

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

May 15, 2014

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Dan Drobni, on the above-cited date at 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Dan Drobni, Chair
Susan Martin, Vice Chair
Phil Anaya
Bette Booth
Louie Gonzales
Frank Katz
Manuel Roybal

Member(s) Excused:

None

Staff Present:

Penny Ellis-Green, Land Use Administrator
Wayne Dalton, Building and Development Services Supervisor
Jose Larrañaga, Development Review Specialist
Rachel Brown, Deputy County Attorney
Vicki Lucero, Building and Development Services Manager
Vicente Archuleta, Development Review Specialist
Miguel Romero, Development Review Specialist
Buster Patty, Fire Marshal

IV. APPROVAL OF AGENDA

Upon motion by Member Katz and second by Member Martin the agenda was unanimously 7-0 approved as published.

V. **APPROVAL OF MINUTES: April 17, 2014**

Member Martin moved to approve the April minutes. Member Booth seconded and the motion passed by unanimous [7-0] voice vote.

VI. **CONSENT CALENDAR: Final Order**

- A. **CDRC CASE #A 14-5030 Maurilio & Amanda Calderon Appeal: Maurilio and Amanda Calderon, Applicants, are appealing the Land Use Administrator's decision to deny a home occupation business registration for a welding business located on 2.48 acres. The property is located at 8 Ernesto Road, off of Rabbit Road, within Section 10, Township 16 North, Range 10 East (Commission District 4)**

Referring to item 10, Member Katz recommended it read: "In addition to Appellant, five members of the public spoke in opposition of the Appeal testifying that they heard noise and smelled fumes from the welding business and alleging that this type of use..." Also, number 15 should be corrected to numbered 11.

Member Anaya moved to approve the final order as amended. Member Martin seconded and the motion passed by unanimous [7-0] voice vote.

VII. **OLD BUSINESS**

- A **CDRC CASE # Z 13-5380 Elevation. Vedura Residential Operating, LLC, Applicant, JenkinsGavin, Agents, request Master Plan approval 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 1: Opponents' counsel letter, Graeser & McQueen, to Jose Larrañaga; Exhibit 2: College North Master Plan schematic and Community College District Plan Table 5; Exhibit 3: March 20, 2014 Santa Fe County Clerk Recorded Declaration of De-Annexation; Exhibit 4: May 13, 2014 Department of Cultural Affairs HPD memo confirming non-disturbance easement for LA 110168; Exhibit 5: CC&Rs by Rancho Viejo for College Heights; Exhibit 6: Santa Fe County Sustainable Growth Management Plan 2.2.4.5 Land Use Compatibility section; Exhibit 7: Six emails and letters opposing the development; Exhibit 8: NM ED Surface Water Quality Bureau compliance evaluation inspection regarding NPDES permit, EPA data, discharge monitoring information; Exhibit 8: Rancho Viejo North Community Association, Inc. letter opposing the development; Exhibit 9: Eunice Vellon letter]

Stating his nephew represents one of the parties in this matter, Member Katz recused himself from this case.

Chair Drobnis reminded the members that this case was heard at the last meeting until a quorum was lost.

Mr. Larrañaga provided an update on the case stating that on April 17, 2014 staff presented this case to the CDRC and the applicants' agent, JenkinsGavin, presented the development and the public offered testimony. Upon request, Mr. Larrañaga presented his staff report as follows:

"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, which allowed for 73 single-family lots on 90.75 acres, was approved by the Extraterritorial Zoning Authority in 1997 and Phase I of the Master Plan was developed in 1999 as a 20-lot subdivision known as the College Heights Subdivision on 33.84 ± acres.

"Article V, Section 5.2.7 Expiration of Master Plan states: 'Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board; Master Plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer; progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project.'

"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 multifamily 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.

“Article V, Section 5.2.1.b states: ‘A Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval.’”

Mr. Larrañaga said the application was submitted on December 6, 2013 and revised on March 26, 2014. Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support this request: the Application is comprehensive in establishing the scope of the project; the 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.

Staff recommends 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. Larrañaga referred to Exhibit 4 which indicated the archaeological report was revised and that there were no outstanding archaeological issues on the site.

In response to a series of questions regarding which policies govern the property, staff offered the following information: the master plan in question was approved prior to the adoption of the College District and the entire Rancho Viejo Master Plan. The zoning map of the new Sustainable Plan designates this property and the entire Community College District being within the planned development district and under the Community College District Ordinance; those regulations are not changing. Originally the property was allowed 73 single-family lots on 95.75 acres. The phasing called for 20 lots on 33 acres. The apartments are proposed on 22 acres. This area has a minimum of 3.5 dwelling units per acre. The applicant must comply with the open space requirements established in the Community College District Ordinance and they will utilize County water and the Rancho Viejo sewer utility.

In regards to traffic, Mr. Larrañaga said if the southeast connector is built Elevations will access directly off the extension of College Drive which will connect to a roundabout to the southeast connector. If the southeast connector has not been built when Elevations comes in for final development approval, a new traffic impact analysis will be required to determine improvements.

Chair Drobnis invited the public interested in speaking to stand and be sworn in. He advised those individuals that there will be a two-minute time limit and in the event there is a representative for a number of people the time limit can be extended. In order to run an efficient meeting, he asked that the audience be respectful and not clap.

Randy Crutcher, 12A Dean's Court, College Heights, duly sworn, said he was speaking on behalf of the 20 homeowners who received notice. The plan was originally for over 440 apartments units as proposed by Rancho Viejo developer Warren Thompson. Now it is a 200+ unit complex on a parcel "just recently" de-annexed from Rancho Viejo and is 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.

Mr. Crutcher noted that the County staff and community members spent thousands of hours on community planning to achieve good development: "That's not what is happening here." Dropping a high density apartment complex into a vacant field without master planning is spot zoning. When this property was approved for master plan zoning in 1997 there was a condition of covenants. This property was not only part of Rancho Viejo North but also had to pay dues to support the HOA, trails and open space. He referred to Exhibit 2 which depicted the 73 homes.

Mr. Crutcher said Warren Thompson is trying to "pull a fast one" and void all the promises and history on this property.

Al Padilla, 8 Dean's Court, under oath, asked the CDRC to consider the scenario if the developer of Eldorado or Casa Solano decided unilaterally to withdraw property from the chartered association and build high-density apartments. "Promises made must be promises kept," stated Mr. Padilla. He noted that the Rancho Viejo developments were well represented in the development of the Community College District plan. The recorded College Heights plat shows single-family homes and disclosed as such in all documents for all the property owners in College Heights. In fact, that was still in the disclosure papers as of 2013.

Mr. Padilla urged the CDRC to reject this piecemeal planning.

Evelyn Spiker, 7A Dean's Court, under oath, stated she is a homeowner in Rancho Viejo and has served on the architectural review committee for 10 years. She said she believes in enforcement of the covenants and restrictions. The proposal before the CDRC is an egregious deviation from any adherence to the CC&Rs that are part of the community. Ms. Spiker, a realtor, said all homeowners were presented with and agreed to the CC&Rs when they purchased their property. She mentioned the developer's de-annexation of property dated March 2014 states that the property is no longer subject to any covenants and restrictions. She suggested it was not that simple and according to the declaration of covenants and restrictions [Exhibit 5] the covenants shall run with the land upon sale or transfer.

Ms. Spiker said there were hundreds of signatures in opposition to this proposal as well as a letter from the HOA Board [Exhibit 8].

Duly sworn, David Vigil, 6A Dean's Court, discussed the wastewater infrastructure for the neighborhood and questioned whether an additional 200+ units can be adequately handled by the 10 year old system. One of the closing documents states that any future development in the area will need to tie into the Rancho Viejo utilities and he was concerned about the capacity.

Mr. Vigil referred to the NM ED Surface Water Quality Bureau report and asked the CDRC to review that document carefully because deficiencies were cited. [See Exhibit 8]

Mr. Lopez, 18 Dean's Court, duly sworn, said his concerns revolve around traffic. The project should be postponed until the southeast connector is built. The anticipated design period of the connector is 2017 and 2018/2019 is the actual construction period. Elevation's project is premature and should be tabled until the design is complete and adequate funding secured.

Karin Lubin, 12A Dean's Court, under oath strongly recommended that the CDRC deny the apartment complex. She said this board needs to set strong parameters for developments. She said the Fire Marshal and staff are very concerned about fire emergency in getting to the units or guiding an evacuation. She said without the southeast connector in place this development depends entirely on guessing and that is not good development. Richards is the only true exit and entrance.

Bruce Krasnow, 3B Dean's Court, under oath, thanked the CDRC for their service to the community. He said he understood growth and the economy but growth needs to happen in a fashion that makes sense. He summarized the history of the project that started in November 2012 when the area residents received an invitation from JenkinsGavin to discuss a pending amendment to the master plan. At the second meeting in 2013, the project was scaled back and at a third meeting Mr. Thompson offered to work with the neighborhood; however, this parcel was exempt from the entire process. Since then the property has been de-annexed. He asked the CDRC to reject the project.

Gayle Evezich, 6B Dean's Court, under oath, said she respectfully requested that the CDRC reject the proposal. The proposal of 214 apartments at the eastern end of the 57 acres was planned and platted for 50 single family homes in 1997 by Rancho Viejo and Warren Thompson. She said this proposal changes monthly and the current proposal places the complex ¼ mile east of Burnt Water without the 10 home buffer zones. Ms. Evezich said contrary to the assertion at the last meeting that the neighbors on College Drive requested the most recent move, they did not.

Ms. Evezich said they are unequivocally opposed to this development in this area. She said there is a lack of transition space between Burnt Water and the proposed complex. This is piecemeal development going against the grain of the Sustainable Growth Management Plan.

