (David Schutz, Jim Borrego), Applicants, Rosanna Vasquez, Agent, request Master Plan approval for a residential subdivision consisting of 162 lots (174 total residential units) on 1,316 acres to be developed in 3 phases and identified as Santa Fe Canyon Ranch. As required in Article V, Section 8.2.1(d) (cul-de-sacs) of the Land Development Code a request is included for several cul-de-sacs to exceed 500’ feet in length. The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).

SUMMARY:

On March 5, 2008 the LCDRC met and heard this case (Exhibit J). The Applicant requested and was granted tabling of the case so that issues regarding water supply, phasing and other relevant issues could be addressed. On July 2, 2008 the LCDRC continued the public hearing and the meeting concluded with a failed motion for a recommendation of approval with no subsequent action(refer to July 2008 LCDRC minutes attached as Exhibit K).

The site is located at I-25 and La Entrada, within the La Cienega and La Cieneguilla Traditional Historic Communities (Exhibit A). The Applicant is requesting Master Plan approval for a 162 lot, Type II subdivision (25-499 lots, with lots less than 10-acres in area) on 1316.13-acres.

Proposed lot sizes range from .30 to 214-acres. The majority of the proposed development is clustered in an area of approximately 400.2 acres. The remainder of the area (916-acres) on the northwesterly side of Alamo Creek, will consist of six large lots (140 to 214-acres) with 3 home sites proposed on each lot (18 total). No commercial development is proposed.



Phase 1:	80 lots	200 acres	avg. density 1 d/u per 2.50 acres
Phase 2:	76 lots	199 acres	avg. density 1 d/u per 2.62 acres
Phase 3:	6 lots/3 units per lot	912 acres	avg. density 1 d/u per 50.66 acres

The total number of units proposed in the subdivision 174, comprised of 129 market rate units, and 45 affordable units, which incorporates a ratio of affordable to market rate units of 30% calculated from a base density of 151 lots.

The Application has been reviewed for compliance to Ordinance 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), the Santa Fe County Land Use Code (Ordinance 1996-10, as amended), Ordinance 2003-02 (Master Plan Procedures), Ordinance 2005-2 (Ordinance Amending 2003-2, and 1996-10, which specifies at what stage water rights are required), and Ordinance 2006-2 (Affordable Housing Ordinance) and the following briefly summarizes each portion of the review conducted by staff:

Existing Conditions

The proposed Santa Fe Canyon Ranch site is bounded on the north by sparse rural residential development, on the south by Interstate 25, on the east by La Entrada de Cienega and on the west by undeveloped Pueblo lands. The site is undisturbed piñon/juniper with sage understory, with primarily gentle slopes and is traversed by a perennial stream (Alamo Creek). Three residential units presently exist on the property.

The City of Santa Fe Airport Manager has reviewed and provided comment on this project due to the location of the property in line with their busiest runway. The Airport Manager requests a disclosure regarding noise impacts be placed on the Final Plat and included in the Subdivision Disclosure Statement (Refer to Condition 9 and Exhibit F for City comments regarding this issue).

Water Supply and Availability

A review of this project was conducted of the amended Master Plan, Geology and Water Availability Report, and supplemental water documentation for Phase I of this project.

The property is located in the La Cienega/La Cieneguilla Traditional Historic Communities and is subject to the Land Development Code requirements. The Applicant proposes to construct a new community water system. An 82,000 gallon water storage tank will be required for domestic and fire protection use in phase one.

The proposed water use for Phase I is 14.6 acre feet per year, the total water budget for full build out is 31.52 acre feet per year with a reserve of .80 acre feet per year for a total water budget of 32.32 acre feet per year. The Applicant’s water budget estimates household use to be 0.18 acre feet per year which includes system loss. The Applicant submitted supporting data to demonstrate their ability to meet this restriction.

The applicant will submit a request to the BCC for water pursuant to the Affordable Housing Ordinance to serve the affordable units. However, the applicant owns sufficient water rights to

serve Phase I lots including the affordable units.

The Applicant's have met all the requirements for water of the Santa Fe County Land Use Development Code and subsequent ordinances for Phase I. The Applicant has demonstrated sufficient water availability for Phase 1 of this project but additional data and clarification is necessary for subsequent phases. The full water supply review is in Exhibit F.

Density

The project contains 1316.13 acres to be developed with 174 dwelling units, resulting in a gross density of 1 residential unit per 7.56 acres. The project is divided into separate phases as follows:

Phase 1:	80 lots	200 acres	avg. density 1 d/u per 2.50 acres
Phase 2:	76 lots	199 acres	avg. density 1 d/u per 2.62 acres
Phase 3:	6 lots/3 units per lot	912 acres	avg. density 1 d/u per 50.66 acres

The proposed density meets the requirements of Ordinance 2002-09 (La Cienega/La Cieneguilla Community Ordinance) which allows a gross density of 2.5 acres if an adequate 100 year supply of water, and no impairment to neighboring wells is proven by an on-site geohydrological well test.

The Application states that the developer seeks to retain development rights on the Phase III lots for future subdividing when water becomes available subject to approval of a master plan amendment by the BCC.

Phasing

Revisions to the Master Plan report (Exhibit C) indicates that Phase I will consist of 57 market rate units and 23 affordable units for a total of 80 units on 200 acres in the initial phase of development. Phase II will consist of 54 market rate units and 22 affordable units for a total of 76 units on 199 acres. Phase III consists of the six large tracts (Tracts 4A through 4F; 140 acres + each, total area 916 acres) containing three market rate units on each Tract (18 total). The report states that full buildout will occur after ten years.

Affordable Housing

The proposed subdivision includes 45 affordable units as required by Ordinance 2006-02 (Affordable Housing). All affordable units are integrated in the first two phases of development, with no affordable units identified on the large estate lots that comprise Phase III of the development. Affordable units will be equally dispersed in the four income ranges (11.3 affordable in each income range). The Application has been forwarded to the County's Affordable Housing Administrator for review. The Affordable Housing Administrator states in correspondence dated 2/6/08, and again in reviewing resubmitted information in correspondence dated 5/7/2008 that the project is conceptually compliant with the County's affordable housing criteria (Exhibit F).

Market Analysis

A preliminary Market and Fiscal Impact Analysis has been included with the Master Plan application as required by Article V, Section 5.2.2.g paragraphs (2) and (3) of the Land Development Code. These analyses were conducted in early 2006 and were based on construction of 420 residential units. The salability computations provided were based upon land sales vs. sale of finished homes, and pricing data was based upon conditions existing in the time period from 2002-2005. The submitted analysis does not accurately reflect a downturn in the housing market in Santa Fe County, but rather represents a strong real estate market and cites that Santa Fe is experiencing a “building boom” (page 9, Appendix J), and also states “The Santa Fe market for new homes and land has remained strong even in weaker economic times” (page 17, Appendix J). The Market Analysis indicates a 20-year sales period, inconsistent with other documentation provided which cites a four-year build-out. The Fiscal Analysis concludes that the development of Santa Fe Canyon Ranch will have a beneficial impact estimated to be \$51 million over a twenty year period. These analyses have been reviewed by the County’s Economic Planner who has indicated significant updates will be required (Exhibit F).

Access/Traffic Impact

A Traffic Impact Analysis has been included with the Master Plan application as required by Article V, Section 5.2.2.g paragraph (5) of the Land Development Code. The project proposes that the main subdivision access will be from La Entrada de Cienega, and secondary access will be provided through construction of a frontage road extension to the Thompson Overpass along the westerly side of Interstate 25 as part of Phase I. Emergency access previously proposed to serve the area through the subdivision from County Road 50 (via La Lomita) has been eliminated. The NMDOT requires construction of a right turn deceleration lane for southbound traffic on the E. Frontage Road to La Entrada for southbound traffic, and right turn deceleration lane for eastbound traffic on Entrada La Cienega on the southbound on-ramp to I-25 and a left turn deceleration lane for westbound traffic on Entrada La Cienega turning left into the SF Canyon Ranch entry. The NMDOT requires that design plans for these improvements are submitted for approval along with the Final Development Plan (Exhibit F).

Construction of the secondary access will require an engineered crossing of Alamo Creek which is a federally designated 100-year floodplain. The Applicant is proposing to utilize box culverts for this crossing. This design must be submitted to the Federal Emergency Management Agency for review prior to commencement of construction. A Section 404 permit will also be required, which will require the approval of the U.S. Army Corps of Engineers.

A request is included for several cul-de-sacs to exceed 500’ feet in length. As outlined in Article V, Section 8.2.1(d) (cul-de-sacs) of the Land Development Code (Exhibit H) the LCDRC may consider this request for lengths over the permitted 500’, if public safety factors can be met. Lengths requested range from 850’ to 1000’, with the remainder designed in compliance with Code criteria. Staff recommends that a looped road will be required for Phase III instead of a 3 mile long dead end cul-de-sac road.

The TIA has been submitted in accordance with the requirements of the Land Development Code, and this analysis indicates that surrounding roadways will not be adversely impacted by the construction of the subdivision. Morning and evening peak traffic hours have been summarized

and indicate that all surrounding roadways will operate at a Level of Service A or B. The TIA has been distributed for review by the New Mexico Department of Transportation, County Public Works and County Transportation Planning. (Exhibit F)

Liquid Waste Disposal

Due to the lot sizes proposed, a community liquid waste system is required by Article V, Section 2 of the Land Development Code. The developer is proposing an on-site advanced wastewater treatment system. A Conceptual Liquid Waste Plan has been submitted which indicates that a water reclamation facility will be constructed and treated effluent will be discharged to Alamo Creek and return flow credits will be sought. A National Pollution Discharge Elimination System Permit (NPDES) permit, for point source discharge must be secured from the EPA prior to final approval of this proposed system. The Applicant has provided a Conceptual Dry Utility Plan which indicates that all new and existing power lines will be placed underground, that there is an existing gas main on the property which will be used.

The Application has been forwarded to the County Utility, the County Water Resources Specialist and the New Mexico Environment Department for review. (Exhibit F)

Environmental Impact

A preliminary Environmental Assessment has been submitted as required by Article V, Section 5.2.2 paragraph (c) of the Land Development Code. This analysis indicates that federally endangered species (SW Willow Flycatcher) and federally threatened species (Mountain Plover) are/may be present on the subject property. Review comments from the New Mexico Department of Game and Fish dated March 2, 2006, has been included by the Applicant (Exhibit B, Appendix E). This correspondence recommends that the U.S. Fish and Wildlife Service, Albuquerque office be contacted for comment. The Applicant forwarded the Environmental Assessment to the U.S. Fish and Wildlife Service on February 11, 2008, for comment, to date comments from this agency have not been received. Santa Fe County Planning staff have reviewed and provided comment regarding preservation of wildlife corridors and potential visual impacts (Exhibit F).

Stormwater and Terrain Management

Sixteen on-site detention ponds are proposed to manage post-construction stormwater runoff. Maintenance of these ponds will be the responsibility of the Home Owner's Association. Placement of numerous culverts and conveyance facilities is indicated. The site is traversed by ephemeral streams which includes a federally designated floodplain. No encroachment may occur in the floodplain until it is demonstrated through detailed hydrologic and hydraulic analysis that the cumulative effect of the development, when combined with other anticipated development will not result in an increase of more than one foot to the elevation associated with the 1% recurrence interval storm event at any point in the community. The secondary access road needed for the development will cross this floodplain. A CLOMR will be required if this crossing increases the water surface elevation by more than one foot (1'), and following construction completion a LOMR will be required.

A conceptual Terrain Management Plan and a Slope Analysis have been submitted and this plan indicates that the majority of the project area is on slope of less than 15%. No disturbance of

slopes exceeding 30% will be allowed. The concepts as submitted are compliant with Article V, Section 5.2.2 (c) of the Land Development Code.

Open Space

The Master Plan indicates that 400 acres (32%) of the entire site will be dedicated as open space and may be dedicated to the Trust for Public Lands as a conservation easement. Open space will include a community park with a playground and picnic facilities. Trails will be provided which loop through the subdivision. These trails will be open to the public. The application has been reviewed by County Open Space and Trails for compliance to Code (Exhibit F).

Archaeological Impact

A detailed Archaeology report is required per Article VI, Section 3 of the Code. The Application includes this information which identifies the presence of 54 archaeological sites, with 38 considered significant sites within the project area. The Application acknowledges that these sites must be protected pursuant to Code and in accordance with current local, state and federal law governing archaeologically significant sites. The report has been forwarded for comment to the New Mexico State Historic Preservation Office for review (Exhibit F).

School Impact

A School Impact Report has been prepared as required by Article V, Section 5.2.2(g) 7 of the Code. A school site has not been included in the subdivision. The Application indicates that meetings (correspondence dated 6/26/06) have been conducted with the Santa Fe Public Schools Superintendent (Exhibit F).

REQUIRED ACTION:

The BCC should review the attached material and consider the recommendation of Staff; take action to approve, deny, approve with conditions, or table for further analysis of this request.

RECOMMENDATION:

Article V, Section 5.2.6 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 detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time”. Ordinance 2003-2, Section 5.2.4 states “Master Plan Approval does not confer a vested development right to the applicant or future assignee, given that said approval is solely predicated on a preliminary determination with respect to viability and conceptual integrity”.

The proposed Master Plan shall be considered based on the following criteria:

- Conformance to the County Growth Management Plan and La Cienega/La Cieneguilla Community Plan.
- Suitability of the site to accommodate the proposed development.
- Suitability of the proposed uses and intensity of development at the location.
- Impact to schools, adjacent lands or the County in general.

- Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed.
- Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

The proposed Master Plan is in accordance with applicable plans and ordinances for La Cienega and the County, staff recommends master plan approval and approval for the lengths of the cul-de-sacs subject to the following conditions:

- 1) A looped road shall be constructed in Phase III to eliminate the proposed dead end cul-de-sac.
- 2) In the event the riparian restoration project will cause an increased depletion on the stream system the applicant shall acquire or retire water rights to satisfy this depletion.
- 3) The applicant shall demonstrate return-flow as required by the OSE prior to final approval of phase II or the applicant will acquire water rights to serve these phases.
- 4) Any increase in density will require a Master Plan amendment and platting approval by the BCC.
- 5) Compliance with comments and conditions presented by the following:
 - a) County Fire Marshal
 - b) County Utility
 - c) County Public Works
 - d) County Open Space and Trails
 - e) County Natural Resources Planning
 - f) County Transportation Planner
 - g) Santa Fe County Public Schools
 - h) Santa Fe County Affordable Housing
 - i) Santa Fe County Planning
 - j) State Historic Preservation Organization (SHPO)
 - k) State Department of Transportation (NMDOT)
 - l) New Mexico Environment Department (NMED)
 - m) Office of the State Engineer (OSE)
 - n) Soil and Water Conservation District
 - o) City of Santa Fe (Airport)
- 6) The Preliminary Plat and Development Plan submittal for phase one shall include:
 - a) An updated Market Analysis and Fiscal Impact report to reflect current market and economic conditions along with the potential economic impact related to the completion of the Rail Runner Express.
 - b) A public parking area (Trailhead) adjacent to the trail.
 - c) Proof of discharge permit submittal with NMED.
 - d) Geotechnical (soils) report.
- 7) The trail along the access road shall be constructed in Phase I, the park shall be platted in Phase I.
- 8) The disclosure statement shall include the following: The buyer shall be advised that the subject property is located in proximity to a noise-impacted area of the Santa Fe Airport. These present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its

intended use; these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time of day variations; changes in airport and air traffic control operating procedures or in airport layout could result in increased noise impacts, and the grantors or user’s own personal perceptions of the noise exposure could change and his or her sensitivity to aircraft noise could increase.

- 9) Master Plan approval is valid for a period of five years from the date of approval by the Board of County Commissioners (BCC) per Article V, Section 5.2.7 of the Santa Fe County Land Use Code. As noted in Article V, Section 5.2.6, any substantial change in the approved Master Plan, including any increase in density, will require the approval of the La Cienega Development Review Committee (LCDRC) and the BCC.
- 10) The approved Master Plan must be recorded in the County Clerk’s Office as required by Article V, Section 5.2.5 of the Land Use Code.
- 11) Provide lot for future fire sub-station as previously proposed by applicant and recommended by County Fire Dept.

Exhibits

Exhibit A	Vicinity Map
Exhibit B	Master Plan Report
Exhibit C	Report Addendum
Exhibit D	Previous Master Plan
Exhibit E	Revised Master Plan Drawings
Exhibit F	Agency Response
Exhibit G	Community Meeting documentation
Exhibit H	Correspondence From Community Citizens
Exhibit I	March 2008 LCDRC Minutes
Exhibit J	July 2008 LCDRC Minutes

Harry B. Monoya
Commissioner, District 1
Virginia Vigil
Commissioner, District 2
Michael D. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4
Liz Stefanics
Commissioner, District 5
Roman Abeyta
County Manager

LCDRC CASE # MP/S 06-5212
Santa Fe Canyon Ranch LLC,
David Schutz and Jim Borrego (Applicant)
Rosanna C. Vazquez, (Agent)

ORDER

THIS MATTER came before the Board of County Commissioners ("BCC") for a public hearing on September 9, 2008 and September 30, 2008, on an application by Santa Fe Canyon Ranch, LLC ("Applicant"). After conducting a public hearing on the request and having heard from the Applicant and adjacent neighbors (who opposed the application), the BCC hereby FINDS, as follows:

1. The Applicant requested Master Plan approval of a residential subdivision consisting of 162 lots (174 total residential units) on 1,316 acres to be developed in three phases. The subdivision is to be identified as "Santa Fe Canyon Ranch."
2. On March 5, 2008, the La Cienega Development Review Committee ("LCDRC") met and heard this case. The Applicant requested and was granted tabling of the case so that issues regarding water supply, phasing and other relevant issues could be addressed. On July 2, 2008, the LCDRC continued the public hearing. Testimony was taken by the public and the Applicant. The meeting concluded with a failed motion for approval. The failed motion is the equivalent of an affirmative motion to deny the application. Dugger v. City of Santa Fe, 114 N.M. 47, 834 P.2d 424, 429 (Ct. App. 1992).
3. The BCC conducted public hearings on the Application on September 9 and September 30, 2008. The BCC received a staff review of the Master Plan submittal.
4. During the two public hearings, the BCC heard testimony from staff, the agent for the Applicant and persons in support and in opposition of the Application. The testimony was captured verbatim in the minutes of the meetings during which the case was heard. The verbatim minutes of the public hearings are attached hereto.
5. The property in question is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).
6. The proposed development is bounded on the north by sparse rural residential development, on the south by Interstate 25, on the east by La Entrada de Cienega and on the west by undeveloped lands owned by the Santo Domingo Pueblo. The site is undisturbed piñon/juniper with sage understory, with primarily gentle slopes and is traversed by a perennial stream (Alamo Creek). Three residential units presently exist on

102 Grant Avenue

P.O. Box 276

Santa Fe, New Mexico 87504-1985

www.santafeco

EXHIBIT

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S F C C L E R K R E C O R D E D 0 3 / 1 1 / 2 0 0 9

the property.

7. The project contains 1,316.13 acres to be developed with 174 dwelling units, resulting in a gross density across the property of one residential unit per 7.56 acres. The project is divided into separate phases as follows:

Phase 1:	80 lots	200 acres	avg. density 1 d/u per 2.50 acres
Phase 2:	76 lots	199 acres	avg. density 1 d/u per 2.62 acres
Phase 3:	6 lots/3 units per lot	912 acres	avg. density 1 d/u per 50.66 acres

8. The proposed density does not exceed that permitted by Ordinance 2002-09 (La Cienega/La Cieneguilla Community Ordinance) which allows a gross density of one residential dwelling unit per 2.5 acres if an adequate 100 year supply of water is provided, and no impairment of neighboring wells is proven by an on-site geo hydrological well test.

9. The subdivision will include 129 market rate units and 45 affordable units, creating a ratio of affordable to market rate units of 30%. This complies with Ordinance No. 2006-02.

10. Lot sizes in the proposed development range from .30 to 214 acres. The majority of the proposed development is clustered in an area of approximately 400.2 acres. The remainder (916-acres) on the northwesterly side of Alamo Creek will consist of six large lots (140 to 214-acres) with three home sites proposed on each lot (18 total). No commercial development is proposed anywhere in the proposed development.

11. Revisions to the Master Plan report by the Applicant indicate that Phase I of the development will consist of 57 market rate units and 23 affordable units, for a total of 80 units on 200 acres. Phase II will consist of 54 market rate units and 22 affordable units for a total of 76 units on 199 acres. Phase III will consist of the six large tracts (Tracts 4A through 4F; 140 acres + each, total area 916 acres) containing three market rate units on each Tract (18 total). The report states that full build-out will occur after ten years.

12. The amended Master Plan, Geology and Water Availability Report, and supplemental water documentation for Phase I of this project were reviewed by County staff.

13. The Applicant proposes to construct a new community water system on the property. An 82,000 gallon water storage tank is proposed for domestic and fire protection use in Phase I of the development.

14. The Applicant's water budget estimates household use to be 0.18 acre feet per year, which includes some system loss. The proposed water use from the Applicant's proposed water budget for Phase I is 14.6 acre feet per year (80 units times 0.18 afy plus 0.20 to account for use at the waste water treatment plant). The proposed water use is slightly less than the water rights available, but the Applicant plans to submit a request to the BCC for water rights pursuant to Ordinance No. 2006-02 (the Affordable Housing Ordinance) to serve the affordable units. See paragraph 17, below. The Applicant has also submitted a slightly reduced water budget that justifies a water budget below 14.55 afy. The total water budget for full build-out of 174 residential units is 31.52 acre feet

31.52 acre feet per year, with a reserve of .80 acre feet per year, for a total water budget of 32.32 acre feet per year.

15. Ordinance No. 2005-02 requires that an application for approval of a Master Plan provide a detailed water supply plan for the first sustainable phase of the development. The Applicant is required to submit sufficient written documentation to demonstrate that water rights are available for the first sustainable phase of the development. Ordinance No. 2005-02 contemplates an inquiry into the physical availability of water and the availability of water rights to support physical water deliveries. The Applicant has demonstrated both.

16. The Applicant owns or has under contract water rights that permit consumption of 14.55 afy. The first phase will consist of 80 housing units on 80 lots and will require 14.6 afy. The Applicant has applied to the Office of the State Engineer for recognition of return flow credits that would increase the amount that could be consumed to 32.32 afy. If approved, the water rights owned or under contract to the Applicant would be sufficient to supply the needs of all phases of the development.

17. The Applicant plans to submit a request to the BCC for water rights pursuant to Ordinance No. 2006-02 (the Affordable Housing Ordinance) to serve the affordable units. Given the fact that Ordinance No. 2006-02 may, under certain defined circumstances set forth in the Ordinance, require the County to supply water rights to support the affordable units, the applicant appears to have adequate water rights to serve the entire proposed development if the pending application for recognition of return flows is approved by the Office of the State Engineer. The Applicant has adequate water rights to serve the first phase of 80 lots. Additional data and clarification will be needed to assess the availability of water to serve subsequent phases.

18. The Applicant has provided detailed hydro geologic data supporting the applicant's assertion that adequate physical water supplies exists in the wells on the property to serve the needs of the first phase s of the development and also demonstrates that physical or legal impairment of adjoining wells will not exist.

17. The Application states that the developer seeks to retain development rights on the Phase III lots for future subdividing when water becomes available, but agrees that the Applicant (or successor in interest) may exercise these retained development rights only after receiving approval of a Master Plan Amendment from the BCC. Any such application would of course have to comply with the Land Development Code then in effect, and this Order makes no assurances with respect to such future submission, including whether such submission will even be permitted under a future Land Development Code.

18. The proposed subdivision includes 45 affordable units as required by Ordinance 2006-02. All affordable units are integrated into the first two phases of development, with no affordable units identified on the large estate lots that comprise Phase III of the development. Affordable units will be equally dispersed in the four income ranges. The Application was forwarded to the County's Affordable Housing Administrator for review. The Affordable Housing Administrator stated in correspondence 2008 that the project is conceptually compliant with the County's affordable housing criteria.

19. A preliminary Market and Fiscal Impact Analysis has been included with the Master Plan application as required by Art. V, Sec. 5.2.2.g paragraphs (2) and (3) of the Code. These analyses were conducted in early 2006 and were based on construction of 420 residential units. The market analysis was based upon land sales as opposed to. sale of finished homes, and the pricing data was based upon conditions existing in the time period from 2002-2005. The analysis does not accurately reflect the current down turn in the housing market in Santa Fe County. The analysis is representative of a strong real estate market, states that Santa Fe is experiencing a “building boom” and also states “The Santa Fe market for new homes and land has remained strong even in weaker economic times.” The Market Analysis is based on a 20-year sales period. The Fiscal Analysis concludes that the development of the Applicant will have a beneficial impact estimated to be \$51 million over a twenty year period.

20. A Traffic Impact Analysis was provided with the Application as required by Art. V, Sec. 5.2.2.g paragraph (5) of the Code. The project proposes that the main access will be from La Entrada de Cienega, and secondary access will be provided through construction of a frontage road extension to the Thompson Overpass along the westerly side of Interstate 25 as part of Phase I. Emergency access previously proposed to serve the area through the subdivision from County Road 50 (via La Lomita) has been eliminated. The NMDOT requires construction of a right turn deceleration lane for southbound traffic on the East Frontage Road to La Entrada for southbound traffic, and a right turn deceleration lane for eastbound traffic on Entrada La Cienega on the southbound on-ramp to I-25 and a left turn deceleration lane for westbound traffic on Entrada La Cienega turning left into the SF Canyon Ranch entry. The New Mexico Department of Transportation requires that design plans for these improvements are submitted for approval along with the Final Development Plan.

21. Construction of secondary access will require an engineered crossing of Alamo Creek, which is a federally designated 100-year floodplain. The Applicant is proposing to utilize box culverts for this crossing. The design must be submitted to the Federal Emergency Management Agency for review prior to commencement of construction. A Section 404 permit will also be required, which will require the approval of the U.S. Army Corps of Engineers.

22. As required in Art. V, Sec. 8.2.1(d) (cul-de-sacs) of the Code, a request is included for several cul-de-sacs to exceed 500’ feet in length. As outlined in that section, lengths over 500’ may be permitted if public safety factors can be met. Cul-de-sac lengths requested range from 850 feet to 1,000 feet in length. A looped road may be required for Phase III instead of the proposed three mile long dead end cul-de-sac.

23. The Traffic Impact Analysis (TIA) has been submitted in accordance with the requirements of the Code, and this analysis indicates that surrounding roadways will not be adversely impacted by the subdivision. Morning and evening peak traffic hours have been summarized and indicate that all surrounding roadways will operate at a Level of Service A or B. The TIA was distributed for review by the New Mexico Department of Transportation, County Public Works and County Transportation Planning.

24. Due to the number of lots and the sizes of the lots, a community liquid waste system is required by Art. V, Sec. 2 of the Code. The Applicant has proposed an on-site advanced wastewater treatment system. A conceptual liquid waste plan has been submitted which indicates that a water reclamation facility will be constructed and treated

effluent will be discharged to Alamo Creek. A National Pollution Discharge Elimination System Permit (NPDES) for point source discharge must be secured from the Environmental Protection Agency prior to final approval of the development. The Applicant has provided a Conceptual Dry Utility Plan which indicates that all new and existing power lines will be placed underground, and that there is an existing gas main on the property.

25. A preliminary environmental assessment has been submitted as required by Art. V, Sec. 5.2.2(c) of the Code. This analysis indicates that federally endangered species (the southwest Willow Flycatcher) and a federally threatened species (the Mountain Plover) are/may be present on the subject property. Review comments from the New Mexico Department of Game and Fish dated March 2, 2006, have been received. The Department recommends that the U.S. Fish and Wildlife Service, Albuquerque office, be contacted for comment. The Applicant forwarded the environmental assessment to the U.S. Fish and Wildlife Service on February 11, 2008. To date comments from this agency have not been received. Santa Fe County planning staff have reviewed and provided comment regarding preservation of wildlife corridors and potential visual impacts.

26. Sixteen on-site detention ponds are proposed to manage post-construction storm water runoff. Maintenance of these ponds are proposed to be the responsibility of the Home Owner's Association.

27. Placement of numerous culverts and conveyance facilities is indicated on the drawings submitted with the application. The site is traversed by ephemeral streams and includes a federally designated floodplain. No encroachment may occur in the floodplain until it is demonstrated through detailed hydrologic and hydraulic analysis that the cumulative effect of the development, when combined with other anticipated development, will not result in an increase of more than one foot to the elevation associated with the 1% recurrence interval storm event. The secondary access road needed for the development will cross this floodplain. A CLOMR will be required if this crossing increases the water surface elevation by more than one foot (1'), and, following construction, completion a LOMR will be required.

28. A conceptual Terrain Management Plan and a Slope Analysis have been submitted and this plan indicates that the majority of the project area is on slope of less than 15%. No disturbance of slopes exceeding 30% will be allowed. The concepts as submitted are compliant with Art. V, Sec. 5.2.2 (c) of the Code.

29. The Master Plan indicates that 400 acres (32%) of the entire site will be dedicated as open space and may be dedicated to the Trust for Public Lands as a conservation easement. The open space will include a community park with a playground and picnic facilities. Trails will be provided which loop through the subdivision, and all trails will be open to the public.

30. A detailed archaeology report was submitted in compliance with Art. VI, Sec. 3 of the Code. The Application identifies the presence of 54 archaeological sites, with 38 considered significant sites. The Applicant acknowledges that these sites must be protected pursuant to the Code and in accordance with current local, state and federal law governing archaeologically significant sites.

31. A School Impact Report was prepared as required by proposed Art. V, Sec. 5.2.2(g) 7 of the Code. A school site has not been included in the subdivision. The Application indicates that meetings have been conducted with the Santa Fe Public Schools Superintendent.
32. The City of Santa Fe Airport Manager has reviewed and provided comment on this project due to the location of the property in line with the airport's busiest runway. The Airport Manager requested a disclosure regarding noise impacts be placed on the Final Plat and included in the Subdivision Disclosure Statement (Refer to Condition 9).
33. The Application was reviewed for compliance to Ordinance 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), the Code (Ordinance 1996-10, as amended), Ordinance 2003-02 (Master Plan Procedures), Ordinance 2005-2 (Ordinance Amending 2003-2, and 1996-10, which specifies at what stage water rights are required), and Ordinance 2006-2 (Affordable Housing Ordinance).
34. Under the Code, a master plan is in-part a planning document and in-part a development review document. The relevant planning documents include the County General Plan and the La Cienega and La Cieneguilla Traditional Community Plan. The proposed master plan also provides general information concerning the specific plans for the development of the property, which must be consistent with the planning documents described previously. See e.g. Art. V, Sec. 5.2.3. The planning documents, together with the proposed master plan, must provide a plan of development that will coordinate the myriad of factors and policies that are considered in the community development process. Dugger, citing 5 Patrick J. Rohan, Zoning and Land Use Controls § 37.01(1)(a)(1991). See also NMSA 1978, Section 3-19-9 (1965).
35. The Code provides that a "...master plan . . . is less detailed than a development plan. It provides a means for the [LCDRC] and the Board to review projects and the subdivider to obtain *concept approval* for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval." Art. V, Sec. 5.2.1(b) (emphasis added).
36. The criteria and requirements in the Code for master plan approval are: "(i) conformance to County and Extraterritorial Plan; (ii) suitability of the site to accommodate the proposed development; (iii) suitability of the proposed uses and intensity of development at the location; (iv) impact to schools, adjacent lands or the County in general; (v) viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed; and (vi) conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards." Art. V, Sec. 5.2.4(b) (Master Plan Approval).
37. The application: (i) conforms to the County General Plan and the La Cienega and La Cieneguilla Traditional Community Plan; (ii) the site is suitable to accommodate the proposed development; (iii) the proposed uses (residential) and intensity of use are suitable at the site; (iv) impacts to schools, adjacent lands and the County in general have been considered and can be mitigated; (v) subsequent phases of the project beyond the first phase are viable so long as the water issues discussed herein are addressed, and

Phase I of the project will viable on its own if the remainder of the project is not built; (vi) the application conforms to the Code as of the date of this Order.

