

I am Commissioner Stefanics' liaison. She has asked me to explain why it is important that she may not communicate with you concerning this pending land use application.

EX PARTE

Land Use applications come before the Board of County Commissioners and are a quasi-judicial proceeding. The Board acts like a judge in a court of law. Decisions must be based solely on the law and the facts presented to the Board in a fair and impartial way.

Communicating with the Commissioners about the case at this point or trying to influence their decision would be an impermissible *ex parte* communication. They cannot go on record as supporting or opposing the application in advance of the vote by the full BCC. If she did take a position in advance of the hearing, she would have to recuse herself from further participation in the case.

However, you can present your views to the Growth Management Administrator. This is proper, expected, and very effective. The Administrator and her staff will take your view into consideration when developing the case for consideration. Your position is summarized in staff documents and all the information you forward to the Administrator is included in the record of proceedings. You can also appear at the hearing and present testimony concerning the application.

You can contact Penny Ellis-Green, Growth Management Administrator, (505) 986-6221, pengreen@santafecountynm.gov.

Please feel free to contact me if you have any other questions.

Sincerely,

Julia

Julia Valdez

Constituent Services Liaison District 5
Santa Fe County Manager's Office
505.986.6202

www.santafecountynm.gov



Conserve resources

From: Chad Gasper [<mailto:CGasper@SantaFeCF.org>]
Sent: Tuesday, March 11, 2014 9:05 AM
To: Liz Stefanics
Subject: Opposition to Master Plan in Rancho Viejo/Univest

Good Morning Ms. Stefanics,

I purchased my home 8 years ago under strict guidelines on maintenance of my property, and because of these strict guidelines I have been able to enjoy the peace and quiet and the beauty of the night sky out in Rancho Viejo. Additional homes to Rancho Viejo, specifically apartment complex's geared toward college students is not ideal, especially under the guise we were sold our homes – I was once a college student and lived off campus and know the potential of what/may/will happen, specifically with parties, additional traffic, noise, littering, police complaints. If the Santa Fe Community College is in favor of these apartments then they should build on the campus itself where they can regulate the apartments, like the homeowners associations regulates us with association fees and guidelines.

--We bought our homes with developer promises that we would be part of a community governed by covenants and homeowners associations. A high density apartment complex in our midst has no such obligations. Land owners in Univest own other land that would be much more appropriate for such a development... near the Fire Station.

--The proposed location for the Elevation apartment complex will generate much more traffic on already congested Richards Road. Until the Southeast Connector is completed, the traffic for these apartments will be forced on to Richards.

--This development negatively impacts us with noise, dust, and car headlights plus parking lighting that destroy our concept of night skies. This high density housing development is a huge departure from our Master Plan of single family residences and we oppose any changes to it.



Chad Arthur Gasper
Development and Donor Services Associate
Santa Fe Community Foundation
501 Halona St
Santa Fe, NM 87505

(505) 988-9715 Ext. 7020

Like us on Facebook and learn about our initiatives.



Nonprofits have until the end of March to sign up for Give Grande New Mexico, our state's first day of crowd-sourced giving. Visit the website or email info@givegrandenm.org for more information.

Ms. Liz Stefanics,
County Commissioner, District 5
P.O. Box 720
Cerrillos, New Mexico 87010

Dear Ms. Stefanics,

Last year it came to our attention that Vedula Developers and Uninvest were working together to change the Master Plan at the county level. This is a Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20.

I am writing because I am opposed to this Master Plan change and ask that you save the college master plan as it is. Allowing 214 apartments to be built is unethical, not well thought out (for many reasons from environmental to traffic issues); and sadly being considered for the money—not the well intent of the Santa Fe community.

The SE connector is also a real concern and needs to be questioned why it is being built when if we were doing real long term thinking of our community and college expansion, then we would build a connector at the far end of the college campus rather than its now considered placement (a quarter of a mile away from the college) suggested at the March 10th meeting.

The timing of building a road connector as well as a development complex perhaps was not thought through. We are being told that the road will begin to be laid down in 2016 yet the construction of whatever project gets the go ahead will start BEFORE the road is completed.

Considering the traffic issues already on Richards road, it makes no sense that we would impact the road even more with big equipment, trucks etc and even have a greater impact on traffic, congestion and safety issues if there is a need to evacuate quickly.

I know that you will stand by the larger Rancho Viejo community that is against this major change to the Master plan. Please note our concern and hesitation in making this major change to an already completed plat that has been documented and what all residents receive when purchasing their property.

Please do the right thing!

Sincerely,

Karin Lubin
12A Deans Court
Santa Fe, NM 87508

OBA-128

Jose Larranaga

From: Deanna Hagan <dee.hagan@live.com>
Sent: Tuesday, March 11, 2014 10:53 AM
To: Jose Larranaga
Subject: RE: Case MPA13-5380

I live on Richards Ave and i want to vote NO to any changes of the Master Plan that we agreed to originally in Rancho Viejo. Too much cogestion with traffic, noise, and hiding the sites of the mountains. I will not honor any changes what so ever. Thanks Deanna Hagan 6551 Richards Ave.

Jose Larranaga

From: lance tunick <tunick@vsci.net>
Sent: Tuesday, March 11, 2014 9:42 AM
To: Jose Larranaga; Penny Ellis-Green; Liz Stefanics
Subject: Proposed change to rancho viejo master plan (CRDC hearing March 20)

Categories: Red Category

Greetings:

I am writing to express my strong opinion as regards an issue to be heard next Thursday, March 20 before the County Development Review Committee -- changes to the Rancho Viejo Master Plan.

The land owner and developer are together seeking a change to the Master Plan in order to build an apartment development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." This land is currently platted and recorded with the county for a small number of single family residences.

I am not writing to express my total opposition to the project. Rather, I am writing to do my best to see that the project, if approved, is done in a sensible and neighborhood-sensitive fashion. The mess of Oshara Village and Richards Avenue must never be repeated. The Rancho Viejo owner, Uninvest, displays virtually no concern for aesthetics and community issues (I can only imagine that money is their sole driving force). This means that government must be extremely mindful of the rights of Rancho Viejo residents and of the quality of life impacts that development inevitably has.

If the Master Plan amendment were eventually approved, there **MUST BE CONDITIONS** attached to the change; these conditions must include:

- Limitation on the usage of the parcel of land east of Burnt Water Road and west of the proposed apartment site. This land should be open space. Otherwise, we will be back before the CRDC in the near future with someone wanting to put more apartments on this small parcel.
- Limitations to protect vistas (height limits)
- VERY careful traffic control (stops sign, speed bumps, limitations on heavy truck traffic)
- Tree planting, wall construction and other measures along College Drive to reduce noise pollution in the existing College Heights neighborhood
- Meaningful light pollution ordinances and ENFORCEMENT of same.

Rancho Viejo has strictly-enforced covenants designed to improve quality of life. The proposed apartment complex cannot be permitted to do an end-run around these restrictions.

MOST IMPORTANTLY, however, permitting construction of this apartment development to start *before* the Southeast Connector road is completed would be a frightening case of putting the cart before the horse.

Construction traffic, noise, dust etc. on Richards and College Drive would be horrendous if all construction vehicles had to use those roads in order to go to and from the construction site. Richards is already a nightmare. That the developers wish to start construction sooner rather than later is simply a consideration which must bow to the reasonable needs of the community. Build the Connector road first.

And as regards the Southeast connector:

--surely we have learned from the traffic mess that is called Richards Avenue that poor planning leads to lousy roads; and that a plethora of sign pollution does not solve the problem;

ORBA - 130

-- from what I have seen and heard (from the developer), there is no planned turn-off from the Southeast Connector directly into the Community College. Rather, all CC traffic would exit the Connector at College Drive and enter the CC through the existing North Entrance. This is insane. A condition to approval must be a CC turn-off leading directly into the CC from the East. The proposed pathway for the Connector is only 100 yards from the parking lots at the CC. It is hard to imagine any financial or political excuse that could justify not requiring such a CC turn-off on the Connector.

Thank you for this opportunity to express my views.
Sincerely,

Lance Tunick
14-B Deans Court
Santa Fe NM 87508
Cell -- +505 570 1845

Jose Larranaga

From: Jim&Elizabeth Kerr <ekerr22@gmail.com>
Sent: Tuesday, March 11, 2014 9:11 AM
To: Jose Larranaga
Subject: Case #MPA13-5380

Please vote this down. Water is my main concern but traffic congestion is going to be a problem. Please do not change our master plan in Rancho Viejo.

Thank You,
Jim Kerr
6555 S. Richards Ave
Santa Fe, NM 87508

Jose Larranaga

From: Janice McAninch <jan.mcaninch@gmail.com>
Sent: Tuesday, March 11, 2014 8:45 AM
To: Liz Stefanics
Cc: Jose Larranaga
Subject: College Drive Project

Dear Commissioner Stefanics and CDRC Jose Larranaga,

It comes as no surprise that the residents of Rancho Viejo and College Heights are upset about the projected development of an apartment complex which is compromising.

Traffic on Richards Road is already maxed out.

This violates our community standards and CC&R's which was specifically for single family homes.

Students in apartments would have no vested interest in maintaining these guidelines for quiet and dark sky nights.

There are three covered pools in the Fitness Center of SFCC.

An outdoor pool at 7000 feet is ridiculous, especially with 60 mph winds potentially emptying it with a mini tsunami.

Univest may be selling the property to be exempt from any CC&R constraints; however, Vedura's reputation is not one of quality structures or concerns for the long run.

IF SFCC wants student housing, it should be on their campus and part of their responsibilities.

Traffic then could be bikes around the campus and less impact on Richards Road.

We do hope you will consider these issues as paramount to continuing a quality of life in this area.

Sincerely,

Langdon P McAninch &
Janice A McAninch

Jose Larranaga

From: Gayle Evezich <gevezich@gmail.com>
Sent: Tuesday, March 11, 2014 8:00 AM
To: Liz Stefanics; Jose Larranaga
Subject: Opposition to Proposed Apartment Development with Rancho Viejo - Elevation at Rancho Viejo

Categories: Red Category

March 11, 2014
Ms. Liz Stefanics,
County Commissioner, District 5
P.O. Box 720
Cerrillos, New Mexico 87010

Re: Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20. Presentation by Jenkins and Gavin to the Rancho Viejo Community at the Santa Fe Community College on March 10 at 5:30 p.m. (Jemez Rooms).

Dear Commissioner Stefanics:

I am writing to convey my deep opposition to this development since I cannot attend the March 20 meeting. We have an almost complete consensus within our community against this development, with a significant number (in the hundreds) showing up at any meeting relating to this issue, and with more than 300 signatures on a petition opposing this project.

Last year, we were told in three meetings that this proposed apartment complex was to be built in two phases on an extension of quiet College Drive, which borders the College on the North, to ultimately total an estimated more than 400 units. These apartments represent a huge departure from Rancho Viejo's established design and concept.

This year, the major change appears to be starting the project with 200 units 1/4th of a mile east of our mail boxes on Burnt Water Road.

Past Santa Fe Community College President Ana Guzman, invited us to a community meeting and surprised us with the information that the complex would be filled with students, validating our concern about the target market for the complex. Although it is billed as a luxury development with club house and pool, we view it as a potential "party palace" in our quiet neighborhood. The Community College already has a pool.

Further complicating the situation, according to Jenkins Gavin--the local Public Relations firm fronting this development--this property is in the process of sale to Vedura Residential, 6720 Scottsdale Road, Suite 109, Scottsdale, AZ 85253. Bruce Hart is the main partner involved, according to Warren Thompson of Uninvest.

Vedura's business model is to construct apartment complexes at the lowest cost possible, and move on (see their website <http://vedurareidential.com/home/>). In a well planned and sustainable community this seems more than simply opportunistic. This company does not have a stake in the community or long standing commitment to maintaining the quality over time.

This land is currently platted and recorded with the county for a small number of single family residences, which is far more appropriate for this neighborhood and in line with what we were promised when we bought our homes.

This project will negatively impact the quiet enjoyment of our homes, and quality of life that we paid a premium for at time of purchase, and what is considered valuable to anyone living in Rancho Viejo. Rancho Viejo developers (Uninvest, and others) sold homes in Rancho Viejo with the assurance that it would be occupied by homeowners and governed by covenants and associations. A sale of this parcel would change the contract under which we purchased homes.

We also oppose apartments in this neighborhood because of loss of views due to the heights of this complex, traffic, trash and noise. There would be significant light pollution from traffic and from exterior lighting in parking lot and common areas, as well as the pool and other public areas. This is inconsistent with Rancho Viejo's tightly enforced lighting covenants designed to improve quality of life and respect the night sky ordinance in effect in the county.

The lack of the completed Southeast Connector (which in the event of a ground fire virtually traps us on College Drive--there is only one way in and out), the traffic impact on Richards, and the fact it presents the perfect site for potential drug and criminal problems.

At the community meeting with Jenkins-Gavin last night (March 10) we were informed that once the connector road is constructed, College Drive will have to be extended and that will be the route to SFCC's north entrance. SFCC does not plan to have another entrance from directly from the connector which means that all traffic that will be on the Connector will dump onto College Drive. Additionally, the north entrance of SFCC is a poorly designed entrance that is too small to accommodate much traffic. C

We are reviewing the traffic impact study paid for by the developers and we are aghast at the questionable quality of the study and its insufficient and misleading results. We have traffic experts among us and they find this study deeply flawed.

Sufficient consideration was clearly not given to more appropriate sites, where infrastructure is still feasible and cost effective - but without creating a massive impact on existing development. A good example would be in the area of the new Fire Station. The Station represents some law enforcement and such a complex would have immediate access to Route 14 as well as close proximity to the college, and would reducing the traffic impact on Richards. It would be some distance from any existing single family homes. And given it is not immediately next to the college, it would be more likely to attract a variety of residents rather than just students. Again, that is consistent with the design and intent of the Rancho Viejo community plan.

We do not oppose student housing constructed on the College and supervised by the College. However, we control our community and quality of life by way of homeowners' associations. Apartment dwellers have no such associations. Young students can quickly bring down the condition of apartment structures since they have no vested interest in maintaining the quality of the structure or environment. Once this project is developed, we know it will be immediately sold and possibly not well managed. One look at the police blotter for the apartment complexes on Airport Road, is enough to cause deep concern.

While respecting Unives't's right to develop this particular parcel, we do not in any way endorse changes to the Master Plan to permit apartments on College Drive. This concept and related density is a far dramatic deviation from our community plan. Rancho Viejo is a community of homeowners, with strict home owner association covenants and guidelines and management. This was not designed or promoted by the developer as a rental community at the time we purchased our homes and made the decision to live in this community.

Sincerely,

Gayle Evezich
6B Dean's Court

cc: Penny Ellis-Green at www.santafecountynm.gov/growth_management

Jose Larranaga

From: Penny Ellis-Green
Sent: Friday, March 07, 2014 5:35 PM
To: Jose Larranaga
Subject: FW:

Categories: Red Category

For the record

From: Lib O'Brien [<mailto:libobrien66@gmail.com>]
Sent: Friday, March 07, 2014 5:00 PM
To: Penny Ellis-Green
Subject:

Dear Ms. Ellis-Green:

I am opposed to any change in the Master Plan regarding the proposed apartment complex north of SFCC for the following reasons. I moved to Rancho Viejo seven years ago from New Jersey and chose Rancho Viejo for it's night skies and minimal daytime noise.

1. There is plenty of land near the fire station (owned by Univest) and would not impact already existing homes. Plus, there is easy access off Rte. 14 that would not cause congestion. In addition, I bought my home with developer promise that we would be part of a community governed by covenants and our homeowners association. A high density apartment complex in our midst has no such obligations.
2. Traffic on Richards Ave. at 8:30 and 5:30 when the college holds so many classes, snakes as far as the light at Governor Miles. Today there was gridlock in the traffic circle by Maria de la Paz...Lenten services mingled with SFCC students. GRIDLOCK! We already have FIVE schools--- Maria de la Paz, Amy Biel, ACT, IAIA and SFCC...WE do not need any more traffic and I fear that the proposed location for the apartment complex will generate more traffic on already congested Richards Rd.
3. I treasure the quiet, the night sky and lack of traffic..the reason I purchased in Rancho Viejo.This development negatively impacts us with noise, dust, and car headlights plus parking lighting that destroy our concept of night skies.
4. WATER....The bold reality is that we in the Southwest are running out of water....we cannot afford to do any more building....we need to renovate what is available so that families can find homes already built.

Please do what you can to confront these issues, with the hope that 1. The builder will stop its plans all together (false hope!) or 2. move to land that does not impact this already congested area.

Thank you for our help in this issue. Elizabeth O'Brien, Ph.D. 6557 S. Richards Ave. SF 87508

Jose Larranaga

From: JUSTEXECRO@aol.com
Sent: Tuesday, March 11, 2014 2:54 PM
To: Liz Stefanics; Jose Larranaga
Subject: UNIVEST's proposed changes to Rancho Viejo Master Plan

Re: Case #MPA13-5380

Changes to the MASTER PLAN of Rancho Viejo,
Santa Fe, NM

No, No, No!

We "contracted" to fulfill our covenants when we bought our homes in Rancho Viejo. The "contract" had another obligation: YOURS. We are not permitted to break ours to you; you should not be permitted to break yours to us!--We bought our homes with developer promises that we would be part of a community governed by covenants and homeowners associations. A high density apartment complex in our midst has no such obligations, and is not what we contracted for.

This development would negatively impact us with noise, dust, and car headlights plus parking lighting that would destroy our concept of night skies, among other unwanted problems. This high density housing development is a huge departure from our Master Plan of single family residences and we oppose any changes to our Master Plan, which your side (even though you may be a new owner) contracted for.

We, in Rancho Viejo, DO NOT WANT CHANGES TO OUR/YOUR MASTER PLAN!

Very truly yours,

Rosemarie Cristello
11 Emory Pass
Rancho Viejo,
Santa Fe, NM

Date: March 12, 2014

TO: Mr. Jose Larrañaga
Development Review Team Leader
Santa Fe County

FR: David A. Vigil
Resident College Heights
Rancho Viejo

RE: Elevation at Rancho Viejo #MPA 13-S380

Dear Mr. Larrañaga,

I'm writing you today to express my concerns and objections to a proposed master plan amendment to the College North Master Plan affecting the approximate 56.91 acre parcel north of College Drive and east of Burnt Water Rd. Again this issue is returning and again the sentiments of many of the Rancho Viejo community including myself are strongly opposed. Let me be clear that this change is going to significantly alter and deviate from our current quality of life. Additionally, the residents of College Heights were sold on the vision that the area in question would eventually be developed into single family homes like ours.

Quality of life, culture and community are all reasons why my wife and I love College Heights. We do our due diligence whenever we purchase properties and the issue of this open space did come to our attention. After doing our research we were confident through the master plan, our HOA covenants and just the basic logistics that a development such as a multi-family housing unit would not be an option. Here we are a few years later dealing with this potential change which brings me to the question. With so much land owned by Univest, why would they choose this area to put a multi-family housing unit? Why would they sell us one thing but propose to deliver another? This is not a good feeling to have. Sure many of us are taking this personal but this is our home. Nobody would appreciate the feeling of misrepresentation. The multi-family housing unit severely deviates from the original vision by which we were sold.

I could get into a variety of reasons as to why this proposal is not a good idea. I will only keep it to a few points to keep it short. First and foremost is the reason that I have previously touched on which is the misrepresentation. This alone should null and void this proposal from going any further. Second is the fact that who is going to govern this multi-family housing unit. As a neighborhood we are governed by HOA covenants. What rules will govern the multi-family housing unit? I see plans and drawings that are contradictory to our existing HOA rules and regulations. To mention a few; no pools are allowed, why is the current plan show a sewer line tie-in to the College Heights existing line (not allowed based on College Heights subdivision disclosure statement), has this project received approval from the architectural review board and use restriction that lots are to be used for single family residential use only. The most important takeaway from our disclosure is health, safety and welfare which states that in the event uses of, activities on, or facilities upon or within the Property, the Tract or any Lot are deemed by the Board of Architectural Review Committee to be a nuisance or to adversely affect the health, safety or welfare of the Owners or Occupant, the Architectural Review Committee may make rules restricting or regulating their presence.

nra-138

I'm a strong believer that our quality of life is significantly going to be adversely affected. Traffic, noise and transiency are all concerns. The fact that a large structure is now going to occupy space originally designed for single family homes is very disappointing. This is obviously an amendment, for this particular area, that cannot be approved or accepted by the Rancho Viejo community.

I do have a background in development and construction. My firm provides engineering services to many projects that people benefit from every day. As a native Santa Fean, it was always a dream of mine to return to Santa Fe after college and contribute back to my community. I'm proud to say that my company employs 17 New Mexicans and we work on projects that make sense and benefit the community. It is disappointing when I hear of a change like this being implemented by a non-local developer with intentions on maximizing the profits for its investors. That is the motto of Vedula Residential Operating, LLC and they proudly announce it on their web page. I was born and raised in this community and I say no to this development thinking that they can make Santa Fe a chop shop. I love my home, community and many family and friends that are part of this community. This proposed master plan amendment should be removed from consideration and I ask that you please share this letter and thoughts with the CDRC. I thank you for your time.

Sincerely,



David A. Vigil

March 12, 2014 email to Jose Larranaga; cc: Penny Ellis-Green & Liz Stefanics page 1 of 2
..(Note that this attachment to a cover email is a pdf document to make type more readable)..

To: joselarra@santafecountynm.gov

CC: pengreen@santafecountynm.gov; lstefanics@santafecountynm.gov

Subject: Do Not Approve MPA13-5380, Master Plan Amendment for Elevation at Rancho Viejo

Dear Mr. Larranaga:

As someone who has been living in Rancho Viejo for 9 years, I request that you Do Not Approve Case MPA13-5380, Master Plan Amendment for Elevation at Rancho Viejo, 214 Apartments. Reasons for requesting this are as follows (the Case is referred to as the Apartments below):

1. The County is not allowing sufficient current input from the public on the Apartments

It's been approximately 1 year since this issue last came up in a public meeting at the County that resulted in the Apartments being postponed until now. Current public input needs to be considered, as plans have changed. The short March 20 meeting is not enough time to consider public input. Especially since the Developer spent months meeting with the County on this. Thus we request you Do Not Approve this Case and do not send it to the Board of County Commissioners for a vote until the County allows and responds to more public input.

2. The public hasn't received sufficient current input from the County on the Apartments

In a March 10 meeting we received information from the Developer on the Apartments. But that's just his point of view. The public wants a meeting to know the County's point of view.

3. The County has not provided sufficient public information on how the SE Connector is integrated into the Apartments plan, key since they're adjacent and increase traffic.

The last public information meeting about the SE Connector was June 26, 2013. We believe that the SE Connector traffic study did not specifically model projected Apartments traffic. Plus, we understand the study was only for 1 day. Very experienced traffic experts we've consulted warn that such a study is inadequate. We've heard that the Developer may have done some sort of traffic projection for the Apartments; if so, this is less objective than having a third party do such a study. We think our sources are accurate, but we say "believe," "understand," and "heard" because we have gotten all our information from unofficial sources, not the County. *The County needs to provide such Apartments information publicly to show transparency.*

Additional examples of information we need clarification on are:

- Is there a direct entrance onto the SE Connector from the Apartments?
- With increased Apartments traffic, is a roundabout planned at the College North entrance?; no roundabout there = College Drive traffic from Rabbit stalled making a left at that entrance
- Why isn't there a West entrance into the College to reduce more College Drive congestion?
- Why did we 1st see new SE Connector options March 10 at a Developer, not a County meeting?
- Has the County confirmed that the \$5 million bond issue will cover the SE Connector proposed?

At the March 10 meeting with Rancho Viejo residents, the Developer said that one of the two new supposedly-final route options for the SE Connector from the Apartments S to Avenida del Sur curves S Rabbit approximately 45 degrees southwest below the College. The other supposed final option keeps S Rabbit going almost due South. When asked at the meeting what route option was most likely, the Developer said the due South route would be used because the College didn't like the 45 degree southwest route. *Why hasn't the public had the chance to say what it thinks about that route?* It looks like it could be saner and save money.

Rancho Viejo residents have received information about developments on the Apartments in the last 9 months only in a public meeting by the Developer on March 10. Residents have not had a public meeting with the County in those 9 months to present input on the Apartments. Similarly, residents have not had a public meeting with the County in 12 months on the SE Connector that is intertwined with the Apartments. Nor have they had any public meeting opportunity in 12 months to present input to the County on this SE Connector. And the only public meeting they had covering the intertwined SE Connector was from the Developer, not the County, on March 10.

With residents having no public meetings with the County on the Apartments or the intertwined SE Connector in 9 to 12 months, the public has not been afforded enough time to learn about, consider, and comment on the alternatives. *Only in the last 2 days have Rancho Viejo Residents had supposedly up-to-date information on the Apartments and the intertwined SE Connector!* And that information was presented by the Developer, not the County. It looks like the County is only considering comments by the Developer.

County resident opinion on the above topics deserves more attention than a few minutes at long multi-topic CDRC meeting next week and possible coverage of this topic in a similar Board meeting in the next month or so. Do Not Approve Case MPA13-5380.

Thank you for your consideration.

Sincerely,

Paul Wrenn

Jose Larranaga

From: Penny Ellis-Green
Sent: Tuesday, March 11, 2014 3:20 PM
To: Jose Larranaga
Subject: FW: URGENT - MPA 13-5380

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

From: jsherre [<mailto:jsherre@att.net>]
Sent: Tuesday, March 11, 2014 3:11 PM
To: Penny Ellis-Green
Subject: URGENT - MPA 13-5380
Importance: High

Dear Ms. Ellis-Green

I am a Rancho Viejo (RV) homeowner in Windmill Ridge. I wish to express my **STRONG OPPOSITION** to MPA 13-5380, which comes before you on March 20.

I, along with many RV home owners are **CONCERNED**, seriously concerned about the so-called "luxurious" apartments to be built in College Park. First, this proposal goes against the core of why most of us bought homes in RV. We chose to spend our funds in what we believe would be a non-dense community surrounded by natural New Mexico beauty. The building of these apartments will be the first step toward destroying the covenant on which we relied. In addition, the cost to affect these changes is likely to decrease property values and increase taxes. Property values will decrease for future buyers will look elsewhere to avoid "apartment communities" and will not want to contend with the traffic. I am already aware of homeowners moving due to increased Richards traffic and the future plans initiated by Univest and the developer, Vendura. Their tax dollars now go to the city of Santa Fe.

In addition, the proposed expansion of SFCC and the "employment center" at the corner of Richards and Avenida del Sur shall increase traffic—despite any relief route or the apartment complex. Not only will the traffic increase, but if a serious wildfires occur in RV, the two routes to safety will be congested to the point that lives will be endangered.

Last evening, we met with representatives of Vendura and gained no answers to our questions or suggestions. The representatives maintained they did not know the details of the developer (their employer) nor that of Univest. As concerned home owners, we were frustrated that a meeting was called, but little, if any, information was made available.

We have requested Univest and Vendura explore other, extensive property holdings of Univest, such as the land near Route 14 where a large number of commercial enterprises already exist. This location is convenient to I-25 and Route 599 so that the increased traffic can be handled from all directions NSEW without additional cost for roads. This location is convenient to the new and proposed commercial development of Cerrillos Road as it approaches I-25 and would not significantly increase traffic on Richards.

Another concern is crime. Currently, RV is peaceful with little crime? Generally, apartment complexes increase the probably of crimes of opportunity. Yet another potential for lowering the value of property and impacting, negatively, future real estate sales.

I, as many other RV homeowners, urge you to reject this poorly-conceived proposal. Send it back to Univest with your strongest opinion that plans for the apartment complex and the employment center be reconsidered and revised in the interest of all concerned – Univest, SFCC, and RV residents.

Thank you for considering our concerns,

Sherre Stephens
3 Lookout Mountain
Santa Fe (county), NM 87508
505-570-7470

Jose Larranaga

From: Vicki Lucero
Sent: Tuesday, March 11, 2014 3:49 PM
To: Jose Larranaga
Subject: FW: Santa Fe County Public Comment Form

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Jennifer LaBar-Jaramillo
Sent: Tuesday, March 11, 2014 3:47 PM
To: Penny Ellis-Green; Vicki Lucero
Subject: FW: Santa Fe County Public Comment Form

Is this re: a case for tonight or CDRC? Please submit with case correspondence.

Thanks,
Jen

-----Original Message-----

From: Anonymous [<mailto:kbustos@santafecountynm.gov>]
Sent: Tuesday, March 11, 2014 2:57 PM
To: Kristine Mihelcic; Jennifer LaBar-Jaramillo
Subject: Santa Fe County Public Comment Form

Web form results:

[Anonymous submission]

Comments:

Re: Case #MPA13-5380
Changes to the MASTER PLAN of Rancho Viejo, Santa Fe, NM

No, No, No!

We "contracted" to fulfill our covenants when we bought our homes in Rancho Viejo. The "contract" had another obligation: YOURS. We are not permitted to break ours to you; you should not be permitted to break yours to us!--We bought our homes with developer promises that we would be part of a community governed by covenants and homeowners associations. A high density apartment complex in our midst has no such obligations, and is not what we contracted for.

This development would negatively impact us with noise, dust, and car headlights plus parking lighting that would destroy our concept of night skies, among other unwanted problems. This high density housing development is a huge departure from our Master Plan of single family residences and we oppose any changes to our Master Plan, which your side [even though you may be a new owner) contracted for.

We, in Rancho Viejo, DO NOT WANT CHANGES TO OUR/YOUR MASTER PLAN!

Very truly yours,

Rosemarie Cristello
11 Emory Pass
Rancho Viejo,
Santa Fe, NM

Jose Larranaga

From: pateperrin@aol.com
Sent: Tuesday, March 11, 2014 4:21 PM
To: Liz Stefanics; Jose Larranaga
Subject: Opposition to the proposed 214 apartment building complex on College Drive. CDRC Case # MPA 13-5380 Elevation at Rancho Viejo

Follow Up Flag: Follow up
Flag Status: Completed

When I retired, I couldn't decide between Sedona or Santa Fe.

I thought, the big Arizona Developers will ruin Sedona because it has such a fragile infrastructure and the Hispanics will protect Santa Fe.

Indeed, the developers have ruined Sedona. In summer, it takes over an hour to drive 5 miles because the roads do not support the traffic.

I now find myself fighting two Arizona construction firms: Univest and Vedula, which want to build what is really going to be student housing in my back yard. And the traffic problems on Richards are mounting.

Please do not allow this construction on College Drive until the Southeast Connector goes in.

We were promised a Master Plan of 60 additional single family homes. We support that. We would even support condos or town homes if we didn't have such traffic problems on Richards.

But apartments, where we have no way to control or communicate with renters, are a nightmare.

The current plan shows a buffer zone but we all know that just as soon as they build the 214 apartments, they will put more right next to us. To those of us on little, quiet College Drive, it just means traffic, noise, dust and lights.

Of course, I can just sell my house and leave. I feel so terribly sad because that's probably what I am going to have to do.