James Shuba, 9A Dean's Court, under oath said he was present to appeal to the CDRC members' hearts. He said this proposal affects one of the biggest financial decisions he and his neighbors have made. He said he and his wife fell in love with Santa

Fe and finding Dean's Court affordable have moved here for retirement. He said that the Community College District does not need an apartment complex.

Lance Tunick, under oath, 14B Dean's Court, said there are many government planners in this proposal and it is the CDRC's job to pull together those recommendations and make a decision that serves the public interest. Spot zoning should not be allowed. The lack of credibility of the developer and Univest has been established by the de-annexation which contravenes all of the promises that were made. He said infrastructure must be in place in advance of any construction. "Don't make us suffer through Richards Avenue, the sequel."

Under oath, Sue Stein of Rancho Viejo, said she was speaking for five individuals who were present and stood at the podium while Ms. Stein provided her testimony. Ms. Stein recalled that last month when Ms. Jenkins presented the proposal she referred to "the County" throughout. The County, stated Ms. Stein, is not an abstract entity. "It is the men, women and children who live, shop, own businesses and homes...attend our schools...pay taxes in and to the County of Santa Fe. It's the people who are sitting here tonight." The community wants to be heard. The applicant and their agent do not speak for the community. The applicant is in Arizona and according to their website is interested in maximizing their return on investment. Contrary to what the agent said, the applicant does not always maintain ownership and manage the projects they develop. Decisions are made on their bottom line. Ms. Stein said the community is interested in the community because it is their community.

Ms. Stein mentioned the changes to the complex did not address the community's concerns as reported by the agent. The residents of Rancho Viejo have been unequivocally and consistently 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.

She said the apartments are not consistent with the planned development and will result in the devaluation of the environment. Ms. Stein said the plot directly east of the application is designated as multi-family development. She reviewed the proposed rents for the apartments noting that the complex would not be allowed to discriminate and a three-bedroom apartment could house six individuals paying \$225 monthly. The applicant's assertion that these would not be college apartments does not alter the fact that they would be used for out-of-town college students.

Ms. Stein mentioned a proposal on Rabbit Road and St. Francis that will include 650 dwelling units and 760,000 square feet of non-residential space. Adding that traffic to the proposed apartments makes the traffic congestion concern real. She said none of the traffic issues are adequately addressed because the whole picture is never developed and small increments of the proposals are presented piecemeal. "Somebody needs to look at all the projects...and evaluate."

Development has to be done responsibly and must have benefit to the residents of the county present and future. Ms. Stein asked that the CDRC act as the community's voice and reject the application.

Chair Drobnis requested and received the names and addresses of the four individuals Ms. Stein spoke for.

Under oath, David Burrell, Chili Line Road, said this proposal is clearly a rezoning strategy and he asked that the CDRC reject the proposal. He said he and his wife vehemently oppose this project. The master plan should be honored. Mr. Burrell commented that he had never heard of the de-annexation until the last meeting.

Richard Carson, under oath, stated that this de-annexation will set a precedent. He said he is a retired academic and has been around college students most of his life. One of the reasons he retired to Santa Fe is the community and he supports his neighbors on Dean's Court. He mentioned that the college where he taught started as a small community college and grew into a huge college and the homes were razed for apartment complexes.

Vicki Schneider, Rancho Viejo, under oath thanked the CDRC for listening to the community. She said her community supports smart development. Even though the agent for the applicant assured the CDRC at the last meeting that Vedula was the best of management, however, according to their website Vedula will in all likelihood sell the apartments. The buyer is an unknown. The great unknown of this property puts the stability, security and property value of the neighborhood at risk. She suggested Mr. Thompson find a more appropriate location in Rancho Viejo.

Clare Easterwood, 9B Dean's Court, under oath, said she has lived all over Santa Fe and reviewed the covenants, disclosures and asked what was going to be built on the parcel in question. The answer was single-family homes and that was less than 18 months ago. Ms. Easterwood said she feels bamboozled by the developer. She said she hoped the CDRC denies the project.

Beth Detwiler, Oshara Village HOA president, under oath, said on behalf of Oshara Village residents, owners and the HOA she asked that the project be postponed until both the northeast and southeast connectors have been constructed and are functional. She said Oshara does not have a traffic problem, "we have a continuing traffic crisis and adding thousands more cars into the mix is going to make it much worse."

Terry Buell, duly sworn of Rancho Viejo, said she moved there because it was marketed as energy efficient and in concert with nature. She said that was important to her and she has a conservation lot on Chili Lane. Ms. Buell said she makes her living as a HERS rater to make sure new construction is green. This area needs to do more on conservation and an apartment complex with a swimming pool is not efficient.

That concluded the public hearing.

Chair Drobnis asked about open space and trails in the community and one of the previous speaker stated that the HOA dues pay for the maintenance of the trails.

Approximately 50 percent of the HOA fees go to the landscape, open space and trail maintenance. Another individual said the open space has been traded off at will by the developer. It was added that Rancho Viejo is the first and only community in Santa Fe County that has FireWise certification.

The applicant's agent was invited back to the podium to address any comments.

Jennifer Jenkins, Colleen Gavin and Orallynn Guerrerortiz the project civil engineer were duly sworn.

Ms. Jenkins clarified that this is a request for master plan. As required by the Community College District Ordinance projects must submit a master plan prior to moving forward. She confirmed there was a master plan on this property that expired. The CCDO is designated as Santa Fe County's highest priority area for growth. The property is already zoned, stated Ms. Jenkins and designated in the CCD plans as a village zone with a minimum density of 3.5 dwellings per acre. The proposal is for 9.5+ dwellings per acre. The Sustainable Land Development Code has multi-family density established at 20 dwelling units per acre. The developer is providing 50+ percent open space on the 22 acres in compliance with the CCDO.

The Sustainable Land Development Code does not modify the CCD. An approval of this master plan does not grant permission for anything other than the submittal of a development plan. With respect to the southeast connector, Ms. Jenkins said they are running on a tight parallel path with the connector.

Ms. Jenkins stressed that multi-family residential housing is a necessary part of the housing spectrum. The largest employer in Santa Fe County is the Community College and this proposal provides housing options to make Santa Fe County economically viable.

Orallynn Guerrerortiz, under oath, stated that the 3-inch force main that serves Dean's Court is adequate to also handle the apartment complex. The connection can be modified to College Drive. The Rancho Viejo wastewater treatment plant was recently inspected and issues were which will be addressed. There was nothing in the report indicating anything inherently wrong with the plant.

Ms. Jenkins reviewed the pedestrian trails and noted there is a bus route that runs to the college. She offered to explore an expansion of that route.

Member Booth expressed concern about the piecemealing of the project.

Member Anaya said he understood the area residents not wanting this complex in their area but the project will bring services to all of Santa Fe County. He did not believe it would devalue area property and moved to approve the project with staff conditions. The motion failed without a second.

Speaking with 38 years of experience in real estate, Member Gonzales moved to recommend denial of CDRC Case Z 13-5380. Member Martin seconded.

Member Martin appreciated the County staff work on this project and thanked the audience and the applicant for their patience. She said the project's land use compatibility was troublesome to her. The Sustainable Land Development Code speaks to insuring compatibility, provides predictability and security by protecting property values and public and private investments in property improvements. It also mentions adequate transportation network capacity which is a serious issue. Further, she mentioned in *Albuquerque Commons versus City of Albuquerque* the court found that property owners have a right to rely on zoning classifications.

The motion passed by majority [5-1] voice vote with Member Anaya voting against. [Member Katz recused himself.]

VIII. New Business

A. CDRC CASE # V 14-5080 Jason Mohamed Variance. Jason Mohamed, Applicant, Kristofer C. Knutson (Knutson Law PC), Agent, request a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 2.5 Acres. The property is located at 11 Virginia Lane, within Section 24, Township 15 North, Range 8 East (Commission District 5)

Member Katz rejoined the committee.

Mr. Romero presented the case as follows:

“The Applicant requests a variance of Article III, Section 10, Lot Size Requirements, of the Land Development Code to allow two dwelling units on 2.5 acres. The subject lot was created in 1984 via Family Transfer and is recognized as a legal lot of record. Currently there are two homes and two accessory structures on the property. The two accessory structures consist of a well house and stables.

“On January 30, 2014, the Building and Development Services Division received a complaint that the Applicant had moved a manufactured home onto the property without a Development Permit from Santa Fe County. On February 6, 2014, Code Enforcement conducted an inspection on the property and issued the Applicant a Notice of Violation for Unpermitted Development.

“The Applicant states that he is requesting a variance in order to move his elderly mother into the second home to help provide assisted living for her. Currently, the Applicant, along with his family including his mother, all reside in the main residence. The manufactured home that was illegally placed on the property is vacant and not connected to any utilities.”

Mr. Romero said staff recommends denial of the variance request; however, if the CDRC recommends approval of the Applicant's request for a variance, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The placement of additional dwelling units or Division of land is prohibited on The property (As per Article III, Section 10).
3. The Applicant must obtain a Development Permit for the second dwelling unit and stables. (As per Article II, § 4.5.2b Article II, § 2).
4. The Applicant shall comply with all Fire Prevention Division requirements at the time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).
- 5.

Appearing for the applicant was attorney Kristofer Knutson and duly sworn were Jason Mohamed and his wife.