38. Therefore, the application should be approved.

39. The approval of the application should be conditioned upon the following conditions, which the applicant has agreed to:

- 1) A looped road shall be constructed in Phase III to eliminate the proposed dead end cul-de-sac.
- 2) In the event the riparian restoration project will cause an increased depletion on the stream system the Applicant shall acquire or retire water rights to satisfy this depletion.
- 3) The Applicant shall demonstrate return-flow as required by the OSE prior to final approval of phase II or the Applicant will acquire water rights to serve these phases.
- 4) Any increase in density will require a Master Plan amendment and platting approval by the BCC.
- 5) Compliance with comments and conditions presented by the following:
 - a) County Fire Marshal
 - b) County Utility
 - c) County Public Works
 - d) County Open Space and Trails
 - e) County Natural Resources Planning
 - f) County Transportation Planner
 - g) Santa Fe County Public Schools
 - h) Santa Fe County Affordable Housing
 - i) Santa Fe County Planning
 - j) State Historic Preservation Organization (SHPO)
 - k) State Department of Transportation (NMDOT)
 - l) New Mexico Environment Department (NMED)
 - m) Office of the State Engineer (OSE)
 - n) Soil and Water Conservation District
 - o) City of Santa Fe (Airport)
- 6) The Preliminary Plat and Development Plan submittal for Phase I shall include:
 - a) An updated Market Analysis and Fiscal Impact report to reflect current market and economic conditions along with the potential economic impact related to the completion of the Rail Runner Express.
 - b) A public parking area (Trailhead) adjacent to the trail.
 - c) Proof of discharge permit submittal with NMED.
 - d) Geotechnical (soils) report.
- 7) The trail along the access road shall be constructed in Phase I, the park shall be platted in Phase I.
- 8) The disclosure statement shall include the following: The buyer shall be advised that the subject property is located in proximity to a noise-impacted area of the Santa Fe Airport. These present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its intended use; these noise impacts might change over time by virtue of

S F C C L E R K R E C O R D E D 0 3 / 1 1 / 2 0 0 9

greater numbers of aircraft, louder aircraft, seasonal variations, and time of day variations; changes in airport and air traffic control operating procedures or in airport layout could result in increased noise impacts, and the grantors or user's own personal perceptions of the noise exposure could change and his or her sensitivity to aircraft noise could increase.

- 9) Master Plan approval is valid for a period of five years from the date of approval by the Board of County Commissioners (BCC) per Art. V, Sec. 5.2.7 of the Code. As noted in Art. V, Sec. 5.2.6, any substantial change in the approved Master Plan, including any increase in density, will require the approval of the County Development Review Committee and the BCC.
- 10) The approved Master Plan must be recorded in the County Clerk's Office as required by Art. V, Sec. 5.2.5 of the Land Use Code.
- 11) Provide lot for future fire sub-station as previously proposed by Applicant and recommended by County Fire Dept.

WHEREFORE, the BCC hereby concludes that the application conforms to the Code (as amended), the Growth Management Plan (County General Plan) and the La Cienega/La Cieneguilla Community Plan. The application for approval of the Master Plan shall be and hereby is approved.

IT IS SO ORDERED.

This Order was approved by the Board of County Commissioners on this 10th day of March, 2009.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE, NEW MEXICO

Mike Anaya, Acting 3/10/09
Mike Anaya, Chair

ATTEST:

Valerie Espinoza 3/10/09
Valerie Espinoza
County Clerk



Approved as to form:

Stephen C. Ross
Stephen C. Ross
County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
BCC ORDER
PAGES: 72

I Hereby Certify That This Instrument Was Filed for Record On The 11TH Day Of March, 2009 at 11:08:41 AM And Was Duly Recorded as Instrument # 1555170 Of The Records Of Santa Fe County

Valerie Espinoza
Deputy County Clerk, Santa Fe NM
Witness My Hand And Seal Of Office,
Valerie Espinoza

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2012- 106

A RESOLUTION
ESTABLISHING A STEERING COMMITTEE FOR THE PURPOSE OF EVALUATING
PROPOSED ALTERNATIVES TO THE SANTA FE BOARD OF COUNTY COMMISSIONERS
FOR DEVELOPING LA BAJADA RANCH

WHEREAS, in November of 2009 Santa Fe County acquired 470.55 acres of former ranch land near the traditional community of La Cienega, south of the City of Santa for \$7 million;

WHEREAS, County staff changed the name of the property from Santa Fe Canyon Ranch to La Bajada Ranch in order to recognize the historical name given to the property and to distinguish the current planning effort from previous development plans;

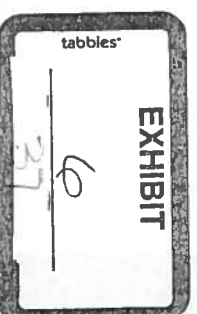
WHEREAS, at the time of the purchase, and since that time, the Board of County Commissioners (BCC) has directed staff to work with the community at La Cienega and the larger County constituency to plan for appropriate development of the property;

WHEREAS, County staff completed a land suitability analysis that determined which portions of the property are suitable for development and which portions should be reserved as conservation land;

WHEREAS, the County seeks to request proposals for projects for both those areas designated for development and those areas designated for conservation;

WHEREAS, the members of the Santa Fe County community at large possess expertise in various fields that will be critical in assisting the County to evaluate proposed development projects; and

WHEREAS, various experts have expressed a willingness to volunteer to help



the County evaluate proposed projects for La Bajada Ranch.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS
HEREBY RESOLVES AND PROCLAIMS AS FOLLOWS:**

1. The BCC hereby established the La Bajada Ranch Steering Committee (the Committee). The Committee shall be organized as set forth herein and shall have the authority and purpose as set forth herein.
2. The express purpose of the Committee is to evaluate and recommend to the Board of County Commissioners project alternatives for La Bajada Ranch. That evaluation and the recommendations will be developed to ensure the following:
 - a. Land uses and development projects will be compatible with the land, will respect the surrounding communities and local agricultural practices, and will be sustainable.
 - b. Development projects will strive to serve the diverse needs of greater Santa Fe County residents.
 - c. Development standards will conform to the goals and strategies in the Sustainable Growth Management Plan (2010).
 - d. Development projects will strive to maximize Santa Fe County's investment in the property while adhering to a strict set of development criteria.
 - e. Development will conserve the unique cultural, agricultural, historical, and biological resources of the property.
3. The duties and responsibilities of the Committee are to:
 - a. Solicit project proposals for implementation at La Bajada Ranch;
 - b. Evaluate all project proposals submitted for the La Bajada Ranch;
 - c. Provide a written report to the BCC in which the strengths and weaknesses of

each proposal are set forth and obstacles to accomplishing each proposal are identified. The report should also rank the projects according to an objective ranking system.

d. The following criteria shall be utilized to evaluate projects for those portions of the property designated by the County as the Ranch Compound and the

Conservation Property:

- i. Supports a community function for the greater county community;
- ii. Supports tourism;
- iii. Is self-supporting
- iv. Supports conservation of the natural environment;
- v. Helps interpret the pre-history and history of Santa Fe County for county residents and visitors.
- vi. Increases the conservation value of the property;
- vii. Provides a service for under-served or at risk populations;
- viii. Fills an economic development or social service niche for the County;
- ix. Provides a unique service to the county;
- x. Improves the quality of the environment and quality of life for neighboring communities.

e. The following criteria will guide the evaluation of projects for the portion of the property designated by the County as **Development Areas**:

- i. Is self-supporting;
- ii. Increases revenue for the County;
- iii. Provides a model for sustainable development
- iv. Provides a service for under-served or at risk populations;
- v. Avoids or mitigates negative impacts to the terrain, soils, and ecology of the property;
- vi. Is "sustainable" as defined in the SGMP;
- vii. Realizes a market need;
- viii. Fills an economic development or social service niche for the County;
- ix. Provides a unique service to the County;
- x. Makes strong economic sense and provides returns on the county's existing investment;
- xi. Provides a model for future development in other parts of the County;
- xii. Supports the long range economic development, tourism, or energy plans for the State of New Mexico;

- xiii. Fills a niche in the housing market;
- xiv. Improves the quality of the environment and quality of life for neighboring communities.

4. The Committee shall be made up of fourteen members, thirteen of whom are appointed by the BCC. Of the initial appointments, six shall serve for an initial two year term, and the remaining seven shall serve for an initial three year term. The County Commissioner from District 3 shall be the fourteenth member of the Committee. Members may be removed by the BCC with or without cause. All other members shall have expertise within one or more of the following areas:

- a. Community representation of La Cienega /La Cieneguilla;
- b. Commercial and residential development;
- c. The Santa Fe County housing market;
- d. Tribal representation;
- e. Development of educational programs;
- f. Green infrastructure;
- g. Renewable energy and energy conservation;
- h. Tourism/economic development;
- i. Water and ecology;
- j. A member of the Board of County Commissioners other than from District 3.
- k. A resident from each of the commission districts whose Commissioners are not on the Committee.

5. The Committee shall provide a preliminary written report and recommendation at a public meeting of the BCC within twelve months of the date of adoption of this Resolution. Additional assignments shall be accomplished by amendment to paragraphs 2 and 3 of this Resolution.

6. The Committee shall meet as often as necessary to carry out their work, but not less than once per month. The meetings of the Committee shall be held in the Commission Chambers and such other locations as may be conducive to visible and publicly accessible meetings. Meetings shall be held in accordance with the County's Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners of Santa Fe County, and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners as well as the County's Resolution Establishing Rules of Order for Meetings of the Board of County Commissioners of Santa Fe County and for Certain Specified Committees.

7. All matters coming before the Committee shall be resolved by majority vote of the quorum.

8. The Steering Committee will be facilitated by staff from the Public Works Department, Projects, Facilities, and Open Space Division. The County Manager shall appoint a member of the County staff to serve as liaison to the Committee. The liaison shall be responsible for stenographic services during meetings. The liaison shall ensure that packets are prepared for Committee members prior to each meeting, and that notices and agendas are created and posted in accordance with the County's Open Meetings Act Resolution.

PASSED, APPROVED, and ADOPTED this 28 day of August, 2012.

Liz Stefani
Liz Stefani, Chair

ATTEST: Valerie Espinoza
Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross
Stephen C. Ross, Santa Fe County Attorney



CLERK RECORDED 89/13/2812



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 13TH Day Of September, 2012 at 10:19:05 AM
And Was Duly Recorded as Instrument # 1681275
Of The Records Of Santa Fe County

BCC RESOLUTIONS
PAGES: 6

Witness My Hand And Seal Of Office
Deputy Valerie Espinoza
Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE CANYON RANCH TIMELINE

June 22, 2005 – Warranty Deed transferred from Los Atrevidos Limited Partnership to Santa Fe Canyon Ranch LLC.

February 6, 2006 – 140 Ac. Exemption Plat for Santa Fe Canyon Ranch recorded showing division of Tract 4 into 9 Tracts

March 30, 2006 – Santa Fe Canyon Ranch holds a Community Meeting

March 5, 2008 – The La Cienega Development Review Committee (LCDRC) met and heard the case. The Applicant requested and was granted tabling of the case so that issues regarding water supply, phasing and other relevant issues could be addressed.

July 2, 2008 – The LCDRC continued the public hearing. The meeting concluded with a failed motion for approval.

September 9, 2008 – The BCC met and heard the case. The case was tabled.

September 30, 2008 – The BCC granted Master Plan approval for the residential subdivision consisting of 162 lots with 174 residential units on 1,316 acres to be developed in three phases.



La Cienega Valley Association
PO Box 23947
Santa Fe, New Mexico 87502
Preserving Our Rural Way of Life

June 14, 2013

Katherine Miller, County Manager
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

Dear Ms. Miller,

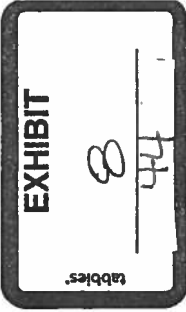
At their June meeting the La Cienega Valley Association Board (LCVA) expressed their disappointment in the manner in which Santa Fe County noticed its intent to amend the master plan for La Bajada Ranch. The LCVA actively supported the County’s acquisition of the property and with an understanding of our community ordinances, encouraged County staff to purchase the water rights associated with the approved development.

Over the last five years we have been consistently clear on our commitment of working with the County to create a plan for La Bajada Ranch that appreciates the history and traditions of our community and would allow Santa Fe County to receive a return on its investment. The LCVA appreciated and supported the creation of the La Bajada Ranch Steering Committee and has attended all of the Steering Committee meetings.

In response to the LCVA’s and our community’s sustained commitment to support Santa Fe County in planning for La Bajada Ranch we learned of the County’s decision to amend the master plan for La Bajada Ranch by reading the legal classified section in the New Mexican. This limited method of notice was confirmed by the statement of the Growth Management Department Director Penny Ellis in stating in a New Mexican article “it was all that was legally required”.

This statement coupled with the fact that the proposed amendment includes the County’s plan to extend the County water system to La Bajada Ranch has caused a strong reaction from residents in our community. This is especially true for our acequias and other residents concerned about the County’s inability to enforce the La Cienega Watershed Conditions. As a result the LCVA has been forced into the position of reacting to the proposed master plan amendment rather than being part of a County-community collaboration that would have been able to bring the issue before our community for input and comment.

The LCVA is an established community association with a twenty year history. We have been involved with the Santa Fe Canyon Ranch – La Bajada Ranch development for over eight years and feel our community deserved better notice of the proposed amendment of the master plan. The extension of the County water system is something the LCVA successfully opposed on three



occasions and on its face is controversial. In addition this action challenges a community specific ordinance that limited the size of Santa Fe Canyon Ranch based on its on-site water rights.

The Growth Management Director was correct; the County met all its legal requirements for notification of the proposed amending of the master plan for La Bajada Ranch. But the LCVA would hope that the County would feel an obligation to involve communities, throughout Santa Fe County, when taking an action that has such community impact. The failure to involve our community in this decision is a missed opportunity.

Please let the LCVA know if this is what our community should expect in future dealings with Santa Fe County. Given the number of issues faced by our community it is essential that the LVCA understand its relationship with County. This experience appears to mean that the LCVA and other like community organizations should not expect any pro-active communication with County staff but should instead increase its vigilance of County activity and to have someone check the legal classified section of the newspaper on a regular basis.

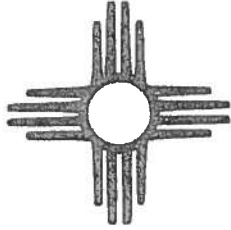
Thank you.

Carl Dickens, President
La Cienega Valley Association

CC: Santa Fe County Commission
Steve Ross, County Attorney
Adam Leigland, Director, Public Works Department

Ruel H. & Pamela F. Toups

36 Raven Ravine ♦ Santa Fe, NM 87507 ♦ Phone: (504) 382-6440
Email: toupsra@gmail.com & Email: pfoups@gmail.com



July 18, 2013

Santa Fe County Development Review Committee
County Commission Chambers
County Administration Building
Santa Fe, NM

Re: CDRC CASE # Z/S 13-5130 La Bajada Ranch Master Plan Amendment

Dear Committee Members:

This letter is in response to the proposed Amendment to the La Bajada Ranch Master Plan. We own an adjacent property located at 36 Raven Ravine, off Paseo C De Baca (CR 50), in La Cienega. Our property abuts the area identified as “Phase One” in the December 19, 2007 Santa Fe Canyon Ranch Revised Amended Master Plan (www.santafecountynm.gov/userfiles/LaBajadaRevisedAmendedMasterPlan.pdf).

We were attracted to the La Cienega community because of its rural character and larger lot sizes. When we purchased our property in 2012 it was our understanding, after asking our agent from Sotheby’s, that the land surrounding our property would not be developed in the future. We believed that the land we now know as the La Bajada Ranch property was held “in Trust” since the prior owner/seller — who resided at this location for 32 years — made no disclosure that an existing development agreement, Master Plan, or other legal entitlements for the future subdivision had previously been approved. Being new to the area, we were unaware of the history of the Santa Fe Canyon Ranch Project and the County’s purchase of that land in 2009. When we had the land Surveyed, we discovered a utility easement that cut directly across the property, but that easement was removed without issue when the seller petitioned the County to remove the easement as a condition of the purchase agreement. The Surveyor’s map that accompanied our title documents indicated the adjacent property was owned by “Santa Fe County”, a fact that solidified our belief that we had bought a property that would be surrounded by open space.

In early June, we received notification both by letter and by Public Notice concerning the hearing of the proposed Master Plan Amendment. This was the first time we heard of this Project. We attended the June 20, 2013 CDRC meeting to become better informed. We have since learned from our neighbors and fellow members of the La Cienega Village Association about the project’s history, the County’s controversial purchase of the 470.55 acre La Bajada Ranch property (www.santafecountynm.gov/documents/ordinances/2009-182.pdf), and the 2010 La Cienega Land Use Survey (www.santafecountynm.gov/userfiles/SantaFeCanyonRanchSurvey11302010.pdf). We were pleased by the survey results, which overwhelmingly express the La Cienega residents’ and greater Santa Fe area residents’ desire to keep this land preserved in perpetuity from future development and to instead develop it minimally for public and recreational uses only (e.g., hiking, biking, horse trails).

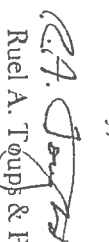
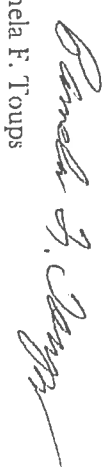
We purchased our property because of its unobstructed panoramic views, rural setting with numerous fruit trees and productive aquifer. We would not have purchased our four-acre parcel had we known the adjacent land could be divided into a suburban-style tract development with up to 156 residential lots as defined in the Master Agreement. Of particular concern, in addition to the visual, traffic and noise impacts that this development would bring are the numerous environmental impacts including disruption of wildlife, cultural and historical resources and, especially the local water supply. Our property is not served by municipal water or sewer lines; we obtain our water from a single well on our property. We are very concerned with the terms of the existing Revised Amended Master Plan that would permit the developer of Santa Fe Canyon Ranch (La Bajada Ranch) to use well water from the local community aquifer to feed any number of the 156 homes.

It is our understanding that the current proposed Amendment would bring Rio Grande water from the Buckman Direct Diversion (BDD) to the residents of Upper La Cienega and to the proposed La Bajada Ranch.¹ However, some residents have stated that the County's plan to provide BDD water to La Bajada is technically challenging due to the area's geography. For the latter reason, we believe the proposed Amendment should strictly tie the future permitting of any new development on La Bajada Ranch to the successful delivery and continued supply of County water. The Amendment should also bring the proposed Master Plan into conformance with the La Cienega Ordinance (Santa Fe County Ordinance No. 2005-2) that requires new subdivisions to be served by County water (we believe it should strictly prohibit the use of aquifer water).

After visiting Santa Fe for many years we relocated from an urban setting in New Orleans, Louisiana to spend our retirement years in harmony with nature and to provide a future place for our children and grandchildren to enjoy. The unobstructed panoramic views of La Cienega, its connection to the natural environment, and the lack of noise, light and air pollution, were strong influences on our decision to make a substantial investment in this property. Climate change, drought, and overdevelopment pose serious threats to any community that is dependent upon underground aquifers for drinking water and irrigation. The existing proposed subdivision of La Bajada Ranch is a direct threat to our property values and water rights.

In closing, we urge you to let the existing Revised Amended Master Plan expire, and to place this land in a permanent trust for all of the citizens of Santa Fe County to enjoy forever. The Community at large has clearly stated its preference to preserve this land as indicated in the Survey you commissioned. The Board of County Commissioners was correct to appoint the La Bajada Ranch Steering Committee to identify a more appropriate use for this land (www.santafecountynm.gov/documents/ordinances/2012-106.pdf). We appreciate being given an opportunity to share our concerns through the Steering Committee process for the purpose of evaluating proposed alternatives for developing La Bajada Ranch.

Sincerely,

Ruel A. Toup & Pamela F. Toup

36 Raven Ravine

Santa Fe, NM 87507

¹ July 2013 letter e-mail from County Manager Katherine Miller to members of the La Cienega Community

Cc: Board of County Commissioners of Santa Fe County
Members of La Bajada Ranch Steering Committee
Kathrine Miller, County Manager
Gene Bostwick, Chairman, La Cienega/La Cieneguilla Planning Committee
Carl Dickens, President La Cienega Village Association

E.

CDRC CASE # Z/S 13-5130 La Bajada Ranch Master Plan Amendment.
Santa Fe County, Applicant, Requests a Master Plan Amendment for a Previously Approved Master Plan (Santa Fe Canyon Ranch) to Amend the Water Supply Plan and to Provide Consistency with the Current Property Owner Boundaries. The Amended Master Plan Will Allow for 156 Residential Lots on the 470.55 Acres That the County of Santa Fe Now Owns. The Amended Master Plan Will Utilize the Santa Fe County Water Utility (Instead of the Previously Proposed New Onsite Community Water System). The Property is Located off Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East, Commission District 3 [Exhibit 3: Letter from La Cienega Valley Association]

Ms. Lucero read the case caption and gave the staff report:

“On September 30, 2008, the Board of County Commissioners granted Master Plan approval for a residential subdivision consisting of 162 lots/ 174 residential units on 1,316 acres to be developed in three phases. At the time of approval the Applicant proposed to construct a new on-site community water system.

“Since the time of approval, Santa Fe County has purchased approximately 470.55 acres of the 1,316-acre, Santa Fe Canyon Ranch). The property is made up of three tracts which consist of Tract G –188.70 acres, Tract H –141.47 acres, and Tract I –140.38 acres, now known as La Bajada Ranch.

“The Applicant is now requesting a Master Plan Amendment to allow the existing Master Plan to include only the property owned by Santa Fe County, 470.55 acres, which contained 156 proposed residential lots. This request also includes changing the source of water in the water supply plan to the Santa Fe County Water Utility. The Santa Fe County water will provide a more reliable and sustainable source of water for domestic and fire protection purposes.

“Santa Fe County is currently undergoing an extensive process of community involvement primarily through the La Bajada Steering Committee, established by Resolution No. 2012-106. The committee is meeting monthly to review material and bring forward a proposal for development of the 470.55 acres. The Steering Committee has only had two meetings and it is not thought that there will be time for them to bring forward recommendations to the Board of County Commissioners prior to the master plan expiring. Santa Fe County asks for this amendment to allow the La Bajada Ranch Steering Committee time to discuss, evaluate and bring forward to the Board of County Commissioners alternatives for the development of the La Bajada Ranch.

“There is no other change to the approved master plan, the original BCC report is attached as [Packet] Exhibit 4.”

SFC CLERK RECORDED 07/19/2013



Member Katz asked if the extension did not occur would it simply remove a locked in approval. Ms. Lucero said that was correct.

Chair Gonzales asked if the amendments had to be in place for the master plan to be extended. Ms. Lucero said the amendments are to clarify the extent of the County's property and to change the water source. The amendments would restart the five-year clock on the master plan. Chair Gonzales asked if the two amendments could be considered singly. Ms. Lucero said the amendments were presented together.

Member DeAnda stated that she is a member of the La Bajada Steering Committee and extension has been discussed in that setting. She understood the plan was set to expire in September, and that if it were not extended they could start from scratch for an additional five years. Ms. Lucero said if only an extension were sought that could be granted by the BCC for a period of two years. Member DeAnda indicated that the committee reached consensus on the need for an extension to be able to continue working on the master plan; she was confused by the request to amend. She asked whether the County water applied only to the 470 acres and Ms. Lucero said yes.

In response to a question from Member Katz, Ms. Lucero said a simple extension is for two years. If a master plan is amended the time goes to five years. Member Katz asked if the committee had the option of rejecting the amendments and voting for a two-year extension only. Ms. Lucero said a two-year extension request would go straight to the BCC and not require a recommendation from the CDRC.

Chair Gonzales referred to the timeline *[Exhibit 3]* noting this has been in the works for eight years. Ms. Lucero stated the original submittal had a much higher density. Chair Gonzales asked for a detailed history.

Mark Hogan, Facilities Director, explained the intention is to preserve the entitlements in the original master plan, to give the steering committee time to do their work, and to make good on water commitments made in the past. The second amendment, the legal separation, is intended to protect the County's interest, given that that adjoining property is for sale and if an agreement is not arrived at the other property owners could hold the County hostage. In 2012 the community was told the County would not draw water from local aquifers. They are not asking for anything not previously granted or any new development; they merely seek to change the source of water. He understood imported water was a matter of consensus.

While lauding the use of imported water, Member Katz said it should be the decision of the steering committee. Mr. Hogan said the role of the steering committee is to review proposed developments and do planning for the benefit of the county as a whole. The County Manager has a fiduciary responsibility to protect the County's investment and maintain the density transfers. He added no matter what uses are decided on, the project will need water. Member Katz asked what was the rush to act before the

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steering committee had come to a decision on these points. Mr. Hogan said managing the water does not fall within the steering committee's purview.

Member DeAnda reiterated the committee was in favor of an extension, but adding the amendments raises issues.

Member Roybal asked how far away the County waterline is from the property. Mr. Hogan said it is near the north end of the property, within a reasonable distance. Since the County has adequate water rights it chose not to purchase the water rights from the original seller. No amount is specified since the proposals have not been discussed, but it is not expected to exceed the amount in the first master plan.

County Attorney Steve Ross said the County has an adequate portfolio of water rights they can use. His recollection was that the original development was to call on 29 acre-feet of consumptive use. Under consideration is the source only, not the amount. He said there is a domestic well on the property, not a permitted water right.

Chair Gonzales asked how many times the previous owner requested County water and Mr. Ross said they requested and were denied three times. Chair Gonzales said he felt that was confusing. Mr. Ross said the County has entered into a number of contracts with the City and federal governments pledging to manage its water conjunctively, preferring surface water over groundwater supplies. It has issued numerous policy statements to that effect. The intentions behind the denials do not apply to a government entity. He said this application is to preserve the status quo for the steering committee. The property's value is intricately wound up with the master plan. "The County has no plans to extend water lines to the property. This is simply identifying for purposes of master plan application what the source of water is." The determination of whether waterlines need to be extended will depend on the ultimate disposition.

Chair Gonzales said he supported not using groundwater for development but is aware that if imported water is available density increases, which is a concern.

Reading from the enabling resolution, Member Anaya asked why the BCC's intent wasn't being followed. He referred to the letter from the LCV. Mr. Hogan said he felt they were following that intent.

Responding to Member DeAnda's contention that the language was confusing, Mr. Ross said tweaks have to be made to the process. Member DeAnda sought and received verification that a recommendation to the BCC was being requested.

Those wishing to speak were administered the oath.

Rosanna Vazquez, attorney for the owners of Santa Fe Canyon Ranch, now the Ranch as Santa Fe Canyon, said her concerns were similar to those of the committee. Her clients are in agreement with a request for an extension of master but would like to meet with the County to discuss mutual issues. She pointed out that SFCR was required to

SFC CLERK RECORDED 07/19/2013

request a boundary extension for water service, which no longer seems necessary. The conditions for hookup – 200 feet from the waterline – have not changed nor has the location of the waterline.

Ms. Vazquez said she was not sure why severing the property is necessary since they are now separate legal lots of record and she could find no legal basis for severance. The basis for the density was the full acreage, not just the 470 acres purchased. She said for the density transfer to remain in existence conditions have to be adhered to. SFCR was required to prove a 100-year water supply based the entire property, and the amount of development allowed came from that. Most of the actual water is to be found on the parts of the property still owned by the former owners. This also makes severability problematic.

Additionally, conditions regarding secondary access and infrastructure complicate the matter. She reiterated the desire to work with the County on these issues. She said this application is premature and the regulations and requirements should be the same for everyone regarding master plans. She asked the committee to grant the extension and hold off on the amendments.

Member Anaya asked why the property was sold. Ms. Vazquez indicated the owners had been through an arduous process starting in 2005. Approval was only granted in 2008. It became clear they would not get County water. After around 50 meetings and mediations agreement seemed impossible. At that point the market began to change and the owners became willing to consider selling. The money was used to pay down debt. They had 17.68 acre-feet of consumptive water use that was transferred to the Buckman Direct Diversion. There was also an application for return-flow credits. The amount of water needed for Phase 1 was 14.55 acre-feet. There was some additional water on the property. The total amount they had was 32.2 acre-feet. A strict water budget – .18 acre-foot per household was planned.

Member Anaya asked if the County made it clear how the land would be used by the County. Ms. Vazquez said that was not laid out in the purchase agreement. She said she understood the master plan ran with the land, which now has two different owners.

Previously sworn, Gene Bostwick, chairman of the La Cienega/La Cieneguilla Planning Committee stated he has been involved in this project for a long time. He distributed a letter sent to the Commissioners [*Exhibit 4*] He agreed with Ms. Vazquez about many of the outstanding questions. He asked for a tabling to allow more time. He said there is no objection to using County water but many issues remain unanswered. The La Cienega Ordinance restricts the amount of development to water available on that property, regardless of whether groundwater is used or not. SFCR originally requested 605 units and were eventually approved for 174 due to that regulation. The initial approval for SFCR was for 80 homes and any additional development would require a ruling by the State Engineer.

Mr. Bostwick said the County is talking about 156 residential lots on 470 acres and does not acknowledge the 80 homes previously allowed. No process for this is stated and he would like to see clarification of that issue. He noted that 14.55 acre-feet worth of water rights are on the non-County part of the land. What becomes of that if the County

CLERK RECORDED 07/19/2013

imports water? The community does not want any groundwater pumped and wants to know how severance will work with regard to that.

Mr. Bostwick said there is another 846 acres that were used in the density calculation. Can that now be developed and at what density? There seems to be no opposition to a simple extension and that would provide an opportunity for the steering committee to do its job.

Member DeAnda clarified that the steering committee is charged with planning or potentially recommending development of the 470 acres and is not looking at the other acreage, over which they have no jurisdiction. The other owners will have to make their own request for extension.

Member Anaya asked for clarification on the purchase agreement. Ms. Brown said the purchase agreement identified the property acquired by Santa Fe County with the master plan in place, which included the option of residential development.

Previously sworn, Carl Dickens, president of the La Cienega Valley Association distributed a letter requesting a tabling of this action [Exhibit 5] and a previous letter to the County Manager [Exhibit 6] concerning the noticing. He said the community is strongly committed to maintaining the integrity of the community plan. He related that La Cienega had a community meeting recently and the proposed amendments came as a surprise. Since La Cienega has been closely involved in the process for eight years learning about the amendments through the legal notices was an insult.