Jose Larranaga

From: Reinhartz, Judy <jreinhartz@utep.edu>
Sent: Tuesday, March 11, 2014 8:26 PM
To: Jose Larranaga
Cc: Liz Stefanics
Subject: Proposed Apartment Development Within Rancho Viejo Behind the Santa Fe Community College

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Larranaga,

As you are aware, the community members and homeowners of Rancho Viejo are committed to maintaining the quality of life originally envisioned and advertised by adhering to the existing Master Plan drawn up and agreed to in the 1990s for the establishing of College Heights and adjacent communities. The original commitment and agreement have been challenged by the recent request to develop the apartment complex east of College Heights and the SFCC.

For those of us who have been here since 2002, this announcement was certainly a shock to hear about the plans for a high-density multi-story rental apartment complex of 156 units in the already traffic-impacted area. Currently, SFCC has 6,000 students with the goal of 12,000 in the next decades, St Maria de la Paz Catholic Community, which includes 1700+ families, Santo Niño Regional Catholic School with 356 students, Amy Biel Community School with a student population of 441, bicycle parts business, and that does not include the current Rancho Viejo families with expected expansion of La Entrada at RV in the next few years.

Our vision is simple and that is to have owner-occupied, maintained, and cared for residential communities that are governed by sets of covenants established first by the developer, which were turned over to individual homeowners' associations. The vision as stated in the current Master Plan ensures that we would be enjoying and living in an area where there is open space free of pollutants, clear day and night skies, recreation trails to walk and enjoy nature, safety for us and our loved ones, sustainable property values, and enough water for all without fear.

The proposed developer's project changes this vision and the future lives of homeowners in Rancho Viejo. We made a commitment to buy and live here, and now the current project ignores the Master Plan, changing the original mission and vision by building a high density commercial apartment complex with a clubhouse and swimming pool, bringing more people into the area already plagued by high travel density issues.

We have participated and attended most of the public meetings held, but many were not productive because many of the questions from hundreds of homeowners present were not answered since the presenters did not

have the answers, contributing to our frustration. The question that comes to mind, is why have public meetings when people in authority are not present to answer questions? It appears that the meetings were held to meet the requirement of having them, but not to really have them function as a public forum.

We are sad to conclude that the dye has already been cast, and it is a done deal. We hope and pray that is not the case. We hope the Santa Fe County Commissioners will recognize that this project is against the will of the majority of residents in Rancho Viejo and that our community will not benefit in any way from having this project approved. In fact, we all lose—in terms of natural water sustainability, increased erosion by removing ground cover and interfering with flood zones, and the reduction of wildlife.

When the developer's Master Plan for this area was drawn, the Santa Fe County Commissioners supported them. What does the project say about systematic county development policies, strategies, and tactics for our future? Who will benefit from this proposed change? Is it in the communities' interests? The economic interest of the developers? And finally, how does Rancho Viejo maintain its integrity, vision, and lifestyle when it's developers try to undermine the original Master Plan for their profit?

My husband and I made a choice to come to Santa Fe and live in Rancho Viejo. And frankly, we feel *betrayed*. It seems that written documents and verbal promises can be easily broken by the developer and now Vendura, who will be building the apartment complex.

We are concerned that a precedent for further changes is in the wind for the Rancho Viejo area. We chose quality of life and sustainability based on the original Rancho Viejo Master Plan. Please, Mr. Larranaga, as project manager, do not abandon us and the original Master Plan and vision in favor of corporate America. Please make us count in the end.

Thank you for taking time to read and consider our request.

Sincere regards,

Judy and Dennis Reinhartz

Judy Reinhartz, Ph.D.

Professor Emeritus, The University of Texas at El Paso

Dennis Reinhartz, Ph.D.

Emeritus Professor, The University of Texas at Arlington

20 Firerock Road

Santa Fe, New Mexico 87502

505-474-5329

Graeser & McQueen, LLC

-Attorneys at Law-

316 East Marcy Street, Post Office Box 220 Santa Fe, New Mexico 87504-0220
(505) 982-9074

April 2, 2014

Santa Fe County Board of County Commissioners
c/o Jose Larrañaga, Commercial Development Case Manager

via: email to joselarra@santafecountynm.gov

re: Elevation at Rancho Viejo, #MPA 13-5380

Dear Jose,

This firm represents neighbors of the proposed Elevation at Rancho Viejo project (residents of College Heights Phase 1) and submits this letter on their behalf in opposition to the requested master plan amendment. Their objection to the master plan amendment to allow at least 214 rental apartments where 53 homes were previously approved and expected is based on several factors.

BCC Discretionary Review Criteria

Section §4(B)(3) of the Community College District Ordinance, Ordinance 2000-12 (CCDO), requires the BCC to review the application for "Conformance to the Santa Fe County Growth Management Plan as amended by the Community College District Plan" as well as "Impacts to schools, adjacent lands or the County in general." Fundamentally, this application does not comply with the Community College District Plan, Resolution 2000-148 (CCDP), and presents an unreasonable impact on the adjacent lands. The amendment request should be denied, and the applicants can be apprised of the reasons for denial as set forth in this letter. CCDO §4(B)(4).

County staff has done a thorough job in their review, and has recommended approval. Although the staff memorandum may recommend the project as in compliance with the Code, that recommendation only addresses prescriptive Code requirements. **The BCCC may still reject the project under its discretionary authority.**

Master Plan Expired

The 1997 College North Master Plan has expired. Thus, a new master plan is required. CCDO §4. Granting any new master plan is within the BCC's discretion and may be done taking into mind appropriate, planned-for development and its impact on the neighbors.

Community College District Plan

The CCDO allowed development in accordance with approved master plans “without amendment.” CCDO Section 9(A). The applicants could have developed their property in accordance with the 1997 master plan but did not do so. There continues to be little resistance to development as planned at that time (i.e., adoption of a new master plan that tracks the expired one).

The CCDP accepted and anticipated continuation of approved development as of the plan’s adoption in late 2000. The plan was adopted in anticipation of College Heights buildout as initially approved and expected. For instance, the plan incorporated the Future Road Network Study that specifically notes 73 approved dwelling units for College Heights Subdivision (with 0 existing at the time). FRNS, Pg. 4.

This application amends the CCDP itself, and it does so without consideration of the needs, expectations or health of the surrounding community.

Master Plan Area

Under CCDO §4(B)(2), “The minimum area which must be included within a master plan shall be an entire Village Zone, Employment Center Zone or Institutional Campus Zone, or that portion of such zone owned by the applicant.”

The master plan encompasses substantially less than an entire village zone. Applicant Univest Rancho Viejo has numerous landholdings in Rancho Viejo, including the portion marked “Future Development” located between College Heights Phase 1 and the current project. Thus, the master plan must include at least this property. Failure to do so both violates the CCDO and unfairly leaves the applicants’ neighbors in limbo fearing what even more intense use might be proposed for the remaining land.

Given the applicants’ current intention to substantially modify the expected land uses and thus interfere with the community’s settled expectations, **the applicants must adhere to the code requirement to master plan all of their holdings in the area that may impact the residents of College Heights Phase 1.**

Zoning Limitations

Applicants seek a new master plan. The term “master plan” has two associated meanings in land use planning. The first is as a jurisdiction-wide comprehensive or general plan. *See*, Santa Fe County Land Development Code Art. X, §1.33, Ordinance 1996-10 (the Code); Michael Davidson and Fay Dolnick, *A Glossary of Zoning, Development and Planning Terms* 146 (1999). The second, as used in this context, is a vehicle for zoning or subdivision approval (this application does not seek to subdivide the land; subdivision regulations may be found in Art. V of the Code). The

Code does not define "zoning." However, it does define "master plan" as "a report, plans, and other submittals as required by this Code for a proposed subdivision or zoning or re-zoning of land showing the development proposal in a manner comprehensive enough to evaluate the scope, size, intensity, compatibility, benefits, relationships, and impacts of a project..." Code Art. III, §5.2 (emphasis supplied). Thus, a master plan zones. It is not legally permissible to do so in such a limited context.

In *Albuquerque Commons Partnership v. City of Albuquerque*, 144 N.M. 99, 2008-NMSC-25 the New Mexico Supreme Court reviewed its own case law on piecemeal zoning and revitalized several important concepts. "A targeted rezoning action is also called a piecemeal rezoning and stands in contrast to a comprehensive rezoning, which affects a substantial portion of land within the zoning jurisdiction belonging to many landowners." (internal quotations removed). A piecemeal rezoning results in "specific properties or small groups of properties within an otherwise similarly situated class, restricting or allowing uses in ways that do not apply to the surrounding area or similar areas within the [zoning district]." ¶26.

Under *Albuquerque Commons*, such piecemeal rezonings must be justified by 1) a change in conditions in the community or 2) a mistake in the original zoning. See also, *Miller v. City of Albuquerque*, 89 N.M. 503, 554 P.2d 665 (1976) and *Davis v. City of Albuquerque*, 98 N.M. 319, 648 P.2d 777 (1982). There is no evidence in the record, nor do the applicants submit any information, regarding any change in the community or mistake in the original zoning. Their zoning request completely fails under this rule.

Albuquerque Commons does open up one other avenue to new zoning, if it is "more advantageous to the community, as articulated in the Comprehensive Plan or other [zoning district] master plan." In the case of a "more advantageous" zoning, there must be a public need for the change and proof that "that need will be best served by changing the classification of the particular piece of property in question as compared with other available property." *Albuquerque Commons* at ¶30. There is also no evidence in the record of any particular public need or site-specific appropriateness. In this respect, the zoning is not only contrary to law, §39-3-1.1(D)(3), but also unsupported by substantial evidence, §39-3-1.1(D)(2).

The basis of the rule re-articulated in *Albuquerque Commons* is logical. The *Miller* court, in exploring the basis of zoning restrictions, noted the "desirable stability of zoning classifications upon which the property owner has a right to rely, since property may be purchased or sold or uses of the property undertaken in reliance on existing classifications." *Miller* at 506, 554 P.2d at 668 (emphasis supplied). Here, the community has come to expect continuation of the quiet, low intensity single-family use that as represented to them when they purchased their homes, and as has become an essential part of the community's identity.

However, there are substantive legal restrictions and prohibitions on their right to do so.

The first of those is the requirement of uniformity. In *Montoya v. Barreras*, 81 N.M. 749 (1970) the Supreme Court looked at a case in which protective covenants ("detailed plan for residential development and restriction as to all of the lots in the subdivision" *Id.* at 751) were amended to remove the restrictions on a single lot, allowing it to be used for nonresidential purposes. The Court stated, "Historically, restrictive covenants have been used to assure uniformity of development and use of a residential area to give the owners of lots within such an area some degree of environmental stability. To permit individual lots within an area to be relieved of the burden of such covenants, in the absence of a clear expression in the instrument so providing, would destroy the right to rely on restrictive covenants which has traditionally been upheld by our law of real property" and that "All of the lots in the subdivision were sold subject to the provisions of the declaration. Restrictions as to the use of land are mutual, reciprocal, equitable easements in the nature of servitudes in favor of owners of other lots within the restricted area, and constitute property rights which run with the land... Where the covenants manifest a general plan of restriction to residential purposes, such covenants constitute valuable property rights of the owners of all lots in the tract." *Id.* The Court then held, "Because the grantor encumbered all of the property with restrictions, we cannot infer from the declaration the intention that any subsequent change or changes in the restrictions could be made applicable to only one lot or a portion of the lots in the residential subdivision." *Id.* at 753.

Just as in *Montoya*, the applicants seek to amend the covenants in a non-uniform fashion. They are not permitted to do so.

Just last summer our Supreme Court looked at another substantive restriction on amending covenants, namely the requirement of reasonableness. In *Nettles v. Ticonderoga Owners' Association, Inc.*, 2013-NMSC-30 certain protective covenants were amended to eliminate previously required road maintenance and to dilute the plaintiff residents' votes. The Supreme Court took on the case to "address an area of the law that... remains vital to those with property interests in planned subdivisions... throughout our state." 2013-NMSC-30 at ¶9. The Court relied on established authority and the *Restatement* in its analysis developing and strengthening the reasonableness requirement.

Thus, the *Nettles* Court held, "this Court will consider not only the rights of the individual owner, but also the rights of the other association members who expect maintenance in keeping with the general plan.... The purpose of balancing these considerations is to ensure that the strength of the association is maintained and the expectations and purpose are not frustrated, while also ensuring that *no individual property owner or class of owners is unduly and unexpectedly burdened for the benefit of others in the association.*" (emphasis in original; quoting *Griffin v. Tall Timbers Dev., Inc.*, 681 So.2d 546, 554 (Miss.1996)).

If the applicants go forward with the master plan, they are the only ones benefitted; the rest are unduly and unexpectedly burdened for their sole benefit. **This is exactly the situation prohibited as being unreasonable by the Supreme Court.**

Marketing representations and subsequent reliance by purchasers on those representations forms an independent prohibition on such a drastic change in plans as well. NMSA 1978, Section 47-6-17 (Disclosure) requires a subdivider to disclose in writing certain information about the subdivision as required by county regulations. Santa Fe County, in turn, has adopted a subdivision disclosure format (Code Appendix 5.C.1). The required disclosure includes the anticipated number of parcels. Accordingly, Rancho Viejo de Santa Fe, Inc.² filed its *College Heights Subdivision First Amended and Restated Disclosure Statement* at Book 1767, Page 468 of the records of the Santa Fe County Clerk. That disclosure statement specifies the number of parcels as 73.³ In addition, we understand that marketing materials at the time also made a similar representation, although they appear not to have been filed with Santa Fe County as required by Section 47-6-18(B) (no such materials should be destroyed).

Knight v. City of Albuquerque, 110 N.M. 265 (N.M. App. 1990) concerned the Paradise Hills Country Club Estates in Albuquerque. The original developers denominated certain areas as part of a golf course on the subdivision plat. A successor developer then attempted to amend the plat to develop those areas in a manner contrary to that shown on the plat. The Court of Appeals, noting the designation and use of the golf course and purchasers' reliance on that designation, found that the facts gave rise to a private right of action to prohibit development of the golf course for other purposes. Addressing the developer's point that the recorded covenants, conditions and restrictions (CCR's) seemed to reserve a right in the developer to "unilaterally change the character of the open space" the Court found such a result "patently unfair and violative of public policy."

The applicants' proposal is functionally the same. The developer consistently represented in numerous ways, at numerous times that the subject property (Lot 1) would contain only 73 single-family homes. This character of the subdivision was a significant part of how the properties were represented in marketing materials and sales pitches. Buyers who chose to live at College Heights made their choice based on the character of the neighborhood and their understanding that it would not change. The applicants cannot now attempt to amend the covenants or de-annex the property in order to fundamentally change the neighborhood character, density and form. Please refer also to *Ute Park Summer Homes Ass'n v. Maxwell Land Grant Co.* 77

² Univest-Rancho Viejo LLC has accepted all rights and obligations of Rancho Viejo de Santa Fe, Inc. in a series of agreements filed with the County Clerk on December 23, 2010.

³ It is worth noting that while the disclosure statement includes a bold face note regarding development of other land within the vicinity, it makes no such reservations regarding future development of College Heights itself.

N.M. 730 (1967) (plat showing golf course/playground/recreation area, tennis courts and clubhouse used in connection with sale of lots gives rise to equitable right of enforcement, surveying other similar cases). On the point of amending covenants or de-annexation, *Cree Meadows, Inc. v. Palmer* 362 P.2d 1007 (1961) is squarely on point. In *Cree*, the question presented was "whether or not any rights are created to other areas owned by the dedicators when a plat of the subdivision is used in making sales of lots." Noting that "defendants had sold lots to purchasers in some of the subdivisions by references to the then-existing plat and the restrictive covenants, and that some persons had purchased lots at higher prices than ordinarily would have been paid after having examined the plat, the covenants, and heard the representations of the owners or their agents" the Court held that the developers were prohibited from changing covenants, and thus changing the use, on land adjoining land that had been sold to individual purchasers through use of plats noting the originally contemplated uses.

In *Appel v. Presley Companies*, 806 P.2d 1054 (1991) the original covenants on which the purchasers relied regulated the "land use, building type, quality and size of the residential single-family dwellings" permitted in the subdivision. The developer later attempted to modify the covenants to permit smaller lots and townhouses to be built on them. The Supreme Court reversed summary judgment in favor of the developers and directed that trial was appropriate. Citing *Flamingo Ranch Estates, Inc. v. Sunshine Ranches Homeowners, Inc.*, 303 So.2d 665 (Fla. Dist. Ct. App. 1974) and *Moore v. Megginson*, 416 So.2d 993 (Ala. 1982) (both involving unreasonable attempted amendment of covenants by developer to permit commercial uses without due regard to property rights of residents), the Court held that the appropriate determination was "whether the exceptions were reasonably exercised or whether they essentially destroyed the covenants." **This proposal indisputably destroys the covenants.**

For these reasons, my clients object to the proposed master plan and urge you to reject the application, allowing the applicants to move forward with the project as originally planned and platted.

Sincerely



Christopher L. Graeser

Jose Larranaga

From: Vicki Schneider <vickischneider@gmail.com>
Sent: Wednesday, March 12, 2014 5:20 PM
To: Jose Larranaga
Subject: Re: Elevation at Rancho Viejo , #MPA 13 -- 5380

Follow Up Flag: Follow up
Flag Status: Completed

1
Graeser & McQueen, LLC
-
Attorneys at Law
-
316 East Marcy Street, Post Office Box 220 Santa Fe, New Mexico 87504
--
0220
(505) 982
--
9074
March 12, 2014
Santa Fe County Development Review Committee
Santa Fe County Commission
c/o Jose Larrañaga
Commercial Development
Case Manager
joselarra@santafecountynm.gov

Dear Jose,

Please let the CDRC know that we are very opposed to the proposed change to the Master Plan in this case. The idea of Multi-family projects in the current environment is completely unadvisable.

I am assured that many reasons for this have been submitted, so in the interest of time, please add our names to the opposition to this item.

Thanks very much,
Vicki Schneider
BJ Irwin
99 Via Orilla Dorado
Santa Fe, NM 87508

(9190641-3096

Jose Larranaga

From: Julia Valdez
Sent: Tuesday, March 18, 2014 3:05 PM
To: Penny Ellis-Green; Jose Larranaga
Subject: FW: Opposition to the Apartment Complex

Follow Up Flag: Follow up
Flag Status: Flagged

FYI.

Sincerely,

Julia

505.986.6202

From: Joseph Kelley [<mailto:kelleykian8@earthlink.net>]
Sent: Tuesday, March 18, 2014 2:07 PM
To: Liz Stefanics
Subject: Opposition to the Apartment Complex

Hi Liz,

Dottie and I are absolutely against this complex...I didn't buy my house to be degraded by apartments that wasn't in the overall plan.

Best,

Joe and Dottie Kelley
4 Conestoga Trl
Santa Fe, NM 87508

Jose Larranaga

From: Randy Crutcher <quantumrandy@gmail.com> on behalf of Randy Crutcher <qleapcoach@gmail.com>
Sent: Thursday, March 13, 2014 2:29 PM
To: Jose Larranaga
Cc: Liz Stefanics
Subject: Letter from resident 3/13/14, CDRC Case # MPA 13-5380 Elevation at Rancho Viejo

Follow Up Flag: Follow up
Flag Status: Completed

To: County Development Review Committee Case Manager Jose Larranaga
Re: CDRC Case # MPA 13-5380 Elevation at Rancho Viejo
Proposed plan change to allow multi-family multi-story commercial apartment complex in Rancho Viejo community
Date: March 13, 2014

Dear Mr. Jose Larranaga,

I am writing as a concerned resident of Santa Fe County living in the community of College Heights-Rancho Viejo. My comments reflect my own observations, concerns and findings along with those I've heard expressed multiple times at meetings with hundreds of Rancho Viejo residents.

Last year the Univest-Rancho Viejo corporation proposed to us a Master Plan change that would permit over 400 multi-story apartment units to be built adjacent to our single-family owner occupied homes on College Drive, which the current Master Plan designates as the area's development build out pattern.

We eventually learned that Univest has been in a sales negotiation with Vedura, a large commercial developer in Phoenix, and has submitted an application to Santa Fe County to change our Master Plan to permit a project that would be built and managed by this Phoenix firm. From Vedura's website, here is their stated mission.

"Vedura Residential is a multifamily real estate company founded in 2010 by Bruce Hart and Paul Fannin. Our company's strategy is simple: never pay more than replacement cost. We buy, below replacement cost, when markets dip; build as markets improve; and sell at the peaks. Vedura Residential remains nimble at all times, ready to respond to market changes. It is geographically focused. Vedura Residential will be successful in high beta markets like Phoenix, which offer high profit opportunities, because it is a disciplined buyer and seller. Vedura uses its expertise and experience to minimize risk while maximizing returns to our investors."

We are not opposed to overall county goals to build sustainable affordable housing that meets the new standards and zoning set by the Sustainable Growth Management Plan approved in 2010 with the recently passed Sustainable Land Use Code. We recognize that we are in a new era with new criteria for evaluating proposed projects.

We are opposed to the current proposed Master Plan change and high density apartment project as we see it as a radical departure from the vision and nature of our Rancho Viejo community, the vision and plan we were presented with when we moved here and our basis for investment in our community. Some of the basis for our opposition is as follows:

--Our Master Plan provides us with covenants, codes and restrictions within an organized and accessible

homeowner's association. These would not apply to adjacent rental housing that will have turnover in tenants, ownership and management.

--This apartment project will radically increase traffic on Richards Rd, since Richards is the only outlet off College Heights Drive. As currently proposed in the application, a connector route easement through the property would only increase traffic congestion in the area. Logically, high-density housing creates high density traffic.

--This project will generate dust, noise, and light pollution near our homes. The demographics of such a high-density residential center will be at odds with surrounding communities.

--There are better places to position such a project near Rancho Viejo that have existing access and lower impact on existing single family residential areas.

With regard to these points, some of our findings are:

- The College Heights property was platted with Rancho Viejo as one community and is covered by the Rancho Viejo North covenants that would prohibit this project without a vote of the homeowners
- That the county cannot change zoning to approve a project on a spot basis, but must look at the entire impact a new designation would have on the community.
- That courts have supported property owners who come to rely on developer plans and disclosures when homes are purchased
- That the county plan protects adjacent property from adverse impacts of land-use changes.

In summary, we view this application as misguided and out of step with both our existing community's plans and needs as well as the needs for housing that meets new standards for sustainability at the county level. It would set a poor precedent in this new era. We strongly encourage you to deny this application for a plan change and appreciate your consideration of our concerns.

Respectfully submitted,

Randy Crutcher

12A Deans Court Santa Fe, New Mexico 87508

March 11, 2014

Dear Ms. Stefani's,

I am writing Re: CDRC Case MPA 13-5380
Elevation at Rancho Viejo.

Our family and neighbors are very troubled that a Phoenix-based owner of this parcel wishes to apply to change our Master Plan to build 400 high density apartments. It seems as though a master plan is a great marketing tool for real estate sales but loses its importance as developers see fit to change it when their own interests are affected. If our Master Plan can be changed for this, they can do it anywhere. The Plan provides home owners with covenants and associations. Renters will not be covered by any covenants.

We purchased property here because it is a master-planned community. Residents are at the mercy of the whims of outside forces who seem oblivious to traffic troubles (on Richards Ave.) the apartment complex will generate. There are better places to position such a project near Rancho Viejo. What is designated now for future building on this parcel should be kept intact.

I believe this application for a master plan change sets a dangerous precedent for future building plans here in our wonderful community.

We fear we will become a city of urban sprawl developed without thought concerning pollution, traffic congestion, and water resources. Does the term "master plan" have any real meaning or

OBA-1461

validity when it can be amended without
 input or vote by Rancho Viejo residents?
 Thoughtful planning should rule when considering
 changing or adding buildings in a covenant-
 controlled community. We urge you to vote
no on this proposed master plan change.

Thanks for your consideration,
 Barbara Butera
 1 Alegre Pass, Santa Fe, 87508
 (505) 424-3097
 babski@a.pobox.com

Ms. Liz Stefanics,
County Commissioner, District 5
P.O. Box 720
Cerrillos, New Mexico 87010

Dear Ms. Stefanics,

Last year it came to our attention that Vedula Developers and Uninvest were working together to change the Master Plan at the county level. This is a Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20.

I am writing because I am opposed to this Master Plan change and ask that you save the college master plan as it is. Allowing 214 apartments to be built is unethical, not well thought out (for many reasons from environmental to traffic issues); and sadly being considered for the money—not the well intent of the Santa Fe community.

The SE connector is also a real concern and needs to be questioned why it is being built when if we were doing real long term thinking of our community and college expansion. then we would build a connector at the far end of the college campus rather than its now considered placement (a quarter of a mile away from the college) suggested at the March 10th meeting.

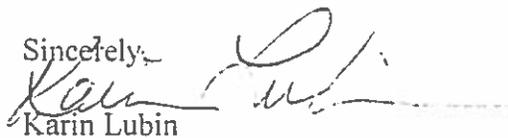
The timing of building a road connector as well as a development complex perhaps was not thought through. We are being told that the road will begin to be laid down in 2016 yet the construction of whatever project gets the go ahead will start BEFORE the road is completed.

Considering the traffic issues already on Richards road, it makes no sense that we would impact the road even more with big equipment, trucks etc and even have a greater impact on traffic, congestion and safety issues if there is a need to evacuate quickly.

I know that you will stand by the larger Rancho Viejo community that is against this major change to the Master plan. Please note our concern and hesitation in making this major change to an already completed plat that has been documented and what all residents receive when purchasing their property.

Please do the right thing!

Sincerely,



Karin Lubin
12A Deans Court
Santa Fe, NM 87508

OBA-163

Jose Larranaga

From: James Joy <dr.jjoy@yahoo.com>
Sent: Tuesday, March 11, 2014 11:37 AM
To: Jose Larranaga
Cc: Liz Stefanics
Subject: Uninvest Plans in Rancho Viejo

Dear Mr. Larranaga:

We bought our house in Rancho Viejo in 2006. At the time, we were attracted by the idea of a community of single-family residences governed by homeowners associations and covenants. The community was quiet and offered excellent views of the mountains and the night skies. Since then we have seen steady development of our area, with many more housing units, schools, churches and businesses all utilizing Richards.

Uninvest's plan to build 400 apartments, however, will represent an even more threatening development. First, I doubt that the company will stop at 400. Second, this completely goes against the concept of single-family residences, covenants and homeowners associations. Third, it will disrupt the quiet in our neighborhood and the views that so many have enjoyed. Fourth, it will take the traffic problems in our community to a new level. Fifth, apartment dwellers, not being long-term residents, do not have the same stake in the community and that will bring a decline in community involvement.

I urge you to NOT allow the change that Uninvest wants.

Sincerely yours,

Dr. James Joy
57 E. Chili Line Rd

Jose Larranaga

From: Kristin Chancellor <kc@sfjs.net>
Sent: Thursday, March 20, 2014 12:21 AM
To: Jose Larranaga
Cc: Liz Stefanics; concernedrvhos@gmail.com
Subject: Rancho Viejo Homeowner Objections to Proposed Apartment Building Location

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir,

It has been brought to our attention that Univest has made a request to build a high density, up to four hundred unit, multi-story apartment complex in the Rancho Viejo residential community. This goes against the contractual covenants and principals that the original developers constructed. The reason people such as ourselves moved into this area was the promise that all who would live here would have to live under enforceable contractual covenants such as the single home master plan, evening light restrictions, building height restrictions and proper property maintenance. This proposal flies in the face of the promises that convinced us to move here in the first place. It's very existence would break most of the original contractual covenants we agreed upon.

The influx of people into this area is also a logistical nightmare. Richards road can't handle the current traffic load into and out of the area. Adding as many as six hundred to a thousand additional vehicles to this single road access area will be render traffic unmanageable and unsafe. I don't object to Univest developing the property they have purchased, but I do think they or any other person or company should be held to the original standards which started and continue to compel the community to be a model for low density rural development.

Thank you for your time and attention.

Sincerely,

Kristin & Steve Chancellor
211 E. Chili Line Rd.
Owners, Santa Fe Jewelers Supply
3200 Mercantile Ct.
Santa Fe, NM 87507
www.sfjs.net
kc@sfjs.net

Jose Larranaga

From: Glen Smerage <glens@ufl.edu>
Sent: Tuesday, April 01, 2014 11:19 AM
To: Jose Larranaga
Subject: letter, case 13-5380

187 E Chili Line Road
Santa Fe, NM 87508
505-471-2026

1 April 2014

Jose Larrañaga, Case Manager
Building & Development Services
Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

Dear Mr Larrañaga:

In spite of the date, this letter is no joke. Please note in particular Item 6.

I implore the CDRC to deny the Master Plan Amendment (MPA) to College North Master Plan (CNMP), dated February 1997, sought in SFC Permit 13-5380 by Univest Rancho Viejo and Vedula Residential Operating. Among many reasons to deny, I offer only the following few as most important.

1. The MPA would be an unconscionable departure to CNMP as adopted in February 1997 and presented to the public and original and subsequent buyers of 20 residential properties developed in Phase-I, College Heights, of CNMP. Granting the MPA would unrightfully disenfranchise those owners.
2. The MPA would affect only a portion of the undeveloped 57 acres in CNMP, itself only 91 acres. That would be piecemeal development of land all 57 acres of which should be developed as a single, unified entity, in conjunction with College Heights and integral to the entire Rancho Viejo (RV). SF County should not pursue nor permit piecemeal development under the Community College District Ordinance (CCDO).
3. Residents of RV own and reside under strict covenants, including membership in and control by homeowners associations (HOAs). Membership and dues payment to an HOA would not be required of residents of apartments proposed in the MPA, yet they would have access to trails, open space, and other amenities of paying residents. That is unequal, and unconscionable treatment under law.
4. Development of apartments under the MPA would not be governed by an HOA; therefore, it would not be subject to architectural and other requirements of an adjacent HOA and RV overall. We can be sure that Univest would not impose on developer Vedula HOA-like requirements it imposes on resident owners. Apartments would be an independent, incongruous island in the whole RV, a morally and legally objectionable condition.
5. Provisions of SF County's new Sustainable Land Development Code (SLDC) are inadequate to sustain quality communities like RV. Residents of RV need time to develop with Univest and BCC provisions in SLDC that will sustain features and quality-of-life in RV and other such communities.
6. The MPA application states that the applicant is '... seeking to bring the property into compliance with the CCDO by the MPA' and '...the CCDO designates the subject property as a Village Zone'. Use of those statements to justify the apartments is phony and deceitful, an egregious artifice toward getting their way. The 57 acres are far too small to be a village; they really are merely a portion of College Heights and a very small portion of the whole RV Community.

I request that before closing public hearing of case 13-5380, your Committee request of Jose Larrañaga an explanation of the two statements relative to provisions of the CCDO.

7. The RV developing on 2500 acres, already a fine community of 1300 single residences, abundant open space, trails, and vistas, should and must be treated as a single community, a single entity. Development of new, major segments of that 2500 acres must be done with architectural, functional, and social harmony. Already, Bicycle Technologies International and Easter Seals El Mirador are glaring, incongruous, and unwanted blights on the Community; RV does not need additional blight of apartments proposed in the MPA.

8. Very obviously, the site of Univest-Vedula's proposed monolith apartment complex is a scheme to exploit future students of SFCC. As a resident of university towns forty of my adult years, I know first-hand the deterioration of near-university neighborhoods caused by off-campus, student housing, both apartments and single family houses. Residents of RV do not want that deterioration of their neighborhoods and community to occur. Univest has land, e.g., near SR 14 or elsewhere in the 2500 acres of RV, much more suitable for apartments than the proposed site.