Mr. Knutson said the variance request located the property on Turquoise Trail near the San Marcos Café and Feed Store. He said the character of the neighborhood is that many of the homes have accessory structures and dwellings, many grandfathered in. This dwelling will allow for Mr. Mohamed's elderly mother to live on the property in her own home. The heated area of the manufactured will not exceed 1,200 square feet and is not over one-story in height. The property contains a barn that has no utilities and a well house. The manufactured home will be accessed by the same driveway and no separate curb cut is necessary. Water and electricity will be shared with the principal residences and the same leach field used.

Mr. Knutson said there will be little change in water since the Mr. Mohamed's mother lives with them at this time. A swamp cooler may be used.

Mr. Knutson said the placement of the manufactured home will not result in a diminished property value for neighbors. The area has a variety of dwellings and lacks uniformity. The dwelling will provide privacy for Mr. Mohamed and his wife as well as his elderly mother. He said approving this variance was in the public interest because family was caring for his mother.

Mr. Mohamed is prepared to stucco the home for conformity purposes. Mr. Knutson noted that the accessory structure is in accordance with the Sustainable Land Development Code which recognizes accessory dwellings are an important means by which people can provide separate and affordable housing for their elderly parents.

Referring to the geohydro report Mr. Mohamed received, Glorieta GeoScience recommends that he deepen his well which is situated in the Ancha formation into the Espinosa/Galisteo formation to improve production, stated Mr. Knutson.

Mr. Knutson said Chapter 10, Supplemental Zoning Standards of the SLDC, allows for accessory structures used for dwelling purposes. He read from Section 10.4 confirming the use of accessory dwelling units.

Ms. Lucero said when the SLDC becomes effective this type of use can be approved administratively. She said the code will not take effect until the zoning map is adopted and there are two public hearings scheduled to that end. The earliest it will take effect is the end of July.

Ms. Lucero said this case will be forwarded to the BCC for its July 8th meeting.

Recognizing this case can be approved administratively following the adoption of the new code, Member Gonzales said it seems like it's no man's land. Ms. Lucero said staff has not evaluated the case for conformity under the new code.

Mr. Knutson agreed with Member Gonzales' observation that they were in no man's land.

Member Martin observed that this case is coming forward in response to a complaint by a neighbor. Mr. Romero said that was the case and Santa Fe County Code Enforcement issued a violation and the applicant is now seeking a remedy to the violation.

The principal home is 2,800 square feet and the mobile home is 1,200 square feet. Mr. Mohamed's wife indicated that the original structure was built around 1980 and permits were granted for remodeling and expansion in 2002.

Mr. Mohamed explained that drilling down to the lower aquifer will provide more water and is the logical step for the entire neighborhood to obtain more water. He said he has already contacted Lujan Drilling and is in the process.

If drilling to the lower aquifer is made a condition for approval, Mr. Knutson requested that it be contingent on approval of the OSE.

Mr. Knutson confirmed that his client would meet the conditions of approval.

Duly sworn, James Montoya, 07 Virginia Lane, Santa Fe County, said he has been on the property next to Mr. Mohamed for 23 years. He said he found out about the variance request late because the applicant did not comply with the requirement to notify all the neighbors. Mr. Montoya distributed letters from the neighbors opposing the variance [*Exhibit 10*].

Mr. Montoya said his deceased father received a letter pertaining to this matter but he had not. He acknowledged that Mr. Mohamed placed notification in the newspaper that "nobody saw" and posted the notice on a telephone pole but only one person saw it.

Mr. Montoya said he recently had to install a new well pump because of the high use of water in the area. He asked the CDRC to deny the request.

Duly sworn, Henrietta Larkin, 12B Sunset Trail West, Santa Fe County said she lived west of the subject property. Ms. Larkin said the lot is too small at 2.5 acres for the two dwellings. Also, she said the applicants' well lacks integrity and is taxing her well. Ms. Larkin said when Mr. Mohamed needed water she was neighborly and allowed them

to take a hose from her well to their house. However, they asked a few more times and she said no. The variance request is not appropriate for the area.

Ms. Larkin said she feels she was not told the truth by Mr. Mohamed.

Under oath, Lucy Montoya, the wife of James Montoya, said they see vehicles go to the adult detention center on Highway 14 to get water because the water levels are low and that concerns her. She asked the CDRC to deny the request.

Mr. Knutson identified Mr. Montoya as the complainant and found his statement that he learned about this late in the game puzzling. Certified letters were sent to all the neighbors. A visible sign was posted. He said there will be no additional traffic nor disturbance of the viewshed. Further, the water situation will improve with the deeper well.

Mr. Mohamed's wife said she sent certified letters to the five surrounding neighbors within 100 feet of their property line. The certified receipts are with County Land Use. The letters were addressed as they appeared on the County records.

Member Katz commended Mr. Mohamed for taking care of his mother. He said the variance concerned him and the new code may better address this. There was not a compelling argument to vary the law and there were clearly water issues. For those reasons he moved for denial. Member Martin seconded. The motion failed by majority [3-4] voice vote with Members Katz, Martin and Drobnis voting for and Members Roybal, Gonzales, Booth and Anaya voting against.

Member Gonzales moved to approve the variance with the staff condition and an additional condition that the applicant drill down to the second aquifer with the OSE's approval. Member Booth seconded and motion passed by majority [4-3] voice vote. Members Roybal, Gonzales, Booth and Anaya voting for and Member Katz, Martin and Drobnis voting against.

[The CDRC recessed.]

- B. CDRC CASE # V14-5050 Lloyd & Magdalena Vigil Variance: Lloyd and Magdalena Vigil, Applicants, request a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a 1.25-acre parcel to be divided into two (2) lots; one lot consisting of 0.614 acres and one lot consisting of 0.637 acres. This request also includes a variance of Article V, Section 8.1.3 (Legal Access) and Article 8.2.1c (Local Roads) of the Land Development Code. The road that services the property (Calle Rio Chiquito) does not meet the specifications of local lane, place or cul-de-sac roads and does not have adequate drainage control necessary to insure adequate access for emergency vehicles. The property is located at #15 and #16 Calle Rio Chiquito, within Section 5, Township 20 North, Range 10 East (Commission District 1)**

Mr. Romero presented the staff report as follows:

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

“The Applicants request a variance of Article III, § 10 (Lot Size Requirements) of The Land Development Code to allow a 1.25-acre parcel to be divided into two lots; one lot consisting of 0.614 acres, Tract A, and one lot consisting of 0.637 acres, Tract B. The Applicants claim that the previous property owner’s mother deeded portions of the subject property to her two sons. Each son was deeded a portion of a 1.25-acre parcel in 2003, one son sold 0.614 acres to the Applicants in 2012.

“On December 20, 2013, the Applicants were attempting to submit an Application for a Lot Line adjustment on the subject property. During that time staff determined that the property was divided in 2003 through warranty deed, which is not the correct process for creating lots. Staff recognizes this property as a single legal lot of record consisting of 1.25 acres. At that time, the Applicants stated when they purchased the property in 2012, they were under the impression that they had purchased a legal lot consisting of 0.614 acres.

“The Applicants also request a variance of Article V, Section 8.1.3, Legal Access and Article 8.2.1c, Local Roads of the Land Development Code.

“The property is accessed from Calle Rio Chiquito. The portion of Calle Rio Chiquito that services the property is approximately 816 feet in length and ranges from 9-14 feet in width and is a dirt driving surface. Calle Rio Chiquito does not meet the specifications of local lane, place or cul-de-sac roads, which require two 10-foot driving lanes and six inches of basecourse. Calle Rio Chiquito does not have adequate drainage control necessary to insure appropriate access for emergency vehicles.

“The Applicants state that they are not in a position to upgrade 816 feet of Calle Rio Chiquito to County standards due to the financial obligation it would take and also due to an acequia that is buried on the south side of the road. Calle Rio Chiquito currently serves approximately 25 lots and 12 dwelling units with no right-of-way through the multiple properties that it serves.”

Mr. Romero stated that staff recommends the denial of the variance(s). If the decision of the CDRC is to recommend approval of the Applicants’ request for variances, staff recommends imposition of the following conditions:

1. ~~Water use shall be restricted to .50 acre-foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office. [Removed by staff.]~~

2. A plat of survey meeting all County Code requirements shall be submitted to the Building and Development Services Division for review and approval (As per Article III § 2.4.2)
3. Applicant shall comply with all Fire Prevention Division requirements at time of Plat review (As per 1997 Fire Code and 1997 Life Safety Code).

Mr. Romero noted that the property receives water from the Rio Chiquito Water Association and condition one was removed.

Mr. Romero confirmed that the property is located in a traditional community and the minimum lot size is .75 acre.

Mr. Dalton confirmed that anyone building on that road would have the same issue as the applicant. Mr. Romero identified the road as private. [The applicant later corrected staff stating it is a County road]

Duly sworn, Lloyd and Magdalena Vigil appeared before the CDRC. Ms. Vigil said she speaking for her husband, Gilbert Trujillo and herself. She said Calle Rio Chiquito is a County Road. The property had been one tract belonging to Gilbert's mother. She deeded the property into two pieces to her two sons. Ms. Vigil said she and her husband bought one of the lots and her husband has used it for agricultural use over the years. They own a parcel next to the parcel in question. At this point, they are asking the County to recognize that the property belongs to them and the other part to Gilbert.

Ms. Vigil said the surrounding neighbors support their request.

Ms. Vigil said they own lots 17 and 18 shown on the aerial photo. Member Katz suggested they consolidate the lots and Ms. Vigil said that is their goal. However, when they came to the County to do so, they learned the lot was not considered a legal lot of record.

Deputy County Attorney Brown said by having two separate lots created by Gilbert Trujillo's mother they would both be undersized. The question is whether the parcel can be divided at all.

Ms. Vigil clarified that she and her husband bought their parcel from Gilbert's brother, Richard Trujillo.