The consensus at the meeting was that more time is needed to understand the situation. La Cienega has always been more than willing to work with the County. Understanding the County has to safeguard its investment, the community wants something appropriate and they want to participate in the process.

Mr. Dickens recognized how controversial and complex the issues are. The decisions will affect La Cienega's intent to maintain its rural nature. A community discussion would have been appropriate and would have fostered a willingness to compromise. Instead they were subjected to a misleading master plan announcement. He said it is the first time in 29 years that a project of such impact did not come before the community for review. He said they rely on the County to enforce their ordinance.

Chair Gonzales asked what ordinance Mr. Dickens was referring to. Mr. Bostwick said it was Ordinance 2002-9, specifically Sections 6.4.2 through 6.4.4 which restrict density based on proven onsite water. Chair Gonzales asked if what the County was doing contravened those provisions. Mr. Bostwick said "the maximum density shall not be increased even when community water and sewer systems are provided, so importing water through a community system does not allow them to increase the density." Under the La Cienega Ordinance, based on the 14.55 acre-feet that the State Engineer approve, 80 homes would be allowed. Chair Gonzales asked if importing water was contrary to the community plan and Mr. Bostwick said yes. Based on the one domestic well on the property the maximum might be as few as 30 homes.

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Previously sworn, Ray Romero, mayordomo of the Acequia La Cienega, stated that in 1958 the acequia flowed at 650 gallons per minute and now it is down to 157 gpm, allowing only a quarter of the irrigation they need. In 1985 the County approved development in Upper La Cienega and they were supposed to connect to County water. They have not and that has diminished the supply of groundwater. He asked that the County pay attention to those farther down the river. He mentioned the prospect of the County drilling more wells when the Rio Grande dries up.

Charlie C de Baca, previously sworn, said he was the mayordomo of the El Guicu Ditch and was on the La Cienega Planning Committee starting in the 1990s. At that time Warren Thompson agreed to the 12.5-acre provision. Years later, developers came in who were only interested in developing. Even with a mediator there was no agreement. He asked the committee to table this and bring together the County, the other developers and the community to iron out the issues. There was once talk of preserving that area since it is the entrance to northern New Mexico. "What happened to that philosophy?" He said developers have rights but should respect the community that has been there for years.

Previously sworn, John Herbrand indicated originally there was a proposal for a trash relay site across from his house which he saw as a threat. The County originally represented they would develop only within the community plan and are now asking for sanctuary of government to provide what has been denied to previous developers. He asked the County to respect the Sustainable Land Development Plan; nothing in La Cienega has been designated for development in the first phase.

Previously sworn, Anna Murphy expressed her confusion about the notice. Mr. Hogan tried to reassure the community but his actions belie that. She asked for reassurance that the County is not fighting the old developers' battle.

Previously sworn, Keir Careccio mentioned the chamber mural, highlighting water rights and equal justice under law. He asked that the issue be tabled to clear up the confusion.

Ross Lockridge from Cerrillos, previously sworn, asked that community plans be honored. The meeting wherein the purchase was approved spoke of preservation intentions. Now there is some idea that the citizens need to be repaid. "The shock of the cost has been used to undermine the intended conservation." He reminded the committee that La Bajada Mesa was placed on the most endangered places list by the New Mexico Heritage Preservation Alliance. He urged tabling.

Karl Sommer said he was not representing any parties and noted there was more agreement among the parties than disagreement. There appears to be consensus that the investment should be preserved through an extension of the master plan. "Not to do that is wasteful." Secondly, no one is in favor of mining the aquifer. The competing interest centers around the question: Does importing water imply additional development? The County has the power to control that.

The consequences of severing the master plan are vague in the code, however, the CDRC can clarify those in their recommendation. County staff would like to proceed with plans for use of the property without being beholden to the owners of the adjoining property or their successors and vice versa. "It's a false choice." The CDRC case say the County can make proposals on the property within the conditions of the original master plan. The same is true for the adjoining property owners. He suggested broadening the purview of the steering committee. The CDRC can define severance so that no one is "gaming the system."

Previously sworn, Jose Varela Lopez agreed with Mr. Sommer in that the CDRC can look at the totality of the case impartially. He sits on the committee charged with updating the La Cienega plan and there are many sections that apply only to that community.

Previously sworn, James Borrego spoke on behalf of the developers of the adjoining property. He said they are not opposed to the extension of the master plan, but tabling would be prudent. The master plan has conditions on infrastructure, particularly roads, that involve both the County's portion and that of the developers. Separating the properties makes having two entrances, as required by the Fire Department, difficult. The developers are required to have a water budget before proceeding but the County has not made theirs specific. "What you are doing here is creating a whole new master plan on a separate piece of property." He recommended tabling.

There were no other members of the public wishing to speak.

Member Katz asked if the amendment regarding severance and that regarding water could be voted on separately. He also asked what impact does that have to the remainder of the property. Ms. Brown said the issues could be separated but it would not require two separate motions. The impact on the other 940 acres depends on how the motion is framed. She said some of Mr. Sommer's suggestions were on point. She reiterated the intent is to allow the County's planning efforts to go forward.

Mr. Hogan stated Mr. Sommer summarized the situation well, that an extension is warranted and groundwater should be protected. "It was never our intention to go beyond what was allowed in the original master plan" and uses will be limited to those specified in the original master plan. It makes sense to bind both parties to the conditions of the master plan. He said the steering committee is diverse and attuned to the interests of the entire community.

Mr. Ross said the people have a healthy mistrust of what the County is up to, but at this point the County's intent is to preserve the status quo so the steering committee can do its work.

Chair Gonzales asked if the County would be willing to rescind its request for a change in the water use plan. Mr. Ross emphasized that the County is strongly committed to not using onsite wells even though they have groundwater rights, so removing that is

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not an option. He added the extension cannot go forward without the severance. "In order to segregate the property we need to address the reality that the County doesn't control the wells or the water rights that were the subject of the original application... If we were to ask and receive approval of a master plan that purported to use those wells and water rights the resulting order would be void."

Member DeAnda indicated she supported what the County is attempting to do, but given the level of confusion she moved to table for one month to give the La Cienega community the opportunity to meet with the steering committee. Member Katz seconded.

Member Drobnis said he supported the motion to table as it is consistent with what has been asked of other developers.

Member Anaya said he supports the County in its adventure. He mentioned seeing the fire earlier in the day and noted fire protection is included in the County's proposal.

Member Katz indicated Mr. Sommer provided a good roadmap and he supported a one-month tabling.

The motion passed by majority [5-1] voice vote with Member Anaya casting the dissenting vote. [Member Martin was not present for this action.]

- A. CDRC CASE # V 13-5040 Ellen Jacobs Variance. Ellen Jacobs, Applicant, Joseph Karnes Agent, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 2.29 Acres. The Property is Located at 55 Camerada Loop, in the Vicinity of Eldorado, within Section 10, Township 15 North, Range 9 East, Commission District 5 [Exhibit 7: Letter of Opposition]

Mr. Lovato gave the staff report as follows:

"The subject property is located in the Eldorado at Santa Fe Subdivision and is within the Basin Fringe Hydrologic Zone where the minimum lots size is 12.5 acres per dwelling unit. There is currently a residence, an attached dwelling unit, and a detached studio on the property. The current studio was previously a dwelling unit, and a notice of violation was issued to the applicant for exceeding density. The dwelling has now been converted into a studio and the kitchen has been removed. The units are currently being served by an onsite well and a conventional septic system.

"The Applicant states, all the structures were constructed in the early 1980's so she could provide care for her mother who lived in the main house. The Applicant further states, she relied on her contractor who advised her that the attached unit was allowed by code. Furthermore, the Applicant states she anticipates soon of being in need of the same type of care and plans to have a caretaker live in the main house while she continues to live in the attached unit.

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VI B.

CDRC CASE # Z/S 13-5130 La Bajada Ranch Master Plan Amendment: Santa Fe County, Applicant, requests a Master Plan Amendment for a previously approved Master Plan (Santa Fe Canyon Ranch) to amend the water supply plan and to provide consistency with the current property owner boundaries. The amended Master Plan will allow for 156 residential lots on the 470.55 acres that the County of Santa Fe now owns. The amended Master Plan will utilize the Santa Fe County Water Utility (instead of the previously proposed new on-site community water system). The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3)
[Exhibit 3: Conditions distributed by staff; Exhibit 4: Ruel & Pamela Toups letter to CDRC dated 7/18/13]

Chair Gonzales recused himself from this case and Member Martin assumed the responsibilities of Chair.

Vicente Archuleta, Development Review Team Leader, reviewed the staff report as follows:

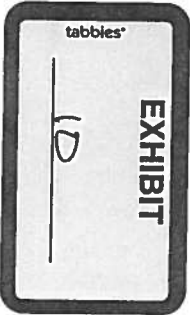
“On June 20, 2013, the CDRC met and acted on this case. The decision of the CDRC was to table to allow the Applicant to address concerns brought forth by the community.

“The Applicant held a community meeting on July 16, 2013 and will provide an update at the CDRC meeting.

“The Applicant is now requesting a Master Plan Amendment to allow the existing Master Plan to include only the property owned by Santa Fe County which contained 156 proposed residential lots. This request also includes changing the source of water in the water supply plan to the Santa Fe County Water Utility. The Santa Fe County water will provide a more reliable and sustainable source of water for domestic and fire protection purposes.

“Santa Fe County is currently undergoing an extensive process of community involvement primarily through the La Bajada Steering Committee, established by Resolution No. 2012-106. The committee is meeting monthly to review material and bring forward a proposal for development of the 470.55 acres. The Steering Committee has only had two or three meetings and it is not thought that there will be time for them to bring forward recommendations to the Board of County Commissioners prior to the master plan expiring. Santa Fe County asks for this amendment to allow the La Bajada Ranch Steering Committee time to discuss, evaluate and bring forward to the Board of County Commissioners alternatives for the development of the La Bajada Ranch.

“There is no other change to the approved master plan.



“The approval sought is the Master Plan Amendment to amend the water supply plan to provide consistency with the current property owner boundaries.”

Mr. Archuleta said staff recommends approval of this request.

Land Use Administration Ellis-Green said at the Tuesday, July 16th community meeting staff was asked to consider conditions that staff is now requesting for approval:

1. All conditions set forth in the Order of the Board of County Commissioners in LCDRC Case #MP/S 06-5212 shall remain in full force and effect.
2. This application only changes the source of water to be provided to the master planned development under the Order in LCDRC Case MP/S 06-5212 from wells identified by the original applicant to the County water system and supplied by water from the Rio Grande River through the Buckman Direct Diversion.
3. No other changes are proposed to the conditions of approval set forth in the Order in LCDRC Case MP/S 06-5212. Any additional changes to the conditions of approval may occur only through a further application to amend the master plan or an application for preliminary plat approval.

Member Katz asked why what effect there would be on the balance of the property by severing the County’s 470 acres and obtaining the master plan extension and amendments. Ms. Ellis-Green said the amendment(s) would solely apply to the County property. She clarified that the County is the applicant.

Appearing for the County/Applicant, Mark Hogan, Projects Division Director and applicant for amendment. He said the CDRC directed the applicant to meet with the community which occurred resulting in the three conditions.

In response to a question was Mr. Hogan said all of the original master plan conditions will stay in effect thus binding both parties to the master plan. County Attorney Ross said if the other owners want to extend the master plan on their portion of the property they need to make application to do so and they have not. The County does not intend to do that for them or speak for them. The County is operating on its half of the property and reserving the rights on that property.

Member Roybal characterized the County as a developer in this instance and asked how it is they are not able to access water rights. Mr. Ross responded that the County has 1,300 acre-feet of Rio Grande rights, plus 375 acre feet of San Juan/Chama rights, plus 600 acre-feet obtained through contracts; the County has substantially more water rights than it delivers in water. The County is bringing ample water rights to the table. He noted that the steering committee has been charged to develop a plan for the property’s use and it is probably unlikely that the County will do what was originally planned for that property.

Member Roybal said it appeared the County had an unfair water advantage to other developers. He asked whether the other owners of the ranch would have the option to tie into the lines that the County brings in. Mr. Ross said he didn’t know the answer to

that but did know they were denied County water for the entire development and that led them to successfully propose the use of groundwater.

The individuals that wanted to speak to this issue were duly sworn.

Under oath, José Varela López, La Cieneguilla, said the community has worked on the Santa Fe Ranch/ La Bajada master plan for many years. He said the County was not moving forward in an appropriate manner and an amendment to the water supply plan conflicts with the local ordinance. He suggested it would have been appropriate if the County applied for a variance rather than a master plan amendment. He corrected the County's contention that 156 residential lots were permitted on 470 acres; in fact, it is 98 units on the entire 1,300+ acres with 18 on Santa Fe County's property. The 156 was based on proving return-flow credits over time and that at this point has not been accomplished.

Mr. Varela López questioned the appropriateness of separating or dividing the property when the master plan addressed the entire 1,300+ acres. The two owners need to work together in asking for an extension.

Ray Romero, mayordomo of Acequia La Cienega, distributed a letter [copy was not made available for this record] addressed to Adam Leigland, County Public Works Director, discussing the history of Acequia La Cienega and the impact development over the past 30 years has had on the acequia. He noted that wells are not metered as required by the County. He stated that over 200 homes in the area are required to hook up to County water but without the necessary infrastructure these homes are using groundwater. He urged the legislators and officials to secure the necessary funding to extend the infrastructure. The community needs to be taken care of before the County develops La Bajada Ranch. Mr. Romero said over the years the flow of the acequia has decreased by over 50 percent. As stewards of the acequia for over 300 years, he said the community expects more than a waterline from the County: "We expect actual connections to homes."

Citing Mr. Romero's letter "...La Cienega has experienced over 70 percent of the depletion of the irrigation water," Member Anaya asked whether that was correct. Mr. Romero verified that was fact. Member Anaya said that reinforces the County's request to bring in the water and protects the County's investment in the ranch.

Previously sworn, Gene Bostwick, resident of lower La Cienega, thanked staff for working with the community. He said this amendment is in violation of Ordinance 2002-09 which specifies that there shall be no increase in density through the importation of water. He understood the water rights of the developer were bound to the development and could not be severed. The community is concerned that this amendment will allow for the use of the wells on the property. He asked that the County get together with the other ranch property owner and figure out the water rights.

Mr. Bostwick reminded the CDRC that the Borregos, owners of the remaining ranch property, support a two-year extension of the master plan as is. He asked that the CDRC deny the request.

Member Katz asked whether the density limit in Ordinance 2002-09 was in effect for the ranch property. Mr. Ross clarified that the County is not seeking to increase density. The ordinance provision “that all new lots...shall be required to connect to the County water system when it is within 200 feet of the property line” governs this request. He indicated that the other owner of the land has development restrictions defined within a contract while the County’s density is established by the master plan.

Member Katz said he understood the community’s concern that the County may come forward in the future asking for an increase in density. Mr. Ross said he too understood that concern and the BCC created the steering committee to vet all proposed uses of the property. He said it was “extremely unlikely” that the County will propose to do anything on that property that resembles the master plan proposal.

Member Katz asked what would prevent the other property owner from coming forward with a request for greater density. Mr. Ross responded that the County has a contract with the owners that restricts density. Even if the master plan expires, the contract will continue to protect density. The contract was entered into at the time the property was purchased. Mr. Ross said the contract specifically speaks to density.

Member DeAnda said it was difficult to speak about the other property owner because they are not before the CDRC with a request.

Mr. Bostwick stated the issue as the community sees it is that Ordinance 2002-09 remains in effect and enforceable. He said the community views the County proposing the amendments as a conflict in interest.

In response to a question, Mr. Ross said water rights are property rights and an owner is entitled to move water rights. He reiterated that the contract restricts density on the property.

Previously sworn, Carl Dickens, La Cienega, said he appreciates the CDRC and staff’s attention to this matter. He said “we need more time.” The County’s request has forced the community into a reactive mode. He said the Borregos should be here. Mr. Dickens also noted that today was the first he heard of any contract with the other owners. An extension of the master plan is premature, stated Mr. Dickens.

Duly sworn, John Herbain said they fought to protect the community when the ranch proposal first came forward. The original development depended on getting County water which now makes it “this a problem that is uncomfortable for everybody.” He noted that the ranch had been denied County water three times. The request is premature and the community needs to have a say and more time to understand the contract, water rights and a certainty of what is happening. He said the County should be treated the same as other developers.

Duly sworn Charlie C de Baca said he is the mayordomo of the other ditch in La Cienega. He spoke from over 60 years knowledge of living in the La Cienega and said it was important waterlines be made available to the area residents.

Ryan Toups, under oath, said he opposed the master plan amendment. He said his property abuts the ranch and part of the reason he bought his land was to neighbor a ranch-like setting. The fact he learned of the County's plan in June he found troubling. He urged the CDRC to let the master plan expire and to place the land in a permanent trust for the citizens to enjoy in perpetuity.

Duly sworn, Mary Dickson asked the CDRC to deny the request and allow the Steering Committee an opportunity to come forward with a recommendation.

Under oath John Paul Gonzales said he felt the County came about this request in an inappropriate manner. He asked that the CDRC deny the request.

In response to a question, Mr. Ross said the County is requesting the amendment to separate itself out from the other owner.

Member Anaya moved to approve Z/S 13-5130, La Bajada Ranch Master Plan Amendment as submitted with the three conditions: 1) All conditions set forth in the Order of the Board of County Commissioners in LCDRC Case MP/S 06-5212 shall remain in full force and effect; 2) This application only changes the source of water to be provided to the master planned development under the Order In LCDRC Case MP/S 06-5212 from wells identified by the original applicant to the County water system and supplied by water from the Rio Grande River through the Buckman Direct Diversion; 3) No other changes are proposed to the conditions of approval set forth in the Order in LCDRC Case MP/S 06-5212. Any additional changes to the conditions of approval may occur only through a further application to amend the master plan or an application for preliminary plat approval. Member Katz seconded and the motion passed by majority [4-2] voice vote with Members Roybal and DeAnda voting against.

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



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

DATE: August 13, 2013

TO: Board of County Commissioners

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

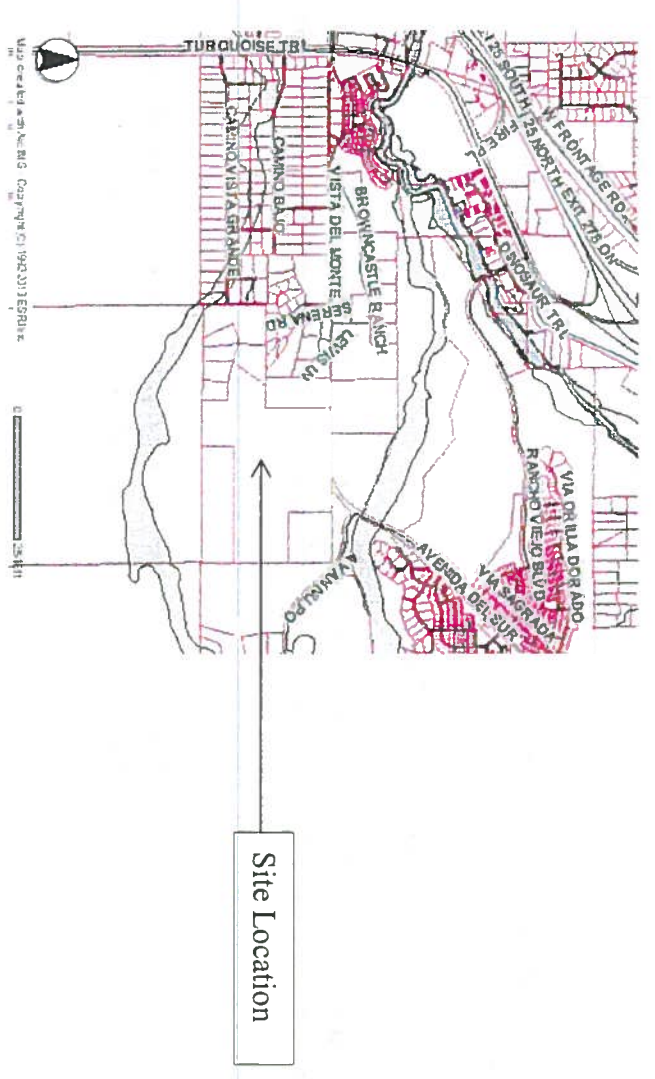
VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: BCC CASE# MIS 02-5054 Sonterra Master Plan Extension

ISSUE:

Great Western Investors (Richard Montoya), Applicant, Scott Hoeft, Agent, request an extension of a previously approved Master Plan for a mixed use development (residential, commercial, community) in a Village Zone consisting of 520 residential units and 29,117 sq. ft. of commercial space on 245 acres. The property is located off Vista del Monte east of Valle Lindo Subdivision within the Community College District, within Section 30, Township 16 North, Range 9 East (Commission District 5).

VICINITY MAP:



Site Location

SUMMARY:

On August 26, 2002, the BCC granted Master Plan approval for the referenced development. (Refer to Exhibit 3),

On April 10, 2007, the BCC granted a two-year time extension of the Sonterra Master Plan which expired on August 26, 2009 (Refer to Exhibit “4”).

On September 8, 2009, the BCC granted another two-year time extension of the Sonterra Master Plan which expired on August 26, 2011 (Refer to Exhibit “5”).

On May 10, 2011, the BCC granted a third two-year time extension of the Sonterra Master Plan which will expire on August 26, 2013 (Refer to Exhibit 6).

The Applicant requests another two-year time extension of the Sonterra Master Plan approval under Article V, Section 5.2.7.b of the County Land Development Code.

Sonterra is a mixed-use development which consists of 520 dwelling units and 29,117 square feet of commercial space on 245-acres.

The Applicant’s desire is to make adjustments to the Master Plan in order to better suit the Master Plan for the market, and to submit an Amended Master Plan application in the Fall or Spring. This extension serves as an interim measure to maintain the existing approvals.

The Applicant states: “Due to market conditions and limited demand for residential lots, the owners of Sonterra are requesting additional time to proceed with the development of the land.

Article V, Section 5.2.7.b (Expiration of Master Plan) of the Code states, “Master Plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.”

The Applicants request a two-year time extension that would render the Master Plan approval valid until August 26, 2015.

This Application was submitted on June 28, 2013.

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

APPROVAL SOUGHT: Approval of a two-year time extension of the Master Plan approval in accordance with Article V, Section 5.2.7.b.

GROWTH MANAGEMENT AREA: El Centro, SDA-1

HYDROLOGIC ZONE: The development is located in the Basin Hydrologic Zone where the minimum lot size is 10-acres per dwelling unit. With .25-acre feet per year water restrictions lot size may be reduced to 2.5-acres per dwelling unit.

FIRE PROTECTION: La Cienega Fire District

WATER SUPPLY: Santa Fe County Water System

LIQUID WASTE: Santa Fe County Utilities

VARIANCES: No

AGENCY REVIEW: None

STAFF RECOMMENDATION: Approval for a two-year time extension of the Master Plan for the Sonterra Development.

EXHIBITS:

- 1. Letter of request
- 2. Site Plans
- 3. August 26, 2002 BCC Minutes
- 4. April 10, 2007 BCC Minutes
- 5. September 8, 2009 BCC Minutes
- 6. May 10, 2011 BCC Minutes
- 7. Aerial Photo of Site and Surrounding Areas

SANTA FE PLANNING GROUP, INC.

P.O. Box 2482,
Santa Fe, NM 87504
505.412.0309

June 27, 2013

Vicky Lucero
Santa Fe County Land Use Department
102 Grant Avenue; P.O. Box 276
Santa Fe, NM 87504

RE: Sonterra Master Plan Extension

Dear Vicky:

We respectfully request a two-year extension of the Sonterra master plan. Sonterra is a mixed-use development which consists of 520 dwelling units and 29,117 sf of commercial space on 245-acres. The site is located just southwest of the Rancho Viejo subdivision in the Community College District.

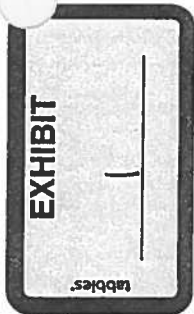
It is the desire of the Montoya family to begin to make adjustments to the master plan in order to better suit the master plan for the market place, and plans to submit an Amended Master Plan application in the Fall 2013 or the Spring 2014. This extension serves as an interim measure to maintain the existing approvals.

The master plan was approved by the CCDRC/BCC in August 2002, extended 2-years by the BCC in August 2007, extended two more years by the BCC in September 2009, and extended again in August 2011. The master plan is set to expire in August 2013. Due to market conditions and limited demand for residential lots, the owners of the property (the Richard Montoya family) consistently requested additional time to proceed with the development of the land.

Please schedule this case for public hearing with the BCC on August 13, 2013.

Thank you for considering our request. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,
Scott Hoeft





MASTER PLAN
"SONTERRA"
SANTA FE, NEW MEXICO

SHEET DESCRIPTION

- 1 COVER, VICINITY MAP
- 2 TRACT BOUNDARY
- 3 SFGCD EXISTING LAND USE ZONING MAP
- 4 SFGCD SITE CONDITIONS MAP (SLOPE ANALYSIS)
- 5 UPDATED LAND USE ZONING MAP
- 6 EXISTING CONDITIONS PLAN
- 7 MASTER DEVELOPMENT PLAN
- 8 CONCEPTUAL GRADING & DRAINAGE PLAN
- 9 CONCEPTUAL SANITARY SEWER PLAN
- 10 CONCEPTUAL WATER SUPPLY PLAN
- 11 CONCEPTUAL DRY UTILITIES PLAN
- 12 CONCEPTUAL LANDSCAPE PLAN
- 13 PHASING PLAN

* PAGES TO BE RECORDED

PURPOSE STATEMENT:
THE PURPOSE OF THIS MASTER PLAN IS TO ALLOW FOR THE DEVELOPMENT OF A MIXED-USE PROJECT IN ACCORDANCE WITH THE COMMUNITY COLLEGE DISTRICT. THE MASTER PLAN IS APPROVED FOR 520 DWELLING UNITS AND 2411 SF OF COMMERCIAL SPACE ON 244.14 ACRES.

THIS MASTER PLAN IS OF THE OWNER'S FREE CONSENT.

William M. Gray 1-8-08
SANTA FE VILLAGE, LLC
DATE

R. David Montoya 1-8-08
DATE

CASE NUMBER MP 02-5050

APPROVED BY THE CODRC AT THEIR MEETING OF MARCH 1, 2002

Robert Oliver 1-9-08
CODRC CHAIRPERSON DATE

APPROVED BY THE BCC AT THEIR MEETING OF AUG. 13, 2002

William M. Gray 4-10-07
BCC CHAIRPERSON DATE

Robert Oliver 2-7-2008
DATE

Robert Oliver 1-3-3-07
DATE

Robert Oliver 11-7-07
DATE

Robert Oliver 1-4-08
DATE

Robert Oliver 1-4-08
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Robert Oliver 1-4-08
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Robert Oliver 1-4-08
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Robert Oliver 1-4-08
DATE

Robert Oliver 1-4-08
DATE



Santa Fe Engineering Consultants, LLC
1599 St. Francis Drive, Suite B
Santa Fe, N.M. 87505
(505) 982-2815 Fax: (505) 982-2811
http://www.SFENGR.com

PROJECT: MASTER PLAN FOR SONTERRA
SHEET TITLE: COVER, VICINITY MAP

REVISIONS	DATE	BY
10/11/2001		

SHEET NO.

EXHIBIT

2

5

ENTITLEMENTS NOTE:

The Sonterra Master Plan was approved by the Board of County Commissioners (Board) on August 13, 2002 Pursuant to Santa Fe County Land Development Code Article V, Section 52.7:

- (c) a master plan is valid for 5-years from the date of approval by the Board (or to August 2007);

(c) Progress in the planning or development of the project, consistent with the approved master plan and phasing schedule shall constitute an automatic renewal of the master plan approval. "Progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of a master planned project.

The Sonoma Water Service Agreement, which was approved by the Board on February 25, 2006 and recorded on September 13, 2006 (Section III of the Agreement) outlines the water available for Sonoma which is 55-cfs per year.

N/F
Clifford W. &
Mary Catherine Church

RANCHO VIEJO DE SANTA FE

N/F
Lewis O. Seaman

Patricia L. Sand

CONSTITUTIONAL

NOTES:

1. A variety of housing types shall be incorporated into phase one and shell include a mix of units at a variety of housing types and shall also be interconnected into phase two.
2. Provide a neighborhood park/piazza within phase one and access to open space/park/plaza areas will consist of 1215 acres
3. Block/park/plaza areas will not exceed 2000 feet
4. Specify the permanent open space parks and trails that will be dedicated for each phase and district trail shall be developed in phase one
5. Portion of school site shall be developed as a neighborhood park in phase two and expanded to a community park in phase three
6. Road connection to Avenida Del Sur and A Vc No Pa Road shall be constructed in phase one
7. Landscape concepts shall include tree/shrub plantings for street corridors and landscaping with native plants and shrubs in public spaces
8. Encourage pedestrian friendly design and walkability in all subdivisions along road of phase one subdivision as a gated emergency access
9. Primary roads connecting to Avenida Del Sur and San Cristobal (state land) will be subject to conditional application to County for future ownership and maintenance
10. Submit updated traffic report and infrastructure/fiscal analysis with development plan for each phase.
11. Provide 15 percent affordable housing (116 units) based on total residential density of 520 residents of units including compliance with future amendments of the affordable housing ordinance.
12. Restoration of the property for school site shall include private schools or appropriate institutional, civic, community use if reservation is not accepted by the City
13. Phase two will minimum buildable area of 1500 sq ft out of the 100-year flood plain limits delineated as drainage easements on conceptual drainage map. Identify general off-site parking areas for neighborhood center/drop-off

- 15 Notification of County Assessor and County Sheriff regarding master plan approval.
- 16 Participation in or infrastructure extension policy for district wide
- 17 infrastructure, improvements and operations.
- 18 Submit master transit and units with development plan submitted
- 19 Number of residential units for affordable housing shall not fall below 15 percent
- 20 of each phase of development.
- 21 Overall project average shall not fall below 50 percent for each phase
- 22 based on total acres in each phase.
- 23 A fiscal impact study shall be conducted by the County for the entire
- 24 Community College District. The BCC shall review and assess the fiscal impact
- 25 within one year prior to any preliminary development plan submitted to determine
- 26 whether the project is in the best interest of the County and fiscally viable in the
- 27 judgement of the BCC.
- 28 The master development plan and water budget to be approved by the County
- 29 prior to this development plan approval by the BCC and the terms and
- 30 conditions of the water service agreement must be complied with prior to
- 31 recording the plat.
- 32 The development shall be served directly by Santa Fe County water system
- 33 using a sustainable imported water source which is the Buckhorn well direct
- 34 diversion. No wells shall be permitted to be drilled for water supply.
- 35 A demonstration need for additional residential units during the next 20 years
- 36 shall be determined by the Santa Fe County Growth Management Plan. The
- 37 analysis to be undertaken by Santa Fe County and adopted by the BCC as a
- 38 revision to the Santa Fe County Growth Management Plan.