For the welfare of Rancho Viejo, please deny application 13-5380 and request that Univest complete College North Master Plan in the manner originally proposed and develop its other land north and east of SFCC via large master plans in conformity with the vision and intent of CCDO and the Rancho Viejo extant.

Sincerely,

Glen Smerage



Rancho Viejo North Community Association, Inc.

55 Canada del Rancho, Suite B, Santa Fe, NM 87508 (505) 473-3516
www.ranchoviejonorth.com

April 16, 2014

Sanla Fe County Board of County Commissioners
c/o Jose Larranaga, Commercial Development Case Manager

via: email to joselarra@santafecountynm.gov

RE: Elevation at Rancho Viejo, #MPA 13-5380

Dear Mr. Larranaga,

The Rancho Viejo North Community Association Board of Directors submits this letter on behalf of the homeowners of Rancho Viejo North, particularly those in College Heights. The Board strongly opposes the requested master plan amendment to allow the construction of 214 apartment units. The proposed apartments are inconsistent with the existing residential neighborhood at College Heights. At the time the residents of College Heights bought their homes, there were representations made that future development phases would continue the single family residential character. Residents are now concerned that an apartment complex will negatively impact current home values in this area.

The Rancho Viejo North Community Association Board requests that this master plan amendment be denied.

Sincerely,

On behalf of the Rancho Viejo North Community Association Board of Directors

Bruno Keller, President
Rancho Viejo North Community Association
bkeller@ranchoviejonorth.com

OBA- 168

Jose Larranaga

From: Penny Ellis-Green
Sent: Monday, April 14, 2014 1:48 PM
To: Jose Larranaga
Subject: FW: Regarding the proposed Apartment Complex and the changing of the Master Plan in Rancho Viejo

From: Paul H Lujan [mailto:pbstrong_1999@yahoo.com]
Sent: Monday, April 14, 2014 1:44 PM
To: Penny Ellis-Green
Subject: Regarding the proposed Apartment Complex and the changing of the Master Plan in Rancho Viejo

Penny Ellis-Green, Growth Management Administrator,

I am writing this e-mail to express my concern over the proposed Apartment Complex and the changing of the Master Plan in Rancho Viejo. My address is 2A Dean's Court, and just based on the proximity to the proposed apartment complex, I will be the one most impacted by it.

I purchased a home in Rancho Viejo back in 2001 for several reasons, but the most important was the feeling of being in a rural environment even with the city being so close by. The nights are quiet and all you can hear are the birds chirping and the coyotes howling. I also purchased my home, with the understanding that Rancho Viejo would always be a community of single family dwellings in order to maintain the beauty and peacefulness of our community. It is not fair to the 1000+ residents of our community that this would now change. The impact on traffic alone, which is already atrocious, is unfathomable! The sewage lines that go from the homes on College Heights to the Santa Maria de La Paz Church and Santo Nino School already back up several times a year. I know this, because I used to work at Santa Maria de La Paz and this seems to be a major issue. The sewage has to be pumped uphill to the waste processing center at Rancho Viejo. How can this sewage line handle 241 apartment units, when it can't even handle 20 homes, a church and a school.

Basically the proposed revision to the Rancho Viejo Master Plan would disrupt the lives of the countless people that now reside in Windmill Ridge, The Village, La Entrada and most importantly the 20 homes in College Heights. Please do not let this happen.

Sincerely yours,

Paul H Lujan

Jose Larranaga

From: Chris Furlanetto <crfrwf@yahoo.com>
Sent: Monday, April 14, 2014 11:28 AM
To: Jose Larranaga
Cc: Liz Stefanics; Penny Ellis-Green; Robert Griego
Subject: Comments on CDRC Case # Z 13-5380

Mr. Larranago:

We are writing in opposition to the apartment complex proposed in this application. As residents of Rancho Viejo, we are concerned that allowing a high-density complex in our single-family development will adversely impact the quality of life here in Rancho Viejo. The proposed development will provide absolutely no benefit to the hundreds of residents already in Rancho Viejo. Adding another 200+ apartments at a later date will only exacerbate the negative effects of the current application.

We ask that CDRC and the BCC act in the spirit of the Sustainable Land Development Code adopted in December 2013. Although the Code does not officially take effect until the zoning map is approved, we believe development decisions of this scope should be made with the provisions of the new Code in mind.

In any case, should the BCC ultimately approve this application, we strongly believe that:

- No construction should be allowed until the Southeast Connector is built. Proceeding with construction with no additional access roadways will result in a traffic nightmare for everyone who lives in Rancho Viejo, commutes to SFCC, or attends Santa Maria de la Paz church or school.
- An outdoor pool should not be permitted under any circumstances, given the severe water issues here in Santa Fe County.

Thank you for your attention to our views.

Sincerely,
Christine Furlanetto
Richard Furlanetto, MD, PhD
6 Redondo Peak
Santa Fe, NM 87508

Jose Larranaga

From: Penny Ellis-Green
Sent: Tuesday, April 15, 2014 8:11 AM
To: Jose Larranaga
Subject: FW: CDRC CASE # Z 13-5380 Elevation at Rancho Viejo OPPOSED!!

From: Linda Weston [<mailto:lindaw505@gmail.com>]
Sent: Monday, April 14, 2014 9:03 PM
To: Liz Stefanics; Penny Ellis-Green
Subject: CDRC CASE # Z 13-5380 Elevation at Rancho Viejo OPPOSED!!

Hello,

I appreciate you taking the time to consider my opinion. I am a 5 year resident of Rancho Viejo and I am 100% OPPOSED to a change in the Master Plan for the Community College district.

I do not think an apartment complex is a good addition to the neighborhood, this was not in the original Master Plan which I studied prior to purchasing my home in this area. This new concept and related density is a far dramatic deviation from our community plan.

Besides the obvious problems of increases in noise, traffic, crime, light pollution, etc. the larger issue here is I purchased a home in Rancho Viejo with the assurance that this area would be occupied by homeowners and governed by covenants and associations. A sale of this parcel would change the contract under which I purchased my home. I have done an informal survey in my neighborhood and we are all in agreement that this proposal to make a change is not endorsed by any homeowner here.

Please take this into consideration and vote NO for a change in the density allowed in this Community College district. We would appreciate it if you could please vote in favor of the Rancho Viejo residents who are in a consensus regarding this request.

Thank you,
Linda Weston

57 Via Sagrada
Santa Fe, NM 87508
(505) 920-4960
lindaw505@gmail.com

April 9, 2014

Jerry & Carol Wells
14A Deans Court
Santa Fe, NM 87508

Jose Larranaga
Commercial Development Case Manager
County Land Use Administrator
P. O. Box 276
Santa Fe, NM 87504-0276

Dear Mr. Larranaga

Re: Elevation at Rancho Viejo #MPA 13-5380

This letter is in response to Legal notice published in the Santa Fe New Mexico on March 31, 2014 regarding a public hearing on an amendment to the College Master Plan on 56.91 acres for the development of an multifamily residential community.

I had previously written my objections to this development, however; the hearing was rescheduled for April 17th, so I am resubmitting my comments in opposition to this development.

Univest-Rancho Viejo proposed this development over a year ago at which time we voiced our objections to this development as it would substantially increase traffic on College Drive and it was a change in the original design of the neighborhood from single family housing to multifamily rental housing. The original proposal submitted by Univest-Rancho Viejo was to build two multifamily rental housing units in two phases each development consisting of approximately 240 housing units. The proposal was marketed as a "Luxury" apartment complex.

After receiving considerable opposition to these plans, Univest-Rancho Viejo altered their plans and presented a proposal very similar to the current proposal. Once again the Community voiced opposition to this plan.

At a meeting in the fall of 2013 a meeting was held to establish a Community/Developer joint task force for purposes of addressing many of the issues voiced in our opposition to this development. At the end of the meeting we were informed that this proposed development was not included in this new joint task force as the College Drive property was being sold to Vedula Residential Operating LLC.

OBA-172

We are now told that this sale has not been completed and it appears that Uninvest-Rancho Viejo is a partner or is spearheading the development for Vedula Residential Operating LLC because of their ties to the community.

Our original opposition to this development has not been resolved. Our issues are the increase in traffic on College Drive, the change from single family owner occupied homes to multifamily rental units.

We do not believe these rental units will be "Luxury" apartments as it is quite evident that they are intended as student housing for SFCC.

Our concerns with student housing is the fact that College students do not maintain the property, have late night parties and are constantly traveling back and forth to social events, work, school, friends houses etc. We have rented to College students in a College town and know the ramifications of renting to College students.

The traffic study presented assumes that the traffic on College Drive will not increase significantly. It is unknown how many automobiles the study assumes for each apartments but I would expect no fewer than at least two per unit and considering the residents would in all likelihood be students, I would expect some units would have up to four automobiles per unit.

The multifamily rental housing is proposed assuming the South East Connector runs west of the proposed site. As the developer probably is working with the county to make that happen, it may relieve some of the traffic concerns, but not as many as the traffic study seems to imply.

The multifamily rental housing is only a short distance from a significant archaeological site. Knowing young adolescent children tend to wonder off to explore unoccupied areas of the surrounding areas to the homes, I would expect this site is at risk.

The proposal as submitted leaves open the question of the second multifamily rental units and would in fact increase traffic substantially above the projections.

It may be noted that the round about at Richards and College Drive is rated as a failure. While it is true the South East Connector may help the rating on this roundabout, it would still be rated at a failure or near failure rating with the rental units.

As a homeowner in College Heights, I must follow the covenants established by the Rancho Viejo Homeowners associations. These covenants protect homeowners rights, rights which the multifamily rental units will not be required to follow.

We live in a natural dry land environment which is highly flammable and easily destroyed by wildfires, unplanned pedestrian, bike and off road vehicle trails.

As a final issue, we find it unreasonable for multifamily housing to be allowed a swimming pool when residents of Rancho Viejo are not allowed to have swimming pools and which saves our valuable water resources. The pool would make the multifamily rental units for College students even more attractive for late night parties with significant use of alcohol and drugs.

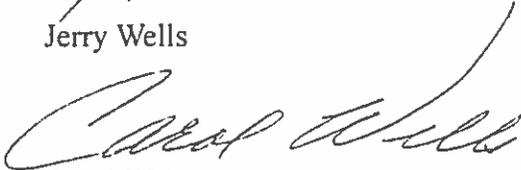
We have real concerns over our ability to exit or enter our street during heavy traffic periods. We are also concerned about our ability to evacuate our neighborhood in case of a wildfire in the grasslands surrounding our neighborhood., as there is only one exit out of the neighborhood. We need a turning lane on College Drive into Burnt Water so as not to tie up traffic exiting SFCC and utilizing College Drive to connect to the South East connector . We would like to see a parking lot for SFCC to be planned along the side of the South East connector behind the Witter Fitness Center to reduce traffic on College Drive.

We ask that you require this section of land be developed as originally platted in the Master Plan and as presented to the residents of College Heights at the time they purchased their single family homes.

Sincerely,



Jerry Wells



Carol Wells

CC: Liz Stefanics, Commissioner

OBA-174

Jose Larranaga

From: Penny Ellis-Green
Sent: Tuesday, April 15, 2014 3:28 PM
To: Jose Larranaga
Subject: Fwd: proposed zoning change

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: proposed zoning change
From: Doug Konen <dkonen@comcast.net>
To: Penny Ellis-Green <pengreen@co.santa-fe.nm.us>
CC:

Ms. Ellis-Green,

I have heard about proposed zoning changes to the Rancho Viejo master plan that would allow for the construction of apartment buildings near the College. As a homeowner in this community I am opposed to this idea, at least in the area now being discussed. Apartment housing will have numerous detrimental effects on the quality of life, not least among them single family property values, housing density and dangerous traffic.

I urge the Commissioners or those involved in land use planning and laws to deny permission to build apartment buildings on College Rd or near the College. There are probably other, far more suitable places to locate an apartment complex within the Rancho Viejo development.

Douglas Konen
26 Panther Peak
Santa Fe 87508

Jose Larranaga

From: Susie Knight <confettisuz@hotmail.com>
Sent: Thursday, April 17, 2014 2:59 PM
To: Jose Larranaga
Subject: 17th meeting

Dear Mr. Larra,

I am writing for the two adults in this household who live in Rancho Viejo, Village 1.

We are both completely against allowing apartment complexes to be built in the College Heights area of Rancho Viejo.

There is already too much traffic on Richards Avenue.

The infrastructure doesn't exist to accomodate such an additional population.

Apartment buildings reduce the real estate value of private homes in the immediate area.

Thanks for listening.

Respectfully,
Susan Knight and Karl Johnsen
7 Grayhawk Place
Santa Fe, NM 87508
505-438-0404

Jose Larranaga

From: Glen Smerage <glens@ufl.edu>
Sent: Thursday, April 17, 2014 10:08 PM
To: Jose Larranaga
Subject: new letter, case 13-5380

187 E Chili Line Road
Santa Fe, NM 87508
505-471-2026

17 April 2014

Jose Larrañaga, Case Manager
Building & Development Services
Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

Dear Mr Larrañaga:

Below is copy of the body of the letter I sent tonight to CDRC after its aborted Public Hearing on Case 13-5380 today, 17 April. Its contents and emphases differ substantially from my 1 April letter (also to you) on the same case.

Glen Smerage

Dear Committee Members:

Your Packets for today end with my 1 April letter containing 8 valid & compelling reasons for denial of this proposal. I present below my intended comments for today's aborted meeting. I hope you will read both letters before your 15 May Public Hearing; their contents and emphases differ significantly.

It is axiomatic that many things are conceived and initially created well only to be subsequently degraded and even destroyed by their creators. That axiom may now apply to Uninvest and Rancho Viejo (RV).

RV is a totally new community conceived and created by original land owners on virgin ranch land. Now only 13 years old, it is a special community of 1300 single-family residences, schools, churches, open spaces, trails, and superb vistas. It is a community of pleasing, harmonious structure and architectures of homes offering residents a high quality of life. Of my many concerns about this proposal, the greatest is the significant departure in community character and lack of compatible controls as commercial functions and structures are added to RV.

Until 2012, the vision of original land owners, who are among principals of Uninvest, was well achieved at RV, and residents eagerly bought into that vision. Indeed, many of us paid lot premiums for that privilege. Uninvest now seeks to add commercial functions and structures to our Community, commencing in 2012 with Easter Seals El Mirador, BTI (Bicycle Technologies International), and now proposed apartment. We are not against commercial additions to RV; we are against the incompatible, degrading ways by which it is being done by Uninvest. Instead of working with residents to assure structurally and architecturally harmonious commercial additions that retain superb qualities of RV, Uninvest works against us—against the Community.

What residents do with their properties is highly controlled by covenants and homeowner association fees and regulations that are good for the Community. No comparable covenants and association controls apply to commercial development in RV, and Uninvest is indifferent to, even against controls, aesthetics, and harmony. Easter Seals, BTI, and proposed apartments are in location, function, and architecture inappropriate, ugly, incongruous with, and degrading of
Smerage to CDRC, page 2.

the major portion of our Community, the large, adjacent residential units. Further commercial development in RV must be done in conformity with meaningful covenants and oversight by HOAs.

Santa Fe County is no help to us in adding well commercial functions to our Community. Its CCDO and new SLDC really do not address factors affecting harmonious development and sustainability of new communities. That major deficiency and irresponsibility of both ordinances is detrimental to RV and other new communities.

I implore you to deny this application by Uninvest-Vedura and, furthermore, to suggest strongly to BCC that it quickly amend CCDO and SLDC with regulations that assure compatibility of residential and commercial facets and sustainability of new communities.

Sincerely,

Jose Larranaga

From: pateperrin@aol.com
Sent: Wednesday, April 30, 2014 3:47 PM
To: Jose Larranaga; gevezich@gmail.com; tunick@swcp.com; concernedrvhos@gmail.com; raquel_burns@shamrockfoods.com; marsjohn4@gmail.com; hunt4steve@gmail.com; david@bsnsantafe.com; arjjg@comcast.net; evelyn@nmlandandhomes.com; Flopez3951@aol.com; quantumrandy@gmail.com; pbstrong_1999@yahoo.com; qleapcoach@gmail.com; ceasterwood@nmb-t.com; karinlubin@gmail.com; swg.lgg@gmail.com; a63lp@yahoo.com; kcod@mac.com; jimshuba@aol.com; sumac3b@comcast.net; leelowary@gmail.com; jwells7465@comcast.net; bkrasnow@sfnewmexican.com; mlaendle@yahoo.com; pateperrin@aol.com
Subject: Request to retain the expired College Heights Master Plan

Univest (Rancho Viejo) sold the homes on College Drive, promising a single-family, low-rise development of 73 homes.

The College Heights Master Plan apparently expired recently and now Univest wants to sell half of the land in our planned community to a Phoenix Developer and produce high-density apartment housing.

I ask that our Old Master Plan be retained and renewed--no matter who owns the land--for single family housing as promised.

From: Glen Smerage
Sent: Friday, May 2, 2014 7:47 AM
To: Liz Stefanics
Subject: a big question

187 E Chili Line Road
Santa Fe, NM 87508
505-471-2026
glens@ufl.edu

2 May 2014

Commissioner Liz Stefanics
Santa Fe County Commission
102 Grant Ave
Santa Fe, NM 87501-2061

Dear Commissioner Stefanics:

Each time I have written to you prior to a public hearing to express concern and criticism and request denial of a development proposal in Rancho Viejo by Univest Ranch Viejo, LLC, you have invoked 'Ex Parte'. How, then, am I to communicate to you in timely manner my concerns and criticisms in such cases so that you may consider in your decision process my input as an affected resident?

I may and usually do speak at Public Hearings on Univest's proposals, but let's be honest, speaking at the Public Hearings is almost worthless. Governing laws and procedures of Santa Fe County Public Hearings place great disparity between developer and public individuals. Developers are permitted unlimited time in Hearings to present their case, rebut public criticisms, and answer commissioner questions. No such privilege is accorded members of the public! Criticisms of development issues typically are multifaceted; in no way can an individual express with adequate substance multiple criticisms in the typical three minutes, often only two, permitted per speaker. That is a ridiculous expectation!

How may I address a letter to you and other commissioners to assure that it gets into your Packets of Materials/Documents for the Commission meeting on the date of a Public Hearing of interest? The public meaningfully must communicate with commissioners, not Penny Ellis-Green and others. Of course, commissioners may ignore letters from its public, but we must write for more adequate communication with you and hope that you have more integrity than that.

Sincerely,

Glen Smerage

OBA - 179

Jose Larranaga

From: pateperrin@aol.com
Sent: Saturday, May 03, 2014 1:53 PM
To: Jose Larranaga; Jose Larranaga; Liz Stefanics; gevezich@gmail.com; tunick@swcp.com; concernedrvhos@gmail.com; raquel_burns@shamrockfoods.com; marsjohn4@gmail.com; hunt4steve@gmail.com; david@bsnsantafe.com; arjjg@comcast.net; evelyn@nmlandandhomes.com; Flopez3951@aol.com; quantumrandy@gmail.com; pbstrong_1999@yahoo.com; qleapcoach@gmail.com; ceasterwood@nmb-t.com; karinlubin@gmail.com; swg.lgg@gmail.com; a63lp@yahoo.com; kcod@mac.com; jimshuba@aol.com; sumac3b@comcast.net; leelowary@gmail.com; jwells7465@comcast.net; bkrasnow@sfnewmexican.com; mlaendle@yahoo.com; pateperrin@aol.com; tunick@vsci.net; detwiler@cybermesa.com; michelle.ensey@state.nm.us
Subject: Fwd: CDRC Case # MIS 13-5380 Elevation at Rancho Viejo Master Plan Amendment, Archaeological site LA 110168
Categories: Red Category

Dear Mr. Jose Larragana and County Commissioner Stefanics:

Please note below that Univest/Vedura, developers of 215-415 apartment units off College Heights Road are not willing to pay for an assessment of an archeological site located on or near the development.

Some of us in College Heights know and protect the location of this site.

We believe it to be at high risk and on or very near the land possibly scheduled for the Elevation at Rancho Viejo or Southeast Connector development. The site should be identified and fenced off.

Sincerely, Pat E. Perrin
505-474-3453
10 Deans Court
Santa Fe, NM 87508

-----Original Message-----

From: Ensey, Michelle, DCA, DCA <michelle.ensey@state.nm.us>
To: pateperrin <pateperrin@aol.com>
Sent: Thu, May 1, 2014 10:23 am
Subject: RE: CDRC Case # MIS 13-5380 Elevation at Rancho Viejo Master Plan Amendment, Archaeological site LA 110168

Pat,

Thank you for your email and I understand your concerns. Unfortunately, I cannot share the location of LA 110168 because site locations are confidential under state law. We try to protect the locations of sites to ensure that their locations are not available to the public at large in case the information gets into the wrong hands and leads to the destruction of the site. I can tell you that LA 110168 was originally documented in 1995 and revisited again in 2009. It was determined to be significant in 1995 and a non-disturbance easement was placed on the site as required under the Santa Fe County Land Use Ordinance. Under the ordinance, a site is significant if it is 75 years or older and has the potential to provide information on the prehistory and history of the Santa Fe area. Sites usually remain in a non-disturbance easement until a treatment plan (usually excavation) is implemented to recover the significant data from the site and this easement is marked on the plat to ensure protection.

Because the County does not employ a professional archaeologist, they submit development plans and plats to this office for my review, along with archaeological survey reports and treatment plans. Since the State has no jurisdiction on private land (unless there is federal money involved, or the historic property is listed on the State Register of Cultural Properties), my review is limited to providing comments and advice to the County. I cannot require that the County impose conditions on a developer that are outside the scope of their ordinance. For this particular development, the developer indicated that they will continue to avoid the site; however, I did recommend that they hire a professional archaeologist to reassess the site. The plat showing the non-disturbance easement may not be accurate. The firm that conducted the initial recording in 1995 did not always accurately map the sites that they discovered. In other situations, I have found that this firm mislocated sites, placing the non-disturbance easement in the wrong location, and sometimes they placed a very large non-disturbance easement on the site where it wasn't warranted. I do not know if the 2009 recording of the site provided a new non-disturbance easement. If it did, that information is likely to be more accurate. Nonetheless, as a result of my experience, I recommended the new assessment to make sure the site is located correctly on our maps and that the non-disturbance easement is of appropriate size and in the right place. The developer disagreed with my recommendation and to my knowledge will not be conducting the assessment. As I mentioned, I cannot require the reassessment. The County did, however, notify me that the plans have changed and the development may be closer to the site. They will be sending the new plan and plat to me for review, but I have not received it yet. When I do, I will reiterate my concerns.

I recommend that you write letters to the County commissioners and also attend the meeting when the plan will be reviewed so that the commissioners can hear your concerns. They are the only ones that can ask the developer to conduct additional work. In the meantime, please do not hesitate to contact me if you have any other questions.

Sincerely,

Michelle M. Ensey
Archaeologist
NM State Historic Preservation Office
407 Galisteo Street, Ste. 236
Santa Fe, NM 87501
(505) 827-4064
www.nmhistoricpreservation.org

From: pateperrin@aol.com [mailto:pateperrin@aol.com]
Sent: Wednesday, April 30, 2014 4:15 PM
To: Ensey, Michelle, DCA
Subject: CDRC Case # MIS 13-5380 Elevation at Rancho Viejo Master Plan Amendment, Archaeological site LA 110168

My name is Pat Perrin and I live off College Drive just north of the Community College in Rancho Viejo's College Heights.

Univest (Rancho Viejo Developers) is planning on selling a parcel of land in College Heights to Phoenix Developer Vedula, which wants to build a high-rise apartment complex in an area near the archeological site listed above.

This parcel is next to Burnt Water Road, which borders our 20+ homes. Those of us in Rancho Viejo's College Heights neighborhood are decidedly opposed to this concept because Univest sold us our homes with promises that this adjacent parcel would complete our community for a total of 73 single-family homes.

Consequently, we have learned not to trust Univest.

We wonder if you have any maps that document the exact location of LA 110168.

We are also curious about the value of the site. Do you have any criteria which indicates the value of this site?

Is the archeologist who will be hired to verify the site and its boundaries hired by the State or the Vedula/Univest developer?

I would be happy to come ^{down} and look at your maps.

We urge you to consider independent review if you wish to preserve this site.

Jose Larranaga

From: Eunice Vellon <eunice.vellon@gmail.com>
Sent: Friday, June 27, 2014 3:21 PM
To: Jose Larranaga
Subject: MPA 13-2061 FOR DELIVERY TO THE BCC COMMISSIONERS

Follow Up Flag: Follow up
Flag Status: Flagged

Board of County Commissioners
102 Grant Ave.
Santa Fe, NM 87501-2061

6/27/2014

Mr. Chairman and Commissioners

I sat in the county chamber last month while Ms Jenkins of Jenkins Gavin acting as agent for Univest Rancho Viejo and Vedula Residential presented the proposal for the multifamily development in College Heights/Rancho Viejo (case # MPA 13-5380) to the CDRC. I'm not sure how many times during her presentation Ms Jenkins referred to "THE COUNTY" but it was a lot. She told us what the county wanted and needed. She explained how this development was going to benefit the county and provide something that was not otherwise available in the county.

But the county is not an abstract entity. It is the men, women and children who live, shop, own businesses and homes, employ our citizens, attend our schools, play in our parks and pay taxes in and to the county of Santa Fe. It's the people who will be sitting in those chambers on July 8; those who will come to be heard and those who come to hear how you will respond to our concerns. It's those who went to the two previous monthly meetings of the CDRC and to the numerous other meetings regarding this and other related issues. It's the homeowners, and renters who have signed petitions, sent e-mails, and written letters. Mister Chairman and Commissioners, that county wants to be heard—not just politely listened to, but actually heard. The applicant and their agents do not and indeed cannot speak for us:

- The applicant is in Arizona.
- The applicant according to their own website is only interested in maximizing their return on investment. "Buy low and sell high" is their motto.
- The applicant does not always maintain ownership and manage the projects they develop contrary to what their agent has told us and you.
- The applicant makes decisions based only on their bottom line.

We, on the other hand, are interested in investing in our community and making it the best living and working environment that we can because it is "OUR COMMUNITY—OUR HOME—OUR COUNTY."

It has been intimated that the developer has addressed the concerns of the residents by moving the site ¼ mile east of the current College Heights development to the eastern side of the yet to be built SE Connector

and allowing for a buffer zone of indeterminate description to be built between the existing homes and the apartments.

NOTHING COULD BE FURTHER FROM THE TRUTH. The residents of Rancho Viejo have been consistently and unequivocally opposed to this project in all its changing forms. There are much better locations for apartments in terms of public transportation, local shopping, employment, and wider roads—and--with good access to trails, bike paths and the Community College. Contrary to the intimations presented by the applicant, our objections are not because they are apartments, but because these apartments are not consistent with the planned development that the residents bought into and will result in a devaluation of our environment. This devaluation will be real regardless of whether or not it results in a devaluation of our house values which is a questionable assumption at best.

At the CDRC meeting, Ms Jenkins postulated that the existence of two apartment complexes, which she drives by every day, have no impact on the value of her home and others in her neighborhood because those homes sell for a lot of money. You cannot prove a negative in that way. Since the apartment complexes do exist and preexisted most of the homes built, there is no way to determine what impact their existence had or has on the price of homes. You cannot say with any certainty that the \$600,000.00 home would not be a \$900,000.00 home if the apartments did not exist. Her example may have an emotional appeal, but it is an invalid argument and has no bearing on the current proposal.

During that same presentation for the College Heights project there was a slide that the applicant's agent did not show the committee. It is the one that designates the acreage to the east of the current site in their application as reserved for future multifamily development. So contrary to the 214 apartments they are asking you to approve, we could actually be looking at 400+ apartments and the cars and other potential problems that go with them. They also failed to indicate what would be built in the buffer zone which could be another 200+ apartments.

The applicant assured the committee and us that the number of residents and income requirements will be strictly adhered to. The largest apartment, 3 bedrooms, 3 baths, will rent for approximately \$1350.00 mo. Anyone renting this apartment would need to make 3 X the rent or \$4050.00 mo. If a family consisting of say a mother, father and 4 children (2 boys and 2 girls) earning the 4000+ a month salary were allowed to rent this apartment, the management could not refuse to rent to 6 single people with a combined income of \$4000. That would be discrimination. Each of those 6 people would have to put up \$225.00 a month rent. Pretty affordable I would say. And the much touted amenities would make it an even better deal.

The applicant has assured us that these apartments would not be "student housing" and that the college has nothing to do with the development. That may be technically true, but at a meeting with the college administration, we were told they would make wonderful housing for the international students the college was hoping to attract, and for other students who come from out of town and want to take advantage of the new 4 year program that is being developed. The college hopes to double in size within the next decade. The applicant assures us that the college is very much in favor of these apartments. Of course they are. Having these apartments so close by allows the college to devote their funds and future development to other areas. They won't have to build on-campus housing.

There is another project at St. Francis and Rabbit Road that is being proposed that will include 650 dwelling units and 760,000 sq.ft. of non-residential space. We were told that the traffic issues were being addressed, but the number of cars referenced at the committee hearing referred to only a small portion of these

proposed units. Even if you could limit the number to 2 cars per residential unit and 1 car to each 500 sq.ft. of non-residential space (which you cannot), you are still talking about 2820 cars.

The so-called employment center within Rancho Viejo and the build-out of the rest of the residential units within Rancho Viejo will add even more density and traffic congestion. I wish I could give you a number, but that seems to be an ever-moving target as well.

And these are just two developments that we are aware of.

None of these concerns are being adequately addressed because the whole picture is never presented. The developers are attempting to break the various projects into small increments so that the total impact is not apparent. But somebody needs to look at all the projects—not only in Rancho Viejo but nearby in the county--and evaluate each project within the context of that whole. That is the idea behind a Master Plan whether it is a single development or a whole district.

The Community College District may be the area that the county representatives have designated for development, but that development has to be done responsibly and with a view to maximizing not only tax revenues, but the benefits accrued by the residents of the county—present and future.

We have great respect and appreciation for all of the people who work with and for the county--paid and unpaid. You represent all of us in trying to insure that our best interests are served and that the codes are adhered to. When new applications for development are presented to the county there are requirements like traffic and environmental impact studies, archeological evaluations, etc. But many of those occur after the approval process. How can you adequately evaluate a project unless the environmental impact study includes other proposed and approved projects within that environment? There will always be unknowns, but we should at least require that the knowns be acknowledged and considered.

We have been told that we are not “the applicant” who is granted time and great latitude in presenting their proposal to the board. But we are the ones who will have to live with the consequences of your recommendations. It is our homes and our neighborhoods that will be irrevocably changed and negatively impacted. It is the vision that we were sold that will be tossed out to be replaced by something totally different and significantly inferior—all in the name of bigger profits. You are our voice, and we ask that you act as our voice by rejecting this application.