Member Roybal suggested an approval could be on the condition that the tract be joined with 17 and 18. Ms. Brown said the situation is the tract of land was improperly divided by deed which is not permitted by state law. The fact that the property is anything other than a single tract is the question before the CRDC.

Member Katz said the concern is the undersized lot #16 that Gilbert Trujillo is left with if the variance is approved.

A suggestion was made that the applicants conduct a lot line adjustment giving Gilbert Trujillo additional land to make a legal lot.

Ms. Vigil said the lots were created by Gilbert's 97 year-old mother and she did not intentionally circumvent the law.

Ms. Brown said if the proposal came forward that the lot left to Gilbert is .75 acre then the variance is not required. If the application also committed to consolidate the remainder into the larger tracts that adjoin then the variance is also not needed.

Ms. Vigil said she understood that but bought the property in good faith and was not willing to give up her property.

Member Booth said the amount of land the Vigils would have to give to Gilbert is very little and the CDRC was trying to help. Ms. Vigil said she has been paying taxes on the land. Ms. Brown said the CDRC is tasked to either approve or deny the variance. If the variance is denied, the applicants can work in private and determine the next step.

There were no other speakers on this case.

Member Anaya moved to deny case V 14-505. Member Martin seconded.

Member Katz said the Vigils may have recourse to get of the some money they paid for the lot back in a settlement accepting a little less land.

The motion passed by unanimous [7-0] voice vote.

- C. **CDRC CASE # V/FDP 14-5090 Stanley Cyclone Center. Santa Fe County, Applicant, Lorn Tryk (Lorn Tryk Architects), Agent, request Final Development Plan approval to allow a 51,250 square foot structure, to be utilized as an event center for equestrian events, on 11 acres ±. The Applicant's request also includes a variance of Article III, Section 2.3.6 (Height Restrictions) to allow the proposed structure to exceed 24 feet in height and a variance of Article III, Section 4.4.4.f (Landscaping) of the Land Development Code. The property is located at 22 West Kinsell Avenue, in Stanley, within Sections 27 & 28, Township 11 North, Range 9 East, (Commission District 3)**

Mr. Larrañaga reviewed the staff report as follows:

"The Applicant is requesting Final Development Plan approval for the Stanley Cyclone Center as a Community Service Facility. The Center will consist of a 51,250 square foot indoor arena on 11 acres ±. The Stanley Cyclone Center will be a County-owned facility to be utilized for equestrian events such as roping, steer wrestling, barrel racing, bronco riding and bull riding. The Center will also host events for the 4H Club and FFA programs.

“The Applicant is also requesting a variance of Article III, § 2.3.6, Height Restrictions to allow the proposed structure to be constructed 34 feet in height and a variance of Article III, § 4.4.4.f, Landscaping of the Land Development Code.

“The Applicant states: “to achieve a wide span structure, with sufficient internal head room to be utilized as an equestrian facility, the height of the proposed structure is required to be a minimum of 34 feet. Staff response: due to the rural nature of this area and the use of this structure as an equestrian facility, the proposed height of the structure may be considered compatible with existing large buildings in the area which are used for agricultural purposes.

“The Applicant states: “the Land Development Code requires 80 trees and 1,920 shrubs, one shrub per 16 square feet, for a total of 27,294 square feet of planted area, which is 10 percent of the site area; landscape proposed for this site includes 20 trees and 35 shrubs, one shrub per 500 square feet for a total of 7,200 square feet of planted area; a variance is being requested to decrease the 10 percent landscape requirement based on limited water availability. Staff response: the Applicant’s submittal may meet the purpose and intent of the landscape requirements by promoting conservation of water through the use of drought tolerant plant materials and xeriscape techniques.”

Mr. Larrañaga said Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Final Development Plan: the facility will provide a community service to the County; the use is compatible with existing development in the area; the use is compatible with development permitted under the Code; the application is in compliance with the County General Plan and Code; the Application, excluding the height and landscaping requirements, satisfies the submittal requirements set forth in the Land Development Code.

Mr. Larrañaga said the review comments from state agencies and County staff have established findings that this Application for Final Development Plan, excluding the height and landscaping requirements, is in compliance with state requirements, Ordinance No. 2010-13 § 7 and § 7.1 Community Service Facilities and Article V § 7.2 Final Development Plan of the Land Development Code. Building and Development Services staff has reviewed the Applicant’s requests and find them to be minimum easing of the law. Staff recommends approval with the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded Final Development Plan.
2. Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.
3. The request for a variance of the height requirements may be considered a minimal easing of the Code due to the head-room required for the types of activities to be conducted within the structure and to allow the span of the proposed structure. The request for a variance of the landscape requirements may be considered compliant with the purpose and intent of the landscape

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

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

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

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

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

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

There were no other speakers on this case.

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

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

- D. CDRC CASE # S 13-5201 Oshara Village Preliminary and Final Plat and Development Plan: Century Bank, Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, request Preliminary and Final Plat and Development Plan approval for a 5-lot residential subdivision located within Tract C of Oshara Village Phase 1, which consists of 10.41 acres (5 residential lots within Tract C). The property is located on the east side of Richard's Avenue, south of I-25, within Section 16, Township 16 North, Range 9 East (Commission District 5)**

Mr. Archuleta presented the staff report as follows:

“On April 30, 2002, the Extraterritorial Zoning Authority granted Master Plan approval for a mixed-use development known as Oshara Ranch. The development consisted of 735 residential units and 1.7 million square feet of commercial space

and 246 acres of open space/park/plaza areas on 471 acres, to be developed in eight phases.

“On October 28, 2004, the EZA granted a Master Plan Amendment to the previously approved Oshara Ranch now known as Oshara Village, in order to change the phasing of the project.

“On January 11, 2005, the Board of County Commissioners granted Preliminary Development Plan and Plat approval for Phase I of the Oshara development. On June 14, 2005, the BCC granted Final Plat and Development Plan approval for Phase I of the Oshara Village development which consisted of 175 residential lots and 136,000 square feet of commercial space on 74 lots on a total of 37.78 acres in accordance with the previously approved Master Plan.

“On September 19, 2013 the County Development Review Committee recommended approval of the proposed Master Plan Amendment to rezone 36 live/work lots and 17 small commercial lots to 26 residential town home lots and 21 residential patio home lots and to create 5 residential patio home lots on Tract C which was reserved open space.

“On November 12, 2013 the Board of County Commissioners approved a Master Plan Amendment request to rezone 36 live/work lots and 17 small commercial lots to 26 residential town home lots and 21 residential patio home lots and to create 5 residential patio home lots on Tract C which was reserve as open space on the original Master Plan

“The Applicants now request Preliminary and Final Plat and Development Plan approval for the creation of five residential lots within Tract C of the Oshara Village Subdivision Phase 1. The lots will range in size from .12 acres to .14 acres. The remainder of Tract C will remain reserved open space. The five lots to be created will be located on the south side of Willowback Road about 400 feet to the east of Richards Avenue. Currently Tract C is vacant land platted as reserved open space. It has been reserved to permit future development as long as 50 percent required open space is provided within the development.”

Mr. Archuleta said Staff recommends approval of the Applicant’s request for Preliminary and Final Plat and Development Plan approval to create 5 residential lots located within Tract C of the Oshara Village Phase 1 Subdivision, which consists of 10.41 acres, subject to the following conditions:

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

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

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

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

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

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

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

There were no other speakers on this case.

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

E. PETITIONS FROM THE FLOOR

None were presented

F. COMMUNICATIONS FROM THE COMMITTEE

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

G. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

H. COMMUNICATIONS FROM STAFF

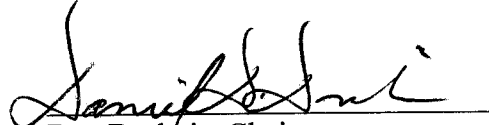
None were presented.

I. NEXT CDRC REGULAR MEETING: June 19, 2014

J. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Drobnis declared this meeting adjourned at approximately 7:45 p.m.

Approved by:

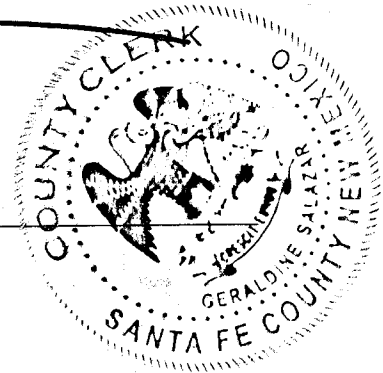

Dan Drobnis, Chair
CDRC

ATTEST TO:

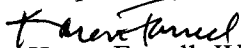

COUNTY CLERK

Before me, this ____ day of _____, 2014.

My Commission Expires: _____
Notary Public



Respectfully submitted by:


Karen Farrell, Wordswork

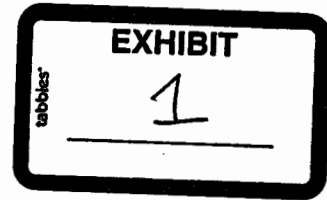
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
PAGES: 70

I Hereby Certify That This Instrument Was Filed for Record On The 26TH Day Of June, 2014 at 01:07:59 PM And Was Duly Recorded as Instrument # 1740045 Of The Records Of Santa Fe County




Deputy _____
Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM



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.

Compliance with General Plan

Art XV, Sec. 4.B.3.a of the Code requires conformance to the County's Growth Management Plan (currently, the 2010 Sustainable Growth Management Plan). The SGMP requires "transitioning between land use types, intensities, and densities using buffers and floor area ratios..." SGMP, Pg. 42. Here, **there is no transition zone between the single family residences and the 214 unit complex.**

Notably, when the original developer was seeking approval for the 1997 master plan, their land use planner stated that "College North is a transitional area between the rural densities and the Community College." April 30, 1996 EZA minutes.