PROJECT DATA

TOTAL AREA = 244.14 Acres

[illegible]

COMMERCIAL
TOTAL AREA 244,344 ACRES
250 TOTAL RESIDENTIAL UNITS
2.13 DU GROSS DENSITY

(VILLAGE ZONE NEIGHBORHOOD CENTER REQUIRES A MINIMUM OF 3-ACRES OF BUILDING LOT AREA)
1st FLOOR COMMERCIAL, 2ND-3RD FLOOR RESIDENTIAL

PARKING REQUIREMENTS:

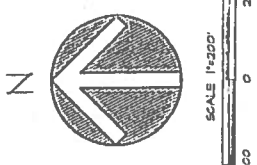
(PARKING REQUIREMENT FOR NON-RESIDENTIAL USES IS 1 SPACE FOR EVERY 250 SF OF BUILDING, THERE SHALL BE ONE ASSIGNED AND 1/4 UNASSIGNED OFF-STREET SPACE PROVIDED FOR EACH ATTACHED DWELLING UNIT.)

2917 SF (COMMERCIAL) AT 1 SP/250 SF. = 116.49
146 ATTACHED UNITS X 125 SF = 18250

FAR;
YEAR DECIDED TO VISIT THE NATIONAL

29,117 SF COMMERCIAL / 116,505 SF LOT AREA =

AFFORDABLE HOUSING:
156 DU TO BE INTEGRATED THROUGHOUT PROJECT
VIA HOUSING TYPES AND PHASES

[illegible]

SHEET NO.

Sheet Title: _____

RICK CHATROOP
 PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 1101
 (505) 470-0037 RT. 1 BOX 504 PECOS, NM

Consulians, LLC
1599 S. Franch Drive, Suite B
Santa Fe, N.M. 87505
(505) 962-2845 Fax (505) 962-
http://www.sfncl.com

SANTA FE PLANNING GROUP, INC.
P.O. Box 2182, Santa Fe, New Mexico, 87504

2227700

COMMISSIONER CAMPOS: I have no problem with the motion. I do have a problem with the variance request and I'd like to vote on them separately.

CHAIRMAN DURAN: Any other discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to add in your language if the maker will include it regarding the sign. I think the sign is a liability issue. If we continue and there is an accident as a result of that sign as being too large and also being located too close to the traveled way, I'm just wondering out loud whether we share in that liability. But by including a condition that it meet the Highway Department requirements, I think we may be addressing the safety concerns in a better way.

COMMISSIONER TRUJILLO: I think that the applicant is sensitive to all of those issues and will deal with the sign appropriately, so I don't have any problem in including that condition.

CHAIRMAN DURAN: Does the second agree to that?

COMMISSIONER GONZALES: Yes.

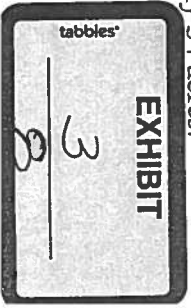
CHAIRMAN DURAN: Any further discussion?

~~The motion to approve EZ Case #S 01-4691 passed by majority [3-1] voice vote, with Commissioner Sullivan voting against and Commissioner Campos abstaining.~~

- IX. A. 1. CCDDRC CASE #MP 02-5050 - Souterra. Richard Montoya (Santa Fe Planning Group, Scott Hoeft, Agent), Applicant, Requests Master Plan Approval for a Mixed Use Development (Residential, Commercial, Community) in a Village Zone, Consisting of 520 Residential Units and 29,117 Square Feet of Commercial Space on 245 Acres. The Property is Located off of Vista Del Monte East of Valle Lindo Subdivision within the Community College District, Section 30, Township 16 North, Range 9 East

MR. CATANACH: Thank you, Mr. Chairman, Commissioners. On March 7, 2002, the Community College District Review Committee recommended approval for this proposed master plan. The master plan proposes the following: It includes 122.5 acres of permanent open space, which will include parks, plaza areas and undisturbed open space areas. That's 50 percent. 122.5 acres is 50 percent of the total acreage as required by the Community College District Ordinance. This master plan is also proposing 60 residential units for affordable housing, which is 15 percent of the 520 that are proposed.

Phase 1, the Village Zone neighborhood with a neighborhood center. And that consists of 239 detached residential units, average lot size 6,000 square feet on approximately 54 acres.



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There will be a community building for daycare and recreational activities. Phase 1 would also include a portion of the commercial neighborhood center consisting, the total neighborhood center consists of 29,117 square feet of commercial space on approximately three acres and they're proposing to develop a portion of that commercial neighborhood center. Phase 1 proposes approximately 47.8 acre-feet of water use for Phase 1.

Phase 2 development is a Village Zone neighborhood and a neighborhood center which would consist of 101 detached residential units, compound units with an average lot size of 10,000 square feet on approximately .31 acre per lot for those 101 units. Again, they will build out a portion of the commercial neighborhood center. And Phase 2 is proposing 29.7 acre-feet of water use.

Phase 3 is again the development of a Village Zone neighborhood with a neighborhood center consisting of 180 residential units which would be a variety of housing types, townhomes, compound homes, live/work units and apartments. Again, the lots would have an average lot size of 1500 square feet on approximately .15 acre. They would build out the remaining portion of the commercial neighborhood center. In this Phase 3 there would be a five-acre school site with a five-acre community park/open space area. Phase 3 is proposing 24.2 acre-feet of water use.

Staff report outlines that the applicant has complied with defining the landscape types. Landscapes types relevant to slope, vegetation and drainage for purposes of defining the location of the zones and that has been done. The applicant's landscape types are consistent with the ordinance for purposes of locating the zones that are required for the Community College District Ordinance. The zoning allowances, the minimum residential density that is required in a Village Zone neighborhood, neighborhood center is 3.5 units per acre, and the applicant is proposing approximately 4.2 units per acre. That results in the 520 residential units proposed on 245 acres.

The minimum floor area ratio in a Village Zone neighborhood center is .25 and the maximum is 2.0. The applicant is proposing to maintain the minimum .2 floor area ratio, which includes commercial space and second story live/work residential units within that neighborhood center and that results in the minimum 29,117 square feet of commercial space for the neighborhood center.

Market analysis, economic, fiscal impact. The applicant has submitted a market analysis. It makes reference to existing and proposed projects. It addresses the relationship with the Thornburg master plan which in making that comparison it talks about that the Thornburg master plan is primarily commercial and the Sonterra master plan has more of a residential element. This market analysis also projected residential density within Sonterra will create a demand for more than 20,000 square feet of commercial space. I'm making general reference to their report and I believe I did include the submittal for market analysis within your packet.

It talks about 30 residential units, that expect that Sonterra will supply about 30 residential units per year and the 520 units will be absorbed in about 17 years. The applicant did not specifically address economic fiscal impact at this time and we can talk about that some more as I go through my report because staff does have an additional condition regarding fiscal

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impact.

Water and wastewater and water services proposed from the Santa Fe County Water Utility. Total water demand at full build-out is estimated to be 102 acre-feet per year based on water conservation measures. The developer presently has a water supply contract for ten acre-feet with the County water utility and the developer would have to seek additional water rights that could be transferred to the County Water Utility. Water supply to support each phase of development must be available at the time the development plan is submitted for each phase and each phase must be able to function as a viable and complete development in the event that subsequent phases are not approved or developed.

Two options are proposed for liquid waste disposal and the options are utilizing the Santa Fe County wastewater treatment plant located next to the old state prison, or to utilize the Rancho Viejo wastewater treatment plant. Certainly they will have to come in with a specific proposal for liquid waste disposal at the time of development plan, but they are setting out what their options are.

Roads and access: The primary access road through the property will be Vista del Monte which intersects off State Road 14 and is in accordance with the Community College District road plan. The intersection is presently signalized. However, substantial improvements will occur as part of the Thornburg development. Extension of the road to Sonterra will require substantial improvement to meet minimum standards for a traffic priority road and this may include additional easements, pavement, drainage improvement, landscaping, bike lanes and pedestrian trail. There would be a secondary access road connecting to the existing road that takes you in to an existing road. Anyway, their secondary access would be a connection to the existing road within Rancho Viejo, and that existing road is Avenida del Sur and A Van Nu Po Road, which is the road that provides access to the IALA campus. Those are important to the road plan.

The primary access roads will be subject to conditional dedication for future ownership and maintenance by the County. The internal subdivision roads will be paved with curb, gutter, sidewalk and sidewalk on-street parking. The road layout also provides for continuation of future connections with the State Land development proposal, San Cristobal, and Valle Lindo Subdivision as well.

Staff report addresses terrain, open space, landscaping, and archeology, and like I mentioned, the applicant has defined the landscape types. They are proposing to control post-development drainage with detention/retention ponds. The permanent open space consists of 122.5 acres, which is 50 percent of the total land area. Community and recreational facilities, including public trails must be provided within the common areas. Low-water landscaping will be planted including reseeding disturbed areas. An archeological report will be submitted with the development plan.

Homeowners association: Conceptual homeowner documents address use and development of the lots with reference to the mixed use principals and design guidelines of the Community College District, including maintenance of common areas and facilities.

Recommended action is that the criteria listed in the staff report, A, B, C and D, that

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that be the criteria used for consideration of the master plan. The proposed master plan is in accordance with the Community College District plan and ordinance and the Community College District Development Review Committee recommended approval subject to the list of conditions. Number one is a standard condition for compliance with various review agencies. Number two has to do with having more of a variety of housing types within the various phases. As I was presenting to you the applicant's proposal, they did not have a variety of housing types. Phase 3 did have a variety. Phase 1 and 2, they need to incorporate a variety of housing types within Phases 1 and 2.

Number 3 has to do with neighborhood park plaza within Phase 1, providing the neighborhood park plaza within Phase 1. And number 4 has to do with block perimeters not exceeding 2000 feet. Number 5 specifies permanent open space, parks and trails will be dedicated for each phase, and the district trails shall be developed in Phase 1.

Number 6, a portion of the school site shall be developed as a neighborhood park in Phase 2 and an expanded community park in Phase 3.

CHAIRMAN DURAN: Excuse me, Joe. We're going to go ahead and just enter the recommended action into the record. If any of the Commissioners have questions about those, when we have the opportunity to discuss it we'll bring it up.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Dept.
 - c) State Highway Dept.
 - d) Soil & Water Dist.
 - e) County Hydrologist
 - f) County Public Works
 - g) County Technical Review
 - h) County Fire Dept.
 - i) County Water Utility
 - j) Santa Fe Public School Dist.
2. A variety of housing types shall be incorporated into phase one, and shall include live/work units, and a variety of housing types shall also be incorporated into phase two.
3. Provide a neighborhood park/plaza within phase one, and specify total open space/parks/plaza areas will consist of 122.5 acres
4. Block perimeters shall not exceed 2000 feet.
5. Specify the permanent open space/parks and trails that will be dedicated for each phase, and district trail shall be developed in phase one.
6. Portion of school site shall be developed as a neighborhood park in phase two and expanded to a community park in phase three.
7. Road connection to Avenida del Sur/A Va Nu Po Road shall be constructed in phase one.
8. Landscape concepts shall include tree/shrub plantings for street corridors and plaza/

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park areas, and including recreational facilities in park/plaza areas.

9. Road connection with Valle Lindo Subdivision shall be realigned with center road of phase one subdivision.
10. Primary roads connecting to Avenida Del Sur and San Cristobal (state land) will be subject to conditional dedication to County for future ownership and maintenance.
11. Submit updated traffic report and market/economic/fiscal analysis with development plan for each phase.
12. Provide 15 percent affordable housing (78 units) based on total residential density of 520 residential units, including compliance with future amendments of the affordable housing ordinance.
13. Reservation of property for school site may include private schools or appropriate institutional, civic, community use if reservation is not accepted by public school district.
14. Lots shall have a minimum buildable area of 1500 square feet out of the 100-year flood plain limits delineated as drainage easements on conceptual drainage plan.
15. Identify general off-street parking areas for neighborhood center.
16. Notification of County Assessor and County Sheriff regarding master plan approval.
17. Participation in a special assessment district for district wide infrastructure, improvements and operations.
18. Submit consent regarding proposal to utilize Ranch Viejo sewer system. This does not prohibit construction of a community sewer system or other options.
19. Submit mass transit analysis with development plan submittal.
20. Number of residential units for affordable housing shall not fall below 15 percent for each phase based on total number of residential units in each phase.
21. Open space/park acreage shall not fall below 50 percent for each phase based on total acres in each phase.

MR. CATANACH: Then if I could at this time then, there would be some additional conditions that the staff had talked about and this is to be consistent with the other Community College developments and we have discussed a condition having to do with a fiscal impact study. The language that staff is presenting for this is that a fiscal impact study be conducted by the County for the entire Community College District. The BCC shall review and assess the fiscal impact prior to any preliminary development plan hearings to determine whether the project is in the best interest of the County and fiscally viable in the judgement of the BCC. I believe that condition is consistent with San Cristobal, the San Cristobal master plan.

And again, Mr. Chairman, for purposes of consistency, I would want to explain that Sonterra was one of the first master plans, that got onto an agenda and was requesting master plan approval and a lot of things have evolved in the time that this master plan made it onto an agenda, there have been a lot of things that have evolved and for purposes of consistency, again, I want to enter another condition, besides the one I mentioned regarding fiscal impact,

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and this condition again has to do with water. This condition would state that the water service agreement and water budget to be approved by the County prior to final development plan by BCC. So they would need to have an approved service agreement before they submit a final development plan to the BCC and the terms and conditions of that water service agreement must be complied with prior to recording the plat.

CHAIRMAN DURAN: Joe, how would that work with the phasing of the project? Because they only have water, my understanding is, for one phase.

MR. CATANACH: I believe that—

CHAIRMAN DURAN: Would that allow them to complete the first phase?

Phase 1?

MR. CATANACH: They would need to acquire additional water rights to complete Phase 1. They don't have enough water rights to complete Phase 1. I believe that we're going to have to work with that. Certainly I believe a developer may come in and just transfer water rights for Phase 1 and then try to acquire the additional water rights for the other phases later, or a developer may come in and have all their water rights for all the phases. And I think we're going to have to fine-tune that as we go through this process. But the way I look at that is a developer would certainly have to have enough water, would have to have the water service agreement and water budget that supports at least the first phase and they would have to follow the terms and conditions of that water service agreement before we record the final plat.

So in trying to answer the specific question, a developer would be allowed to acquire water rights per phase and they would have to have sufficient water rights to support that phase before they—in the water service agreement before they came to final to the BCC and they would have to comply with the terms and conditions of that water service agreement before we record the plat.

COMMISSIONER TRUJILLO: Mr. Chairman, Joe, by what [audio difficulties] wells, tapping into the existing aquifer in the area. Is that, am I understanding you right?

MR. CATANACH: Commissioner Trujillo, the condition I put forward mostly had to do with the applicant having sufficient water rights before they come to—sufficient water rights in terms of a water service agreement before they come for final to the BCC. It does not really address the point of diversion or where those water rights would have to be transferred to. And I know that there has been some discussion about whether at this point, at a master plan level whether that should be tied down right now. I do know that there has been some discussion as to whether the BCC should consider whether they want to tie down where those water rights have to be transferred. In other words, Buckman diversion, or whether they could be transferred to other points of diversion that the County owns wells. And I think certainly there is—the discussion we've had here at the County is that the BCC may want to consider where those water rights are being transferred to. But I do not have a specific condition about that?

CHAIRMAN DURAN: To or from? From. Any other questions of Joe?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

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CHAIRMAN DURAN: Mr. Catanach, as far as water for Phase 1, if I understand the report correctly, the applicant would need about 48 acre-feet?

MR. CATANACH: Yes, Commissioner Campos, that's correct.

COMMISSIONER CAMPOS: And right now, the applicant only has ten acre-feet available. Is that right?

MR. CATANACH: Yes, Commissioner, that's correct.

COMMISSIONER CAMPOS: Is there some idea as to where the 38 acre-feet are coming from?

MR. CATANACH: I do not have that information and I believe I got some correspondence from the applicant and their hydrologist that indicated an intent to pursue additional water rights. I could not tell you where those water rights are coming from. This applicant would have to address that. I can tell you that we are proceeding forward based on direction from the BCC that at a master plan level, it was adequate to make the proposal that you will utilize the County water system and that that was adequate at a master plan level. Certainly, by the time they come in for preliminary development plan more information regarding those water rights are going to have to be brought forward.

COMMISSIONER CAMPOS: So at this point it's not clear whether they're going to import off the Buckman diversion or Buckman wells or whether they're going to use local wells.

MR. CATANACH: Or whether the water rights are going to be transferred to wells that the County owns.

COMMISSIONER CAMPOS: That's not clear as far as your understanding?

MR. CATANACH: At this master plan level, no Commissioner, that is not clear.

COMMISSIONER CAMPOS: The second question is, as I understand it, the Office of the State Engineer has not approved of this particular plan because it does not have a 100-year water supply?

MR. CATANACH: That is the same letter that the State Engineer has submitted for all the developments in the Community College District. Yes, Commissioner.

COMMISSIONER CAMPOS: Okay. A master plan, the last question, what is the effect, or maybe I should address this question to Mr. Kopelman. What legal effect does a master plan approval have tonight? Is it simply conceptual or does it give the applicant any legal rights?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, the master plan doesn't give you zoning. The zoning has already been taken care of. Basically, in this case, the master plan is conceptual. It doesn't give any binding legal rights in any way. There are no vested rights granted with a master plan. And so the applicant at this point is just putting together a plan on how over the next ten, twenty years he anticipates the development will occur. After the master plan, if he gets approval, he would then move forward with phasing and he would come forward first with preliminary plan approval for the Phase 1 if he has the water rights. If he doesn't have the water rights he can't move forward. If he has the water

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rights and the County is not in a position to provide a water supply, again, the applicant would not be able to move forward.

For preliminary development plan, the applicant would need a letter of intent from the County and that letter or intent basically sets forth terms and conditions. But final development plan cannot proceed until there's a signed agreement and until the water rights are then moved to the point of transfer to the County system and on top of that the County has to be able to provide service. So it's a long process. Just the water rights transfers alone can take upwards of two to three years.

COMMISSIONER CAMPOS: Now, do you think it would be wise, Mr. Kopelman, to include in our decision as a condition or a finding that this is merely a conceptual approval so that there will be no misunderstanding by the applicant? That this is merely conceptual?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I'm not sure. I'd have to take a look at the ordinance to see how master plan is defined but I'm just looking at the Code section which talks about what a master plan does and again, it's very, very general. And I'll just go through a few. It defines boundaries, calculates zoning allowances and requirements. It's all general and it is all conceptual. In terms of putting in a condition or clarifying, I think that the clarification would be accurate that in fact this is a preliminary, conceptual plan. Master plan is just conceptual. It does not give any vested rights in any way.

COMMISSIONER CAMPOS: Okay. My second question to you Mr. Kopelman. The State Engineer has said there is no 100-year water supply for this project. And the Code, I'm not sure if the Community College District code addresses that issue. But my impression is that we cannot approve something unless the State Engineer agrees that there is a 100-year water supply. Is that right? Wrong? Could you clarify that for me?

ROMAN ABEYTA (Land Use Administrator): Mr. Chairman, Commissioner Campos, the Community College District Ordinance does not require proof of sufficient water availability until preliminary development plan. That is specifically stated as a criterion of approval for preliminary development plan. It states that the development has sufficient water availability to sustain the phase of development the project is making an application for.

COMMISSIONER CAMPOS: So you're comfortable that we can move, we can grant master plan approval without the State Engineer saying that there is a 100-year water supply at this point?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, again, because this is such an initial phase and conceptual, it wasn't anticipated in the ordinance that the applicant would actually have the water in hand and that the County would be able to deliver water at master plan level. But as Roman indicated and as the Code indicates, as you go through the phases, you are required to have water before you can bring a phase forward. So at this point I'd say the answer is no.

COMMISSIONER TRUJILLO: Mr. Chairman, and just for me to understand what the 100-year water supply means by the State Engineer, that would be a 100-year water supply in the existing aquifer, in the Galisteo Basin, not imported water. Is that correct? That

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area is a dry basin and the State Engineer's position is based on that.

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, my understanding is that the State Engineer's position is taken because the City and the County now have a contract with the Bureau of Reclamation for the rights to the San Juan/Chama water supply for up to 5,200-plus acre-feet and the terms of the agreement expire in the year 2016 and so the County and the City are in the process of renegotiating those terms. The State Engineer has taken a position, my understanding is that because that contract hasn't been fully renegotiated that in effect it's possible that the contract may not be renewed and then the water supply of the City and the County would be limited. I think that's why the State Engineer at this point isn't granting, giving a letter or approval.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Joe, there's been discussion about providing water from the County system also as a condition here, and I think that's pretty much a given from the nature of this development, but I don't see that in any of the conditions.

MR. CATANACH: Commissioner Sullivan, that was the last condition that I was adding. As I tried to explain—

COMMISSIONER SULLIVAN: The water service agreement. So the water service agreement was to be with the County.

MR. CATANACH: The water service agreement and water budget to be approved by County prior to final development plan by BCC.

COMMISSIONER SULLIVAN: The water service agreement with Santa Fe County Utility Department?

MR. CATANACH: Yes. That's right. Water service agreement with Santa Fe County Water Service. Right.

COMMISSIONER SULLIVAN: Okay, so that's, you're intending that that be with the County. I'll have some questions later but I think I'd like to hear the testimony.

CHAIRMAN DURAN: Okay. Is the applicant here? Please state your name for the record. Let the recorder swear you in.

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, 87504. Commissioners, we'll try to make our presentation short this evening. I've asked Rosanna Vazquez to step of first to talk a little bit about the intent of the ordinance. She has about a five-minute presentation to run through some of the basic principles, just to get everyone in the audience and the Commission back on the track of what the intent of the ordinance was. Secondly, we have Al Lilly to have some concluding remarks after my comments on the presentation. I would like to run you through the plan itself, the master plan, briefly, just highlighting the aspects of it so you can understand where we've come from on the plan as well as an alternative plan that we've developed in accordance with comments of the neighbors. We have Mike Gomez in attendance. He's our traffic engineer as well as our utility engineer. He's field any questions regarding sewer. As well, we have our hydrologist on staff

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as well, Jim Corbin. He can address any of your comments regarding the water issues that you've brought up. So with that, I'd like to let Rosanna talk for a few minutes on the intent of the ordinance.

[Duly sworn, Rosanna Vazquez testified as follows:]

ROSANNA VAZQUEZ: Good evening. My name is Rosanna Vazquez and I'm here today to give you just a little bit of background with respect to the Community College District Ordinance. I think it's important to do a little bit of this because there have been quite a few projects that have come before this Commission for master plan approval and they're based on an ordinance that a lot of people perceive as having been completed in one year when in fact the process has taken quite a bit of time.

Back in 1997, the Santa Fe County Board of County Commissioners at that time directed the Land Use Department to put together a growth management plan. That growth management plan went through a two-year process. During that time there were many public hearings and there was much discussion among the public as well as the Land Use staff as to what type of planning would be appropriate for the areas in the county, in particular, the areas around the City of Santa Fe. The vision of the plan and the vision of the people who directed the plan, the Board of County Commissioners who sat at that time was to direct proper growth. And the logical way to direct proper growth was to plan and to plan these villages.

By planning these areas you would assure efficient use of infrastructure, you would be able to create communities, you would be able to link the areas around the county close to the city to the city itself. And the basis for that was because the County at that time didn't want to be in a position of having to play catch-up. That is, allowing large subdivisions to come through on large lots and then having to figure out how to link all of those lots together with infrastructure and how to create communities.

There was much discussion during that two-year process of the growth management plan about preferred and alternate types of development. And one of the geneses of where we are now was found in the traditional villages that exist all over New Mexico. And the idea was to take the positive attributes of the traditional villages and put them into a development that would be in harmony with the city and with the county. There was only one new community district that was actually put in place by that growth management plan and the only one designated was the Community College District.

After the new growth management plan was approved back in 1999, the sitting Commission at that time gave direction to the planners again to put together the Community College District. And they wanted, they gave specific instructions and that was that they wanted a way to develop land properly in the area of the Community College District in which infrastructure could be used efficiently and a good community could be accomplished. With that direction the Community College District group met. That group consisted of neighbors in the area. Consisted of renters, owners, property owners themselves, the Community College, the church, IAIA, and every important facet of that community. That process started in 1999 and continued through the approval process of the ordinance back in the year 2000.

As a group it was a varied group of people and I think that that works to achieve what

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you have before you, an ordinance that allows for mixed use development in traditional compact areas that will emphasize the open space areas, the natural beauty of the area, implement road and trail systems that would connect people to each other and really try to create a community. The rationale for the Community College District really grew out of the growth management itself and there, basically what I discussed with you, a good rich network of roads and trails and pedestrian trails, use of the County water utility system, major regional and institutional facilities that would be able to create community in the area and landowners working together.

I think that Mr. Kolkmeier and Judy have appropriately stated before you is that the way you can sum up the Community College District is that there's four C's and one little S. And that is that the Community College District wanted to achieve community through compact development. They wanted to achieve community. They wanted to achieve central mixed use and connectivity. And I believe that what you have before you, the ordinance that you have before you and the proposal that you have before you tonight meet all of those requirements.

The last one, and very important premise of the Community College District was sustainability and I believe Commissioner Campos, you have spoken a lot towards whether or not these communities can be sustainable. And it was a major premise of the Community College District in that the way that this was, the maps that were put together were primarily looking at the land. And the land was looked at first and where the land could be developed was the only place that it was developed. And that is why the land systems map demonstrates flat areas for the villages.

I believe that the Community College District group as a whole, Sonterra, Rancho Viejo, Thornburg, Oshara and all of the planners are still working to try to achieve some of the problems that Commissioner Campos, you've raised directly, and Commissioner Trujillo, your concern over water. And we'd like to keep working with respect to that. I brought this forward to you and I wanted to bring you some background on the Community College District because there's been a lot of confusion as to master planning and actual development. And it's important to state for the record that this plan has been going through a myriad of hearings, public hearings through the growth management plan, through the ordinance itself and through the planning process for the district itself. And this is a master plan approval which is the main premise of the growth management plan. It wanted to plan growth correctly. And with that, I stand for any questions.

CHAIRMAN DURAN: Any questions of the applicant? Mr. Hoeft?

MR. HOEFT: I'd like to follow up Rosanna's comment with one point. That the Community College District is a 20 to 40 year plan and it plans up to 8,000 new dwelling units and I wanted you to keep in mind, the project that is before you tonight makes up less than six percent of the total. So it's a minor fraction of the entire district.

I want to start out by saying that the plan before you tonight was approved by the CCD DRC back in March of this year. We were subsequently postponed a couple times by this Board and we postponed once ourselves to take a little time to talk with the neighbors. We had three neighborhood meetings, productive meetings and we've revised the plan as a result of the

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meetings. So what I'd like you to do tonight is I'd like to walk through the plan, make sure that we have a common frame of reference and then I'm going to walk you through some of the revisions that we've made to the plan so you can see how we have met with the neighbors and have tried to work out some of the issues and some of their concerns that they've had about the plan.

Now, I'm not going to get into too much detail of the land systems maps. I'm assuming that we pretty much have all of that as water under the bridge and we understand how we got to where we are at today with the plan. But I will say that this plan conforms to the requirements of the CCD and features a school site, which is a part of the original land use plan as well as it's considered primarily a residential development with one commercial tract which is required as a part of the ordinance.

If you take a look at the plan, you have a copy in front of you—I'll refrain from heading over into it until I'm absolutely needed to do so. 244 acres in total. The site is accessed primarily from Vista del Monte. If you think of Route 14 where the Allsup's is at, if you head down Vista del Monte, the site is about a mile down from Route 14 at that Allsup's location.

CHAIRMAN DURAN: Which direction?

MR. HOEFT: Due east. The site is characterized primarily by gently sloping land, sloping north to south in an unnamed drainage swale. Slope analysis indicates minimal slopes, less than 15 percent in a location of few trees on the site. There are really no physical constraints to development or construction.

If you look at the access, the project is accessed from four different locations. As you see on your plan, primary access is planned for Vista del Monte on the northwest corner of the site. Secondary access is planned at the south part of the site to the San Cristobal project. A third access is planned into the Villa Linda Subdivision and the a fourth access is planned northeast into the Rancho Viejo Subdivision. Vista del Monte is planned to head into the neighborhood center of the site which is designated on your plan as the red area. The center is designated to have commercial areas and to provide for opportunities within the area. You'd expect to find a small market, some services, home occupations, churches, townhomes, garden apartments and a park. An elementary school site is planned in close proximity to a neighborhood center, designated as blue on your map. The school site is meant to form a nucleus for a medium density residential development involving quarter-acre lots.

The tan area on the site is designated to be detached single family residential units, 5,000 to 7,000 square feet in size those lots are. This portion of the development is centered around a community center involving a daycare facility, a park, and recreation facilities. The ultimate density for the development will involve a total of 29,000 square feet of commercial, which is the absolute minimum which is required and that's considered our community center or neighborhood center, as well as 520 dwelling units.

A key point that you need to look at when you look at this color plan up here is all the green. One of the key features of the Community College District Ordinance is that 50 percent of the site is preserved as open space which has been maintained on this project at roughly about 122 acres.

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Now in our meetings with the neighbors, some of the concerns that were raised were of course water, traffic, high density commercial, residential development and sewer treatment. And in response to some of the concerns that they had, we've made a few adjustments to the plan. A couple issues are still pending such as the access to the site on Vista del Monte but I want to quickly walk you through some of those changes. If you turn to page 2 of the handout that I gave you can see some of those. [Exhibit 1]

The primary changes I want to walk you through on this plan, and there's just a few, first the open space buffer that is adjacent to the Villa Linda Subdivision. Now the original plan that is the color plan that is before you shows a 500-foot setback. We've increased that to 900 feet on this plan. The second thing that we need to point out on that, we've also decreased the setback in this area as well because there was a concern that the setback area was disproportionate. This development was closer to the Villa Linda Subdivision in this area and on this area the setback was increased to a great length. So we've decreased that setback while increasing this setback.

The second issue that the neighbors brought up that we made a change to the plan is the access to the Villa Linda Subdivision. There was a concern about having a traffic priority road heading into this existing subdivision. We subsequently met with staff and as well as a condition of approval to change this road so it's a minor road that heads into the development in this area. We've made adjustments to the road, this road here, as opposed to heading down to this entrance here we changed it so that it's emergency access only heading into the Villa Linda Subdivision. So in the previous plan it was a traffic priority road that headed into the Villa Linda Subdivision. This plan shows it as emergency access only.

The third point that I need to talk you through is the density switch. On the original plan, you'll notice the tan. Neighbors were concerned that there was too much higher density residential development in this area that didn't quite conform with the uses in the Villa Linda Subdivision. So what we've done is we've changed the density in this area and mixed it up, where we've taken some of the 6,000 square foot lots, we've pushed them over to the other side of the development. We have taken the 10,000 square foot lots, which is designated on your color plan as yellow, and pulled them over to this side of the site, as well as added 1/2-acre lots in conformance with some of the existing uses in this area.

So what you see as a result is more of a result of a mixed housing within each neighborhood as requested by staff, as well as in conformance with the neighbors. I'd like to conclude with a couple of points. First of all, anticipate that you'll hear several concerns from the neighbors regarding water availability for this project. And of course access issues. I want to reiterate that proof of water availability is not required for master plan approval and we anticipate that good planning will go hand in hand with water policies that will be implemented by the County in the coming years.