Thank you
Eunice Vellon
95 Via Orilla Dorado
Rancho Viejo
Santa Fe, NM 87508

- VII. A. 3. **CDRC CASE # Z.13-5380 Elevation. Vedula Residential Operating, LLC, Applicants, JenkinsGavin, Agents, Request a Master Plan in Conformance with the Community College District Ordinance to Allow a Multi-Family Residential Community Consisting of 214 Residential Units on 22+ Acres. The Site is Located on the North Side of College Drive and East of Burnt Water Road within the Community College District, within Section 21, Township 16 North, Range 9 East (Commission District 5) [Exhibit 2: Land Use Table; Exhibit 3: Letters in Opposition and NMED Reports; Exhibit 4: Land Use Zoning Map; Exhibit 5: Elevation Presentation; Exhibit 6: Graeser Material; Exhibit 7: Page 15 from the Growth Management Plan; Exhibit 8: Letter from Bruce Keller; Exhibit 9: Excerpt from Vedula Website; Exhibit 10: Letter from Teri Buhl; Exhibit 11: Letter from Glenn Smerage]**

JOSE E. LARRAÑAGA (Case Manager): Thank you, Mr. Chair. I'd just like to clarify, the Vedula Residential Operating is the applicant and Rancho Viejo Univest is the owner of the property. On May 15, 2014 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend denial of the applicant request. This case was on the March 20, 2014 CDRC agenda as a master plan amendment to the College North master plan. This case was tabled from the agenda at the request of the applicant.

During the review process staff determined that the College North master plan had expired. The College North master plan allowed for 73 single family lots on 90.75 acres, was approved by the Extraterritorial Zoning Authority in 1997, and phase 1 of the master plan was developed in 1999 as a 20-lot subdivision known as the College Heights Subdivision on 33.84 acres.

The applicant is requesting master plan approval in conformance with the Community College District Ordinance. The CCDO was adopted on December 11, 2000. The CCDO land use zoning map designates this site as a village zone within a new community center which allows for multifamily residential use. The master plan would allow a 214-unit multi-family residential apartment community on a 22-acre site, which is defined as an eligible use in the CCDO land use table. Density allowed in this area is a minimum of 3.5 dwelling units per acre. The applicant is proposing approximately 9.7 dwelling units per acre and is in conformance with the CCDO.

The applicant has refined their plans to relocate the proposed site of the apartments in accordance with the alignment of the proposed southeast connector. The exact alignment of the southeast connector has not been established therefore the actual building site of the apartments may change to coincide with the alignment once it is finalized by the County.

Building and Development Services staff have reviewed this project for compliance with the pertinent code requirements and have found that the facts presented support this request: the application is comprehensive in establishing the scope of the project; the master



plan conforms to the eligible use and density allowed under a new community center; the application satisfies the submittal requirements set forth in the Land Development Code.

The review comments from state agencies and County staff have established findings that this application is in compliance with state requirements, County Ordinance No. 2000-12, Community College District, and Article V, Section 5, Master Plan Procedures of the Land Development Code. Under this section, under this page under zone, it is a village zone. It's not within a community center district, it's just the zone is the village zone.

Staff recommendation: Staff recommendation is conditional approval for a master plan in conformance with the Community College District Ordinance to allow a multi-family residential community consisting of 214 residential units on 22 acres subject to the following staff conditions:

1. The applicants shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded master plan.
2. Master plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
3. A revised Traffic Impact Analysis, showing current road conditions, shall be submitted based on the southeast connector at Preliminary Development Plan. Article III, § 4.4.1.5.c.

Mr. Chair, I stand for any questions.

CHAIR MAYFIELD: Are there any questions? Commissioner Chavez, please.

COMMISSIONER CHAVEZ: yes, Mr. Larrañaga, having to do with density.

You stated and the memo states that the density allowed in this area is a minimum of 3.5 dwelling units per acre. The applicant is proposing approximately 9.7 dwelling units per acre. Would that be the maximum density allowed or is there a different number that would be the maximum allowable density?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, there is no maximum on this, on the multi-family.

COMMISSIONER CHAVEZ: So then how did the applicant arrive at the 9.7 dwelling units per acre that they're requesting?

MR. LARRAÑAGA: That would be the density that they're requesting through the apartments. The size of the lot and how many apartments they're putting on the 22 acres, would be at that.

COMMISSIONER CHAVEZ: So then they could ask for ten units per acre or 12 units per acre?

MR. LARRAÑAGA: That's correct.

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

CHAIR MAYFIELD: Thank you. Let me ask a question. Why don't we have a cap? Is there a reason?

PENNY ELLIS-GREEN (Growth Management Director): Mr. Chair, Commissioners, the Community College District is our major growth area in the county and so unlike other areas where you've got a maximum density of maybe one unit per 2.5 acres, in the village zone areas, which are the yellow areas on the zoning map there, we had that approved at being at least three dwelling units per acre to be able to preserve the area that's a

fringe and in the arroyos and to allow higher density in the village zones. It also would be one of the only areas so far in the county that would be allowed to have multi-family, just due to the existing density throughout the county, that really, when you're looking at a multi-family apartment complex it's not going to be feasible if you need to have one dwelling unit per 2.5 acres or per 12.5 acres.

And so that's really the reason, when we wrote the Community College District Ordinance it was to allow for some of that protection, the open space at 50 percent, which hadn't been required anywhere else in the county, and then to allow higher density in those village zones.

CHAIR MAYFIELD: Thank you. And Ms. Ellis-Green, what's the height maximum?

MS. ELLIS-GREEN: I believe it's 36 feet.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, just on your point and it's the more general question. Did I just hear you say that nowhere else in the county do we allow multi-family units?

MS. ELLIS-GREEN: We don't not allow them, it's just when you start looking at the density requirements throughout the county, if you needed to have one dwelling unit for every 2.5 acres, it's not really feasible. Then you would need hundreds of acres in order to get a 100-unit apartment complex. Whereas in the Community College District, because the density is so much higher, then what you look at is the area of land you've got, you've got enough land for your parking, for your retention ponding, your landscaping and any of the other requirements.

COMMISSIONER STEFANICS: Mr. Chair, I'm asking – you made a general comment. So if somewhere else in the county wanted to do a multi-family, once we would pass the new zoning. They would have to come in or request a variance?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, no. Once we've passed the new zoning, the new zoning has multi-family zoning allowed in certain districts.

COMMISSIONER STEFANICS: So currently, you're saying that the Community College District is the only area that has in their plan ordinance a multi-family component?

MS. ELLIS-GREEN: The Community College District does allow multi-family and I guess if I clarify my statement it's the area that it's feasible to do multi-family at the moment, until the Sustainable Land Development Code comes into effect. And then there are other areas that have a multi-family density.

COMMISSIONER STEFANICS: So, Mr. Chair, Penny, the Community College District is what area to what area? Does it start further up? Is Mission Viejo in the Community College District?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, I believe it's in your Exhibit 12, is the land use zoning map, and it is up on the screen. So from I-25 to State Road 14 to just south of where the Santa Fe Studios is, and it runs all the way over to the northern area of Eldorado.

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

CHAIR MAYFIELD: Thank you. On that, I'm just going to ask a general question. So based on this map that we have, how does – if you can't do it visually that's fine. But where would the SDA-1 overlay fall within this?

MS. ELLIS-GREEN: Mr. Chair, I don't actually have the SDA boundary here, but I believe the Community College District is within SDA-1.

CHAIR MAYFIELD: So that whole area.

MS. ELLIS-GREEN: That whole area.

CHAIR MAYFIELD: SDA-1.

MS. ELLIS-GREEN: Correct.

CHAIR MAYFIELD: And again, could you just cite for everybody here in the audience listening what an SDA-1 area is please.

MS. ELLIS-GREEN: That is under our growth management plan. Our Sustainable Growth Management Plan identified sustainable development areas, and SDA-1 is the primary growth area.

CHAIR MAYFIELD: We're talking about infrastructure, transportation, resources there.

MS. ELLIS-GREEN: Correct. And it's kind of a timing element that – where we would see infrastructure come forth.

CHAIR MAYFIELD: Okay. Thank you, Ms. Ellis-Green. Any other questions for staff, Commissioners? Seeing none, Mr. Larrañaga, do you have anything else to add?

MR. LARRAÑAGA: No, Mr. Chair. Thank you.

CHAIR MAYFIELD: Thank you. Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I did realize – the southeast connector is planned right now east or west of this request?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, it would be on the west side of this 22 acres, and there is –

COMMISSIONER STEFANICS: A diagram?

MR. LARRAÑAGA: Yes, it should be – oh, it's up on the screen actually. So the white dotted line – 14, I believe.

COMMISSIONER STEFANICS: So my question is, it's on the west side, so is it actually a dividing line between the houses that are there and the proposed development?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, yes.

COMMISSIONER STEFANICS: Okay.

CHAIR MAYFIELD: Mr. Larrañaga, and I'll get to it a little later, but who's providing water out to this proposed master plan area?

MR. LARRAÑAGA: Mr. Chair, the County.

CHAIR MAYFIELD: Based on that discussion we just had with the master meter a little earlier, so we already have a master meter out to that area, correct?

MR. LARRAÑAGA: Yes. And this was reviewed by the County Utilities Department for water.

CHAIR MAYFIELD: Thank you. I'm just going to really quick, I'll go to the applicants, but just by a show of hands, who is here to comment on this case tonight? Okay. Great. And we will now – we'll go to the public hearing in one second but we'll go to our

applicant first please. And I'm going to be here. I just have to go down and sign some documents.

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: Good evening, Chairman and Commissioners. My name is Jennifer Jenkins and this is Colleen Gavin and we are JenkinsGavin Design and Development here this evening on behalf of Vedula Residential in request for master plan approval for a 214-unit multi-family community in the Community College District. I have a couple of brief introductions and then we will proceed with our presentation.

Sitting behind Colleen is Orallynn Guerrerortiz with Design Enginuity who is a civil engineering consultant on the project who is here to stand for any questions, and also sitting next to Orallynn is Jason O'Clare and Bruce Hart of Vedula Residential.

So as Jose mentioned in the staff report and if you turn to the first page, we passed out the slide show for you so you could reference it easily at your seat. We have the location of the subject property, which is Tract 1-B, which is 22 acres, and you can see its location there, just northeast of the Santa Fe Community College. And what you have there too on the left-hand side of the image there is Richards Avenue, and then coming east down College Drive on the north side of the Community College Campus you have the College Heights neighborhood, the 20-lot neighborhood there, then there's a 19-acre vacant parcel that is being created, and then we have the subject property.

So this is the Community College District zoning map, and this is the entire area, and let's go to the next slide and we are zoomed in on the subject property there. It's right in the middle, kind of above the Santa Fe where it says Community College. The yellow is the village zone. The village zone, per the Community College District is a mixed-use zoning designation that contemplates a variety of types of residential and non-residential uses as well as multi-family as evidenced by the following land use table.

So the village zone is highlighted there at the top and you can show that multi-family is a permissible and permitted use. And this is an important element I want to address on the next slide is this is language taken straight out of the Community College District. It states this property is already zoned. We already have zoning that permits multi-family. It was done in 2000. The master plan process that is before you today is a little different than what you might see master plans as they occur in other parts of Santa Fe County. In other parts of Santa Fe County master plans have historically been used as vehicles to establish zoning. With the adoption of the new SLDC and the zoning map that process is going to go away.

But the Community College District is also different. They established zoning and the master plan is just intended, as it says here, to just provide specific information about the project itself prior to moving forward through the development plan stage.

So this, going back in history even a little further than the Community College District Ordinance, this is the Rancho Viejo – this is an excerpt. We kind of wanted to zoom in on the project area, and if you look at the upper right-hand corner there you can see at the top of the page there's the intersection of Richards Avenue and College Drive. You can see the Community College and then our subject property there just to the northeast of the campus.

The Rancho Viejo master plan was adopted in 1989. The Rancho Viejo master plan contemplated 570 multi-family units on 55 acres, which works out to a density of around 10

dwelling units per acre. As you can see, up at the northeast corner of College Drive and Richards Avenue it was contemplating multi-family in that location. Across the street, you can see directly across the street from the Community College was another location identified for multi-family, and then as you move further south down Richards along the future extension of Avenida del Sur, south of the Community College, more sites identified for potential multi-family development.

It's very clear that in 1989, 25 years ago, there was an understanding that with the proximity to the business park that you see identified here, the proximity to the Santa Fe Community College that multi-family development was appropriate and likely necessary, and should be encouraged. This project is, as was discussed previously regarding the density, we're at about 9.7 dwelling units per acre, 50 percent open space provided on site. We're completely consistent with what was contemplated when the Rancho Viejo master plan was approved by the Board of County Commissioners in 1989.

This is the first opportunity for a multi-family project in the Community College District and in Rancho Viejo. It's the first one. It's very clear that the Community College District Ordinance, the intent was to encourage a variety of housing types, mixed uses and a variety of densities so we can serve all the people in this community of ours.

So this is the site plan overlaid on an aerial of the vicinity. And we have been working closely with Santa Fe County Public Works Department as they've been engaged in the location study for the new southeast connector. The southeast connector will come off Rabbit Road prior to Rabbit Road moving into Oshara and it will move south, kind of running parallel to Richards Avenue, with the intent to provide relief to Richards Avenue. We have worked closely with Santa Fe County on the current preferred alignment which is reflected here. The County is engaged in surveys and topographical mapping and archeological analysis of this alignment and so the project has morphed a little bit over the last year and a half as we have been engaging with the County on this very important public improvement.

Originally, when we first reached out to our neighboring community the project was slated to be on the other side of the southeast connector, on that parcel, and through the process again it has been moved significantly east to be on the east side of the southeast connector. With this project the necessary right-of-way for this facility is donated to Santa Fe County to facilitate the construction of the southeast connector.

So there have been questions. Well, what is the project going to look like? What is it going to be? And that's an important question because Santa Fe County is less accustomed to multi-family communities than potentially projects that have been built in the City of Santa Fe. So we are fortunate that we have a very high quality development organization who has come to Santa Fe and is interested in providing this in this market.

This is just an image that shows the entire length of the southeast connector. I think move of you have probably seen this before. We can go back to that if necessary. So this is the site plan. Again, 50 percent open space, all of the access is via College Drive and on this site plan again, the southeast connector would be right there on the west boundary. There are significant amenities with respect to swimming pool, workout facilities and pedestrian pathways through the landscaped areas, and multiple buildings so we don't have just a few very large buildings. We break them up so we have more smaller buildings which creates a more attractive experience of the property.

So these are pictures of actual projects that Vedula has developed in other municipalities. They focus on very high quality, high amenity projects. And we can go ahead and just scroll through these and they're in your packet as well. These are the interiors of some units. Again, spacious, attractive and one thing that I think is important to recognize is not everyone is a homeowner. Not everyone wants to be a homeowner. So we're talking about providing a diverse selection of housing opportunities in Santa Fe County. And that is a critical element to any economic development effort.

Santa Fe County, you just adopted your economic development plan and in your economic development plan it's interesting because if you look at the next slide on the next page there, so why here? Why this location? Santa Fe Community College is the largest employer in Santa Fe County. Santa Fe Community College is the 19th largest employer in the state of New Mexico. It is a key economic driver for this community. Across the street from the Community College we have a designated employment center which is the La Entrada Commerce Park. The very first facility in that commerce park is Bicycle Technologies International, BTI, something everybody is very proud of. It is specifically mentioned in your economic development plan as something that is a recent success, and the hope is that BTI as the first user in this key economic area will attract more users.

I can speak about economic development with some authority because I am the current chair of the Regional Economic Development Corporation which is an economic development non-profit focusing on northern New Mexico. And I can tell you that housing in proximity to employment is key, and it is critical. As a matter of fact, when the County did their housing needs assessment they surveyed employers about what were the concerns that some of the more significant employers had. Sixty percent of them said housing was one of the most critical issues. So it's about providing a diverse opportunity for different types of housing, not just one type in Santa Fe County, proximate to, within walking distance or biking distance I dare say, to the significant – do you know how many institutions are in this area? We have Amy Biehl School, we have the ATC Charter School, we have IAIA, there are people working there. There are people studying there, and this is really, frankly, a golden opportunity to serve those institutions with a mix of housing that is currently unavailable in Santa Fe County.

And lastly, I want to mention also some interesting statistics that came out of the County housing needs assessment that of all the people in Santa Fe County that rent housing, that is their preference. They are renters; they are not homeowners, 40 percent of them, their income puts them in that market rate category. As far as area median income, they are market rate renters. But of all the rental housing that's available in Santa Fe County only 13 percent of those units are market rate. So what that does is it creates competition for the less expensive housing. So the people that really need it are competing against people who don't, but they have no choice because there's not as much supply in the market rate housing. And so that's what this project hopes to address. And with that, I would be happy to stand for any questions. Thank you for your time.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Could you review for us any of the community meetings or negotiations that you've had over this project?

MS. JENKINS: Sure. Absolutely. Chairman, Commissioners, we've had a series of three community meetings. Our first community meeting was in November of 2012, which was our first kind of kickoff. We had a follow-up meeting in the following January. And then with the southeast connector coming on line and everything we kind of put the brakes on at that point and that's when we really started engaging with the County as far as the alignment and how that was all going to work. And then we went back to the community in March of this year. And one piece of feedback that we received early on was moving the project further east. Moving it further down College Drive. And that is something that has occurred in order to provide more separation and more buffer. Next to College Heights there's a 19-acre undeveloped piece of property, and then there'll be the southeast connector, and then there will be us.

You'll probably hear some of these same comments this evening about concern that it would just be student housing and it would be a party palace. We have no commitment or relationship with the Community College as far as providing student housing. Of course some students may choose to live there, which would be actually wonderful so people could walk to school. Of even people that are working people that maybe attend classes there in the evening and it's convenient for them. And so those were some of the comments that we received. But again, we made a concerted effort to move the project further east to provide a more significant buffer.

COMMISSIONER STEFANICS: So, Mr. Chair, some of the letters of concern that have come in identify issues in surrounding communities with the sewer lines and they're concerned about the impact of a large number of people and how it will interface. So could you address some of that concern?

MS. JENKINS: Yes. Absolutely. I'm actually going to have Orallynn from Design Enginuity, she designed the conceptual sewer plant, so I'm going to have her address that if that's all right.

[Previously sworn, Orallynn Guerrortiz testified as follows:]

ORALYNN GUERRERORTIZ: Good evening, Commissioner Stefanics. The sewer line in this area is a low pressure sewer line. It's a three-inch line that actually goes from College Hills Drive to Richards Avenue, down Richards Avenue to – I forget the name of it. Avenida del Sur? Avenida del Sur, and then goes into a manhole and flows on to the Rancho Viejo treatment plant. A three-inch line has capacity of more than 400 units, so I don't believe there's any kind of concern. It's a three-inch low pressure sewer line. There's no concern for capacity in that main line going towards the treatment plant.

COMMISSIONER STEFANICS: Mr. Chair, do we have staff here who can address the sewer plant? Do we have anybody from our water utility? I can wait.

COMMISSIONER ANAYA: Mr. Chair, Ms. Guerrerortiz, clarify for me – I've been doing a little bit of research in more detail on sewer systems lately. But the state of New Mexico through the Environment Department provides for standards associated with the general outcome for lack of a better word, for what a sewer system has to meet.

MS. GUERRERORTIZ: That's correct.

COMMISSIONER ANAYA: But ultimately the responsibility for design does not fall with the state of New Mexico EID it falls within each respective development. Is that correct?

MS. GUERRERORTIZ: That's correct. ED does review plans and sets standards. The PUC also is involved because Rancho Viejo is regulated by the PUC, so there are standards set by them with regards to capacity and capabilities of the plant and their facilities.

COMMISSIONER ANAYA: Mr. Chair, Ms. Guerrerortiz, if I could, Commissioner Stefanics, the sizing of piping is based on the number of facilities within, the number of apartments, houses, water flow, those types of things.

MS. GUERRERORTIZ: That's correct. And also in the case of this situation where it's a low pressure system you get into statistics also, because it's assumed that not every low pressure grinder pump is operating at the same time. So there's a lot of different things that we have to look at and we always, as engineers, are incredibly conservative. Now, frankly, this kind of system could probably handle 600, maybe 800 homes. We cut it off much lower than that to provide a safety margin that gives us the confidence and we can all sleep at night, night after night for 40 years or whatever this will be in operation before they replace that line with a newer one.

I think there has been some confusion in the past. I've heard it at another public hearing that they thought that the lift station further to the west of this property was involved and that's a lift station that's on the Santo Nino property. And that lift station is not involved at all in this line. Our line goes along Richards Avenue, due south. So it's another issue all together.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thank you, Commissioner Stefanics.

CHAIR MAYFIELD: Claudia, will you come up for Commissioner Stefanics and then we'll go to Commissioner Chavez, please.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Claudia, who actually reviewed the plans for this project?

MS. BORCHERT: Chair, Commissioner Stefanics, we – I was just handed by Jose a letter that was written by our department, Rich Silva at the time, January 2013, so the answer is yes, we did review those plans a year and a half ago.

COMMISSIONER STEFANICS: Have you reviewed the plans?

MS. BORCHERT: Me personally? No, I have not, Commissioner.

COMMISSIONER STEFANICS: Okay. Thank you very much.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. So Oralynn, on the sewer system, you mention that it's a low pressure sewer system. Is it gravity fed?

MS. GUERRERORTIZ: There are parts of it that could certainly operate by gravity but actually Richards Avenue goes up and down a little bit so for the bulk of it it is all under pressure. And when I say low pressure, it's about 60 psi is the operating pressure.

COMMISSIONER CHAVEZ: But then you also mentioned lift stations and lift stations usually involve grinder pumps.

MS. GUERRERORTIZ: Every home in College Heights has an individual grinder pump. Usually it's an E-1 system and those individual pumps take wastewater from individual homes and pump it into the system. The project that we're building will have a series of grinder pumps. They'll be duplex stations and I can't remember the number. I think

there are ten total, and so we'll have some of the units draining to a combined system, a larger system that is typically used in a house and those will go and connect into the line that's in College Drive itself.

We originally designed it so it would connect at a location now that has a stub in the existing subdivision but what we've heard at the last public hearing is that that made some people nervous and it is no more additional expense to go ahead and bring it to College Drive. So we're going to run our lines to College Drive and not connect to where originally it had been designed to have a future connection.

COMMISSIONER CHAVEZ: So the grinder pumps are going to require maintenance and replacement in the future. Who is responsible for that?

MS. GUERRERORTIZ: In the case of our project it would be the owners of the apartment complex, of Vedura, or the Vedura organization.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

COMMISSIONER ANAYA: I'm going to wait on my comments. I'm going to make them later. Thank you, Mr. Chair.

CHAIR MAYFIELD: [inaudible]

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just had some questions for Jennifer. Are pools allowed in the Community College District?

MS. JENKINS: You know it – I don't know if there's a specific prohibition in the Community College District. I can tell you that in the Santa Fe County rules these types of community type pools, that are not individual pools are permitted with certain limitations. They have to be covered during the off-season and there are certain rules about that but community type pools are permitted. But I don't believe the Community College District specifically address it. Land Use staff may be able to speak to that better than I.

COMMISSIONER HOLIAN: And what is the water budget for this development?

MS. JENKINS: The water budget is – I did look that up, so I'd have it on the top of my head from the last discussion. Mr. Chair, Commissioner Holian, the water budget is going to be around 30 to 34 acre-feet per year for the entire project.

COMMISSIONER HOLIAN: Which amounts to how much per unit?

MS. JENKINS: It's going to be between .14 to .16 acre-feet per year.

COMMISSIONER HOLIAN: Great. Another question I have is on covenants. Would this development actually be part of any residents association or would it be its own?

MS. JENKINS: That is a really good question. I'm glad you brought that up. The property – when the College North master plan was originally approved for this whole kind of area north of College Drive back in 1997, that property was annexed in to the Rancho Viejo Association, annexed into the covenants. And when that master plan expired many, many years later – that master plan at this point is 17 years old, the Rancho Viejo covenants permit for adding property to the covenants and for removing property to the covenants. It's very explicit. And so with the expiration of that master plan the vacant property, of which this is a part was de-annexed from those covenants. And one of the things that is still to be worked out – this is just master plan so as we move forward through the master plan process one element that we will be working directly with Rancho Viejo on is how does this community participate – whether it be trail maintenance, open space, those kinds of shared

amenities – so that is yet to be worked out but we will definitely be engaging in that and we will be able to – there will be documentation generated to address that.

COMMISSIONER HOLIAN: And in fact that was my next question, which was whether this development would make any contributions to open space and trails.

MS. JENKINS: Sure. There's obviously important contributions to that. Yes.

COMMISSIONER HOLIAN: And another thing is would the construction be built to HERS 70 home energy rating system?

MS. JENKINS: You know, that's a good question. If I may, Mr. Chair, Commissioner Holian, Commissioners, I would like to confer with my client and maybe – I have a feeling I might be up here again I would be happy to answer that again.

COMMISSIONER HOLIAN: Maybe it's too early to even answer that if they haven't actually done the design.

MS. JENKINS: It is, but they build and operate these projects so I think they're pretty knowledgeable about what the intent is, so I can definitely speak to them about that.

COMMISSIONER HOLIAN: I would be interested. And finally, has the developer actually done a real market study as to what the demand is?

MS. JENKINS: Yes, they have. This is the market analysis that the developer had done. It's very, very thorough, and in a nutshell it determined that there is significant pent-up demand for this type of housing in Santa Fe County. And we see this within the city but we definitely also see it in the county. There's actually great information here about employment growth that has occurred and this is – yes, so they would not be here without this. Definitely.

COMMISSIONER HOLIAN: Thank you. Thank you, Mr. Chair.

MS. JENKINS: Yes, sir.

CHAIR MAYFIELD: As far as – it says luxury apartments. It looks really nice what you provided to us, but what would we be looking at? I guess it's easier to say now than later, price per square foot? For rental. Would there be any homes for sale in any of these?

MS. JENKINS: The unit mix here – these homes would be all for rent. This is 100 percent rental. The sizes of the units – there's probably going to be three: one bedroom/one bath, two bedroom/two bath, and then some three-bedroom units as well. And the price points are going to range from high eights, low nines, up to like \$1,300 a month for the large three-bedroom units.

CHAIR MAYFIELD: Okay. And no studios. You stated that.

MS. JENKINS: No studios. All just one bedroom/one bath would be the smallest.

CHAIR MAYFIELD: And then, I think Commissioner Holian asked this but would there be any association fees? Clubhouse fees?

MS. JENKINS: No, it's all in the rent. All those amenities and everything are part of the monthly rent so the residents here don't have to pay extra for the fitness center or the pool or those types of amenities that are onsite.

CHAIR MAYFIELD: Would you be using electrical? Gas? Natural gas on these?

MS. JENKINS: Yes. Natural gas as well as electric. But the heat and the cooking would be natural gas.

CHAIR MAYFIELD: Thank you, and I'm going to defer to staff really quick, a couple of questions and I don't know if it's our Utility staff or Public Works staff, and I'm going to go to my County Attorney if I'm going somewhere where I shouldn't, please tell me. But we had a similar area, Oshara Village, that was built and Commissioner Stefanics asked this question. Does Utility staff look at the design and the follow-up of design of construction that's going into the ground. I believe that there might have been an issue with their sewer system where it wasn't sized appropriately? Or that it wasn't monitored? That it wasn't constructed properly? I could be wrong, but I'm just trying to recall from memory of what came in front of us. So how do we assure that this would never happen in the future? Is it CID that takes care of this? Is it our County staff who takes care of this?

MS. BORCHERT: Mr. Chair, members of the Commission, I would have to confess that I do not know. I've seen plans come through that we have reviewed, even if we are not responsible for the wastewater or the water, we review the system to make sure it's being built to County standards. But your question really is going to the question of how do we know that after we approve the design standards that it's being put in the ground according to the designs that we reviewed, and I'm afraid – I will be happy to get back to you but I don't know the answer to that question.

CHAIR MAYFIELD: Fair enough, Claudia. I think one thing I brought up in the past code approval and I don't know if it's there or not. I just asked our County Attorney on the side bar. What are our bonding requirements on something like this? Let's say the facility is not completely sold out? It's 20 years down the line. Somebody says, look, County bail us out. Take over the system for us?

MS. ELLIS-GREEN: Mr. Chair, in this case I believe that the liquid waste is going to an existing community sewer system, but certainly for the line that's being built and any other improvements they need to do they will need to bond for that. And then it's a case of bonding for that and that bond not being released until all those improvements are in place.

CHAIR MAYFIELD: And Penny, if you know right now, how long do we hold onto those bonds? That may have been an issue in the past.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I believe the bonds are usually for 18 months but they can be removed. We as staff would not release those bonds, or should not release the bonds until the improvements have taken place. One exception to that is we would keep the landscaping or reseeding bond until the landscaping has actually taken. We wouldn't release it immediately.

CHAIR MAYFIELD: Thank you, Ms. Ellis-Green. And aside from maybe impact fees and knowing that we would receive some GRT and property tax dollars out of this that provides for public safety protection out there, is it going to be the County that is going to provide local law enforcement, fire protection? Would it be the developer?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, this would be in Santa Fe County so it would be the Sheriff's Office and the County Fire Department. There is a requirement when you're developing that you provide not only a water supply but a fire protection supply, so I imagine there would be fire hydrants on the property.

CHAIR MAYFIELD: On that, and again knowing that we receive future dollars, but does this analysis ever need to go through our Sheriff's Department, saying, look, we may need to have x-amount more patrol cars out in this area if we're looking at bringing in 400 additional people, 400 families? Same thing with fire protection? Is there any review that goes through our Sheriff's Department as such?

MS. ELLIS-GREEN: Mr. Chair, on individual subdivisions and individual developments we don't usually send those to the Sheriff's Department, though I do know that when we wrote the Community College District Ordinance and the Sustainable Growth Management Plan, both of which show this as a growth area, there were discussions with the Sheriff's Department.

CHAIR MAYFIELD: And then, Ms. Ellis-Green, you may or may not have the answer to this, but I think La Pradera, and I may be pronouncing that wrong, there was an issue with the sewer system out there. I believe there were complaints that came to us. Is this the same sewer system? Is it a different sewer system that would be –

MS. ELLIS-GREEN: Mr. Chair, I believe La Pradera is on a different sewer system though I believe Oralynn may be better –

CHAIR MAYFIELD: No, I see a lot of heads nodding back there so I'm okay with that.

MS. ELLIS-GREEN: This is on the Rancho Viejo system.

CHAIR MAYFIELD: And there's no issue with the Rancho Viejo sewer system as far as staff knows?

MS. ELLIS-GREEN: I believe there's a letter in your packet. Page 37 in your packet is from the underground – the Environment Department Groundwater Quality Bureau and they do state that the current conditions for Rancho Viejo groundwater discharge permit, that this application is in accordance with that.

CHAIR MAYFIELD: Thank you, Ms. Ellis-Green. Commissioners, any other questions of staff? Applicant, do you have anything else at this time to add? Okay, then we are going to move on to our public hearing. And I see that we may have counsel representing the public so that's okay. So let me do this again. A show of hands who counsel is not here for providing testimony for. Who would like to still comment? Okay. Great. I will just ask that when you all come up – well, why don't we just do this? Unless it's already been done. Everybody stand up and be sworn in at one time, those that need to be. We've got a lot of speakers.

[Those wishing to speak were administered the oath.]