Adjacent Lands Impact Analysis

Art. XV, Sec. 4.B.3.d of the Code requires analysis of impacts to adjacent lands. **The application contains no such analysis, rendering it deficient.**

HOA Membership

Owners of single-family residences in College Heights are automatically members of the homeowners association. Dues are substantial (~\$1,000 per year) and support many of the amenities and services enjoyed by community residents. Residents have proceeded with the settled expectation that 53 new single-family residences would be built, assisting them in paying these hefty dues. However, the apartment project, on a single lot, would be all but exempt from such dues. **This results in an unfair financial burden on the College Heights Phase 1 residents.**

Violation of Restrictive Covenants

The current private restrictive covenants that govern the property prohibit the applicants' anticipated project. My clients recognize that the County does not enforce restrictive covenants, and they are prepared to do so themselves, although the covenants were specifically approved by the County as part of the development review process (See may 12, 1997 EZA minutes). However, the covenant restriction is relevant for the County's discretionary review as to whether amendment of the master plan is appropriate and honors residents' established expectations.

There is no question that the project is prohibited by the covenants (Village At Rancho Viejo Covenant Declaration, Section 9.2): "All Lots may only be used for single family residential use..." Although current applicants' ability to amend the covenants is far from clear based on a review of the relevant transactions, they presumably assert the ability to amend the covenants under the Declarant's rights.¹

¹ Declarant rights are tightly regulated by the Homeowner Association Act, NMSA 1978 Section 47-7E-1, and such an amendment may be in violation of applicants' obligations under that act as well.

² Uninvest-Rancho Viejo LLC has accepted all rights and obligations of Rancho Viejo de Santa Fe, Inc. in a

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 Uninvest-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

OCT. 31, 2000
 Adopted BCC

III. OVERVIEW OF EXISTING CONDITIONS

LOCATION AND DEVELOPMENT STATUS

The Santa Fe Community College District is located generally north of El Dorado and the San Marcos Land Grant, south of U.S. Interstate Highway 25, generally east of State Road 14, and generally west of the right-of-way of the Atchison, Topeka, and Santa Fe Railroad. The District encompasses approximately 17,100 acres (roughly, 26.7 square miles), of which approximately 14,700 acres remain undeveloped at this time.

CURRENT LAND USAGE

By year-end 1999, the District had experienced the following degrees of development:

2,924 acres	Existing and approved development
260	Approved projects as-yet-unbuilt
198	Proposed projects currently under review
700	Existing density transfer reserves (currently undeveloped)
13,976 acres	Undeveloped land not subject to existing development plats, agreements, or proposals

Characterized by use, existing and approved development within the District at year-end 1999 was distributed as follows:

1,477 acres	Residential uses
141	Commercial uses
534	Institutional uses
351	Dedicated open space
700 acres	Density transfer reserves (currently undeveloped)

The District's present population is approximately 1200 (465 households). Employment within the District numbers approximately 916 workers. The Santa Fe Community College currently has an enrollment of 13,494 (4850, on a full-time equivalent basis).

CURRENT RESIDENTIAL DEVELOPMENT

At year-end 1999, the locations of existing and approved residential development within the District, and their principal characteristics, included the following:

DEVELOPMENT	APPROVED DWELLING UNITS	EXISTING DWELLING UNITS	AVERAGE LOT SIZE (ACRES)	TOTAL RESIDENTIAL ACRES	DEDICATED OPEN SPACE (ACRES)
Village at Rancho Viejo Subdivision	314	140	0.4	120	180
Arroyo Hondo West Neighborhood	240	157	2.9	706	0
Windmill Ridge Village Subdivision, Unit 1	224	0	0.3	58	106
Valle Lindo Subdivision	152	117	1.8	276	4
College Heights Subdivision	73	0	0.5	36	54
Vista Ocala Subdivision	46	35	3.5	160	0
Churchill Road Neighborhood	10	2	4.8	48	3
Other Residential Parcels	18	14	4.1	73	0
Total	1077	465	1.5	1477	347

Community College Dist. Plan / TABLES

DECLARATION OF DE-ANNEXATION

This Declaration of De-Annexation (this "Declaration") is made by Univest-Rancho Viejo, LLC, a New Mexico limited liability company (the "Declarant").

BACKGROUND RECITALS

- A. Declarant is the Successor in interest to Rancho Viejo de Santa Fe, Inc., a New Mexico corporation, as described in the Assignment and Assumption of Declarant's Rights recorded December 22, 2012 as Instrument No. 1621127, records of Santa Fe County, where Rancho Viejo de Santa Fe, Inc., is the Assignor and Univest-Rancho Viejo, LLC, is the Assignee.
- B. Declarant reserved the right to De-Annex certain portions of the property subject to the First Amended and Restated Declaration Covenants, Conditions and Restrictions and for the Village at Rancho Viejo recorded November 2, 1998 in Book 1560, pages 354-391, records of Santa Fe County, New Mexico (the "First Amended and Restated Declaration").
- C. This reservation is created by Article 6, Section 6.5 of the First Amended and Restated Declaration and reads as follows:

6.5 De-Annexation. Notwithstanding any other provisions of this Declaration, Declarant shall have the right from time to time, at its sole option and without the consent of any other Person, (except as provided in this Section 6.5), to delete from the Property and remove from the effect of this Declaration one or more portions of the Property, provided, however, that: (a) a portion of the Property may not be so deleted and removed unless at the time of such deletion and removal such portion is owned by Declarant or Declarant executes and Records an instrument approving such deletion and removal. Declarant may exercise its rights under this Section 6.5 by executing and Recording an instrument which identifies the portion of the Property to be so deleted and removed and which is executed by each owner of such portion (if other than Declarant), and the deletion and removal of such portion of the Property shall be effective upon the later of: (i) the date such instrument is Recorded; or (ii) the effective date specified in such instrument, if any, whereupon the portion of the Property so deleted and removed shall thereafter for all purposes be deemed not a part of the Property and not subject to this Declaration, and the owner(s) thereof (or of interests therein) shall not be Owners or Members or have any other rights or obligations hereunder except as members of the general public. No such deletion and removal of a portion of the Property shall act to release such portion from the lien for Assessments or other charges hereunder which have accrued prior to the effective date of such deletion and removal, but all such Assessments or other charges shall be appropriately prorated to the effective date of such deletion and removal, and no Assessments or other charges shall thereafter accrue hereunder with respect to the portion of the Property so deleted and removed. Each portion of the Property deleted and removed pursuant to this Section 6.5 shall thereafter be deemed to be a part of the Annexable Property unless otherwise expressly provided to the contrary in the instrument Recorded by Declarant to effect such deletion and removal.

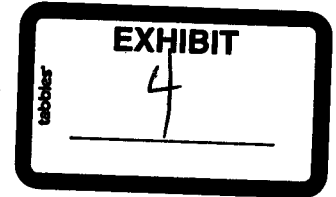
EXHIBIT A
Plat Book 422, page 5

SFC CLERK RECORDED 08/25/2014

SFC CLERK RECORDED 03/20/2014



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



Susana Martinez
Governor

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

May 13, 2014

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

RE: CDRC CASE # MIS 13-5380 Elevation at Rancho Viejo Master Plan Amendment

Dear Mr. Larrañaga:

I am writing in response to your request for review and comment on the above referenced master plan amendment and the archaeological assessment for archaeological site LA 110168. The site assessment was received at the Historic Preservation Division (HPD) on May 1, 2014.

During his archaeological site assessment, Mr. Ron Winters verified the archaeological site location for the LA 110168, drew a new site map, and revised the boundaries of the non-disturbance easement. Mr. Winters found that the site is relatively unchanged since it was initially recorded in 1995; however he did revise the site map to more accurately reflect the location of the possible house foundation, tank and artifact concentrations. Mr. Winters also revised the boundaries of the non-disturbance easement to reflect the new site boundaries.

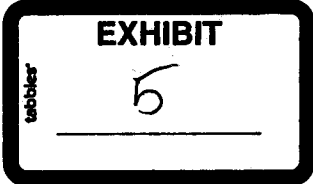
The Historic Preservation Division (HPD) has no concerns with the revisions conducted by Mr. Winters and as long as the non-disturbance easement remains in place for LA 110168, the proposed subdivision will not impact significant archaeological or cultural sites.

Please do not hesitate to contact me if you have any questions. I can be reached at (505) 827-4064 or by email at michelle.ensey@state.nm.us.

Sincerely,

Michelle M. Ensey

Log: 99128



DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration of Covenants and Restrictions is made this 18th day of May, 1999, by
Rancho Viejo de Santa Fe, Inc., a New Mexico Corporation.

1674777

RECITALS

WHEREAS, Rancho Viejo de Santa Fe, Inc., a New Mexico corporation (hereinafter referred to as the "Declarant") is the owner of the real property described in Exhibit A attached hereto (hereinafter referred to as College Heights);

WHEREAS, Declarant is also the owner of The Village at Rancho Viejo as shown on the certain subdivision plat and lot line adjustment plat recorded in the records of Santa Fe County Clerk at Plat Book 389-390, Pages 049-008, as Document No. 1031147, and at Plat Book 389, Page 010-011, as Document No. 1029907 (hereinafter referred to as "Units 1 and 2 of the Village");

WHEREAS, Declarant has subjected Units 1 and 2 of the Village to that certain Declaration of Restrictive Covenants as recorded in Book 1560, Pages 354-391, as Document No. 1560354 (the "Covenants"); and

WHEREAS, Declarant wishes to subject College Heights to the Covenants by this Declaration and include College Heights within the jurisdiction of the Rancho Viejo Master Association.