Secondly, regarding access to the site, we've met with the neighbors and heard concerns regarding the use of Vista del Monte. We have iterated the point to the neighbors that Vista del Monte has been earmarked as part of the circulation plan by the Community College District and that the landowner has a dedicated access to the site from this point. However, we area

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willing to consider additional options when viewing Vista del Monte access and would appreciate additional feedback from County staff, the neighbors and the Commission on how to proceed on that issue. And if you refer to the conditions of approval, that is essentially how it is written is that we will work out the issues with Vista del Monte prior to preliminary development plan approval. I stand or questions, if you have questions regarding the engineer, the sewer. I have the sewer engineer, the traffic engineer, as well as our hydrologist on staff.

CHAIRMAN DURAN: I think we're going to go into the public comment and then we'll ask questions after that. Okay, how many of you out there would like to address the Commission concerning this proposal? Okay, do you want to swear them in now, Becky? Could you all please stand and raise your right hand and let the recorder swear you in. I'm going to ask you all to try and limit your discussion to the pertinent facts and try not to be repetitive. Thank you very much.

[Duly sworn, Renee Chato testified as follows:]

RENEE CHATO: My name is Renee Chato. I'm a resident of the Valle Lindo Subdivision. I'm speaking this evening for my family and fellow residents of the Valle Lindo Subdivision, many who couldn't be here tonight. I live with my husband and his family on one of the properties adjacent to the west boundary line of the Sonterra development. The Santa Fe Community College District plan concept is to create self-sufficient communities where the residents live and work within the development so as not to make a large impact on the nearby area roads and the residents won't totally rely on the automobile. The Sonterra development is located entirely in the Village Zone designated areas of the CCD. The design of Sonterra is a bedroom community similar to Eldorado where most everyone who lives there commutes elsewhere to work and to shop. Sonterra's design, basing that the majority of commercial will come from the Thornburg development, assuming that that development gets approval.

As currently designed, State Road 14, State Road 599, Richards Avenue, Cerrillos Road cannot handle the additional traffic that the proposed 520 homes, apartments and townhomes planned for the Sonterra development will impose on them. On page 6 of the Community College District land use and zoning regulations of the Santa Fe County ordinance, under the master plan review procedures and submittals, it states that the purpose of the master plan is to establish the extent and scope of the project, including the site-specific information to determine the relationship with the adjacent environment and with its overall needs for services and infrastructure. On the same page it states that the applicant shall be required to address off-site infrastructure improvements necessary to support the development being proposed.

In March of this year the County received a letter from the New Mexico State Highway and Transportation Department that a three percent growth rate that was presented in the traffic impact analysis submitted for Sonterra was quite low. The New Mexico State Highway and Transportation Department informed the County that the developer needed to submit a more detailed traffic analysis. As of today, Mr. Philip Lujan of the State Highway Department property management unit said that he has not received this updated analysis.

Santa Fe Planning Group has met with the residents of Valle Lindo Subdivision in regard to the Sonterra development. At these meetings, the residents of Valle Lindo voiced

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concerns on the impacts of the development's plans to tie their traffic priority and secondary roads to the existing roads in our subdivision. In the CCD plan, it showed Vista del Monte as a road requiring further study as access to State Road 14. This study should be completed before any development approval is given in relationship to this road. At the Tuesday, May 28th neighborhood meeting, Mr. Al Lilly of Santa Fe Planning Group said that this road did need further study because of the concerns of the residents living along that road.

Sonterra's road access to State Road 14 is very much dependent on the road layout of the Thornburg property. Many residents on Vista del Monte have concerns about the planned use of this road on the Sonterra development. We ask that you not give approval since the developers have not fulfilled this requirement on addressing the off-site infrastructure improvements necessary to support this development. Thank you.

CHAIRMAN DURAN: Thank you, Ms. Chato. Next speaker please.

[Previously sworn, Dina Chavez testified as follows:]

DINA CHAVEZ: My name is Dina Chavez and I have been sworn in. Today I am here to represent my family, myself, we live on the Highway 14 corridor. I'm not bringing up these issues because I want to stop development completely. I realize that development is inevitable. This affects our neighborhood and we're just due south of what is going on near the Allsup's area. Technically, the developers have to show some water required to approve this master plan stage. Once approved, these plans have a momentum all their own. The County should be requiring proof of wet water and its quantity for the plan of this magnitude. That includes all plans, Thornburg, Sonterra, Rancho Viejo or anything that's proposed in the area. Wet water must be proven before the master plans get approved. Why? Because again, they basically take on an entity of momentum all their own once they reach that master plan stage.

It is difficult to show you an example of where a master plan did not become a development plan, a development plan did not become a permit plan, and a permit plan did not become an actual development. Approving master plans without proof of wet water in hand sets a motion for a hunting license type situation to find more water and it puts a huge pressure on the agricultural water rights, particularly our farmers. Without farmers, without water, we starve.

The San Juan/Chama diversion is a concern because the plan and its ability to support any infrastructure will not be known for three to five years. Even at that, it's leased rights and one cannot build permanent structures on leased rights. The San Juan/Chama diversion project also has to be, as I understand it, litigated to determine how much water is actually owned by the City and how much is actually allocated to the County. It is not logical to continue to approve master plans based on paper water any longer. Our population's growing and we're going to be in a drought for the next 20 years or more. The drought will affect us all and it will particularly affect our farmers if they don't have water. Thousands and thousands of people in the Highway 14 and Rancho Viejo district will be adversely affected by the approvals of these master plans. And there is no hurry, because before any plans are approved, I urge you, urge you to show me the water. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

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[Previously sworn, Walter Wait testified as follows:]

WALTER WAIT: My name is Walter Wait and I live on Bonanza Creek Road and I have been sworn in. I'm here tonight representing the San Marcos Neighborhood Association. Over the past 20 years this association has taken a largely quiet position on growth, as long as it represented gradual and reasonable expansion of our neighborhoods and it did not present obvious and far-reaching impacts to our existing population. While these three proposed development projects are north or our normal area of interest, we feel that they will have serious and probably detrimental impacts to all county residents residing to the south and along the Highway 14 corridor. We have two concerns.

First we believe that the continued availability of water to current residents situated between Rancho Viejo and the Galisteo Wash might be at risk. And second, the clear changes to traffic patterns and access to and from the city will create serious commuting problems for existing county residents. The developers, and I take them all as a unit here and I'll only speak once tonight for all three of these projects. The developers all appear to feel that their build-outs will have no effect on the current ground water users because they plan to use water provided by the County water system.

We're all now only too familiar with the state of the actual water sources available to the County for its continued expansion. It was only two months ago that the Commission agreed to explore the use of an existing test well on Rancho Viejo property to supplement the County system's supply. The well would have produced up to 500,000 gallons a day at an unknown cost to the aquifer. As you must recall, the County did not possess sufficient local water rights to switch the test well to a production well and the application was dropped.

What concerns the residents downstream from this potential well or others like it, is that if the County had had the water rights, we feel they would have brought, or you would have brought that well into production. The well would have brought the physical water to the proposed new users of the County system. 1200 new homes means a requirement of at least 200 acre-feet of new water rights and 300 acre-feet of new water. This would not have included proposed commercial uses. Where does the County intend to get the physical wet stuff from? We clearly don't have it in the bank.

I might add that the developer here suggested that the entire County Community College District, they're planning 8,000 houses. If you quickly think of a quarter acre-foot for 8,000, that's 2,000 acre-feet of water, or 50 percent of the Chama diversion water which we clearly will never get from the City. Where is the water coming from?

So if this area, if these projects had been planned for Eldorado, with its known water delivery problems, the developers would have been refused out of hand. And yet our area derives its underground supply from the same sources and why is there no moratorium on development here?

The State Engineer's Office has just now started a study of what they call the Española Basin. All of our area is within this basin. Perhaps we should wait until this study is completed before we go and allocate water resources we may not even have.

Our second concern is traffic congestion. No amount of manipulation by the developers

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can mask the fact that these collective subdivisions will pour thousands of additional vehicles into State Road 14. Most of this traffic will be headed into or out of the city. The State Highway Department has told us that it can as long as seven years for them to plan and build changes to a state highway. Highway 14 already suffers from a dangerous constriction from four to two lanes at the bridge just north of 599. Adding more traffic to this choke point is just asking for trouble. Let's get the state to rebuild the bridge before we add more traffic to the road.

What the developers and the County need to acknowledge is that new traffic needs to be drawn off of State Highway 14 and not on to it. While it's nice from a developer's point of view to have controlled access to a new subdivision, it is not nice to have that access pour into a single, overused artery. It is frightening to think of the problems that will occur if Highway 14 should need to be shut down for even a couple of hours during its high traffic periods. There are no alternative routes for many people.

The development plan should require, therefore, east-west roads connecting Highway 14 to either the Community College or to the end of St. Francis Drive. County policy should read: no new avenues for traffic distribution, no new large subdivision or commercial development should occur.

What it boils down to is that the County has got to stop looking at growth and development as isolated occurrences. We cannot afford to. We've got three developments here. No. We have 8,000 potential houses being built in this area which we don't have the opportunity or the ability to provide services for. We have to look at the overall picture. We've got to plan and develop our infrastructure alongside of or ahead of proposed development and not accept development proposals until we're clearly ready to cope with the consequences.

In the master plans submitted tonight, our membership clearly believes that the County is not yet ready to deal with the problems and challenges such growth would inevitably bring. Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

[Previously sworn, Patty Burks testified as follows:]

PATTY BURKS: Good evening, Commissioners. My name is Patty Burks and I'm a resident of Vista del Monte and I've attended every meeting that has come into play with the developers and of course attended all the Commission meetings that have preceded us in the past over the last five, six months. There's been a lot of perseverance with our neighbors and I would like to bring that up because I really appreciate that they don't back down. Many of them have attended—we have about 100 residents in our neighborhood and we've attended, scattered, but we've attended a lot of the meetings with the developers and of course with the Commission. So many of my close neighbors have not been able to make it tonight so I'm here to express my concerns as well as theirs.

We had some bad news today. We have a fire in the Jemez. I don't know if you know about that but it's near Fenton Lake and it's just another symbol, another sign of what we're really coming to terms with here in this community. I've lived here all my life and I've seen some bad drought but this has been really probably the worst that I've ever seen. So living out

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in the County, you may not live in our area, so I brought some pictures along to show you the vegetation, what it looks like, how it's being impacted by this drought and when you think of how it looks, how we can see it visually, we also have to keep in mind what it's doing to the aquifer that we're so solely, we have to rely on. So with that, I'm going to pass around these photos.

I come from a farming background. My grandfather was a farmer in Nambe and he actually was a Commissioner for the Santa Fe County Commission, representing District 1, Teodoro Trujillo and it was back in '39. He was involved with the design of this building that we are in right now. So I am pretty proud of that. But I also feel like I have a sense, a natural sense as a lot of people do in this community to take a look, to stop and take a look at the trees. And the trees, they're telling us something. It's not the bark beetle. It's the drought. I've sort of thrustured myself into learning about the aquifer and what major pumping is going to do to the way of life that we know it. So what I'm here for is to protect my property and a lot of the people are here to protect their property as it says in that mural that's right behind you.

We're concerned that Valle Lindo has set the precedent for the Community College District. We were the first subdivision in the district. The Community College District, I feel has some very serious flaws, one of them being that it was written in a time when we weren't going through the drought. So the projections and the numbers imposed on the densities that are allowed don't seem in line with what we're having to deal with now as far as the dryness and the aquifer and the questionable water supply. So I would like to see the Community College District numbers reconsidered as far as allowances, minimum allowances. These developments are quite for the time that we're going—only a reasonable mind could see that it's just too big. We can't even provide enough water for the people that are here right now.

So I want to circulate a New Mexico drought map that shows in black and white and color that Santa Fe, this is according to the New Mexico Natural Resources Conservation Service, they have posted on their website and they have it available to the public, the drought status as of June 18th of this year, and the drought status as of August 8th of this year, and for those who are behind me that would like to see it, I'm going to estimate that about ¾ of the state is now under an emergency severe drought status. So I'd like to submit these to you.

The other quarter of New Mexico is either in mild or moderate drought, so it's all in the drought. Now, I'm glad that Rosanna brought up—Rosanna, the lawyer for the development, brought up the idea of the Santa Fe Growth Management plan, because I want to point you to page 60. I attended the water forum that was held the beginning of August and I guess you could say a great revelation happened that night. It was County Commissioner Sullivan who brought up a question to the staff at the County. It has to do with cap, projections of a housing unit. The new housing units that were projected by this region, the south Santa Fe region, south Santa Fe County, was 3,729 and with the approvals that have gone on up until now, we are over, we have met that cap, we have met that projected number.

The subdivisions that I want to summarize and tabulate are San Cristobal, which is 2791 residential units, Oshara has 735, Rancho Viejo is at 655, Mission Viejo is at 20, and Sena Vista is at 72. And if you tabulate that it comes out to 4273 residential units which according to

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the projections will take us through 2020. So we have already met those, not even approving these plans. So really, take a look at what you're doing here. We really have to have an open mind. We have to be judicious about how we spend our water and you know, I'm really concerned about our well because every day I hear about another well going dry or another community going dry. And there's so much demand on the aquifer right now that I believe, what is going to happen to our well. It's only a matter of time before our wells run dry. So what happens at that point when you have all of the existing residents in Valle Lindo that are impacted by the pumping of the aquifer at Buckman to service them. If this happens and it dries up our wells, because we share the same aquifer. No matter if you're the City water utility, the County water utility, Sangre de Cristo water utility, I understand it to be from the same source.

So I believe that whatever pumping is done at Buckman or to service these subdivisions is going to have an impact, so I'm going to ask you, County Commissioners, are we ready, are we ready to pay for the connections to the wells that have gone dry to your water system? These are things you need to think about now, I believe. There's people in this audience that their wells have gone dry and they have had to spend upwards of \$4,000 to just get water supply and they have to go get it themselves. For the County emergency water supply, which is the hydrants on Highway 14, and they do it with a hose, with a surplus fire-fighting hose. So we're not—I don't believe the infrastructure is in place for these emergencies that may exist if you continue to approve these developments.

And one last thing about the master plan. I believe that once the developer, as an earlier speaker stated, once the developer gets master plan approval, it's not anything to be taken lightly. It's something of value. Immediately, the County Assessor imposes another assessment on their property because the value of their property has gone up. So I believe this is a very important step. It's nothing to be taken lightly and I really honestly think that the water rights and the wet water and the water proof should be at this phase.

COMMISSIONER TRUJILLO: Mr. Chairman, could I ask the speaker a question? Ma'am, you said you were in Valle Lindo? Valle Lindo is the name of your subdivision?

MS. BURKS: Valle Lindo.

COMMISSIONER TRUJILLO: What's the source of water? How do you get your water for that subdivision?

MS. BURKS: For 24 years we've been on a well. And it's been the best tasting water that you can ever imagine.

COMMISSIONER TRUJILLO: On a well.

MS. BURKS: On a well.

COMMISSIONER TRUJILLO: So all the residents in that area are on a well?

MS. BURKS: Right, because there was no County water system down there for the subdivision.

COMMISSIONER TRUJILLO: So they're depleting the water table, they're sucking the water table.

MS. BURKS: It's been there since the fifties.

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COMMISSIONER TRUJILLO: My concern is getting away from the blueprint that was established for the Community College District, that all of that area qualifies for 2.5-acre lot splits and wells on each one of those 2.5 acres. That land is going to be developed and all of those will be straws into the water table. The essence of the Community College District is to give impetus to a sustainable source of water, getting away from the aquifer. The existing residents there are tapping into the aquifer. If the blueprint for the Community College District is not followed, 2.5-acre lots will be done and individual wells for those 2.5 acres. That will deplete the aquifer to the max.

MS. BURKS: I believe that you're right. But I also tend to believe that at Buckman, you pump from the same aquifer that we're on, so that no matter how the Community College District intends to populate the Community College District, those people still need water and if they rely on the County water system, that's still coming from the same aquifer, as far as I understand it.

COMMISSIONER TRUJILLO: Just to help you understand, the diversion point is not out of Buckman that impacts the aquifer. The diversion point would be under the river, and there's major studies taking place to show the availability and the quality of the water under the river getting away from the Buckman source of water, which also impacts the Pojoaque Valley, Chimayo and all of those areas. So the sustainable source would be under the river, getting away from the aquifer.

MS. BURKS: Well, that brings up another major point that I have with all of this and I would just like the Commission to consider tabling, short of denying these projects until these studies get completed. We have the State Engineer who is trying to come to terms and grips for us as a professional to give us information about what is available and how much is going to be wheeled to the County and how much is going to be going to be wheeled to the City. How much is actually available. There's a fiscal analysis impact study that you're doing that won't be done until I don't know when but we should wait until that is done. I feel like we should also wait until the City water budget gets heard, which will be tonight to be able to understand how much they can give us, give the County for our uses.

I think there's four major studies out there. The Española Basin by the State Engineer, the County fiscal impact study, the RPA study, the water budget for the City and the water discussions for the County that still need to be done before you rush into this. And we should also try—what's wrong with waiting 18 to 24 months to see what the weather does for us. These developments, if they go through, they're going to be wanting to establish landscaping and it takes a lot of water to establish xeriscaping even. Like I showed you those pictures, these are trees that should be sustaining themselves and they're not, they're losing it. So that's all I'd like to say right now unless you have a question.

CHAIRMAN DURAN: Thank you very much.

MS. BURKS: I just urge you to deny or table it for 18 to 24 months.

CHAIRMAN DURAN: Next speaker please.

[Previously sworn, Carolyn Sigstedt testified as follows:]

MS. SIGSTEDT: My name is Carolyn Sigstedt and I live in downtown Santa

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Fe. I actually wanted to mention some of the things she did so I won't repeat that. I guess what I'll say is that basically, you are our mayordomos. That's what you were elected to be. When you're elected to office in Santa Fe or Santa Fe County, you're mayordomos. It's all about water and we can't be blind to the truth. I think we've been blind for an awful long time and we all were. We were hoping for the best here and there and groping for water anywhere and as time went by, we found that there wasn't water and that the situation as you read the newspaper in the *New Mexican* each day, either globally or statewide, in terms of Texas and water storage in reservoirs of down to our County regional water problems, or the City's problems, it's unbelievably serious and it's not fun to be mayordomo during a drought. And this drought is going to go on a long time and it's your responsibility to protect our water, the water that belongs to the people.

The reason these County Commission meetings go over is because we're making decisions in one vote about not a large subdivision or a small subdivision, we're doing it about an entire community. Keep in mind that the Community College District is a conceptual idea, a very good one. I'm actually for it, but I don't think that we should give it away all at once, and that's what we've been doing. You've heard the figures just mentioned. Jack Kolkmeyer indicates that by 2020 there should be 3,750 units and now we're already over 4,000 in this area. I thought that was kind of incredible. That's duty beyond the call of duty, especially during a drought.

What you're doing by making these huge decisions on these huge developments, and we've got two more coming up tonight is you're giving away your power as mayordomo. And I'm saying sometimes you have to say No, we can't do that right now. Maybe later we can do it, but right now we can't do it. We have to wait. These are hard times. This is really difficult for me to say to you but we don't have the water right now and I have to take care of our source of water. That's my responsibility.

And so I ask you to table this and the other two developments, these large scale developments, which is not to say that I'm opposed to them some time or in a different fashion, in different increments. What I'm saying is don't approve all this stuff right up front with no water, no plan, no hope, really at the moment. Or at least for a while, because you need the power as elected officials to use every growth management tool in the book. And by approving these master plans, you don't have the power to deal with things that you've already passed. You're already over your head and that's why I ask you to pause and table this until we have the State Engineer's good work, which he'll put thousands and thousands, millions of dollars, well, maybe thousands, hundreds of thousands into, which will tell us exactly what the situation is, Marcos, in your district, and what it is, Commissioner Gonzales in your district, what the Buckman well situation will be for the City of Santa Fe, in everybody's district and certainly, Jack Sullivan.

To end my comments, I just want to actually commend Jack Sullivan. He is taking a role on this Commission that I admire, because many of us in politics are living in the past. We used to think the West was sort of won on land and the control of property and that meant property rights. But over time, gradually, other factors are starting to be more important than

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property rights, such as the environment, or pollution or our finite water sources. And these values are really what the good politicians will respect and study and honor. And that's what I ask you.

CHAIRMAN DURAN: Carolyn, you're running out of time.

COMMISSIONER TRUJILLO: I'd just like to say one thing regarding those comments. I come from a traditional community and I've been a member of La Comisión de la Acequia and a mayordomo will not allocate water without any wet water in the acequia. And Santa Fe County will not allocate water without having wet water in its lines. The whole issue of the Community College District is prudent development, sustainable water, good residential growth, good commercial growth. And on top of that, to say that the West was won, a lot of us know that the West was not won, the West was stolen.

CHAIRMAN DURAN: Carolyn, Carolyn, thank you. No, no. I'm sorry.

[Previously sworn, Bobby Perea testified as follows:]

BOBBY PEREA: Hi, my name is Bobby Perea. I'm at #24 Cañada de Rancho in Rancho Viejo and I just wanted to say that I'm in favor of the Sonterra project. And on behalf of my family and myself, I want to thank specifically Mr. Duran and Mr. Trujillo and Mr. Gonzales for your further support of projects such as these. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

[Previously sworn, Roland Richter testified as follows:]

ROLAND RICHTER: My name is Roland Richter. I live on 90 Arroyo Coyote and I've been sworn in. Mr. Chairman, Commissioners, I want to share an observation on my private well and state my concern, give my opinion. I've lived here for 11 years. The water has always been very good. Five years ago the well was tested for 20-plus gallons and I've been very happy with it. Last year in June I tested it for quality and I have some excerpts of the report. Dissolved solids, the maximum guide is 500, mine had 190. Turbidity, none detectable. This year, during early July the well pumped water that was very dirty looking. Brown. For about a three week period, the water changed from almost clear to different degrees of brown. I was extremely alarmed.

I'm glad to say today, it is clear again. Some of my neighbors have not been as fortunate. Our local newsletter identified six dried up wells. Through newspaper reports I was informed that a contractor took water from the Turquoise Trail School, which is about four miles north of my place. According to the paper, pumping started about June 25th and ceased July 20th. The contractor estimated it took about one acre-foot to complete his job but he was stopped before. My concern is that when a relatively small amount of water taken from the aquifer has a such a devastating effect, what is going to happen when new developments, about 8,000 homes I heard tonight, and over four million square feet of commercial space start up their own well pumps. It is my opinion that this Commission's first responsibility is to look out for the current residents.

If you can guarantee sufficient drinkable water without additional costs to the current residents, then yes, go ahead with the development. But if you have doubt, you must ensure that any large development or master plan supply their water needs through other means than

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our aquifer. This is going beyond water rights. It has to do with the wet water that's coming from our pockets.

CHAIRMAN DURAN: Thank you, sir.

[Duly sworn, Martin Bigon testified as follows:]

MARTIN BIGON: My name is Martin Bigon. I live in La Cienega and I'm here to represent my family and some friends. We believe that this property should be developed for affordable housing and we'd like to purchase a home in this area. I understand that Santa Fe County affordable housing program will have some units for sale in this area, so I'm for Sonterra to approve for this development to buy houses to live. Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

[Previously sworn, Jack Maruska testified as follows:]

JACK MARUSKA: My name is Jack Maruska and I've been sworn in earlier. And I'd like to just mention that I'm probably the poster child for a man without water. My well went dry about two months ago. I live on County Road 44, just east of the Lone Butte, maybe three to four miles south of the proposed developments as the crow flies. And I've spent to date \$38,000 for a well that produces a gallon a minute of sand and water mix, and I'm here. I'm real. I'm as real as wet water is or isn't. I think the County is playing and has been playing catch-up baseball with water issues. You've heard previous proponents of these divisions talk about fiscal studies, road studies, all these other things that they think are so important and road studies are important. But the most important thing is water.

The previous speaker was for the subdivision because people need to have places to live. People need to have water to drink before they have a place to live. Why do you think the Anasazi left Mesa Verde? They ran out of water. What are we going to do? We're running out of water. I ran out of water. And I have to go to the County hydrant in front of the jail. Out of a full week, I don't know how many hours there are in a week. Maybe I should have calculated this and been better prepared. But let's say there's 1000 hours in a week time. Do you know how many hours the County officials are there to provide water for people who have to haul water? Four hours. I would suggest that the County administration get their heads together and out of the sand and with the City, and supplement the City's salaried employees that are there at the wastewater plant to provide recycled and potable water, seven days a week for 12 hours a day. Where's the public service in the County? There is no public service.

I demand, as a taxpayer and a Vietnam veteran that you people start taking a pro-active approach to providing service to us. And I am opposed to these subdivisions, all three of them, because I'm living proof, right in front of you, right now, that I don't have water. And I'll be hauling water for a long time. We are on the cusp of a 30-year drought and I think it's totally irresponsible for the County to even be considering these kinds of subdivisions before wet water is actually in hand. In hand, not some promise to sell water rights. You can't drink water rights. I'm requesting that you table these subdivisions or vote them out altogether until the developers that are proposing all three of these subdivisions, right in a row, come back and say, Yes, we're ready to develop these properties. Here's our master plan. And oh, by the way, here's water. We have guaranteed water. Thank you. Any questions?

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CHAIRMAN DURAN: No, but I would ask that you get a hold of the County Manager and see if he might be able to work with you. Not now, tomorrow, the next day, whenever you have time, and see if he might be able to work with you and the City to make sure that there are people there to help you get water rather than just four hours a day.

MR. MARUSKA: A very simple solution is let the County vouchers that we pay \$10 a month more for from the County than the City for the same water that comes from the same pipe be accepted at the City yards.

CHAIRMAN DURAN: Get with the County Manager. Next speaker please.

[Previously sworn, Cal Baca testified as follows:]

CAL BACA: Good evening. My name is Cal Baca. I've been sworn in. I'm not a resident of Valle Lindo but I do have property there. I presently have a daughter that lives right on Vista del Monte. I'm representing probably my daughter. She lives off of Vista del Monte in Valle Lindo. I also come from a farming community as well as Patty did. Believe it or not, I came from Agua Fria community and we had water and irrigation down there, and that consisted all the way from Maes Road almost to Jemez Road right now. Throughout the years, PNM shut that water off. Agua Fria farming community died. That goes to show you that this has been going on for years and years.

We've had water and it's been going the length throughout the years. Right now they're proposing ten acre-feet, if I was correct to provide for this new subdivision of Sonterra.

They're requiring 48 acre-feet. They're talking about the water rights. Where are these water rights going to come from and I think it was addressed by one of the Commissioners saying they can give 10 acre-feet of water now but in coming years they can drill their own wells. What's that going to do to the existing wells that are in Valle Lindo or in the Highway 14 area. That is my concern. We do not have the water available.

Traffic flow on Vista del Monte. I don't know if the Commissioners or the public here has seen that Vista del Monte. It's not a straight road. It's rolling little hills when you get to the northern part of that subdivision. How is that road going to be developed? How are these people going to get in and out of that road? A lot of the issues have been covered by the previous speaker and I appreciate that. That's all I've got. Thank you.

CHAIRMAN DURAN: Thank you, Mr. Baca. Anyone else out there like to address the Commission? Please state your name for the record.

[Previously sworn, Steve Hidalgo testified as follows:]

STEVE HIDALGO: My name is Steve Hidalgo and I'm a resident of Valle Lindo Subdivision and I have been sworn in.

CHAIRMAN DURAN: Thank you.

MR. HIDALGO: There's not much I can say that hasn't already been stated by somebody else but I've lived in that area for 25 years. I grew up there. My family's been there so this is not a trivial matter to me. I find it strange that we're--when we approve something we should look at our water situation as it stands today.

[audio difficulties]

COMMISSIONER TRUJILLO: ...in that area the wells will go dry. If we don't

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take some prudent efforts to bring in sustainable water into that area there will not be a sustainable source of water in the immediate area. The existing wells and more existing wells will deplete the water table. We need to address it by bringing in and tapping into a sustainable source of water. That's the only way to rectify the situation. Status quo will make the situation worse.

MR. HIDALGO: One thing I would ask the Commission to do is to not grant approval today on the fact that it can gain momentum and it is something very important and like it was stated before, it could go on farther from this. Thank you.

CHAIRMAN DURAN: Thank you, sir. Anyone else? How many more are there that want to address the Commission? How many more back there? Would you please step forward and is there more than these two? Is there one more? So there's three more of you. Okay. We're going to end the public comment after these three.

[Duly sworn, Doug Frazier testified as follows:]

DOUG FRAZIER: Thank you, Commissioners, Chairman Duran. My name's Doug Frazier. I'm the Chair of the northern New Mexico Sierra Club. We have approximately 2,000 members in the northern area, most of them in Santa Fe and surrounding communities. I live out at Puesta del Sol, which is directly west on the other side of 599 now, out about four miles, sort of half way between here and the airport. Directly west from downtown. I have a well and I think all of us in the subdivision I live in, it's been one of the earliest subdivisions in the city, I mean outside the county. It shows up in the old quads in '63. We're all concerned about our water and it's dropping.

I think because of that and because of the answer Commissioner Trujillo gave that County does not intend, could not, really, intend to give restitution to people that their wells have dried up. I think it's important that we don't set up any false expectations. Now I know as an attorney, and I agree with the County Attorney, Mr. Kopelman commenting that we're not setting up any property rights. At least I think a lawyer would tell you, I hope, having been a county attorney and a city attorney myself, I hope we're not setting up something that would result in the granting of any vested interests.

However, if we do stretch this out and there's enough money involved, and there will be, there's probably enough money for a lawsuit. In which case, we'll drag the County along for a good long time. And I think that would be a mistake to do. I think there are various things you could do to any approval that you might do for this evening to make it clear in the documentation that in fact, in no way does this give any rights and that the parties with these approvals understand that.

However, I think that's unfair to them, even though I would recommend that you edit to make it clear, having been a city/county attorney myself. I think that's actually essential that you do that. You make it absolutely clear that there's no basis for any future litigation, not just the attorney's opinion sitting here on the record. So that the people that get this approval, because wells are going to dry up if we don't get the water and it's going to take a long time to get that water. We all know that. And there's no point in setting up false expectations so we should make it clear you shouldn't expect a thing from this approval as far as water rights. You

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should not expect a thing as far as water rights. Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

[Previously sworn, Robert Perea testified as follows:]

ROBERT PEREA: My name is Robert Perea. I live at 1506 Cochiti and I've been sworn in. I just wanted to make a comment that a little while ago when we first came in we were talking about building \$4 million worth of water or highways or roads and water systems and all this other stuff that's going in in a high-priced area, and there was no question at that particular time as to where the water rights were coming or wells or are we depleting the aquifers. And then a good project comes along that is going to provide affordable housing, 1500 square feet maybe on an individual basis, housing, as compared to 3,000, 4,000 square foot home that has five or six bathrooms. I think that the County Attorney made it fairly clear that unless the wet water is in hand that this project is not going to go anywhere.