CHAIR MAYFIELD: So if I could just ask this also for those who will be coming up. If you hear something already addressed or presented to this Commission, if you could just bring up new thoughts or new positions that something that somebody previously went and stated. Please.

CHRISTOPHER GRAESER: Thank you, Mr. Chair. Christopher Graeser. I'm an attorney under oath. My address is 316 East Marcy. This case is very different from other zoning approvals you get. What makes it different is this property was already master planned. It was master planned for 73 single-family residences. It was partially built out with 20, 22, single-family residences and the homeowner who live there now bought in with the understanding that it had been approved at 73 single-family residences. So this isn't a

stereotypical vacant field that somebody buys in and there's a vacant field next to them and they're just shocked when someone wants to develop it, and they just made an assumption that was an erroneous assumption.

Here folks made an assumption that was a reasonable fact-based assumption that the rest of their subdivision would be built out the same way as where they bought in. And the developer made these commitments. The developer made commitments to build a 73-lot subdivision and the folks who bought in relied on those commitments when they bought it. So now we're going from .8 to 9.7 DU per acre. So from under one unit to almost ten units per acre.

Up front, because I know this is always an issue, this Commission does have the discretion to deny this application. You're under no obligation to approve it. It's a master plan request, discretionary master plan request. The code, the plan, has you review it for impacts, for both conformance to Santa Fe County growth management plan and for impact to schools as well as adjacent lands, as my clients are, and the county in general. And please listen when all the homeowners and residents nearby stand up and talk about those impacts, because that's the substantial evidence that supports the denial by this Commission. Please listen to what they have to say. Please listen to what the Rancho Viejo Homeowners Association leadership has to say when it sends you a letter asking you to deny it, and while there certainly was a representation, and I'm sure the developers have all intent to work with Rancho Viejo on trails, this is what the homeowners association is saying. And please listen to what the CDRC says when they recommend denial after a full hearing.

As far as your discretion, I know I've cited this to you all before, but when you look at the case law, what the courts look at is does your code impose significant substantive restrictions on your power of review? And the answer is no, it does not. In fact it grants you discretion in your power of review. Does the developer have a legitimate expectation of approval and the answer is again, no. Under the code the developer understands, should understand that you are going to look at the impacts on the neighbors, the impacts on the community as a whole.

The bottom line really is what's the point of having a code that says you can review it for impacts on the adjacent properties, impacts on the community if you don't have any discretion to deny it based on substantial evidence of those impacts.

As I cited the Community College District Ordinance requires an analysis of schools, adjacent lands, the county in general, and the applicant offers no analysis whatsoever. Doesn't even talk about the impacts on adjacent properties and there will be impacts. This is a ten-fold increase in density. It's going to be a more transient, less ownership-focused population. There's going to be more traffic. It's going to be more visually intrusive. It's going to destabilize property values because at this point now no one can buy a house in reliance of what things look like now because that can change.

And I want to be clear. There's nothing wrong with living in an apartment, whether by choice or by necessity but it's a very different mode of living than single-family residential and living in that mode should be by choice, not forced on you. It doesn't have to happen here. You were shown the map you have in your packet. All the yellow in the Community College District is where you can put multi-family residential and there will be more when we adopt the SLDC. There are any number of places Vedula can find to build multi-family

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residential that don't require pulling a switcharoo on the neighbors who have already bought houses on reliance that that's what was going to go in in the future.

And it's – to have a code requirement that you analyze impacts on adjacent properties and then completely ignore those adjacent properties is really kind of a slap in the face of those neighbors.

There's a lot of concern with this project. There's also a lot of concern with what was termed a 19-acre vacant lot in the middle. And the code unambiguously requires you to plan out all your property, master plan all your property. The minimum area, which must be included within a master plan shall be an entire village zone, employment zone or institutional campus zone or that portion of such zone owned by the applicant. Now we're looking at a 19-acre vacant lot. I'm pretty sure the applicant is not going to stand here and commit to not doing anything with that vacant lot. My guess is they're not going to stand here and commit to just building out that 19 acres as originally master planned, single-family residential, so there's a big elephant on the room there, and that's why the code requires you to plan out, master plan all your property so we can look at it as a whole and know what the impact is going to be as a whole and try to get back to some sort of settled expectations of land use. But that's not what they're doing.

Just yesterday, Judge Singleton ruled in a case that's been kicking around for a number of years at this point, and her language is this: To allow a developer to divide land so as to engage in a perfunctory count and slide in under a number that would otherwise require the developer to provide a big picture via master plan would thwart the act's objective. That is to ignore the retained land over ten acres in size and not count it as a parcel would allow piecemeal development without submission and scrutiny of a master plan that was envisioned for larger developments. And that was Judge Singleton looking at Santa Fe County development. So this is a live issue and this is piecemeal development.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Graeser, where is that parcel you just cited from Judge Singleton?

MR. GRAESER: That was with regard to the Saddleback Ranch down in Galisteo.

COMMISSIONER ANAYA: Saddleback Ranch.

MR. GRAESER: Yes.

COMMISSIONER ANAYA: Not the Community College District.

MR. GRAESER: No, Mr. Chair, Commissioner Anaya. I was simply pointing to Judge Singleton's analysis of not only the benefits but the necessity for master planning.

In sum, just homeowners who bought in, who had a concept of what this neighborhood and this development was going to look like, the County planners did too. The Community College development plan was adopted assuming there would be 73 homes. I give you information in there. And subsequently I was reading the Community College District plan, after I made my submittal and I gave you this handout too, and there was a very clear commitment. Existing subdivisions will be respected. Page 15, Community College District plan. So it's County staff who was also assuming that this issue had been settled.

As far as the de-annexation, when this went in front of the CDRC, we pointed out that the developer was bound by their covenants that prohibited this very development that they're

proposing so their response is we'll file a declaration of de-annexation. Okay. No longer have anything to do with Rancho Viejo in an attempt to get out from under those commitments. But that process – and this isn't something you have to decide. If that de-annexation process is legal unsound it's subject to challenge in a different forum and that's a little bit for another day but relevant to the Commission is again – we had settled expectations; we had covenants; we're just going to ignore them now.

The Community College District plan requires a transition zone. This is tab 4 if you want to follow along with me, but for land use compatibility – I'm sorry. This is the SGMP – land use compatibility. Factors must include transitioning between land uses intensity and densities using buffer areas and floor ratios. So when this came in front of the then EZA in 1996 the planner on the project at that time, Mr. Siebert said the College North is a transitional area between the rural densities and the Community College, and the maps you've shown show that. What the developer originally represented both to the community and to the zoning authority to get approval was you've got a dense institutional use, you have rural beyond that, we're a single-family residential transition zone. That's no longer true if this gets approved.

There are several structural issues with the application. First, the recommendation is for approval subject to correcting the traffic impact analysis. My question is shouldn't a correct traffic analysis be in place for you to rely on in making a decision to adopt the proposal? And a TIA isn't just helpful for determining improvements and looking at levels of service. A TIA is also helpful for looking at impacts on a community, impacts on adjacent lands. And you don't have that.

The State Engineer says the water supply doesn't comply. This is Exhibit 3 in your packet. It should be noted that this analysis does not fulfill the ready and willing letter that is required by Section 6.4.4.A of the code. So if the State Engineer is saying it doesn't comply that's at least a question.

The project has new planners now. It has new owners, but they're still obligated by the original commitments. There's a document in your packet which is the acceptance of the declarant status. The current owner accepted all rights and obligations from Rancho Viejo. So if they have declarant status they have the right to de-annex because they've stepped into the original developer's shoes then they have the obligation to meet the original developer's commitments as well.

Under tab 8 of my materials I've given you a copy of the disclosure statement which says it's intended to provide the buyer with enough information to permit them to make an informed decision and they should carefully read all the information beside deciding to buy. And it says there's going to be 73 lots. I've also given you a handout from the Rancho Viejo master association at the time it was controlled by the developer and they say rest assured the design and feel of the community will remain the same as what initially prompted you to purchase there. A 214-unit apartment complex next door is not what initially prompted the residents of College Heights to purchase there and you're going to hear a lot from them about that tonight.

The bottom line, houses were sold with certain representations. Owners reasonably expected and relied on the development of single-family homes. What they're being offered now – I include a picture. You saw other pictures. I don't have a better word other than

Phoenixification of Santa Fe. The Phoenixification of the neighborhood. This looks very, very different than what was previously approved, and again, this is not we're just coming in for a new master plan on a property that really had no uses before. There was an approved master plan, partially built out and sold.

As far as the Rancho Viejo master plan from 25 years ago, I think the more relevant one is the one from 14 years ago that all the folks who bought houses in Rancho Viejo relied on when they bought houses. As far as economic development, again, there's lots of yellow places. There will be more under the new code where multi-family residential can go and will go that doesn't require unsettling settled expectations. No one's arguing against economic development. Mr. Krasnow, one of my clients here, he's the business beat columnist for the *New Mexican*. Who better understands economic development in this community?

He was a little – there was a question – I feel like I just need to bring this up. There was a question about the sewer treatment plant. They say they're ready, willing and able to serve. I know you all should have in your packet the most recent formal inspection review that called it unsatisfactory and marginal. And I would stand for questions with that.

CHAIR MAYFIELD: Thank you. Who are you all representing tonight?

MR. GRAESER: It might be easier for me to submit a list. A dozen or 15 folks. I probably can't give you all the names correct off the top of my head, Mr. Chair. All individuals, Mr. Chair. Individual residents of College Heights.

CHAIR MAYFIELD: Is there anybody here tonight you're representing?

MR. GRAESER: Yes.

CHAIR MAYFIELD: Okay, so we're going to allow everybody else Mr. Graeser doesn't represent to speak first, please, then I'm going to ask people to limit themselves to three minutes. However, if you need to provide additional comment you can go back to the end of everybody who has something to state, come back up and present.

MR. GRAESER: Thank you, Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya, please.

COMMISSIONER ANAYA: I just have a question. Mr. Graeser, at the end you made a comment about somebody stating the system was marginal. Who did you say said that it was marginal? The State of New Mexico? Who was it exactly?

MR. GRAESER: Mr. Chair, I'm sure there's folks here that could better speak to this because this is certainly not my forte. I'm looking at a compliance evaluation inspection of Ranchland Utilities Water Reclamation Facility, dated February 25, 2014.

COMMISSIONER ANAYA: Slow down. Slow down. Are you speaking of a facility that's similar to this? Are you speaking of this facility and these plans for this particular apartment complex? That's what I'm asking?

MR. GRAESER: Mr. Chair, Commissioner Anaya, I think someone else could better speak to it. This is the Ranchland Utilities Water Reclamation Facility, which I understand this project will be using. The cover letter is from the New Mexico Environment Department.

COMMISSIONER ANAYA: You're talking about the Ranchland facility that this project will access and utilize, and the State of New Mexico said it was inadequate? Is that what you're saying?

MR. GRAESER: Mr. Chair, I could just simply submit this letter, Commissioner Anaya, if you want that.

COMMISSIONER ANAYA: I just want to make sure I'm hearing the facts right, so I just want to clarify, is that what you're saying?

MR. GRAESER: Mr. Chair, Commissioner Anaya, I'm simply reading from this letter dated March 6, 2014.

COMMISSIONER ANAYA: Marks, and who was that letter addressed to?

MR. GRAESER: Mr. Warren Thompson, president, Ranchland Water Utility, and it's discussing an inspection by Raquel Douglas of the US Environmental Protection Agency and Bruce Yurdon of the New Mexico Environment Department.

COMMISSIONER ANAYA: Okay. Thank you.

MR. GRAESER: Thank you, Mr. Chair, Commissioner Anaya.

CHAIR MAYFIELD: I have a question of staff. Was staff apprised of that letter? Are they aware of that letter? Do they have any comments to that letter?

MR. LARRAÑAGA: Mr. Chair, I believe the letter Mr. Graeser is referring to was part of your handout that Vicki handed out. We got this letter and I did send it to the Utilities Department and back to Environmental but we just got this. I just got it last Thursday and I did get an email from Environmental just saying that they had reviewed this already and have this letter from Groundwater in the packet.

CHAIR MAYFIELD: Do you have anything you'd like to add, staff's response from Utility?

MS. BORCHERT: Mr. Chair, members of the Commission, I need to have some time to look at this. I can say that when the Environment Department and EPA comes out to inspect a facility we have had that experience with our own wastewater treatment plant, they usually tell you in what ways you're inadequate and they give you time to fix it. So that's just the usual process that any regulator would go through inspecting your facility. So I'd have to see what kinds of concerns they had with the facilities before I'd be prepared to make a comment.

CHAIR MAYFIELD: Could you find that out and get back to the Commission please?

MS. BORCHERT: Sure. And what form would you like that? Would you like that as an email or would you like that -

CHAIR MAYFIELD: I'd like it for the record [inaudible]

MS. BORCHERT: Are you saying you want for me to just look at this right now and then come back later tonight?

CHAIR MAYFIELD: You're going to have to consult with some folks from Environment and they're not -

MS. BORCHERT: And with my own staff, so just in a few days get back to you via email? Is that your preference, Mr. Chair?

CHAIR MAYFIELD: I'd like you to go through Mr. Shaffer for it to go to the record and the others push that off, probably cc it would probably be sufficient, Mr. Shaffer?

MS. BORCHERT: All right. Will do.

MR. SHAFFER: We can discuss that and get back to you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

SFC RECORDING 08/18/2014

COMMISSIONER ANAYA: Mr. Chair, I just want to make a comment, a general comment. Santa Fe County, when they approve a development or a subdivision of land, we do not provide the construction standards nor the permitting associated with those projects. The State of New Mexico is responsible for permitting the construction on the construction aspect. The Environment Department is responsible for the permitting and oversight on water and wastewater facilities. We do not provide approvals of those facilities. We forego those responsibilities to the experts at the State Construction Industries Division as well as the Environment Department. So I just want to make that clear, not just for this potential project but any project that the County approves, any division of land.

There have been proposals and discussions to ask the County to take on construction standard inspection review and other reviews but we do not do those reviews. We do the land use approvals. Those construction approvals move on to the appropriate state agencies; they are responsible for reviewing overall plan sets. They're responsible for construction inspections and compliance therein. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. So now we're going to go to this portion of public comment. Again, as previously stated, anybody who was represented by Mr. Graeser, I hope I have that right, please wait to provide comment after everyone else comes up. Mr. Padilla.

[Previously sworn, Al Padilla testified as follows:]

AL PADILLA: Mr. Chair, my name is Al Padilla. I live at 8 Dean's Court in College Heights. Good evening. Buenas tardes. We've been involved with this proposal for almost a year and a half, first as a plan for over 440 apartment units by Rancho Viejo developer Warren Thompson, and now as a 200 unit-plus complex on a parcel recently de-annexed by Rancho Viejo and being sold to an Arizona company, which has no knowledge of the promises and commitments made to the adjacent homeowners via the covenants that run with the land in Rancho Viejo.

If you approve this project you might as well close down your long-range planning department. The covenants not only call for this property to be part of Rancho Viejo North but for it to pay dues into the homeowners association and to support the trails and open space. Warren Thompson and his Arizona partners are now trying to pull a fast one, to end-run all this history and all these promises. Please don't let them. Imagine if the developer of Eldorado or Casa Solana decided unilaterally to withdraw property from the chartered association and build high-density apartments. Promises made must be promises kept.

If you look at a list of those who were involved in creating the Community College District plan years ago you will see that the Rancho Viejo developers were well represented. Our neighborhood remembers talking with them and others helped forge the planning document. This planning process led to a plan with College Heights being designated a single-family subdivision with a legal plat filed with the County Clerk for 73 single-family homes. Not only did the Rancho Viejo owners and developers sign off on that plan but the County signed off as well, and not only did the County sign off, the County has required that the College Heights plan showing single-family homes be included in all disclosure documents for each and every property owner who purchases homes at College Heights, and that was still true when two homes recently changed hands in 2013. The disclosure makes it clear to everyone what kind of community new buyers can and should expect.

The state and the County have long held the position that these disclosures do matter and courts and communities across the United States have held the same thing. These disclosures do matter. Promises made must be promises kept.

CHAIR MAYFIELD: Mr. Padilla. You've gone a little over three minutes, but you can come back and restate –

MR. PADILLA: One last statement. This project does not do that. We can do better. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Padilla. Please, whoever would like to come up. If you all haven't been sworn in when we asked to do it earlier just let us know. Thank you.

[Previously sworn, Evelyn Spiker testified as follows:]

EVYLYN SPIKER: My name is Evelyn Spiker and I am under oath. I live at 7-A Dean's Court, College Heights, Phase 1. I am very concerned about the impact on our community that this proposed complex will have. I'm an 11-year homeowner in Rancho Viejo and have served on the architectural review committee for ten years. I believe in the importance of enforcing covenants and restrictions. What we are faced with here is an egregious deviation from any adherence to the CC&Rs that are part of our community. I'm also a realtor.

All homeowners were presented with and agreed to the CC&Rs when they purchased their property and each of us made a conscious decision to live in a community where there are extensive covenants and restrictions. The developer's declaration of de-annexation filed in March of this year states the property is no longer subject to any covenants and restrictions but it's not that simple and it should not be that simple. According to the declaration of covenants and restrictions filed in 1999 these covenants shall run with the land upon sale or transfer. You have a copy of that. I'll just read the one paragraph.

Now therefore declare and hereby declares that the real property described in Exhibit A and attached hereto, known as College Heights shall be held, sold, transferred, conveyed, occupied, and used subject to the covenants. And the declarant shall hereafter record a separate and individual tract declaration concerning the development of the lots within College Heights. The proposed development is in College Heights. College Heights is more than the homes that exist currently.

We have hundreds of homeowner signatures protesting the proposed complex and the support of our homeowners association. In closing I would like to read a letter from our homeowners association board, which you also have a copy of.

The Rancho Viejo North Community Association board of directors submits this letter on behalf of the homeowners of Rancho Viejo North, particularly those in College Heights. The board strongly opposes the requested master plan amendment to allow the construction of 214 apartment units. The proposed apartments are inconsistent with the existing residential neighborhood at College Heights. At the time the residents of College Heights bought their homes there were representations made that future development phases would continue the single-family residential character. Residents are now concerned that an apartment complex will negatively impact current home values in this area. The Rancho Viejo North Community Association board requests that this master plan amendment be denied.

We have the support of our entire community. Thank you.

CHAIR MAYFIELD: Thank you, ma'am. Whoever's next please.

DAVID VIGIL: I have not been sworn. I was a little tardy tonight.

CHAIR MAYFIELD: Whoever would like to present please come up and sit on the front bench please. Please sir

[Duly sworn, David Vigil testified as follows:]

MR. VIGIL: Mr. Chair and members of the County Commission and staff. My name is David Vigil and I live at 6-A Dean's Court. I first of all want to say that I live Santa Fe. It's my home. It's where I was born and raised, actually on the border of Commissioner Stefanics and Commissioner Anaya's districts. So as you know, I'm used to open space and I'm used to seeing great lights, stars at night. I really didn't come prepared with a speech tonight but what I did want to really point out is me personally, I'm not completely opposed to the idea of an apartment complex. I'm just strongly opposed to the proposed location of the apartment complex.

When we recently purchased our home there in the community, I remember reading specifically in my closing documents that this was going to be slated for single-family homes. So I want you all to just take a moment and imagine a point in your life or a time in your life when you were sold something or you bought something, and it really wasn't what you were sold or what you expected. And I want you all to just take a moment and think about how that made you feel.

Now I realize life is tough and complicated and it throws you a lot of curve balls and sometimes as a human race we're tough and we're resilient and we get through that, but I really think tonight you have a really good opportunity to do what's right. The people in this room - I love my neighbors. I love my community. I love the fact that I have been given the opportunity to come back to Santa Fe. I left for ten years. I left to go to college and work for a big corporation but that was not me. I wanted to move back. I'm proud to say that I own a business that employs 17 New Mexicans, three veterans, that we do projects all over Santa Fe that benefit our community. And the reason I say this is because I just want you to know who we are and what we're about. We're not radical, stick 'em up here and protest, we just want and deserve a quality of life in which we were sold, in which we are currently living right now. And we just want that to be sustained. We want the opportunity for that to just continue to grow in the vision that was originally sold to us and that was originally sold to the County. Thank you, Commissioner Mayfield.

CHAIR MAYFIELD: Again, anybody can come back after everybody's made their statements.

[Previously sworn, Jerry Wells testified as follows:]

JERRY WELLS: My name is Jerry Wells. I live at 14-A Dean's Court. Mr. Chair, Commissioners, I'm here to address our concerns over the traffic impact of this apartment complex upon the neighborhood, Santa Fe Community College and Rancho Viejo proper. This complex will consist of an estimated population of between 500 and 600 individuals. While this project was presented to the residents of the area as a resort level luxury apartment complex it is not located in a resort setting, but is rather better suited for student housing at Santa Fe Community College. If this is in fact the outcome of these apartments, the population of the apartment complex will be more realistically estimated at

650 to 750 residents. The project will add an additional volume of traffic to the already failing College Drive roundabout off of Richards Avenue. If College Drive is tied into the southeast connector as planned the traffic on College Drive will also increase from the east and it will create traffic congestion on College Drive as students enter and exit the north entrance to Santa Fe Community College,

We have traffic issues daily from cars failing to stop for oncoming traffic at the north entrance. Drivers on Richards drive above posted limits and tailgate so as to block merging traffic from College Drive. As currently proposed the southeast connector does not provide an east side entrance to Santa Fe Community College. This defeats the entire purpose of the southeast connector as initially proposed to alleviate congestion on Richards Avenue. Santa Fe Community College has stated they have no objection to an east side entrance. We have met with Santa Fe Community College board who have expressed their opposition to the current proposed alignment of the southeast connector as it would require students to cross the southeast connector to access their rope course used by local elementary, middle school and high school students.

Any construction prior to the completion of the southeast connector adds substantial amount of construction equipment into the traffic mix on Richards, College Drive and the College Drive roundabout which will create additional safety issues. As currently planned the College Heights neighborhood has one exit for all of the houses on Dean's Court and Meter Lane, and that exist is on College Drive. It will be very difficult for the families living in the area to evacuate onto College Drive if the apartment complex is built before the southeast connector is completed. The connection to the southeast connector from Meter Lane would provide a secondary exit for this neighborhood.

If this project is approved it must not be allowed until the southeast connector is completed and an east entrance into Santa Fe Community College has been built.

CHAIR MAYFIELD: Thank you. You've gone a little over three minutes.

Thank you.

[Previously sworn, Charles O'Donnell testified as follows:]

CHARLES O'DONNELL: Good evening, Commissioners. My name is Charles O'Donnell. I live at 2-B Dean's Court in College Heights. I'm an original homeowner there. I'm going to talk about the morphing that Ms. Jenkins talked about earlier. Yes, we did have some neighborhood meetings. The initial meeting was in November of 2012. At that point it was discussed that there was going to be a 400-apartment unit complex there and actually took the whole parcel. At that meeting Mr. Thompson actually said that he knew that there was going to be issues with the College Height and Rancho Viejo community.

Then in early 2013 there was the second meeting that was announced in November. At that meeting there was over 200 Rancho Viejo community members that showed up at that meeting. They had changed the plan. At that point the plan was ten houses and then a transition period to where the apartment complex would be. Then our County Commissioner had heard wind of issues with the community out there and set up a meeting and everybody came out. It was not just the apartment complex but there were concerns about the commercial properties that were going to go into place. Mr. Thompson, at his credit, actually went and got a mediator to come in and talk to the community on that. Unfortunately, when I

received that letter it said the apartment complex was not part of the mediation. I don't know if you know that or not.

Then further, they finally put in a formal development application in late 2013. Again, a new neighborhood meeting was set up and we learned that Vedula was the sole developer and not a partner. Then in April, the CDRC meeting we learned that Univest still owns the land and that they had de-annexed it to conform with some legality issues. Again, Mr. Thompson and Vedula have control over the entire parcel of land, all which is adjacent to our neighborhood. Will there be 214 apartments? We know that there is 19 acres that aren't in the plan. In my opinion, after they get the apartment complex approved there's no reason they can't come back and put another apartment complex in that parcel.

CHAIR MAYFIELD: Thank you, sir.

[Previously sworn, Chris Furlanetto testified as follows:]

CHRIS FURLANETTO: Mr. Chair, Commissioners, my name is Chris Furlanetto. I'm speaking tonight as a resident of Rancho Viejo South. I live at 6 Redondo Peak, which is probably as far as you can get from the proposed development and still be in Rancho Viejo. I am opposed to this proposal. As a resident of the community of Rancho Viejo I think that allowing a high-density complex such as this in our community will adversely affect the quality of life of everyone who lives in Rancho Viejo.

The proposed development will provide absolutely no benefit to the hundreds of residents who are already in Rancho Viejo and the possibility of it becoming even larger with additional apartments at a later date would only exacerbate the negative effects in this current application.

So I ask that the board act in the spirit of the Sustainable Land Development Code that you adopted in December of 2013. I know the code doesn't actually take effect until the zoning map is approved and we wait 30 days but I would ask you to make any development decisions of this scope, keeping in mind the principles of the new code and also the principles of the Sustainable Growth Management Plan. That said, should you decide to approve this application, I strongly believe that first, no development should be allowed until the southeast connector is built. Proceeding with construction with no additional access roadways will result in a traffic nightmare for everyone who lives in Rancho Viejo, who commutes to the Community College, or who attends any of the schools or churches in our neighborhood.

And second, an outdoor pool should not be permitted under any circumstances given the severe water issues here in Santa Fe County. Thank you for your consideration of my views.

CHAIR MAYFIELD: Whoever's next please.

[Previously sworn, Nancy Armstrong testified as follows:]

NANCY ARMSTRONG: My name is Nancy Armstrong. I live at 2 Pincushion Place. I do not live in College Heights but I'm here to support the people in College Heights and also to let you know that I've been a resident of Rancho Viejo since 2003 and I love our community. When I purchased my home, similar to many of the folks here, I was shown maps of the future of the master plan and never once was anybody told that they were planning at some point to build an apartment complex in our covenanted community. When they did the de-annexation I think I felt bamboozled and shocked, probably like everybody else. We got no notification and we'd gone to a year and a half of

meetings, thinking that maybe we were making some progress and then suddenly we were told that it was de-annexed and they were going to go in a completely – same direction but without the developer involved.

For a year and a half we were told this was going to be high-end apartments. The people building the apartment complex have changed the – what they've told us about the development of the apartment complex so many times. First it was going to be a high-end apartment complex. Now it's going to be housing for students and also, in Rancho Viejo we are very concerned about water and all of our homes, when we do our landscaping we do low-water landscaping and every time I see the picture of the pool for the apartment complex it goes against all of the things, reasons that many people bought out there. We wanted to be very conscious of the community.

Again, thank you so much. I'm speaking from my heart. I'm standing in for a friend of mine who lives in College Heights who couldn't be here this evening because of an illness. So thank you very much for your time. Thank you.

CHAIR MAYFIELD: Whoever's next.

[Previously sworn, Susan McGrew testified as follows:]

SUSAN MCGREW: Susan McGrew, 3-B Dean's Court. Tonight and at one of the three CDRC meetings on this issue that we've attended the developer's representative praised the high quality of the Elevation apartment complex, that its occupants will be checked to determine if they have a job and can pay the high rents and that the complex will be maintained at the highest level. However, the Vedula website states, and I quote, "Our company strategy is simple. Never pay more than replacement cost. We buy below replacement cost when markets dip, build and markets improve and sell at the peaks." Therefore, they will eventually sell this complex to someone else whose level of maintenance and upkeep is unknown. We also do not know the level of conduct they will require of the residents but it certainly will not align with our covenants.

The great unknown of who will eventually own this property puts the stability, security and property values of our neighborhood at risk.

Another concern is Vedula's practice to use the same architectural plan for every complex. We don't want a cloned Phoenix in Santa Fe. That is not part of the Rancho Viejo architecture and style. And should we be allowing out of state corporations to build here when we have many local developers? Wouldn't our developers be more likely to use local employees?

Mr. Thompson and Vedula can still build their apartments and make their profits but in more appropriate areas of Rancho Viejo. The area by the fire station is undeveloped, has plenty of space and has better access to major roads like Route 14 and I-25 without adding density and traffic to already developed areas. The commercially zoned area on Richards next to the Santa Maria de la Paz Church is another possible site and would provide access to cafes and businesses for the apartment residents in addition to access to the Community College. And as we see tonight there are other areas where apartment complexes could be built.

So we therefore respectfully ask you to send this project back to Uninvest and Vedula and ask them to relocate it and redesign it. Thank you.

[Previously sworn, Pat Parent testified as follows:]

PAT PARENT: Honorable Commissioners, if the Elevation is built near Rancho Viejo what will it be like? Pat Parent, 10 Dean's Court. On my vacation in June I visited Arizona Elevations in Chandler and Flagstaff. Big bars. Lots of mirrors. Bright paint. Lots of offices for leasing agents and big swimming pools with no one in them, even though the days were hot. Exercise room, no covered parking. No elevators in the Elevation, and thus seniors would have to be frisky to live on the second floor. The average age of a Rancho Viejo resident is 55. Could Community College students or the college teachers, most of whom only work part time afford this? Not really.

No one around no weekdays when I was there because these units are really designed for young professionals. Perfect for Arizona or Texas. Lots of superficial glitter but no soul. Shall we follow the money? Lots of charges. There's charges for admission fees, charges for pets, charges for views. Charges, charges, charges. I sent you all this in the mail and Mr. Anaya, I also sent you a complete package on the Ranchland Utility inspection so you either – you probably aren't getting your mail. Okay?

The development is all about bilking the tenant. Vedula is a pump and dump operation. Money goes to Scottsdale. Gray Star leasing was doing the leasing for both developments. Bunch of good old boys from Houston now headquartered in South Carolina. So if you want to build the Elevation you can be sure that it's going to procreate to 415 units on that buffer piece of land right next to us and the money is gone.

[Previously sworn, Gayle Evezich testified as follows:]

GAYLE EVEZICH: Good evening. My name is Gayle Evezich. I live at 6-B Dean's Court and I have been sworn in. So, Dear County Commissioners. Thank you for the opportunity to be here and share our opinion with you. I am here to respectfully urge you to deny this application. As you've heard, the proposed development places 214 apartments on the eastern end of 22 acres that was originally planned and platted for 50 single-family homes. When Rancho Viejo and Warren Thompson first proposed apartments they promised an extended Dean's Court with 10 single-family homes as a buffer zone. However, the current proposal places the apartment complex a quarter mile east of Burnt Water without any plans for the buffer zone. Contrary to the assertion that the neighbors requested this move east we actually did not and we are unequivocally opposed to this apartment complex in this location.

The specific concern I'm talking about tonight is the lack of planning for that transition space, the 19 acres that are vacant at this time. The County's grown management plan, on page 42 to be specific, does state that requires transitioning between land use types, intensities and densities using buffer zones and floor area ratios. Property value protection is actually listed as part of the rationale for these buffer zones. The current proposal indicates that this 19-acre vacant space is slated for future development and does not leave us a buffer zone, which puts our property values at risk. The developer has not revealed their plans for this space, resulting in further piecemeal development, which does go against the general plan of the County.