DECLARATION

Now, therefore, Declarant hereby declares that the real property described in Exhibit A attached hereto known as College Heights shall be held, sold, transferred, conveyed, occupied and used subject to the covenants, and Declarant shall hereafter record a separate and individual tract declaration concerning the development of the lots within College Heights.

CERTIFICATION

RANCHO VIEJO DE SANTA FE, INC'

Robert E. Taunton

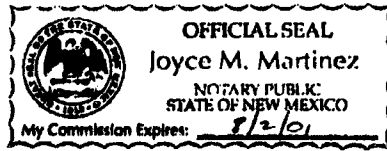
Robert Taunton, Vice President

ACKNOWLEDGMENT

1674778

STATE OF NEW MEXICO)
)ss
SANTA FE COUNTY)

The foregoing instrument was acknowledged before me by Robert Taunton, Vice President, Rancho Viejo de Santa Fe, Inc., a New Mexico corporation on this 18 day of May, 1999.



Joyce M. Martinez
Notary Public

My commission expires:
August 2, 2001

Lawyer/Notary on RV/Out 2/Declaration of covenants and restrictions

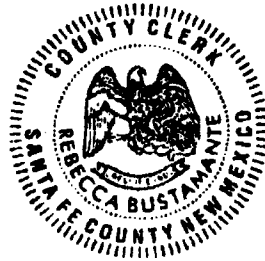
CERTIFICATION

EXHIBIT A

1674773

COLLEGE HEIGHTS - 86.7 ACRES

Lot 1 as shown on the Land Division plat recorded in the records of Santa Fe County Clerk at
Plat Book 352, Page 002, as Document No. 968-719.



COUNTY OF SANTA FE
STATE OF NEW MEXICO 1086) SS 129
I hereby certify that this instrument was filed
for record on the 13 day of Aug A.D.
19 99 at 139 o'clock P m
and was duly recorded in book 1674
page 777-779 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Cathy Urban
Deputy

CERTIFICATION

reduce household transportation costs, reduce pollution and traffic congestion and increase interaction between neighbors.

Increasing congestion and escalating energy costs will likely serve as an incentive to use modes of transportation other than single occupancy vehicles. It is important to avoid development patterns that preclude transit options. Transit is neither cost effective nor convenient in very low-density neighborhoods.

2.2.4.3 JOBS / HOUSING BALANCE

The jobs/housing balance within a community or development has implications for residents and employers as well as for service providers. A balanced community has employment options for residents so that they can live and work in the same community; and an educated workforce for employers so that they are able to hire employees who are vested in their community and in their job. Communities with an imbalanced ratio of jobs to housing are unsustainable for both residents and employers. Commercial uses generate more revenues for the County than residential uses, and an imbalanced land use mix negatively impacts the ability of service providers to maintain levels of service.

The SGMP creates the opportunity for planned growth areas to develop with a balanced jobs to housing ratio from the outset to reduce traffic congestion, support revenue generation and provide a high quality of life for residents. While the future land use mix is ultimately important, it is also important to encourage jobs / housing balance during the initial phase of development in growth areas. Critical to the achievement of jobs / housing balance is the designation of appropriate sites for nonresidential development on the Future Land Use Map (Map 2-4).

2.2.4.4 FLEXIBILITY / CERTAINTY

The factors that influence development of growth areas continually evolve. From rapid technology advances to natural resource limitations to lifestyle preferences, innumerable factors will contribute to public and private decision-making over the planning period. The SGMP creates the framework to ensure economic, environmental and renewable energy sustainability while providing flexibility for the County to respond to changing conditions.

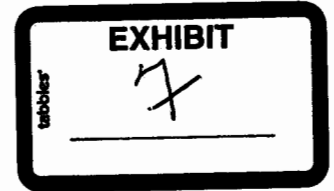
The balance between flexibility and certainty is a key aspect of the SGMP. The public, developers, County staff and decision-makers perform their roles more effectively when there is certainty in the Plan policies and development review process. The knowledge that the process will occur in a predictable manner helps participants remain focused on creating quality development rather than navigating a confusing and unpredictable process, while flexibility allows them to create the best possible development without the burden of excessive regulation that stifles the ability to create a high quality product.

2.2.4.5 LAND USE COMPATIBILITY

One of the primary goals of the SGMP is to ensure compatibility among various land uses in order to preserve and protect the health, safety and general welfare of the County. Ensuring compatibility provides predictability and security by protecting property values and public and private investments in property improvements. Land use compatibility provides buffers between communities, ensures adequate transportation network capacity and establishes connectivity between existing communities and new development. A significant policy of the SGMP provides that when a use is authorized in a base or planned district zone, the use itself is deemed compatible with the adjoining area. The remaining compatibility issues relate to the availability of adequate facilities to serve the proposed use; the studies, reports and assessments on environmental impact, traffic, adequate public facilities, fiscal impact, water availability and quality and plan consistency; and protection of residential areas through open space and buffering site design. Site design plays the most significant role in assuring land use compatibility. Factors must include transitioning between land use types, intensities, and densities using buffers and floor area ratios; conserving environmental assets using standards to preserve open space and to limit impervious surfaces; providing adequate vehicular and pedestrian traffic circulation and connectivity; mitigating potential nuisances,

Jose Larranaga

From: David Burrell <hawkp60@gmail.com>
Sent: Wednesday, May 07, 2014 6:57 PM
To: Robert Griego; Penny Ellis-Green; Jose Larranaga
Subject: CDRC CASE MPA 13-5380 ELEVATION AT RANCHO VIEJO



David & Sukrae Burrell
191 E Chili Line Rd
Santa Fe, NM 87508

TO: Jose Larranaga, Commercial Development Case Manager
Penny Ellis-Green, Director, Growth Management Division
Robert Griego, Planning Manager, Growth Management Division

Dear Mr. Larranaga, Ms. Ellis-Green, Mr Griego,

As residents of Rancho Viejo we want to voice our strong opposition to the amendment allowing an apartment complex in our community. Like so many of our neighbors we moved to this community because the Master Plan would preserve the aesthetic living environment. We were willing to pay a premium for living in Rancho Viejo. This is all in jeopardy by building an apartment complex where those residents will have no stake in the community. Most if not all of those residents (students) will be temporary tenants with no obligation to the community. We will feel cheated if this amendment passes. We our retiring soon, and planned on living in this community but now our considering moving from this community, possibly out of state, where we can find a community that actually honors its Master Plan. It started with the Bicycle Factory, this Apartment Complex and a potential commercial center on the corner of Richards and Avenida Del Sur. Please take action to Honor our Master Plan!!

Very respectfully,

David & Sukrae Burrell
191 E Chili line Rd

Jose Larranaga

From: Penny Ellis-Green
Sent: Monday, May 12, 2014 8:41 AM
To: Jose Larranaga
Subject: FW: Rancho Viejo development

From: Liz Stefanics
Sent: Sunday, May 11, 2014 3:41 PM
To: Julia Valdez; Penny Ellis-Green
Subject: Fwd: Rancho Viejo development

Thanks,
Liz Stefanics (cell 505-699-4808)

Sent by iPad

Begin forwarded message:

From: "lm1gallagher@comcast.net" <lm1gallagher@comcast.net>
Date: May 11, 2014 at 3:07:46 PM MDT
To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Subject: **Rancho Viejo development**

Is this the way,back door as it seems, the county is going to do business with these developers?

Jose Larranaga

From: Julia Valdez
Sent: Monday, May 12, 2014 9:36 AM
To: Penny Ellis-Green; Jose Larranaga
Subject: FW: 2014 Primary Election Absentee and Early Voting Schedule

From: Sylvia Wheeler [<mailto:buffalonickle@comcast.net>]
Sent: Friday, May 09, 2014 8:24 PM
To: Julia Valdez
Subject: Re: 2014 Primary Election Absentee and Early Voting Schedule

We are opposed to the annexation of Rancho Viejo land by the developer. This annexation by the college is for apartments and high density uses not in the master plan. Please vote against this on May 17. Thank you, Sylvia and Charles Wheeler, Lot 734, Rancho Viejo. 505-424-0399

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 opposition to CDRC CASE # Z 13-5380 Elevation, Vedula Residential Operations LLC Apartment complex on College Drive in Santa Fe County. This will be my letter this year in opposition to this apartment complex. I voiced my objections at the April 17th meeting as well.

I and many of my neighbors are opposed to this proposed development as we purchased our homes with the understanding and promise that our neighborhood would be subject to HOA controlled covenant and that the property proposed for development would be an extension of HOA controlled single family housing.

We are of the opinion that the covenants flow with the land and should not be removed by the sale or DE-annexation of the property in view of reliance upon the covenants and promises for development of additional single family homes.

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 master plan for this neighborhood from single family housing to multifamily rental housing. The proposal submitted by Univest-Rancho Viejo in 2011 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.

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 yet Uninvest-Rancho Viejo has not identified what facilities will be built on the property adjacent to this roundabout, which will add additional traffic congestion to this intersection.

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.