I think that Commissioner Trujillo and I know that Commissioner Gonzales and yourself, Commissioner Duran, you've always supported and have had the foresight to see that the water rights or the water is available and I think that this should be approved as part of the master plan and again that straw thing that Commissioner Trujillo was alluding to a little while ago still stands. And if they do break down to 2.5 acres each one of them is going to be entitled to put a straw into that aquifer. So I would hope that you would approve of the Community College master plan district. Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

[Previously sworn, Robert Himmerich y Valencia testified as follows:]

ROBERT HIMMERICH Y VALENCIA: I'm Dr. Robert Himmerich y Valencia. I live at 51 Camino Vista Grande and I have been sworn. I'm also a farmer in Peña Blanca that depends on water from [audio difficulties] and this is primary. I would like to echo most of the statements made by the previous speakers concerning water and traffic. And one final point is that we have adjudicated water rights and we also have the title to a 2.5-acre lot in the Valle Lindo Subdivision. We're horse people as many of the people in Valle Lindo are. And in the Sonterra project, you have 6,000 foot lots, 10,000 foot lots and 21,000 foot lots. That's juxtaposed to our 110,000 foot lots where we keep horses.

What are these people going to say when the wind blows from the west and the southwest as it always does and they no longer like the smell of our horses? Thank you.

CHAIRMAN DURAN: Okay, that concludes the public hearing process. We're going to take a ten minute break.

[The Commission recessed for ten minutes.]

CHAIRMAN DURAN: Okay, I guess we'll call the meeting back to order. The applicant will have the next word.

MR. LILLY: For the record, my name is Al Lilly, Santa Fe Planning Group. I've already been sworn in, 109 St. Francis Drive. I'd like to, I've taken a few notes in the course of the presentations by some of the abutters in the neighborhood, and I'd like to point out a couple basic information or facts with regard to the properties around it. First of all, with regards to Sonterra. It had already been an approved subdivision for 2.5-acre density for the

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entire piece of property.

This was a project that was larger in scale than the Valle Lindo Subdivision itself. It involved in-ground wells. Undoubtedly we'd have a significant impact on the existing wells in the area. I'd also like to point out that the Thornburg property, a good portion of that already had approval for commercial development, a portion of it. When the Community College District was first initiated or proposed by the County, both of these landowners were skeptical about the process, about the whole concept. However, they entered into the planning process and as time went on over a couple years, bought into the plan, participated in the plan and I think the result is a positive one.

I'd also like to point out that I think the process is working. If you take a look at the master plan approval process as part of the district plan, I would give to you tonight that I doubt if a number of these people that are here testifying tonight would have even shown up had there not been a public hearing, if master plan approval had not been a part of the district plan. So I think the process is working.

I'd also like to state that I'd be very surprised if the Sierra Club doesn't support regional planning, and I find it hard to believe that they would come to the point of a lawsuit against the County that is probably taking the most pro-active step in regional planning in its history. So I think that this is definitely an example of pro-active planning. The Community College District is a good plan and good step forward for the County of Santa Fe.

The neighbors have all raised good questions and comments. They're valid concerns. However, I think in reviewing the Sonterra and Thornburg properties I believe the Commission must recognize the following: Both projects are requesting master plan approval only. We understand this is the conceptual stage in the planning process. Both have already received zoning approval as part of the Community College District plan. County staff has already determined that the proposed plans are in complete conformance with the district plan. There will be numerous additional opportunities for further review of detailed items and pursuing answers to all the issues that have been raised by the neighbors this evening at subsequent public hearings, when we go to the development plan stage, when we go to further detailed planning stages and final approval.

Number two, both projects require municipal water service and they do not rely on domestic wells. Neither project will proceed with development plan approval and construction until which time wet water is available. I feel that the neighbors fear these projects because of their size and the density of the proposals. However, this is the real, true content of the district plan. What we're talking about is not one project at a time here. We're not talking about a small portion of the project. We're looking at a regional plan. This is a plan that covers 17,000 acres. It's a plan that deals with a proposed layout for development, a road map for development for a period of 20 to 40 years.

Furthermore the community plan provides for at least 50 percent open space. Nowhere else in the county do you provide for 50 percent open space. I believe that your vote in favor of these projects tonight shows support for regional planning. It also shows support for open space preservation. And again, I maintain that the system is working. At this stage, this step in the

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Community College District plan of requiring master plan approval is a necessary one and I appreciate everybody attending tonight. Thank you.

CHAIRMAN DURAN: Thank you. Any questions of the applicant or anyone else? Do you want to start?

COMMISSIONER GONZALES: Just a quick question. Is it the intent of the applicant—what type of housing are you envisioning for this property?

MR. LILLY: What kind of housing?

COMMISSIONER GONZALES: Yes. Is it modular, manufactured, stick-built?

MR. LILLY: There's a mix of different kinds of housing. There would be a certain aspect of it, a portion of it would be modular housing. I think that has been misconceived in terms of what quality can be achieved through modular housing in the past and standards can be put in place to ensure that it is a high level of development and construction. There will also be stick-built housing in a portion of the development. I think Scott spoke to the fact that we've revised the plan to mix up the housing types within different portions of the development. There also will be multi-family attached densities and there will be residential above commercial.

We also provided for half-acre lots that were adjacent to the existing Valle Lindo Subdivision.

COMMISSIONER GONZALES: Okay. Whatever the Commission decided tonight, if they were to grant the approval would you have problems with limiting the homes to just stick-built homes in the area?

MR. LILLY: I personally feel that there should not be a restriction on that. I think you can achieve high quality housing. I'd rather see the Commission require a certain standard of housing and agree to work with the Commission with regard to coming up with those standards to make sure that you do have quality housing out here, rather than dictating how the house is built.

COMMISSIONER GONZALES: I have actually a question for the staff concerning a couple of issues that were brought up so whatever time you find that that's in order I'll ask.

CHAIRMAN DURAN: Go ahead.

COMMISSIONER GONZALES: The question to the staff, Judy in particular, there was an issue brought up tonight concerning the population projections in the area which actually am quite frankly am concerned at the number that was stated that we're projecting 4,000 units in this area. But one of the things that I wanted to see if you could just tell me briefly. I was always under the impression that the Community College District and the population projections that were used were for a 50-year period and I thought that tonight they indicated a 20-year period. So if you could just go to that point very quickly.

JUDY MCGOWAN (Senior Planner): Yes, I wanted to correct—there was evidently some misunderstanding about page 60 in the County Growth Management plan. The Valle Lindo area of the Community College District is not part of the south county. There's a whole half of the county further south of there that's the south part of the county. So if you

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look at those projections for new housing units needed, it's the central country that pertains, which the projection is at least 19,000 housing units.

COMMISSIONER GONZALES: What's the period of time for that projection?

MS. MCGOWAN: These are 20-year projections, and these projections were derived from the population and housing study that was done for the County General Plan by John Pryor in 1994. So in fact, the projections, it's been a long enough time so it's probably not that reliable at this point anymore anyway. In fact, for planning purposes, what the RPA is using, what we've been using for the T-model, what AI Pitts used as his beginning point for his projections for the Community College District were the most likely projections that were done by the Bureau of Business and Economic Research at UNM for the Jemez y Sangre water plan. And those growth projections are higher than the ones John Pryor used

So what we've been doing is using the Pryor projection as a low projection and the Bevor projection as a high projection and assuming it's somewhere in there. And of course that's just population projection based on long-term looks at growth rates and migration and natural increase. It doesn't, it's not deflected for what happens with policy decisions and other natural effects that would happen with a drought or economic markets or anything like that.

COMMISSIONER GONZALES: So under the current density zoning of the Community College District, is it in line with those parameters?

MS. MCGOWAN: Yes. I think someone mentioned that the Community College District was intended to be like a 20 to 40-year projection over that acreage. When AI Pitts actually did his regional projection and looked at the land in the area, we figured actually, if you took the whole 17,000 acres, you're probably—it just depends. At the low range, it could take most of the growth for 70 years and at the high range it would be maybe 40 to 50 years. But that's talking about the entire acreage.

COMMISSIONER GONZALES: I'll stop my question on that point in case there are other questions in the consideration of time. Joe, there were some cases that were made tonight concerning traffic and I guess my question to you is, and Judy feel free to participate, from what I understood again, the goal of the Community College was that at the build-out that conceptually, you'd actually minimize traffic that would be going into town for the most part because of the fact that people would be living, working and shopping in these villages. And granted, it's going to take a period of time before we get to that point, what happens though in the interim to assure issues of safety, road congestion, as we go through the preliminary and final parts of these multiple master plans that the quality of life is not further diminished out there in terms of traffic flow into the city? What protections are in place? What safeguards does the Commission control to minimize congestion?

MR. CATANACH: Commissioner Gonzales, certainly, the review comments from the Highway Department are substantial. It establishes what the issues are and what this developer has to follow up on. New regulations that the Highway Department has, and for the most part again, the Highway Department has established what the issues are and this applicant will have to follow up on those as part of the development plan submittal. I would point out that in the controls that the staff is trying to maintain is condition 11. This applicant will have to

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submit updated traffic reports for each phase of development. So again, at that point, this applicant will have to address traffic for each phase of development and follow up with a detailed traffic analysis when they come in for development plan.

COMMISSIONER GONZALES: Joe, as to the residents of Valle Lindo though, some of the comments brought up and the potential impact to their subdivision, do you foresee that happening that one of the suggestions that will come forward is that there has to be an access route through the Valle Lindo Subdivision or can this be brought forward with access routes that don't interrupt the subdivision itself.

MR. CATANACH: Well as far as that issue goes, Commissioner Gonzales, the access through the Valle Lindo Subdivision is part of the adopted Community College road plan. So staff is following that road plan. Now, this applicant has indicated that there would be a gated emergency access and I wanted, as a point of clarification, condition 9, Road connection with Valle Lindo Subdivision shall be realigned with center road of Phase 1 subdivision. They've agreed to do that. On their revised master plan they show that road connection from Valle Lindo to the center of the Phase 1 developments. I guess the point I wanted to make on that is that they've indicated that they'd like that to be gated emergency. The condition was adopted as it's shown on the staff report, it did not indicate a gated emergency access but staff has had discussions that we would be in agreement that a gated emergency access for the road connection to Valle Lindo would be acceptable.

COMMISSIONER GONZALES: So all the development, the housing units that would potentially take place on the Sonterra property, traffic would not flow through the Valle Lindo Subdivision.

MR. CATANACH: Not as a secondary alternative access. The intent would be that the road connection be with the State Land Office. That's where your main access and traffic are going to flow through between the State Land Office and Sonterra. Valle Lindo would only have the one road connection with the gated emergency. If the BCC is in agreement that number 9 can specify that that could be a gated emergency access.

COMMISSIONER GONZALES: Final question. Is there any proposal or any view in your mind for the record that there will be any wells on this property that would further diminish the water availability in the area?

MR. CATANACH: Whether there would be any wells on this property that would diminish the water availability in the area? I certainly would refer that to Katherine. I saw Katherine earlier. There she is. If she would want to address that.

COMMISSIONER GONZALES: As proposed in the application, I think it's important for us to know so that we can address what's being proposed with the concerns of the community as they brought forward in terms of water availability.

KATHERINE YUHAS (County Hydrologist): Mr. Chairman, Commissioner Gonzales, it has not been proposed that they would use wells on this property and I think it would be acceptable, I don't want to speak for them but to put in a condition it would be acceptable to me saying that would not be the way they would develop their water supply, that it would be necessary to be a part of the County water system.

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MR. LILLY: We're in agreement with that.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN DURAN: I would just like to say a couple of things. I don't have any questions but I would like for the record to kind of give you some idea of how we created this Community College District. This map right here is Santa Fe County, and if you start up over here where Rio en Medio is and Chupadero, you'll see that this white area here is privately owned property, limited growth potential. This blue area here is thousands of acres that the City owns. I don't know what they're going to end up doing with it. This green area is national forest. This is Tesuque, Rio en Medio, limited growth. No growth in this national forest area. This is the city limits. This area here is BLM and I think national forest owns this. This area here is in private property and the minimum size lot out there is 2.5 acres. This area here is within the Regional Planning Authority's jurisdiction and really isn't at this point designated a high growth area.

So if you look at this map, the reason we created this Community College District after four or five years of public comment was based on the premise that this area would be the high growth area that would accommodate the growth, residential and commercial, for our community in the next 20 to 50 years. And that's why the Community College District was created. We are also very much aware that without water, all these master plans that are being approved are going to go nowhere. We are supporting Commissioner Sullivan's desire to adopt a resolution and I guess an ordinance that would limit and restrict well drilling in the Silverado area and that is that area along State Road 14 and in the area that most of you are here concerned about. It would also protect the aquifer for the La Cienega people.

So as we have deliberated these projects that have come before us, we have been very much concerned about where we're going to get water. Bear in mind that the County already has a plan for development based on Basin Fringe, Fringe, Mountain Zone and that takes into consideration the aquifer and the availability of water within that aquifer. So when these projects come before me to be considered for approval, I go back to the five years that we worked on the Community College District, the fact that we designated that area as a high growth area but without water this community won't go anywhere.

It definitely is not going to grow in that area that I mentioned to you, the forest land, the BLM land, or the 2.5-acre potential. So I'm not sure how the Commission is going to vote tonight but I can only tell you that we have been thoughtful in how we created this Community College District and how we have approved development in that area over the past several months. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I just wanted to address my comments to the housing projections which was briefly touched on by Commissioner Gonzales. I think we need to make it very clear that out of our growth management plan which was approved in 1999 and based on studies done by John Pryor which were done in 1994, the speaker I think did mention the south region but at the water forum at the Community College District, we were told that we are in the central region here. And it is true that the central region, based on those studies we've adopted indicated the projected need for housing units

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through the year 2020 of 19,192. That's the number.

And I believe one of the attendees at the forum asked Mr. Kolkmeier how good were Mr. Pryor's projections and I believe his response was they were "right on target." Of that 19,192 housing units that Mr. Pryor projected that we needed, 8,632 of those were projected to be needed in the City of Santa Fe. 10,551 were projected to be needed in the county. Okay. So that tells us at least for now, and certainly the study needs updating but as long as the population projections are reasonably accurate and as long as the nature, I believe, of our population stays relatively the same, I think we're going to be fairly close to these numbers, and by the nature I mean that we don't have a disproportionate number of retired people suddenly moving in or something of that nature.

So that's a number that's been bandied about. But if you go on further in the same document, Mr. Pryor then provides information on approved sites per region. So of that 19,192, Mr. Pryor reported that there were 15,716 approved sites for housing, 9,173 of those are in the city, 6,543 of those were in the county. So then Mr. Pryor goes one step further in that same document and says what's the difference? And in the central region, the difference is 3,467 sites, housing sites needed according to Mr. Pryor and our own growth management study, by the year 2020.

Now, he further breaks that down as a negative 541, meaning 541 of those could come from the city and 4,008 from the county. Now, let's just assume for purposes of discussion that the City is not accommodating any new development so that we the County would have to make up that full 4,000. Nonetheless, the net in that study is 4,008. So these numbers are always subject to estimates and to refinements, but I think when we look at what do we really need, versus what we have, and some of those sites that were approved may have limitations that don't make them the best sites for development and there were paper subdivisions and we don't have the whole study in the growth management plan that tells us what was utilized to make these estimates but that's available in the study itself.

So just taking what's been approved in the last six months, we're over 4,000. So I think that's where the speaker was coming from by saying that we need to consider not just the first part of the equation, which is Gee, how many housing sites do we need, but we need to consider the second part of the equation, which is Gosh, how many do we have? Which is that 15,716 figure, which nets us the 4,000.

Now, we can get into a lot of discussion about how accurate is that and are those 2.5-acre lots which we don't want to encourage but in many areas we do want to encourage 2.5-acre lots because rural living is a part of the Santa Fe County lifestyle. So I think what it gives us is an order of magnitude number of where are we and where do we need to be and the bottom line is we're there. So at this point in time, when we go much further than this, we're providing for housing units and we're committing to ultimately provide water service for units that our own study says may not be needed. I do think that we need to update this study and I think that this study needs to be updated as a part of the approval process for these subdivisions and then periodically thereafter, every year or two so that we continue to have a handle on really what are the needs as opposed to what are the wishes of those who would like to develop.

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What are the needs that we should be serving? Thank you.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, question for Mr. Lilly about water. As I understand it, the developer in this case claims to own 10 acre-feet but needs about 48 acre-feet to have enough water for Phase 1. Is that about right?

MR. LILLY: That's correct.

COMMISSIONER CAMPOS: No, it seems to me that from the discussion earlier that there hasn't been a lot of thought given to where am I going to get 38 acre-feet of water. Is that about right?

MR. LILLY: I'm going to refer these questions to Jim Corbin. He's been working on the water rights.

[Previously sworn Jim Corbin, testified as follows:]

JIM CORBIN: I'm Jim Corbin and I've been sworn. No, there's been quite a bit of thought given to the water. There's a lot of reasons for that. Middle Rio Grande water rights run \$5,000 an acre-foot plus or minus \$1,000, depending on the type of water right, where it's located and then you have an additional cost of any place from \$1,000 to another \$5,000 an acre-foot in terms of a protest process or a potential transfer process. The intent for a Middle Rio Grande water right would be to move it to a Buckman diversion. We have no intention of using San Juan/Chama water, which I've heard several of the folks talk about earlier in the day. Obviously, if the County made that available and we could use that we'd be happy to.

But the way it's set up we have to go get water rights that are of use to the County and bring them to the County and you have the ultimate right to decide whether we've brought you water rights that you can use or not use. If we were to buy, and we may, in fact we have, acquired some Santa Fe Basin water rights, those run anywhere from \$10,000 to \$15,000 an acre-foot.

COMMISSIONER CAMPOS: Those are the ten acre-feet you talked about?

MR. CORBIN: No, the ten acre-feet I'm talking about, that ten acre-feet is a water supply contract that was entered into with Santa Fe County back in the 1993, 94, 95 time frame, Commissioner Campos, back actually when I was running the County utility. And at that point in time it cost folks, the initial set of customers that came on, it cost them about \$13,000 an acre-foot to sign on to the County water system. At the present time, it costs you \$20,000 an acre-foot and it cost that much before I left the County back in the 97 time frame. So there's a considerable investment and considerable thought goes into water rights and what we're going to do with water rights. We fully understand that right now, today, we've got ten acre-foot that we could ask the County to deliver to us, either at Sonterra or frankly at another location of our choosing if we had another spot that we wanted to take delivery, that we have to, to get into Phase 1, come up with 38 acre-feet of water rights that have wet water behind them that you can access wet water out of before we can go on with Phase 1 and the other amounts of water rights go with Phase 2 and Phase 3.

COMMISSIONER CAMPOS: Okay, I guess the question was, I understand

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what you're saying generally, but the question is have you actually been looking?

MR. CORBIN: Yes.

COMMISSIONER CAMPOS: What is your time frame now as far as buying the 38 acre-feet.

MR. CORBIN: Probably within the next 12 months. We're in negotiation with some folks at this time, but I obviously don't want to share who I'm in negotiation with because the price goes up dramatically.

COMMISSIONER CAMPOS: I understand.

MR. CORBIN: It may anyway given that we're talking about it tonight.

COMMISSIONER CAMPOS: Okay, so you feel that within the next 12 months you could buy the additional water?

MR. CORBIN: Oh, yes. I've bought maybe \$10 million worth of water rights in the last few years, for other customers and for this particular client.

COMMISSIONER CAMPOS: Okay. Now a question for Mr. Lilly. Would there be any prejudice to this development if you waited 12 to 18 months? If you took a table tonight and came back in 12 to 18 months? Would there be any substantial prejudice to your developer?

MR. LILLY: I guess that would be something that I don't think we could agree to.

COMMISSIONER CAMPOS: The question I'm asking is would there be prejudice to the developer?

MR. LILLY: Yes.

COMMISSIONER CAMPOS: Could you tell me what that is?

MR. LILLY: Actually what I'm going to do is I'm going to have Rosanna Vazquez respond to that question as well as to two additional conditions of approval that were added by staff.

COMMISSIONER CAMPOS: That's not the question. You can't answer that question? Do you think Ms. Vazquez can?

MR. LILLY: She was given the authority to respond to that question.

COMMISSIONER CAMPOS: I have the floor right now so if she wants to answer that specific question, that would be fine.

CHAIRMAN DURAN: Could you restate the question for me?

COMMISSIONER CAMPOS: Yes, Mr. Chairman. The question was if you took a table tonight, would there be any prejudice if you had to wait 12 to 18 months to come back.

MS. VAZQUEZ: Mr. Chairman, Commissioners, the prejudice that it would lead would be the fact that we've spent a considerable amount of time and money with respect to this development to get it to where we are today. If there were specific concerns with respect to traffic that needed to be addressed, roads that needed to be addressed, water issues that weren't addressed as they have been in this development, we would agree to a tabling. But at this point, this development, as stated by staff meets the requirements of the Community

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College District as has been submitted and we would not agree to a tabling and would believe it would be prejudicial.

COMMISSIONER CAMPOS: How so?

MS. VAZQUEZ: Because of the fact that we have followed the guidelines that the staff has put together and submitted a project.

COMMISSIONER CAMPOS: Other than that, there is no prejudice, is that right?

MS. VAZQUEZ: Mr. Chairman, Commissioner, there's always a prejudice when there's an unfair tabling when the project meets the Community College District Ordinance.

COMMISSIONER CAMPOS: Okay. Question for Mr. Corbin. You're saying you have 38 acre-feet of water that you're likely to buy within the next 12 months.

MR. CORBIN: Sooner than that, I hope, sir.

COMMISSIONER CAMPOS: Is that going to have to be diverted from the proposed diversion project? Is there going to be water that you have to import?

MR. CORBIN: Likely it would be, yes. We're working on water rights both in the Middle Rio Grande and in this basin. Water rights in the Middle Rio Grande would have to be moved to the Buckman diversion. The process of moving them could take another one to three years in terms of that process. In terms of water rights in this basin, if everything went the way one would like it—it rarely does, as we both know—it might move within a year.

COMMISSIONER CAMPOS: Okay. Now, as far as the diversion project itself, do you know when that might be on-line?

MR. CORBIN: I don't think anybody does today. The environmental impact statement usually takes three to five years. It can take much longer, depending on what kind of protests you get into. The City has just begun to get into the heart of the process. So they have certainly another two years or so to work their way through that. If they're fortunate and everybody signs off it would take them another year or so to bring on line a diversion process. I think they're postulating 2004, 2005 time frame. I'm sure that's going to be a sliding time frame. I personally don't think they'll get there in 2004, 2005 but I'm hopeful they will because we desperately need that diversion.

COMMISSIONER TRUJILLO: Jim Corbin, just to follow up on that. You said it would take 12 months to acquire water rights?

MR. CORBIN: It might take a day or two, okay? We're in negotiations right now, but the 12 months was associated with the entire package that we're talking about.

COMMISSIONER TRUJILLO: Whether it takes 12 months or it takes four years or it takes next week, development in that area will not happen without wet water.

MR. CORBIN: That's correct. That's absolutely correct. But you have a great deal of planning and the design and a variety of other things that have to take place. We'd like to that concurrently so that when you get to a point where you've got the wet water you're ready to go. But we do believe a regional water system like you folks have been putting forward is absolutely the only way to go in this part of the country. Shallow wells of 500 foot

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or less are frankly in any kind of a drought are going to be out of water.

CHAIRMAN DURAN: Thank you, Jim. I think it's important to know, in my conversations with the Mayor and our water utility people and the City's water utility people that we're projecting that we'll have a diversion project built in four years if everything goes smoothly. The other thing is the San Ildefonso Pueblo is now generating a million gallons of water out of the pilot project, the Ranney Collector pilot project, and we are hopeful that at some point in time we'll be able to, they'll be able to provide water to this community. We are in the process of acquiring more water rights. We're talking about the diversion project being able to provide water for us for 40 years of so, but finding water and bringing water into this community is going to be an ongoing process and we're going to have to deal with it on a daily basis.

But we are working on trying to get this water. And like I said earlier, the water will go where this Commission and Commissions in the future decide growth should occur based on sound growth management principles.

COMMISSIONER CAMPOS: Mr. Chairman, my only point was as far as a need to act tonight, there really isn't a need to act tonight. We really do not have to approve this master plan tonight. There would be no significant prejudice. They're still working on a lot of issues. The diversion project, we will not be importing water through the diversion project until 06 or 07. And there is the big dispute with the City about the San Juan/Chama so if we're going to get more than 500 feet that's questionable. If they divert to that point, we're still looking at four or five years.

I think what the people here are saying is be patient, be cautious. We're in a serious drought. Think about us too. A lot of the resources of Santa Fe County in the last few years have been focused on creating the Community College District and the water utility company and we've been ignoring a lot of the small communities around the county that are losing their wells, going dry.

CHAIRMAN DURAN: I think this Commission is in agreement with what Commissioner Campos said, but I don't know where the statement that wells are not going to be drilled in that area. Why doesn't it get to your ears. We're not promoting well drilling in that aquifer.

COMMISSIONER CAMPOS: What happens, Mr. Chairman, when you approve a master plan, things are going, the finance is going, the planning is going and no water can be brought in. The political pressure is to dig those wells and that's what probably will happen in this case.

CHAIRMAN DURAN: I doubt that.

COMMISSIONER CAMPOS: Well, that's likely to happen.

MR. LILLY: Excuse me, Mr. Chairman, if I could respond. What I'd like to just say is that first of all, we were clearly directed by staff that wet water was not needed as part of the master plan approval. It is part of the process, but not part of the master plan approval. Part of that process. Secondly, master plan approval allows the property owner to go ahead and get financing so that they could obtain water rights. It also allows them to get

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financing so they can study many of the issues that were raised here this evening. So it's an important part of the process to keep it going in a positive manner. To just stop it at master plan process right now, as suggested by Commissioner Campos, is contrary to the direction that the Community College District plan outlines in the process and I think you'll probably look at issues or problems being raised by the property owners that have invested as much as they have to this date in getting this far. They're going to want to revert back to the old process, which they have a right to do.

I think the positive direction to do is to move forward with the Community College District plan as outlined.

CHAIRMAN DURAN: Al, I have a question. We've talked in the past about the 15 percent affordable housing requirement and how that may not be adequate for future housing needs. Would you agree to a condition that in the event this Commission or Commissions in the future increase that 15—and this is prior to your getting final approval—would you agree to that increase in the affordable housing units? And I guess to a maximum of say, 20 percent. And the reason I say that is if you look at the 520 that you're asking us to approve, only 52 of those would be affordable. If we went to 20 percent, 104 would then be.

MR. LILLY: I understand. What I'd like to do is have Rosanna respond to that question and also to the two additional conditions that were added by staff for approval. I think they're similar in terms of the way they've been worded and the timing is somewhat of an issue.

MS. VAZQUEZ: Thank you, Mr. Chairman. In short, yes, we would agree to an affordable housing increase of 20 percent. It has been covered by staff in condition number 12, and actually 15 percent of the affordable housing units equal a total of 78 units now, and we would agree to a condition. And the way that it is written is that in compliance with future amendments to the affordable housing ordinance. So yes. We're in agreement with that condition.

COMMISSIONER CAMPOS: Mr. Chairman, it could be more than 20 percent because it leaves it open. It doesn't say 20 percent. It could be 25, it could be 30 percent. Depending on what the Commission—

CHAIRMAN DURAN: Whatever staff's recommendation is.

COMMISSIONER CAMPOS: The Commission would have to draft an amendment to the current ordinance saying we think 25 or 30 percent or more affordable housing is required to really deal effectively with sprawl.

MS. VAZQUEZ: Mr. Chairman, Commissioners, I agree with County Attorney's Steve Kopelman's position that we have, on his legal reading with respect to the rights that we've got in the master plan. Therefore any ordinance amendments that would be made by this Commission with regards to affordable housing would be applicable and besides that, we are in agreement with them at this point.

CHAIRMAN DURAN: I think 12 covers it.

MS. VAZQUEZ: Thank you. We just had a couple of other—we agree with all the conditions as stated by staff except we have a couple of concerns with the two additional

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conditions that were submitted. The first concern we have is with respect to the economic fiscal impact report. We agree with the fact that an economic fiscal impact report needs to be done as required by the master plan. We have submitted our own fiscal impact report and there is a condition of approval on this subdivision that requires an updated fiscal impact report to be submitted with every phase of the development. We have no problem with that condition. The concern we have with the additional condition is the language that reads that the BCC shall review, prior to preliminary plan approval and if found in the best interests of the County, go forward with this development.

A fiscal impact report that is completed by the County can be and should be used as any piece of evidence that the County has to rebut a fiscal impact report that we have, or that any developer or property owner submits. That is the appropriate time in which to determine whether it is in the best interest of the County. The way this condition is written, it could be read that prior to any development coming forward, this Commission will review a fiscal impact report and then make a determination whether any development is in the best interest of the County. It places a burden on the developer to attend a hearing and possibly open up its potential preliminary development plan at a point when they're not before you for preliminary plan approval. The appropriate way to use that fiscal impact report would be to counter any evidence at the preliminary development hearing.

So I would request that the last line of that condition be amended, or that condition not be submitted at all. We would not agree to such a condition.

COMMISSIONER GONZALES: Mr. Chairman, Ms. Vazquez, I'm confused here. I would assume that a fiscal impact that was brought forward—first of all, if you agree with me, tell me if you agree with me on this assumption. That at preliminary level, the Commission can determine as a whole, with the evidence that's been provided for you that it's not in the best interest to proceed forward with the development, therefore denying it.

MS. VAZQUEZ: Mr. Chairman, Commissioner, I agree with that. And that analysis should be done at that hearing.

COMMISSIONER GONZALES: Right. But there needs to be some type of proof that's submitted to the record so that the staff can make some type of recommendation. My second question would be that at the preliminary hearing, would you agree that the Commission can either deny or largely reduce the amount of housing and the amount of commercial space so that it would properly emit what it felt were the needs of Santa Fe County and the community.

MS. VAZQUEZ: Mr. Chairman, Commissioner, I would agree with that, but that analysis should take place at the time that each development comes in for preliminary hearing. The way that the condition is written, is it reads that an economic impact report will be done by the County. The County will have an opportunity to review that report and decide if it is in the best interest of the County to hear, prior to preliminary development hearing of any development that goes forward. That's the only problem we have. We agree with the fact that the economic fiscal report should be done and should be used as part of your decision making process in a preliminary development hearing, but not prior to that hearing.

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COMMISSIONER GONZALES: So you would agree as part of any condition that any fiscal impact report that was brought forward by the County could be used to deny, if the Commission determines the application is going forward if that fiscal impact report does not support your recommendations at preliminary and final?

MS. VAZQUEZ: Mr. Chairman, Commissioner, that fiscal impact report is a piece of evidence that you could use for that purpose at that hearing. The concern that we have is that what this has the potential to do is stop a hearing for preliminary on any development prior to that actual report being compared to the other report at that specific preliminary hearing. That's the concern.

COMMISSIONER GONZALES: Ms. Vazquez, would you agree that my question, that no wells could ever be used on this development within this aquifer area or within the development area?

MS. VAZQUEZ: Mr. Chairman, Commissioner Gonzales, if I may answer that in two different points. When the Community College District group was put together, there was an inherent understanding by everybody there, the neighbors, the people who worked—the developers, the property owners, the lawyers and all of us consultants who were working there that these developments were to hook on to the County water utility company or a community water system. Something. That was the language that was put into the ordinance because nobody wanted to go on with the traditional development of wells on 2.5-acre lots. We are in agreement that we will work with County staff with regards to the comprehensive water plan that they're attempting to put in work with Commissioner Sullivan's ordinance and request to do studies with respect to the impact on that aquifer. We would agree to do that.