The developer's representative stated at an April CDRC meeting that the required buffer space is not the responsibility of the developer but of the County, so we are asking you to not allow this piecemeal development but to send this back with the developers with a plan for the entire space. Thank you very much.

[Previously sworn, Bruce Krasnow testified as follows:]

BRUCE KRASNOW: Bruce Krasnow, 3 Dean's Court. I know these meeting packets can be voluminous and neighbor groups don't always appreciate the time you put into preparations so I want to thank you for your hard work and your preparation for this meeting. But perhaps indicative of the flaws of this project is that the CDRC vote was 5-1 against this development. Even the one CDRC member who voted to approve the master plan change for Vedula had concerns about the sewer infrastructure. He was prepared to make an amendment on the issue but the motion he put forward to approve that change did not receive a second. The five CDRC members that voted against the master plan change were not shy about publicly stating their objects.

Susan Frye Martin commented on the lack of adequate transition zone and proper infrastructure and said the proposed apartment project was not compatible with Rancho Viejo neighborhoods. In response to testimony from the HOA president of Oshara Village, Ms. Martin said it's not just the traffic issue; it's a traffic crisis out there. Bette Booth cited some of the same promises made to property owners in College Heights and raised questions about whether the de-annexation and spot zoning of this project could be legally justified, and Louis Gonzales, who volunteered he was a contractor and developer himself had concerns about how this process had moved forward, saying it reflects poorly on all developers.

These are members of the community you appointed so please listen to their concerns.

The other issue I wanted to touch on is the one on diversity of housing raised by Ms. Jenkins. I am willing to bet that Rancho Viejo is not just the most diverse single-family community in Santa Fe County but in all of New Mexico. I know of college students renting rooms for \$300 a month. I know of a family renting a townhome for \$900 a month. As of this morning there was a three-bedroom, two-bath house, 1,440 square feet listed for sale at \$177,000. We already have a diversity of housing.

Even during the recession, and all of you know because you were serving in public office, building permits continued to be issued for construction in Rancho Viejo. And that's because it is a desirable community with a variety of housing choices, a place where all types of people want to live.

My HOA has a million dollar reserve fund to pay for roads, landscaping, maintenance services. The County spends zero on roads within Rancho Viejo. They spend zero on snow plowing, zero on graffiti, zero on weed removal and illegal dumping. We pay for this. The residents pay for it with monthly dues. You want a sustainable community? You want sustainable land use? Here we are. We're Rancho Viejo. Don't kill the goose that lays the golden egg. If it's not broke don't fix it. Thank you.

[Previously sworn, Lance Tunick testified as follows:]

LANCE TUNICK: My name is Lance Tunick. 14-B Dean's Court. I've been sworn in. Good evening. I'm here to briefly sum up what my neighbors have said. What are the issues here? First is no piecemeal zoning. There's a big empty lot in between the proposed complex and where we live. You've got to do it all at one time.

Number two. Good faith matters. Promises and covenants and declarations matter, and you have the discretion by your decision tonight to say that, that they do matter. That developers just can't bamboozle people and tell them one thing and then de-annex - great word.

Number three. Infrastructure. Infrastructure first, then development. We've all lived through the debacle of Richards Avenue. Let's not repeat that. Let's not make it worse.

Lastly, the word that comes to mind is ramrod. If I understand things correctly, we have a new zoning ordinance coming into effect this July and we're trying to squeeze this decision into what we have now and that new ordinance? That doesn't make sense. Please, exercise your discretion. Don't approve this. Thank you.

[Previously sworn, Chris Schatzman testified as follows:]

CHRIS SCHATZMAN: My name's Chris Schatzman. I live at 13 Withers Peak in Rancho Viejo South. I have been sworn in. The gentleman immediately preceding me mentioning the debacle of Richards Road has addressed most of what I wanted to say. The issues of the zoning, the community development plan, have all been well discussed. The traffic has been discussed but only insofar as the failed traffic circle at College Drive and all the problems coming from all the directions there. The traffic circle at the Community College in times of heavy traffic is frankly not much better and Oshara Drive is not much better either. There's only three ways in and out of Rancho Viejo and they're all two-lane roads. And unless you can increase the capacity of those roads, particularly Rabbit Road and Richards Road you can't handle the people that are being dumped in there.

If this project is developed exactly as planned, meets the demographics as planned, it's still going to add several hundred cars to those roads and the southeast connector will not alleviate that problem. I just retired as an attorney. Before I did that I was in real estate finance – commercial projects, financing large commercial projects including apartments. One of the things I learned is over the years of doing that, before becoming a lawyer is the projections oftentimes vary considerably from what happens and traffic inevitably is heavier than people project, whether it's apartment projects or office projects. If they're successful there's more traffic than planned. You have two-lane roads. Just this evening, driving in here up Rabbit Road a winding, rolling two-lane road, I watched somebody on the winding, rolling part pass somebody illegally. That's not the first time I've seen that. You will have more and more of that.

The County ultimately, if there is a bad accident, will find out what the lawsuit is like, not just for the bad driver but for the County permitting inadequately designed transportation facilities like the traffic circles. Some lawyer will attempt to find liability for an inadequately designed facility and burden the County with that. The people who have spoken before me have given very good reasons why the project should not be developed. Infrastructure is yet one more. You're just adding more problems to a community that has no other way out and somehow magically, we're supposed to believe if you build it no one will come and there will be no more traffic problems. That's not accurate.

CHAIR MAYFIELD: Thank you, sir.

[Previously sworn, Glenn Smerage testified as follows:]

GLENN SMERAGE: Ladies and gentlemen, I'm Glenn Smerage, 187 East Chili Line Road. I'm here tonight to speak, perhaps as a representative, a voice, from the bulk of Rancho Viejo, the non-College Heights part, and to try to indicate to you that what happens in this small portion of Rancho Viejo is of concern to what will happen elsewhere in the community. I implore you to do three things as you resolve this issue. First, reject the proposed apartments on the specified land in Rancho Viejo. Second, require Uninvest to have

a more true utilization of the Community College District and the Sustainable Land Development Code. And three, suggest to Univest that it return to you in the future with a plan for approving reinstallation of the College North master plan.

Considering the unacceptable and disingenuous behavior of Univest over the past two years it is time for Univest to be given a resounding no. Residents for over a year have been telling Univest no, we do not want the apartment complex in your proposal. It is time now for you, our representatives as County Commissioners to tell Univest no, what you're trying to do is in conflict with what we want to do in the Community College District and the Sustainable Land Use Plan.

Let me try to mention a few of these unsuitable and even disingenuous activities or behaviors of Univest. Going back to the late 90s we had the owners of 2,500 acres had a great vision that over the next 12 years was realized as the wonderful community, Rancho Viejo, consisting now of over 1,300 residential units with diverse and interesting, pleasing architecture.

CHAIR MAYFIELD: Mr. Smerage, you've run longer than three minutes so we're going to allow you to speak after everybody else has an opportunity. Sir, we'll let everybody else speak first and then Mr. Smerage can come back after. Thank you, Mr. Smerage.

MR. SMERAGE: Will do that then. There are -

CHAIR MAYFIELD: We'll allow the lady behind you to present now.

MR. SMERAGE: I can't tell what you're saying. Would you use your microphone too?

CHAIR MAYFIELD: Mr. Smerage, we're going to allow the lady to present now behind you. Then you can come back up in a while.

MR. SMERAGE: That was a fast three minutes.

CHAIR MAYFIELD: Thank you.

[Previously sworn, Vicki Schneider testified as follows:]

VICKI SCHNEIDER: Commissioners, Mr. Chair, thank you for the opportunity to address you. My name is Vicki Schneider and I live in the newest part of Rancho Viejo, La Entrada, under construction big time right now and I am foregoing all prepared remarks because you've gotten a very good overall picture. I think our residents and homeowners have more than adequately said everything that I might have said in my prepared remarks. I do want to just put in a word for the fact that there's a huge group of people who are considering themselves Concerned Residents for Smart Development, and as Glenn just mentioned, we have already - we have a high growth area. We buy into the high growth area. We want development in our area, but we want appropriate placement of the appropriate growth. You're going to hear more from us overall about the commercial zoning and the zoning issues that are coming up for us too.

We have a huge big picture. You're being asked to make a decision on a very small, piecemeal part. I would really like you to know that we all look at a very big picture. We will look at a bigger picture as homeowners in Rancho Viejo. And we know it's a high growth area but we already have a grown area. Our area has grown. We live in it. As Glenn mentioned, 1,300 homes. I think it's even more than that. So we are a very big part of the consideration, hopefully for you that the impacts of all the new development, including I

believe it's 100 acres – someone can correct me. They have just leveled 100 acres near us in La Entrada. Absolutely bare bones, flat earth. It's going to have an awful lot of building there. A lot of homes. A lot more people, so those people are buying into a vision and I guarantee has to do, the same as with us. Fifty percent open space.

I have to personally tell you I think that overall, Rancho Viejo is getting awfully close to that 50 percent open space. I know that they're going to put 50 percent open space in the 214 apartment – 214 units, but that really and truly, I think the open space issue is going to come up as a very big item for us. We need to look at the overall, completed Rancho Viejo that's already grown, and make sure that we are in fact having real open space there. It's starting to get beyond dense in some ways.

And I haven't said nearly all the things that you could consider and hopefully you'll do the right thing and thank you for giving us time.

[Previously sworn, Eunice Vellon testified as follows:]

EUNICE VELLON: My name is Eunice Vellon. I live at 85 Villa Orilla Dorada in Rancho Viejo. Mr. Chair, Commissioners, thank you very much for letting us speak tonight. During the presentation there was slide that the applicant's agent did not show the Board, and that's the one that designates the acreage east of the projected development. That is already designated as reserved for future multi-family development. So in addition to the space that is now designated the buffer zone there is also another space on the other side of the proposed development that is already designated for multi-family development. So in lieu of the 214 apartments that you're asking to be approved tonight, we're probably looking at 600 apartments when the developer is through.

There's another project at St. Francis and Rabbit Road that's being proposed that will include 650 dwelling units and 760,000 square feet of non-residential space. We were told that the traffic issues were being addressed. Even if you could limit the number of cars to two per residential unit and one car to each 500 square feet of non-residential space, which you cannot, you're still talking about another 2,820 cars. The so-called employment center within Rancho Viejo and the build-out of the rest of the residential units within Rancho Viejo will add even more density and traffic congestion. I wish I could give you a number but that seems to be an ever-changing target as well. And these are just two developments that we're aware of.

None of these concerns are being adequately addressed because the whole picture is never presented. The developers are attempting to break the various projects into small increments so that the total impact is not apparent. But somebody needs to look at all the projects, not only in Rancho Viejo but nearby in the county, and evaluate each project within the context of that whole. That's the idea behind a master plan, whether it's a single development or a whole district.

The Community College District may be the area that the County represented as designated for development but that development has to be done responsibly and with a view to maximizing not only tax revenues but the benefits accrued by the residents of the county, present and future. We have great respect and appreciation for all the people that work with and for the County, paid and unpaid. You represent all of us in trying to ensure that our best interests are served and that the codes are adhered to. When new applications for development are presented to the County there are requirements like traffic and

environmental impact studies, archeological evaluations, etc. How can you adequately evaluate a project unless the environmental impact studies include other proposed and approved projects within the environment?

CHAIR MAYFIELD: Ma'am, you've gone a little longer than three minutes, but we'll allow you to come back.

MS. FALLON: Thank you.

CHAIR MAYFIELD: Thank you.

[Previously sworn, Beth Detwiler testified as follows:]

BETH DETWILER: My name is Beth Detwiler. I live at 11 Craftsman Road in Oshara Village in Santa Fe County. I have been sworn. We've heard so many insightful comments from my Rancho Viejo neighbors I would just like to add that the community of Oshara Village is asking you to reject this proposal because of the traffic issues involved and not to give your approval for a project like this until the northeast and southeast connectors have been completed, and there's been enough time to evaluate how their completion affects the traffic patterns to make sure that the infrastructure that we're looking at really does have the desired effect of relieving the traffic problems on Rabbit Road and Richards Avenue, and of course through Oshara Village.

I shudder to think of the effect of hundreds and hundreds more cars going through our narrow and fragile roads, not to mention the construction traffic, which would include a huge number of land-moving equipment, dump trucks, construction equipment coming in, construction vans of two by fours and cinder blocks, and not to mention the hundreds of trucks coming through carrying concrete that it's going to take to build that swimming pool. So thank you very much for your patience and we rely on your good judgment. Thank you.

[Previously sworn, Robert Carson testified as follows:]

ROBERT CARSON: Mr. Chair, Commissioners, my name is Robert Carson. I live at 175 East Chili Line Road in Rancho Viejo. I've been there seven years now after 35 years in central Florida. So I came to the wonderful city of Santa Fe and acquired a property. This is a one-acre lot, which has a setback I discovered later, which helps provide 50 percent of the 50 percent that we have of open space. I cannot build on 60 percent of my land. I follow the covenants. I cannot build a swimming pool. Okay? I cannot build a casita for a mother-in-law. I cannot do any of those things.

Now, I'm a retire physics professor so I could perhaps really dazzle you with a lot of things about hydrodynamics of sewer effluent. I could also maybe run a Monte Carlo computer analysis of traffic. All these things. There's a lot of things we could do on that. So if I don't have that, what do I have? I have a heart. I know you do too. There are some things in life which can be done but should they be done? I think that's very important.

One of the reasons I came to Santa Fe was this whole feeling, which I've been very satisfied with, of community. These are people. These are neighbors. I live like one of the other people that just talked earlier here, I live fairly far away from this apartment building if it were to be built. So why should I worry about it? Because they're my neighbors. This is part of it. This is part of actually having a home and being a homeowner and having responsibility.

I've lived in apartments before. Oh, by the way, you've probably heard of a small, fledgling university back, started around 1970 in Central Florida. It's called the University of

Central Florida. It is now the second largest university in Florida after the University of Florida. I had personal friends that lived near that rather small place at first and of course, as it grew and grew and grew, they had to have housing. And the housing did appear. And my friends had to leave; it was just too much. It was just too much.

So what I would leave you with is please remember besides statistics, numbers and all these other things that are involved, that what it really comes down to is the people that make up a community, and those people that will be staying in a community and providing things. Thank you very much.

CHAIR MAYFIELD: Thank you, sir.

[Previously sworn, Lisa Rawlings testified as follows:]

LISA RAWLINGS: Hello, my name is Lisa Rawlings. I've been sworn in. I'm a resident of Rancho Viejo South on Johnson Mesa and I appreciate all the people that have kept us abreast of this, those of us that are very busy with children. I appreciate all of you listening to us. That's not a given everywhere.

Because I have children, when I first moved to Rancho Viejo in 2005 my instincts worried about Richards Avenue, the limited ways out in case of an emergency. The things that have come up, the way that the street has been changed, it's working now, but I just want to say, I'm a single mother, my children's father is involved and I work very hard. I bust butt to work very hard to afford that home and the association fees. My children's father does too. When it is my time with the children, which is the majority of the time, I work 30 minutes from my home in another corner of Santa Fe. I run a legitimate, licensed business in Rancho Viejo also, in the typical Santa Fe way, some of us have two jobs.

Because I work hard I don't qualify for certain assistance and that's fine, but it's not anyone here's problem or responsibility that I run things so tightly time-wise but my children attend school in Rancho Viejo and I wonder, with this development if it will impede me, if I had to rush from work to come for my children, and being able to arrive. It's just a concern. I appreciate seeing two women being innovative and strong and I think that apartments are fine. I worry about growth in Santa Fe in general, without being an expert about it, especially explosive growth. If that's too strong of a word I apologize, but in general in life with most of us if we do things incrementally it's better able to be handled or assimilated.

This type of thing, I don't know. I worry about the water. We have cisterns under our homes to collect water. My children and I conserve water at the sink. I'm not a teetotaler but a swimming pool just doesn't mesh with that. I had lots of other things to say but I can't remember and thank you again for your time.

CHAIR MAYFIELD: Whoever's next, please.

[Previously sworn, Paul Wren testified as follows:]

PAUL WREN: My name is Paul Wren. I live in Rancho Viejo South. I've been sworn in. I've been a resident for nine years. I'd just like to kind of put my take on summarizing a situation. Starting with the initial attorney, you've seen overwhelming evidence that what has been proposed here has perhaps left out a lot of the facts, a lot of the legal requirements, and brushed over a lot of the involvement of various people. We know now that the original single-family commitment has been kind of like skated over. The de-annexation was an attempt to avoid having to hold those commitments and obviously is not what the law says.

One of the things I'd like to comment on is there was also very little comment from the developer about the way the residents feel about this, and not only the College Park residents but everyone throughout Rancho Viejo is concerned about there being apartments in Rancho Viejo. I personally, along with several dozen individuals have met at times with the developer where he said he wanted to talk to us about alternatives, but the only alternatives that he offered were the same proposal. We said to him we would accept at other locations, just not here, and he would just repeat the same proposal.

So that you will know, the board, you may remember had some concern about his interaction with the residents and he did hire a well respected mediator. However, the residents weren't consulted on the mediator. The mediator is paid by the developer. The developer sets the wording of the topics that are being discussed and they're not open-ended. Fortunately, so far there hasn't been a whole lot of interest from residents because I think they see that there really isn't any interest in them listening to us. Therefore, what I would like for you to do is not to table this, as this has been through many postponements before, reject it. And keep in mind that the residents of Rancho Viejo don't want it in College Park. They certainly don't want the developer to try to slip it in somewhere in the existing Rancho Viejo South, La Entrada or North, but we don't have any objection to it being somewhere else, because we're trying to live up to our responsibilities as citizens; we want the developer to live up to his. Thank you.

CHAIR MAYFIELD: Anybody next? Mr. Smerage, do you want to come back up to finish what you were stating?

MR. SMERAGE: Glenn Smerage again. I was trying to list a few of those unacceptable behaviors of Univest the last couple years, and one is that its original fine vision as it is now a re-incorporated unit, Univest, as opposed to the original corporation. It now has a new vision of chaotic development for taking care of its self-interest. A particular thing it has done, objectionably, is to do the classic bait and switch on the residents of College Heights as it has abandoned the College North master plan.

Univest is snubbing its nose and attempting to ride roughshod on you, our Commissioners, on residents of Rancho Viejo and on the Community College District and Sustainable Land Development Codes by several things. First was the de-annexation of the land in question right here, which doesn't seem quite a right thing to do as good citizen or person or institution in the community. That de-annexation shows that Univest can break and in the future will try to break again the integrity of Rancho Viejo as a community and the integrity of planned unit development, and of course the CCD and SLD Codes.

It is in the project pursuing piecemeal development on a relatively small piece of land where the total land, roughly 57 acres should receive a total planned development and not just piecemeal.

In adding more commercial property to Rancho Viejo it is pursuing unrestricted, unorganized development under a property owner's association. So this isn't right either, compared to three homeowner associations existing in Rancho Viejo. And you have my letter there, a couple other things there. I guess I'll quit. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Smerage. Is there anybody that hasn't commented that would still like to comment. Ma'am. Mr. Smerage, this other lady is going to come up and comment. We have copies of your letter. Thank you.

LINDA WESTON: I got here late so I'm not sworn in. Can I speak?

CHAIR MAYFIELD: You can be sworn in please.

[Duly sworn, Linda Weston testified as follows:]

MS. WESTON: Linda Weston. Hi. I've lived in Rancho Viejo for 5 ½ years. I purchased my home through Homewise. At the time I was purchasing I had two options. One was Tierra Contenta. The other one was Rancho Viejo. So I went to speak with Patrick in the office and I looked at the master plan. I studied it with my children and it was very appealing because of the way that it was planned as a planned community, and I feel that it is not right to have this de-annexed and changed so substantially from what the original plan, that I ask you all to please reject this and to listen to the community of Rancho Viejo, that it is not what we want. It is not what we signed up for. I don't think that any of the thousands of households that purchased a home many – throughout the past. I'm not sure how long the development has been going on, envisioned that this would be what our community would become. So thank you for your consideration.

CHAIR MAYFIELD: Thank you, ma'am. Anybody who I limited to time, would they need to finish any of their statements. Seeing none, anybody else wishing to provide public comment? Seeing none, this portion of our public hearing is closed. I'll go back to the applicant, please.

MS. JENKINS: Thank you, Mr. Chair and Commissioners. I'll be as brief as possible but there are a few really key points that bear addressing. I would like to refer you to the beginning of you packet, I forget what page it is, but to the Rancho Viejo master plan. The Rancho Viejo master plan is the initial, original, guiding document for development on this particular piece of property. The Rancho Viejo master plan contemplates, projected, 570 multi-family units on 55 acres. This is the first project to come forward asking for master plan approval in accordance with that. This is a public record. This is available to everyone who chooses to avail themselves of this information.

What's the next guiding document? The next guiding document that is currently still valid if the Community College District Ordinance which zoned this property in 2000 as a village zone contemplating –

CHAIR MAYFIELD: A Commissioner has a question on your latest point.

MS. JENKINS: Yes, please sir.

COMMISSIONER ANAYA: If I could, on your previous comment relative to the initial master plan, you're stating revealed all of the potential uses? Is that what you said?

MS. JENKINS: It does. The master plan, it's a very big-picture document, and so it talks about clustered development, single-family development, commercial development, industrial development, multi-family development, institutional. It talks about all those uses that we see examples of now in Rancho Viejo except for the multi-family component.

COMMISSIONER ANAYA: Just a specific question. It was referenced throughout the public hearing to some people said closing documents and referenced master plans. If you could just speak to that point.

MS. JENKINS: I'd be happy to.

COMMISSIONER ANAYA: Were there vacant parcels on those closing documents and what's your feedback to that?

MS. JENKINS: Colleen, let's go to the aerial with the site plan. Let's just go to -- this is good enough. So in 1997 a master plan was approved by the County for what was called College North, and it's all of the real estate that is north of College Drive within Rancho Viejo. All of that real estate was master-planned as College North. And you've heard mention contemplating 73 single-family dwellings on the 59 acres there. And that was approved in 1997. That's a 17-year-old master plan. They did develop the initial phase of that master plan which is the College Heights neighborhood, which you see there, north of College Drive just east of Richards Avenue.

That master plan has since expired. It is no longer valid and so now there is a request before you for a fresh master plan. Santa Fe County has evolved a lot in the last -- I would say the last 30 years. A lot has changed. Some evolution has just been organic and some evolution has been very deliberate. I would offer you that the Community College District Ordinance was a very aggressive, very smart planning tool that this County worked very, very hard on and created. And they have created out of that their primary growth area and the key economic driver in Santa Fe County. That has what has come out of that. Huge economic development, wonderful neighborhood and communities for Santa Fe County residents. It's evolution.

And the County now is embarking on kind of a next phase of evolution in terms of the Sustainable Land Development Code and actually creating zoning for Santa Fe County. And so that's where we are not. Evolution is hard. It's not always easy. It's not always comfortable. And so we are -- and I completely empathize with -- change is hard. I completely get that. But we are faced with guiding documents. The Sustainable Growth Management Plan is the other guiding document that is still valid today. There are only three. Rancho Viejo master plan, Community College District Ordinance and the Sustainable Growth Management Plan, which identifies this area not only as Sustainable Development Area-1 in the priority growth area, but also as mixed-use residential. The entire Community College District is designated as mixed use residential, which talks about a mix of land uses, a mix of densities, and making sure that there is appropriate densities near services, near employment. Where alternative means of transportation are available -- walking and biking. Bus route at the Community College. That is why this location makes so much sense.

This is not haphazard. This was very carefully thought out in terms of what is ideal for creating a vibrant community and creating a vibrant addition to an existing community. And let's go ahead -- a couple other points I want to address then I'll wrap up. I want to direct you to the last sheet in your packet which is the subdivision plat, and I want to talk a little bit about the master-planning process and questions that arose about that. So this is the property that -- so we have lots 1-A, 1-B and 1-C. This plat has already moved through the County review process. So how it typically works with master plan is you identify the real estate you wish to master plan. Sometimes that real estate is already its own separate parcel, but sometimes it's not.

So Vedula Residential said this is the area where we're interested in. We only need about 20 acres, 22 acres for the project, and of course the site location has been a moving target a little bit, based upon discussions regarding the future southeast connector and all of that. So now, for the moment, we've settled on this Tract 1-B. Typically, what happens is you create the parcel, but that parcel, that plat is recorded commensurate with the master plan. It

doesn't make any sense to do it in advance but as you can see, the subdivision plat has already been created, it's already moved through the process, so prior to that master plan actually becoming valid and effective, the subdivision plat will be recorded first. And so we are master planning the Vedula property that they are in the process of acquiring, which is Lot 1-B, which is the 22 acres. So I think I just wanted to clarify that.

With respect to the transitional zone that is called out for in the Sustainable Growth Management Plan, we absolutely recognize that, and when Lot 1-A, which is the 19 acres that sits between the existing College Heights neighborhood and the southeast connector, when that project is developed than the transitional nature of that is going to have to be taken into account, depending on what that proposed land use is there, obviously. But currently, until that's developed, I think it's safe to say there's a really big transition, but when a proposal comes forward then, yes, appropriate transitional zone from different land use types is going to have to be addressed as part of that project.

And lastly, I would like to just clarify with respect to the traffic impact analysis that was conducted for the project, that the traffic impact analysis has been reviewed by the Santa Fe County Public Works Department. We've worked closely with them. As the location study process for the southeast connector winds down this year they will be making their modeling data available to us and to the public in general. Because we have not had that data available to us to inform our own traffic impact analysis. So prior to moving forward with the development plan stage we just all have to remember this is just master plan right now. And prior to moving forward with the development plan the Public Works Department said, you know, we're going to make this data available, then we want you to rerun your analysis based upon that information, and we thought that was a great idea.

Because right now we have some parallel paths that are happening right now. We're a portion of that parallel path and the southeast connector is the other portion of that. So I just wanted to clarify that. There's no corrections that need to be done but there is going to be more information that's going to become available that we can use to inform that analysis as we move forward. So with that, I would be happy to stand for any questions. Thank you very much.

CHAIR MAYFIELD: [inaudible] Mr. Shaffer, so based on a lot of statements that were made tonight, even the applicant now, help me to understand. We have an initial master plan on file with the County even if it was approved back in 1997 and there was some build-out done? I'm assuming or presuming under that master plan that was approved by a former, by a prior Board, and now time's out because they have not completed that development under that master plan? Because I've heard that now they've tried to de-annex, or we have a whole new master plan in front of us today, a request for a new master plan. So could just help me with some understanding of that, on the time-out of a prior approved master plan and/or a new master plan in front of us.

MR. SHAFFER: Mr. Chair, I think I heard two different ideas in your question. With respect to the master plans themselves, the current existing County code imposes an automatic expiration period on the master plans if steps aren't taken to implement and further them by going through the preliminary plat, final plat process, and then there's I believe a provision – I'm paraphrasing – that allows the applicant to request certain extensions. So the master plans under the existing code are in fact – have an express

expiration period on them and that's stated in the code.

Secondly I think you asked for questions about the de-annexation. That's not the Board's jurisdiction over that process and whether it's valid, whether it complies with legal restrictions in the document itself, that's a matter between the declarant and the individual property owners. That's not the Board's domain. If there are challenges to that that would be resolved through a judicial process.

CHAIR MAYFIELD: Thank you for that. So going back to the master plan that was approved in 97 – I don't believe you were here in 97, but was there preliminary approval given to that and final approval for the build-out, or am I just hearing something different from what I've been hearing from the community tonight? Or was it just a master plan that timed out over so many years?

MR. LARRAÑAGA: Mr. Chair, I believe in your packet, in my report it kind of outlined the steps in the master plan, but it was created in 1997 and they got platting for the first phase. Phase 2 and 3 eventually, there's a five-year period when it expires and there wasn't any further platting or an application for a two-year extension for that master plan, so therefore it expires.

CHAIR MAYFIELD: And I recall reading that and I guess that's what I want to get at. So at a certain time it can expire and then I guess the applicant or a new applicant, they can sell the parcels, can come back and ask for a whole new preliminary? Because I heard bait and switch a little bit tonight. And I also heard economic conditions, the need for different changes, for over 20 years almost. But it does seem like a lot of these individuals, when they purchased this land, based on some statements were stated this on a conceptual drawing of what would happen. That's just what I'm trying to understand now, because that timed out. We just totally forego with that prior master plan, preliminary approval and just look at a whole new master plan tonight.

MR. LARRAÑAGA: Mr. Chair, the master plan, again, expired, and that was prior to the Community College District Ordinance. Now we have the Community College District Ordinance that falls under the village zone. And so they're asking for the master plan under the village zone for multi-family residential.

CHAIR MAYFIELD: Okay. I think that answers it. Thank you. Ms. Jenkins, let me ask a question, because this came up also tonight. So you provided us with a letter of March 26, 2014, and in that letter – I don't know where I read it but I'd like to read it in here. There were community meetings. As a matter of fact what I read in this letter, but again, I don't want to say it's contrary to what I heard but I believe it is, that – and you've made concessions to move this location but I think I heard a statement tonight that that wasn't afforded discussing the – I'm just going to call it the apartment complex. But I believe I read that in your letter.

MS. JENKINS: Yes. There was never what I would say a clear consensus in terms of we're asking for A, B, and C. There were obviously a lot of discussions, a lot of different concerns addressed, but we absolutely heard from quite a few homeowners that, well, if you could slide it further east.

CHAIR MAYFIELD: Come on. She has the floor. I'm asking her right now please.

MS. JENKINS: So was there ever a clear consensus where we got

communication from everybody that, yes, this is what we want? No. But we did hear that feedback and we took that to heart and we moved it, and then we moved it even further in response to the southeast connector alignment.

CHAIR MAYFIELD: So then where was the initial proposal development planned for?

MS. JENKINS: Right at the corner of Burnt Water and College Drive.

CHAIR MAYFIELD: Okay. And then looking at the map that's on the screen, Lot 1-A, why was that not a proposed site?

MS. JENKINS: That was -- Lot 1-A was the initial proposal and we slid it down, and then through the process of engaging with Santa Fe County on the southeast connector alignment, it got moved even further in response to that.

CHAIR MAYFIELD: Thank you. And I'm just going to jump to staff and ask maybe a question. Has there ever been -- I believe there was a long time ago, a proposed on or off ramp off of I-25 to Richards Avenue? Are you guys familiar with that or not familiar with that? I don't know if the Highway Department has ever had that conceptually? I don't know if there are Commissioners that are on the MPO, that they were thinking of an off ramp or an on ramp off of I-25 to Richards Avenue. Is that still in the works or not in the works?

COMMISSIONER STEFANICS: Mr. Chair, that was something that the Department of Transportation and the Transportation Commission considered many years ago and thought they had the funding for it. It's when Senator Roman Maes went from being in the Senate to being on the Transportation Commission, and the community was totally divided on that, so the Transportation Commission decided not to invest any state or federal dollars in that project. It is on the MPO wish list at this time to the tune of about \$14 million and it would require a separate congressional appropriation so it's not prioritize.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. That's all I have, Commissioners. Any other questions of staff? Commissioner Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I move that we go into executive session to deliberate on this administrative adjudicatory preceding as allowed by Section 10-15-1-H (3) of the Open Meetings Act. This is separate from the Matters of the County Attorney agenda item. This session will be limited to this application.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: So we have a motion and a second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (3) passed upon unanimous roll call vote:

Commissioner Mayfield	Aye
Commissioner Anaya	Aye
Commissioner Stefanics	Aye
Commissioner Holian	Aye
Commissioner Chavez	Aye

CHAIR MAYFIELD: I have a procedural question of staff before we break though. Can we go into, still, knowing that we're going in on this matter and coming out, can

we still go into executive – I believe we needed 20 minutes, 30 minutes to discuss other executive matters. We'd have to break, come out, and then go back in if approved.