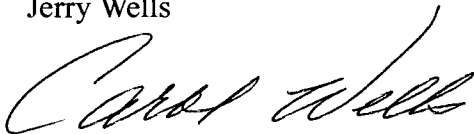
We have real concerns over our ability to exit or enter our street during heavy traffic periods. We are also concerned about our ability to evacuate our neighborhood in case of a wildfire in the grasslands surrounding our neighborhood., as there is only one exit out of the neighborhood. We need a turning 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

Jose Larranaga

From: Penny Ellis-Green
Sent: Monday, May 12, 2014 8:09 PM
To: Jose Larranaga
Subject: Fwd: CDRC Case # MIS 13-5380 Elevation at Rancho Viejo Master Plan Amendment,

Sent from my Verizon Wireless 4G LTE DROID

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

Subject: CDRC Case # MIS 13-5380 Elevation at Rancho Viejo Master Plan Amendment,
From: sumac3b@comcast.net
To: Penny Ellis-Green <pengreen@co.santa-fe.nm.us>
CC:

To Penny Ellis-Green, Growth Management Administrator, (505) 986-6221,

At the urging of RV residents and your Committee/Commission, Univest owner Warren Thompson held a meeting last year to propose a process for RV residents to have input in RV decisions. At the end of the meeting, in answer to a question, he said, "Oh, by the way, the College Drive apartment complex won't be part of this process." And since then we have not been notified of any "review process" meeting.....it was just a disingenuous ploy to look like Mr. Thompson was willing to work with residents. The following details the potential results of his actions.

BREAKING OUR CONTRACT

Mr. Thompson has supposedly sold the parcel in question to Vedula, a Phoenix company, in an attempt to circumvent the promise, the contractual commitment of the RV development plan on which all of our homes were purchased. This is a fraudulent "sleight of hand," in that he sold us a vision that is very different from putting an apt. complex next to our homes. An apartment complex on College Drive will have a negative impact on the Deans Court neighborhood, the Oshara neighborhood behind the proposed development, and the families that live along the Burnt Water Road. And if he can do it at this location, he can and will do it at other areas of RV. Property owners in RV have a right to rely on the stability of the plan that was in effect when they purchased. The fact that Mr. Thompson "de-annexed" the parcel of land in question only serves to support the fact that we bought our houses on the promise that the parcel of land in question would contain 53 single family homes similar to ours. He wouldn't have to de-annex if there was no original promise for something different.

DISREGARDING OUR COVENANTS AND ASSOCIATION DUES

In addition, RV is a development with covenants that residents must adhere to and association dues that residents must pay to provide for our community's services. If a rental apartment complex is allowed, renters will not have to abide by the covenants. In addition, we will lose the association dues that would derive from the 53 homes that were originally supposed to be built in that area. This loss of more than \$50,000 will place an undue burden on the rest of the RV homeowners. RV will also have to deal with rental residents who do not have to adhere to our covenants or pay association dues while enjoying some of our services. Our Home Owners' Association also opposes this apartment development as "...inconsistent with the existing residential neighborhood.....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.” (see attached copy of letter from RV North Community Association, Inc.)

DETERIORATING THE QUALITY OF OUR COMMUNITY

Vedura’s website states in its “About Vedura” section that, “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.” Since Vedura builds and then sells to someone else, the quality of maintenance and upkeep, plus the level of conduct required of the rental residents, is unknown. This is the opposite of our covenants, which promise stability and safety based on these covenants. As a former apartment complex manager and resident of RV stated, these complexes generally deteriorate in upkeep and in residents’ behavior over time.

IGNORING MORE APPROPRIATE AREAS FOR THE COMPLEX

RV residents are not restricting Univest’s ability to build apartments and make money. Univest owns other land, adjacent to the RV development, which is infinitely more appropriate for an apartment complex. It has immediate access to two major roads, Rt. 14 and I 25, and does not add density and traffic to already developed areas. Furthermore, there is plenty of land there. Early in the process, Univest agents let slip that the 200 plus apartment complex was the first of two phases, each containing 200-250 apartments, so they will need plenty of space for the second phase. The College Heights plot in question does not have that kind of space if a buffer zone and green space are inserted between Deans Court and this mega complex, as earlier promised.

PROVIDING NO NEW HOUSING DIVERSITY

Ms. Jenkins mentioned that the complex would provide housing diversity and aid Santa Fe’s economic development. However, the diversity she mentions does not include housing for middle and low income people, which is what comes to mind when diversity is mentioned. The rent for a 3 bedroom apartment in “The Elevation” would cost more than the mortgage payment or rent for a 3 bedroom single family house in RV. In addition, there are rooms available to rent in RV for \$500 a month or a townhouse for \$1200 or an entire house for \$1500. The alternate location for an apartment complex, next to the fire station, has the space to accommodate true housing diversity, with some apartments priced for middle and low income families.

PUTTING THE CART BEFORE THE HORSE

According to the presentation by Ms. Jenkins, the apartment complex is linked to the Southeast Connector and would be built in three phases, the last to be completed at the end of 2016 just as the Southeast Connector is being completed. There are several serious problems with this schedule. First, the SE Connector hasn’t even been finalized as to placement, financing, dates, etc. Her contention that the Connector will be built next to the parcel in question is a possibility, not a fact. In addition, the necessity for exits from the Connector to the College and for required number of fire exits hasn’t even been discussed yet. Second, we all know that once all of this is finalized, construction delays do occur. And third, for the apartment construction to occur before the Connector is finished would mean that heavy equipment and heavy traffic would daily stream down College Drive during that process, on a poorly constructed road that already has a serious accident potential. In addition, this "spot zoning" is occurring before the master plan is even finalized.

CREATING A SERIOUS TRAFFIC AND FIRE HAZARD

And if and until the SE Connector is built and open, apartment residents would have to exit via College Drive to Richards, a route that would be dangerously clogged in the case of a wildfire in the area, something that is quite possible due to our drought conditions. Just having one exit route for Deans Court residents, Burnt Water residents, and up to half of the SFCC students and staff is

already a disaster waiting to happen without adding another 200-600 people. Even without a fire threat, the traffic density would be monumental. Surely common sense would dictate that the apartment complex would not be started until adequate roads are in service (fire officials require three different exits).

IGNORING ARCHAEOLOGICAL REQUIREMENTS

They refuse to have the archaeological easement clarified, as requested by the state archaeologist, thereby endangering an important site.

We wonder who is going to rent these apartments anyway, since a 600 apartment complex by St. Francis and Rabbit Road that is more centrally located is further along in the planning process and probably will open before this one. We have also heard that Santa Fe has a number of empty apartments going begging, so 600 plus 200 more seems like overkill and definitely not a necessity.

We urge you to assess this situation clearly and do the right thing.....deny this proposal for an apartment complex in this area via their master plan amendment.

Sincerely,
Susan E.McGrew
3B Deans Court
Santa Fe, NM 87508

Jose Larranaga

From: Vicki Lucero
Sent: Tuesday, May 13, 2014 3:02 PM
To: Jose Larranaga
Subject: FW: developer protest

Jose,

I'm assuming this is for Elevations.

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

From: Liz Stefanics
Sent: Tuesday, May 13, 2014 7:15 AM
To: Helen Molanphy
Cc: Penny Ellis-Green; Vicki Lucero; Julia Valdez
Subject: Re: developer protest

Only land use can deal with this.

Thanks, Liz Stefanics
Julia Valdez, Liaison. 505-986-6202

Sent from my BlackBerry 10.
Original Message
From: Helen Molanphy
Sent: Monday, May 12, 2014 7:34 PM
To: Liz Stefanics
Subject: developer protest

We received a notice that the developer is not obeying the covenants of the rancho viejo community and were advised to email you our protest of this action

best - helen and john molanphy
18 coyote pass road - 87508



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



Surface Water Quality Bureau

SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

Harold Runnels Building, N2050
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.nmeny.state.nm.us

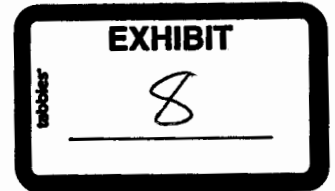
RYAN FLYNN
Cabinet Secretary

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



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 G 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 0A-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 Class Training, class@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 * Now OK

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 C - OPERATIONS AND MAINTENANCE (CONT'D)

9. HAVE BYPASSES/OVERFLOWS OCCURRED AT THE PLANT OR IN THE COLLECTION SYSTEM IN THE LAST YEAR? Y N NA
 IF SO, HAS THE REGULATORY AGENCY BEEN NOTIFIED? Y N NA
 HAS CORRECTIVE ACTION BEEN TAKEN TO PREVENT ADDITIONAL BYPASSES/OVERFLOWS? Y N NA

10. HAVE ANY HYDRAULIC OVERLOADS OCCURRED AT THE TREATMENT PLANT? Y N NA
 IF SO, DID PERMIT VIOLATIONS OCCUR AS A RESULT? Y N NA

SECTION D - SELF-MONITORING

PERMITTEE SELF-MONITORING MEETS PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED YES)
 DETAILS: **See further explanations for details.**

1. SAMPLES TAKEN AT SITE(S) SPECIFIED IN PERMIT. Y N NA

2. LOCATIONS ADEQUATE FOR REPRESENTATIVE SAMPLES. Y N NA

3. FLOW PROPORTIONED SAMPLES OBTAINED WHEN REQUIRED BY PERMIT. Y N NA

4. SAMPLING AND ANALYSES COMPLETED ON PARAMETERS SPECIFIED IN PERMIT. Y N NA

5. SAMPLING AND ANALYSES PERFORMED AT FREQUENCY SPECIFIED IN PERMIT. Y N NA

6. SAMPLES COLLECTED AND PRESERVED PROPERLY AND STORED APPROPRIATELY. Y N NA

a) SAMPLES REFRIGERATED DURING COMPOSITING. Y N NA

b) PROPER PRESERVATION TECHNIQUES USED. Y N NA

c) CONTAINERS AND SAMPLE HOLDING TIMES CONFORM TO 40 CFR 136.3. Y N NA

7. IF MONITORING AND ANALYSES ARE PERFORMED MORE OFTEN THAN REQUIRED BY PERMIT, ARE THE RESULTS REPORTED IN PERMITTEE'S SELF-MONITORING REPORT? Y N NA