With respect to the wells, I'm not really prepared to answer a question like that. I know that there's been some concern as to how does the County water system create a water system without any wells in any area.

COMMISSIONER GONZALES: I'm talking about the wells specifically on the property.

MS. VAZQUEZ: Oh, no. Sorry. There would be no wells on the property. I apologize.

COMMISSIONER GONZALES: Or any wells that might have a detrimental impact to the surrounding subdivisions.

MS. VAZQUEZ: On that I'm going to have to have Jim Corbin answer.

MR. CORBIN: I'm not sure that anybody can answer that question yes or no.

COMMISSIONER GONZALES: I think the Commission has a responsibility of answering that question that no wells would be allowed—

MR. CORBIN: We have no intention of putting wells on that property or using wells that we have constructed on that property for a water supply. We don't plan to use any wells there. We want to use the County water system. Period. The concern here is the County may have a need to put wells somewhere and we aren't in any position to comment on where the County should put their wells or put their points of diversion. You may find after you do extensive deep well monitoring, which has not been done in the Santa Fe Basin, that you've got

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significant sources of water in places that are going to surprise people.

So you probably, at the County level, need to be in a position where you can put whatever you need to put in place to protect all of these good folks that were testifying today and others that haven't testified over time with a decent regional system. But we have no intention of putting wells in that property.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: What's the pleasure of the Board? Judy.

MS. VAZQUEZ: Mr. Chairman, I just have one point with regard to the last condition of approval that was stated by Mr. Catanach, and I just want a point of clarification. The condition read Water service agreement prior to final development plan and budget for first phase. I just wanted to know, does that require that the water service agreement be approved by the Board of County Commissioners or is that going to be approved on an administrative level. COMMISSIONER GONZALES: That hasn't been determined yet, whether the agreements are going to come back to the Commission or approved administratively.

MS. VAZQUEZ: Okay, thank you.

CHAIRMAN DURAN: Judy.

MS. MCGOWAN: I have just a point of clarification on the issue that was raised earlier and Commissioner Sullivan was right. We don't want to beat this to death. But since the press is here and jotting down notes I thought it was important to mention that we talked about this projection of housing needs, or projection of housing that's on page 60. And Commissioner Sullivan is right. There is an approved sites by region and then the difference between the approved and needed sites by region, but the term "housing needs" was used and I want it to be very clear that just because you've taken the total number of sites and subtracted what the projection is from that, that does not come up with what would be the housing needs for the county. Housing needs would look at who you're trying to house, and a good proportion, in fact almost all those 15,716 sites that were available in 1994 are 2.5-acre lots. At least 15 percent of them are Las Campanas lots or La Tierra lots that are high-end lots, probably more. So it gives you an indication of what lots were available, but those are not lots that are available to most local residents or to the children of local residents.

So I guess what I'm saying is I would support that we look deeper than that when we're looking at housing needs for the future rather than just the superficial numbers.

CHAIRMAN DURAN: Thank you. Can you give that information to the Regional Planning Authority director so that maybe we can address that at that level?

MS. MCGOWAN: I believe she has the information already but, yes, that is an issue that came up with the projections for the Regional Planning Authority also, is that if you just use straight numbers, it doesn't say whether you're actually providing housing for the community. It just says you're providing housing.

CHAIRMAN DURAN: Thank you. Joe, did you have something to say?

MR. CATANACH: Mr. Chairman, I just have a point of clarification and I don't want any misunderstanding with this developer. Obviously, I mentioned earlier that this developer has a lot of work to do with the Highway Department. I mentioned in general that the

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road connection between adjacent developments had been addressed, but regarding condition 7, this applicant had indicated to me at one time that they wanted to make a change to condition 7. Condition 7 states very specifically that the road connection to Rancho Viejo will be constructed in Phase 1. And this applicant didn't bring this up and that's why I say I don't want any misunderstanding but they had indicated to me that they wanted to request a change to condition 7 and not necessarily that the road connection will be constructed in Phase 1 but that they would evaluate whether the road connection is needed in Phase 1 or not.

I think they're going to have a hard time demonstrating to the Highway Department or addressing issues of capacity on State Road 14 if that road connection is not made. So I do think they're probably going to have to make the connection, but they're asking us as to whether they can evaluate whether that road connection can be done.

CHAIRMAN DURAN: Rosana, are you okay with 7 the way it's written?

MR. HOEFT: We're fine with that condition.

CHAIRMAN DURAN: Thank you, Joe.

MR. CATANACH: Thank you.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to make a motion but before I do I'd like to see if there's any support for a motion to table for 12 to 18 months on this application at this point.

CHAIRMAN DURAN: Not from me.

COMMISSIONER CAMPOS: No? Okay. Then I'd make a motion to approve the master plan subject to the conditions stated in the report and the two additional conditions stated by Mr. Catanach and with two additional condition.

COMMISSIONER GONZALES: Mr. Chairman, just so we can follow along on the conditions, Mr. Campos, can we go—I was going to say go for the approval and then go into the amendments of your conditions.

COMMISSIONER CAMPOS: Say it again. I didn't quite hear.

COMMISSIONER GONZALES: I was going to say if we can get a motion on the table and then start going to the amendments.

COMMISSIONER CAMPOS: Additional amendments. The development shall be served strictly by the Santa Fe County water system using a sustainable imported water source from the Buckman well system, or a permanent San Juan/Chama water allocation. No onsite or other wells shall be permitted.

The next condition would be master plan approval is conditioned on a demonstrated need for additional residential units during the next 20 years beyond those approved to date as determined by a revised housing projection analysis to be undertaken by Santa Fe County and adopted by the Board of County Commissioners as a revision to the Santa Fe County Growth Management Plan.

And next, a condition that this master plan approval grants no vested rights to the

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developer.

That's my motion.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: For discussion. Are you making this motion to bring it up for reconsideration next month.

COMMISSIONER CAMPOS: No, I'm making the motion for tonight.

CHAIRMAN DURAN: But next month, are you going to bring it up for reconsideration?

COMMISSIONER SULLIVAN: Do you want to reconsider it next month?

Why don't we consider it right now while everybody's here.

COMMISSIONER CAMPOS: I've made a motion, Mr. Chairman.

COMMISSIONER TRUJILLO: This is a motion to approve, right?

COMMISSIONER GONZALES: It's questions on the conditions,

Commissioner Campos. As to the issue of the fiscal impact, I'm in concurrence that I think that the fiscal impact needs to get done, but that that should be used as a method for the Commission to determine, based on that County impact whether to approve or deny a preliminary. Are you in concurrence with that?

COMMISSIONER CAMPOS: I think that's what it says. Could you read that, Mr. Catanach? I think that's what it says.

MR. CATANACH: "The fiscal impact study will be conducted by the County for the entire Community College District. The BCC shall review and assess the fiscal impact study prior to any preliminary development plan hearing to determine whether the project is in the best interest of the County and fiscally viable in the judgement of the BCC."

COMMISSIONER GONZALES: So when you talk about prior, could that prior be done on the same night that the Commission is considering the preliminary, or does there have to be a separate session before someone can come forward for preliminary approval?

MR. KOPELMAN: Mr. Chairman, Commissioners, the language seems to indicate there would be a hearing on the fiscal impact study itself in relationship to preliminary development plans, and then I presume that there would be another hearing then for the individual developments coming forward. But this language seems to indicate that there would be a review and assessment of the study prior to the preliminary development plan hearing.

That's all it says.

COMMISSIONER GONZALES: Well, Mr. Chairman, Commissioner

Campos, I've got some concerns that as another layer of people having to come back over and over, would you agree to allow that to take place the night of consideration of preliminary in determining the evidence whether to go forward or not.

COMMISSIONER CAMPOS: Well, the reason I've advocated this language for some time, Commissioner, is because I believe the County needs to retain the authority to view the project as a whole. If the project as whole does not work and the fiscal statement says that we should retain authority to exercise that discretion. At that point we may want to reconfigure the Community College District or take measures, taxing measures to see if that allows this

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project to move forward, or impact fees. So it just reserves authority to the Commission to make a decision once we have all the information. That's all this is doing.

COMMISSIONER GONZALES: So help me understand, at preliminary level, when they submit, the County—I guess my question again is could the consideration of the County fiscal impact report be done at preliminary?

COMMISSIONER CAMPOS: Give me a more concrete example.

COMMISSIONER GONZALES: Well, an example would be when this subdivision comes back at preliminary level that the way it's written now they would have to come before the Board of Commissioners for a hearing just on the County fiscal impact report.

COMMISSIONER CAMPOS: Right.

COMMISSIONER GONZALES: And then if the Commissioners concurred with it then they could come back for preliminary. Where I'm proposing is that they would be able to come back for both preliminary and concurrence. If it's not concurred, then at the preliminary level—

COMMISSIONER CAMPOS: Tell me again. I'm not catching.

COMMISSIONER GONZALES: At preliminary level, when they come back, that the County fiscal impact report, the staff would base their recommendation based on the County fiscal impact report. Does it support the number of residential units that they're stating? Does it support the amount of commercial that they're stating. Keep in mind that this Community College District is about creating sustainable communities. So you can't have residential without commercial. You can't have commercial without some type of light type of retail so that you have that sustainable environment.

I'm assuming that that fiscal impact report, the County fiscal impact report are going to address those key points.

COMMISSIONER CAMPOS: Yes.

COMMISSIONER GONZALES: If the County fiscal impact report says No, there's on way that you're going to be able to absorb 200 units over the next ten years. No, there's no way you're going to be able to have commercial, then the Board would be given that authority that you're calling on to deny it at that time just as you'd be given the authority to deny it for traffic issues that are brought to you the night of preliminary, or for water rights that you don't believe should be used in this area because they might have some adverse impact on some acequia system in the county. Whatever it is, that that authority is maintained at that night as opposed to bringing up another level of hearings just to determine whether—a County fiscal impact report will determine whether—it's basically their gate, whether they can go forward or not when that can be done basically at the preliminary level.

COMMISSIONER CAMPOS: I'm just thinking off the top of my head but I would think that we do need one hearing for the whole College District, that's what I'm thinking probably would happen. So we would have to have one hearing to evaluate the whole Community College on the fiscal. And then when the—let's say there was an okay to the plan, but perhaps maybe one of the components failed for whatever reason. I assume we could consider that independently when the preliminary came.

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COMMISSIONER GONZALES: Let's take another step forward. If the—at that point, which I concur with you. I think there should be another, as we indicated, we should revisit the Community College District plan after this County fiscal impact report is done and hopefully in that report we'll be able to tie in with as Commissioner Sullivan indicated earlier, population projections for the area that are more accurate and to date. If at the time, and this question is for you, Steve, that the Commission determines after reviewing it again, that the densities need to be changed. That the amounts of square footage for commercial may need to be modified, whether it's less or maybe more, hold on, can the Commission at that time determine to change the densities and then subsequent applications for preliminary and final would have to comply with any changed Community College District that would be done through an ordinance?

MR. KOPELMAN: Mr. Chairman, Commissioner, I think the question seems to be, depending on what the fiscal impact study does, does that give the Commission the ability to make changes? The answer is yes, it does.

COMMISSIONER GONZALES: Right, but that's not the question. The question is if the Commission changes the Community College District Ordinance, that changes and alters the densities of allowable residential units and allowable commercial, will the master plans that have already been approved and any subsequent that may be approved after tonight, have to comply with the changed Community College District Ordinance at their preliminary and final levels?

MR. KOPELMAN: Mr. Chairman, Commissioner, I believe the answer is yes, because at master plan they don't have vested rights. If the ordinances are changed prior to preliminary, they are subject to those changes in my view, my legal opinion.

COMMISSIONER GONZALES: So I think we go down the road that you want to go down, Commissioner Campos, at the completion of this fiscal impact report to completely revisit the Community College District Ordinance, see if it's on track, if it has to be modified. My point on this fiscal impact report though, for preliminary is that it should be used at the preliminary hearing as one of those items that you would use to determine in your interest or in the County's interest whether to approve the development or not, as opposed to having a very separate, special hearing on every development.

COMMISSIONER CAMPOS: I think, Commissioner, you have to do it two ways, at two levels. One for the overall, and two at the component level when they come with the preliminary application.

COMMISSIONER GONZALES: So we're in concurrence with that.

MR. KOPELMAN: Okay. I think the language may need to be amended slightly then, Mr. Chairman, Commissioner. Because I think what we're saying then is prior to them being able to come forward for preliminary, there would be a Commission meeting, and at that meeting you would study, evaluate and assess the impact study in relation to the entire Community College District. That meeting may well result, in could result in ordinance changes. Okay? Their preliminary hearing is a separate issue. That's not—so we're not talking about, you're not talking about assessing this plan at that general meeting. Okay.

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COMMISSIONER CAMPOS: That's right.

COMMISSIONER GONZALES: I'm sorry. I'm confused now. So at the conclusion of the County fiscal impact report, the Commission will call for an ordinance or for a review of the Community College District plan.

COMMISSIONER CAMPOS: For a hearing on the fiscal impact and to exercise its discretion at that point.

COMMISSIONER GONZALES: Right. Whether to modify the Community College District plan as to number of residential units and commercial.

COMMISSIONER CAMPOS: And fiscal impact taxes, impact fees, etc.

COMMISSIONER GONZALES: Right. The whole deal. And what you have indicated tonight, Steve, is that they will be subject to whatever changes take place if they come in after the preliminary, after that takes place for preliminary.

MR. KOPELMAN: The changes would need to be made prior to them coming and getting preliminary plan approval.

COMMISSIONER GONZALES: So basically, it's a condition that they be subject to any changes to the Community College District plan would suffice here. Any changes that may come from here forward, between now and the time that they submit for preliminary that they would be required to conform to.

COMMISSIONER CAMPOS: Well, because it's not a vested right they would have to conform to County law, which we could pass in the interim.

COMMISSIONER GONZALES: What's the time line on the County fiscal impact report?

MR. ABEYTA: The time frame is anywhere from six to twelve months.

COMMISSIONER GONZALES: Okay. Which is the time period anyway that it would take anyone to proceed forward with any water rights or transfer or water rights. So they couldn't come in within the year anyway, most likely.

MR. ABEYTA: Most likely I'd say they wouldn't come in within the year.

COMMISSIONER GONZALES: Okay. Then can you tell me what your other amendment was?

COMMISSIONER CAMPOS: There were two additional staff amendments.

COMMISSIONER GONZALES: Fiscal impact and the approved service agreement prior to final. And what was the other one? The issue of the wells? That's what I was going to ask you on that. If the Commission, if future Commissions, Commissioner Campos, or you during a future Commission, determine that there are other diversion points that you want to consider for the overall County water master plan, would you be receptive to add language that would state any other diversion points that were first approved by the Board of County Commissioners as acceptable diversion points?

COMMISSIONER CAMPOS: Say it again.

COMMISSIONER GONZALES: Right now, you're currently stating that it's—

COMMISSIONER CAMPOS: We're looking at Buckman, right?

COMMISSIONER GONZALES: You're looking at Buckman as being a

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diversion and the San Juan/Chama. So what I'm asking for your consideration is that if a future Commission, you deem it through your water planning process that there are other diversion points that would be acceptable and fit into the overall management of the water plan, that that would be acceptable after being approved by the Commission?

COMMISSIONER CAMPOS: I have no problem. I'd like to have

Commissioner Sullivan address that because he's been the major proponent of this condition.

COMMISSIONER SULLIVAN: I think that's almost self-explanatory because we or any future Commission would have the option to change any condition and we do it all the time when they come back for preliminary and final development plans so if they came back and said we want you to change the condition from Buckman to XYZ, then we could evaluate it but I think what this does at this point in time is it tells us that's where we want you to focus. We don't want to give you, at this point a blank slate. We want you to focus on the Buckman area on a sustainable supply there as Mr. Corbin indicated they are in fact doing.

So I think that provides the clear direction. If they come back and say, for whatever reason, we have a better idea, that would be fine. Then I think the Commission has the option to do it. My only concern in changing the language would be that we just broaden it out and say, Go wherever you want and we haven't given them some specific direction that we want a sustainable supply that doesn't deplete the aquifer in this area.

COMMISSIONER GONZALES: But wherever we want with the Commission, the three of you sitting there now would be basically determining what would be in the best interest of the community. So you'd maintain, the Commission would maintain that control.

COMMISSIONER SULLIVAN: I certainly would and --

COMMISSIONER GONZALES: It would not be lost to the developers. Like a developer couldn't come up and say, Oh, we want this diversion, even if it's not Buckman or wherever you're stating, and the Commission accept that. That wouldn't be acceptable. The only thing that would be acceptable is something that the Commission would adopt as an approved diversion point.

COMMISSIONER SULLIVAN: Right.

COMMISSIONER GONZALES: That you may determine in the bigger scheme of things was a more appropriate place than the Buckman and all I'm looking for is to see if we could create more flexibility for the Commission as you develop your water plan to be able to look towards that.

COMMISSIONER SULLIVAN: I understand. I think that's there. I think in any of these conditions, where we say a road connection should be such and such, the developer studies it and meets with the residents and comes back and they say, We propose something different. But I'd like to provide that direction that there's a sustainable supply that we want these developments to utilize.

COMMISSIONER GONZALES: So would you be in favor of that then, if we added a language again without any adverse impacts to existing communities within the Community College District? So that that message is sent out even further, clearer that there couldn't be an adoption of any diversion points that would have that negative, disparate impact.

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Because I think the concern would be, what happens if a diversion point comes into the Community College District? If I was living out there, there might be some concern with this language that people would say, Well, jeez, what happens if someone finds a well in the Community College District that becomes a diversion point then all of a sudden, we're starting to see water come out of this aquifer.

COMMISSIONER SULLIVAN: And that's what they don't want, I think.

COMMISSIONER GONZALES: That's what they don't want. So the point of the language is that if you were to allow other diversion or would allow for any other diversion that proved to not have an adverse impact on the existing community so that we address directly the point that people have brought forward about their existing water situation, that would have to be proven by the Commission with this language.

COMMISSIONER SULLIVAN: That would still include the possibility of wells within the Community College District.

COMMISSIONER GONZALES: If you determine that. But that's not, I don't think that that would be something—I don't know how the Commission would deal with that.

COMMISSIONER SULLIVAN: I think you could certainly put language in like that if it's more comfortable for the majority of the Commission. I think one way or the other, the Commission has that option to make that determination in the future. It's not an ordinance; this is a land use master plan.

COMMISSIONER GONZALES: My feeling is that out of every application that comes forward in this area we need to prove to the existing communities that there is not an adverse impact on their water situation. That's been told to us over and over tonight. With Commissioner Campos' amendment and the staff's amendment it goes directly to that point of having to use an imported source of water so that there are no wells that are put there. The language that I was throwing in was that we have to prove, that we have to prove that there is not an adverse impact to the existing water situation. That's—

COMMISSIONER SULLIVAN: So you're suggesting putting in language that would say, "or other source outside the Community College District that the Commission would deem to not adversely affect the residents."

COMMISSIONER GONZALES: I'm saying any other diversion, whether it's inside or outside, however it comes.

COMMISSIONER SULLIVAN: Well, that's—I understand where you're coming from but I think it would be hard, certainly to convince me or any of the residents that a major well inside the Community College District wouldn't affect their wells, given what's happening now and given what happened just at the well out at Turquoise Trail Elementary.

COMMISSIONER GONZALES: I'm fine. I'm fine with—I was just suggesting, seeing if—

COMMISSIONER SULLIVAN: I think your point is well taken—

COMMISSIONER GONZALES: Flexibility as you determine your water plan that there may be other diversions. We don't know where they're going to be.

COMMISSIONER SULLIVAN: It might be San Ildefonso.

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COMMISSIONER GONZALES: Right. And this limits is from using it.
COMMISSIONER SULLIVAN: Not at all. Not at all. Because we would then change it but it give the same direction that they're going, which is to find water rights to place at Buckman, which is I think the only way we can go.

CHAIRMAN DURAN: Why can't we say that any other diversion project outside the Community College District?

COMMISSIONER CAMPOS: Say that again.

CHAIRMAN DURAN: Any other diversion point outside of the Community College District.

COMMISSIONER CAMPOS: What if it's right outside the boundary, part of the same aquifer? You're diverting from the well but from the same aquifer 100 yards away from the Community College District. I think that would perhaps defeat the intent of what we're doing here.

COMMISSIONER GONZALES: How about, Mr. Chairman, if we relied, if we stated that this was subject to whatever diversion points that the water plan would come forward with so that if in the water planning process you determined that there's some diversion points that you want then this condition would kick in and then they'd be subject to it.

COMMISSIONER SULLIVAN: You're talking—okay, I see. And you would say, you're talking about long-range Rio Grande diversion points.

COMMISSIONER GONZALES: I'm talking about long-range, the comprehensive water plan that you guys have done and are pursuing. Exactly. That's exactly. There may be future diversion points that the Commission may want is all I'm saying.

COMMISSIONER SULLIVAN: In order to get our water from the Rio Grande.

COMMISSIONER GONZALES: Right.

COMMISSIONER SULLIVAN: Yes. And certainly the only one we know about now that's feasible is Buckman.

CHAIRMAN DURAN: We just spent a million dollars on the Hagerman well. What if we use that thing? You're preventing us from using that.

COMMISSIONER SULLIVAN: Well, I think what we were trying to do here is get the sustainable source. My understanding of our long-range plan for the Hagerman is to in fact, not pump that well but to transfer those rights to somewhere else within the Santa Fe County system.

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: And I don't know if the thinking has gone any further than that

CHAIRMAN DURAN: But the problem is the diversion project is only going to accommodate so much draw.

COMMISSIONER SULLIVAN: So you would want to add in some language—

COMMISSIONER GONZALES: So I think what we're proposing is that in addition to Commissioner Campos' language that, or any other diversion points that would first

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be approved by the County Commission and proved to not have adverse impacts to any existing communities in the Community College District. So if, we don't know that the Commission may want the Hagerman. If the Commission wants the Hagerman, you're going to go up to a full-blown public process to determine that you want the Hagerman as a diversion point. If you do pick up the Hagerman as a diversion point, then that might be allowed. If you don't, then it would never be allowed.

COMMISSIONER TRUJILLO: Mr. Chairman, the only sustainable source of water is the Rio Grande. That's the only sustainable source of water. Everything else will deplete the water table. So what are we getting into with this discussion?

COMMISSIONER CAMPOS: We're nullifying the basic intent of it, I think.

COMMISSIONER GONZALES: That's not true, Commissioner Campos.

That's not my intention.

COMMISSIONER CAMPOS: It seems to me that it would nullify the idea of preserving the aquifer underneath these 17,000 acres. That's what I'm saying.

COMMISSIONER GONZALES: There was nothing in any part of my language that advocating using that aquifer. So it's not—

CHAIRMAN DURAN: Well, if we're trying to protect the aquifer in that area, pick a point on the map and say nothing below that. Isn't that what we're trying to do is protect the residents out there?

COMMISSIONER SULLIVAN: I think right now, yes, we are. That's an excellent point and right now, as Commissioner Trujillo says, the only sustainable source we have is some diversion point on the Rio Grande. And that's where we're wanting to focus these developers to focus their water rights and we're going to pull that water out and we're going to take it in our system through the 19 percent that we have on that diversion project.

CHAIRMAN DURAN: Well what about the Buckman wells? Don't they provide water to us right now?

COMMISSIONER SULLIVAN: Sure. And the Buckman wells is included in that. If they want to move water to the Buckman wells—

COMMISSIONER GONZALES: I apologize for going with that, Mr.

Chairman. Taking a lot of time.

COMMISSIONER SULLIVAN: I think it clarifies—

CHAIRMAN DURAN: We're famous for that.

COMMISSIONER SULLIVAN: But I think Buckman wells is included in that language.

CHAIRMAN DURAN: Where's the language? Which one is it? I'll let the maker of the motion read it out loud.

COMMISSIONER CAMPOS: The development shall be served strictly by the Santa Fe County water system using a sustainable, imported water source from the Buckman well system or a permanent San Juan/Chama water allocation. No onsite or other wells shall be permitted. Period. Okay. Any other discussion?

CHAIRMAN DURAN: Any other discussion?

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COMMISSIONER GONZALES: Is there clarification in terms of the, you understand the issue of the fiscal impact?

MR. HOEFT: Am I allowed to make a comment at this stage?

COMMISSIONER SULLIVAN: Mr. Chairman, I think we've finished with the comments from the—

CHAIRMAN DURAN: Yes. Point of order. We're in the middle of a motion.

The motion to approve the Sonterra project, CCDRC Case #MP 02-5050 with the amendments discussed above, passed by unanimous [5-0] voice vote.

COMMISSIONER TRUJILLO: Discussion. Let me, I say aye too, but for discussion. Let me understand the motion again, Commissioner Campos. Would you repeat that again, please? The one regarding water and no wells.

CHAIRMAN DURAN: For the record, that was unanimous.

COMMISSIONER TRUJILLO: The development shall be served strictly by the Santa Fe County water system using the sustainable imported water source from the Buckman well system, or a permanent San Juan/Chama water allocation. No onsite or other wells shall be permitted.

CHAIRMAN DURAN: Okay. Thank you very much.

MS. VAZQUEZ: Point of clarification. Could I have you reread those, because we didn't get to write them all down. In particular the one that came after Santa Fe County water system, no onsite or other wells. The condition that went on after that.

CHAIRMAN DURAN: We'll give you a copy.

MS. VAZQUEZ: Now?

CHAIRMAN DURAN: We already made a motion, Rosanna. We're done.

COMMISSIONER CAMPOS: Any sentiment in favor of adjournment at this point?

COMMISSIONER GONZALES: No.

XII. A. 8. CCD Case MP 02-5051 Sonterra Master Plan. Santa Fe Planning Group, Inc., (Scott Hoeff), Agent for Great Western Investors (Richard Montoya), Applicant is Requesting an Extension of a Previously Approved Master Plan for a Mixed-Use Development (Residential, Commercial, Community) in a Village Zone Consisting of 520 Residential Units and 29,117 square feet of Commercial Space on 245 Acres. The Property is Located off Vista del Monte East of Valle Lindo Subdivision Within the Community College District, Section 30, Township 16 North, Range 9 East (Commission District 5) [*Exhibit 5: Letter from Patricia Burks*]

JOE CATANACH (Technical Director): Madam Chair, I have a letter that came in today regarding this request.

CHAIR VIGIL: Are they requesting a tabling or anything of that nature?

MR. CATANACH: They have concerns that [inaudible]

CHAIR VIGIL: Oh, this is a private citizen? Okay.

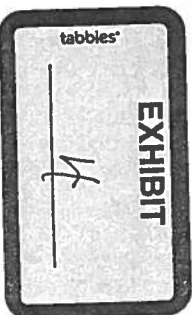
MR. CATANACH: Thank you, Madam Chair. I can proceed, if that's okay.

CHAIR VIGIL: Please.

MR. CATANACH: This is a request by Great Western Investors, Richard Montoya requesting an extension of a previously approved master plan for a mixed-use development, residential, commercial and community uses and a village zone consisting of 520 residential units, 29,117 square feet of commercial space on 245 acres. The property is located off Vista del Monte and East of Valle Lindo, within the Community College District.

On August 26, 2002 the BCC granted master plan approval for the referenced development and I have included the August 2002 BCC minutes as Exhibit C. And on February 28, 2006 the BCC granted approval of a water service agreement for use of the Santa Fe County water system, and I refer you to Exhibit E for that water service agreement. The master plan proposal and relevant conditions shall remain as outlined in the staff report presented to the BCC on August 26, 2002, and I included the staff report to the BCC that outlined the proposal and the conditions of that development.

The County Land Development Code specifies that master plan approval shall be considered valid for a period of five years from the date of approval by the BCC. Master plan approval may be renewed and extended for addition two-year periods by the BCC at the request of the developer. Progress in the planning or development of the project approved in the master



plan shall constitute an automatic renewal of the master plan approval. Progress is defined as the approval of preliminary or final plats or development plans for any phase of the project.

The applicant is requesting a two-year extension of the master plan approval until August 26, 2009. The following criteria shall be used for consideration of master plan. This is standard criteria from the Community College District Ordinance, in conformance with the Community College District plan; the viability of the proposed phase of the project to function as completed development in the event that subsequent phases of the project are not approved or completed; conformance with the Community College District Ordinance and other applicable law and ordinance in effect at the time of consideration, including required improvements, proposed roads and trails, community facilities, design and/or construction standards and open space standards; impact to schools, adjacent properties or the county in general.

Recommendation: Staff considers the master plan to be an integral part of the Community

College District

objectives relative to road connections and a district trail connection between the State land, Rancho Viejo and Turquoise Trail, and the master plan also includes a designated elementary school site and a five-acre community park. Staff recommends approval for a two-year extension until August 26, 2009 subject to the following conditions:

1. Compliance with the conditions previously imposed for the master plan.
2. Submit affordable housing plan in conformance with current requirements.
3. Compliance with review comments from the following:
 - a. County Open Space, Parks and Trails Division
 - b. Santa Fe Public School District

Thank you, Madam Chair.

CHAIR VIGIL: Any questions for Mr. Catanach? Seeing none, is the applicant here?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis. We're in agreement with conditions of approval and I stand for questions.

CHAIR VIGIL: Okay. Any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Hoeft, what progress has been made in the last five years? I understand that you're saying that we couldn't do anything until we got our water service agreement, which you got about 13 months ago. What progress have you made since? During the five years and during the last 13 months?

MR. HOEFT: Well, if you look at the five years in total, Commissioner Sullivan, I would say that if you look at the years 2002 to 2005, we pretty much couldn't do much, because we didn't have water for the project, so out of the five years, three of the years we couldn't do anything. Well, yes, you could say theoretically, we could submit for preliminary development plan, but why would you do that on a project when you don't have a water source. So until we received a water service agreement, just last year, the project at that stage became viable. And then we got that water service agreement signed in September. So now the applicant is ready to begin to charge on this project, put forth a preliminary development plan, but they're looking ahead and seeing a deadline of expiration about four months out. So in that time, the five year total, three years, they

couldn't do anything. They proceeded with getting a water service agreement. The minute that we were able to come to this Board and get a water service agreement, and have proceeded with filing the application with the OSE, noticing it with the OSE, as well as paying \$41,000 worth of standby fees. So they are actively working on this project, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Well, how long has it been since you had the water service agreement?

MR. HOEFT: We received it in February 2006 and we got it signed by the County in September 2006.

COMMISSIONER SULLIVAN: So you knew that you had it in February. So have you transferred any water rights to Santa Fe County during that 13 months?

MR. HOEFT: It's in process, Commissioner, yes. The applications have been filed with the OSE.

COMMISSIONER SULLIVAN: Okay. Nothing's been transferred to the County.

MR. HOEFT: It's in process. Of the 35 acre-feet, Commissioner, eight acre-feet have already been transferred and are considered valid and we're working on the 27 acre-feet of Zafarano water rights.

COMMISSIONER SULLIVAN: So eight acre-feet has been transferred over to the County.

MR. HOEFT: Correct.

COMMISSIONER SULLIVAN: And that's all you've done in that period of time is transfer water rights.

MR. HOEFT: I would also have you consider, Commissioner Sullivan, at this time, 2005/2006, the Montoya family, headed by Richard Montoya, Sr. did pass away and he was pretty much the lead charge of all the development projects for the Montoya family. And I would say it took a good part of 2006 for the family to get organized again to figure out how they wanted to proceed with the project. Unfortunately, now it's not a ship run by one person; it's an organization run by six individuals trying to make decisions. And now they have their arms around their projects and they're proceeding.