MR. SHAFFER: Mr. Chair, that's correct. This session would be limited to this specific administrative adjudicatory matter. We'd break from that and then at that point in time the Board could consider whether it wants to move forward with that agenda item, Matters from the County Attorney.

CHAIR MAYFIELD: So we can't take all of our executive matters today. So how much time are we looking at, Commissioners? A half hour? Ten minutes? You all are welcome to wait. You're welcome to go get a cup of coffee. You'd be safe.

[The Commission met in closed session from 7:55 to 9:10.]

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move that we come out of executive session where we only discussed the land use case in front of us. Present were our County Attorney, our Deputy County Attorney, our Land Use Administrator and the five Commissioners.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

CHAIR MAYFIELD: We are now back to the case that we were deliberating, CDRC Case #Z 13-5380, Elevation. Commissioners.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, first and foremost, thank you to the many members of the audience that came to provide input this evening. I'm going to go ahead and make a motion to table this item for three specific areas of consideration, to the September land use meetings. So we would table and continue this process and this hearing at the September land use meeting. And three specific things, based on information we've reviewed in our packets and some input we've taken from the public.

I'd like to ask for staff to contact and receive some additional information from the New Mexico Environment Department relative to sewer concerns that were raised and items disclosed to us in our packets, via information that we've received at the County. I'd request that we have staff communicate with our Public Works Department relative to the status of the design, including survey and easements and design and construction timeline associated with the southeast connector. And also several of the Commissioners brought up water and the availability of water. What does the County have available? With it, I think I brought that up as a request for follow-up information.

So I would table with those three specific items to be addressed, between now and that September land use meeting.

COMMISSIONER HOLIAN: I'll second that.

CHAIR MAYFIELD: Commissioners, there's a motion to table and a second.

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

CHAIR MAYFIELD: Commissioners, we are not on to a need for executive session from our County Attorney. Mr. Shaffer it's late. Is there a need to go into executive session?

MR. SHAFFER: Mr. Chair, Commissioners, I don't believe that there was anything of critical urgency that couldn't be discussed and direction given at the next Board meeting.

VIII. CONCLUDING BUSINESS

- A. Announcements
- B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Mayfield declared this meeting adjourned at 9:15 p.m.

Approved by:


Board of County Commissioners
Daniel W. Mayfield, Chair

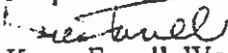
ATTEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

8-12-2014



Respectfully submitted:


Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

SFC RECORDING 08/18/2014



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

Harold Runnels Building, N2050
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P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.nmenv.state.nm.us



RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

ERIKA SCHWENDER
Director
Resource Protection Division

Certified Mail - Return Receipt Requested

March 6, 2014

Mr. Warren Thompson, President
Ranchland Utility Company
Post Office Box 28039
Santa Fe, New Mexico 87592

**Re: Ranchland Utility Wastewater Treatment Plant; Minor; Individual Permit; SIC 4952;
Compliance Evaluation Inspection; NPDES Permit NM0030368; February 25, 2014**

Dear Mr. Thompson:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Racquel Douglas
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2733

Bruce Yurdin
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502



Ranchland Utility Company
March 6, 2014
Page 2

If you have any questions about this inspection report, please contact Sandra Gabaldon at (505) 827-1041 or at sandra.gabaldon@state.nm.us.

Sincerely,

/s/ Bruce J. Yurdin

Bruce J. Yurdin
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

cc: Rashida Bowlin, USEPA (6EN-AS) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Racquel Douglas, USEPA (6EN-WM) by e-mail
Gladys Gooden-Jackson (6EN-WC) by e-mail
NMED District II, by e-mail

Compliance Evaluation Inspection
Ranchland Utilities Water Reclamation Facility
NPDES Permit No. NM0030368
February 25, 2014

Introduction

A Compliance Evaluation Inspection (CEI) was conducted at the Ranchland Utilities Water Reclamation Facility, located in Santa Fe, New Mexico on May 8, 2012 by Ms. Sandra Gabaldón, accompanied by Mr. Daniel Valenta, of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB). This facility is classified as a minor private domestic discharger under the federal Clean Water Act (CWA), Section 402. This facility is regulated under the National Pollutant Discharge Elimination System (NPDES) permit program, and is assigned NPDES permit number NM0030368. The facility design flow is 0.375 million gallons per day (MGD).

The Ranchland Utilities Water Reclamation facility discharges into the Canada del Rancho, thence to Arroyo Hondo, thence to Cienega Creek, thence to the Santa Fe River. The receiving waters of this facility are designated as NMAC 20.6.4.98 (*State of New Mexico Standards for Interstate and Intrastate Surface Waters*). The designated uses of this segment include: livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.

The inspectors arrived at the Ranchland Utilities Water Reclamation Facility at 0900 hours and conducted an entrance interview with Mr. Leonard Quintana, Level IV Operator. The inspector made introductions, presented her credentials, and discussed the purpose of the inspection with Mr. Quintana. An exit interview to discuss preliminary findings of the inspection was conducted with Mr. Quintana and Mr. Cass Thompson, Vice-President, on site.

The NMED performs a specific number of CEI's annually for the United States Environmental Protection Agency (USEPA). The purpose of this inspection is to provide the USEPA with information to evaluate the permittee's compliance with their NPDES permit. The enclosed inspection report is based on verbal information supplied by the permittee's representatives, observations made by the NMED inspector, and a review of records maintained by the permittee, commercial laboratories, and/or NMED. Findings of the inspection are detailed on the attached EPA form 3560-3 and in the narrative Further Explanations section of the report.

Treatment Scheme

There are approximately 1500 homes currently served by the wastewater treatment facility. Two lift stations bring the influent into the headworks which consist of an auger for grit removal. The grit removed is taken to the Rio Rancho landfill for final disposal. From the headworks, flow continues to the Biolac basin which is a synthetically lined basin with wave-oxidation fine bubble diffusers. On this date, three diffusers were malfunctioning. The Biolac system uses moving aeration chains which improve the mixing efficiency of the basin. From the Biolac basin, flow enters one of two circular clarifiers. At the time of the inspection, one clarifier was on-line. Influent then travels to the discfilter for polishing. There are two discfilters, one used, and the other on stand-by. Flow then goes through the Ultraviolet system for disinfection. Then, it is discharged through a Parshall flume to a holding

pond where it is later used for irrigation on land application sites located within the Rancho Viejo development area or is directly discharged. On this day, the facility was discharging its effluent.

Sludge:

The aerobic sludge digester has a capacity of 85,000 gallons. The digester receives WAS from the clarifier and is digested and gravity thickened. Supernatant from the sludge digester is returned to the influent wet well.

A private contractor hauls digested sludge to a septage/sludge receiving station operated by the City of Santa Fe Wastewater Treatment Facility. The city completes additional treatment of the sludge prior to final surface disposal/composting.

Compliance Evaluation Inspection
Ranchland Utilities Water Reclamation Facility
NPDES Permit No. NM0030368
February 25, 2014

Further Explanations

Note: The sections are arranged according to the format of the enclosed EPA inspection checklist (Form 3560-3), rather than being ranked in order of importance.

Section A – Permit

It was noted during this inspection that the permit has a typographical error in Part I, Effluent Limitations for E. coli. The permit limits are stated as 126 cfu/100 ml for the 30-day geometric mean and 410 cfu/100 ml for the daily maximum. These are incorrect. The correct limitations should be 206 cfu/100 ml for the 30-day geometric mean and 940 cfu/100 ml for the daily maximum, as per the fact sheet. EPA has been contacted.

Permit became effective August 1, 2013 and expires at midnight on July 31, 2018.

Section B – Recordkeeping and Reporting – Overall Rating “Marginal”

Permit requires in Part I, Section B Schedule of Compliance.

- a. *The permittee shall submit a progress report outlining the status of the activities during the months of January, April, July and October until compliance is achieved as stated.*

Findings for Section B – Recordkeeping and Reporting:

The operator was unaware that he was required to submit progress reports to EPA and NMED for their compliance schedule to determine toxicity. The operator stated that he will comply with the requirements of the permit and submit the progress reports as needed.

Section C – Operations and Maintenance – Overall Rating of “Unsatisfactory”

Permit requires in Part III, Section B.3 Proper Operation and Maintenance.

- a. *The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee as efficiently as possible and in a manner which will minimize upsets or discharges of excessive pollutants and will achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back or auxiliary facilities or*

similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

- b. The permittee shall provide adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.*

Findings for Section C - Operation and Maintenance:

The biolac system has floating solids as well as noticeable grease. Three of the fine bubble diffusers were malfunctioning.

The automatic dial alarm system was not functioning properly during this inspection. The inspector requested the operator to manually trigger the alarm and it did not call the operator's cell telephone nor did the beacon light function. The operator did notify the inspector a few days later stating that the wires were checked and tightened and the alarm system was now functional.

Mr. Quintana, level IV operator, is the only certified operator on site. The operator stated that he is currently training Marcus Ortiz, who has no certification. The operator did state that they are contracted with Magnum Environmental to help with operational duties. However, the operator from Magnum Environmental is certified at a Level II. A certified Level III operator is required for this facility.

The facility has a generator on site. However, this generator does not provide power to the entire facility if there is a power failure. The generator provides power to one lift station (there are two lift stations), the blowers and barscreen.

The operator stated that there are limited spare parts. There is no inventory list of spare parts available.

The totalizer is placed in an improper location; the totalizer is located in the wrong position relative to the primary device. It is placed close to the discharge point in an area of turbulence.

Section D – Self-Monitoring – Overall Rating “Marginal”

Permit requires in Part III, C.5 Monitoring Procedures:

- a. Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified or approved by the Regional Administrator.*
- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurement and shall maintain appropriate records of such activities.*

Findings for Self-Monitoring:

The permittee stated that they are following 40 CFR 136 requirements for pH. However, it was noted that the permittee is only using a one point calibration for their compliance sample. 40 CFR 136 requires a calibration of two points with a check of the third. This was explained to the operator. The operator stated that he will start doing the calibrations as required by the methodology.

The permittee has a contracted laboratory, Summit Environmental Technologies, Inc., that performs TSS, BOD and E. coli for the permittee. However, the laboratory does not provide the actual time that these parameters are analyzed. It provides only the date. The actual time is crucial in verifying the holding times for each parameter, especially E. coli which has a holding time of six hours.

Section F – Laboratory – Overall rating of “Marginal”

Permit requires in Part III, C.5 Monitoring Procedures:

- a. *An adequate analytical quality control program, including the analysis of sufficient standards, spikes and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.*

Findings for Laboratory:

It appears that the permittee has failed to do 10% duplicate sampling as part of their quality control procedures. The purpose of laboratory control procedures is to ensure high-quality analyses by the use of control samples, control charts, reference materials, and instrument calibration. The permittee must initiate and maintain controls throughout the analysis of samples. Specifically, each testing batch must contain at least one blank, standard, duplicate, and spiked (as applicable) sample analysis. When a batch contains more than 10 samples, every tenth sample should be followed by a duplicate and a spike (as applicable).

DISCHARGE MONITORING REPORT CALCULATION CHECK

NOVEMBER 2013
(FACILITY STARTED DISCHARGING SECOND WEEK IN NOVEMBER)

E. Coli

Sample Dates:	11/13/2013	11/20/2013	11/26/2013		Data reported on DMR
E. coli (#100ml)	<1.0 MPN	<1.0 MPN	<1.0 MPN		
Daily Max					<1.0
30-day Average: Log of colonies per 100 mL Add all logs and divide by number of samples. Geometric Mean is antilog.	$\text{Log}(1.0) + \text{log}(1.0) + \text{log}(1.0) = 0$ $0 + 0 + 0 = 0/3 = 0$ Antilog 0 = 1*				10.0

*Does not match what was reported on DMR (10 MPN/100 ml)

BOD

Sample Date:	Daily Flow (MGD)	BOD (mg/l)	Calculated Daily Load
11/12/2013	0.1372	8.1	$(0.1372)(8.34)(8.1) = 9.268$
11/19/2013	0.0506	18	$(0.0506)(8.34)(18) = 7.596$
11/25/2013	0.1458	13	$(0.1458)(8.34)(13) = 15.808$
Calculated Monthly Average (Loading):	$9.268 + 7.596 + 15.808 = 32.672 / 3 = 10.891 \text{ lbs/day}$		
Calculated Monthly Average (Conc.):	$8.1 + 18 + 13 = 39.10 / 3 = 13.03 \text{ mg/L}$		
Reported on DMR	10.9 lbs/d 30-D Avg.; 18.6 lbs/d 7-D Avg. 13.0 mg/L 30-D Avg.; 18 mg/L 7-D Avg.		

TSS

Sample Date:	Daily Flow (MGD)	TSS (mg/l)	Calculated Daily Load
11/12/2013	0.1372	9.0	$(0.1372)(8.34)(9.0) = 10.298$
11/19/2013	0.0506	12.0	$(0.0506)(8.34)(12.0) = 5.064$
11/25/2013	0.1458	6.0	$(0.1458)(8.34)(6.0) = 7.296$
Calculated Monthly Average (Loading):	$10.298 + 5.064 + 7.296 = 22.658 / 3 = 7.553 \text{ lbs/day}$		
Calculated Monthly Average (Conc.):	$9.0 + 12.0 + 6.0 = 27/3 = 9 \text{ mg/L}$		
Reported on DMR	7.6 lbs/d 30-D avg.; 12.4 lbs/d 7-D avg. 9.0 mg/L 30-D avg.; 12.0 mg/L 7-D avg.		

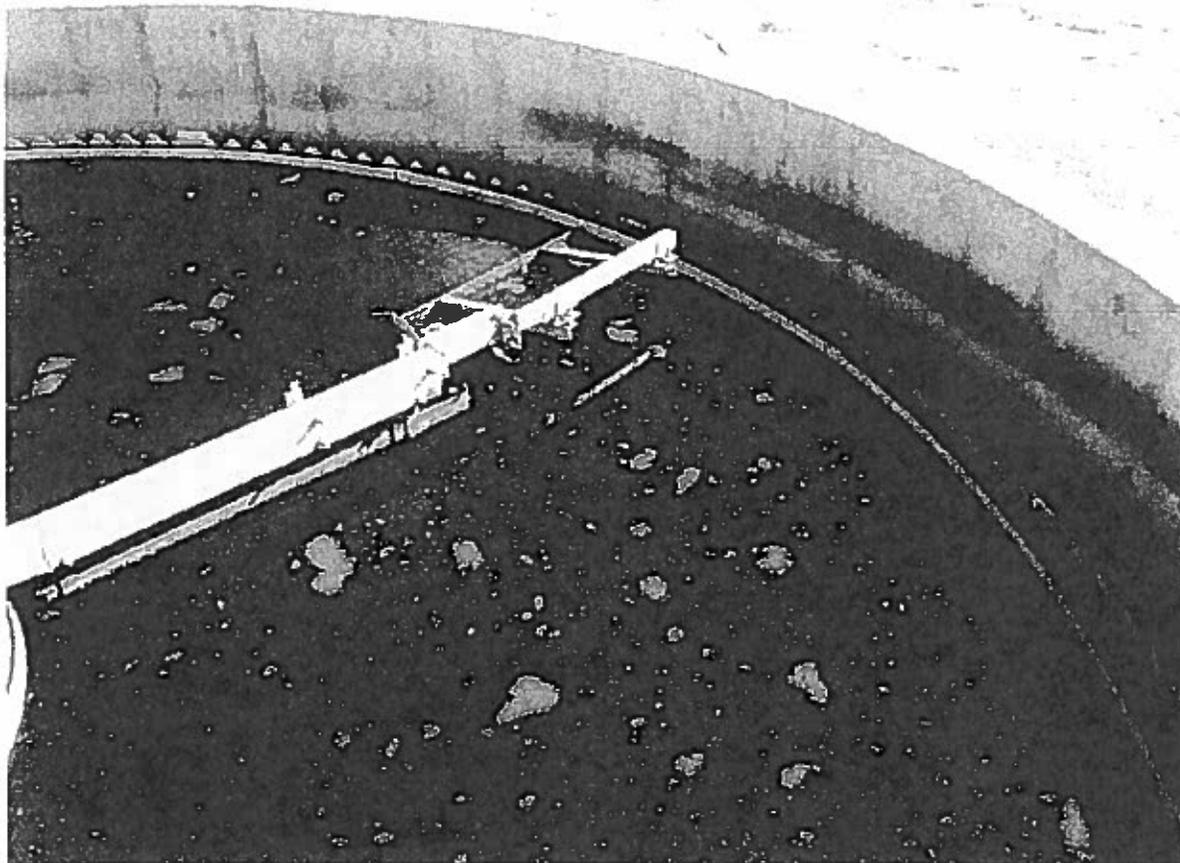
NMED/SWQB
Official Photograph Log
Photo # 1

Photographer: Daniel Valenta	Date: February 25, 2013	Time: 0950 hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Ranchland Utilities		
Subject: Biolac aeration pond.		



**NMED/SWQB
Official Photograph Log
Photo # 2**

Photographer: Daniel Valenta	Date: February 25, 2014	Time: 0950 Hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Ranchland Utilities		
Subject: East clarifier		





Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3 N M 0 0 3 0 3 6 8 11 12 1 4 0 2 2 5 17 18 C 19 S 20					
Remarks					
M I N O R	W W T P				
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 3	71 N 72 N 73		74 75	80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Ranchland Utilities Take I-25 south from Santa Fe to Madrid Exit. Turn left on Rancho Viejo Blvd. Go approximately 1.5 miles, turn right on Avenida del Sur and go to Avenida Nu PO. Turn right and proceed to WWTP. SANTA FE COUNTY	Entry Time /Date 0900 / 02-25-2014	Permit Effective Date 08-01-2013
	Exit Time/Date 1115 / 02-25-2014	Permit Expiration Date 07-31-2018
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Leonard Quintana, Certified Operator, (505) 470-3697 Cass Thompson, cass@ranchoviejo.com	Other Facility Data SIC 4952	
Name, Address of Responsible Official/Title/Phone and Fax Number Warren Thompson, President Ranchland Utility Company Post Office Box 28039 Santa Fe, NM 87592	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
35°35'22.56" N -106°01'28.65" W		

Section C: Areas Evaluated During Inspection
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	S	Flow Measurement	U	Operations & Maintenance	N	CSO/SSO
M	Records/Reports	M	Self-Monitoring Program	S	Sludge Handling/Disposal	N	Pollution Prevention
S	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
S	Effluent/Receiving Waters	M	Laboratory	N	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. Permit has a typographical error in Part I, Effluent Limitations. EPA has been contacted and requested to correct the error.
2. Please see checklist and further explanations of report.

Name(s) and Signature(s) of Inspector(s) /s/ Sandra Gabaldon Sandra Gabaldon, Environmental Scientist/Specialist	Agency/Office/Telephone/Fax NMED/Surface Water Quality Bureau/827-1041	Date 03/06/2014
Signature of Management QA Reviewer /s/ Bruce J. Yurdin Bruce Yurdin, Program Manager	Agency/Office/Phone and Fax Numbers NMED/Surface Water Quality Bureau/827-2795	Date 03/06/2014

RANCHLAND UTILITIES

PERMIT NO. NM0030368

SECTION A - PERMIT VERIFICATION

PERMIT SATISFACTORILY ADDRESSES OBSERVATIONS S M U NA (FURTHER EXPLANATION ATTACHED YES)

DETAILS: Typographical error has been found in Part I, Effluent Limitations of the permit. EPA has been notified.

1. CORRECT NAME AND MAILING ADDRESS OF PERMITTEE Y N NA

2. NOTIFICATION GIVEN TO EPA/STATE OF NEW DIFFERENT OR INCREASED DISCHARGES Y N NA

3. NUMBER AND LOCATION OF DISCHARGE POINTS AS DESCRIBED IN PERMIT Y N NA

4. ALL DISCHARGES ARE PERMITTED Y N NA

SECTION B - RECORDKEEPING AND REPORTING EVALUATION

RECORDS AND REPORTS MAINTAINED AS REQUIRED BY PERMIT. S M U NA (FURTHER EXPLANATION ATTACHED YES)

DETAILS:

1. ANALYTICAL RESULTS CONSISTENT WITH DATA REPORTED ON DMRs. Y N NA

2. SAMPLING AND ANALYSES DATA ADEQUATE AND INCLUDE. S M U NA

a) DATES, TIME(S) AND LOCATION(S) OF SAMPLING Y N NA

b) NAME OF INDIVIDUAL PERFORMING SAMPLING Y N NA

c) ANALYTICAL METHODS AND TECHNIQUES. Y N NA

d) RESULTS OF ANALYSES AND CALIBRATIONS. Y N NA

e) DATES AND TIMES OF ANALYSES. Y N NA

f) NAME OF PERSON(S) PERFORMING ANALYSES. Y N NA

3. LABORATORY EQUIPMENT CALIBRATION AND MAINTENANCE RECORDS ADEQUATE. S M U NA

4. PLANT RECORDS INCLUDE SCHEDULES, DATES OF EQUIPMENT MAINTENANCE AND REPAIR. S M U NA

5. EFFLUENT LOADINGS CALCULATED USING DAILY EFFLUENT FLOW AND DAILY ANALYTICAL DATA. Y N NA

SECTION C - OPERATIONS AND MAINTENANCE

TREATMENT FACILITY PROPERLY OPERATED AND MAINTAINED. S M U NA (FURTHER EXPLANATION ATTACHED YES)

DETAILS:

1. TREATMENT UNITS PROPERLY OPERATED. S M U NA

2. TREATMENT UNITS PROPERLY MAINTAINED. S M U NA

3. STANDBY POWER OR OTHER EQUIVALENT PROVIDED. S M U NA

4. ADEQUATE ALARM SYSTEM FOR POWER OR EQUIPMENT FAILURES AVAILABLE. S M U NA

5. ALL NEEDED TREATMENT UNITS IN SERVICE S M U NA

6. ADEQUATE NUMBER OF QUALIFIED OPERATORS PROVIDED. S M U NA

7. SPARE PARTS AND SUPPLIES INVENTORY MAINTAINED. S M U NA

8. OPERATION AND MAINTENANCE MANUAL AVAILABLE. Y N NA

STANDARD OPERATING PROCEDURES AND SCHEDULES ESTABLISHED. Y N NA

PROCEDURES FOR EMERGENCY TREATMENT CONTROL ESTABLISHED. Y N NA

SECTION F - LABORATORY (CONT'D)

- 2. IF ALTERNATIVE ANALYTICAL PROCEDURES ARE USED, PROPER APPROVAL HAS BEEN OBTAINED Y N NA
- 3. SATISFACTORY CALIBRATION AND MAINTENANCE OF INSTRUMENTS AND EQUIPMENT. (pH) S M U NA
- 4. QUALITY CONTROL PROCEDURES ADEQUATE. S M U NA
- 5. DUPLICATE SAMPLES ARE ANALYZED. 0 % OF THE TIME. Y N NA
- 6. SPIKED SAMPLES ARE ANALYZED. % OF THE TIME. Y N NA
- 7. COMMERCIAL LABORATORY USED. Y N NA

LAB NAME SUMMIT ENVIRONMENTAL TECHNOLOGIES, INC. BIO AQUATIC TESTING, INC.
 LAB ADDRESS 3310 Win Street, Cuyahoga Falls, OH 44223 2501 Maves Road, Suite 100, Carrollton, TX 75006
 PARAMETERS PERFORMED BOD, TSS, E Coli Biomonitoring

SECTION G - EFFLUENT/RECEIVING WATERS OBSERVATIONS. S M U NA (FURTHER EXPLANATION ATTACHED YES)

OUTFALL NO.	OIL SHEEN	GREASE	TURBIDITY	VISIBLE FOAM	FLOAT SOL.	COLOR	OTHER
001	NONE	NONE	NONE	NONE	NONE	CLEAR	

RECEIVING WATER OBSERVATIONS

SECTION H - SLUDGE DISPOSAL

SLUDGE DISPOSAL MEETS PERMIT REQUIREMENTS. DETAILS: S M U NA (FURTHER EXPLANATION ATTACHED NO.)

- 1. SLUDGE MANAGEMENT ADEQUATE TO MAINTAIN EFFLUENT QUALITY. S M U NA
- 2. SLUDGE RECORDS MAINTAINED AS REQUIRED BY 40 CFR 503. S M U NA
- 3. FOR LAND APPLIED SLUDGE, TYPE OF LAND APPLIED TO: N/A (e.g., FOREST, AGRICULTURAL, PUBLIC CONTACT SITE)

SECTION I - SAMPLING INSPECTION PROCEDURES (FURTHER EXPLANATION ATTACHED _)

- 1. SAMPLES OBTAINED THIS INSPECTION. Y N NA
- 2. TYPE OF SAMPLE OBTAINED
 GRAB _____ COMPOSITE SAMPLE _____ METHOD _____ FREQUENCY _____
- 3. SAMPLES PRESERVED. Y N NA
- 4. FLOW PROPORTIONED SAMPLES OBTAINED. Y N NA
- 5. SAMPLE OBTAINED FROM FACILITY'S SAMPLING DEVICE. Y N NA
- 6. SAMPLE REPRESENTATIVE OF VOLUME AND MATURE OF DISCHARGE. Y N NA
- 7. SAMPLE SPLIT WITH PERMITTEE. Y N NA
- 8. CHAIN-OF-CUSTODY PROCEDURES EMPLOYED. Y N NA
- 9. SAMPLES COLLECTED IN ACCORDANCE WITH PERMIT. Y N NA

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

MEMORANDUM

DATE: August 29, 2014
TO: Jose Larranaga, Development Review Team Leader
FROM: Claudia Borchert, Utilities Division Director
VIA: Adam Leigland, Public Works Department Director

**ITEM AND ISSUE: CDRC CASE #Z 13-5380 - ELEVATIONS
RESPONSE TO WATER AND WASTEWATER SERVICE QUESTIONS**

In response to water and wastewater service questions from the Board of County Commission (BCC) at the July 8th, 2014, Regular BCC Meeting *CDRC CASE #Z 13-5380 ELEVATIONS*, Utilities has prepared the following responses.

WATER SERVICE:

In order for the County to provide a sustainable and reliable water supply and water service, the County needs three things: adequate water physical infrastructure (at both the source and delivery), water rights, and actual "wet" water. The letter written from Utilities to Oralynn Guerrerortiz on behalf of the Verdura project (i.e. Elevations) on January 30, 2013, identifies general water delivery infrastructure requirements for the project. Utilities can find no documentation that addresses source infrastructure (the availability of BDD capacity) or water rights for the project.

Recent Utilities practices recognized adequacy of upstream infrastructure (BDD capacity) and water rights (Rio Grande surface water rights) and issued "ready, willing, and able" letters to development projects, providing that water right acquisition costs would be recovered from projects at time of meter installation. Some projects, however, which had previously dedicated water rights to the County and/or had been given a County water allocation via a Water Service Agreement, were provided service under different provisions.

Resolution 2006-57, *Resolution Adopting A Santa Fe County Water Resources Dept. Line Extension And Water Service Policy*, states that new water service applicants "may be required to deposit or dedicate water rights with the County to match against expected deliveries (see Section X, below), pay the County to acquire water rights to match against deliveries that are sought, pay a significant initial service fee, or pay other fees to the County to assist the County to provide a permanent and perpetual water supply."

• Physical: 424 NM 599 Santa Fe, NM 87504 • Phone (505) 992-9870
• Fax (505) 992-9870 • Email: info@countyofnewmexico.gov



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Because Rancho Viejo has contributed a combination of water rights and water allocations toward the phased development of the Rancho Viejo master plan and because Elevations is a development occurring within the Rancho Viejo Master Plan area, the applicant has not specified whether Elevations falls under Rancho Viejo's dedicated water rights/ allocations or whether Elevations will need to pay a water right acquisition fee at the time of meter installation.

As a condition of amended Master Plan approval, Utilities requires that Elevations meet the following water service conditions:

- 1) Prior to submittal for Preliminary Development Plan Approval, Elevation is required to submit a proposed water budget that meets County code requirements and incorporates Santa Fe County conservation ordinances and resolutions. Upon approval, Utilities will add 20% to the development's water budget for line losses per Resolution 2006-57 and submit the water budget to the BCC for a water allocation.
- 2) Prior to submittal for Preliminary Development Plan Approval, Elevations must have a BCC-approved water allocation in the amount needed for the development's water budget.
- 3) Prior to Final Development Plan Approval, Elevations may provide the County Rio Grande surface water rights or Rancho Viejo water commitments. Otherwise, a water right acquisition fee will be added to the meter installation fee for each dwelling unit, which will be metered separately per Resolution 2012-88, Customer Service Policy 15.

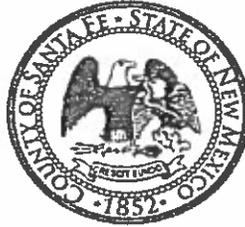
WASTEWATER SERVICE:

At the Board's request Utilities staff reviewed the Ranchland Utility National Pollutant Discharge Elimination System (NPDES) inspection report dated March 6, 2014. Based on the information provided, the wastewater facility appears to have capacity to serve Elevations. Our review finds that the report raises no issues that warrant the County taking a position that Ranchland Utility cannot provide adequate wastewater service to Elevations.

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

MEMORANDUM

DATE: August 26, 2014
TO: Jose Larranaga, Development Review Team Leader
FROM: Adam Leigland, Public Works Department Director

**ITEM AND ISSUE: CDRC CASE #Z 13-5380 - ELEVATIONS
RESPONSE TO SOUTHEAST CONNECTOR QUESTIONS**

In response to Southeast Connector questions from the Board of County Commission (BCC) at the July 8th, 2014 Regular BCC Meeting CDRC CASE #Z 13-5380 ELEVATIONS, Public Works has prepared the following response.

The BCC asked for information "relative to the status of the design, including survey and easements and design and construction timeline associated with the Southeast Connector." The Southeast Connector is currently at the stage of an alignment study. As the name suggests, this study evaluates the best alignment for the proposed road. Once the alignment study is complete, the appropriate right-of-way will need to be acquired by the County. The road will then need to be designed, and then finally constructed. Assuming that the right-of-way is acquired in a timely fashion, a rough overall schedule can be sketched out as below. I stress that this is an estimated schedule.

Date	Milestone
Feb 2015	Alignment Study complete
Nov 2015	Right-of-Way acquired
Nov 2016	Design complete
Jul 2017	Construction complete

The Elevations development will generate traffic that, until the Southeast Connector is complete, will be carried by College Drive and Richards Avenue.



Ranchland Utility Company

P. O. 28039

Santa Fe, NM 87592

August 15, 2014

Racquel Douglas
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2733

Bruce Yurdin
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
PO Box 5469
Santa Fe, New Mexico 87502

Re: Ranchland Utility Company Progress Report

Dear Ms. Douglas and Mr. Yurdin:

In response to the Compliance Evaluation Inspection dated February 25, 2014 and as a follow up to our letter of April 10, 2014 we submit the following Progress Report for July 2014:

The following actions have been taken:

Section C - Operation and Maintenance

The floating solids are being removed on a weekly basis.