SECTION E - FLOW MEASUREMENT

PERMITTEE FLOW MEASUREMENT MEETS PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED NO)
 DETAILS:

1. PRIMARY FLOW MEASUREMENT DEVICE PROPERLY INSTALLED AND MAINTAINED. Y N NA
 TYPE OF DEVICE 6-inch Parshall flume

2. FLOW MEASURED AT EACH OUTFALL AS REQUIRED. Y N NA

3. SECONDARY INSTRUMENTS (TOTALIZERS, RECORDERS, ETC.) PROPERLY OPERATED AND MAINTAINED. Y N NA

4. CALIBRATION FREQUENCY ADEQUATE. Y N NA
 RECORDS MAINTAINED OF CALIBRATION PROCEDURES. Y N NA
 CALIBRATION CHECKS DONE TO ASSURE CONTINUED COMPLIANCE. Y N NA

5. FLOW ENTERING DEVICE WELL DISTRIBUTED ACROSS THE CHANNEL AND FREE OF TURBULENCE. Y N NA

6. HEAD MEASURED AT PROPER LOCATION. Y N NA

7. FLOW MEASUREMENT EQUIPMENT ADEQUATE TO HANDLE EXPECTED RANGE OF FLOW RATES. Y N NA

SECTION F - LABORATORY

PERMITTEE LABORATORY PROCEDURES MEET PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED YES)
 DETAILS:

1. EPA APPROVED ANALYTICAL PROCEDURES USED (40 CFR 136.3 FOR LIQUIDS, 503.8(b) FOR SLUDGES) Y N NA

RANCHLAND UTILITIES

PERMIT NO. NM0030368

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

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.		

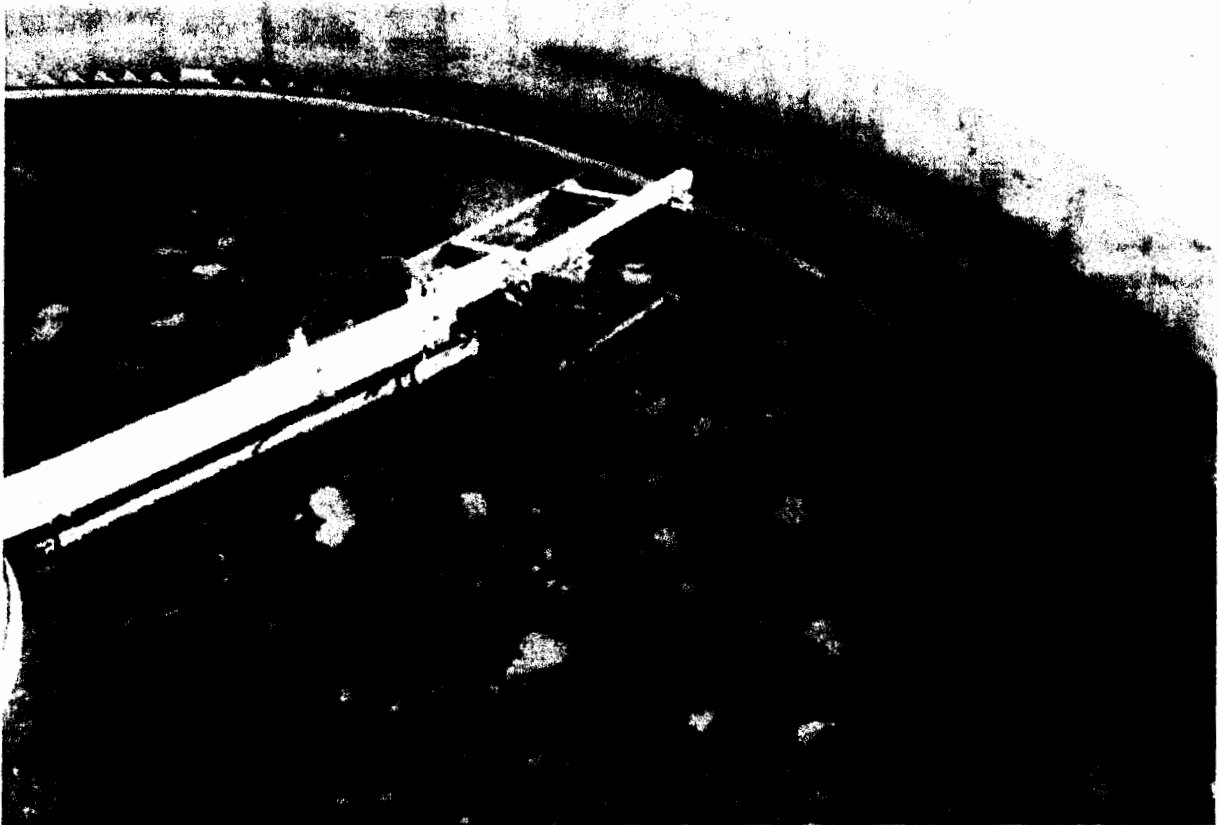
NMED/SWQB
Official Photograph Log
Photo # 1

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		



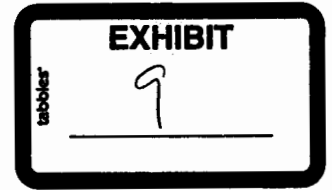
2014 FEB 25 09:50 AM



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

Santa 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

~~TO PARAPHRASE POGO.~~

Mr. Chairman and Committee Members

I sat here last month while Ms Jenkins of Jenkins Gavin acting as agent for Uninvest Rancho Viejo and Vedula Residential presented the proposal for the multifamily development in College Heights/Rancho Viejo (case # MPA 13-5380). 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 are sitting here tonight and those who have come to be heard at the last two monthly meetings of this committee, 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. To paraphrase POGO "we have met the county and they is us", and Mister Chairman and committee members, The county wants to be heard—not just politely listened to, but actually heard. The applicant and their agents do not 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 told 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 here, 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.

Ms Jenkins took a fair amount of time discussing her neighborhood (which incidentally is in the city not the county) and 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 last month's presentation for the College Heights project there was a slide that the applicant's agent did not show you. 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 you are being asked to approve, we could actually be looking at 400+ apartments and the cars and other potential problems that go with them and they also failed to indicate what would be built in the buffer zone.

The applicant assured you that the number of residents and income requirements will be strictly adhered to. The largest apartment, 3 bedroom, 3 bath, 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 assured you 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. You and we were told that the traffic issues were being addressed, but the number of cars referenced 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 committee. 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. 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

May 7, 2014

Addressed to all the following:

Santa Fe County Growth Management Department Building and Development Services Division.

Attn: Mr. Miguel Mike Romeo

All C D R C Members

Board of County Commissioners

From: All five surrounding property owners adjacent to property 11 Virginia Lane, Santa Fe County, N.M. zip code 87508 owned by Jason Mohamed.

The five property owners are as follows:

Two properties border the property 11 Virginia Lane to the east directly in front of the home on 11 Virginia Lane.

One property owner is Mrs. Cathy Catanach,
91 Northfork
Santa Fe County N.M., zip code 87508

The other is Corine Martinez, property owner of:
Lots 85A and 85B Northfork
Santa Fe County N.M., zip code 87508.

The property that borders 11 Virginia Lane to the (South) is owned by Mr. Joseph and Doris Pecos,
19 Virginia Lane
Santa Fe County, NM, zip code 87508.

The property that borders 11 Virginia Lane to the (North) is owned by, James and Lucy Montoya,
07 Virginia Lane
Santa Fe County, N.M., zip code 87508.

The property that borders to the rear of the home on 11 Virginia Lane (West) is owned by,
Ms. Henrietta D. Larkin,
12B Sunset Trail W
Santa Fe County, N.M., zip code 87508.

To everyone that this letter is addressed to we five property owners listed above, first want to thank everyone for letting our voices be heard with this letter and upcoming public hearings.

In the matter of the application filed by Jason Mohamed, 11 Virginia Lane, Santa Fe County, for variance of Article III, Section 10 (Lot size requirement) to be allowed to put two dwellings units on 2.5 Acres:

We five surrounding property owners, who border the property 11 Virginia Lane, want to inform everyone that we are all Strongly and Passionately opposed to this variance being granted.

The reason we five property owners have called this area home for so long (average 28 years amongst us) are many but foremost is the fact that this area has always been a rural area. We embrace this rural setting for the views we have, for the peace and quiet and tranquility it provides us. This variance if approved would bring congestions to our neighborhood and open the door to all the negative consequences that overcrowding would certainly bring. Our home and property values would be adversely affected; our precious water supply already very fragile would be in jeopardy. Many home owners in this area are having problems with their water wells this includes Jason Mohamed's property. It is common every day in this area to see trucks with large water containers going to the Adult Detention Facility on HWY 14 to fill their containers.

We have all worked very hard for so long to maintain our way of life here. We believe it would be unjust to diminish our hard earned assets for the benefit of one family in our area.

With no permits Jason Mohamed brought in this large older double wide mobile home to his property in clear violation of Article III, Section 10, with no regards for his neighbors. This home greatly detracts from our neighborhood.

We are looking forward to the hearings where we can further state our case against this variance.

We again sincerely thank all concerned and urge that this variance not be granted.

Mrs. Cathy Catanach:

Cathy Catanach

Mrs. Corine Martinez:

Corine Martinez

Joseph and Doris Pecos:

Joseph W Pecos

Doris W Pecos

James and Lucy Montoya:

James Montoya

Lucy Montoya

Ms. Henrietta D. Larkin:

Henrietta D. Larkin

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