COMMISSIONER SULLIVAN: And I assume you understand and are in agreement that this project will be subject to 30 percent affordable housing requirements.

MR. HOEFT: Yes, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Okay. That's not in the conditions but it's an ordinance.

MR. HOEFT: It says that it complies with the latest Affordable Housing Ordinance.

COMMISSIONER SULLIVAN: Just want to be sure that you understand that. I didn't see it mentioned specifically in the condition. Number two? Someone said number two. Be in conformance with current requirements. The only other comment I would make, Madam Chair, before your public hearing is I think two years is too long an extension for this project. I think – for two reasons. One, I don't think it's appropriate just to hold land for speculation, and secondly, as much time as I've spent with projects going on in District 5, which is taking the brunt of development in Santa Fe County, I would like to have an opportunity to review this project, and in two years I won't. So I would like consideration, if there is to be an extension to be no more than a

year, because I would like to participate. This is a big project. You'll see some comments that Ms. Burks made here about problems and issues, impact fees, roadways, a number of other issues that are brought up here and a lot of those are valid issues and I'd like to participate in the review of this project when it comes forward. Thank you.

CHAIR VIGIL: You can always participate as a citizen.

COMMISSIONER SULLIVAN: No, thank you very much.

COMMISSIONER MONTOYA: Public hearings.

COMMISSIONER SULLIVAN: I might not vote for you either.

CHAIR VIGIL: I had something I wanted to propose we have a lot on our plate.

One of the things that I have actually been thinking about is we're going to be asked to consider a public improvement district for the Longford Homes development out there I believe it is.

MR. HOEFT: That is correct.

CHAIR VIGIL: And it seems to me that if we look at public improvement districts, one of the things I want to avoid, particularly in the Community College District, a lot of these developments coming forth and requesting a public improvement district for their development, what I think would be far more effective and I hope all of the developers in the Community College District are able to get together on this, is look at a public improvement district for the Community College District, for a wider, broader range for development out there because we are receiving so many requests for that, it doesn't make sense to me that we piecemeal a public improvement district. So is that something that Longford and you, Oshara, Villa Serena, San Cristobal, Frontera, any of these, have talked about?

MR. HOEFT: I don't know, Commissioner, but I can head back and look at my packet really quick. I'm pretty sure that there's language already in the conditions of approval that may address this, and if I can just have a second. But to answer your question in short, we'd be more than willing to participate and work with these associations. But let me just get the language.

CHAIR VIGIL: That's okay. It isn't a part of what we need to discuss tonight. I wanted to throw that out just because I'm foreseeing and I have this vision that unless we coordinate with this we're going to get stuck with – well, for example now Rancho Viejo has an assessment district that isn't complementary to the remainder of the developments around there, but if we're able to do something for that entire area that works for the Community College District, I'm thinking we're on the right track. That's all I wanted to add. Is there any other comments?

Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, and if developers would like to get together and do that, I think one of the things we learned in reviewing the Longford district – the point I was bringing up is one of the things we've learned in the Longford district and one of the things that I think is worthwhile to be considered, and we did talk about it in our work session is that what we're finding out in improvement districts is that they don't include maintenance costs. Period. They include capital costs for infrastructure. They include reserve costs for when the road fails and potholes need to be patched, but they don't include maintenance costs.

Now, one of the biggest problems we find in these subdivisions is the disparity in homeowners associations' ability to properly maintain the subdivisions. Those with more economic means do it better and those with less do it less better. So as we look at a public improvement

district, and I think you're right. We have a standard phrase that we've stuck in all those Community College District projects that says that you will agree to be a part of a future district. But nothing's ever been done about that, as Commissioner Vigil says. We've put the language in there and nobody's done anything with it.

So I would add that when we think about that, think about the problem and the problem is the proper maintenance of these subdivisions that can't be maintained by the County in total – roads, water lines and so forth. So I would throw that out there that the real issue is not developer subsidies. The real issue is how do we maintain these districts and the subdivisions themselves, and then separate from that, how do we maintain major thoroughfares that are beyond the subdivision's responsibility to construct? Road that may be arterials and those things, and likewise with sewer or water lines that may serve other subdivisions.

So that kind of coordination I think is what the chairman is getting at, is that what we're lacking, we're just approving subdivision by subdivision, each is an island in and of itself, and in the end we have all these multi-jurisdictions. So if we can move toward that as we develop the Community College District, I think we'll be going in the right direction.

MR. HOEFT: I concur.

CHAIR VIGIL: Any further discussion? Seeing none, what are the wishes of the Commission?

COMMISSIONER MONTROYA: Public hearing.

CHAIR VIGIL: Thank you. I have a newly appointed sergeant at arms, and he's more awake than my last one. This is a public hearing. Would anyone like to address the Commission with regard to this? Seeing none, I'll close the public hearing. What are the wishes of the Commission?

COMMISSIONER MONTROYA: Madam Chair, move for approval with staff recommendations and conditions.

CHAIR VIGIL: Motion to approve. Is there a second?

COMMISSIONER ANAYA: I second.

CHAIR VIGIL: Motion to approve and seconded. Any further discussion?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'm going to request that we do this for one year.

They can always come back for another year, but I'd like to see what happens with this project in one year. 540 units is a big impact on the Community College District.

CHAIR VIGIL: Is the maker of the motion willing to amend this to review it in another year?

COMMISSIONER MONTROYA: In another year?

CHAIR VIGIL: Rather than two.

COMMISSIONER MONTROYA: Staff's recommendation is two, right?

CHAIR VIGIL: Right.

COMMISSIONER MONTROYA: I want to stick with their recommendation.

CHAIR VIGIL: What are you saying, Scott?

MR. HOEFT: I was unsure if I'm still allowed to speak, Madam Chair. I was just

pointing at the ordinance and it says that they may be renewed and extended for an additional two-year period by the Board. Does the Board have the discretion? I would prefer the initial two years as requested.

CHAIR VIGIL: I think that's what the motion is.

COMMISSIONER SULLIVAN: Let me ask Mr. Ross. The ordinance language just says that the Board may extend for two years. Does that preclude the Board from extending for one year? I remember us doing it on a project in Edgewood. I was just curious whether we were allowed to do that or not.

MR. ROSS: Madam Chair, Commissioner Sullivan, it does seem to imply that it's a two-year period. It refers to two-year periods. So I guess if the applicant agrees, you might be able to extend for one year, but it says additional two-year periods.

CHAIR VIGIL: Okay. Does that answer your question, Commissioner Sullivan?

COMMISSIONER SULLIVAN: Yes.

CHAIR VIGIL: There's a motion on the floor and it's been seconded that we approve an extension for two years. Any further discussion?

The motion to grant a two-year extension in CCD Case #MP 02-5051 passed by 3-1 voice vote with Commissioner Sullivan voting against. [Commissioner Campos was not present for this action.]

~~XII. A. 9. EZ Case #S 05-4841 Suerte del Sur Subdivision Phase 1-5. Santa Fe Planning Group, Inc., (Scott Hoeft), Agent for Suerte del Sur, LLC (Gerald Peters), Applicant is Requesting an Amendment of the Previously Approved Master Plan and Preliminary Plat / Development Plan for a Residential Subdivision Consisting of 304 Lots on 660 Acres. The Property is Located Along Los Sueños Trail South of Las Campanas and North of Pinion Hills Subdivision within the Five Mile Extraterritorial District, Section 24, Township 17 North, Range 8 East (Commission District 2) [Exhibit 6: Original Master Plan Layout; Exhibit 7: Affordable Housing Memo; Exhibit 8: Applicant's Revised Layout; Exhibit 9: Kevin Holman Letter; Exhibit 10: Cost Sharing Agreement]~~

~~CHAIR VIGIL: As there are quite a few people here particularly for this, can I just have a show of hands of those of you who would like to address the Commission so that I can allocate time appropriately. There's six of you. Very well. Mr. Catanach, would you please proceed.~~

~~MR. CATANACH: Madam Chair, initial approvals previously granted are as follows: October 21, 2004, the CDRC recommended master plan for 264 lots. On July 12, 2005, the BCC granted master plan. On February 9, 2006, the EZC recommended preliminary plat/development plan, and on April 11, 2006, the BCC granted preliminary plat/development plan~~

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CHAIRMAN ANAYA: I support having the second driveway.

COMMISSIONER STEFANICS: Mr. Chair, we're voting on Commissioner Holian's motion to uphold the staff's denial of the second driveway.

CHAIRMAN ANAYA: Right.

The motion passed by majority [3-1] voice vote with Chairman Anaya casting the nay vote.

[The Commission recessed for five minutes.]

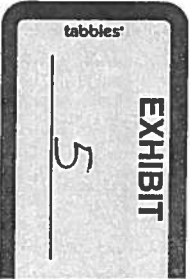
- XIV. B. 4. CCD CASE # MIS 02-5052 Sonterra Master Plan Extension.
Great Western Investors (Richard Montoya), Applicant, Scott Hoeft, Agent Request an Extension of a Previously Approved Master Plan for a Mixed-Use Development (Residential, Commercial, Community) in a Village Zone Consisting of 520 Residential Units and 29,117 Square Feet of Commercial Space On 245 Acres. The Property is Located Off Vista del Monte East of Valle Lindo Subdivision Within the Community College District, Within Section 30, Township 16 North, Range 9 East (Commission District 5) Vicki Lucero, Case Manager.

VICKI LUCERO (Residential Development Specialist): On August 26, 2002, the BCC granted master plan approval for the referenced development. Refer to August 2002 BCC minutes in Exhibit C. On February 28, 2006 the BCC granted approval of a water service agreement for the use of Santa Fe County water system.

On April 10, 2007 the BCC granted a two-year time extension of the Sonterra Master Plan which expired on August 26, 2009. The applicant's agent submitted a request on August 6, 2009 for a second two-year time extension of the master plan, stating that due to current market conditions and limited demand for residential lots and homes at this time the owners of the property have had little opportunity to commence with the development of the project. If market conditions improve in the short term it is feasible that additional work on the project could commence in 2010 or 2011.

The County Land Development Code specifies that master plan approvals shall be considered valid for a period of five years from the date of approval by the BCC. Master plan approvals may be renewed and extended for additional two-year period by the BCC at the request of the developer. Progress in the planning or development of the project approved in the master plan shall constitute an automatic renewal of the master plan approval. Progress is defined as the approval of preliminary or final plats or development plans for any phase of the project.

Recommendation: Staff considers a master plan to be an integral part of the Community College District objective relevant to road connections and a district trail



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connection between the State Land Office, Rancho Viejo, and Turquoise Trail, and the master plan also includes a designated elementary school site and a five-acre community park. Staff recommends approval for a two-year extension until August 26, 2011, subject to the following conditions. Mr. Chair, may I enter those into the record?

[The conditions are as follows:]

1. Compliance with the conditions of the approved master plan.
2. Submit affordable housing plan in conformance with current requirements.
3. Compliance with review comments from the following:
 - a. County Opens Space, Parks & Trails Division
 - b. Santa Fe Public School District

CHAIRMAN ANAYA: Okay, any questions of Vicki? Commissioner Holian.
COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have a couple of

questions. One is that how will the new Sustainable Land Development Code impact this plan?

JACK KOLKMEYER (Land Use Administrator): Mr. Chair, Commissioner Holian, the Community College District will still be designated as a primary growth area, so most of the principles that are now contained in the Community College District Plan and the principles in that ordinance will more than likely carry forward into the Sustainable Land Development Code. When you go back and you look at the principles there they're probably the most sustainable principles that we have in the county so far. And I think because we're viewing that as a primary growth area those principles will be adhered to.'

COMMISSIONER HOLIAN: Thank you, Jack. And I also have a question. I noticed in the minutes of some of the previous meetings on this project that an economic fiscal impact report was required and I don't know if one was every actually done, but I would assume that the conditions that existed when that economic fiscal impact report was written don't exist anymore. So the question is -- well, maybe this is a question for staff. Are we in essence going to be writing a new economic fiscal impact report for the new Land Development Code that will sort of look at the cost/benefit of this subdivision?

MR. KOLKMEYER: Mr. Chair, Commissioner Holian, yes. In fact a lot of things have changed since again, the Community College District was created. IAIA has developed their campus with the media park still in proximity to there. So there are issues like road connections still that we need to look at, and also with the Community College District. Sonterra sits sort of between where the media park would go and the Community College District, so it becomes a really key piece in our economic proposals as part of the Sustainable Growth Plan. I'm not sure again how that would relate to the Code, necessarily, but the growth plan will take into account a real serious look at the growth areas and the economic development strategies for those areas.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN ANAYA: Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. And I'm not sure exactly how the

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original language was on this but they are dedicating some land for an elementary school and I'm wondering if it's that narrow, if that language could be broadened to include a public school because in that area now Rancho Viejo and Turquoise Trail are established elementary schools and it could very likely be that a mid-school or a high school might be needed in the area. So unless that doesn't need to be broadened or specified, whichever way you want to look at it and I guess maybe I'll defer to our Legal. The way this reads it's saying that some land will be dedicated to an elementary school. Would we have to be that specific?

MR. ROSS: Mr. Chair, Commissioner Vigil, certainly you could say just a school and broaden it in that manner so it's not quite as specific.

COMMISSIONER VIGIL: Would the applicant have a problem with that?

CHAIRMAN ANAYA: Are you done, Vicki? Okay, any more questions of Vicki? Hold on one second, Scott.

COMMISSIONER STEFANICS: No, my question is more for the applicant.

CHAIRMAN ANAYA: Okay.

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, 87504. Addressing Commissioner Vigil's question and dovetailing on the Steve point, I don't have a problem with it but something tells me that the CCD District plan shows those circles on the map, and I think we were just simply following the intent of the plan. Jack, if you can correct me, are those dots that are shown that we simply follow, aren't they color-coded to where one is shown as elementary, middle school and high school? So we would certainly adopt it Commissioner, but I'm uncertain if we would have to make a change to the plan.

MR. KOLKMEYER: Mr. Chair, Commissioner, how's that colored on the CCD map? I don't know that off the top of my head. But it would probably still be solved by just designating it as a school site, which I believe we could probably – it is a school site. We had elementary and high school shown on there, but again, when we did that ten years ago it was difficult to say where any of those would have gone even though we did those, put those circles on the map with the school district planners at that time. But it's still difficult to say what might go where, so I wouldn't have a problem with just designating it as a school site.

CHAIRMAN ANAYA: Okay. Do you have a problem with that Scott?

MR. HOEFT: I certainly don't, Commissioner.

CHAIRMAN ANAYA: Okay. Do you have a presentation or do you want us to just ask questions?

MR. HOEFT: I'll stand for questions, Commissioner.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to know if we move to reapprove if you are willing as a condition to abide by the new Growth Management Ordinance in case there are any variances.

MR. HOEFT: At a glance, Commissioner, I think I would not have a problem with it. I'd like to ask Shelley a question. I would think that I would be subject to them

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anyway, if I'm not mistaken, because I only have master plan approval on this. Is that correct?

MS. COBAU: Mr. Chair, members of the Commission, I think that that – I don't know if the vestment of projects has been determined yet. Maybe Steve can address that more than I can. I don't know what the vestment decisions will be with the Sustainable Land Development Code.

MR. ROSS: Mr. Chair, members of the Commission, those decisions have not been made and they're a long way from being made. Those are some of the last decisions that would be made when we enact the ordinance, deciding what it applied to, to properties that haven't fully vested. But if it's anything like what we just did with the EZ, with the new – what are we calling it? The SPPaZO ordinance in the extraterritorial zoning area a substantial number of properties were exempted from that enactment. So it's really hard to project.

MR. HOEFT: Commissioner, going back to your question, given I don't know, I've only seen chapters one through four, I would be a little concerned to agree to that condition at this stage, and I would go – I can't imagine that there would be anything there that would be really a problem, but I can't tell at this stage. I mean, again, I've only seen chapters one through four of this ordinance. I would go to Jack's point that he mentioned earlier that the CCD district, however, was an extremely intensive ordinance that we had to meet. I mean, right off the bat, 50 percent open space, high density, urban design, neo-traditional planning concepts. And so four different types of housing styles that we had to put into the plan.

So I would say that just at a glance that there's a sense of comfort that we are governed by the CCD district in this project.

COMMISSIONER STEFANICS: Well, I understand that the Community College District is high growth, but I think that a number of people in our county are now invested in whatever happens in the future conforming to the new ordinance. I haven't seen or heard anything that would be different that you're planning to do from the ordinance. And if we moved ahead today, not knowing that you would respect and abide by that new ordinance, I think there would be a lot of people who would be wanting to know why there was preferential treatment. And just because there was a master plan that approved prior and activity didn't happen, I don't think should change what people in our county are expecting in the future. Now, while I'm saying all of this, I don't think it's really going to affect you adversely. So I'm looking back to Jack and to Steve about this for their comments.

Mr. Chair, Steve and Jack, do we see anything in our growth management plan and our new ordinance that would change what the Community College is, has already put on paper?

MR. KOLKMEYER: Mr. Chair, Commissioner, no. And again I'll try to say it again. The new Sustainable Development Plan right now is recognizing that the Community College District is still our principal growth area. So in part that plan is taking that attitude because the principles for the development of the Community College District were very solid, and the projects that we have gotten are also some of the better projects that we've

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gotten in the county. So while we haven't translated yet from the Sustainable Development Plan to the Code for all the particulars, we think that the precedents and the foundation for good planning will be in the Sustainable Development Plan and it will parallel the good principals of planning that are in the Community College District. So again, I'm not trying to beat around the bush, but --

COMMISSIONER STEFANICS: Let me be a little more specific. Mr. Chair and Jack, do you see any changes to infrastructure expectations or water use or water expectations?

MR. KOLKMEYER: Mr. Chair, Commissioner, again, the answer is no because that was again one of the primary principles of the Community College District. That's where we would send our infrastructure and that's what we have done since that ordinance was created for ten years. So I would say the answer would be that still is the primary principle of the Community College District Plan and Ordinance.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I'm just seeing an overriding issue and that is putting a condition of approval on an applicant when we actually don't know what is and what is not vested. And if we required you to comply and you were or were not vested what are the legal consequences of that. So I think my concern would be until we know what is actually vested, and I'm hearing our Legal Department that we don't yet; that has not been determined, that I'm not sure we can -- if you aren't vested, no problema. If you are vested, there's a problem I think.

MR. HOEFT: Correct. I'm looking at vestature as we've always talked about it in the past. As Steve says, you have to have a recorded plat with dirt moving on the site and a recorded bond. We're obviously not from there but Steve mentioned earlier that some of these subdivisions may be grandfathered in to the ordinance. So at this stage you're correct, Commissioner. We just don't know at this stage. I may be subject to it anyways, depending on how that section is written. So this may be moot.

COMMISSIONER VIGIL: So I don't know. I'm open.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Well, my thought is though, when he were to come in for preliminary plat approval or final development plat approval that he would have to comply with the new Sustainable Land Development Code, but maybe you're right. Maybe they will write something into the Code that says that master plans are grandfathered in.

COMMISSIONER VIGIL: I hope not. I wouldn't advocate for it because I think master plan is still conceptual and unless we create a master plan that is close to a preliminary and a final it's still only conceptual so I don't think it would. So I actually think going to your point, these conditions of approval would probably be more likely to occur at preliminary or final. And being that that's where we're at I think that is the point in time where we could include that. So I agree with you, Commissioner Holian.

MR. HOEFT: It sounds as if you just helped Steve write that section.

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COMMISSIONER HOLIAN: I'd like to hear from our attorney now.

MR. ROSS: Mr. Chair, Commissioner Holian, those rules are up to you to set. The SPaZO example is the most recent example we have and we did not grandfather master plans in but we provided a process going forward where they could gain approval in either the city or the county, depending on where they're located, of what they had at the time. In other words, they didn't have to repeat master plan; they could go on to preliminary plat. But certainly you have the discretion, you being the Board of County Commissioners, to say all bets are off. No master plans will be respected and everything needs to start over. So there's a whole range of possibilities that could be selected and you'll be making that selection when we get in the final stages of this whole project. But that being said, Mr. Kolkmeier's right. We don't expect really any changes in this area, in the Community College District, substantial changes. It's the other areas that we're looking at that may see some more substantial changes.

COMMISSIONER HOLIAN: Thank you. Well, I guess I would just say to the other members of the Commission here that I would feel more comfortable with a fourth condition that require conformance of preliminary and final development plan with the new Sustainable Land Development Code. I don't know how you feel.

CHAIRMAN ANAYA: Do you have any comments, Scott?

MR. HOEFT: I'm a bit reluctant to agree to that condition. However, as I've stated, the ordinance isn't written yet. And so it would just be nice to be able to take a look at that ordinance just to see. At the same token, Mr. Kolkmeier's point is that this area isn't the target of that ordinance and so in all likelihood there is probably not going to be there – there's not going to be much in that ordinance that's going to target this site. It's a tough call, Commissioner, but I would concur with that condition.

CHAIRMAN ANAYA: Okay. Any other comments?

MR. HOEFT: That's all I have.

CHAIRMAN ANAYA: Any other questions? This is a public hearing. Is there anybody in the audience that would like to speak for or against this case? None? Okay. What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the extension with County – with staff conditions plus the fourth condition that I proposed which is conformance of preliminary and final development plan approval with the new Sustainable Land Development Code and the new Sustainable Growth Management Plan.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: There's a motion by Commissioner Holian, second by Commissioner Stefanics. Any further discussion?

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

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from not waiting until this area gets annexed to go before the City for a C-2 zoning.

MR. SIEBERT: Well, I think the issue would still remain though, wouldn't it? Whether the issue is rural residential zoning and even if it is annexed.

CHAIR VIGIL: But you wouldn't need to come to us. Then the City would be deciding on their own ordinance.

MR. SIEBERT: I don't believe so.

CHAIR VIGIL: What do you think, Steve?

MR. ROSS: Madam Chair, I think the problem still exists because the agreement is for 20 years, so the City would still be concerned whether their rezoning would violate the provisions of the settlement agreement that discuss the rural character of the area. So I don't think the problem goes away with annexation.

CHAIR VIGIL: Okay, thank you. Thank you, Mr. Ross. We have a motion to deny the request for approving, agreeing that the rural residential protection ordinance would not violate the agreement and it's been seconded.

The motion passed by majority [3-2] voice vote with Commissioners Stefanics, Holian and Vigil voting in favor and Commissioners Anaya and Mayfield voting against.

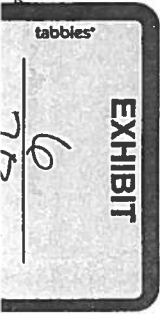
- XV. A. 8. BCC CASE # MIS 02-5053 Sonterra Master Plan Extension. Great Western Investors (Richard Montoya), applicant, Scott Hoelt, agent, request an extension of a previously approved master plan for a mixed-use development (residential, commercial, community) in a village zone consisting of 520 residential units and 29,117 square feet of commercial space on 245 acres. The property is located off Vista del Monte east of Valle Lindo Subdivision within the Community College District, within Section 30, Township 16 North, Range 9 East (Commission District 5)

VICKI LUCERO (Residential Development Case Manager): Thank you, Madam Chair. On August 26, 2002, the BCC granted master plan approval for the referenced development. On February 28, 2006, the BCC granted approval of a water service agreement for use of the Santa Fe county water system. On April 10, 2007, the BCC granted a two-year time extension of the Sonterra master plan which expired on August 26, 2009

On September 8, 2009, the BCC granted another two-year time extension of the Sonterra master plan which will expire on August 26, 2011.

The applicant's agent has submitted a request for a third two-year time extension of the master plan, stating that due to current market conditions and limited demand for residential lots, the owners of the property are requesting additional time in order for the residential market to rebound. At that stage they will proceed with preliminary plat and/or development plan.

The County Land Development Code specifies that master plan approvals shall be considered valid for a period of five years from the date of approval by the BCC. Master plan approvals may be renewed and extended for additional two-year periods by the BCC at the



request of the developer. Progress in the planning or development of the project approved in the master plan shall constitute an automatic renewal of the master plan approval, progress is defined as the approval of preliminary or final plats or development plans for any phase of the project.

Recommendation: Staff considers the master plan to be an integral part of the Community College District objectives relevant to road connections and a district trail connection between the State Land Office, Rancho Viejo and Turquoise Trail, and the master plan also includes a designated elementary school site and a five-acre community park. Staff recommends approval of a two-year extension until August 26, 2013 subject to the following conditions. Madam Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. Compliance with the conditions of the approved master plan.
2. Submit affordable housing plan in conformance with current requirements.
3. Compliance with review comments from the following:
 - a) County Open Space, Parks & Trails Division.
4. Preliminary and Final Development plan must conform with the new Sustainable Land Development Code and the new Sustainable Growth Management Plan.

CHAIR VIGIL: Are there any questions of staff? Seeing none, is the applicant here? Mr. Hoeft, are you here on behalf of the applicant?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis.

CHAIR VIGIL: Is there anything you'd like to add?

MR. HOEFT: I concur with staff recommendations and I will stand for questions.

CHAIR VIGIL: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Mr. Hoeft, do you really think that your client is going to be able to move forward in the next two years with this? There have been quite a few extensions.

MR. HOEFT: They're trying. The thing is the nature of the family has changed with time. Dick, Sr. passed away several years ago and he was the driving force of the development side of the equation and now the parcel is owned by several family members -- Charlotte Montoya, Dickie, Jr., John, and they're also getting up in age. They're actively seeking a development partner to develop the land, so it's feasible, Commissioner Holian.

COMMISSIONER HOLIAN: And Mr. Hoeft, is the water situation worked out with this particular development?

MR. HOEFT: Yes. A portion of it is. They've transferred 35 acre-feet to the Santa Fe County and they have a water service agreement with the County for Phase I of the development.

COMMISSIONER HOLIAN: And where would the wastewater go?

MR. HOEFT: We were looking at two options at the time. One was Rancho Viejo, the second was the Valle Lindo plant, which I'm uncertain of the status at this stage.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Hoeft.

CHAIR VIGIL: Further questions? Seeing none, this is a public hearing. Is

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there anyone in the audience that would like to address the Commission on this item? Please step forward, state your name and address and be sworn in for the record.

ADRIENE SIMPSON: My name is Adriene Simpson. I live at 15 Las Caballeros in Vista Ocaso. I was actually here for the La Pradera meeting, but given this is another subdivision in the same area of our neighborhood, I'd just like to voice my concerns that I would like some assurance that the new code that's being developed will apply to this subdivision also, even if the master plan is extended. And issues of density are a major concern.

CHAIR VIGIL: I think one of the ruling regulations in this area is the Community College District Ordinance and I'm not sure that our code will supercede that but it's one of the highest protected areas in the county in terms of what's required for development. Steve, how will the Sustainable Land Development Plan affect approved master plans that are in the Community College District.

MR. ROSS: Madam Chair, it's like I said before. We don't know. If you take as a guide what happened with the Extraterritorial Zone, we did not exempt master plans. The new rules in the ELUA/SPPAZO Ordinance applied to master plan developments. They did not apply to preliminary plats and final plats. That's where the ELUA drew the line and this body might do something similar, it might do something different, but it's totally on our radar screen, this issue.

CHAIR VIGIL: Okay. Is this SDL-1? SDL-2? SDL-3? Do we know?

MR. ROSS: This is SDL-1.

CHAIR VIGIL: Okay. So it's an urbanized area. The Community College Ordinance would be applicable.

MR. ROSS: Yes.

CHAIR VIGIL: I guess the best way to answer you at this point in time is what I said earlier. You are under the protection of an ordinance. It's called the Community College Ordinance. What the outcome will be once the new Sustainable Land Development Plan is identified is yet unknown at this point in time but we are starting a public hearing process with regard to that and we're asking the public who have any particular concerns to come forth so that we can address how we draft the code with regard to that. So there's plenty of opportunity for your concerns to be addressed with that.

MS. SIMPSON: Thank you, Madam Chair. Based on that, I and some of my neighbors would be opposed to extending this master plan in hopes that we could develop something with a lesser density and based on the history of Oshara now and the questionable success of the village commercial elements of the Community College District Plan there may be a better idea out there.

CHAIR VIGIL: Okay. Thank you for your statements. Anyone else? Any one else from the public? It will be closed. Did you want to address anything, Mr. Hoeft?

MR. HOEFT: Just quickly, I'd like to comment on the design of the project. I feel that the Community College District Plan is an intelligent design and what the County is seeking to proceed with in time, the project is 244 acres. Half of the project is open space, so you've got 122 of that developable. You've got four different kinds of housing, the types within the project. You do have a small commercial area and you've got about 122 acres of open space on that site. Thank you.

CHAIR VIGIL: Thank you.
COMMISSIONER STEFANICS: Madam Chair.
CHAIR VIGIL: Commissioner Stefanics.
COMMISSIONER STEFANICS: I am moving for the extension for the previously approved master plan, and I'd like to just comment that since it is only an extension, and it is in the Community College District, which is identified for projects of this nature.
COMMISSIONER HOLIAN: Second. And I would like to make the comment that this is one of the projects that I think is a model for the kind of development that we do want to do in the future in Santa Fe County and so even thought it's been extended a number of times I think that this is a good kind of development.
COMMISSIONER STEFANICS: With the conditions.
COMMISSIONER HOLIAN: Yes. With conditions. I agree.
CHAIR VIGIL: Okay. There's a motion with conditions and it's been seconded. Any further discussion? Commissioner Anaya and Commissioner Mayfield?

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

XV. A. 9. BCC CASE # MIS 02-4325 La Pradera Master Plat Authorization.
Gardner Associates LLC and La Pradera Associates LLC (Alexis Girard), Applicants, request authorization to proceed with a Master Plat for the creation of 22 residential (live/work) lots on approximately 2.27 acres within the existing La Pradera Subdivision (Phase I), which is located within the Community College District. The property is located west of Richards Avenue between I-25 and the Arroyo Hondo, within Sections 17 & 18, Township 16 North, Range 9 East (Commission District 5) [*Exhibit 2: Opposition Letters*]

VICKI LUCERO (Residential Development Case Manager): Thank you, Madam Chair. On January 28, 2003, the EZA granted Master Plan Approval for a mixed-use development, La Pradera, consisting of 80 residential units and 16,335 square feet of commercial space on 69.2 acres. On March 9, 2004, the BCC granted Final Plat and Development Plan approval for the mixed-use subdivision. On June 30, 2005, the EZA granted approval of a Master Plan amendment to the previously approved La Pradera, Phase I, mixed-use subdivision to allow an expansion of an additional 158 residential lots, Phases 2-6, on 94 ± acres.

On January 31, 2006 the BCC granted Preliminary Plat and Development Plan approval for Phases II through VI and final approval for Phases II and III consisting of 97 lots. On July 10, 2007, the BCC granted final plat and development plan approval for phases 4 thru 6 of the La Pradera which consisted of 60 lots on 28.4 acres.

The Applicants have submitted an application for a Master Plan Amendment for the La Pradera Subdivision in order to create an additional 37 residential lots. Twenty-seven of the proposed lots will be created by adjusting lot lines of existing lots to reduce the size of some of the oversized lots in Phases II-VI. The Applicant states that these smaller lot sizes