Replacement bubble diffusers have been replaced and replacement parts are on site.

The automatic dual alarm has been repaired and is being tested on a monthly basis.

As a support to the operators working for Ranchland, Ranchland Utility Company has a contract with MolzenCobin to act as their retained consulting engineer and they are able to provide operational assistance, support, and oversight.

Attached is a list of spare parts located on-site.

The totalizer discharge point is being relocated further from the totalizer and a baffle installed to reduce turbulence. The work will be complete by the end of August.



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MolzenCobin send an electrical engineer on August 6, 2014 to evaluate the emergency power and create an emergency backup power plan for Ranchland. We will review their recommendations upon receipt.

Section D – Self Monitoring

Calibration procedures have been modified to comply with recommendation made at the site visit.

Summit Environmental Technologies, Inc has been contacted and we have requested that the time and date be reported so that holding times can be confirmed.

Section F - Laboratory

Laboratory procedures have been modified to incorporate a duplicate and a spike every 10 samples.

If there is additional information you require please let us know.

Sincerely,



Cass Thompson

cc. Leonard Quintana

Ranchland Utility Company
Spare Parts Inventory

7/30/14

Blower Spare parts

Filters	4
Belts	2
Greer creators	4

Diffuser spare parts

Sheath	260
O-Rings 1-3/4"	260
O-Rings 1"	260
Manifolds assembly	26
Cap, glued, counter weight	26
1" Clamps	100
1" hose	20 feet

Disk Filter

Liquid level control	4
Motor circuit breaker	2
Strain o-ring 3"	2
Kit seal	2
Relay 120 VAC	2
Mini Rely	2

UV - Chamber

Seal jacket double lip	40
Electronic Ballast	1
16mm full colt light Red	20
Ballast control box	1
UV bulbs	10

Lift station

Level regulator float	1
-----------------------	---

Bar screen

Level rejecter float	1
3/6" silenced valve	1
Control rely	1

RESOLUTION NO. 2006- 57

A RESOLUTION ADOPTING A SANTA FE COUNTY
WATER RESOURCES DEPARTMENT LINE EXTENSION AND WATER
SERVICE POLICY

WHEREAS, pursuant to the Water Resources Agreement by and Between Santa Fe County and the City of Santa Fe (2005), the City of Santa Fe agreed to provide wholesale water deliveries to Santa Fe County in the amount of 500 acre feet per year (in perpetuity) and an additional 375 acre feet per year between the year 2005 and the year that the Buckman Direct Diversion Project becomes operational;

WHEREAS, of the 875 acre feet of wholesale water deliveries that the County may receive from the City of Santa Fe prior to the date the Buckman Direct Diversion becomes operational, approximately 700 acre feet per year has already been committed by the County through Water Service Agreements, yet the County Water Resources Department in calendar 2005 delivered 324.68 acre feet per year to County customers;

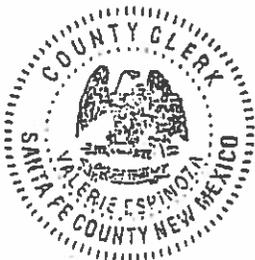
WHEREAS, under current practice, the County provides water to new customers through a system of water rights transfers and parallel water service agreements;

WHEREAS, the form of water service agreements has varied widely, but has become more consistent in recent years, and a common element of virtually all water service agreements is the "allocation" of available water which is reserved to the holder of the water service agreement, whether the holder of the water service agreement actually puts the water to beneficial use or not;

WHEREAS, the practice as described above has resulted in an apparent shortage of water and has also apparently created the possibility of speculation in water service agreements and County allocations of available water, thus reducing the amount of water needed for the County to achieve its stated purposes of providing affordable housing for its citizens and assuring that the County's growth management objectives are met;

WHEREAS, in order to assure that the County's stated objectives as described above are met, significant amendments to existing practices and policies are needed to ensure that water is put to beneficial use, that water is targeted to affordable housing, that water is targeted towards persons who will put it to use, and that speculation in water and water service agreements is avoided; and

WHEREAS, the Board of County Commissioners desires to put such policies in place, effective immediately.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss BCC RESOLUTIONS
PAGES: 13

Hereby Certify That This Instrument Was Filed for
Record On The 5TH Day Of April, A.D., 2006 at 11:41
and Was Duly Recorded as Instrument # 1427655
of The Records Of Santa Fe County

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



SFC CLERK RECORDED 04/06/2006

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IT IS THEREFORE RESOLVED, AS FOLLOWS:

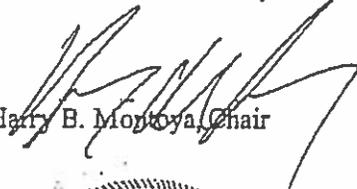
1. The Board of County Commissioners of Santa Fe County hereby adopts Attachment A hereto as its Water Resources Department Line Extension and Water Service Policy.

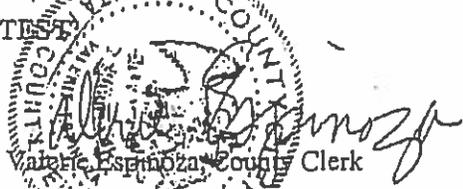
2. Attachment A shall henceforth govern new water service by the by Santa Fe County Water Resources Department, and shall supplant the current practice.

3. Any resolution or policy of the County that is inconsistent herewith shall be, and hereby is, rescinded.

PASSED, APPROVED AND ADOPTED this 28th day of March, 2006.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO

By 
Harry B. Montoya, Chair

ATTEST
By 
Valerie Espinoza, County Clerk

Approved as to Form
By 
Stephen C. Ross, County Attorney

SFC CLERK RECORDED 04/06/2006

2. Santa Fe County delivers physical water from a limited number of sources. Santa Fe County, through the "Water Resources Agreement Between the City of Santa Fe and Santa Fe County," has the right to receive 500 afy from the City of Santa Fe in perpetuity. Most of this water has already been obligated through existing water service agreements, and Santa Fe County allocations for economic development and affordable housing. The County, through the Water Resources Agreement, has the right to receive an additional 375 afy of water deliveries from the City of Santa Fe until the Buckman Direct Diversion, a joint City-County venture to divert San Juan-Chama contract water to the City, the County and Las Campanas, is completed. The City's commitment of 375 afy will cease in approximately 2009 when the Buckman Direct Diversion becomes operational and therefore cannot be considered to be a permanent and perpetual source of water. The County has applied to divert its 375 afy of San Juan-Chama water rights from the Buckman Direct Diversion. After completion of the Buckman Direct Diversion, the County will have the right to divert up to 1,700 afy from the Buckman Direct Diversion, and has the capacity to receive 500 afy of perpetual deliveries from the City of Santa Fe. Applicants may therefore expect that supplies of physical water may be limited until the Buckman Direct Diversion is completed. The County's decisions on allocating any part of the 375 afy supplied by the City of Santa Fe, given the uncertainty of deliveries after 2009, shall be final. The County may deny any Application on the grounds that adequate physical water is not available to serve the Application.

3. Because the County holds a limited amount of water rights, Applicants for New Water Deliveries may be required to deposit or dedicate water rights with the County to match against expected deliveries (see Section X, below), pay the County to acquire water rights to match against deliveries that are sought, pay a significant initial service fee, or pay other fees to the County to assist the County to provide a permanent and perpetual water supply. In addition, Applicants for New Water Deliveries may be required to pay the costs of infrastructure (such as line extensions) to supply physical water to projects, and to pay for necessary improvements to County infrastructure to serve an Applicant.

B. Annual Schedule of New Water Deliveries

1. Twice each year, the County shall promulgate a schedule of New Water Deliveries for the upcoming six months, which shall be approved by Resolution of the Board upon recommendation of the Department. The approved schedule shall govern New Water Deliveries over the following year.

2. To assist in preparing the annual schedule of deliveries, the Department shall maintain an accounting of available physical water, water rights, allocations established through a valid water service agreements in existence as of the effective date of this document, line losses, allocations established for affordable housing pursuant to Ordinance No. 2006-02, other allocations made to County sponsored projects or for County discretionary use, and deliveries that were made in the preceding year. When total deliveries of water in a given year to all customers of the County do not exceed 500 afy, the Department shall set aside no less than ten percent of the water that is deliverable that year for County purposes. When total deliveries of water in a given year exceed 500 afy, the Department shall set aside no less than 50 acre feet plus five percent of the water that is deliverable that year for County purposes. The Department shall

present the accounting to the Board along with its recommendations for the upcoming years' schedule.

3. Once the schedule is approved as described in the previous paragraph, any allocations established through valid water service agreements in existence as of the effective date of this document, line losses, allocations established for affordable housing pursuant to Ordinance No. 2006-02, other allocations made to County sponsored projects or for County discretionary use, and deliveries that were made in the preceding year shall not be available for distribution as New Water Deliveries.

4. Persons desiring New Water Deliveries during the upcoming year and persons holding valid water service agreements in existence as of the effective date of this document, shall file an Application seeking new water service with the Department on or before the date set for the filing of such applications by the Department. The Application shall be made on a form supplied by the Department, and shall be complete; incomplete Applications shall not be accepted. Holders of water service agreements that were executed prior to the effective date of this document must apply for each new delivery, and the deliveries shall be included on the annual schedule.

5. Based on its accounting, the Department may declare that water to service pending Applications is not available, either because of the unavailability of physical water or because insufficient water rights exist to justify deliveries. In this event, the Department shall, during a regular meeting, advise the Board of the problem and the inability to provide service. The Board may suspend issuance of a schedule or schedules for New Water Deliveries pursuant to Section IV (B) (1), until the problem is resolved, or issue a schedule based on its prioritization of water that is available.

6. If, based on its accounting, the Department determines that insufficient physical water or water rights exist to serve existing allocations plus scheduled deliveries for the upcoming year and a declaration of unavailability is made pursuant to the previous paragraph, the Department shall reject any pending Application, but shall keep the Application on file. If the problem that resulted in the declaration is corrected within one year, the Application may be processed. If water becomes available more than one year after submission of the Application, a new Application will be required.

7. Any New Water Deliveries that are scheduled for delivery that are not made within the one-year period of the schedule shall be cancelled and the underlying Water Delivery Agreement shall automatically terminate. Subsequent deliveries will require a new Application, schedule delivery and Water Delivery Agreement.

8. No deliveries will be made that are not consistent with the annual schedule unless extreme hardship is first demonstrated to the Board.

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C. Prioritization of new deliveries

1. When there is more demand for New Water Deliveries for the upcoming fiscal year than the Department can deliver, and finding has been made pursuant to Section IV (B) (6), above, the County may allocate deliveries in any reasonable manner; allocation of water deemed to be available may be allocated among pending applications in any reasonable manner taking into consideration the following factors:

- a. [reserved]
- b. A project that partially developed a phase under a previous year's schedule and that requires water service to prevent economic infeasibility of the phase may receive priority.
- c. A project that employs water conservation measures above and beyond what are already required by County ordinance, or a project that employs energy efficiency measures may receive priority.
- d. Existing residential customers that do not receive County or community water service that suffer water supply quantity and/or quality problems (e.g., well requiring immediate work to meet demand or nitrate concentration greater than 10mg/l) or reasonably believe that water quantity or quality problems threaten water supplies (e.g., well water level declining and likely to require well work within two years or nitrate concentration between 4 and 10 mg/l), may be entitled to priority.
- e. A project that provides both water and wastewater service may be entitled to priority.
- f. A project within a growth priority area of the County, as established by planning documents adopted by the Board, may receive priority.

2. If prioritization becomes necessary, the Department shall provide recommendations to the Board concerning the relevant factors to be considered, the proper application of the factors to the facts of the Application, and the amount of water believed to be available for scheduling. In addition, the Department shall provide recommendations concerning the Department's efforts to increase future supplies.

V. WATER SERVICE: LINE EXTENSIONS.

A. Whenever a water service line is required in order for the Department to be able to deliver water to customers, an Applicant for New Water Deliveries shall be responsible for constructing infrastructure to provide the water service and for constructing any necessary improvements to the Department's infrastructure.

B. A valid Water Delivery Agreement or a separate line extension agreement shall be required prior to beginning construction of any proposed infrastructure.

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C. The Applicant shall plan, design and construct the proposed line extension project. The planning, design work, and construction shall conform to this document, all other applicable laws, standards, Ordinances, Resolutions and regulations of the County, and the standards established by the American Water Works Association (AWWA). Prior to commencing construction of any line extension, engineering plans shall be prepared and certified by a Licensed Professional Engineer in the State of New Mexico and submitted to the Department for review and approval. The Department may disapprove any engineering plans that do not comply with this Resolution and the standards set forth herein. A line extension may be phased, but each phase must independently comply with this Resolution. Construction may commence only after the Department has issued its written approval of the engineering plans. Construction of the line extension project must conform to the approved plans, and shall meet all applicable standards, and shall be performed in a workmanlike manner consistent with standards existing within Santa Fe County. Personnel of the Department shall be permitted reasonable access to the construction site during periods when construction is taking place, and shall be permitted to inspect the project and to issue relevant orders relating to the project, including stop work orders for work that does not conform to the approved plans, requiring that work be constructed according to the approved plans, and requiring that work meet all applicable codes and standards.

D. The cost of planning, designing, constructing and inspecting a line extension project shall be the sole responsibility of the Applicant. Upon completion of construction of the work, the County may accept the work. Acceptance of the line extension project shall be made only by the Director of the Water Resources Department or a designee, and shall be made in writing. After acceptance, the applicant shall ensure that the line extension project and all of its components, including water lines, meters, trunks, stubs, fire hydrants, pumps and other equipment, become the property of Santa Fe County through a separate deed or, as appropriate, plat dedication. Thereafter, the line extension project shall become the property of Santa Fe County and shall be operated and maintained by the Department.

E. The Applicant shall grant to the County, without charge, any and all permanent easements and rights-of-way over and across the Applicant's property on which the line extension project, and any component thereof, is located. Such grant shall be made through the appropriate plat dedication or instrument, and shall be recorded in the office of the Santa Fe County Clerk. The easements and rights-of-way may be located, to the extent possible considering cost and engineering feasibility, in a manner that avoids unreasonable interference with the Applicant's contemplated uses of its property, in a way that complements the contemplated uses, and in accordance with sound construction and engineering standards and practices. In the event that easements and rights-of-way must be acquired from third parties who are not parties to this Agreement in order to complete the line extension project, acquisition of such easements and rights-of-way shall be the sole responsibility of the Applicant.

F. After completion of the line extension project as set forth in the previous paragraphs, the Applicant may be entitled to receive water service pursuant to a Water Delivery Agreement. All such service must be scheduled pursuant to Section IV (B) (1), above, and shall be subject to the prevailing service rates, as published from time to time by the Water Resources Department.

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G. If the Department desires that a given line extension be modified to accommodate other reasonably anticipated County needs, the County may require amendments to the line extension project. Any such amendments shall be the subject of a separate written agreement by and between the County and the Applicant. Oral instructions to modify a line extension project to benefit the County shall not be valid in the absence of a valid written contract.

H. Certain smaller applications (e.g., individual residences or neighborhoods currently not receiving service) may provide cash payment and avoid constructing infrastructure pursuant to the requirements set forth above. In such instances, the County shall construct the required infrastructure. The Applicant shall provide any necessary easements. The County shall provide an estimate of the costs to the Applicant; however, an Applicant shall be responsible for the entire costs of construction that may accrue, whether or not said costs exceed the County's estimate. If costs are less than estimated, or if the County receives external funding for construction, the Applicant may receive a refund, or a credit against billings. The Applicant remains responsible for paying any required fees.

VI. APPLICATION PROCESS.

A. To be eligible to receive scheduled water deliveries and a Water Delivery Agreement, an Applicant must meet the following criteria:

1. An Application must be submitted to the Water Resources Department in writing on the form provided by the Water Resources Department.

2. The service requested must be within a designated service area of water service of the Department.

3. The Applicant must agree to comply with all the terms set forth in this document.

4. In order to be placed on the schedule for water deliveries, the project for which the Applicant seeks water service must be approved, as applicable, through the County's land development approval process.

B. An Application will be processed only upon receipt of a complete Application. Applications for water service shall be incorporated into the Department's recommendations for scheduled deliveries pursuant to Section IV (B), herein.

C. If an Application is granted, the Department shall notify the Applicant of the necessity to execute a Water Delivery Agreement. Service will not be provided until an agreement is executed, water rights are deposited into County ownership, and any required fees are paid.

VII. REQUESTS TO AMEND A SERVICE AREA.

A. An Applicant may petition the Department to amend the Department's declared water service area at any time.

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B. Once an application is made to amend the Department's service area, the Department shall analyze the request and shall determine the technical merits of the application and evaluate the cost of providing service within the area requested. The analysis shall be presented to the Board for consideration.

C. The Board shall consider the application, the report of the Department, and the statements of persons supporting or opposing the application. The Board may base its decision whether to amend a service area on the ability of the County to service the proposed service area, the costs of providing such service, the revenue expected to be received as a result of the service so provided, and other relevant facts.

VIII. BULK WATER SERVICE TO COMMUNITY SYSTEMS.

A. The County may provide water service to community water systems, mutual domestic water associations, cooperative water associations, water and sanitation districts, and other similar entities on a bulk service basis.

B. All requests for such service shall be presented to the Board, and shall be documented pursuant to a Joint Powers Agreement or other appropriate agreement.

C. The rate to be charged for water provided pursuant to this Section shall be the bulk service rate set forth in Department's rate schedules.

D. Deliveries made pursuant to this Section shall be scheduled as set forth in Section IV (B), herein.

IX. ALLOCATION LIMITATIONS.

A. Allocations of capacity for New Water Deliveries shall be limited as set forth on the schedule in any given year, and an Applicant, notwithstanding any transfer of water rights or cash, shall not be entitled to water in any upcoming year unless water deliveries are scheduled and have commenced pursuant to the schedule.

B. In no event shall a residential property be scheduled to receive more than 0.25 afy per dwelling unit (including guest homes, if any) in any given year.

C. New Water Deliveries to any residential development or commercial development shall be limited to 35 afy each year absent extraordinary conditions, except for deliveries made under water service agreements executed prior to the effective date of this document.

D. In no event shall any property be scheduled to receive water in excess of the amount of water rights held by the County to match against the deliveries.

E. For residential subdivisions and commercial developments, an allocation for a given amount of water pursuant to a Water Delivery Agreement will be based on the Applicant's expected water demand for the project, which will in turn be based on the Applicant's projected water budget. Although the Department, and in many cases the County Land Use Department, reviews the proposed water budget for reasonableness, the Department's review shall not be construed as legitimizing the amount of the request for purposes of land use approvals. In the

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event that the actual use exceeds the allocation and the amounts set forth in the Water Delivery Agreement, the Department shall take steps to limit actual water use to the amount agreed upon or require the Applicant to supply additional water rights to support deliveries.

X. WATER RIGHTS AND CASH PAYMENTS.

A. At the time of execution of a Water Delivery Agreement, or before at the Applicant's election, an Applicant shall be required to deposit with the County water rights (or the cash equivalent at the County's option to the value of the water rights required, both as established by the County), to support deliveries pursuant to the Water Delivery Agreement, plus 20%. Using a dedication form provided by the Department, an Applicant may deposit water rights with the County at any time that are intended to back up water deliveries in future years or to satisfy requirements under the Land Development Code, with the understanding that deposit of said water rights does not create a delivery obligation on the part of the County to deliver water in subsequent years otherwise than as set forth in this document and the annual schedules issued by the County pursuant to the provisions herein. If the Applicant elects to make a cash deposit in lieu of water rights, deliveries will not be scheduled until the County has obtained water rights to match against scheduled deliveries.

B. If water rights are deposited, no later than upon execution of the Water Delivery Agreement, the Applicant shall prepare and submit to the County an application for the transfer of water rights. The water rights transferred pursuant to this paragraph shall be used for offset purposes at the City's Buckman well field pursuant to the "Water Resources Agreement between the City of Santa Fe and Santa Fe County," or transferred to another point of diversion designated by the County. Concurrent with the application to transfer the water rights to the point of diversion, the Applicant shall convey the water rights to the County and obtain approval of a transfer through the Office of the State Engineer. The Applicant shall pay all costs associated with these proceedings. If the water rights are transferred to the Buckman Well Field, the Applicant shall pay the additional cost, if any, necessary to transfer the water rights from the Buckman Well Field to the Buckman Direct Diversion project at any time, if requested to do so by the County. If the County elects to undertake the transfers itself, the Applicant shall reimburse the County for all costs associated with the proceedings before the Office of the State Engineer, and may be required to provide advance payment of the costs.

C. Upon the final, non-appealable issuance of an order approving the application for transfer, the Applicant shall inform the County and provide a copy of the order. If the application is denied, the Applicant shall provide adequate substitute water rights.

D. Any return flow credits that may be approved by the Office of the State Engineer (hereinafter "the OSE") that are associated with the water rights shall belong to the County.

E. If required by the Office of the State Engineer, the Applicant shall acquire and transfer ownership to the County sufficient water rights within an affected tributary system sufficient to offset depletion of the tributary surface flows, as determined by the OSE, and associated with the pumping of the transferred water rights from the diversion point.

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F. If water service is not scheduled and the Applicant proposes to terminate the Water Delivery Agreement, the water rights may be returned to the Applicant and the Applicant shall be responsible for the costs of effectuating the transfer, or, at the County's sole option, the County may purchase the water rights for their-then fair market value.

XI. THE COUNTY'S DELIVERY OBLIGATIONS UNDER A WATER DELIVERY AGREEMENT

A. Once deliveries have been placed on the annual schedule and a Water Delivery Agreement has been executed, and so long as the Customer or Applicant has fulfilled all of its obligations as set forth in the relevant agreement, then, for so long as the Customer or Applicant complies with such obligations, the Department shall provide water service to the Customer or Applicant and successors-in-interest.

B. The Department shall endeavor, by all reasonable means, to deliver the agreed-upon amount of water, suitable in quality for municipal, domestic and industrial use, at pressures meeting the Customer or Applicant's needs.

C. Water service will be provided in accordance with all of the Department's policies, and subject to all the established fees, costs and expenses required by ordinances, resolutions, regulations, contractual conditions, as amended from time to time.

D. In the event of a shortage of water supply or an interruption of water supply due to operational constraints, insufficient water rights, or a lack of physical water, the Department may curtail usage or customers in accordance with County ordinances and regulations. The County shall have no liability for any reduction in water deliveries due to water supply shortages or an interruption of water supply due to operational constraints.

E. Once deliveries pursuant to a Water Delivery Agreement begin, use of any domestic well associated with the premises shall cease and the well plugged and abandoned. Any water rights associated with such a domestic well shall, to the extent permitted by the Office of the State Engineer, be transferred to the County.

XII. CHARGES AND FEES

A. All customers of the Department shall pay fees and charges associated with water service as set forth in schedules promulgated from time to time by the Department and approved by the Board. The Department may assess standby fees, meter fees, impact fees, connection fees, inspection fees, and engineering fees on any particular project.

B. [reserved]

C. The Applicant's obligation to pay service charges will cease when a sufficient number of dwelling units and commercial properties have used water for a period of time sufficient for the County to determine whether the approved water budget reflects actual usage. Release of the Customer from its obligation to pay service charges will be at the sole discretion of the County but such release shall not be unreasonably withheld.

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XIII. DEVELOPMENT APPROVALS

A. Nothing herein shall be construed as a commitment by the Department or the County to bind or obligate the County, its Elected Officials, boards, committees, employees and agents to take any action, including but not limited to: acceptance of any application or other documents for filing; processing of any application or proposal; approval of any kind of land use or development proposal; issuance of any license or permit; or any other action, whether discretionary, ministerial or otherwise, with respect to any proposal or application or other request by the Applicant or anyone on the Applicant's behalf. The Applicant shall acknowledge in a Water Delivery Agreement, that the County's obligations as described in this Agreement are totally independent of any other action or decision-making process of the County and have no bearing whatsoever upon the exercise of any authority or discretion of the County, its Elected Officials, boards, committees, employees, or agents. The Applicant shall be solely and fully responsible for obtaining any and all licenses, permits, approvals or other consents required enabling it to utilize the water committed to be delivered by the County hereunder. Nothing herein constitutes a commitment, promise, assurance or other favorable indication that any such license; permit, approval or other consent will in fact occur or be granted.

B. Applicants shall comply with any conditions of approval and covenants applicable to the development engaged in, and Water Delivery Agreements may be conditioned upon compliance with same.

C. The County may include additional conditions in a Water Delivery Agreement when necessary to address particular circumstances.

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ATTACHMENT A

SANTA FE COUNTY WATER RESOURCES DEPARTMENT LINE EXTENSION AND
WATER SERVICE POLICY

I. PURPOSE.

The purpose of this Document is to guide Santa Fe County staff and interested persons on the procedures and principles that will be applied to applications for water service from the Santa Fe County Water Resources Department, water line extensions, allocation of scarce water resources, and areas served by the Department with water service.

II. DEFINITIONS.

The following definitions shall apply to terms and phrases used in this document:

- A. "Afy" means "acre feet per year."
- B. "Applicant" means a person, corporation, unincorporated association or other legal entity who seeks water service through the Santa Fe County Water Resources Department.
- C. "Application" shall mean the form used by Applicants to apply for New Water Deliveries from the Santa Fe County Water Resources Department.
- D. "Board" means the Board of County Commissioners of Santa Fe County.
- E. "Customer" means a person, corporation, unincorporated association or other legal entity who receives water service through the Santa Fe County Water Resources Department.
- F. "Department" means the Santa Fe County Water Resources Department.
- G. "Line Extension" means an extension of the Department's existing water system or facilities, which extension may include but is not limited to planning, design and construction of transmission and distribution line(s) with related appurtenances.
- H. "New Water Deliveries" means deliveries of water that are applied for after the effective date of this document.
- I. "Project" means a residential or commercial development that was platted or, in the case of a commercial development, that received final approval prior to the effective date of this document.
- J. "Service Area" means the territory which is eligible for water service by the Department as set forth by separate Resolution of the Board.

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- (8) proposed architectural treatment;
- (9) The Buildable Area and the No Build Area(s) on each lot shall be clearly indicated by shading, pattern or comparable graphic method (see Article VII, Section 3.4.1 for Buildable Area Performance Standards.)
- (b) The site plan shall respond to Section 4.4.3 Site Planning Standards for driveway access, building placement, parking lot location and terrain management.

4) Development Plan Report

The development plan report shall include all submittals pursuant to this Article III, Section 4 of the Code.



5) Traffic Generation Report

- a) The amount of traffic generated by the development shall not at any time impede traffic flow, or cause public roads to operate at over capacity.
- b) If a fair and substantial showing is made that the development will increase the burden on inadequate public roads, utilities or other services, the use may be denied, or the developer may be required to undertake the full cost of improvements to the public road or other services in order to meet the test of adequacy.
- c) A traffic report shall be prepared, signed and sealed by a registered New Mexico professional engineer, or other qualified professional as determined by the Code Administrator. Report contents shall be based upon existing traffic conditions in relation to existing road capacity and level-of-service (LOS); a projection of traffic to be generated by the development; and recommendations for mitigating any negative effects to existing road capacity which may occur as a result of new development. Where applicable, the International Traffic Engineers (ITE) Trip Generation Report 1987, 4th Ed. shall be used as a reference in calculating traffic projections. Copies of the ITE Trip Generation Report are available in the Land Use Administrators Office.

History: 1980 Comp. 1980-6. Section 4.4.1 Submittals was amended by County Ordinance 1990-11, to clarify and make additions to the submittals required of the applicant for non-residential use zoning.

4.4.2 Environmental Performance Standards

The proposed development shall utilize standard techniques available in order to minimize noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, or electromagnetic interference. The Code Administrator may refer an application to the New Mexico Environment Department for comment concerning the performance standards. If it is determined that the development will create any dangerous, injurious, noxious or otherwise objectionable condition, noise or vibration; smoke, dust, odor, or other form of air pollution, electrical or other disturbance, glare or heat, in a manner which causes a significant adverse impact to the adjacent areas, a plan shall be submitted which states how such conditions will be mitigated.

History: 1980 Comp. 1980-6. Section 4.4.2 was amended by County Ordinance 1990-11. This Section was previously 4.4.3.



NEW MEXICO
ENVIRONMENT DEPARTMENT



SUSANA MARTINEZ
Governor

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RYAN FLYNN
Cabinet Secretary

JOHN A. SANCHEZ
Lieutenant Governor

BUTCH TONGATE
Deputy Secretary

MEMORANDUM

TO: Jose Larranaga, Development Review Team Leader
Santa Fe County

FROM: Sandra Gabaldon, Environmental Scientist/Specialist
New Mexico Environment Department
Surface Water Quality Bureau

DATE: August 28, 2014

RE: Ranchland Utilities Inspection Report and Response

A compliance evaluation inspection was conducted on February 25, 2014. This facility is regulated under the United States Environmental Protection Agency (USEPA), National Pollutant Discharge Elimination System (NDPES) permit program. The New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) conducts compliance evaluation inspections on behalf of the USEPA. The purpose of this inspection is to provide the USEPA with information to evaluate their compliance with the NPDES permit.

The report had findings regarding recordkeeping, reporting, operation and maintenance and self-monitoring.

The finding for recordkeeping and reporting is regarding a requirement in the permit for Ranchland Utilities to keep EPA informed of their progress regarding a compliance schedule for biomonitoring. The permit has a requirement for submission of progress reports in January, April, July, and October. Ranchland Utilities did not submit their progress reports. This has since been corrected and reports will be submitted in October.

The findings for operation and maintenance are in relation to the number of operators on-site. Currently, Ranchland Utilities has one certified operator and they plan on hiring another certified operator. This finding has also been addressed by Ranchland Utilities.

There are other findings, such as the fine bubble diffusers inoperable, no inventory list, automatic dial alarm system inoperable; generator does not provide power to the entire facility.



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Mr. Jose Larranaga

Page 2

August 28, 2014

These findings have all been addressed as well. Ranchland Utilities has since corrected the fine bubble diffusers, the inventory list has now been established and the alarm system to the lift station is functioning. The generator still only provides limited electrical supply; however, Ranchland Utilities may rent a generator in the event of a power failure.

Self-Monitoring findings are in relation to the requirements of Title 40 of the Code of Federal Regulations Part 136 ("40 CFR 136" – requirements for sampling and monitoring). Ranchland Utilities was using an outdated edition of the *Standard Methods for Monitoring Water and Wastewater*. They have since corrected this. Also, there was a finding for not doing duplicate sampling, which is required to be done on 10% of the samples. The operator, Mr. Quintana, has stated that the samples will be duplicated from this point on.

The findings from this inspection report were addressed sufficiently by Ranchland Utilities. Our inspections are typically done on a biennial schedule for minor facilities (facilities that discharge less than one million gallons per day), however, EPA has been known to do inspections more frequently in response to issues at the site.

If you need further information regarding this inspection report, please do not hesitate to contact me.

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VIII. Concluding Business

A. Announcements

B. Adjournment



